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**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, February 6, 2019**

A meeting of the Planning Board of the Township of Nutley was held on the third floor of the Township of Nutley Municipal Building, One Kennedy Drive, Commission Chambers. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on December 13, 2018.

Roll Call

- Ms. Castro – Present
- Mr. Malfitano – Present
- Mr. Contella – Present
- Mr. Kirk – Excused
- Mr. Greengrove – Excused
- Ms. Kucinski – Present
- Mr. Algieri – Present
- Mr. Del Tufo – Excused
- Mr. Arcuti - Present
- Ms. Tangorra – Present
- Mr. Kozyra – Present
- Commissioner Evans – Excused
- Mayor Scarpelli – Present

Meeting Minutes

The Meeting Minutes for January 23, 2019 were accepted by the Board.

Communications/Bills

An invoice for Gail Santasieri in the amount of \$150 for her attendance at and preparation of the January 23, 2019 Meeting Minutes was approved by the Board.

An invoice for RicciPlanning in the amount of \$1,007.50 for review of the Hoffman LaRoche/Seton Hall application and attendance at multiple meetings was approved by the Board.

An invoice for Pennoni Associates in the amount of \$615 for engineering work on the application for 293 Prospect Street (Clover Street) was approved by the Board.

An invoice for Pennoni Associates in the amount of \$545 for services rendered through 12/30/18 regarding the Roche Phase II resolution – compliance review was approved by the Board.

An invoice for Pennoni Associates in the amount of \$7,162 for services rendered through 12/30/18 for construction administration at the On 3 campus (Roche property) – technician/supervisor services was approved by the Board.

The proceedings in this matter were voice recorded. The recital of facts in the Minutes is not intended to be all-inclusive but is a summary and highlight of the complete record made before the Planning Board.

Mr. Kozyra stated that even though the Pennoni invoices for the On 3 project state that they are to attend meetings (and they are not before the Board all the time), they are carrying out work assigned by this Board, i.e., inspections, follow-up work to make sure the project comes out right. These bills are paid through the escrow account.

Mr. Kozyra wanted to remind everyone that in three weeks another of Mr. DiBiasi's clients will be before the Board. He has not reviewed the plans yet and stated that the experts will be notified as per Mr. Berry's review of the application.

Old Business

None

New Business

237 Centre Street Relief of Stipulation – Trash Area Location Application

Thomas DiBiasi, Esq., representing Applicant Dr. Marco Tartaglia.

Mr. Kozyra stated that Messrs. Berry and Hayes have no comments on tonight's application. He also stated that Mr. DiBiasi has submitted a Proof of Publication (Ex. A-1) and Proof of Service (Ex. A-2) for tonight's application. Mr. DiBiasi stated that the original application came before the Board for building plans. Dr. Tartaglia and his family reside in the three apartments on the second floor of the building. They are still in the process of renting the first floor retail space. Refuse is currently being kept in the basement and because of the Tartaglias' age and health, taking the garbage from its present location out to the curb has become a problem. He also advised that there will be no changes to parking if the application is approved.

Witnesses:

Dr. Marco Tartaglia – stated he was the original applicant and previously stated under oath that he and his family would reside in the upstairs apartments. Since they moved into the building they no longer want the refuse kept in the basement. They are hoping that they will be allowed to put the garbage cans in the parking garage. Dr. Tartaglia met with Mr. Berry and was told that he needed to go before the Board to get approval to put the cans in the garage. This new placement will not affect the entry/exit to the garage.

No comments from the public.

Mr. DiBiasi then asked that the architect's plan be entered as an exhibit (A-3).

Todd Koenig, Architect

The Board accepted his credentials as an expert in the field of architecture.

Mr. Koenig stated that he was retained by Dr. Tartaglia in order to present the proposed changes in the future placement of the refuse containers. A-3 shows the existing refuse placement by the basement staircase is difficult for Mrs. Tartaglia to access. There is a vacant space in the garage (right side of the drawing), behind a short wall. This is where they want to put the cans. If allowed to put the cans in this area they will not be in the way of the garage door opening.

Mr. DiBiasi asked Mr. Koenig what the width of the garage area (entrance/exit) is and Mr. Koenig answered 22 feet. He also stated that it is the same width as was approved in the original plan. Mr. DiBiasi then asked if parking spaces will be removed and Mr. Koenig replied "No." He believes that the change will not negatively impact the design, the Zoning Ordinance or Master Plan. The proposed area occupies a space that is tucked out of the way and will not change the parking spaces or traveled way.

Mayor Scarpelli asked if the wall where the stairs are located (right side of the drawing) could be used as the site for the garbage cans since they would be tucked away and not seen by pedestrians/drivers. Mr. Koenig said "No" because it would interfere with maneuvers/turning radius of the cars into parking spaces.

Mr. DiBiasi asked if there is a way of screening the area off so pedestrians/drivers cannot see the cars when passing by? Mr. Koenig said it will be tucked behind an existing wall about 15' from the face of the building.

Mayor Scarpelli stated that he has driven by the property to look at the potential new location and he could see the back wall. He does not want anyone to be able to see garbage cans when they pass the building. Mr. Koenig said that a screen would make it difficult for cars to get in and out of the garage and he wants the garbage cans kept out of sight.

Mr. Koenig stated that he went to the property to perform parking maneuvers and in his professional opinion, there is no extra room to put the cans by the wall that the Mayor is suggesting.

A Board Member asked about the uniformity of the garbage cans and Dr. Tartaglia agreed that the garbage cans would be the same size, color, and all would have attached lids.

Another Board Member asked if the cans could be put on the wall by the elevator. Mr. Koenig stated that there is room but K-turn spacing would be impeded and parking space size would be reduced.

Mr. Malfitano asked where in the basement the refuse cans were currently located. Mr. Koenig stated that he did not know because he was not the original architect.

Dr. Tartaglia stated it was kept in Stall 1 and he has to go through the retail space to get to the garbage cans. He also stated that the retail garbage cans will be kept in the same proposed area as the resident cans.

Mr. Malfitano asked from what location the garbage was picked up and Dr. Tartaglia advised that it was placed at the curb.

Mayor Scarpelli stated that there are not a lot of options and wants to make sure that there is uniformity and neatness with the cans. He stated that his only complaint is that he is not happy with the conduit on the outside of the building.

No comments/statements from the public.

A motion was made to approve the application regarding the garbage can stipulation along with the comments and stipulations.

- Ms. Castro – Yes
- Mr. Malfitano – Yes
- Mr. Contella – Yes
- Ms. Kucinski – Yes
- Mr. Algieri – Yes
- Mr. Arcuti - Yes
- Ms. Tangorra – Yes
- Mayor Scarpelli – Yes

A question was asked of Mayor Scarpelli regarding the White Paper mentioned at the Commissioners' Meeting. A lot of information was given but not very specific – just generalities. He wanted to know if that White Paper was used to address this Board's recommendation. Mayor Scarpelli said "No," Commissioner Tucci was trying to examine the impact of multi-family dwellings on Township infrastructure. The Commissioners were looking at density and what made sense on a per acre basis.

Another question was asked regarding department reports and did the DPW participate. Mayor Scarpelli said "Yes." The DPW participated in supplying information to Commissioner Tucci. The DPW was not involved in the editing of the report – providing information only. He cannot speak for any of the other departments.

A final statement was made concerning the concern about the general data questions and the accuracy of the answers. Mayor Scarpelli suggested that any concerns/questions should be sent to Commissioner Tucci via e-mail or telephone call.

Committee/Sub-Committee Reports

None.

Other Comments

Mayor Scarpelli mentioned that the Public Hearing for the Density Ordinance is on the 2/19 agenda and any Board Member in attendance would be greatly appreciated. He was not sure what "last changes" the Board received but the most difficult changes were the zone uniformity

narrative and charts. Their goal was “no ambiguity”. The Commission will tweak whatever is not working but Mr. Berry believes all the changes will work.

Regarding the application scheduled for the next meeting, a Board Member stated that he would like to see a new rendition of the property showing actual elevation numbers for all buildings in the general area. Mr. Kozyra agreed to send a request for an additional rendition showing the proposed building actual elevation juxtaposed with the actual elevation of adjacent properties.

Public Comments

None

The meeting concluded at 7:43 p.m.

The next meeting is scheduled for Wednesday, February 27, 2019 at 7:00 p.m.