

Approved 4/24/19
BAK

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, April 3, 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 – Present
Ms. Kucinski – Present
Mr. Algieri – Present
Mr. Del Tufo – Present
Mr. Arcuti - Present
Ms. Tangorra – Present
Mr. Kozyra – Present
Commissioner Evans – Present
Mayor Scarpelli – Present

Meeting Minutes

The Meeting Minutes for March 20, 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 March 20, 2019 Meeting Minutes was approved by the Board.

Old Business

None

New Business

**Joint Meeting with Zoning Board, Commissioners and
Board of Education**

At the beginning of the Joint Meeting, members introduced themselves. Below is a list of the members attending the meeting:

Planning Board

Carol Tangorra, Chairwoman
Mark Arcuti, Vice Chair
Barry Kozyra, Attorney
Anthony Malfitano
Frank Contella
James Greengrove
Lorraine B. Kucinski
Gerard Del Tufo
William Algieri
Lorraine Castro
Commissioner Thomas Evans
Mayor Joseph Scarpelli

Board of Commissioners

Commissioner Alphonse Petracco

Zoning Board

Frank Graziano, Chairperson
Suzanne Brown, Vice Chairwoman
Diana McGovern, Attorney
Daniel Tolve
Thomas Da Costa Lobo
Peter Sirica
Theresa Duva
Tammy Rossi
Patricia Doherty

Board of Education

Daniel Carnicella, President
Frank DeMaio
Erica Zarro
Theresa Quirk

Charles Kucinski
Lisa Martin
Dr. Julie Glazer, Superintendent

Alan Genitempo, Town Attorney

Frank Graziano, Chairman of the Zoning Board, opened by thanking the Mayor and Commissioners for establishing and adopting the Mixed Use Density Code. He also thanks Commissioner Tucci for his work on the White Paper Report and looks forward to the conclusion of the study. Mr. Graziano reviewed the 2018 Zoning Board Case Review chart that was distributed at the meeting. He stated that the Zoning Board reviewed 46 applications in total. Of those 46 applications, 40 were approved, 2 were denied and 4 were withdrawn. Almost 50% of the approved applications were with conditions, which means suggestions were made by the Board for modifications, i.e., reduction of fence height, reduction of driveway widths and changes to building plans.

No public comments were made.

Mayor Scarpelli asked if there were specific reasons for the withdrawn applications and Dave Berry said they are sometimes just pulled or the applicant gets a feeling of how the Board is going to vote so they decide they do not want to go any further. Ms. Tangorra asked if there were any problems with any ordinances and Mr. Berry said no.

One of the Planning Board members asked about the docket being lighter this year and the reason why. Mr. Berry said the number of applications have been low for the past several years. He is not sure if it is due to economics or the changes made by the State. Mr. Kozyra asked if the applicants are spending more time reviewing/researching their applications before they are submitted? Mr. Berry stated that he is teaching his staff members how to read surveys, and how to make sure they are to scale. He feels the economy plays a big part in the overall reduction. There are less permits overall since March 2018. Mr. Berry was asked if citations are being handed out and he said if he did a comparison of the past several years he would have to say certain variances have gone up. He stated that he has sat down with Diana McGovern and Barry Kozyra and went over procedures on handling an applicant who does not have a permit and needs a variance. This usually ends up going to Court. The Code Department then has to take pictures, cite the owner, and show their case to the judge. The judge issues a fine but it still has to go before the Zoning Board. A judge cannot give approval for the Zoning Board or excuse the need for a variance.

Mr. Berry was then asked when doing siding or roofing do the owners need a licensed contractor? Mr. Berry said this is a big problem because the State has changed the requirements. There are a lot of unlicensed contractors out there and he has no way of knowing who they are. Mayor Scarpelli asked if this is something the Commissioners should advocate to change back and Mr. Berry said when the vote comes around again he will let the Mayor/Commissioners know and a letter should be written to the State.

Mr. Berry was asked about inspections/inspectors taking responsibility and he said that it is a problem in NYC but not here. He stated that there is no longer a pool of inspectors and it is taking several weeks to get permits for simple jobs such as a roof. Mayor Scarpelli again asked about advocating to get this changed back. Mr. Berry stated that the Code Department has people driving around Town to see if there are any violations for work being done without permits. Ms. Tangorra asked about C of O inspections and he said that they always find several violations and this holds up closings. Ms. Tangorra said it is good to be strict because that maintains towns the way they have been in the past.

Ms. Kucinski mentioned a conversation she and Mr. Berry had about illegal apartments and he said the ordinances on what can be done inside a one or two-family home is vague and very open. He spoke about basement bathrooms with a separate outside entrance. Mr. Berry suggested that the basement bathroom issue is something the Planning Board should look into so it does not turn into an illegal basement apartment and Mr. Kozyra said, "so noted."

Daniel Carnicella, President of the Board of Education, and Dr. Glazer, Superintendent of Schools, reviewed a chart that was distributed which reflects student enrollment by school for the years 2016 - 2018. Since 2016, the School Board has been following this data and on October 15 of each year, they report their calculations and the data collected for consistency measures. The charts they used contain data from 2005 through 2018. The slides show the total enrollment trend for the whole district. There is already a large 7th grade enrollment expected for the Middle School next year. Washington School, which was compared with the Middle School in all the slides, has a large incoming enrollment also. The problem the Board is looking at is spacing in the schools. It is not a population issue or the number of children, but rather the challenges faced with ABA (autism), all day kindergarten and State mandates. Mr. Carnicella said that they have the space for the children, but these other resources take up that needed space. Dr. Glazer noted that Washington School has added 200 additional students so far. Of all the schools, Washington has the most students currently and incoming.

Regarding a slide showing area attendance, because Cambridge Heights is so large and has both single and multi-family dwellings, it is kept as a separate entity. The majority of the children attend Yanticaw School. Arbor Hills and East Centre Street children attend Washington School.

The comparison between single-family residents and multi-dwelling families is 31% multi and 69% single. Dr. Glazer feels that a generational turnover of single-family homes will cause a large increase of enrollment and she feels that if that happens they will not know where all of those incoming students will be placed. She also stated that it takes about 20 years to see a trend increase/decrease or stabilize.

Ms. Tangorra asked if the referendum had passed, would these problems have been eliminated and Dr. Glazer said yes.

Public Comments

Paula Gigante
Gene Diaz
Michael Odria
Melissa Wahn (sp)
Rory Moore
Gina Sommers

These individuals addressed the Boards with their questions and concerns.

Committee/Sub-Committee Reports

None

The meeting concluded at 9:03 p.m.

The next meeting is scheduled for Wednesday, April 24, 2019 at 7:00 p.m.