

Report of

# Preliminary Investigation for Determination of an Area in Need of Redevelopment

Block 3100 Lots 28, 29, 30, & 37



**Prepared For:**  
Township of Nutley  
Essex County, New Jersey  
November 2020

**Prepared By:**  
DMR Architects

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Francis Reiner, LLA - PP  
License #: LI00616700

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Daniel Hauben, PP, AICP  
License # LI 00630300



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## **Acknowledgements:**

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Commissioner Alphonse Petracco  
Commissioner Thomas J. Evans  
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David Berry

### **Planning Board Attorney**

Barry Kozyra, Esq.

### **Township Clerk**

Eleni Pettas, RMC



Map 1: Study Area

**PURPOSE:**

The Township's Board of Commissioners adopted Resolution No. 222-20 on October, 6th 2020, which directed the Township of Nutley Planning Board to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (LRHL), to determine whether the properties on the lots numbered 21 and 23 through 43 on Block 3100 (the "Area of Investigation" or "Study Area"), depicted in Map 1, constitutes an "area in need of redevelopment" without condemnation in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. Planning Board authorized DMR Architects (DMR) to assist the Planning Board in the investigation of these properties. Pursuant to the resolution, the Planning Board adopted a resolution that appointed DMR to perform a preliminary investigation that is reported within this preliminary investigation report, which details the findings and recommendations relevant to whether the Area of Investigation should be designated as "an area in need of redevelopment" without condemnation.

**INTRODUCTION:**

This report is written pursuant to Section 6 of the LRHL, serving as the "statement setting forth the basis for investigation." The LRHL requires the following procedures:

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c.79 (C:40:12A-5). The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

**AREA OF INVESTIGATION OVERVIEW AND CONTEXT:**

The Township of Nutley has a land area of 3.428 square miles and a population of 28,829 according to the 2017 United States American Community Survey (5-Year Estimate). The median age is 41.2 years old and the median household income is \$93,691 and has a post-secondary education rate of 71.3% (including persons with some college education but no degree). There are approximately 11,304 housing units at an average density of 3,297.5 units per square mile.

The racial makeup of the city is 79.8% White, 3% African American, 11.6% Asian, 0.02% Pacific Islander, 2.7% from other races, and 3% from two or more races. Hispanic or Latino of any race represents 15.7% of the population.

Nutley is located at the borders of Essex, Passaic, and Bergen Counties. It is approximately 2.5 miles



South from the downtowns of the City of Passaic (Passaic County) or the Borough of Rutherford (Bergen County), and is approximately three (3) miles northeast of the central corridor of the Township of Montclair. While an inactive train line passes through Nutley, there are commuter train stations in nearby communities within three (3) miles of the center of the Township that connect to New York City.

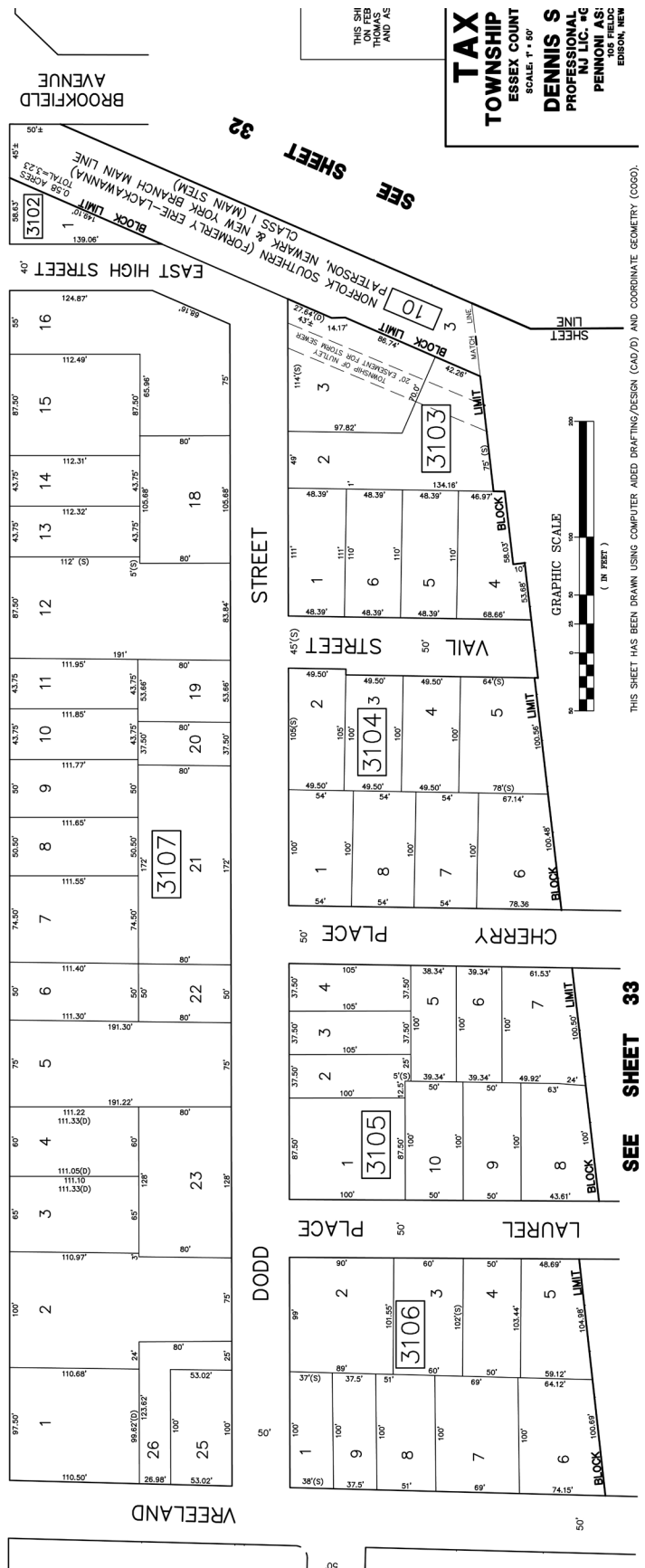
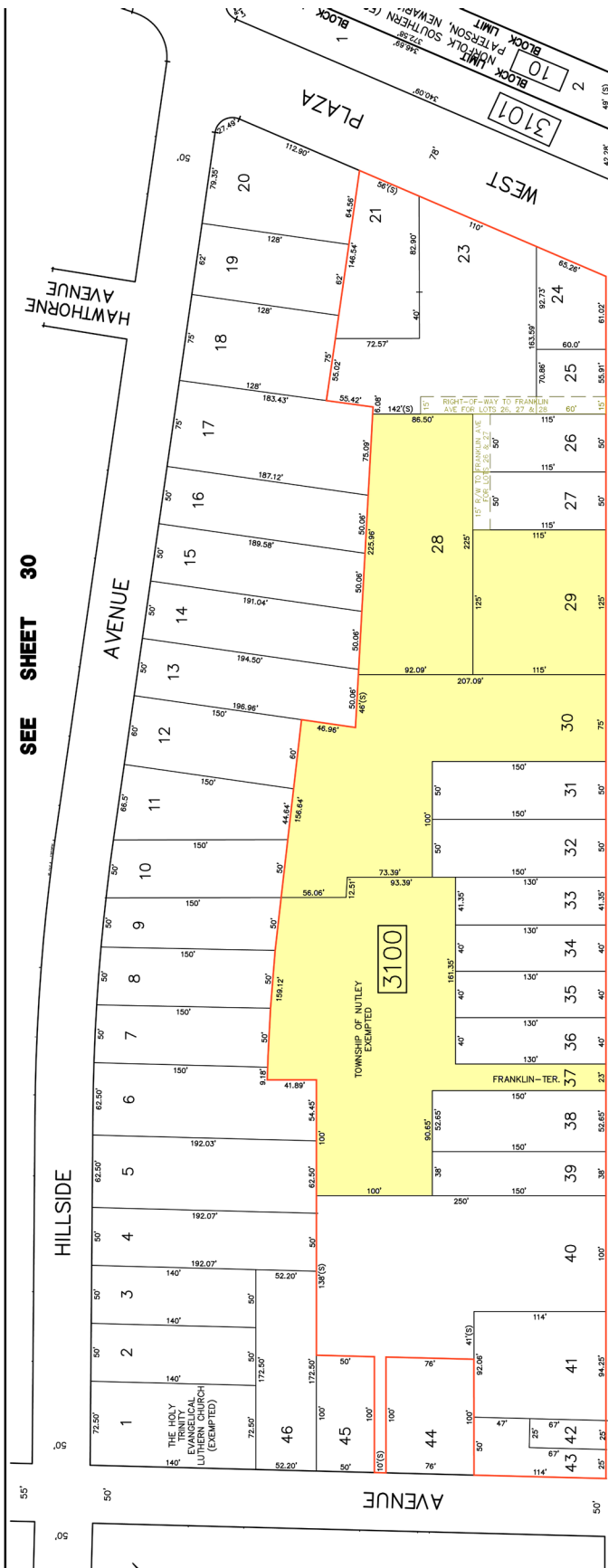
The majority land use in the Township is single-family housing. Franklin Avenue, the Township's main business corridor, extends 1.75 miles between the Township's north and south borders and contains a variety of small business uses. A mixture of multi-family, commercial, and light industrial uses are located on the eastern side of the Township near the Passaic River.

**PROPERTY DESCRIPTION:**

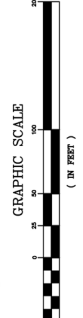
The Study Area is comprised of 4 municipally owned lots within Block 3100, extending northeast to southwest within the block between West Plaza and Vreeland Avenue. The Study Area is generally comprised of surface parking with one commercial building fronting Franklin Avenue, commonly referred to as the "Ciccolini site" is occupied by an approximately 125-foot by 110-foot vacant commercial building formerly housing the "Eight Ciccolini Brothers" furniture sales business. There are also two municipally owned parking lots on three (3) parcels in the rear (western side) of Study Area, in the center of Block 3100. These parking areas are accessed by driveways from Franklin Avenue.

The topography of the Study Area generally slopes downward from northwest to southeast.

The properties to the west of the Study Area are single-family dwellings fronting on Hillside Avenue. To the east and to the north of the Study Area, across Franklin Avenue and West Plaza, are additional commercial uses.



**TAX**  
**TOWNSHIP**  
**ESSEX COUNTY**  
 SCALE: 1" = 50'  
**DENNIS S**  
**PROFESSIONAL**  
 NJ LIC. #C  
 PENNONT AS  
 EDITION, NEW



THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (COORD).

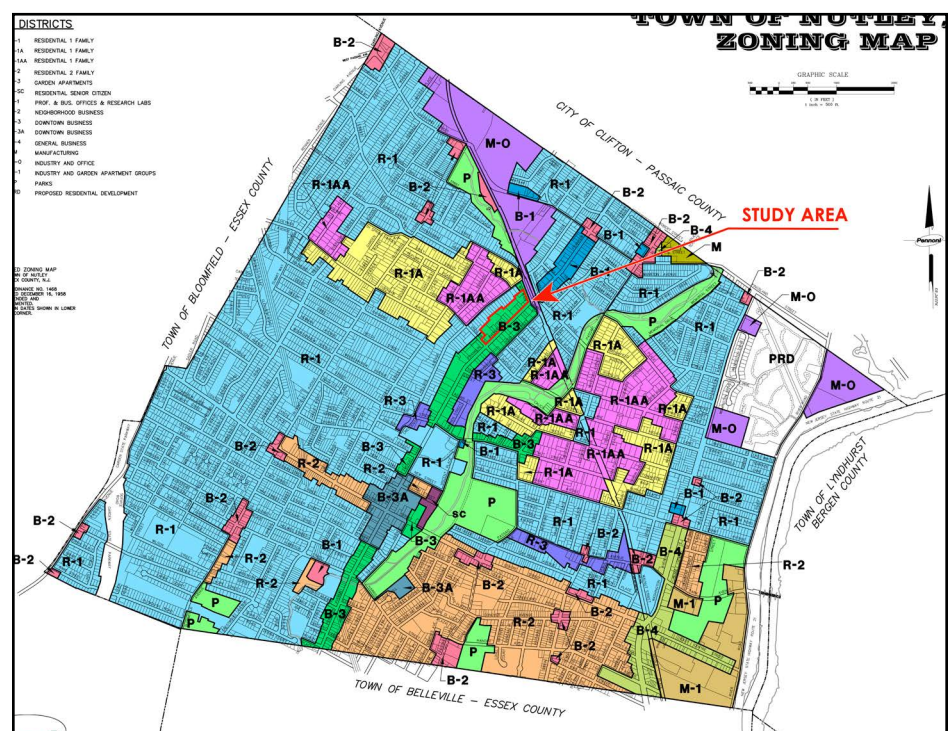
Map 2: Tax map containing Study Area highlighted in yellow.

### CURRENT ZONING:

The Study Area is located within the B-3 Business Zoning District, where the following uses are permitted:

- A. Professional and business offices.
- B. Financial institutions.
- C. Restaurants, bars and taverns, but excluding drive-in restaurants.
- D. Bowling alleys, theaters and other indoor amusement services, including amusement devices as an accessory use.
- E. Take-out food establishments.
- F. Service establishments - personal and household.
- G. Printing establishments, provided that no individual motor exceeds five horsepower.
- H. Telephone exchange, bus or railroad passenger station, United States Post Office.
- I. Stores devoted to retail commerce where goods are sold directly to the customer for personal use or household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of bedding and excluding the sale of motor vehicles, boats, lumber, masonry, roofing or siding where an inventory is maintained on the premises.
- J. Mixed use buildings for commercial and residential uses subject to certain standards
- K. Business establishments having amusement devices as principal use, provided that certain requirements are met.
- L. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business.
- M. Commercial school.
- N. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements.

The full use and bulk standards can be found in Appendix 4 of this Report.



Map 3: Zoning Map with the Study Area Block 3100 Highlighted



**STATUTORY CRITERIA FOR AN “AREA IN NEED OF REDEVELOPMENT” DESIGNATION:**

The laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at N.J.S.A. 40A:12A-1 et seq. This statute grants the governing body of a municipality the power to authorize the Planning Board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area.

An “delineated area” may be determined to be in need of redevelopment only if, after an investigation by the Planning Board and a public hearing for which notice has been given, it is found that the area meets one or more of the following criteria:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or other improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the

provisions of P.L. 1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- h. The description of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Additionally, a redevelopment area “may include lands, buildings or improvements which of themselves area not detrimental to the public health safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part”. See N.J.S.A. 40A:12A-3.

Due to the size of this Study Area, this report has been written to include an analysis of whether and how each individual property in the Study Area meets the criteria for designation as an area in need of redevelopment and also identifies and recommends delineated areas comprised of two or more properties, in which the conditions meeting the criteria may be better understood in terms of how they affect or spread across multiple properties.

# **SITE ANALYSES**

**Owner:**

Township of Nutley

**Property Use:**

Parking

**Business Name:**

N/A

**Property Size:**

L 28: 0.479 Ac / 20,850 s.f.

L 29: 0.712 Ac / 31,010 s.f.

Tot.: 1.19 Ac / 51,860 s.f.

**Zone District:**

B-3

**Permitted Use:**

Yes



**PROPERTY VALUE:**

According to the Township of Nutley the assessed value for the delineated area is:

	Lot 28	Lot 30
Land:	\$65,300	\$225,900
Improved:	\$30,000	\$51,200
Total:	\$95,300	\$277,100

**PROPERTY DESCRIPTION:**

The properties are municipally owned parking lots forming a T-shape relative to Franklin Avenue. The base of the “T” is a 75-foot wide two-way driveway from Franklin Avenue with parking and loading areas along the sides of the buildings on Lots 29 (north) and 31 (south). The north-eastern-most end of Lot 28 has partial access to Lot 23. Additionally, a two-way driveway was recently created to connect the south-western-most end of Lot 30 to the municipal parking lot on Lot 37.

Lot 28 and the western-most section of Lot 30 are uphill from Lots 23, 26, 27, 29, 31, and 32 (in the Study Area) fronting on Franklin Avenue. Due to the grade changes between the lots, there are retaining walls along the line between Lot 30 and Lots 31 and 32 and a planted slope along the lot line between Lot 28 and Lots 26 and 27. During a site inspection, DMR observed that the retaining wall at the back of Lot 31 was leaning, indicating possible failure of the structure (See Figure 10).

Due to the higher elevation of Lot 28 relative to Franklin Avenue, there are several parking spaces on Lot 28 that line the back wall of the Ciccolini building and are approximately 8 to 10 feet above the finished floor elevation of the Ciccolini building, which is not more than 16 feet tall. There are no barriers protecting the back wall of the Ciccolini building from the parking spaces on Lot 28, and the elevation of the spaces relative to the building roof makes it easy for a person to climb on the rooftop of the building. This creates the potential for vandalism and property damage and represents a faulty design.

The pavement throughout Lots 28 and 30 is generally in deteriorated condition. As Figures 2 to 6 on the subsequent pages show, there are significant holes in the aisles and parking spaces which can create risks of personal injury and vehicular damage especially with the limited site lighting through portions of the parking lots.

The following conditions are indicative of faulty arrangement and obsolescent layout of the lots that are detrimental to the public safety and welfare:

- As shown in Figure 5, there is a utility pole within one parking space.
- An area at the southwest corner of Lot 30 that was cleared in or around 2018 is still partially overgrown and has not been repaved or striped although it is available for parking.
- There are several steep grade changes which are not secured with any railings or other protective barriers.
- There are no strategically located planting areas or storm sewer inlets to collect stormwater runoff from the higher elevation areas of the site leading to the lower elevation areas.
- In addition to not being paved, the southwestern section of the parking lot has no site lighting.

The gross acreage of the lots and their public ownership make them excellent candidates for redevelopment. However, the topography and T-shape of the lots make them difficult to develop through private investment alone.

#### **CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:**

There are no recent violations issued by the Building or Fire Departments of Nutley Township, nor incidents or complaints recorded by the Police Department in relation to this property.

#### **REDEVELOPMENT DESIGNATION:**

The nature of the property meets criterion “c” and “d” of the LRHL, specifically:

- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

#### **CONCLUSION:**

The parking areas on Lots 28 and 30 are in deteriorating condition, and have a layout, design, and topographic issues that create hazards to public safety and welfare. These conditions include significant potholes cracks, and other



damage in the pavement, an absence of pavement and lighting in certain areas, poorly placed utility poles, and grade changes without barriers to prevent cars from going over steep drops. The poor condition of the pavement is perpetuated and exacerbated by the absence of adequate and poorly placed stormwater drainage mechanisms that could remove water from paved surfaces before it can freeze, thaw, and damage the pavement.

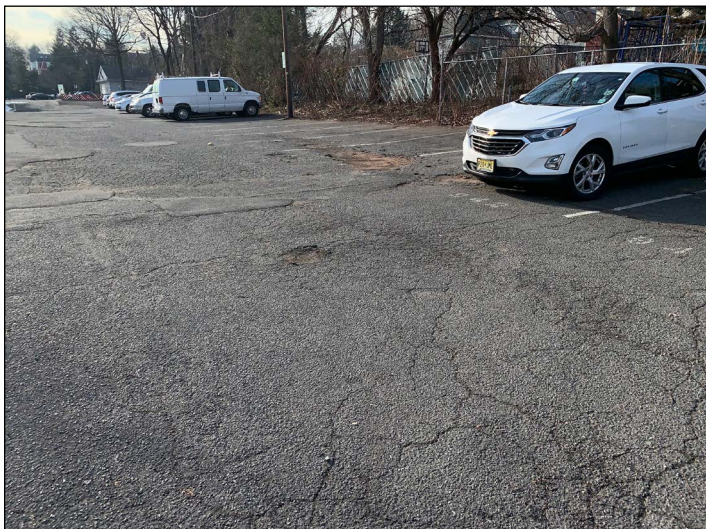
Additionally, the configurations and locations of the lots relative to Franklin Avenue make it unlikely that the lots would be redeveloped without assemblage of adjacent lots or the mechanisms provided in the LRHL to stimulate redevelopment. The bulk of the developable area of the site is in the rear portion of Lot 30 and on Lot 28. However, these portions of the tract on their own are not ideal for redevelopment by “instrumentality of private capital” as they do not provide adequate space for a well designed multi-family or non-residential building and the buffers and surfaces needed for parking and other site elements. The most effective way to allow Lots 28 and 30 to be redeveloped is to include them in a delineated redevelopment area with adjacent properties with frontage on Franklin Avenue, and use the mechanisms provided by the LRHL to incentivize redevelopment of the lots.



**Figure 1:** Gate prohibiting entry to parking on Lot 28 from Lot 23.



**Figure 2:** Deteriorated pavement in northwest corner of Lot 28.



**Figure 3:** Deteriorated pavement on Lot 28 including in access aisle and in parking spaces.



**Figure 4:** Deteriorated or missing pavement in parking spaces on Lot 28.





**Figure 5:** Deteriorated pavement on Lot 28, and utility pole at front end of a delineated parking space



**Figure 6:** Deteriorated pavement in access aisle on Lot 28



**Figure 7:** Grade change between Lot 28 and 29 without protective barrier.



**Figure 8:** Grade change between Lot 28 and 29 without protective barrier.



**Figure 9:** Unstable wooden wall along property line between Lots 30 and 31.



**Figure 10:** Uneven parking and circulation surfaces at southwest corner of Lot 30.





**Figure 11:** Grade change between parking / circulation areas on Lot 30 without barrier or striping.



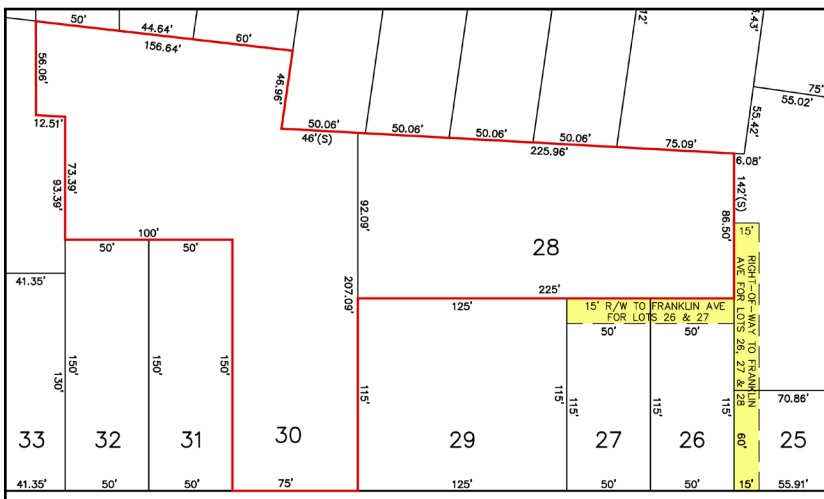
**Figure 12:** Deteriorated pavement in parking area on southwest corner of Lot 30.



**Figure 13:** Deteriorated pavement in southwest corner of Lot 30.



**Figure 14:** Deteriorated, overgrown parking area at southwest corner of Lot 30, with grade change to circulation aisle (right).



**Figure 15:** Image from tax map showing Lots 28 and 30 (red outline) as well as the 15-ft. wide access easements on Lots 23, 25, 26, and 27. Franklin Avenue at the bottom.





**Owner:**

Township of Nutley

**Property Use:**

Vacant

**Business Name:**

N/A

**Property Size:**

0.33 Ac / 14,375 s.f.

**Zone District:**

B-3

**Permitted Use:**

N/A

**PROPERTY VALUE:**

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$390,600
Improved:	\$542,200
Total:	\$932,800

**PROPERTY DESCRIPTION:**

The subject property has an approximately 110-ft. by 125-ft building previously occupied by the Ciccolini furniture store. The building has been vacant for at least two (2) years and is currently owned by the Township.

The interior and exterior of the building are in severely dilapidated condition. As the City Records section will indicate, the building was cited repeatedly over the past 10 years for unsafe conditions including missing ceiling panels and fixtures, exposed and unsafe electrical wires and fixtures, and under-maintained fire safety systems. At the time of this AINR investigation, significant portions of the ceiling have collapsed, allowing water intrusion into the former showroom and other areas of the building. Walls around loading doors have crumbled, such that light from outside the building is visible around the frames of those doors.

Significant cracks and separations are also visible in the exterior walls of the building. These include imprints in the exterior walls near loading doors that appear to be

attributable to vehicles striking the building.

The existing loading doors on the building face the 75-foot wide parking area and driveway on Lot 30. The nearest loading door is approximately 18 feet from the entrance to the parking area, and any truck deeper than 20 feet will partially obstruct ingress/egress from Franklin Avenue. As such, the current orientation of the loading area for the building is inefficient and represents a faulty arrangement and design.

#### **CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:**

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The building has been cited repeatedly over the past decade for numerous fire safety violations including having missing ceiling panels and fixtures, failing to maintain fire safety and suppression systems, use of extension cords, failure to abate other electrical hazards, failure to maintain fire exit signage and lighting.
- In 2016 an underground oil tank was removed from the property.

DMR did not identify incidents or complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

#### **REDEVELOPMENT DESIGNATION:**

The nature of the property meets criteria “a”, ”b”, and “d” of the LRHL, specifically:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

#### **CONCLUSION:**

The property has a recorded history of deteriorating over a period of at least 10 years, and is currently in such a deteriorated state that it is unsafe for occupation. Additionally, the building has been vacant for at least two (2) years and has been allowed to fall into so great a state of disrepair as to be untenable.

The deteriorated condition of the building aside, the current design of the building is obsolete and faulty. For example, the south facing loading doors of the building require trucks to either obstruct vehicular traffic on Lot 30 or to temporarily block parking spaces on the side of the building.

The most appropriate way to address the issues affecting this building is through redevelopment.





**Figure 1:** Existing storefront from Franklin Avenue.



**Figure 2:** Electrical connection to building from street.



**Figure 3:** Section of interior with collapsing ceiling, debris, and water damage.



**Figure 4:** Vacant showroom.



**Figure 5:** Vacant showroom. Visible water staining on ceiling tiles.



**Figure 6:** Debris and water damage from collapsed roof/ceiling





**Figure 7:** Debris and water damage from collapsed roof/ceiling.



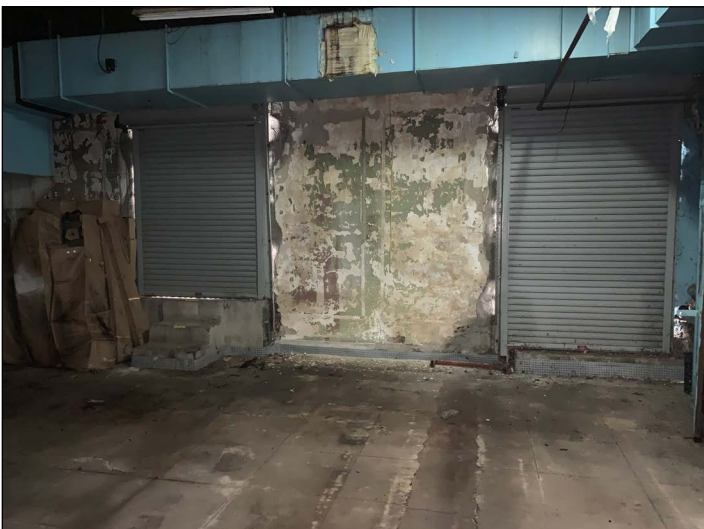
**Figure 8:** Failed ceiling and roof.



**Figure 9:** Debris from fallen, water damaged ceiling panels.



**Figure 10:** Vacant area at rear of store with damp floor.



**Figure 11:** Crumbling wall around loading doors, letting light and water into building.



**Figure 12:** Vacant interior area with garbage accumulating.

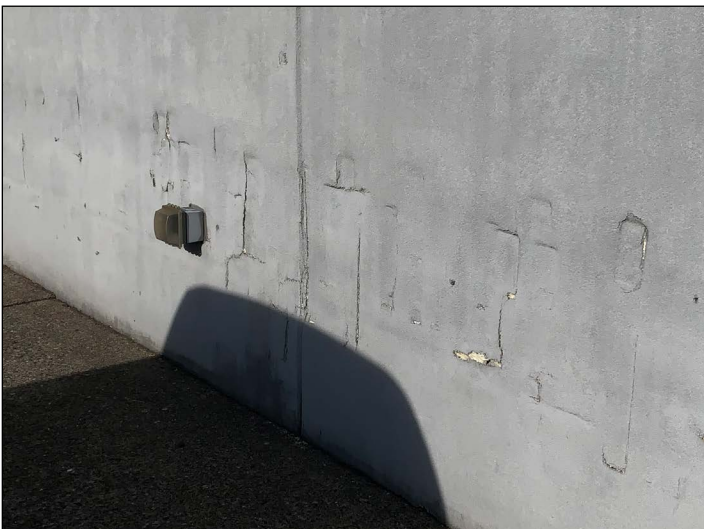




**Figure 13:** Exterior wall of loading on Lot 30. .



**Figure 14:** Wall damage near loading door on Lot 30.



**Figure 15:** Wall damage near loading area on Lot 30..



**Figure 16:** Wall damage near loading door.



**Figure 17:** Wall damage with water staining on rear addition to building. Door opening shut with bricks, and old door loosely attached.



**Figure 18:** Deteriorated addition at rear of building.

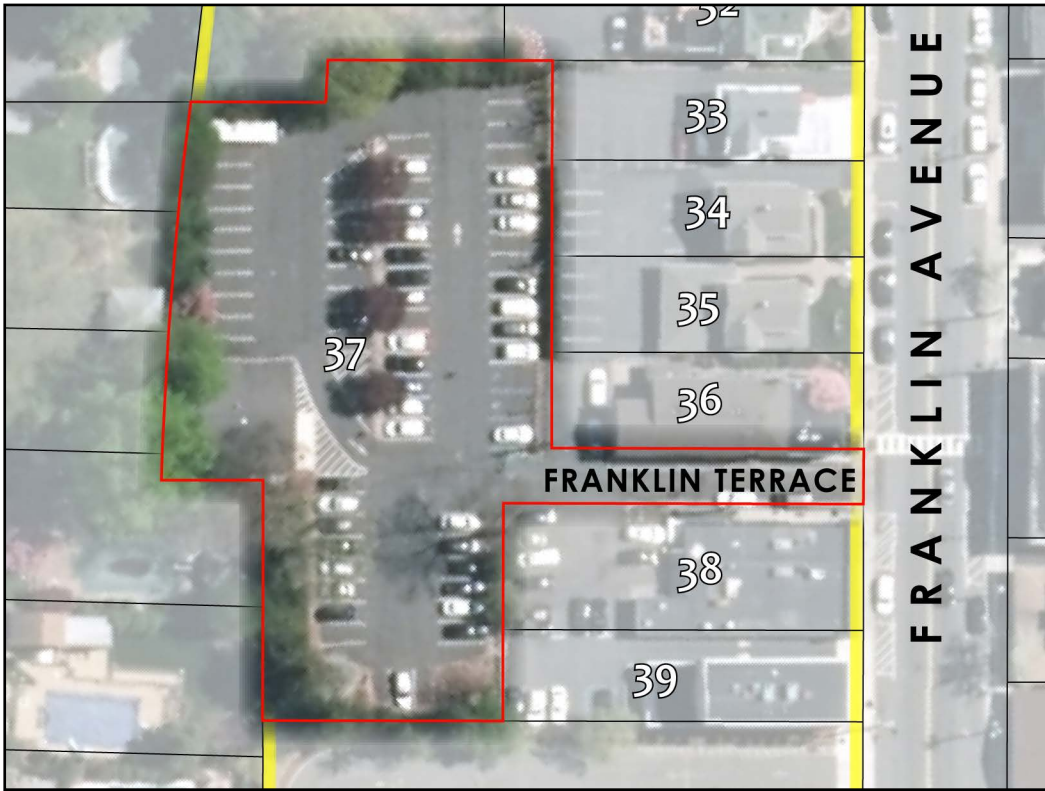




**Figure 19:** Broken windows and deteriorated brick at back of building.



**Figure 20:** Broken windows and deteriorated brick at back of building.



**Owner:**

Township of Nutley

**Property Use:**

Parking, Fire / Public Works Facility

**Business Name:**

N/A

**Property Size:**

0.78 Ac

**Zone District:**

B-3

**Permitted Use:**

Yes

**PROPERTY VALUE:**

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$593,400
Improved:	\$0
Total:	\$593,400

**PROPERTY DESCRIPTION:**

This property is a municipally owned lot that also includes a one-story facility for the Nutley Department of Public Works and Fire Department. The 19-foot wide, 130-foot long driveway from Franklin Avenue to the parking lot is also known as Franklin Terrace, and it provides access to the rear parking areas for Lots 36 and 28. In or around 2018, the Township created a connection between Lot 37 the adjacent municipal parking lot on Lot 30, to the north.

At 19 feet, the width of the driveway is insufficient for two-way use considering that it connects to 68 parking spaces on Lot 37, 13 to 16 spaces (the latter including three cars parked tandem style) on Lots 36 and 38, and is also now physically connected to the parking areas on Lots 28 and 30.

The parking lot includes three (3) accessible parking spaces meeting the 11-foot width for van spaces; however, only one of the three (3) spaces has a required five (5) foot wide striped access aisle whereas each space should be adjacent to a striped aisle.

If the municipality seeks to convey the property to a private developer, the shape



and orientation of the lot, and the 130-foot distance between Franklin Avenue and the bulk of the lot would make it unlikely that a developer would redevelop the lot without the incentives and other mechanisms contained in the LRHL to stimulate redevelopment.

**CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:**

There are no violations from the Building Department or Fire Department, or any Police incidents recorded for this property.

**REDEVELOPMENT DESIGNATION:**

The nature of the property meets criteria “c” and “d” of the LRHL, specifically:

- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

**CONCLUSION:**

The 19-foot wide driveway providing access to the site from Franklin Avenue is unsafe and inefficient considering the capacity of the lot and the other properties to which it provides vehicular ingress or egress. In addition, the distance of the main portion of the lot from Franklin Avenue and, generally, the flag-style configuration of the lot makes it unlikely that the lot would be redeveloped through private capital without access to the mechanisms provided by a Redevelopment Plan under the LRHL. Therefore, this report recommends designating this property as being in need of redevelopment.



**Figure 1:** Municipal parking lot on Lot 37, including fire station building (left).



**Figure 2:** Municipal parking lot on Lot 37.





Figure 3: Fire station building at rear of Lot 37.



Figure 4: Downspout from fire station building, leading to storm sewer system.



Figure 5: Entrances at north wall of fire station building.



Figure 6: Connection from Lot 37 to municipal parking lot on Lot 30.

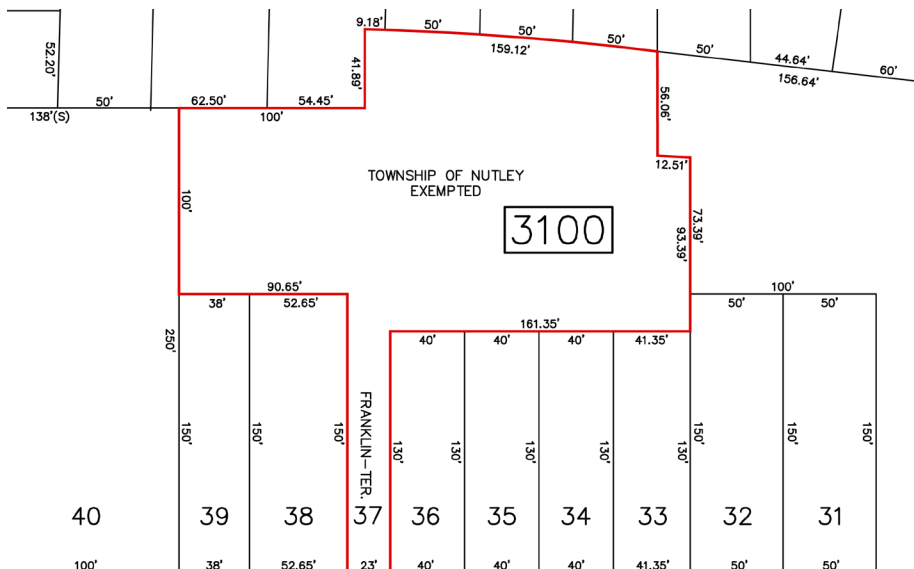


Figure 7: Image from tax map showing Lot 37 (red outline). Franklin Avenue is located below the map.

## **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

This report recommends designating the four (4) municipal lots as areas in need of redevelopment without condemnation based on a finding that those properties have conditions that meet one or more of the criteria listed in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-5.

The delineated properties are intended to make the conditions affecting the Study Area more understandable, and it is not DMR's intention to prevent or discourage the Township from designating any combination of properties within the delineated areas when designating a redevelopment area.

The properties recommended for designation as an area in need of redevelopment exhibit conditions that include:

- Inadequate parking and circulation area dimensions;
- Poor drainage conditions caused by release of stormwater into paved areas without storm sewer inlets or permeable surfaces and a general excess of impervious cover;
- Dependence upon adjacent properties for access to public rights of way (with or without easements);
- Buildings that have been vacant for at least two (2) years and which are so deteriorated that they are unsafe for permanent occupancy; and
- Publicly owned land that is so distant from a public right of way that it is not likely to be developed with private capital.



# Appendices

of

## Preliminary Investigation Report

for Block 3100 Lots 28, 29, 30, & 37



**Prepared For:**  
Township of Nutley  
Essex County, New Jersey  
November 2020

**Prepared By:**  
DMR Architects

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Francis Reiner, LLA - PP  
License #: LI00616700

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Daniel Hauben, PP, AICP  
License # LI 00630300

# **APPENDIX 1**

Building Department Documents  
In Order of Lot Number



## Construction



## Property Summary

[Portal](#) | [Refresh](#) | [Open All](#)  
[Close All](#)

Owner: NUTLEY, TOWNSHIP OF  
 Location: 535 FRANKLIN AVENUE REAR  
 Block: 3100  
 Lot: 28  
 Lead Parcel: Yes  
 Qualifier:

- ▼ About the Owner...
- ▼ About the Property...
- ▼ About the Taxes...
- ▼ Property Item...
- ▲ Construction...

Applications... [Shorten](#)

<a href="#">Permit</a> <a href="#">Issue Date</a>	<a href="#">Control</a> <a href="#">Number</a>	<a href="#">Permit</a> <a href="#">Number</a>	<a href="#">Work Type</a>	<a href="#">Subcodes</a>	<a href="#">Status</a>	<a href="#">Close Date</a>	<a href="#">Certificates</a>	<a href="#">Total Cost</a>	<a href="#">Agent</a>
	C-08-00309		Alteration	B	Plan Review Pending			\$500	CICCOLINI, M. C/O COCCHIA, F.
EXTERIOR ALTERATIONS (4) 40X8 CONTAINERS									
 1/15/2016	C-16-00103	ZC-16- 00103		B F	Open			\$0	
CCO VACANT LOT									

Would you like to add a application to this parcel? [Yes](#)

Inspections... [Expand](#)

There is no inspection data for the selected parcel.

## Violations...

There is no violation data for the selected parcel.

Would you like to add an violation to this parcel? [Yes](#)


## Ongoing Applications...

There is no application data for the selected parcel.

Would you like to add an application to this parcel? [Yes](#)

## ▲ Complaints...

## Complaints...

<a href="#">Date</a>	<a href="#">Type</a>	<a href="#">Life</a> <a href="#">Hazard</a>	<a href="#">Summary</a>	<a href="#">Control</a> <a href="#">Number</a>	<a href="#">Complainant</a>	<a href="#">Status</a>	<a href="#">Closed</a> <a href="#">Date</a>	<a href="#">Priority</a>	<a href="#">Results</a>	<a href="#">Public</a>
 9/18/2009	Property Maintenance		GARBAGE CONTANERS IN BACK OF 535 FRANKLIN	CPT- 09- 00037	KOZELEK, BRADLEY	Closed		Need to do		

AVE.

Would you like to add a complaint? Yes

▼ Clerk...

▼ Land Use...

▲ Code Enforcement...

**Property Registration...**

No Property Registries

**Property Information...**Would you like to edit this properties information? Yes**Unit Information...**Would you like to edit this properties information? Yes**Rent Controlled Unit Information...**Would you like to edit this properties information? Yes**Certificate Information...**

There is no Certificate data for the currently selected parcel.

**License Information...**

There is no License data for the currently selected parcel.

**Violations...Expand**

<u>Tracking #</u>	<u>Inspection</u>	<u>Follow Up</u>	<u>Issue Date</u>	<u>Infraction</u>	<u>Location</u>	<u>Status</u>	<u>Issuing Officer</u>
ZPM-10-00055			1/25/2010	520-1 Property Maintenance		Closed	Carl Thunell
ZPM-09-00621			9/24/2009	520-1 Property Maintenance		Closed	Carl Thunell

Would you like to issue a violation? Yes**Certificate or License or Registry Inspections...**

There is no inspection data for the currently selected parcel.

**Stand Alone Inspections...**

There is no inspection data for the currently selected parcel.

▼ Public Works...

▼ Water Utility...

▼ Sewer Utility...

▼ Attachments...

▼ Comments...





## Construction

## Property Summary

[Portal](#) | [Refresh](#) | [Open All](#)  
[Close All](#)

Owner: TOWNSHIP OF NUTLEY  
 Location: 537 FRANKLIN AVENUE  
 Block: 3100  
 Lot: 29  
 Lead Parcel: Yes  
 Qualifier:

▼ About the Owner...

▼ About the Property...

▼ About the Taxes...

▼ Property Item...

▲ Construction...

## Applications... Shorten

<u>Permit Issue Date</u>	<u>Control Number</u>	<u>Permit Number</u>	<u>Work Type</u>	<u>Subcodes</u>	<u>Status</u>	<u>Close Date</u>	<u>Certificates</u>	<u>Total Cost</u>	<u>Agent</u>
6/4/2018	C-18-01374	18-00577	Alteration	E	CA and Close Date Issued	7/25/2019	CA	\$100	Sal Electric Company
ELECTRICAL SERVICE									
4/12/2016	C-16-00916	16-00370	Demolition	B F	CA and Close Date Issued	9/27/2016	CA	\$2,000	Allstate O.R.C., Inc.
REMOVAL OF UNDERGROUND STORAGE TANK Rear Yard									
1/15/2016	C-16-00104	ZC-16-00104		B F	Open			\$0	8 CB REALTY, LLC C/O F. COCCHIA
CCO SALE OF BLDG									
7/2/2014	C-14-01437	14-00834	Alteration	E	Open			\$125	On-Line Electric Inc.
ELECTRICAL ALTERATIONS dedicated recepticle for future updated fire system be others									
7/1/2014	C-14-01660	14-00818	Alteration	E F	CA and Close Date Issued	7/25/2014	CA	\$6,000	PE Security
FIRE ALARM SYSTEM									
2/5/2003	41367	39162	Alteration	B	Closed with Date	2/5/2003		\$0	
SIGN									
1/24/2003	41293	39140	Alteration	B	CA and Close Date Issued	2/11/2003	CA	\$10,000	
STUCCO									

Would you like to add a application to this parcel? [Yes](#)

**Inspections... Expand**

<u>Date</u>	<u>Control Number</u>	<u>Permit Number</u>	<u>Subcode</u>	<u>Type</u>	<u>Inspector</u>	<u>Result</u>	<u>Comment</u>	<u>Result Comment</u>
6/8/2018	C-18-01374	18-00577	Electrical	Final	Carmen DeLizio	Pass	830-12 FIRST STOP Agent: Sal Electric Company Phone: (201) 798- 4406/	plugs on outside in parking lot
5/2/2016	C-16-00916	16-00370	Building	Tank Removal	Carl Thunell	Fail		DEP CASE #16-05- 02-1049-31
5/2/2016	C-16-00916	16-00370	Fire	Tank Removal	Dave Wilson	Fail	late morning 973-696- 3122	DEP CASE #16-05- 02-1049-31 NFA rec'd 9/26/16
7/10/2014	C-14-01660	14-00818	Electrical	Final	Carmen DeLizio	Pass		
7/10/2014	C-14-01660	14-00818	Fire	Final	Dave Wilson	Pass		NFPA form sent on to NFD and keybox request

**Violations...**

There is no violation data for the selected parcel.

Would you like to add an violation to this parcel? [Yes](#)**Ongoing Applications...**

There is no application data for the selected parcel.

Would you like to add an application to this parcel? [Yes](#)**Complaints...****Complaints...**

There is no complaint data for the selected parcel.

Would you like to add a complaint? [Yes](#)**▼ Clerk...****▼ Land Use...****▲ Code Enforcement...****Property Registration...**

No Property Registries

**Property Information...**Would you like to edit this properties information? [Yes](#)**Unit Information...**Would you like to edit this properties information? [Yes](#)**Rent Controlled Unit Information...**Would you like to edit this properties information? [Yes](#)**Certificate Information...**

There is no Certificate data for the currently selected parcel.

**License Information...**

There is no License data for the currently selected parcel.

**Violations...Expand**

There is no violation data for the currently selected parcel.

**Certificate or License or Registry Inspections...**

There is no inspection data for the currently selected parcel.

**Stand Alone Inspections...**

There is no inspection data for the currently selected parcel.

- ▼ Public Works...
- ▼ Water Utility...
- ▼ Sewer Utility...
- ▼ Attachments...
- ▼ Comments...



## Construction

## Property Summary

[Portal](#) | [Refresh](#) | [Open All](#)  
[Close All](#)

Owner: NUTLEY, TOWNSHIP OF  
 Location: 529 FRANKLIN AVENUE  
 Block: 3100  
 Lot: 30  
 Lead Parcel: Yes  
 Qualifier:

▼ About the Owner...

▼ About the Property...

▼ About the Taxes...

▼ Property Item...

▲ Construction...

Applications... [Shorten](#)

<a href="#">Permit Issue Date</a>	<a href="#">Control Number</a>	<a href="#">Permit Number</a>	<a href="#">Work Type</a>	<a href="#">Subcodes</a>	<a href="#">Status</a>	<a href="#">Close Date</a>	<a href="#">Certificates</a>	<a href="#">Total Cost</a>	<a href="#">Agent</a>
1/15/2016	C-16-00105	ZC-16-00105		B F	Open			\$0	
CCO SALE OF BLDG									
6/4/2007	C-07-01739	CCO-07-01558		B	Open			\$1	
CCO BUSINESS									
5/21/2007	C-07-01558	Z-07-01558	Alteration	B	Closed with Date	5/21/2007		\$1	
ZONING									

Would you like to add a application to this parcel? [Yes](#)

Inspections... [Expand](#)

There is no inspection data for the selected parcel.

## Violations...

There is no violation data for the selected parcel.

Would you like to add an violation to this parcel? [Yes](#)

## Ongoing Applications...

There is no application data for the selected parcel.

Would you like to add an application to this parcel? [Yes](#)

▲ Complaints...

## Complaints...

There is no complaint data for the selected parcel.

Would you like to add a complaint? [Yes](#)

▼ Clerk...



▼ Land Use...

▲ Code Enforcement...

**Property Registration...**

No Property Registries

**Property Information...**Would you like to edit this properties information? [Yes](#)**Unit Information...**Would you like to edit this properties information? [Yes](#)**Rent Controlled Unit Information...**Would you like to edit this properties information? [Yes](#)**Certificate Information...**

There is no Certificate data for the currently selected parcel.

**License Information...**

There is no License data for the currently selected parcel.

**Violations...[Expand](#)**

<u>Tracking #</u>	<u>Inspection</u>	<u>Follow Up</u>	<u>Issue Date</u>	<u>Infraction</u>	<u>Location</u>	<u>Status</u>	<u>Issuing Officer</u>
ZPM-07-00138			7/9/2007	520-9 B Unregistered and uninspected vehicles (RESIDENTIAL)		Open	Carl Thunell
ZPM-12-00167		<a href="#">Follow Up</a>	5/15/2012	700-7 REGULATIONS APPLICABLE IN ALL DISTRICTS.		Closed	Carl Thunell

Would you like to issue a violation? [Yes](#)**Certificate or License or Registry Inspections...**

There is no Inspection data for the currently selected parcel.

**Stand Alone Inspections...**

There is no inspection data for the currently selected parcel.

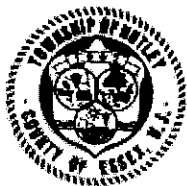
▼ Public Works...

▼ Water Utility...

▼ Sewer Utility...

▼ Attachments...

▼ Comments...



## Construction

## Property Summary

[Portal](#) | [Refresh](#) | [Open All](#)  
[Close All](#)

Owner: TOWNSHIP OF NUTLEY  
 Location: 1 FRANKLIN TERRACE  
 Block: 3100  
 Lot: 37  
 Lead Parcel: Yes  
 Qualifier:

- ▼ About the Owner...
- ▼ About the Property...
- ▼ About the Taxes...
- ▼ Property Item...
- ▲ Construction...

Applications... [Shorten](#)

<a href="#">Permit</a> <a href="#">Issue Date</a>	<a href="#">Control</a> <a href="#">Number</a>	<a href="#">Permit</a> <a href="#">Number</a>	<a href="#">Work Type</a>	<a href="#">Subcodes</a>	<a href="#">Status</a>	<a href="#">Close Date</a>	<a href="#">Certificates</a>	<a href="#">Total Cost</a>	<a href="#">Agent</a>
8/10/2018	C-18-02041	18-00821	Alteration	P	CA and Close Date Issued	7/25/2019	<a href="#">CA</a>	\$8,700	Advanced Mechanical Corp
A/C UNIT - REPLACEMENT FRANKLIN STATION									
5/2/2016	C-16-01073	16-00470	Alteration	B	CA and Close Date Issued	4/10/2017	<a href="#">CA</a>	\$7,000	Endres Home Builders, Inc.
ROOF REPAIR TRUSS THAT WAS DAMAGED BY TREE									
7/27/2006	C-06-02920	06-00614+B	Alteration	E	Closed with Date	8/24/2006	<a href="#">CO</a>	\$0	POSITIVE ELECTRIC
ELECTRICAL SERVICE UPGRADE									
6/30/2006	C-06-02509	06-00614+A	Alteration	P E	Closed with Date	8/24/2006	<a href="#">CO</a>	\$0	TOWNSHIP OF NUTLEY
NEW BUILDING FIRE HOUSE									
5/10/2006	C-06-01736	06-00614	New Construction	B	Closed with Date	8/24/2006	<a href="#">CO</a>	\$1	TOWNSHIP OF NUTLEY
NEW DWELLING									
5/1/2006	C-06-01610	06-00576	Demolition	B	Plan Review			\$1,000	Mikula Contracting, Inc.
DEMO OF BUILDING									
2/12/2004	44591	41430						\$0	
FIRE ALARMS									
3/23/2001	35344	30684				3/27/2001	<a href="#">CA</a>	\$200	
12/8/2000	34682	30266+A						\$500	
11/16/2000	34503	30266						\$0	

Would you like to add a application to this parcel? [Yes](#)

No Property Registries

**Property Information...**

Would you like to edit this properties information? [Yes](#)

**Unit Information...**

Would you like to edit this properties information? [Yes](#)

**Rent Controlled Unit Information...**

Would you like to edit this properties information? [Yes](#)

**Certificate Information...**

There is no Certificate data for the currently selected parcel.

**License Information...**

There is no License data for the currently selected parcel.

**Violations...[Expand](#)**

There is no violation data for the currently selected parcel.

**Certificate or License or Registry Inspections...**

There is no inspection data for the currently selected parcel.

**Stand Alone Inspections...**

There is no inspection data for the currently selected parcel.

- ▼ Public Works...
- ▼ Water Utility...
- ▼ Sewer Utility...
- ▼ Attachments...
- ▼ Comments...



## **APPENDIX 2**

### Fire Department Documents In Order of Lot Number

29



Deputy Fire Chief Paul Cafone  
Fire Official

**TOWNSHIP OF NUTLEY**  
**Fire Department**  
Bureau of Fire Prevention  
228 Chestnut Street  
Nutley, New Jersey 07710



Telephone: (973) 284-4937  
Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Inspector: Redstone, John  
Inspected: 01/01/2010

Nutley NJ 07110

Registration No: EIGH01  
State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection Date:			
Inspector:			

Premises: 537 Franklin AVE

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	<p>Nature: Maintenance required</p> <p>Code Section: N.J.A.C. 5:70-3 ALARM 907.20.1</p> <p>Description: Recheck violation record auto-generated from inspection on 11/01/2010.</p> <p>Location: Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature is required for compliance with the provisions of this code, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with applicable NFPA requirements or as directed by the fire code official.</p>				

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.  
 "U" Unabated- Violation uncorrected.  
 "A" Abated- Violation corrected.



Deputy Fire Chief Paul Cafone  
Fire Official

**TOWNSHIP OF NUTLEY**  
**Fire Department**  
Bureau of Fire Prevention  
228 Chestnut Street  
Nutley, New Jersey 07710



Telephone: (973) 284-4937  
Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Inspector: Hund, John

Inspected: 10/13/2011

Registration No: EIGH01

State Registration: 0716-63999-001-01

Nutley NJ 07110

Reinspection  
Date:

Premises Name: Eight Ciccolini Brothers

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	<p>Nature: Maintenance required</p> <p>Code Section: N.J.A.C. 5:70-3 ALARM 907.20.1</p> <p>Description Violation carried over from inspection on and 11/01/2010</p> <p>Location: Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature is required for compliance with the provisions of this code, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with applicable NFPA requirements or as directed by the fire code official.</p>				

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated- Violation uncorrected.

"A" Abated- Violation corrected.





**TOWNSHIP OF NUTLEY**  
**Fire Department**  
 Bureau of Fire Prevention  
 228 Chestnut Street  
 Nutley, New Jersey 07710



Deputy Fire Chief Paul Cafone  
 Fire Official

Telephone: (973) 284-4937  
 Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
 537 Franklin AVE

Inspector: Redstone, John

Inspected: 10/29/2013

Nutley NJ 07110

Registration No: EIGH01

State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection  
 Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	Nature: Abatement of electrical hazards. Code Section: N.J.A.C. 5:70-3 605.1 Description Identified electrical hazards shall be abated. and Identified hazardous electrical conditions in Location: permanent wiring shall be brought to the attention of the code official responsible for enforcement of the electrical subcode of the Uniform Construction Code. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used. All electrical wiring, devices, appliances and other equipment shall be maintained in accordance with the provisions of the electrical subcode of the Uniform Construction Code and this subchapter.	11/29/2013			
2	Nature: Multiplug adapters. Code Section: N.J.A.C. 5:70-3 605.4 Description Multiplug adapters, such as cube adapters, and unfused plug strips or any other device not Location: complying with the electrical subcode of the Uniform Construction Code shall be prohibited.	11/29/2013			
3	Nature: Extension cords. Code Section: N.J.A.C. 5:70-3 605.5 Description Extension cords and flexible cords shall not be and a substitute for permanent wiring. Extension Location: cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.	11/29/2013			



Deputy Fire Chief Paul Cafone  
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**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Nutley NJ 07110

Premises Name: Eight Ciccolini Brothers

Premises: 537 Franklin AVE

The violations cited on the above premises are as follows:

Inspector: Redstone, John

Inspected: 10/29/2013

Registration No: EIGH01

State Registration: 0716-63999-001-01

Reinspection  
Date:

Inspector:

Number	Description	Abate by	U/A	U/A	U/A
4	<p>Nature: Maintenance.</p> <p>Code Section: N.J.A.C. 5:70-3 703.1</p> <p>Description The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be properly repaired, restored or replaced when damaged, altered, breached or penetrated. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p>ceiling tiles missing and or damaged throughout</p>	11/29/2013			
5	<p>Nature: Fire protection systems.</p> <p>Code Section: N.J.A.C. 5:70-3 901.4.1</p> <p>Description All fire protection systems shall be maintained in an operative condition at all times. An owner and Location: or occupant shall not reduce the effectiveness of the protection so required. This requirement shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The fire official shall be notified before disconnection or interruption of protection and when tests, repairs, alterations or additions are started and upon completion of such work. The fire official shall be advised of the extent of and reason for such work, and the restoration of the protection shall be diligently pursued.</p>	11/29/2013			



Deputy Fire Chief Paul Cafone  
Fire Official

**TOWNSHIP OF NUTLEY**  
**Fire Department**  
Bureau of Fire Prevention  
228 Chestnut Street  
Nutley, New Jersey 07710



Telephone: (973) 284-4937  
Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Nutley NJ 07110

Premises Name: Eight Ciccolini Brothers

Premises: 537 Franklin AVE

The violations cited on the above premises are as follows:

Inspector: Redstone, John

Inspected: 10/29/2013

Registration No: EIGH01

State Registration: 0716-63999-001-01

Reinspection  
Date:

Inspector:

Number	Description	Abate by	U/A	U/A	U/A
	fire alarm system needs upgrade/maintenance provide fire alarm report to fire official				
6	<p>Nature: Exit signs</p> <p>Code Section: N.J.A.C. 5:70-3 1011.1</p> <p>Description All means of egress shall be indicated with approved "Exit" signs where required by the and construction code in effect at the time of first occupancy or N.J.A.C. 5:70-4 et seq., as applicable. All "Exit" signs shall be maintained visible, and all illuminated exit signs shall be illuminated at all times the structure is occupied. Supplemental internally illuminated directional signs, when necessary, shall be installed in accordance with the technical requirements of the Uniform Construction Code indicating the direction and way of egress. repair exit emergency lights</p>	11/29/2013			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated- Violation uncorrected.

"A" Abated- Violation corrected.





**TOWNSHIP OF NUTLEY**  
**Fire Department**  
 Bureau of Fire Prevention  
 228 Chestnut Street  
 Nutley, New Jersey 07710



Deputy Fire Chief Paul Cafone  
 Fire Official

Telephone: (973) 284-4937  
 Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
 537 Franklin AVE

Inspector: Redstone, John  
 Inspected: 04/22/2014

Nutley NJ 07110

Registration No: EIGH01  
 State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection  
 Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	<p>Nature: Abatement of electrical hazards.            Code Section: N.J.A.C. 5:70-3 605.1</p> <p>Description Violation carried over from inspection on            and 02/20/2014            Location: Violation carried over from inspection on            01/14/2014            Violation carried over from inspection on            12/03/2013            Recheck violation record auto-generated from            inspection on 10/29/2013.            Identified electrical hazards shall be abated.            Identified hazardous electrical conditions in            permanent wiring shall be brought to the            attention of the code official responsible for            enforcement of the electrical subcode of the            Uniform Construction Code. Electrical wiring,            devices, appliances and other equipment that is            modified or damaged and constitutes an            electrical shock or fire hazard shall not be            used. All electrical wiring, devices,            appliances and other equipment shall be            maintained in accordance with the provisions of            the electrical subcode of the Uniform            Construction Code and this subchapter.</p>				
2	<p>Nature: Multiplug adapters.            Code Section: N.J.A.C. 5:70-3 605.4</p> <p>Description Violation carried over from inspection on            and 02/20/2014            Location: Violation carried over from inspection on            01/14/2014            Violation carried over from inspection on            12/03/2013            Recheck violation record auto-generated from            inspection on 10/29/2013.            Multiplug adapters, such as cube adapters,            unfused plug strips or any other device not            complying with the electrical subcode of the            Uniform Construction Code shall be prohibited.</p>				



**TOWNSHIP OF NUTLEY**  
**Fire Department**  
 Bureau of Fire Prevention  
 228 Chestnut Street  
 Nutley, New Jersey 07710



Deputy Fire Chief Paul Cafone  
 Fire Official

Telephone: (973) 284-4937  
 Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
 537 Franklin AVE

Inspector: Redstone, John  
 Inspected: 04/22/2014

Nutley NJ 07110

Registration No: EIGH01  
 State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection  
 Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
3	<p>Nature: Extension cords.            Code Section: N.J.A.C. 5:70-3 605.5</p> <p>Description Violation carried over from inspection on            and 02/20/2014            Location: Violation carried over from inspection on            01/14/2014            Violation carried over from inspection on            12/03/2013            Recheck violation record auto-generated from            inspection on 10/29/2013.            Extension cords and flexible cords shall not be            a substitute for permanent wiring. Extension            cords and flexible cords shall not be affixed to            structures, extended through walls, ceilings or            floors, or under doors or floor coverings, nor            shall such cords be subject to environmental            damage or physical impact. Extension cords shall            be used only with portable appliances.</p>				
4	<p>Nature: Maintenance.            Code Section: N.J.A.C. 5:70-3 703.1</p> <p>Description Violation carried over from inspection on            and 02/20/2014            Location: Violation carried over from inspection on            01/14/2014            Violation carried over from inspection on            12/03/2013            Recheck violation record auto-generated from            inspection on 10/29/2013.            The required fire-resistance rating of            fire-resistance-rated construction (including            walls, firestops, shaft enclosures, partitions,            smoke barriers, floors, fire-resistive coatings            and sprayed fire-resistant materials applied to            structural members and fire-resistant joint            systems) shall be maintained. Such elements            shall be properly repaired, restored or replaced            when damaged, altered, breached or penetrated.            Openings made therein for the passage of pipes,            electrical conduit, wires, ducts, air transfer            openings and holes made for any reason shall be</p>				



Deputy Fire Chief Paul Cafone  
Fire Official

**TOWNSHIP OF NUTLEY**  
**Fire Department**  
Bureau of Fire Prevention  
228 Chestnut Street  
Nutley, New Jersey 07710



Telephone: (973) 284-4937  
Fax: (973) 667-4503

**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Nutley NJ 07110

Premises Name: Eight Ciccolini Brothers

Premises: 537 Franklin AVE

The violations cited on the above premises are as follows:

Inspector: Redstone, John

Inspected: 04/22/2014

Registration No: EIGH01

State Registration: 0716-63999-001-01

Reinspection  
Date:

Inspector:

Number	Description	Abate by	U/A	U/A	U/A
	<p>protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.</p> <p>ceiling tiles missing and or damaged throughout</p>				
5	<p>Nature: Fire protection systems. Code Section: N.J.A.C. 5:70-3 901.4.1</p> <p>Description Violation carried over from inspection on and 02/20/2014</p> <p>Location: Violation carried over from inspection on 01/14/2014</p> <p>Violation carried over from inspection on 12/03/2013</p> <p>Recheck violation record auto-generated from inspection on 10/29/2013.</p> <p>All fire protection systems shall be maintained in an operative condition at all times. An owner or occupant shall not reduce the effectiveness of the protection so required. This requirement shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The fire official shall be notified before disconnection or interruption of protection and when tests, repairs, alterations or additions are started and upon completion of such work. The fire official shall be advised of the extent of and reason for such work, and the restoration of the protection shall be diligently pursued.</p> <p>fire alarm system needs upgrade/maintenance provide fire alarm report to fire official</p>				





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**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Inspector: Redstone, John

Inspected: 04/22/2014

Nutley NJ 07110

Registration No: EIGH01

State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection  
Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
6	<p>Nature: Exit signs</p> <p>Code Section: N.J.A.C. 5:70-3 1011.1</p> <p>Description Violation carried over from inspection on 02/20/2014</p> <p>Location: Violation carried over from inspection on 01/14/2014</p> <p>Violation carried over from inspection on 12/03/2013</p> <p>Recheck violation record auto-generated from inspection on 10/29/2013.</p> <p>All means of egress shall be indicated with approved "Exit" signs where required by the construction code in effect at the time of first occupancy or N.J.A.C. 5:70-4 et seq., as applicable. All "Exit" signs shall be maintained visible, and all illuminated exit signs shall be illuminated at all times the structure is occupied. Supplemental internally illuminated directional signs, when necessary, shall be installed in accordance with the technical requirements of the Uniform Construction Code indicating the direction and way of egress.</p> <p>repair exit emergency lights</p>				

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated- Violation uncorrected.

"A" Abated- Violation corrected.



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**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Inspector: Mosca, Ronald

Inspected: 09/17/2015

Registration No: EIGH01

State Registration: 0716-63999-001-01

Nutley NJ 07110

Premises Name: Eight Ciccolini Brothers

Reinspection  
Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	<p>Nature: Abatement of electrical hazards.</p> <p>Code Section: N.J.A.C. 5:70-3 605.1</p> <p>Description Identified electrical hazards shall be abated. and Identified hazardous electrical conditions in Location: permanent wiring shall be brought to the attention of the code official responsible for enforcement of the electrical subcode of the Uniform Construction Code. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used. All electrical wiring, devices, appliances and other equipment shall be maintained in accordance with the provisions of the electrical subcode of the Uniform Construction Code and this subchapter.</p> <p>open wires and open outlets to storage entrance, storage room</p>	10/19/2015			
2	<p>Nature: Hangers and brackets.</p> <p>Code Section: N.J.A.C. 5:70-3 906.7</p> <p>Description Hand-held portable fire extinguishers, not and housed in cabinets, shall be installed on the Location: hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.</p> <p>mount fire extinguishers</p>	10/19/2015			
3	<p>Nature: Ceilings.</p> <p>Code Section: N.J.A.C. 5:70-3 703.3</p> <p>Description The hanging and displaying of salable goods and and other decorative materials from acoustical Location: ceiling systems that are part of a fire-resistance-rated floor/ceiling or roof/ceil- ing assembly, shall be prohibited.</p> <p>replace the ceiling tiles that are missing.</p>	10/19/2015			



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**Fire Code Violations**

BOB CICCOLINI  
537 Franklin AVE

Nutley NJ 07110

Premises Name: Eight Ciccolini Brothers

Premises: 537 Franklin AVE

The violations cited on the above premises are as follows:

Inspector: Mosca, Ronald

Inspected: 09/17/2015

Registration No: EIGH01

State Registration: 0716-63999-001-01

Reinspection  
Date:

Inspector:


Number	Description	Abate by	U/A	U/A	U/A
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Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated- Violation uncorrected.

"A" Abated- Violation corrected.





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## Fire Code Violations

BOB CICCOLINI  
537 Franklin AVE

Inspector: Mosca, Ronald

Inspected: 06/22/2017

Nutley NJ 07110

Registration No: EIGH01

State Registration: 0716-63999-001-01

Premises Name: Eight Ciccolini Brothers

Reinspection  
Date:

Premises: 537 Franklin AVE

Inspector:

The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
1	<p>Nature: Records.</p> <p>Code Section: N.J.A.C. 5:70-3 901.6.2</p> <p>Description Records of all system inspections, tests and and maintenance required by the referenced standards</p> <p>Location: shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request.</p> <p>Provide a copy of the current Fire Alarm Report</p>	07/22/2017			
2	<p>Nature: Fire separation.</p> <p>Code Section: N.J.A.C. 5:70-3 311.2.3</p> <p>Description Fire-resistance-rated partitions, fire barriers, and fire walls separating vacant tenant spaces</p> <p>Location: from the remainder of the building shall be maintained. Openings, joints, and penetrations in fire-resistance-rated assemblies shall be protected in accordance with Chapter 7.</p> <p>Replace missing ceiling tiles on sales floor</p>	07/22/2017			
3	<p>Nature: Means of egress lighting</p> <p>Code Section: N.J.A.C. 5:70-3 408.14.4.3</p> <p>Description Artificial lighting, with an intensity of not less than one foot-candle ttt! at floor level</p> <p>Location: shall be available during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces exits be available. In all buildings, rooms or spaces of egress lighting shall be connected to an emergency electrical system conforming to the Uniform Construction Code except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.</p> <p>Repair battery in front exit and emergency light</p>	07/22/2017			



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**Fire Code Violations**

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Inspector: Mosca, Ronald  
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The violations cited on the above premises are as follows:

Number	Description	Abate by	U/A	U/A	U/A
4	<p>Nature: Extension cords.</p> <p>Code Section: N.J.A.C. 5:70-3 605.5</p> <p>Description Extension cords and flexible cords shall not be and a substitute for permanent wiring. Extension Location: cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.</p> <p>Remove excess extension cord in warehouse</p>	07/22/2017			
5	<p>Nature: Unapproved conditions.</p> <p>Code Section: N.J.A.C. 5:70-3 605.6</p> <p>Description Open junction boxes and open-wiring splices and shall be prohibited. Approved covers shall be Location: provided for all switch and electrical outlet boxes.</p> <p>Repair open wiring in warehouse</p>	07/22/2017			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated- Violation uncorrected.

"A" Abated- Violation corrected.

# **APPENDIX 3**

## Existing Zoning

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### **§ 700-17. Permitted uses in B-3 Zoning District.**

The following uses are permitted in the B-3 Zoning District:

- A. Professional and business offices.
- B. Financial institutions.
- C. Restaurants, bars and taverns, but excluding drive-in restaurants.
- D. Bowling alleys, theaters and other indoor amusement services, including amusement devices as an accessory use as set forth in § 700-38 hereof, commercial schools and colleges.
- E. Take-out food establishments.
- F. Service establishments - personal and household.
- G. Printing establishments, provided that no individual motor exceeds five horsepower.
- H. Telephone exchange, bus or railroad passenger station, United States Post Office.
- I. Stores devoted to retail commerce where goods are sold directly to the customer for personal use or household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of bedding and excluding the sale of motor vehicles, boats, lumber, masonry, roofing or siding where an inventory is maintained on the premises. No crating, outdoor displays and/or outdoor sales are permitted except that occasional outdoor sales may be held as provided by Ordinance No. 1845.<sup>1</sup>
- J. Mixed use buildings for commercial and residential uses subject to § 700-40. **[Amended 2-19-2019 by Ord. No. 3414]**
- K. Business establishments having amusement devices as a principal use, provided that all of the following requirements are met:
  - (1) There shall be 60 square feet of operating area for each amusement device. The calculation of the operating area shall exclude any area of the premises which is used for other purposes but shall include access and walkways primarily serving said amusement device.

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1. Editor's Note: Said Ord. No. 1845, adopted 4-15-1975, as amended 7-2-1991 by Ord. No. 2358, and which comprised original Ch. 190, Sales and Displays, Outdoor, of the 1978 Code, was repealed 12-4-2007 by Ord. No. 3039.

- (2) At least one attendant over the age of 18 years shall be present at all times the business is open.
  - (3) Amusement devices in such establishments shall not be operated after 11:00 p.m. and before 9:00 a.m.
  - (4) No amusement device shall be used, placed, maintained or operated in any back room of the premises where the device is licensed.
  - (5) Parking requirements of § 700-91 are met.
  - (6) No amusement device shall be used, placed, maintained or operated in any premises within 500 feet of a school, church or other house of worship. The distance shall be measured from the nearest entrance of the school or church to the nearest entrance of the premises on which the amusement device is located or is sought to be located along the route that a pedestrian would normally walk.
  - (7) No business establishment having amusement devices as a principal use shall be located within 2,000 feet of another business establishment having amusement devices as a principal use. The distance shall be measured from the nearest entrance of the existing establishment to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.
  - (8) No business establishment having amusement devices as a principal use shall be located in a building in which any portion of such building is used for residential purposes.
- L. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business; the distance between such discount store businesses shall be measured from the nearest entrance of the existing discount store to the nearest entrance of the premises where the other establishment is sought to be located along the route that a pedestrian would normally walk.
- M. Commercial school.
- N. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements of Article XIII, subject to the following standards:

- (1) The Zoning Official must review the proposed off-premises site and make a determination of suitability.
- (2) All such spaces through ownership or long-term lease shall be under the control of the owner or operator of the use to which such spaces are appurtenant. The legal instrument containing proof of ownership or lease shall be filed with the application. The certificate of occupancy for use or uses served by the off-premises parking spaces granted under this subsection shall be valid only for such time period as the facilities are available as required, unless application is made for an alternate location or variance, as the case may be.
- (3) All such parking areas shall be located on the same street and within 500 feet of the entrance to the building which the parking area serves.
- (4) No such parking areas shall be located in any district where the use it serves is prohibited.
- (5) During or prior to approval, reports from the Department of Public Safety concerning policing, traffic and pedestrian activity shall be received and considered. The Construction Official may impose conditions in approving the use to insure that the parking lot shall be properly integrated and sufficiently screened so as not to be offensive or detrimental to adjoining residential properties. The Construction Official shall also have the authority to specify any conditions as to security and operations it may deem reasonably necessary.
- (6) Notwithstanding any other section of this chapter, where an off-premises parking lot adjoins a residential use or residential zone, there shall be a minimum of a six-foot-wide landscaped strip adjoining the residential lot line, unless a wider buffer is specifically required. The landscaping shall consist of densely planted evergreens at least a minimum of six feet high at planting.

ZONING

700 Attachment 3

Township of Nutley  
Schedule of Regulations as to Bulk, Height and Other Requirements  
Business Districts  
[Amended 2-19-2019 by Ord. No. 3414]

District	Type of Use	Minimum Lot Size				Minimum Yard Dimensions				Maximum Height		Maximum Lot Coverage (percent)	Surface Coverage Maximum Impervious Coverage (percent)	Additional Requirements
		Area (feet)	Width (feet)	Depth (feet)	Density (Dwelling Units per Acre)	Front <sup>2</sup> (feet)	Rear (feet)	1 Side (feet)	Both Sides (feet)	Stories	Feet			
B-1	Neighborhood business	5,000	50	100	N/A	20	25	6	10	2	25	50	80	
	Mixed uses	5,000	50	100	17.42	20	25	6	10	2	25	50	80	See § 700-40
B-2	Residential above business	5,000	50	100	17.42	10 <sup>1</sup>	25	6	10	2	25	50	80	
	Neighborhood business	5,000	50	100	N/A	10 <sup>1</sup>	25	6	10	2	25	50	80	
B-3	Downtown business	3,000	30	100	N/A	3	10; if adjacent to R Zone 30	None required, except height of building if side yard is adjacent to R Zone minimum of 10 feet	0; 4 for each side yard if provided	3	40	50	90	
	Mixed uses	3,000	50	100	24	3	10; if adjacent to R Zone 30	None required, except height of building if side yard is adjacent to R Zone minimum of 10 feet	0; 4 for each side yard if provided	3	40	50	90	See § 700-40
B-3A	Downtown business	5,000	50	100	N/A	3	10; if adjacent to R Zone 30	0; 4 if provided	0; 4 for each side yard if provided	3	40	70	90	
	Mixed uses	5,000	50	100	N/A	3	10; if adjacent to R Zone 30	0; 4 if provided	0; 4 for each side yard if provided	3	40	70	90	See § 700-40
B-4	Nonresidential and mixed uses	5,000	50	100	N/A	20	10; if adjacent to R Zone 30	1/2 building height (10 feet minimum); height of building is adjacent to R Zone	Height of building 10-20 feet <sup>2</sup>	2	25	60% for buildings and storage areas	85%	See § 700-40

NOTES:

<sup>1</sup> Larger yard is to be located adjacent to side street line on corner lots.  
<sup>2</sup> If over 50% of the frontage in the B-2 Zone on one side of the street between intersecting streets or between an intersecting street and a Township boundary line is developed with business uses, the front yard requirement shall be equal to the average of the front yard depths of such business uses, but no less than three feet.