

*Approved  
BAU  
3/11/2020*

**TOWNSHIP OF NUTLEY  
PLANNING BOARD MEETING MINUTES  
Wednesday, February 5, 2020**

A meeting of the Planning Board of the Township of Nutley was held in the Commission Chambers on the third floor of the Township of Nutley Municipal Building, One Kennedy Drive. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on November 28, 2019.

**Roll Call**

Ms. Castro – Excused  
Mr. Malfitano – Excused  
Mr. Contella – Present  
Mr. Kirk – Present  
Mr. Greengrove – Present  
Ms. Kucinski – Present  
Mr. Del Tufo, Secretary – Present  
Mr. Arcuti, Vice Chair – Excused  
Mr. Smith - Present  
Ms. Tangorra, Chair – Present  
Mr. Kozyra – Present  
Commissioner Evans – Present  
Mayor Scarpelli – Present

**Meeting Minutes**

The Meeting Minutes for January 22, 2020 were accepted by the Board.

**Communications/Bills**

An invoice for Gail Santasieri in the amount of \$150.00 for her attendance at and preparation of the January 22, 2020 Meeting Minutes was approved by the Board.

An invoice for Barry Kozyra, Esq. in the amount of \$800.00 for his preparation for and attendance at a Special Meeting in preparation for the hearing tonight was approved by the Board.

**Old Business**

None

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.

## New Business

### Hearing – 20 High Street Preliminary and Final Site Plan Approval

Mr. Kozyra noted exhibits have been pre-marked as follows:

- A1 – Affidavit of Service on Property Owners
- A2 – Proof of Publication

WITNESSES: William Di Tosto, Chief Executive Officer, Montclair Radiology  
Stephen Aluotto, Architect, NK Architects, 95 Washington St., Morristown, NJ  
Eric Hough, Civil Engineer, Bertin Engineering, 68 Glen Ave., Glen Rock, NJ

Robert A. Gaccione, Esq., Gaccione & Pomaco, PC, 524 Union Avenue, Belleville, NJ appeared for the Applicant, Nurad Associates, LLC, owner of 20 High Street. The first time the Applicant was before the Zoning Board was in 1986 and it is now requesting preliminary and final site plan approval in order to construct a 900 sq. ft. two-story addition. There are setback variances, a parking variance, and a list of waivers that have been set forth in the application.

William Di Tosto – Mr. Gaccione asked how many employees work in the building and where they park and Mr. Di Tosto answered that there are 17 employees maximum and they park either on the street, at the top end of the parking lot, or in the 16 parking spaces Montclair Radiology leases from the Town. Mr. Gaccione asked the purpose of the addition and Mr. Di Tosto answered to add an additional MRI unit to the facility, which will should reduce the late hour activity. He stated that the 900 sq. ft. addition is actually over two floors so it is really 450 sq. ft. on each floor. The unit will be on the first floor and presently there are no definite plans for use of the second floor space. Mr. Gaccione asked what types of deliveries are made to this facility and Mr. Di Tosto answered normally UPS or USPS. There are no large consumables, everything is digital now. Any deliveries would probably be gloves, small bottles, etc. Deliveries come through the front doors only. Mr. Gaccione asked about medical waste and Mr. Di Tosto answered that medical waste is handled by a separate company and the regular garbage is handled by the Town. Mr. Gaccione asked if the approval of this application would change the amount of employees at the facility and Mr. Di Tosto answered that a new tech would have to be hired.

Mayor Scarpelli asked where the overload of employee parking is located and Mr. Di Tosto answered that they are on a waiting list with the Town to lease four more spaces as presently employees park on the side streets.

Mr. Smith asked if they expect an increase in patients with the installation of the new MRI and Mr. Di Tosto answered that the MRI process takes between 30-45 minutes from start to finish so there would not be that large of an increase in patients. Mr. Smith asked if the employees could park in the building's parking lot or do they park on the streets and Mr. Di Tosto answered they are required to park on the other side of the building but at night they are allowed to park at the upper end of the parking lot for safety reasons.

Ms. Kucinski asked if there were ever any issues with non-patients parking in the lot and Mr. Di Tosto answered yes, but they have an older gentleman who watches the lot to make sure non-patients do not park there. Mr. Di Tosto's major concern is that early in the morning a lot of non-patients park in the spots right in front of the building which makes it difficult for patients with injuries who park in the parking lot and walk down the hill.

Commissioner Evans asked if he Mr. Di Tosto was the person who came before the Zoning Board in 1986 because he was wondering about the need for parking spaces back then and Mr. Di Tosto answered that he thinks it was Dr. Whalen. He stated that back in 1986 Montclair Radiology was occupying only ¼ of the building and they were going to lease out the rest of the building to other physicians. The operation in 1986 was very small compared to today. There were plenty of parking spaces at that time and he does not remember the exact date they started leasing spots from the Town, maybe 2000. Commissioner Evans asked how they would handle the employee parking if they were not able to lease the extra spots from the Town and Mr. Di Tosto answered that generally there are spots available in the lot but he believes there is trade-off, one employee finishes a shift and another employee starting a shift takes the spot.

Ms. Tangorra asked if it would be possible to have some place where handicapped patients could be dropped off and/or picked up. Mr. Di Tosto answered that sometimes if they get a phone call stating that someone will be dropping off a handicapped patient then the facility has a tech ready with a wheelchair. He believes that they would have to go before the Township to request a ramp or something similar. Ms. Tangorra asked if he thought the Applicant would be willing to do that and Mr. Di Tosto answered "yes".

Mr. Kozyra asked Mr. Gaccione if they could get a commitment from the Applicant to make that application to the Township because he would like to make that part of the Resolution and approve it ahead of time so that the Applicant will not have to come back for site plan approval and Mr. Gaccione answered "absolutely". Mayor Scarpelli stated that High Street is a County road so there might be more involved.

Stephen Aluotto – The Board accepted Mr. Aluotto as an expert in his field of architecture. Mr. Gaccione asked Mr. Aluotto to describe the existing structure and he answered that it is a 6,400± sq. ft., two-story commercial office building. Mr. Kozyra marked a blueprint as Ex. A3. Mr. Gaccione asked Mr. Aluotto to explain what the new addition will provide to the current structure and Mr. Aluotto answered that the proposed structure is 900 sq. ft. over two floors and is being appended to the north end of the building. Mr. Gaccione asked if the setback on the addition would be less than the setback on the current structure and Mr. Aluotto answered yes. Mr. Gaccione asked Mr. Aluotto to state the purpose of the proposed addition and he answered to accommodate a new MRI piece of equipment, which would not fit in the existing building. Mr. Gaccione asked Mr. Aluotto to describe the exterior of the proposed addition and Mr. Aluotto introduced Exhibit A-4, titled SD-2, which illustrates two elevations, south and west, the south is the front of the building. The ridge of the sloped roof of the addition is lower than the original ridge height of the building and they will be replicating the stucco, windows and masonry base. Mr. Gaccione asked Mr. Aluotto to describe the interior of the proposed first floor and Mr.

Aluotto went back to Exhibit A-3 showing the MRI location and said there will be minor alterations from the original structure. Mr. Gaccione asked Mr. Aluotto to describe the proposed second floor interior and Mr. Aluotto answered that the second floor can accommodate exam rooms and bathrooms, as one option.

Mayor Scarpelli asked besides the loss of parking spaces if there are any additional outside structures that will need to be moved to another area and Mr. Aluotto answered that there is mechanical equipment that is being relocated.

Commissioner Evans asked if the grassy spot on the east side of the building could accommodate the new structure and Mr. Aluotto answered that he would have to defer to the engineer.

Eric Hough – The Board accepted Mr. Hough as an expert in his field of engineering. Mr. Gaccione asked Mr. Hough to describe the existing site and he answered that the property is known as Block 3101, Lot 1 in an M-O Zone. The lot size is 14,202 sq. ft. or 0.33 acres. There is a 22-space parking lot on the north side with a one-way drive up. Mr. Gaccione asked Mr. Hough to review the existing access and he answered that the property is a corner lot with approximately 340 ft. of frontage, there is one entrance-only driveway at the start of the parking lot and one exit-only driveway at the north end of the parking lot with 15 onsite parking spaces.

Mr. Gaccione asked Mr. Hough to describe the proposed change to the building and he answered beside the 450 sq. ft. addition there will be new curbing with concrete pavers extending the existing walkway. The addition will result in the loss of three parking spaces and one new proposed handicapped parking space. Mr. Gaccione asked how the trash is handled and he answered that there is an enclosure where the proposed addition will be and after construction there will be an enclosed area where the trash will be collected then brought to the street. Mr. Gaccione asked Mr. Hough to describe the proposed change in access to the site and he answered that the existing drive aisle will be relocated a distance of 20 ft. to the north, the existing 18.6 ft. one-way drive aisle and exit-only drive aisle to the north end will be maintained. The proposed handicapped space will be the southern-most parking space near the building. He stated that as per the engineering review letter, they did change the handicapped space to be angled to avoid vehicles backing into the street. Mr. Gaccione asked Mr. Hough to review the grading, drainage and/or utilities and he answered that the existing topography is sloped upward as you go south to north and will be maintained with the new addition. The existing impervious coverage is 84.4% and the proposed impervious coverage will be 83.2%, which will be a decrease of 1.2% so no additional storm water detention will be required. All existing utilities for the building will be maintained. Mr. Gaccione asked Mr. Hough to describe the proposed landscaping and any proposed lighting and he answered that even though it will be small areas there will be additional landscaping on the north and west sides of the building, probably some sort of shrubbery. There will be two new wall mounted lights on the north side of the building in place of the current wall lights on the existing building.

Mr. Gaccione asked Mr. Hough to review the existing variances, the two new variances and the proposed parking and he answered that there are four existing non-conformities: lot area which will not change; lot depth which will not change; a front yard setback for the existing building of

5.8 ft. vs. 26.83 ft. required; and a rear yard setback for the existing building of 1.3 ft. vs. 26.83 ft. required. There will be three proposed variances for the new building: a front yard setback of 15.2 ft., which is less severe than the existing non-conformity; a rear yard setback of 6.3 ft., which is also less severe; and a parking variance for the 20 proposed spaces vs. 25 spaces.

He was asked if a parking analysis was done based on the reduction of two spaces and he answered that the proposed building will eliminate three on-site parking spaces with one proposed handicapped space for a net loss of two spaces. He stated that the Township parking requirement is one parking space for every 300 sq. ft. of office use. The additional 900 sq. ft. will require an additional three spaces. Mr. Hough stated that parking counts were conducted during peak hours of business. The max occupancy was 15 vehicles in the a.m. peak and 17 vehicles in the p.m. peak, leaving seven empty spaces in the a.m. and five empty spaces in the p.m. There is adequate parking to accommodate the three lost spaces. Mr. Gaccione asked if Commissioner Evans' question regarding the grassy area being used would reduce the parking space issue and Mr. Hough answered that it would be very tight and not feasible. Mr. Di Tosto added that there is a power pole that cannot be moved in the area that Commissioner Evans is referring to. Mr. Gaccione asked Mr. Hough to respond to the engineering report and letter and he said that they will be complying with all of the comments with the exception of the sidewalk connection. The angled parking layout required an 18' drive aisle and it is now 18.6' and the only safe way to have a sidewalk connection is to provide 45 degree spaces which require only a 12' drive aisle, but they would lose seven spaces doing that. He suggested providing a 4' striping running the length of the parking lot for increased protection of pedestrians.

Mayor Scarpelli asked how many spaces would be required on site and Mr. Hough answered 25, including the new addition. Mayor Scarpelli asked how many spaces they will have and Mr. Hough answered 20, which is a five space difference from the Township's ordinance. Mayor Scarpelli asked where the proposed striping would be located and Mr. Hough answered it would be put on the inside of the guardrail inside the parking lot. Mayor Scarpelli asked if instead of angled street parking spaces could parallel street spaces be used leaving room for a sidewalk. Mr. Hough answered that he thought that could work.

Mr. Smith asked what date they performed the parking analysis and Mr. Hough answered Wednesday, March 13, 2019. Mr. Smith asked if they performed an analysis on any other days and Mr. Hough answered that they did it yesterday (2/4/20) at 3:00 p.m. and again this morning (2/5/20). Mr. Hough also said that there are 28 on-street parking spaces.

Ms. Kucinski asked if a parking review was done at night and Mr. Hough answered that they did it during the peak hours of a medical office, which is 10-11 a.m. and 2:30-3:30 p.m. Ms. Kucinski asked Mr. Di Tosto what happens when there is a Township function happening during the day and Mr. Di Tosto answered that was the reason they had a parking lot attendant specifically watching the lot on days that something was scheduled. Mr. Gaccione introduced an invoice (Exhibit A-6) stating how much Montclair Radiology pays the Township for leased parking spaces which Mr. Di Tosto confirmed as \$3,360/month.

Mr. Contella asked if the mounted wall lights were going to be for the parking lot and Mr. Hough answered yes.

Mr. Kirk asked if there was a generator on site and Mr. Hough answered that he believed so. Mr. Di Tosto said that some administrative services for the entire company is on the second floor of the Nutley facility, but they are planning to relocate it to a Clifton facility.

Mr. Del Tufo asked about a 12/9/19 letter from the Town to the Board Office where they referenced a 9,000 sq. ft. addition. Mr. Gaccione stated that that was a typo.

Commissioner Evan wanted to clarify why it would be difficult to construct the addition on the east side of the building and Mr. Hough said that it might also create a side yard variance. Commissioner Evans stated that although the space was tight he thought it could resolve the parking issue. Mr. Di Tosto responded that the MRI uses a large magnetic field which could alter a patient's reading if an 18 wheeler truck passes the facility. Commissioner Evans asked what he thinks would happen if the train started running and Mr. Di Tosto answered that he hopes that does not happen. Mr. Di Tosto stated that shields are now used to protect the magnetic field as much as possible.

Todd Hay, Pennoni Associates, 24 Commerce Street, Suite 300, Newark. Mr. Hay stated that he prepared a letter dated 2/3/20 and the Applicant's engineer responded. Regarding the sidewalk, Mr. Hay feels that the County is going to have to get involved and the Town does not have any jurisdiction over that. He has concerns about putting a sidewalk in the parking lot with cars pulling in and backing out of spaces. He feels this is something the Board needs to pay close attention to. He suggests not putting the sidewalk in and having pedestrians cross the street and use the sidewalk on that other side. He also feels that signs stating that it is a private walkway is another way to handle the sidewalk issue. He also has an issue with the proposed handicap spot backing right out into the street.

Mayor Scarpelli said that he believes pedestrians are not going to cross the street when they get to the parking lot; they are going to walk through it. He asked Mr. Hay if he thought it is better to construct a sidewalk or put a 4' striping inside the parking lot? Mr. Hay responded that for safety a new sidewalk constructed outside the parking lot is the ideal situation. He also said that parallel parking will not work. Mayor Scarpelli asked if the angled spaces were changed to parallel would they lose spaces and Mr. Hay responded "yes", but that is a County issue. Mayor Scarpelli asked Mr. Gaccione if he would look into this and Mr. Gaccione said he would do whatever the County wants them to do. Mayor Scarpelli asked Mr. Di Tosto if the Applicant was ever sued by a pedestrian and Mr. Di Tosto responded "no". Mr. Hay said that the Applicant will have to make an application to the Essex County Planning Board and they need to talk to the Essex County Engineer regarding the two sidewalks and the safety issues.

Mr. Gaccione closed by saying that his client will do whatever the Boards suggest regarding the sidewalk and parking. He stressed that the addition will not impose any burdens on the Township. He also feels that having a space in the front of the building designated for disabled drop offs is a great idea and something they will look into.

Mayor Scarpelli said that he would like something done regarding the safety of the parking lot and knows it is not in the Township's jurisdiction. Other than that, he favors the application. Ms. Tangorra agrees with the Mayor's comments. Commissioner Evans also agrees and is not aware of any issue with the Code Office in the past. Mr. Kozyra raised two issues: (1) drop off space in front of the building which Mr. Gaccione stipulated to; and (2) sidewalk needs County approval. He stated that it would be stipulated in the Resolution that they need to go before the County for both. Mr. Kozyra stated that he expects to have the Resolution signed at the next meeting in three weeks.

A motion to grant Preliminary and Final Site Plan Approval was made and unanimously approved.

Mr. Contella – Yes  
Mr. Kirk – Yes  
Mr. Greengrove – Yes  
Ms. Kucinski – Yes  
Mr. Del Tufo, Secretary – Yes  
Mr. Smith - Yes  
Ms. Tangorra, Chair – Yes  
Commissioner Evans – Yes  
Mayor Scarpelli – Yes

### **Hearing - Nutclif Master Application for Amended Preliminary/Final Site Plan Approval**

Mr. Kozyra noted exhibits have been pre-marked as follows:

A1 – Affidavit of Service on Property Owners  
A2 – Proof of Publication

WITNESSES: Eugene Diaz, 200 Metro Boulevard, Suite 1300, Nutley, NJ  
Richard Procanik, PE, Greenberg Farrow, 92 E. Main Street, Suite 410,  
Somerville, NJ  
Charles Logan, Jr., Architect, Aztec Corporation, 517 US-1, Iselin, NJ

Meryl Gonchar, Esq., Sills Cummis & Gross, One Riverfront Plaza, Newark, NJ, appeared for the Applicant, Nutclif Master LLC. This application goes back to the approval granted in September 2018 granting preliminary site plan approval with regard to Block 201, Lot 1. Nutclif Master LLC previously filed simultaneously for major subdivision approval as well as preliminary and final site plan approval. The purpose of the subdivision was to create three lots from what was originally a single lot with each building and the proposed parking garage to be on their own separate lot. 100 Metro is on Lot 1.03, Block 201; the parking garage and courtyard are on Lot 1.01, Block 201; and 200 Metro is on Lot 1.02, Block 201. Nutclif Master

LLC is asking to amend the preliminary site plan approval to create multiple phases. Each phase on the site plan corresponds with the phases set forth in the redevelopment agreement. Their goal is to get a “certificate of completion” under the redevelopment agreement. To do so they are also seeking final site plan approval with regarding to Building 100. There is also an adjustment to the preliminary site plan approval regarding the number of parking spaces that were included in the garage. There are 64 less spaces on the Clifton side of the garage and 12 less spaced on the Nutley side of the garage. Testimony will be provided to explain the reason for the adjustment. Mr. Kozyra marked Exhibits A-3 and A-4 (phasing exhibits).

Eugene Diaz – He testified as to a new exhibit (Exhibit A-5 (Second floor - floor plan of On3 parking garage)) that has never been submitted. Ms. Gonchar asked him to describe where the largest number of parking spaces that were eliminated and Mr. Diaz answered that they did not build the second floor on the Clifton side of the garage. He stated that they built the third through seventh floors but did not build the second floor in that last bay and they have parking on the ground floor with double height space. The reason for the double height space was a risk they took for a potential tenant (in the automobile industry) for the entire 200 Metro building. That potential tenant wanted an entire floor (2<sup>nd</sup>) of the garage for themselves as a technical space so they could take apart their own cars for review/technical purposes. The potential tenant backed out at the last minute. Mr. Diaz feels that the loss of the 66 spaces is not a problem because the tenants of both buildings can function with the six levels and they are already above the parking requirements in the redevelopment plan. He stated that they did not come back before the Board for the change because it was a last minute decision. Regarding the 12 spaces on the Nutley side of the garage, these spaces were lost due to site conditions. There is a steam tunnel that runs north to south through the garage so some elevation changes had to be made where the ramps are located so spaces were eliminated.

Commissioner Evans asked about Building 200 and if Mr. Diaz thinks a single tenant would take control of the building and how that would impact the garage in a similar way to the previous potential tenant. Mr. Diaz answered that he believes the remaining parking would prove valuable to attracting another company. The removal of the extra floor will allow them to market the property to a wider circle of tenants and occupants. The market for large tenants is very slow right now and Mr. Diaz is prepared to multi-tenant the building.

Richard Procanik - The Board accepted Mr. Procanik as an expert in his field of engineering. Ms. Gonchar asked him to describe where the phases are and identify which ones they are seeking final approval. Mr. Procanik used Exhibit A-3 (phasing plan) explaining that there are four phases they are proposing: Phase 1 is site improvements and minor improvements to accommodate the 100 Metro courtyard; Phase II is for 200 Metro, limited to the site improvements associated with the courtyard; Phase IV is the Metro garage and the courtyard that was previously presented to the Board; and Phase III is 111 Ideation Way formerly known as Building 102. Ms. Gonchar asked if the phase he is talking about is also a phase in the redevelopment plan and he responded “yes”. He also said that they are seeking final approval for 100 Metro, which is Lot 1.03, Block 201. The as-built plan for 100 Metro was marked as Exhibit A-6. He went through the modifications that were made addressing per Pennoni’s February 3, 2020 letter: (1) a sidewalk from 100 Metro leading to the building, running

perpendicular to the building, was installed; (2) brick pavers were installed along 100 Metro where concrete was removed; and (3) a trench drain was added to the rear by the loading area. Other requested changes by Pennoni were additional spot shots along the edge of the courtyard – constructed today; the ADA standards on the northwest corner have been clearly identified; and the trench drain and connection to the storm drain were added. Nutclif Master LLC will comply with all three requests and a modified version of the plan will be provided. The modifications to the façade of the building have been met. Other letters that he received and addressed are: (1) traffic safety officer wants the parking spaces in the garage numbered – the fire departments do not think this is necessary; Deputy Fire Chief Cafone has comments regarding the circulation of the fire trucks throughout the site and maintaining a 20’ roadway – they will comply with both; and he asked for a 2½” connection for the FDC – which will be satisfied; and a 4” Storz connection on the fire hydrant – Prism is in the process of satisfying this request; and striping to insure fire hydrants will not be obstructed by vehicles will also be satisfied.

Mayor Scarpelli asked if the phases are being completed in the order that Mr. Procanik mentioned them and Mr. Procanik said “no”.

Ms. Kucinski wanted to know if the spaces are being numbered differently in Clifton or Nutley and he answered that there needs to be a conversation with the person who prepared the letter to get a better understanding of what they want. What he believes is they want the Clifton spaces to have a “C” and the Nutley spaces to have a “N.”

Ms. Tangorra asked if they could provide a date the work would be completed in order to get a final site plan review for the other phases and Ms. Gonchar said her best guess is the end of July, 2020 depending on when the weather permits them to start.

Charles Logan, Jr. – The Board accepted Mr. Logan as an expert in his field of architecture. He showed renderings for the garage and feels it is proportionate to Buildings 100 and 200. Ms. Gonchar asked for clarification of the spaces eliminated and he replied that the correct number of spaces is 11 spaces lost in Nutley, not 12, and 58 spaces lost in Clifton, not 64, for a total of 69 lost spaces, not 76. The entire garage space amount of parking is 2,497 spaces and 155 on-site spaces for a combined total of 2,652 spaces. No ADA spaces were lost. Minor structural changes were the reason for the loss of spaces. The total amount of available spaces meets and exceeds the requirements of the redevelopment plan.

Mayor Scarpelli commented that the garage is a beautiful building and Mr. Logan should be very proud of the structure and how it blends in with the entire campus.

Commissioner Evans questioned if the change of spacing on the garage made an impact to the ability of emergency vehicles to get into the garage and Mr. Logan said nothing has been deviated from the original plan. Commissioner Evans asked if emergency services have been to the garage to confirm that they have access and Mr. Logan said that he would assume so because a C of O has been issued.

Paul Ricci, Board Planner, stated that he prepared a letter dated February 4, 2020 and the Applicant has addressed the issues. He mentioned the streetscape palette. He wants to know who is approving the streetscapes. Ms. Gonchar thinks the private streets were originally separated from the Phase IIA redevelopment plan. Mr. Ricci feels there needs to be a clear document for inspectors to rely on when they go to inspect the site.

Todd Hay, Pennoni Associates, stated that he prepared a letter dated February 3, 2020 regarding architectural, engineering and phasing plans. He stated that he has spoken with Mr. Berry to make sure there is an accurate count of parking spaces in the garage. He stated that they take no exception to the reduction in spaces. Regarding the architectural plans for the garage, he wants the architect to respond to his letter via written response letter. He wants to make sure the parking is numbered correctly so they can get an accurate count of spaces. The Applicant stated that they will provide as-built garage plans. The Applicant's engineer provided a response letter to his letter and he takes no exception to that response. Regarding the streetscape, the design should be conforming to the Board and the redeveloper hired by the Township. Ms. Gonchar stated that she will provide Mr. Hay with a signed/sealed copy of the plans to identify where the parking spaces were lost, how many spaces are in each section and give him a total number of spaces. She also stated that the phasing exhibit to the redevelopment agreement does correspond to the phasing that has been proposed to the Board. Also, they are not trying to avoid landscaping plans; there was no proposed landscaping along the frontage because standards had not been established.

In closing Ms. Gonchar stated that they are amending the preliminary approval to: (1) incorporate the phasing; and (2) reflect the reduced number of parking spaces. They are also requesting final site plan approval for Lot 1.03 in Block 201 only. They will otherwise remain compliant with regard to parking and the redevelopment plan.

Commissioner Evans wanted to clarify that the streetscape and landscaping is not in Phase I because there are not adopted standards and therefore streetscape and landscaping will be part of Phase IIB. If final site plan approval is granted the Resolution will incorporate the fact that streetscape and landscaping is included to address what Mr. Ricci was raising about streetscape and landscaping for Phase I. Ms. Gonchar said they will not exclude Lot 1.03 from a streetscape and landscaping requirement that is incorporated in Phase IIB even though Lot 1.03 is in Lot 2A. Mr. Ricci went back to Exhibit A-6 and spoke about improvements below the dotted property line as shown in the drawing. He feels the streetscape and landscaping improvements should be consistent with the future streetscape and landscaping improvements. Mr. Hay feels that the drawing shows only a hard scape item that needs to be dealt with before a C of O can be granted. A creation of a lot line and the placement of grass could be a way to handle this. A streetscape palette has not been chosen yet and this could be problematic. Mayor Scarpelli asks Mr. Hay what is there now and Mr. Hay answered that there is a sidewalk that overlaps the property line. If you are creating private roads/driveways you really should eliminate the sidewalks. Mayor Scarpelli asked if the Board approved a final site plan for what is currently there and the streetscape is finally done, do they have to come back to the Board and Mr. Hay suggested that the existing sidewalk constitutes the limit of any proposed changes, Mayor Scarpelli asked what

if they do not stay in the limits then would they have to come back for final site plan amendment and Mr. Hay answered “yes”.

Mayor Scarpelli asked Mr. Diaz if he is agreeable to the streetscape staying as it exists and that if the scope of future work goes beyond the sidewalk as it is today, he will have to come back for an amended site plan approval? Mr. Kozyra asked what the function of the existing sidewalk is and Mr. Hay answered it goes up and down the boulevard as it exists. Mayor Scarpelli asked how wide the sidewalk is currently and Mr. Hay answered 6-8’ wide. Mayor Scarpelli asked where the line comes down the sidewalk and Mr. Hay answered from the handicap ramp down to the guardhouse and makes its way to Building 100. Mayor Scarpelli asked what is the width of the sidewalk on the roadway side and Mr. Hay answered 4’ x 4’. Mayor Scarpelli stated that he does not want to stipulate that there is a 4’ wide sidewalk so he feels they should keep things as they are and if the changes go beyond what is there now they will have to come back. He feels this is a very complicated application.

Commissioner Evans’ questions became a very involved conversation with Messrs. Hay and Ricci, together with Ms. Gonchar and Mr. Diaz. The streetscape seems to be a major hold up for approval in Mr. Ricci’s eyes. Mayor Scarpelli brought the conversation to an end by stating it is what it is and unless it changes, there is no need for the Applicant to come back before the Board.

Ms. Tangorra is concerned about the final site plan on the remaining three lots and proposes that a bond/escrow be posed until the completion for final site plan can be proposed. Mr. Kozyra stated that will be something Mr. Genitempo would handle. As Mr. Kozyra understands the application, he believes that the Board will approve it with whatever conditions are necessary. He agrees that this is a complicated application and the resolution will be to approve the proposed application with an adjustment in parking as amended this evening. As to Building 100, that would be part of the phase and he recommends that the Board grant it but only in this particular phase. This phasing would allow for the splitting of Budding 100 for future sale. The other concern is the remaining three lots and what has to be done, hopefully by July 31. He feels that there is nothing major that really has to be done to the garage. The need for a bond/escrow is something that Mr. Genitempo will handle, if necessary. With those additional changes Mr. Kozyra will prepare a resolution for approval of the proposed application with conditions as proposed.

Commissioner Evans stated that the Mayor and the Commissioners have been in discussions over this project for a long time. He feels that the Applicant is very committed to both the site and the Township of Nutley.

Mayor Scarpelli makes a motion to approve this application as Mr. Kozyra has enumerated all the approvals and conditions thereof. The motion was unanimously approved.

Mr. Contella – Yes

Mr. Kirk – Yes

Mr. Greengrove – Yes

Ms. Kucinski – Yes  
Mr. Del Tufo, Secretary – Yes  
Mr. Smith - Yes  
Ms. Tangorra, Chair – Yes  
Commissioner Evans –Yes  
Mayor Scarpelli – Yes

**Public Comments**

None

**Committee/Sub-Committee Reports**

Ms. Tangorra brought up the planning of the Joint Meeting and Mr. Kozyra stated that he would get in contact with Ms. McGovern to set a date.

The meeting concluded at 9:57 p.m.

The next meeting is scheduled for Wednesday, February 26, 2020 at 7:00 p.m.