

**Township of Nutley
Planning Board Meeting Minutes
Wednesday, March 11, 2020**

A meeting of the Planning Board of the Township of Nutley was held in Room 300 of the Township of Nutley Parks and Recreation Building, 44 Park Avenue, Nutley, New Jersey. Adequate notification was published in the Nutley Sun on February 27, 2020.

Ms. Carol Tangorra called the meeting to order at 7:09 PM.

Roll Call:

Ms. Castro – present
Mr. Malfitano – present
Mr. Contella – present
Mr. Kirk – excused
Mr. Greengrove – present
Ms. Kucinski – excused
Mr. Smith – present
Mr. Del Tufo, Secretary – present
Mr. Arcuti, Vice-Chairperson – present
Ms. Tangorra, Chairperson – present
Mr. Kozyra, Board Attorney – present
Commissioner Evans – present
Mayor Scarpelli – present

Meeting Minutes:

The Meeting Minutes for February 5, 2020 were accepted and approved by the Board.

Invoices:

A refund of cash bond in the amount of \$68,412.10 was approved by the Board for 432 Owners, Inc. (1 River Road, Nutley, New Jersey) for an application previously filed by the organization.

An invoice in the amount of \$178.00 was approved by the Board for Pennoni Associates for services through November 24, 2019 related to the final inspections of Arbor Hills apartments.

An invoice in the amount of \$340.00 was approved by the Board for Pennoni Associates for services provided through September 23, 2018 related to Arbor Hills Apartments.

An invoice was approved by the Board for Pennoni Associates for services provided through January 26, 2020 related to Nutley Phase IIA Redevelopment inspections.

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.

An invoice in the amount of \$534.00 was approved by the Board for Pennoni Associates for services provided through January 26, 2020 with respect to the compliance review of Nutley Phase IIA Resolution.

An invoice in the amount of \$2,503.00 was approved by the Board for Pennoni Associates for services related to the Montclair Radiology application recently heard by the Board.

An invoice in the amount of \$800.00 submitted by Mr. Barry Kozyra was approved by the Board for his attendance at a meeting with Ms. Tangorra and Mr. Francis Reiner of DMR Architects regarding the Ciccolini site investigation.

Communications:

None.

Old Business:

None.

New Business:

Hearing for 20 High Street

A motion was made and passed to accept the Resolution pertaining to 20 High Street.

**Hearing for PB Nutclif Master, LLC – Amendment to Preliminary and Final Site Plan
Approval for Phase I Nutley Redevelopment Plan**

A motion was made and passed to accept the Resolution pertaining to aforementioned amendment.

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

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

Planning Board
Carol Tangorra, Chairwoman
Mark Arcuti, Vice-Chair
Barry Kozyra, Board Attorney
Anthony Malfitano
Frank Contella
James Greengrove
Gerard Del Tufo

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Lorraine Castro
Walter Smith
Commissioner Thomas J. Evans
Mayor Joseph P. Scarpelli

Board of Commissioners
Mayor Joseph P. Scarpelli
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans
Commissioner Mauro G. Tucci

Zoning Board
Frank Graziano, Chairman
Diana McGovern, Board Attorney
John Cafone
Patricia Doherty

Board of Education
Lisa Danchak-Martin, Vice-President
Frank De Maio
Terry Quirk
Daniel Carnicella
Erica Zarro
Dr. Julie Glazer, Superintendent of Schools

Alan Genitempo, Township Attorney

Frank Graziano, Chairman of the Zoning Board, thanked the Mayor and Board of Commissioners for enacting, and the Planning for studying in depth, the new density restrictions for mixed use applications, and further stated that the changes have already yielded results. The only mixed use application filed in 2019 was withdrawn by the applicant after realizing that they would have to meet the new density requirements. Mr. Graziano proceeded to review the 2019 Zoning Board Applications List distributed at the meeting. In 2019, the Zoning Board received fifty (50) applications for variances, of which two (2) were withdrawn and two (2) were denied. Of the applications granted, twenty-six (26) were modified with conditions. The Board granted conditions that allowed applicants to use their properties to their fullest potential without having a detrimental effect on neighboring properties.

Mr. Graziano also pointed out a few flaws within the Zoning Code which can cause confusion with regard to zoning rules. As an example, the Code does not call for loading spaces or guest parking space requirements for mixed use and multi-family buildings. In addition, applicants usually plan their projects using the minimum requirements, which do not provide for guest spaces or electric car spaces in commercial, mixed use or multi-family developments.

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Mr. Graziano also mentioned that the Zoning Code definition of fast-food and take-out restaurant is confusing. He quoted section 700-39 of the Code, which states that the list of prohibited uses in all districts includes “drive-in and fast-food restaurants”; however, take-out food establishments are allowed in several zones. There is no definition in the Code for drive-in restaurants, and the definition of fast-food restaurant refers to the definition of take-out restaurant, a permitted use.

Ms. Tangorra thanked Mr. Graziano and suggested that a workshop meeting be scheduled in the near future in order to discuss the discrepancies mentioned above.

Mayor Scarpelli asked Mr. David Berry, Zoning and Construction Official, to provide his input on the definition of fast-food restaurant. Mr. Berry agreed that the definitions need to be reviewed and updated.

Mr. Arcuti suggested to have Mr. Paul Ricci, Township Planner, to provide his input based on his experience with other municipalities.

Mr. Del Tufo asked Mr. Graziano what kind of impact the new mixed-use density rules have had on developers given that only one application was received and then withdrawn. Mr. Graziano gave his opinion that the changes were well done and are working according to expectations. Mr. Berry pointed out that the aforementioned applicant has since filed a new application in accordance with new density requirements, and said application has yet to be reviewed.

Commissioner Evans suggested a more comprehensive review of the Zoning Code as there may be several definitions that should be revised.

Mr. Berry stepped up to the microphone and identified himself as the Construction Official for the Township. He agreed that the definitions section of the Zoning Code needs a comprehensive review, and gave a few examples such as the definition of family and basements/cellars. Another current issue is that of short-term rentals through Airbnb. Mr. Berry suggested that the Boards look at a new ordinance adopted by Jersey City to address restrictions on Airbnb rentals as this may become a more serious issue in the future.

A discussion ensued with regard to the definition of family, occupancy limits, boarding houses and short-term rentals.

Mr. Berry also suggested a review of permitted uses in retail zones and the definition of retail, especially with regard to smoke shops and vaping.

Ms. Tangorra suggested that the Planning Board discuss during their next meeting the scheduling of a workshop in order to review all issues discussed above. She asked Mr. Berry to email Board with his questions or suggestions.

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Committee and Subcommittee Reports:

Mr. Arcuti reported that the Zoning Committee of the Planning Board is working on a report regarding B-2 development properties directly abutting residential R-1 and R-2 properties, with suggestions on how to address the issue.

Public Comments:

Danielle Schaeffer, 203 Cheshire Court, addressed the Board with her concerns regarding COVID-19 (corona virus) and questions on measures taken by the Township and Board of Education.

Jack Barry, 126 Watchung Ave, addressed the Board regarding the reexamination of the Township Master Plan.

Adjournment:

Mr. Greengrove made a motion to adjourn, seconded by Mr. Arcuti and approved by the Board.

The meeting concluded at 7:58 p.m.

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