

Approved 9/2/20
BAK

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, August 19, 2020**

A meeting of the Planning Board of the Township of Nutley was held via Zoom. Adequate notification in a Sunshine Notice was published in an official paper of the Township, the Nutley Sun, on August 13, 2020, in accordance with the Open Public Meeting Law, Chapter 231, P.L. 1975, and posted on the Township website and at the Township of Nutley Municipal Building, One Kennedy Drive.

Roll Call

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

Meeting Minutes

The Meeting Minutes for the July 22, 2020 meeting were accepted by the Board.
The Meeting Minutes for the June 3, 2020 Executive Session 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 July 22, 2020 Meeting Minutes was approved by the Board.

An invoice for Pennoni Associates, #1030779 in the amount of \$178.00 for professional services rendered through 6/28/20 regarding final site plan inspection of 74 E. Passaic Avenue was approved by the Board.

An invoice for Pennoni Associates, #1030780 in the amount of \$564.00 for professional services rendered through 6/28/20 regarding public sidewalk review for Montclair Radiology was approved by the Board.

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

An invoice for Pennoni Associates, #1018253 in the amount of \$752.00 for professional services rendered through 3/1/20 regarding correspondence and preparation for attendance at Planning Board Meeting for Montclair Radiology was approved by the Board.

An invoice for Pennoni Associates, #1018247 in the amount of \$756.00 for professional services rendered through 3/1/20 regarding Roche site plan approval review was approved by the Board.

An invoice for Pennoni Associates, #1018252 in the amount of \$1,136.00 for professional services rendered through 3/1/20 regarding On3 road inspections was approved by the Board.

An invoice for Pennoni Associates, #1018248 in the amount of \$1,786.00 for professional services rendered through 3/1/20 regarding Nutcliff Master-Review was approved by the Board.

Old Business

None

New Business

A Resolution recommending Block 3100, Lots 21-43 be classified as areas in need of redevelopment was approved by the Board.

- Ms. Castro – Yes
- Mr. Malfitano – Yes
- Ms. Kucinski – Yes
- Mr. Del Tufo – Yes
- Mr. Arcuti - Yes
- Mr. Smith - Yes
- Ms. Tangorra – Yes
- Commissioner Scarpelli –Yes
- Mayor Tucci – Yes

Mr. Kozyra advised the Board that the Chair approved the rescheduling of the hearing for 52 Passaic Avenue to September 2, 2020.

Hearing for 173 Bloomfield Avenue – Proponent Federal Credit Union

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

- A1 – Submitted plans
- A2 - Proof of Publication
- A3 – Affidavit of Service on Property Owners
- A4 – PowerPoint Slide Presentation

WITNESSES: Paul Sionas, Licensed Architect/Landscaping Architect, Sionas Architecture,
8 Hillside Avenue, Montclair, New Jersey
Alexandra Handel, PE, PP, Petry Engineering, LLC, 55 Passaic Avenue,
Fairfield, New Jersey

Edward McKenna, Esq., McKenna, Dupont, Higgins & Stone, 229 Broad Street, Red Bank, New Jersey, appeared as counsel for Applicant, Proponent Federal Credit Union. Proponent wants to open a satellite office that would operate from 9-5 Monday – Friday, have no more than five employees, and it would essentially be a retail facility with financial consultants available to handle loans, mortgages and economic counseling by appointment only.

Paul Sionas - The Board accepted Mr. Sionas' credentials as a Licensed Architect/Landscaping Architect.

Mr. Sionas presented his PowerPoint 18 slide presentation explaining the project which consists of renovating the existing building (Cavallo's Market), improving the site, parking lot and landscaping. The property is a one-story masonry building in Block 305, Lots 13, 14 and 15; approximately 12,399 sq. ft. or .285 acres across the front of the property and 132 sq. ft. on the side.

The plan synopsis is to create a new easy to maneuver one-way traffic circulation coming in (facing the property) on the right, looping around and then exiting on the left, removing much of the asphalt paving in order to create new landscaping areas which will decrease the surface coverage from the current 98.7% down to 80.5%; the existing one-story garage in the back is going to be removed and the long rectangular building on the left will remain and be completely improved/renovated similar to the Applicant's facility on Washington Avenue. A new curve shaped one-story addition will be added on the right side, which is part of Proponent's new image for all of their facilities. There will be an ATM inside the vestibule and inside the building there will be a work room/cash room, a safe, a hospitality room with vending machines, a large open space with desks for customer service, and two consulting rooms/private offices, bathrooms (handicapped accessible), and a staff break room. The Applicant is currently looking into installing a walk-up window for contactless banking. Trash and recycling cans will be kept outside under a new aluminum awning on the left side of the building which will replace the fiberglass canopy. Mr. Sionas feels that with a small working staff there will not be a lot of garbage, while more recycling is expected. The HVAC machinery/equipment on the roof will be covered by a 6' high aluminum louvered screen so neighboring properties will not be able to see it. Proponent is planning to keep the brick façade but wants to repaint it to match their current facilities. They will be replacing the old store front window and installing a sunscreen over the new windows that will come out about 4' from the building. Proponent will most likely install a total of four new signs around the property, all various sizes. The concrete block that is on a portion of the building will be removed and replaced with brick to match what is being repainted. The stucco on the top of the building will be removed and replaced with smooth composite material or a composite fiber cement.

The proposed landscaping will be native to northern New Jersey. These types of plants will use less water, they will adapt better to the site and they will attract wildlife. There will also be shrubs and trees planted, most likely Red Maples, flowering Dogwood and Evergreens.

In closing, he said the Applicant will be improving the site, including the parking area, the landscaping and the drainage and completely restoring and renovating the interior and exterior of the building. He thinks it is a nice project and that it should be a real asset for the neighborhood and for the township.

Ms. Kucinski had a question about outdoor seating that she feels should be closer to the landscaping in the back of the property. Mr. Sionas answered that the slide he used showing the outdoor seating area has recently been changed. That area will be decreased for more landscaping and if there is a seating area it will be in the back of the property, mainly for staff only.

Commissioner Scarpelli has concerns about the handicapped parking spot and the walk-up window curb stops and possible bollards. Mr. Sionas answered that he would leave that question to be answered by the engineer. Commissioner Scarpelli asked if Mr. Sionas had a chance to review the Town Forrester's letter regarding perennials. Mr. Sionas answered that he had not seen the letter but believes that the Applicant will plant perennials in the front of the property.

Mr. Malfitano asked if the stockade fence along the residential side of the building is going to stay. Mr. Sionas answered that it will be taken down and replaced with a new 6' solid vinyl fence. He then asked about trash/recycling removal from the back of the property. Mr. Sionas answered that the Applicant will arrange for those collections on their own because they do not expect that much trash/recyclables for a five person business. Mr. Malfitano stated that he wanted to make sure the Applicant was not expecting a garbage truck to be able to back up to the bins and Mr. McKenna confirmed that.

Mr. Arcuti asked about the general function of the bank, i.e., banking deposits, withdrawals. Ms. Van Dorn answered that the primary purpose of this location will be for consultation on loans and mortgages.

Ms. Tangorra asked about the first parking space(s) and cars having to back up onto the sidewalk to get out of that spot(s). Mr. Sionas said that was a question for the engineer.

Alexandra Handel - The Board accepted Ms. Handel's credentials as an engineer.

Ms. Handel gave a PowerPoint slide presentation showing the site plan she prepared and preliminary documents. She stated that the property is generally rectangular in shape with an area of 12,399 sq. ft. There is 132 ft. of frontage on Bloomfield Avenue and approximately 92.5 ft. deep located in the B2B zone. The building is 6.6 ft. from the property line with a parking lot that is striped around the perimeter and has stalls in the center of the parking lot. There is an enclosed refuse area in the corner of the parking lot. The property is basically flat except for a

high point located in the middle of the parking lot and water flows down grade either towards the street or toward an adjacent property in the rear of the lot.

The proposed layout plan was for the existing buildings to be reconfigured with a shed portion of the building to be removed. A semi-addition will be added to the front of the building with an adjacent patio area giving the building anew set back of 1.1 ft. in the front. A new 6x6x14' canopy is proposed in the back with a setback of 0.7 ft. from the rear of the property. The parking lot will also be reconfigured by curbing the perimeter and providing 45 degree angle parking stalls (15) which are 9'x18' and a 13' one-way drive. The center island will be striped and curved to allow larger trucks to have a larger turning radius. The entrance and exit of the site will be reconstructed with curbs to clearly delineate the two. A side door is proposed to allow patrons access to the front door and ATM. She feels all together these improvements will result in a significant reduction in impervious coverage going from 98.7% down to 80.5%, which is a reduction of 18.2%. Three new 15' light poles will be installed in the parking lot, new lighting will be installed on the building with a light glare shade because of the neighboring residents, and a new 6' vinyl fence will be installed in the rear of the property. Since new curbing is being installed, proposed drainage structures are required to properly drain the parking lot. Roof drainage will drain to Bloomfield Avenue. This drainage will stop flooding and icing on the property and neighboring properties.

The Applicant is seeking several C variances and approval of several existing non-conformities. The existing non-conformity issues they are not changing are the lot depth and side yard setback. The existing non-conformity issues they are improving are rear yard setback, maximum surface coverage, side and rear yard parking setbacks, and a buffer for residential lot parking. For the C variances, they are asking for front yard setback for the circular addition to the front of the building, loading area(s) in the parking lot, and increased maximum sign area. In her opinion, the requested variances will not have any detriment to the public good. And while the variances are deviations from the zoning ordinance she feels they can be granted without impairing the intent and purpose of the master plan.

Regarding the parking space question previously asked, she stated that they did a turning template and there is ample room for a car to back out without impacting the sidewalk. Ms. Tangorra asked about the two parking spaces in the back and she answered that both spaces do allow for turning. Ms. Tangorra stated that she was concerned about the visibility issue if two cars backing out at the same time. Ms. Handel stated that this was something they could look into further, but she feels that the parking lot will not be at full capacity very often due to the functions this bank will be performing. Ms. Tangorra asked how many people they expect within an hour and Ms. Van Dorn answered no more than five to seven.

Commissioner Scarpelli asked if they had a chance to review Mr. Hay's August 19th letter regarding the removal of the first parking spot on the right. Mr. McKenna stated that they had not received a copy of the August 19th letter. Ms. Tangorra stated that Mr. Hay would be testifying later.

Commissioner Scarpelli asked about the handicapped spot and Ms. Handel answered that there is going to be curbing in front of the handicapped spot which would be considered sufficient, but if the Board feels they want bollards as well, she is comfortable with that.

Mr. Del Tufo asked what the front yard setback is for the adjacent building and Ms. Handel answered it is probably 2.2 or 2.1 ft.

Mr. Malfitano asked if Ms. Handel knew the top height of the site lighting and Ms. Handel answered for the parking lot it is 15 ft. He asked if that includes the three-foot base and she answered "yes."

Mayor Tucci asked what the normal business hours/days are and Ms. Van Horn answered Monday through Friday, 9-5.

Commissioner Scarpelli asked if they were planning to keep the front sidewalk and Ms. Handel answered yes. He asked if the Applicant would be willing to put in a new sidewalk and she apologized and corrected her answer to yes, they will be putting in a new sidewalk.

Debi Van Dorn, CEO, Proponent Federal Credit Union, 536 Washington Avenue, Nutley, New Jersey.

Ms. Van Horn stated that she has been with Proponent for 30+ years and has been CEO for the last 10+ years. She stated that they are very excited about this opportunity and she hopes that the Board likes what has been presented to them today.

Mayor Tucci asked how many Proponent branches there are in Nutley re and she answered that this would be the second. He asked about surrounding communities and she answered just the current location on Washington Avenue.

Ms. Tangorra asked if the Washington Avenue facility was going to remain operating and Ms. Van Dorn answered that right now that was their intention.

Todd Hay, Pennoni Associates, 24 Commerce Street, Suite 300, Newark.

Mr. Hay testified regarding his August 19th letter and stated that they are concerned about the drainage onto Bloomfield Avenue and the existing flood zones, but he feels that the improvements the Applicant are proposing are acceptable. He is concerned about parking lot issues and wants to talk with the Applicant to discuss improvements. Other areas of concern are the driveway aprons and curbing, sidewalk improvements, existing fence height, sewage flow water demand, utility services, the refuse area and removal, landscaping, which he stated has now been taken care of by testimony, signs and lighting.

Mr. Arcuti agreed with Ms. Tangorra's issue with the parking spaces in the parking lot and is wondering if Mr. Hay agrees that this is an issue that should be discussed with the Applicant and Mr. Hay agreed, to maybe go with wheel stops.

Commissioner Scarpelli asked if he had a chance to review his suggestion for the bollards and if he thought it was appropriate and Mr. Hay answered that it was something they should review.

Mayor Tucci asked if the items Mr. Hay is recommending be considered de minimis changes or are they typical of most applications. Mr. Hay answered that these are typical of most applications. Mayor Tucci asked if he thought there were any obstacles that could not be overcome in discussions and Mr. Hay answered “no.”

Mr. Malfitano asked if adding another shorter light in the parking lot still meet the required foot candles and Mr. Hay answered that the lot is extremely small and open to the adjacent residences behind the property. As long as they meet the minimum foot candle at the property line it is acceptable to him. He is more concerned with the angles of the spotlights since this is a residential area.

Mr. McKenna stated that he feels the Applicant would welcome the opportunity to work with Mr. Hay regarding the items in Mr. Hay’s letter.

Mr. Kozyra stated that it is his understanding that the Applicant is willing to comply with Mr. Hay’s letter and that Mr. Hay is very flexible in terms of setting up a meeting. Mr. McKenna stated that he would take a resolution of approval as an indication that the issues will be resolved.

Mr. Arcuti made a motion to approve the application with noted stipulations.

- Ms. Castro – Yes
- Mr. Malfitano – Yes
- Mr. Contella - Yes
- Ms. Kucinski – Yes
- Mr. Del Tufo – Yes
- Mr. Arcuti - Yes
- Mr. Smith - Yes
- Ms. Tangorra – Yes
- Commissioner Scarpelli –Yes
- Mayor Tucci – Yes

Public Comments

None

Committee/Sub-Committee Reports

None

The meeting concluded at 8:48 p.m.

The next meeting is scheduled for Wednesday, September 2, 2020 at 7:00 p.m.