

OK-BALC  
9/18/19

**TOWNSHIP OF NUTLEY  
PLANNING BOARD MEETING MINUTES  
Wednesday, August 14, 2019**

A meeting of the Planning Board of the Township of Nutley was held on the third floor of the Township of Nutley Municipal Building, One Kennedy Drive, Commission Chambers. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on December 13, 2018.

**Roll Call**

- Ms. Castro – Present
- Mr. Malfitano – Present
- Mr. Contella – Present
- Mr. Kirk – Excused
- Mr. Greengrove – Excused
- Ms. Kucinski – Excused
- Mr. Algieri – Excused
- Mr. Del Tufo – Present
- Mr. Arcuti - Present
- Ms. Tangorra – Present
- Mr. Kozyra – Present
- Commissioner Evans – Present
- Mayor Scarpelli – Present

**Meeting Minutes**

The Meeting Minutes for August 7, 2019 were accepted by the Board.

**Communications/Bills**

An invoice for Gail Santasieri in the amount of \$150 for her attendance at and preparation of the August 7, 2019 Meeting Minutes was approved by the Board.

**Old Business**

None

**New Business**

**Prism – Two Internal Roadways for Ralph Lauren and the Parking Deck**

Mr. Kozyra made a point of clarification – exhibits have been pre-marked as follows”

- A1 – Affidavit of Service
- A2 – Public Notice published in The Star Ledger

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.

- A3 – Site Plan Drawing
- A4 – Aerial photo showing improvements

Meryl Gonchar, Esq., Sills Cummis & Gross, One Riverfront Plaza, Newark, NJ, appeared for the Applicant.

Ms. Gonchar stated that the application tonight is for preliminary site plan approval to permit construction of two private roadways, which are accessory to a seven level parking garage that was previously approved on 8/18/18. The property is known as Lot 1, Block 201 and is a portion of the On3 Campus. Applicant previously obtained subdivision approval to create three new tax lots and a remainder lot. The remainder lot was proposed to be used for private roadways. The new lots will be known as Lots 1.01, 1.02 and 1.03. Lot 1.01 is the lot that is improved with the parking garage. Tonight's purpose is to obtain approval of the two roads that are referred to as Road H and Road D, which will provide access to the garage.

The Board acknowledged that service has been properly effected and jurisdiction is before the Board.

Witness - Richard Procanik, PE, Greenberg Farrow, 92 E. Main Street, Suite 410, Somerville, NJ, was accepted as an expert witness in engineering.

Mr. Procanik stated that the plans were prepared under his direct supervision.

The first exhibit he referenced was Ex. A4, which shows the pre-approved parking garage. The roads were previously paved as part of the Hoffman LaRoche Campus. They will be reconditioned so the roads will be more conventional and address access to the main entrances doors and the emergency/service vehicle access entrances. The details for the roadways are as follows:

Roadway H – proposing 7' sidewalk and 24' roadway and several points of connection with elevated pedestrian tables.

Roadway D – proposing 8' sidewalks and 24' roadway.

Both roads are two-way except for a small section south of 100 Metro Boulevard.

Ms. Gonchar asked if the sidewalk and landscaping along Road D were part of the site plan improvements granted for Lot 1.01 and Mr. Procanik acknowledged that they were.

Mr. Procanik mentioned a Pennoni comment in the letter he received regarding a Roadway H and D intersection. He advised that the applicant is planning to install additional striping, which will make vehicle traffic smoother.

Regarding grading and drainage, Mr. Procanik advised that there is a single drainage structure that ties into a 36" line. Half of Roadway H runs north into Clifton and will tie into the 36" line and Roadway D will flow south and tie into the same line further down.

The next exhibit Mr. Procanik referenced was Ex. 4 – Utility/Sanitary Sewer. Utility work has to be done on both the garage and roadways. Roadway H is close to the border of Clifton and there will have to be sanitary line re-routing. One of the comments on the Pennoni letter dated 8/12/19 asked that the applicant maintain a safe distance between storm and sanitary lines, which they have accepted.

He next went to Ex. 4.1 – Domestic and Prior Water Supply Utility Plan. They are proposing to bring in a fire line that will run on both the west and sought sides of the garage to allow them to provide necessary hydrants to maintain compliance to the structure. He stated that there is a small portion of Roadway H that needs to be realigned so that it does not interfere with the building.

He next went to Ex. 4.2 – Electric/Teledata. The garage requires storm and electric only. An electrical tie-in is on the north side of the building.

Ms. Gonchar asked if lighting issues were part of the previous approval and Mr. Procanik answered that it was but it was not part of the actual application, it was just presented. The lighting design is within the provided plans and he does not believe Pennoni had any comments.

Mayor Scarpelli asked if they were relocating fire hydrants and Mr. Procanik answered only a portion of the fire line was being relocated.

Mr. Arcuti stated that the railroad track running along the road should have an existing easement and he was wondering if the work being done on the road is going to interfere with the tracks. Mr. Procanik replied that it was not actually an easement but that it was owned by Norfolk & Southern and the work being done is actually on the outside of Norfolk & Southern property.

Mayor Scarpelli wanted to confirm that these are all internal roadways with no access to Kingsland. Mr. Procanik confirmed.

Commissioner Evans asked about the proposed striping to be done. He asked if there would be any chance of creating a green space there instead. Mr. Procanik stated that it was something they had looked into for the future but right now they do not think it is necessary. He also stated that they do not want to put in mountable or full curbing because they are planning to put in a loading dock in the back of the building. They do not want the curbs because delivery trucks parking at or on the curbs will make them unsightly in a short period of time.

Commissioner Evans corrected Mr. Procanik by stating that he was talking about the triangular piece of property along the one-way area close to Kingsland. He is wondering if there will be any consideration for making that a green space. Mr. Procanik answered that it was not part of tonight's application and he is not aware of any future plans of development in that area. He stated that that area would not come into play until they fully design the intersection.

Commissioner Evans stated that he is very concerned about the tenant that will be occupying Building 100 and he wants to make sure that the building frontage is appealing. He also wants to make sure that the backside of the building facing Kingsland is appealing to the residents on that

street. He asked if any of the current work/construction on the building has changed the building's footprint/size has been changed. Mr. Procanik said that no major changes have been made to the footprint, but there have been minor changes and they are working with Pennoni on all of these changes.

Ms. Gonchar stated that she has spoken with the construction team and they have promised her that what is currently being worked on was on the plans.

A Board Member had a comment regarding the delivery trucks and loading dock. He feels that the area needs to be buffered. He does not want to see delivery trucks constantly parked in the front of the building and he is wondering if there will be some type of landscaping that can be done such as the Forester mentioned in his letter. Mr. Procanik said there are only two destinations for vehicles – 100 and 200 Metro Boulevard, and there may be occasional cut-throughs. The majority of the traffic will be going to the garage. Deliveries will be necessary and they will be going to the back of the building, which is in front of the garage.

The Board Member stated that he wants the green space currently there not to be used as a dumpster location. He asked about the elevation between the railroad and proposed road. Mr. Procanik said the road is lower than the railroad. The Board Member asked if there was going to be a guardrail and Mr. Procanik advised the road was curved and there will be a fence. The Board Member asked what type of fence and Mr. Procanik answered a chain link or aluminum. The Board Member was hoping they would use some sort of screening so people would have to walk around that area. Mr. Procanik said that the fence would provide an aesthetic element to the area. The Board Member is concerned that that specific spot might get used for something else and that there would be no chance for it to stay a green space. Mr. Procanik pointed out that there is an opposite side of the railroad tracks that is Prism-owned and there could be additional landscaping opportunities there.

Ms. Gonchar stated that they were seeking preliminary approval so there will be an opportunity to come back with a final landscaping plan. She wanted to clarify that the sidewalk and landscape were done as part of the garage site plan approval. They split it so that this is the "cart way." They will present the sidewalk and landscaping running along the sidewalk approved as part of the overall landscape plan as part of the building site plan. The Board Member believes that there was some type of screening that was proposed between the garage and office building and he was wondering if that is still in play. Ms. Gonchar said yes and Mr. Procanik said nothing has changed regarding that. Ms. Gonchar stated that these roads were shown on the previous plans but they were not brought up for approval at that time.

Commissioner Evans was wondering what types of deliveries they would be expecting at the building, how often they would come and what size trucks they were preparing for. Mr. Procanik stated that since it was an office building they could probably expect infrequent deliveries from Fed Ex, UPS and Amazon. He stated that the loading dock can support a WB67 truck although they do not anticipate that size vehicle.

Mayor Scarpelli asked if there was a loading dock in the back of Building 200 and if there was room enough to back in. Mr. Procanik stated there was a small area for pull-ups only, and smaller delivery trucks were expected at that building.

Ms. Kristen Rothenberg, 39 Ernst Avenue, Bloomfield asked if the roads had lighting in the past. Mr. Procanik answered yes. Ms. Rothenberg asked what the adverse effect of the new lighting will be to the residents on the hill. Mr. Procanik said they are proposing dark sky friendly lightbulbs and the poles will be 16' with minimized spillage off-site.

Ms. Gonchar brought up the review letter and the striping of the area. She asked Mr. Procanik about his conversation with Mr. Hay and asked if the striping was the only change or if there were any other item modifications made? Mr. Procanik said storm sewer calculations have to be revised and he will provide the new calculations to Pennoni. Based on that change it eliminates Miscellaneous #2 in Pennoni's letter. All other comments in the letter have or will be addressed.

Mr. Kozyra brought up the issue of the landscape plantings that were previously approved. He stated that Mr. Linson did not get a chance to see the plan before he submitted his report. It was agreed that a meeting between Mr. Linson and the applicant's landscape architect would take place to allow Mr. Linson a chance to review the plan. This was a condition of the preliminary approval and such a meeting will have to take place before final approval by the Board.

Mr. Malfitano asked if a list of all the applications submitted could be provided to the Board members so that everyone has a record of exactly what has been done and what still needs to be done at the site. Mr. Procanik agreed to present such a list.

Todd Hay, Pennoni Associates, 24 Commerce Street, Newark, NJ was sworn in. He stated that he had a chance to review the plans and worked closely with the developer. Mr. Hay advised that the roadways, grading, layout, drainage and utilities still need to be approved. What has been provided by the applicant's engineer has been accepted. Changes made need to be part of the resolution for the Board's approval. Mr. Hay reviewed the proposed changes to the courtyard and he has given his approval for those changes and there is a 10/1/19 expected finish date.

Mayor Scarpelli asked Mr. Hay about the fire lines being relocated and was wondering if it is Nutley or Clifton Water? Mr. Hay believes it is on the Nutley side but he is not sure whose water it is since it is an internal line with direct connection to Jersey City and Passaic Valley. Mayor Scarpelli asked if they are concerned about flooding on Bloomfield Avenue and Mr. Hay said that they will be presenting a conveyance calculation so there will be no flooding.

Mayor Scarpelli asked about the sanitary sewer line drainage and Mr. Hay said they flow into the trunk line. He wanted to stress that they are only doing storm drainage at this time. Mr. Malfitano stressed his desire for a current status report and he wants to know what drainage changes have been made since all the previous applications. Mr. Hay agreed that a comprehensive report should be provided to the Board to show the status of the applications. Mr. Malfitano asked if the report would be presented at the final site plan approval hearing and Mr. Hay said yes. There are two months until the October 1 deadline and there may be small

changes yet to be made. Mr. Kozyra asked if the comprehensive plan can be supplemented going forward as additional phases are completed and Mr. Hay said yes.

Mr. Kozyra asked that Mr. Linson be allowed to review the landscape architect plans before the final site plan approval is made. Mr. Hay agreed to do that since the planting season is usually done by the end of September.

Mayor Scarpelli asked if they have looked into the turning radius of the one-way roadway for emergency vehicles. Mr. Hay said that he has spoken with Chief Cafone and he does not believe the Chief has any issues. Commissioner Evans stated that the fire chiefs are requiring a minimum of 20' widths. Mr. Procanik said that the one-way is 24', which is a big enough turning radius for both towns' fire trucks. Commissioner Evans wants to know if the building is going to be in a potential storm water flood zone and Mr. Hay said no. The building criteria has been met and tenation has been considered for the new medical building, and the remaining buildings were pre-existing. Commissioner Evans asked if there is going to be a monitoring system used for measuring storm/sewerage drainage into Nutley's system. Mr. Hay said the applicant has provided a report stating that there is enough tenation so the storm water will be captured on site. With regard to the sanitary drainage, they will come up with some way to look at the flows for collection in the township and surcharges. He stated that in-flows need to be reviewed and worked on.

Mr. Malfitano asked if all the proposed improvements have been upgraded to each building. Mr. Hay referenced the upgrades in Application #2 and stated that they are looking into future upgrades. Mr. Malfitano is concerned about how much drainage is coming from Clifton into Nutley. Mr. Hay stated that they review the flows regularly to make sure the flow rates are staying within the context of the original agreement. Mr. Malfitano asked if there are any retention/detention systems. Mr. Hay advised that in the medical building, yes. He stated that the roadways will have some detention.

Ms. Gonchar stated that this hearing was only for the roadway approvals and all other subjects brought up tonight will be addressed before the final site plan hearing. Since she was not in receipt of the Forester's comment letter she asked for a copy. She advised that she will review the letter with her client and respond accordingly.

Commissioner Evans brought up the issue of unpaid outstanding fees of approximately \$38,000. It is his understanding from the Redevelopment Agreement that bills are supposed to be submitted and paid. Any disputes of such invoices were to be discussed after payment was made. He wants there to be a compliance section in the resolution regarding payment. Ms. Gonchar said that she believes there was a misunderstanding of the Redevelopment Agreement but she will talk with her clients and satisfy the outstanding obligations immediately. Commissioner Evans stressed that any questioning of the invoices should not have delayed the payment of these obligations. He stressed that he is "not happy." Ms. Gonchar again stated that she will talk to the appropriate parties to get the outstanding fees taken care of immediately. Mr. Kozyra stated that he prepared a proposed resolution for tonight's hearing and once the Board reviews same it will be signed by all members. He stressed that this Board's resolution is

broader than most and if an applicant does not pay fees and costs associated with the property then the Township has authority to take appropriate action(s) and could suspend permits. He has put this information in the resolution and hopefully it will be approved and signed tonight.

All Board Members reviewed the Resolution with the payment stipulation and it was unanimously approved.

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

**Committee/Sub-Committee Reports**

None

**Public Comments**

None

The meeting concluded at 8:16 p.m.

The next meeting is scheduled for Wednesday, September 4, 2019 at 7:00 p.m.