

BAM
Approved
12/2/20

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, November 18, 2020**

A meeting of the Planning Board of the Township of Nutley was held via Zoom. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on November 28, 2019 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 November 4, 2020 meeting 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 November 4, 2020 Meeting Minutes was approved by the Board.

Old Business

None

New Business

Kingsland Street Elevated Pedestrian Bridge Hearing – 12/2/20

Mr. Kozyra confirmed that the December 2, 2020 hearing date was acceptable with the Board. He stated that he was going to follow-up with the Town experts to make sure that they received the application/paperwork and had a chance to review same and were also ready to proceed on the 12/2 hearing date.

Historic Preservation Committee Workshop

Jim Levendusky, Chairman of the Historic Preservation Committee, stated that the reason for this workshop was to make sure that the Board, as well as the Preservation Committee itself, understands the technical requirements that need to be met in the historical designation process. With the assistance of a PowerPoint slide show he is hoping to establish a standard process that both the Committee and the Board can agree upon. He hopes that the outline they have prepared made will help make application of the ordinance clearer.

First step in the process is obtaining owner consent for the property to be designated as a historic landmark. Notice of a Committee meeting(s) must be sent to the property owner(s) within 20 days of a public Committee meeting. If the Committee makes a designation and adopts a resolution to recommend the property to the Planning Board, the Committee sends a request to the Board with a proposed scenario and a completed application package for its review. If the Board sets a hearing date the property owner must be notified, via certified mail, within 20 days of the scheduled hearing date. If the Board approves the application a resolution must be drafted including findings of fact and a legal conclusion. If the resolution is adopted a copy must be sent to the Committee, the President of the Nutley Historical Society, and the owner(s) of the property within 10 days of the Board's decision. The resolution has to be filed with the Municipal Clerk and the decision has to be published. A publication notice must be sent within 10 days of the Board's decision.

Mr. Arcuti asked if the Committee's public meeting notice has to be sent to adjacent neighbors of the proposed property and Mr. Levendusky answered, "No."

Mr. Contella asked if the properties have to be privately owned and Mr. Levendusky answered that they can be privately or publicly owned.

Second step is the Application Form. Assuming the property owner gives his/her consent, this form has the mailing address of the owner(s), if different, tax record information and the Committee member sponsor's name. It would be the sponsor's responsibility to collect the information needed to satisfy the requirements to receive the historic landmark designation. The application will allow the Committee to find out if the so-called property owner is the actual owner or if the property is held in trust, if the owner is a sole owner or if there is more than one

owner, and if so, is the other owner jointly making the application. The Committee needs to know if there are any other interested parties or filed documents that could challenge the designation.

Mr. Del Tufo asked if the owner is always the applicant and Mr. Levendusky answered, "Yes."

Mayor Tucci asked if they envision the process starting with the owner approaching the Committee or someone recommending a property because if the owner is the one approaching the Committee then why does the Committee need to capture the consent on the application. Is this just for memorialization? Mr. Kozyra answered that in the past one of the problem areas was having consent. Some owners welcomed the designation, other owners were more guarded. Mayor Tucci stated that he understands if the property has multiple owners, but if it is a single owner he wants to know why consent must be captured. This presented a problem when looking for properties to be designated. Owner consent is now a paramount part of the process. Mr. Kozyra stated that with regard to performing a title search and filed mortgages, he suggests that the Committee limit their action to getting the property owner's consent, not a tenant's, so that the process would not become cumbersome. Mr. Levendusky replied that the Committee thought the Application Form would help organize the process, help capture the necessary information and for the record memorialize the owner's consent in a signed document. Mayor Tucci replied that he understands the Committee's perspective.

Mr. Del Tufo stated that he thinks doing a title search may be useful in finding out who previous property owners were during a specific historical period. Mr. Levendusky agreed that a title search would not only be beneficial on a legal basis, but would also help satisfy historical questions.

Commissioner Scarpelli asked who would be required to pay the title search fee. Mr. Levendusky stated that he doesn't really know, but he was hoping that it might be an expense that could fall under the Board's budget. Mayor Tucci stated that he was pretty sure that the Township would expect reimbursement of any such fees being paid by any Township Board. Mr. Levendusky asked if this was something that the Committee should bring before the Board of Commissioners and Mayor Tucci replied, "Yes. This way everyone understands exactly what the parameters are and what the reimbursement obligations could be." Dante Intindola, Committee Member, asked if this could possibly include mailings and administrative expenses and Mayor Tucci answered, "Correct." Sal Corvino, Committee Member, asked if they could also talk to the Commissioners about getting a budget approved for purchasing plaques to be affixed to the property when it is designated a historical landmark. Mayor Tucci stated that this was a good idea and the Committee should put together a budget for the Commissioners' review and consideration.

Third step is finding out exactly what the property owner is expecting or wanting to be designated as a historic landmark, *i.e.*, main building, attached structures, outbuildings, trees/landscaping. This part of the application allows for a level of detail that makes clear

exactly what elements are being requested for landmark designation. The next section of the form, as in the ordinance, lists all of the reasons that for a landmark designation. He feels this section should be the responsibility of the sponsor. It will allow any Board to see what qualifications the sponsor feels will qualify the property to get historic designation. Site plans or a current photograph can also be attached to this form as an appendix.

The next step is certification affirmation. There is no ambiguity. The signature on the document must be notarized.

Mayor Tucci asked if he envisioned the application being transferred to a physical register and an electronic register and Mr. Levendusky answered, "Yes. It could be posted on the municipal website." Sal Corvino stated that the Building Department should also be made aware of the designations.

In closing, Mr. Levendusky said he strongly feels that the new application will unambiguously capture the consent of the property owner, and it would create and enforce a standard as a repeatable process. It could also be used as a memorialization of the entire process.

After conversations back and forth between Mr. Levendusky and Mr. Kozyra, Mr. Levendusky stated that the Committee's directive is that only properties that have gone through the Board's designation process should receive the protection of the ordinance and if there are future generations that want to debate the technical merits of other language, that is left to them.

It was agreed by the Board that Mr. Levendusky's presentation was very well done and very informative.

Committee/Sub-Committee Reports

None

The meeting concluded at 8:12 p.m.

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