

Approved  
8/19/20  
BAK

**TOWNSHIP OF NUTLEY  
PLANNING BOARD MEETING MINUTES  
Wednesday, July 22, 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 July 16, 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 – Excused  
Mr. Kirk – Present  
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 8, 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 July 8, 2020 Meeting Minutes was approved by the Board.

An invoice for Barry Kozyra in the amount of \$800.00 for his attendance at the July 22, 2020 special meeting was approved by the Board.

**Old Business**

None

**New Business**

Mr. Kozyra stated that he spoke with Mr. David Berry who informed him that he knows of three applications in the process of preparing for hearings. None of the applicants will be ready for the

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.

August 5, 2020 meeting date. It was agreed that the August 5, 2020 meeting would be adjourned and rescheduled for August 19, 2020 and that Mr. Kozyra will speak with Mr. Berry to see if the applicants and the Board's needed experts can be ready for an August 19, 2020 meeting.

### **Continuation of Public Presentation of DMR's Report on Ciccolini Site**

Francis Reiner, Professional Planner with DMR Architects, was present at the meeting to present DMR's final report. He went through each lot inspection and the criteria that DMR deems each lot meets. DMR's recommendation is that all properties be deemed necessary for redevelopment without condemnation, except Lots 40 and 41

Mr. Arcuti asked if there would be an advantage to designating only the municipal lots. Mr. Reiner answered that he feels that there would be no advantage to going with only the municipal lots other than there would be no foreseeable litigation.

Ms. Kucinski asked if the sewer system needs to be upgraded and how will that be handled if the Board chooses rehabilitation on a portion of the area. Mr. Reiner answered that the rehabilitation designation allows for a developer to come in and make some physical improvements to the infrastructure and that would satisfy the rehabilitation criteria. The designation allows the Town to "require developers to do some of those improvements."

Mr. DelTufo asked which of the properties are necessary for effective redevelopment. Mr. Reiner answered Lots 26, 27, 31, 36-39.

Mr. Arcuti asked if the Board's function tonight was to decide on a designation to recommend to the Board of Commissioners and Ms. Tangorra replied yes. Mr. Arcuti asked once the Commissioners make their final decision is the process done or does the State/County have to get involved. Mr. Reiner answered that the Commissioners' designation would be submitted to the State. He stated that he has never heard of a case where the State did not adhere to a designation.

Ms. Tangorra wanted to confirm that what the Board is determining tonight is whether or not to recommend that the entire area be an area in need of redevelopment or just the areas that DMR designated. Mr. Reiner answered that the Board's recommendation could be on all or some of the properties. He stressed again that DMR's recommendation is that all of the properties, except Lots 40 and 41, meet the criteria for redevelopment without condemnation. Designating just the municipal lots could be a third option. Ms. Tangorra asked if the reason for just doing the municipal lots is because of the possibility for litigation delaying things and Mr. Reiner answered that he does not know the property owners or the Town history and he was trying to be conservative. He said if the Board feels that there will not be issues with any of the property owners then his recommendation would be to designate all of the lots, except 40 and 41. If the Board feels there could be litigation issues, then go with just the municipal lots.

Commissioner Scarpelli asked if the properties could be redesignated further down the road. Mr. Reimer answered yes. A new report would have to be done and the Board would then decide if the designation should be changed.

Mr. Malfitano asked if Lots 40 and 41 could be reclassified if a developer came in and contracted with those properties. Mr. Reimer answered that DMR does not feel those properties meet the criteria and therefore could not be redesignated.

Mayor Tucci asked about PILOT financing and what tools that would be provided for developers. Mr. Reimer answered rehabilitation would provide a 5-year abatement where redevelopment would permit up to a 30 year PILOT. The other tools will allow the Town to dictate what is built and how it is built.

Mr. Arcuti asked if the entire area was designated and a developer came in and buys a building and the parking lots can he approach other property owners sometime in the future. Mr. Reimer answered that a redevelopment plan would have to be created showing what requirements would be permitted. A developer could then come in and purchase a property and would have to make sure the criteria for redevelopment was met.

### **Public Comments**

John Sun asked if the Board went with designating only Lots 28, 29, 30 and 37 (municipal owned), why would the Town even need to change the designation on lots the Town already owns. He also asked what sort of incentive would there be for a developer if those properties were designated. Mr. Reimer answered that most of Mr. Sun's question does not pertain to tonight's meeting, but he stated that if a developer comes in to work on the Town owned properties the Town has greater control in terms of what can be done on those properties.

Matt Passero asked what the pros and cons would be for Lot 27 if it was designated for redevelopment. Mr. Reimer answered that designation for redevelopment without condemnation would not provide the Town the ability to take the property. If the zoning does not change the owner can function and have the uses they currently have. If the property is rezoned then it would allow for a developer to come in and seek PILOT financing with the Town. Basically he feels that there is no downside for redevelopment.

John Sun asked about a timeline once the State received the Commissioners' recommendation. Mr. Reimer answered that he believes there is a 45-day period.

Matt Passero asked if anyone had reached out to any of the property owners regarding this process and Ms. Tangorra answered that other than delivering and posting this and the last meeting notices there has been no direct outreach to the property owners.

John Sun asked if a property owner on Franklin or Hillside would be able to put a stop/delay in this whole process and Mr. Reimer answered yes.

Commissioner Scarpelli suggested that the Board should designate the municipal lots for redevelopment and all the other properties for rehabilitation.

A motion to recommend to the Board of Commissioners that the municipal owned lots only be designated for redevelopment was made and unanimously approved.

Mr. Malfitano – Yes  
Mr. Kirk – Yes  
Ms. Kucinski – Yes  
Mr. Del Tufo, Secretary – Yes  
Mr. Arcuti - Yes  
Mr. Smith - Yes  
Ms. Tangorra, Chair – Yes  
Commissioner Scarpelli –Yes  
Mayor Tucci – Yes

#### **Committee/Sub-Committee Reports**

None

The meeting concluded at 8:45 p.m.

The next meeting is scheduled for Wednesday, August 19, 2020 at 7:00 p.m.