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August 3, 2026

Township of Nutley Planning Board
1 Kennedy Drive
Nutley, New Jersey 07110

Attn: Jessica D'Onofrio

Re: 536–544 Washington Avenue – Proposed Industrial/Warehouse/Office Development
Preliminary and Final Major Site Plan
Block 1502, Lot 12 – M-O District

Dear Chairman and Board Members:

We are in receipt of the above-referenced development application filed by Galaxy Invest, Inc., which seeks preliminary and final major site plan approval to remove the existing on-site buildings and improvements and construct a new industrial/warehouse building with associated site improvements, parking, lighting, landscaping, utilities, and stormwater management facilities at 536–544 Washington Avenue, Block 1502, Lot 12. In connection with the above-referenced application, we have reviewed the plans and supporting documentation submitted with the application, which include:

- Preliminary and Final Major Site Plan for 536–544 Washington Avenue, prepared by MCB Engineering Associates, LLC, dated March 18, 2026, consisting of 10 sheets;
- Architectural Plans entitled "536–544 Washington Ave., Nutley, NJ, Zoning," prepared by Sanbar Design, dated March 17, 2026;
- Stormwater Management Plan for 536–544 Washington Avenue Project," prepared by MCB Engineering Associates, LLC, dated March 18, 2026;
- Application materials, zoning denial letter, and related supporting documents submitted with the application;
- Alternate Site Plan prepared by MCB Engineering Associates, LLC, dated July 19, 2026;
- Elevation Plan prepared by Sanbar Design, dated July 24, 2026;
- Rendering Plan prepared by Sanbar Design, dated July 24, 2026;
- Architectural Plan prepared by Sanbar Design, dated July 21, 2026; and
- Truck Turn Exhibit Set prepared by Lakeland Surveying, dated September 9, 2025;.

1. **Description of the Proposed Development and Compliance with Township Development Regulations**
   a. The proposed industrial/warehouse/office use is a permitted principal use in the M-O District. Based on the revised zoning denial letter issued by David Berry, Zoning Official, dated May 6, 2026, the application requires relief from Chapter 700, Article XIII, Section 700-94A(3), which permits each property to have no more than one driveway and one curb cut. The applicant proposes two driveways and two curb cuts.

b. The application also requires relief from Chapter 700, Article XIII, Section 700-94A(3)(b), which provides that curb cuts in all other districts shall not exceed 24 feet in length. The denial letter states that each of the proposed curb cuts will exceed 24 feet.

c. Based on our conversation with Mr. Berry, although the applicable variances arise from a section titled "Additional regulations on off-street parking for one- and two-family dwellings," the Township has long interpreted this provision to apply to non-residential applications because it is the only section of the Nutley Code that regulates driveway openings. **The applicant disputed the Zoning Officer's determination regarding the Code at the public hearing. In discussing this matter further with Mr. Berry, he informed me that he has consistently interpreted it this way for 18 years and indicated that his predecessor, Pat Indindola, treated it similarly for many additional years. For these reasons, we believe that variance relief is required.**

d. **Potentially for a non-compliant buffer area as improvements are located within required buffers**.

2. Planning Considerations

a. **Use.**

1. Use. Warehouses are a principal permitted use in the M-O District. Truck terminals are specifically prohibited in all districts pursuant to Section 700-39. **The definition of truck terminal at the time of application is, "[a]ny lot on which more than three trucks over 1½ tons' gross vehicle weight are parked overnight outdoors". This is a threshold issue pertaining to the permitted long-term use of the property.**

b. **Plan Changes**

1. **The applicant should discuss the submitted plan changes with the Board. While the applicant did not detail these changes in its response, it appears that the plan changes largely consist of increasing the warehouse component of the building from 24,740 square feet to 26,833 square feet, shifting the building to the north and west, eliminating the 5,354-square-foot mezzanine office area, expanding the size of the loading area, and likely making additional changes. In this regard, we note that the loading area remains the same distance from residential property lines; it was simply enlarged.**

c. **General.**

1. Operational testimony. As with all applications, we ask that the applicant provide operational testimony associated with the site, including, but not limited to, the anticipated number of employees, hours of operation, and the ability of the tract to accommodate vehicular, truck-delivery, and pedestrian traffic. The applicant should clarify whether the proposed building is being constructed on speculation or whether a tenant has been identified. If a tenant has been identified, the applicant should provide testimony regarding the tenant's proposed operations. The applicant should also clarify whether more than one tenant is anticipated at the site and whether the applicant seeks to operate the facility 24 hours per day. **The applicant indicated**

that the proposal is based on speculation, and accordingly, limited operational information was provided.

2. Performance standards. To what extent can the applicant demonstrate compliance with the Township's performance standards in Section 700-42 of the Zoning Ordinance, including standards related to noise, vibration, smoke, fumes, odors, dust, glare, heat, fire and explosion hazards, hazardous materials, waste, drainage, and other potential off-site impacts associated with the proposed industrial/warehouse/office use? **The building is proposed on speculation.**

3. Hazardous materials. The applicant shall clarify whether any hazardous materials will be stored on site. **We do not recall the applicant's position on this requirement. Testimony should be provided.**

4. Environmental constraints. General Note 5 on the site plans states that the property is located in FEMA Flood Zone "X," an area determined to be outside the 0.2% annual chance floodplain, per FIRM Panel 34013C0109G, revised April 3, 2020. The plans do not identify on-site wetlands, transition areas, riparian buffers, or NJDEP land use permit requirements. General Note 18 further states that subsurface environmental conditions were not examined or considered as part of the plans. **Continuing comment for advisory purposes only.**

d. **Circulation/Parking.**
   1. **Parking conformance. The 26,833-square-foot warehouse requires 9 off-street parking spaces, whereas the applicant proposes 19 striped parking spaces. Based on the submitted parking schedule, the proposed parking supply satisfies the Township's minimum parking requirement.**

   2. **Loading conformance. Pursuant to Section 700-102A, the ordinance requires one loading space for each 5,000 square feet of total floor area, or fraction thereof, for the first 10,000 square feet, plus one additional loading space for each 10,000 square feet of total floor area, or fraction thereof, in excess of the first 10,000 square feet. Based on the proposed 26,833-square-foot building, four loading spaces are required. The applicant provides four loading bays and therefore satisfies the ordinance requirement.**

e. **Lighting.**
   1. We have reviewed the lighting plan. The lighting schedule identifies Beacon Viper area/site fixtures and wall-mounted fixtures with a 3000K color temperature (warm white). The pole-mounted site fixtures are proposed at a mounting height of 15 feet above finished grade. The lighting general notes state that each site fixture will be equipped with NX wireless controls, integral motion and photo sensors, time-based dimming, dusk-to-dawn operation, 50 percent dimming after midnight, motion-activated return to full brightness, fixture grouping by lighting zones, and individual fixture addressability. The photometric plan shows minimal to no light trespass at the property lines, with most perimeter readings at or near 0.0 footcandles. From a

planning perspective, the proposed lighting levels and controls are acceptable. **Continuing comment.**

2. The submitted fixture information identifies low-profile LED area/site luminaires with specified optical distributions. The plans should be revised, or the applicant should provide testimony from the lighting professional confirming that all proposed site- and building-mounted fixtures are fully shielded/full-cutoff style fixtures and will be installed so that light is directed downward and does not create glare on adjoining properties or public rights-of-way. **Testimony was provided indicating conformance with these requirements.**

f. **Landscaping/Screening/Fencing/Walls.**

1. Buffer. The landscape plan recognizes an existing vegetative buffer screen along the southerly property edge and proposes to supplement certain "voids" with Green Giant Arborvitae planted at six feet in height. However, the plans also appear to reduce portions of the existing buffer area that currently provide noise and visual separation to the property to the south. The Board should evaluate with the applicant the extent of buffer removal, the proposed replacement plantings, and whether additional evergreen screening, berming, fencing, or other mitigation should be provided to preserve an effective year-round buffer. **The buffer area remains an area of disagreement between the Board and the applicant. The submitted turning templates indicate the need to remove a portion of the buffer area along the southerly property line based on the WB-67 truck used in the templates, which is 67 feet in length. From a planning perspective, additional buffering is warranted and encouraged despite compliance with the ordinance.**

2. Buffer 2. The applicant should also clarify whether the loading area and associated trucks will be visible from adjoining properties, particularly the properties to the south and east, and whether additional screening is necessary to reduce any visual impacts. The plans identify a proposed 1.25-foot retaining wall at the easternmost edge of the four-bay loading area. Consideration should be given to increasing the height of this retaining wall, or otherwise modifying the wall design, to provide additional visual screening and noise attenuation for adjoining properties. **Section 700-47 indicates that a buffer shall consist of an area set aside primarily for the purpose of reducing the impact of commercial, industrial, and parking lot activities on residential uses. Along the easterly property lines, the existing conditions plan depicts fencing and a block wall within the required buffer area, which limits the ability to plan landscaping in an already shallow area. In this regard, the buffer area does not appear to be compliant. The applicant submitted two renderings depicting visual images of the front area of the property. It was our understanding that the Board requested more information regarding the visual impact of the proposal on the southerly and easterly properties, including grade changes. We believe that this information is necessary to evaluate whether the proposed buffers will reduce impacts.**

3. Concrete barrier wall. The plans indicate, by note and detail, that a three-foot-six-inch concrete barrier wall section will be installed within the side and rear yard areas of the site.

The applicant should address this wall as part of its direct testimony, including its location, height, purpose, relationship to the loading and circulation areas, appearance from adjoining properties, and whether the wall is intended primarily as a barrier or guiderail. **Testimony was provided indicating that the wall will serve primarily as a guiderail.**

4. Front yard landscaping. The widening of the driveways and the installation of the new sidewalk will reduce the amount of green space and landscaping available within the front yard. For this reason, additional shrubbery and low-level landscaping should be provided along the internal sidewalk and within the front yard area to soften the streetscape, enhance the pedestrian environment, and offset the reduction in planted area. **The applicant removed the front parking lot and moved the building closer to the street. Based on the limited resubmission, which did not include a landscape plan, it is unclear how this area would be treated.**

5. Landscape plan. The submitted landscape plan proposes to preserve portions of the existing vegetative buffer screen along the southerly property edge and to fill identified "voids" with supplemental Green Giant Arborvitae. The planting schedule identifies 23 Green Giant Arborvitae for this purpose. The plan also identifies lawn areas in open portions of the site. The landscape plan notes that all landscape beds, planted areas, and sod/lawn areas, including isolated parking lot islands, are proposed to be serviced by an underground sprinkler irrigation system with an EPA-compliant WaterSense controller, rain sensor, soil moisture sensors, and cycle-and-soak operation. **Additional comments will be provided once the landscape plan is updated.**

6. The applicant should confirm the long-term maintenance responsibility for the proposed landscaping, including replacement of failed plantings during and after the two-year guarantee period identified in the landscape planting notes. **Continuing comment.**

g. **Architecture/Signs.**
    1. The architectural plans should be revised to identify the proposed exterior building materials. **Continuing comment.**

    2. The floor plan depicts limited information for the building. The architectural plans indicate that there will be 5,030 square feet of office space. Otherwise, an open floor plan is depicted for the warehouse area. **It appears that the office space was eliminated as part of this proposal.**

    3. The architectural plans identify proposed wall signage consisting of individual illuminated letters mounted on the building façade, with a total proposed illuminated sign area of approximately 145 square feet. Based on the submitted architectural zoning information, the proposed wall signage appears to conform to Nutley's sign ordinance; however, the applicant should confirm the final sign type, illumination method, and letter dimensions. **Continuing comment.**

4. Colorized renderings should be brought to the hearing, and the final plans should be amended to include the proposed color scheme. **An artistic-style color rendering was provided for the front of the building. Renderings depicting impacts to adjoining residential properties should be provided.**

h. **Trash**

1. Trash and recycling. The applicant shall clarify how trash and recycling will be handled on site and shall submit a recycling plan in accordance with Section 614-7. The applicant should confirm whether refuse and recycling will be stored entirely within the building, whether any outdoor collection area is proposed, and how collection vehicles will access and service the site without interfering with circulation, loading, or parking operations. **While testimony was provided that trash would be handled inside the building, two refuse dumpsters are now depicted near the southerly property line.**

2. Trash compactor. The applicant shall clarify whether a trash compactor is intended for the site. If a compactor is intended, the plans should identify its location, dimensions, enclosure, screening, access, and relationship to loading and circulation areas. If no compactor is proposed, the applicant should explain the intended refuse storage and collection method and confirm that the site can accommodate the operational needs of the proposed use. **Continuing comment.**

Should you have any questions, please contact us.

Very truly yours,



Planning Consultant

cc: Barry Kozyra, Esq., Planning Board Attorney
Dipti Raja, P.E., Planning Board Engineer
David Berry, Zoning Official
Benjamin Lindeman, Esq., Applicant's Attorney