TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, November 4, 2026

A Meeting of the Planning Board of the Township of Nutley was held. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on November 21, 2025, and posted on the Township website and at the Township of Nutley Municipal Building, One Kennedy Drive, Nutley, New Jersey.

Salute to the Flag

Roll Call

Mr. Malfitano – Present
Mr. Del Tufo, Secretary – Present
Mr. Smith – Present
Ms. Tangorra, Vice Chair - Excused
Dr. Marchese – Present
Mr. Koribanick, Mayor's Designee – Excused
Commissioner Scarpelli – Excused
Mr. Goitiandia - Present
Mayor Kelly – Excused
Mr. Contella, Alternate – Excused
Ms. Rempusheski, Present **(sat for Tangorra)**
Mr. Kozyra – Present
Mr. Arcuti, Chair - Present

Meeting Minutes

The Meeting Minutes for the October 21, 2026 meeting were approved by the Board.

Communications/Bills

An invoice for Gail Santasieri, in the amount of $150.00 for her attendance at and preparation of the October 21, 2026 Meeting Minutes, was approved by the Board.

Scheduled Future Hearings

437 and 441 Franklin Avenue - Preliminary/Final Site Plan Approval – carried to November 18 2026.

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.

New Business

437 and 441 Franklin Avenue - Preliminary/Final Site Plan Approval

Thomas DiBiase, Esq. appeared on behalf of the Applicant, Vintom, LLC, who is looking to build an attachment to the Nutley ShopRite in order to build a liquor store. Mr. Kozyra wanted it on the record that Mr. DiBiase did provide all of the required notices and both were marked and made a part of the record.

Joseph Frusceri, President of LoCurcio Family Markets, 427 Franklin Avenue, Nutley. He went over his job responsibilities and his ideas on how a liquor store will help to deal with the competition they have with Costco, Trader Joe's and Stew Leonard's, just to name a few. He also feels that the liquor store will be an added convenience to their customers. He stated that they are holding what is called a pocket license from a bar that was once located on Passaic Avenue. He would now, with the Board's approval, like to take that pocket license and use it at the proposed ShopRite liquor store. The location of the liquor store will be where the on-line shopping pick-up area is currently located. The pick-up spots will be moved to the front spots of the parking lot facing Franklin Ave, the closest spots to the building,

Mr. DiBiase brought up the traffic report submitted by the Town's traffic expert ("Klein"). Mr. Klein was not able to attend this hearing, but he had several questions he wanted addressed to Mr. Frusceri. Mr. Frusceri answered all the questions, basically in the positive, and he agreed to take care of any of Mr. Klein's recommendations (i.e., electric car chargers).

When asked what hours they plan the liquor store to operate, Mr. Frusceri stated that they would follow whatever the ordinance allows. When asked about the second floor space he replied that it will be for storage only.

Numerous questions and comments were made by the following Board members: Ms. Rempusheski, Mr. Malfitano and Mr. Arcuti.

Donald Shafa, Architect, 97 Chestnut Street, Rutherford. His credentials were accepted by the Board as an expert in the field of Architecture. He stated that the building will be two floors with a total of 10, 624 sq. ft. The ground floor will be the store and a sales area, there will be a staircase and personnel elevator on one side of the building, and a storage lift on the other to bring storage to the second floor. Mr. DiBiase asked him why there would be so much space between the two buildings and Mr. Shafa replied that they want the two buildings to operate independently. The new building would not be structurally tied into the existing building. When asked what would be between the two buildings, if anything, Mr. Shafa answered there will be a vertical gap and then a horizontal gap at the parapet level. At the vertical there will be a rubber expansion joint that is going to be fire retardant that will have a silicone seal on the vertical face, and on the top there will be the roof of the existing building that will go up to the wall of the new building that will be slashed in and will allow for movement laterally or vertically in the two structures. When asked how this will hold up he answered that commercial products made for this purpose will be used. The materials they are planning to use will complement the existing building, there will be similar

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colors, cultured stone and gray veneers, awnings, aluminum tubing and glass, etc. He spoke about the lift on the one side of the building for moving product up to and down from the second floor; with an elevator on the other side for employees. He also stated that the height of the new building will not impede the views of the residents living on the street behind the buildings (Ex. A7). When asked if in his professional option the new building will not negatively impact on the zone plan, he replied in the positive.

Numerous questions and comments were made by the following Board members: Ms. Rempusheski, Mr. Malfitano, Mr. Del Tufo and Mr. Arcuti.

David Fantina, Engineer**,** 15 Sunset Drive, Bernardsville, NJ. His credentials were accepted by the Board as an expert in the field of Engineering. When asked if he had a chance to review the Pennoni report he answered, "Yes." When asked if he would follow the terms of the report he answered, "Absolutely."

Numerous questions and comments were made by the following Board members: Mr. Del Tufo, Mr. Malfitano and Mr. Arcuti.

Connor Hughes, Traffic Engineer, 245 Main Street, Chester,, NJ. His credentials were accepted by the Board as an expert in his field. His traffic impact report (Ex. A5) was submitted to the Board on 10//22/26. The aspects of the report were trip generation, driveway access, internal circulation and Parking Department requirements. He used the Institute of Transportation Engineers Trip Manual for trip generation rates based on square footage; and he also relied upon land uses for liquor stores. In this case, having a liquor store as well as a food store there will be a big opportunity for customers to patronize both in one trip. He stated that he submitted his report to Mr. Klein who reviewed it and incorporated it into his report. He also ran a Capacity Analysis on the northern driveway and parking lot that will be used for the liquor store, and he found that with or without the addition of the liquor store traffic, the driveway effectively operated at the same level of service. He also confirmed that the overall site does meet the parking ordinance requirements, so no variance is required. In total, he feels very comfortable that the driveways will operate efficiently, safely, and the parking will be adequate to support the additional demand. He also stated that they will agree with any of the comments in Mr. Klein's letter. He went over an exhibit (Circulation Exhibit) that was submitted to the Board in a previous exhibit package It shows the maneuvering distance for delivery trucks in and out of the site and the dedicated loading dock (using a box truck). In his professional opinion he feels that this operation will run safely.

Numerous questions and comments were made by the following Board members: Mr. Arcuti, Ms. Rempusheski, Mr. Del Tufo and Mr. Malfitano.

Sal Corvino, Planner, 111 Brookfield Avenue, Nutley. He was recognized by the Board. He reviewed Mr. Ricci's report and submitted one of his own. He feels that the addition of the liquor store will provide an enhancement to the neighborhood. He stated that the materials used will upgrade the façade and will blend nicely with the façade of the existing building. He also stated that the traffic improvements (i.e., sidewalks and islands), the addition of charging stations are positive additions. The neighboring residential properties are elevated over the building so they

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will not have any blockage of the natural light, there will be no increase of water runoff from the property, the safety features of the crosswalk and driveway will not be affected. He stressed that from a planning standpoint there is no negativity, it is a vast improvement.

Numerous questions and comments were made by the following Board members: Ms. Rempusheski, Mr. Del Tufo, Mr. Arcuti and Mr. Malfitano.

Richard Procanik, Pennoni Engineering, 1085 Raymond Boulevard. Newark. He was recognized by the Board. He went through his review letter item by item, and the Applicant agreed with everything and also clarified any needed verifications.

Numerous questions and comments were made by the following Board members: Mr. Malfitano.

Due to the need for testimony from experts not at tonight's hearing, this matter has been carried to the next meeting date – November 18, 2026.

Old Business

None

Workshop Issues

None

Committee/Sub-Committee Reports

None

Counsel's Report

None

Public Comments

None

Online Attendees: 0

The meeting concluded at 9:07 p.m.

The next meeting is scheduled for Wednesday, November 18, 2026 at 7:00 p.m. at Town Hall, Commission Chambers, 3rd Floor

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