

Approved
BAC
10/3/18

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, September 19, 2018**

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 14, 2017.

Roll Call:

Mr. Contella - present
Mr. Malfitano - present
Ms. Castro - present
Mr. Kirk - excused
Mr. Greengrove - present
Ms. Kucinski - present
Mr. Algieri - excused
Mr. Del Tufo, Secretary – present
Mr. Arcuti, Vice - Chairperson - present
Ms. Tangorra - Chairperson - present
Mr. Kozyra - present
Commissioner Evans - excused
Mayor Scarpelli - present

Meeting Minutes:

The Regular and Executive Session Meeting Minutes for August 29, 2018 and September 5, 2018 were approved by the Board.

Invoices:

An invoice for Debra Fontana for attendance and preparation of the September 5, 2018 Meeting Minutes was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through July 22, 2018 for the Roche Site Roadway Inspection was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through July 22, 2018 for the Roche Site Roadway Redevelopment project for 26.5 hours was approved by the Board.

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.

A dated invoice previously approved- original invoice misplaced for Pennoni Associates, Inc. for professional services to the planning board for the Roche Site Roadway Redevelopment project was again approved by the Board.

A dated invoice previously approved- original invoice misplaced for Pennoni Associates, Inc. for professional services to the planning board for the Seaton Hall Medical Site Plan Review was again approved by the Board.

Correspondence:

Correspondence from the Hudson-Essex-Passaic Soil Conservation District regarding property location 76 Prospect Street. This is not an application that came before the Board, but with respect to requirements of that district as to an application made by the property to have landscaping done at said property, date July 30, 2018 and August 22, 2018.

No action is required by the Board

Hearings Schedule:

212 Hancox Avenue Application

Mr. Kozyra addressed the Board that the hearing for this property will be rescheduled because there was inconsistency between the hard copy and electronic copy of the plans. The Applicant was contacted about the discrepancy issues and understood the problem. Applicant asked to meet with Mr. Berry concerning the application. Applicant would like an adjournment of tonight's hearing and waive all time contracts pending rescheduling another meeting date.

Mr. Berry met with Applicant's counsel and the professionals involved in this project. They have reviewed the plans. All plans will be revised so they are consistent. No additional variances are expected to be required except that what was in the original denial letter. Plans are expected next week and will be provided to Mr. Hay, and Mr. Ricci to get their reports.

Mr. Kozyra advised the board that a new hearing is sought for October 17, 2018, all Board members approved.

Mr. Kozyra will notify the Applicant of the new meeting date. Mr. Kozyra states the meeting tonight regarding 212 Hancox Avenue is adjourned. Mr. Kozyra advised that the public and neighboring property owners will not be given hand delivered notice. The only notice will be a published notice.

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Resolution
Preliminary and Final Subdivision
PB Nutcliff Master, LLC - 340 Kingsland Street

Mr. Kozyra is confident that the resolution does reflect everything the Board discussed and the various conditions of the application. Mr. Kozyra submitted resolution to Mr. Hay for input and he thought the resolution is fine.

Mr. Kozyra circulated a copy of the Resolution to the Board for their review. Mr. Kozyra highlighted Preliminary and Final Resolution.

- The Applicant properly noticed the application and identified the property
- The Applicant is proposing to create a new parking garage, and a total of 5 lots, the Board focusing on 3, 1 each for the two buildings and 1 for the parking deck and the other 2 for roadway purposes only (not buildable lots)
- The Resolution describes the lot sizes and land use history
- The resolution identifies various variances as to lot depth, a zero-foot setback and height of décor to screening walls.
- The resolution includes parking deck project height, number of spaces involved, and identifies witnesses and exhibits for the Applicant
- The resolution identifies the reports provided by Board witnesses Engineer Todd Hay, Planner Paul Ricci, Forester John Linson and Deputy Fire Chief Paul Cafone

Mr. Kozyra indicated a stipulation to incorporate the recommended reports in all new plans. Mr. Kozyra also put in as a condition that the Applicant will have to meet with Mr. Linson and discuss the landscaper plan and follow his recommendation as to the landscape plan. Applicant must comply with all reports and testimony as noted. There is an additional requirement for future off site-site storm water, water and sanitary improvements. The Applicant must comply and meet all stipulations. Final approval will always be subject to the continued oversight of the Township.

Mr. Arcuti made a motion to approve the Preliminary and Final Subdivision seconded by Mr. Greengrove, and granted by the Board.

Preliminary Site Plan Resolution
PB Nutcliff Master, LLC - 340 Kingsland Street

Mr. Kozyra did not submit the Preliminary Site Plan Resolution to Mr. Hay or Mr. Ricci because it is preliminary.

Mr. Kozyra circulated a copy of the Preliminary Site Plan and provided a summary description as follows:

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- Applicant seeking 7 level parking deck – Mr. Kozyra states if Applicant seeks a 6 level deck, Applicant will have to come back to the Board with an application.
- There are improvements that for the other two lots and the existing buildings and decorations that are part of drawings that were presented to the Board. Mr. Kozyra added as a condition that they have to use material, design and colors as submitted in exhibits.
- The Resolution addresses the various witness and exhibits who testified for the Township.
- The only deviations requested were in the Landscape report which Mr. Ricci indicated were acceptable but will be reviewed with the Forester after meeting with their expert.
- Garage ingress and crash bars are to be marked with maximum height.
- The approved storage areas in the garage are limited in use to Ralph Lauren and Co.
- The Construction Official shall issue any requested permits, temporary certificate of occupancy and other approvals as may be deemed necessary prior to any final site plan approval as long as there is substantial compliance. This is to alleviate any concern about slowing or stopping the project as building continues.

Mr. Arcuti made a motion to approve the Preliminary Site Plan Resolution, seconded by Mr. Greengrove, and granted by the Board.

Mr. Kozyra advises the only members who signed and approved the resolutions are those who were present for both meetings.

Other Board Business

The Board asked the Mayor about the mixed use density ordinance and the Mayor advised the next public hearing was scheduled for October 2, 2018. The Mayor stated the Commissioners still had some questions and that it may not be approved on the October 2, 2018 meeting.

Public Comments:

There were no Public Comments.

The meeting concluded at 7:35 p.m.

The next meeting is scheduled for Wednesday, October 3, 2018 at 7:00 p.m.

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