

Approved.  
BKK  
2/7/18

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, January 17, 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. Kucinski - present
- Mr. Kirk - present
- Mr. Greengrove - present
- Mr. Algieri - present
- Mr. Del Tufo, Secretary - present
- Mr. Arcuti, Vice - Chairperson - excused
- Ms. Tangorra - Chairperson - present
- Mr. Kozyra - present
- Commissioner Evans - present
- Mayor Scarpelli - present

**Oaths of Office:**

Commissioner Thomas J. Evans was sworn in as a Member of the Board, Class III.  
Jason M. Kirk was sworn in as a Member of the Board, Class II (effective January 1, 2018 - December 31, 2018)

**Meeting Minutes:**

Meeting Minutes for January 3, 2018 were approved by the Board.

**Invoices:**

An invoice for Debra Fontana for attendance and preparation of the January 3, 2018 Meeting Minutes was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through November 26, 2017 for the Roche Redevelopment Project 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.

**Correspondence:**

Correspondence from David Antonio, P.P., AICP, County Planner from the County of Essex Department of Public Works dated January 10, 2018 stating the application for 551 Centre Street was approved at the Essex County Planning Board meeting held on January 9, 2018 with the following conditions:

All deteriorated curbing and sidewalk fronting the site along Centre Street shall be replaced. The County's roadway inspector shall be the determining authority.

Sight triangles and sight profiles shall be shown on the plans for the proposed driveway onto Centre Street.

A maintenance schedule for storm water drainage facilities shall be shown on the plans including the name of responsible party.

The following two notes are to be placed on the plans:

A permit is required from the Office of the County Engineer prior to beginning any work along Centre Street.

All work within the County Road Right-of-Way shall be according to Essex County Standards.

No action required by the Board.

**Site Plan Application  
Parking, Streets and Roads at  
Seton Hall Medical School Resolution  
(Approved - Vote 7 - 0)**

Mr. Kozyra addressed the Board stating that he distributed to the Board a copy of a revised Preliminary Site Plan Resolution for their review. The Resolution is a product of comments and suggestions made by the Applicant through counsel, the Board, as well as John Inglesino, who is Special Counsel to the Commissioners. Mr. Kozyra also stated that the Resolution is not substantially different than the last version that was reviewed except for a few redlined paragraphs.

Mayor Scarpelli made a motion to move the Resolution, seconded by Mr. Algieri.

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After making the motion Commissioner Evans inquired of Mr. Coakley, the attorney for the applicant, regarding any progress from Seton Hall University and Hackensack Meridian Health.

**Kevin Coakley, Connell Foley, Attorney for  
Applicant Kingsland Street Urban Renewal, LLC**

Mr. Coakley responded to the Board that the update question will be best answered by Charles Liebling, attorney for Hackensack Meridian Health.

**Charles Liebling, Windels, Marx, Lane & Mittendorf, LLP  
Attorney for Hackensack Meridian Health**

Mr. Liebling reminded the Board that by way of background Hackensack Meridian Health is one of the two members of the applicant, Kingsland Urban Renewal. The other member is Seton Hall University.

Mr. Liebling stated that Kingsland is working with the Township to secure execution of the First Amendment to the Redevelopment Agreement. The existing Redevelopment Agreement sets forth the obligations of Kingsland to develop the property. The First Amendment to the Redevelopment Agreement addresses the Kingsland parking for the project. The First Amendment to the Redevelopment Agreement would permit Kingsland to seek construction of 462 permanent surface spaces, 55 on street parking spaces and 196 temporary surface spaces. It also requires Kingsland to pursue the development of a parking garage in Clifton to accommodate a planned relocation of the 196 temporary parking spaces, and finally it provides 196 “banked” parking spaces, a term used for reserved parking spaces in Nutley (located directly in front of the medical school building) that will be used for the Applicant’s surface parking in the event the parking garage cannot be built.

Mr. Liebling stated that under the language of the First Amendment to the Redevelopment Agreement regardless of what happens with the garage in Clifton, the triangular portion of the campus located on Kingsland, south of Medicine Way cannot be used for surface parking. Once the First Amendment to the Redevelopment Agreement is signed by Kingsland, Kingsland would come back to the Board with an amended site plan seeking to implement the new parking arrangement.

In order for Kingsland to take any action, the governing Boards of both institutions need to approve the action. The First Amendment to the Redevelopment Agreement needs to be presented to those governing Boards for approval. At the time the Redevelopment Agreement was prepared and submitted for Board action, there was no agreement between Seton Hall and Hackensack as to how the parking garage would be designed, financed, used, operated or maintained. Once the First Amendment to the Redevelopment Agreement was drafted and the

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terms agreed upon by the Township, Hackensack Meridian Health and Seton Hall started working right away on the parking garage. An agreement between Hackensack Meridian Health and Seton Hall sets forth how the two entities will interact in regard to the development and operation of the parking garage. Mr. Liebling stated that the lawyers and the senior staff of Hackensack Meridian Health and Seton Hall have finished that document, and can go before the governing Boards of Hackensack Meridian Health and Seton Hall. The parking agreement and First Amendment to the Redevelopment Agreement will be delivered by senior management of Hackensack Meridian Health and Seton Hall to their respective governing Boards, and if the agreements are acceptable, the Boards will approve them. Following those approvals, Kingsland will execute the First Amendment to the Redevelopment Agreement and return to the Planning Board to seek an amendment to the Preliminary Site Plan Resolution.

Mr. Liebling believes that Kingsland will be back before the Board by March 2018 at the latest, to obtain approval of the site plan for surface parking that can be built and completed in time for the school to open.

#### **Board Vote on the Preliminary Site Plan Resolution**

Mr. Contella - Yes  
Mr. Malfitano - Yes  
Mr. Algieri - Yes  
Mr. Del Tufo, Secretary - Yes  
Ms. Tangorra - Chairperson - Yes  
Commissioner Evans - Yes  
Mayor Scarpelli - Yes

#### **Hearing Schedule:**

Mr. Kozyra advised the Board that he was made aware of a potential mixed use application with commercial on the first floor, and apartments with respect to a property located at 367 Franklin Avenue. The Applicant's counsel said he was going to be making an application, but the Board has not received it. Customarily, the Board does not schedule a hearing until the Board has the application materials because the Board will need to review and determine what experts and reports are going to be needed. Mr. Kozyra has been told that this is a significant application but at this time cannot be scheduled without the application, but wanted the Board to be aware that the application will be coming.

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**Revise Agenda - Public Comments**

(Approved - Vote 8 - 0)

Mayor Scarpelli addressed Mr. Kozyra that he received a request at the January 16, 2018 meeting of the Board of Commissioners asking if the Public Comments section on the Board's Agenda could be stated broadly as Public Comments (related to the Board's business), instead of Public Comments on Agenda Items Only.

Mr. Kozyra stated he is fine with the change, but that the change should be decided by the Board. Mayor Scarpelli made a motion, Commissioner Evan seconded and the Board agreed by a vote of 8-0 to change the language on the Agenda from Public Comments on Agenda Items Only to Public Comments.

**Public Comments:**

No Public Comments.

The meeting concluded at 7:18 p.m.

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

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