

Approved
3/1/18

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, February 7, 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 - present
Mr. Greengrove - present
Ms. Kucinski - present
Mr. Algieri - present
Mr. Del Tufo, Secretary - present
Mr. Arcuti, Vice - Chairperson - present
Ms. Tangorra - Chairperson - excused
Mr. Kozyra - present
Commissioner Evans - present
Mayor Scarpelli - present

Oaths of Office:

Lorraine Kucinski was sworn in as a Member of the Board, Class IV - effective January 1, 2018 through December 31, 2021.

Lorraine Castro was sworn in as a Member of the Board, Class I Member - Mayor Designee - effective January 1, 2018 through May 10, 2020.

Meeting Minutes:

Meeting Minutes for January 17, 2018 were 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.

Invoices:

An invoice for Debra Fontana for attendance and preparation of the January 17, 2018 Meeting Minutes was approved by the Board.

An invoice for New Jersey Planning Officials for Jason Kirk's mandatory training was approved by the Board.

Correspondence:

Correspondence from Matthew J. Ward from the Hudson-Essex-Passaic Soil Conservation District to Dr. Michael Russ dated January 11, 2018, regarding the review of the soil erosion and sediment control plan pertaining to the property located at 551 Centre Street was reviewed by the Board. Mr. Ward reports that the plan meets the standards for Soil Erosion and Sediment Control.

No action required by the Board.

**Site Plan Application
Parking, Streets, and Roads at
Seton Hall Medical School Resolution**

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

Mr. Coakley stated that the Resolution that the Board adopted requires Kingsland to come back to the Board before they pave the parking areas. Prism Capital Partners, the owner of the property and the common roadways, has an approval to develop the commons roadways. Prism would like to confirm that they can pave the commons roadways in full and that they are not subject to the same limitations as Kingsland. Ms. Gonchar, counsel for Prism was present at the hearing and addressed the Board for clarification and confirmation.

**Meryl Gonchar, Sills Cummins & Gross, P.C.
Attorney for PB Nutclif, LLC, Prism Capital Partners LLC**

Ms. Gonchar addressed the Board that she represents PB Nutclif, LLC referred to as Prism Capital Partners, LLC. As Mr. Coakley indicated, it is the understanding that the Board will allow construction to commence and the paving of the interior roads. She stated that they are simply seeking confirmation that the Resolution was adopted with the understanding that Prism is not subject to the same restriction as Mr. Coakley's client.

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Mr. Arcuti and Mr. Kozyra agreed that the Resolution is adopted that the parking area is the only area restricted for paving. Kingsland must return to the Board to seek an amendment. As of this date there has been no request submitted to the Code Enforcement Department. Mr. Kozyra confirmed with Ms. Gonchar there is no limitation in paving the interior roads.

Hearings Schedule:

Joint Meeting with the Zoning Board of Adjustment and Board of Commissioners

The joint meeting with the Zoning Board of Adjustment and the Commissioners has been scheduled for February 28, 2018.

Mayor Scarpelli stated that he received a request from Ms. McGovern, Attorney for the Zoning Board of Adjustment for the joint meeting to be held in a different venue. Mayor Scarpelli is currently working on different locations that will accommodate forty members of the Boards along with the public.

367 - 371 Franklin Avenue Application

Mr. Kozyra addressed the Board regarding the 357 Franklin Avenue application and confirmed that the Board has received a copy of the application and the plans. He advised that a conference call was conducted with Board Engineer Todd Hay, Ms. Tangorra and Mr. Arcuti to discuss the scheduling of the hearing, any requested reports and that all reports would need to be distributed prior to the hearing so the applicant, the Board and any member of the public can review same prior to the hearing.

Mr. Arcuti addressed the Board stating that during the conference call it was recommended that the Board would need a Community Impact Report and a Traffic Study Report. He said it is important that the information contained in these reports is accurate to include the traffic when school is in session, along with the increased traffic on a Saturday near the post office. They also discussed a Viewshed Analysis, which will analyze what will be visible from the front of the property, the adjacent properties and the rear of the property. It was noted that no renderings were received, which is a requirement for the Code Enforcement Department. The Board will need the renderings, so they can review how the building will look with the neighboring buildings.

Mr. Kozyra confirmed there are no variances noted in the application, but the Board and the experts will have to review the application and confirm that no variances are needed.

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Thomas S. DiBiasi, Attorney for Applicant
S&S at Valley, LLC/North American Eagle Construction

Mr. DiBiasi thanked Mr. Arcuti, Mr. Kozyra and the members of the Board. Mr. DiBiasi addressed the Board stating that he represents the Valley National Bank project and believes that it is important to proceed in a deliberate and transparent manner. He stated that the renderings are about two weeks away, which will depict all four sides. He said you will be able to review the front elevation, the rear from Hillside Avenue and north and south on Franklin Avenue.

He stated that he did not have Joseph Staiger, the Applicant's Traffic Engineer do a pedestrian count and agrees it is an excellent suggestion. Mr. DiBiasi will contact him and have him do a pedestrian count. He told Mr. Staiger to do a traffic count from on a Tuesday, Thursday, and Saturday and in the morning, noon and night. He has not had a chance to review the report that was distributed at 5:00 PM, but trusts that Mr. Staiger has submitted that information. Mr. DiBiasi understands the need for the Community Impact Report, and with the Board's permission will work with the Board's counsel on what is included in that report with counsel's suggested bullet points.

Mr. DiBiasi also addressed the "elephant in the room" and said he realized that his proofs must be objective and clear. He will do his best to do that and there will be no "spinning" with our experts.

In addition, Mr. DiBiasi stated that Mr. Meka has been the largest real estate developer in Nutley since 2006. He has requested that Mr. Meka's management company provide the number of certified Affidavits of Residence prepared for every child in his buildings that attend Nutley schools. Mr. DiBiasi stated that there were some other developers that were interested in this project and he was pleased that Mr. Meka was the winning bidder, as opposed to another developer that has never done any projects in Nutley.

Mr. DiBiasi anticipates a large turnout at the hearing from the community with most of the turnout people who are not living 200 feet from the project. He is aware of what their concerns are going to be, and will let those citizens speak. He trusts that the public will be objective and listen to the testimony of the town's experts and the applicant's experts.

The 367 Franklin Avenue application was tentatively scheduled for April 11, 2018, subject to the Board timely receiving all the reports from the applicant and the Township experts.

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Public Comments:

Neil S. Henning and Michael Odria addressed the Board with their questions and concerns.

The meeting concluded at 7:49 p.m.

The next meeting is scheduled for Wednesday, February 28, 2018 at 7:00 p.m.

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