

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, May 2, 2018**

MA
5/15

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 - present
Mr. Kozyra - present
Commissioner Evans - present
Mayor Scarpelli - present

Meeting Minutes:

The Meeting Minutes for April 11, 2018 were approved by the Board.

Invoices:

An invoice for Debra Fontana for attendance and preparation of the April 11, 2018 Meeting Minutes was approved by the Board.

An invoice for Barry Kozyra for attendance at the Special Meeting on April 16, 2018 regarding the Kingsland Amendment Application 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.

Hearings Schedule:

The hearing for the property located at 212 Hancox Avenue has been scheduled for May 16, 2018.

The Historic Preservation Committee hearing for Ruth Bedford's property has been scheduled for June 6, 2018. Ruth Bedford has agreed and requested that her property be given the first historic preservation designation by the Township.

Kingsland Site Plan Amendment #1 Hearing

Kevin Coakley, Esq., Connell Foley, LLP
Attorney for Kingsland Street Urban Renewal, LLC

Mr. Coakley addressed the Board that back in January the Applicants were before this Board and granted preliminary site plan approval. There were two different aspects of that application. The first part was the site plan for the Seton Hall Medical School, the Seton Hall College of Nursing and the Seton Hall School of Health and Medical Science. These three schools would be occupying Buildings 123 and 123A on the site. In addition, PB Nutclif Med and PB Nutclif Master, LLC were part of the application that included the construction of the roadways surrounding the site.

Mr. Coakley advised the Board that in attendance at the hearing were representatives from Kingsland Street Urban Renewal, LLC and Hackensack Meridian Health. In addition, representatives from Prism Capital Partners, LLC, and their attorney Meryl Gonchar were present, along with their expert witnesses Stephen Powers and Richard Procanik from GreenbergFarrow.

Mr. Coakley stated that since the preliminary site plan approval Kingsland has filed an application to resolve some of the issues that were still open. This application was filed within the four months required as a condition of the January 2018 Preliminary Site Plan Resolution. In April Hackensack and Seton Hall, through Kingsland Street Urban Renewal delivered an Amendment to the Redevelopment Agreement with the Township of Nutley that dealt primarily with the parking issues that had been the subject of numerous discussions. Kingsland has also delivered a letter from the City of Clifton indicating the City would give Kingsland the right to use Clifton for temporary parking in connection with the medical school facility. Another major development is that the interior construction of the Nutley site has been completed. Temporary Certificates of Occupancy have been issued by both municipalities with certain limitations and conditions. One of the conditions in Nutley's Certificate of Occupancy is that it does not allow occupancy until the paving is completed which is a condition which Kingsland seeks to have removed in the presentation.

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.

The Amendment to the Redevelopment Agreement provides a 196 space temporary parking lot, and a 467 space permanent parking lot. In the unlikely event that Clifton does not approve the garage, the 196 temporary parking spaces will become permanent.

Mr. Coakley stated that in this application, they will be asking for an amended approval to allow Kingsland to start paving immediately since the schools are about to occupy the premises.

Public Comments

No Public Comments.

John DiGiacinto, Senior Project Manager **Langan Engineering and Environmental Services, Inc.**

Mr. DiGiacinto stated that the lower part of the property (Lot 1.01) is a 196 space temporary parking lot. The next lots (1.02, 1.03 and 1.04) have 467 permanent parking spaces. Lots 1.02, 1.03 and 1.04 were reduced from 582 parking spaces to 467 parking spaces based upon the agreement with the Township. Mr. DiGiacinto stated that there is a small lot just east of the buildings that has eight parking spaces, and a “future garage lot” with 357 parking spaces. There is an existing lot that fronts Route 3, and is just east of the access of Route 3 to the former Roche property that has 705 parking spaces. With the addition of the parking garage, there will be an additional 1400 total parking spaces. All of the lots have been approved by the Clifton Planning Board.

Mr. DiGiacinto stated that under the Redevelopment Agreement the amount of impervious coverage is 85% for the entire Phase One portion with each municipality overall. The overall impervious coverage for Phase One in Nutley is just below 60%, which is 25% lower than the maximum allowable amount. The Applicant has agreed to include a bike rack and will monitor the need and usage. The Applicant has agreed if there is a need for more bike racks, they will gladly put more on the site.

Mr. DiGiacinto stated that 5% of the parking area in the parking lot, which is over 20,000 square feet, is required to be landscaped. He confirmed that they have exceeded 5%. In the lot with 467 parking spaces, there are sixteen trees in the parking aisles, and they will be increasing that number of trees and installing twenty trees in the very near future. The existing trees along the building will remain, and there are nine trees being planted along Kingsland Avenue to extend the existing vegetation in the area. With the removal of the temporary parking lot in approximately two years, we will be gaining well over an acre of impervious lawn area. There will be some smaller plantings around the parking lot which will screen in the headlights, and the front of the building will continue to be landscaped and maintained.

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.

Public Comments

No Public Comments.

Meryl Gonchar, Esq., Sills Cummis & Gross, P.C.,
Attorney for PB Nutclif Med, LLC and PB Nutclif Master, LLC

Ms. Gonchar addressed the Board that stating she is representing PB Nutclif Med, LLC and PB Nutclif Master, LLC, (together referred as “Prism”), and will be discussing the proposed amendment as to the common roadways and some of the utilities.

Steven Powers, P.E.
GreenbergFarrow

Mr. Powers stated that GreenbergFarrow is the engineer for Prism, and responsible for the roadway and infrastructure. There have been some minor revisions to prior plans, and most of the changes have occurred in the Clifton municipality. Some of those changes are a disconnection of Isabella Street from Ideation Way, and the installation of a new sanitary sewer lateral in Ideation Way. The lateral will connect into a Prism owned 30’ sanitary line at Kingsland Street and Ideation Way to accommodate possible future development in the area. He stated that there is a significant grading drop between Ideation Way and Kingsland that has been modified to accommodate electrical duct banks. Additional grading is provided to support the realignment of the drive aisle for Building 102 from Ideation Way. Prism does have an old agreement with Roche, Clifton, and Nutley for maintenance of the conveyance line that needs to be revisited. Prism will also have to revise a sewerage meter for the Nutley line that is no longer working or connected.

He stated on the site there will be an access route from the rear of Building 123 for emergency vehicles and it will provide for proper turning of emergency vehicles. They have increased the area directly behind Building 123 so they can effectively come in, turn around and head back out to Metro Boulevard.

They initially proposed three parallel parking spaces on Ideation Way. These spaces will be taken out. After further review there was a determination that there may be a safety issue since the spaces are too close to the “T” section. An eight-inch sanitary line was added on Ideation Way, and a new manhole access was provided over the Prism private line. This would not be connected to the Nutley line and has been added for any new potential development.

Prism is proposing and constructing an electric duct bank. The sewer line is very deep along the property, so while they were building along Ideation Way Prism wanted to make sure it would not have to go back at a later time and undermine any potential work with the electric duct banks causing potential damage.

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.

Mr. Powers also stated the number of street trees that were initially proposed were approved by the Board and have remained the same. There are no street trees on the sides of the street due to the slope being so steep. They did propose street trees along the western side but did not propose any trees on the approach to Kingsland. If any future development were done the trees would be addressed at that time.

Public Comments

No Public Comments.

Todd Hay, Planning Board Engineer

Mr. Hay issued two letters dated March 28, 2018 and April 20, 2018. The March 28, 2018 letter is a review of the first set of plans submitted on February 15, 2018, and then revised in March 2018.

Mr. Hay stated that the proposed changes in Nutley are the construction of an eight-inch sanitary sewer extension line on Ideation Way. It will provide a sanitary sewer service connection to any future development, relocation, and realignment of the proposed storm sewer along Ideation Way. In addition, the drive aisle off Ideation Way providing access to Building 102 parking lot has been modified. The curbing has been realigned to provide a straighter drive aisle adding four additional parking spaces to the parking lot of Building 102. The demolition of a portion of Building 102 parking lot includes curbing, asphalt and relocation of existing site lighting.

Mr. Kozyra stated that he had circulated a draft Resolution to Mr. Hay and Mr. Ricci, in hopes of getting the Resolution signed at the hearing. Mr. Kozyra acknowledged and thanked Mr. Ricci and Mr. Hay for their quick response and their comments. Mr. Hay had indicated to Mr. Kozyra that he has not reviewed any alternative designs for the expansion of the 467space parking lot into a 663 space parking lot. Mr. Kozyra assumed this is due to not having a design at this point, and also may never be necessary, both of which Mr. Hay confirmed. Mr. Kozyra also confirmed that it is Mr. Hay's view that should that an alternative design be proposed, it should be reviewed by the Board at that time which Mr. Hay confirmed. Mr. Kozyra also confirmed that it is Mr. Hay's understanding that the Applicant is agreeing to accept his recommendations in the reports dated March 28, 2018 and April 20, 2018, subject to their comments this evening. Mr. Hay affirmed and that believes that they can work on any future issues that they may have.

Public Comments

No Public Comments.

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.

Paul Ricci, Township Planning Consultant

Mr. Ricci prepared a letter dated April 26, 2018. Most of the comments pertain to the landscape improvements. He stated that he would like the Applicant to show the impervious coverage on a lot by lot basis. The Applicant shows every other calculation except for the impervious coverage. Mr. Ricci stated that when the application was first filed there was 5% of the parking lot devoted to landscaping. There is a large amount of red stone that is utilized which Mr. Ricci does not consider to be a landscape material. He feels that the Applicant is relying on the red stone to meet their open space requirements.

Mr. Ricci stated that under the Redevelopment Agreement, all signage is to be pre-approved by this Board. Mr. Ricci is not aware of any signage being proposed. The Applicant has also agreed to provide bike racks.

Mr. Ricci reviewed the report from the John Linson, Township Forester who is recommending planting trees within the parking area and on the site. The customary ratio is one tree per ten parking spaces and the current plan falls short of this standard. Mr. Ricci stated that there is a lot of open area on the site, and it is his opinion that what is being proposed is minimalistic, designed to meet the requirements and nothing extra above and beyond. He stated from a planner's standpoint, he encourages the Applicant to utilize an approved ground cover instead of using red stone, to add a finished appeal to some of the areas. He feels the Applicant is being minimalist in trying to keep the site low maintenance. Mr. Ricci recommends that the Applicant complies with the Forester's report.

Public Comments

No Public Comments.

Mr. Kozyra thanked Mr. Hay and Mr. Ricci for attending the Special Meeting on April 16, 2018. He stated it was particularly helpful to the Applicant in getting the Application moved forward tonight.

**Kevin Coakley, Esq., Connell Foley, LLP,
Attorney for Kingsland Street Urban Renewal, LLC**

Mr. Coakley stated he had only received Mr. Hay's report dated March 28, 2018, and not his April 20, 2018 report. Mr. Coakley stated that they have a couple of issues that he thinks are worth raising such as the interconnection. Mr. Coakley stated that Kingsland has nothing to do with the interconnection, and would like that reference removed from any Resolution.

Mr. Coakley confirmed with Donald Ellis, Vice President of Planning and Management of Hackensack Meridian Health, that they would comply with the Township Forester's Report

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.

and Mr. Ricci's Report and replace the red stone with ground cover to the extent necessary to get the 5% landscape requirement.

Mr. Kozyra was concerned that Mr. Coakley did not receive Mr. Hay's report dated April 20, 2018, and questioned if he received the report dated May 1, 2018, from Township Deputy Chief, Paul Cafone. Mr. Coakley stated he did not receive a copy of Mr. Cafone's report. Mr. Kozyra read out loud Mr. Cafone's report. After the report was read, Mr. DiGiacinto confirmed the Applicant will comply.

Donald Ellis, VP Facilities Planning and Management
Hackensack Meridian Health

Mr. Ellis told the Board that Hackensack Meridian Health has started the process of designing for the parking garage. At this point, Hackensack Meridian Health has some design concepts and preliminary layouts on how large of a garage they can build on the site. Mr. Ellis has spoken to the Clifton attorney and will report on what is and was being presented so there were no surprises.

Mr. Ellis stated that Hackensack Meridian Health is ready to start the process of building the parking garage, which will take approximately one year to complete, as they need to build the garage quickly.

After the presentation concluded, Mayor Scarpelli made a motion, seconded by Mr. Algieri, with a unanimous decision (9-0) by the Board to approve the application with the following conditions:

1. The Applicant will accept and follow all recommendations contained in the Board Engineer Todd M. Hay's reports.
2. The Applicant will accept and follow all recommendations contained in the Township Forester John Linson's reports.
3. The Applicant will accept and follow all recommendations contained in the Board Planner, Paul Ricci's report.
4. The Applicant will accept and follow all recommendations contained in the Fire Chief Paul Cafone's report.
5. The Applicant's use of the surface parking spaces is limited to motor vehicle parking by the students, faculty, staff, research associates and employees, visitors and users of Building 123 and 123A. No outside parking or other use will be allowed by any other entity or person.

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.

6. The Applicant will continue to cooperate, communicate and assist Prism to provide New Jersey Transit or another carrier to have access to the Applicant's property to allow for bus service provided such cooperation, communication and assistance does not unreasonably restrict or delay Applicant's use of the Applicant property.

7. The Applicant will continue to cooperate, communicate and assist Nutley to secure an interconnection for emergency water services using the supply provided by Jersey City, provided such cooperation does not unreasonably restrict or delay Applicant's use of the Applicant's property.

8. The Applicant does not seek deviation allowing for less than 5% landscaping in all parking areas.

9. The Applicant may seek to park on or paved parking areas in accordance with Amendment No. 1 to the Preliminary Site Plan Resolution.

Board Roll Call

Mr. Kirk - Yes
Mr. Greengrove - Yes
Ms. Kucinski - Yes
Mr. Algieri - Yes
Mr. Del Tufo - Yes
Mr. Arcuti - Yes
Ms. Tangorra - Yes
Commissioner Evans - Yes
Mayor Scarpelli - Yes

Public Comments:

No Public Comments

The meeting concluded at 8:46 p.m.

The next meeting is scheduled for Wednesday, May 16, 2018 at 7:00 p.m.

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.