

O/C BAC
Approved 7/11/18

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, June 20, 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 - excused
Mr. Kirk - present
Mr. Greengrove - excused
Ms. Kucinski - present
Mr. Algieri - excused
Mr. Del Tufo, Secretary - present
Mr. Arcuti, Vice - Chairperson - excused
Ms. Tangorra - Chairperson - present
Mr. Kozyra - present
Commissioner Evans - present
Mayor Scarpelli - present

Meeting Minutes:

The Meeting Minutes for June 6, 2018 were approved by the Board.

Invoice:

An invoice for Debra Fontana for attendance and preparation of the June 6, 2018 Meeting Minutes was approved by the Board.

Correspondence:

Correspondence from Matthew J. Ward from the Hudson-Essex-Passaic Soil Conservation District to Willie Derricotte, Essex County DPW dated May 15, 2018 regarding the review of the soil erosion and sediment control plan for the Yanticaw Park Athletic Field Improvements, located on Park Drive was reviewed 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.

Mr. Ward reports that the plan has been certified subject to the following conditions:

- The District must be notified in writing 48 hours prior to the commencement of any construction activity.
- A copy of the certified plan must be kept on the job site at all times.
- The applicant or contractor must request a final inspection (once landscaping and final soil stabilization is complete) & obtain a Report of Compliance prior to seeking a temporary or permanent Certificate of Occupancy.
- The District must be provided with written notification of any conveyance of this project, subject property, or portions thereof, including individual residential lots if applicable. Said notice must provide the names, addresses, and telephone numbers of subsequent owners.
- The District must be informed of address and or telephone number changes of owners, agents responsible for site construction, and job supervisors.

No action is required by the Board.

Correspondence from Matthew J. Ward from the Hudson-Essex-Passaic Soil Conservation District to Bob Gibson, Prism Capital Partners dated May 29, 2018 regarding the review of the revised soil erosion and sediment control plan for the Seton Hall University/ Hackensack Meridian School of Medicine Roadway Design, located at 340 Kingsland Street was reviewed by the Board.

Mr. Ward reports that the plan has been recertified subject to the following conditions:

- The District must be notified by mail 48 hours prior to the commencement of any construction activity.
- A copy of the certified plan must be kept on the job site at all times.
- The applicant or contractor must request a final inspection (once landscaping and final soil stabilization is complete) prior to seeking a temporary or permanent Certificate of Occupancy.
- The District must be provided with written notification of any conveyance of this project, subject property, or portions thereof, including individual residential lots if applicable. Said notice must provide the names, addresses, and telephone numbers of subsequent owners.
- The District must be informed of address and or telephone number changes of owners, agents responsible for site construction, and job supervisors.

No action is required by the Board.

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Hearing Schedule:

**S&S at Valley, LLC/North American Eagle Construction
367 - 371 Franklin Avenue Application**

Mr. Kozyra addressed the Board that he has confirmed with Thomas DiBiasi, attorney for the applicant that he will issue a letter withdrawing the application. Once received, Mr. Kozyra will forward a copy of the letter to Board.

**Prism Capital Partners
Phase IIA Redevelopment Plan**

Mr. Kozyra stated that Prism Capital Partners ("Prism") is making their second application for site plan approval. This Phase IIA application is going to require an amendment to the Redevelopment Agreement with the township. Mr. Kozyra has the understanding that Prism proposes to have their amendment to the Redevelopment Agreement before the Commissioners at their July 3, 2018 meeting, for their review and approval. Subsequently, if the amendment to the agreement gets adopted by the Commissioners, Prism will come before this Board for a consistency review and approval. After this Board approves, Prism will go back to the Commissioners for their review and consideration. This application has a three-part process.

Prism has requested, if possible to be scheduled before this Board on July 11, 2018. The Board has already committed to scheduling the application hearing for 212 Hancox Avenue on that date, but we are still waiting to receive additional plans from the applicant. The applicant for 212 Hancox Avenue still has time to provide those plans, so it is unclear what will be scheduled for the July 11, 2018 meeting.

If Prism's application were scheduled on July 11, 2018, it would require a lot of work by the township experts since the Board will need to receive and review the materials well before that hearing date. Mr. Kozyra has confirmed the availability of Mr. Hay and Mr. Ricci, if the hearing is scheduled on July 11, 2018. Mr. Kozyra, Mr. Hay, and Mr. Ricci requested a Special Meeting with the representatives of Prism, and their attorneys to review what is being proposed.

Mr. Kozyra stated that normally for the Board to prepare for this hearing, they would need to receive the approved Redevelopment Agreement from the Commissioners, any materials and reports prior to the hearing. Given the timeframe, Mr. Kozyra is not sure if this will be completed in time. If the applicant and/or the Board are not prepared to be heard on July 11, 2018, a Special Meeting hearing date may have to be scheduled.

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Resolution
Historic Preservation Designation by the Township
Ruth Bedford Property - 232 Highfield Lane

Mr. Kozyra stated that he previously circulated a copy of a proposed Resolution to the Board for their review, which designates the Bedford property as the first structure in the community as a historical landmark. The Board had no changes to the Resolution, and Mayor Scarpelli made a motion to approve the Resolution, seconded by Commissioner Thomas Evans and approved by the Board.

Mayor Scarpelli stated that a township designation has been a long time coming from the adoption and re-adoption of the Preservation Ordinance, to having a property that would fall under the guidelines of the ordinance. Mayor Scarpelli congratulated the Historic Preservation Committee on their hard work and acknowledged that this is a historical day for the Township of Nutley.

Public Comments:

No Public Comments

Executive Session

At 7:16 p.m. Commissioner Thomas Evans requested the Board go into Executive Session to discuss potential litigation. Commissioner Thomas Evans moved, seconded by Mayor Scarpelli to go into Executive Session.

When the need for confidentiality no longer exists, there will be further disclosure of the Executive Session discussion as appropriate.

The public meeting resumed at 8:08 p.m.

A motion to adjourn was made at 8:08 PM and approved.

The next meeting is scheduled for Wednesday, July 11, 2018 at 7:00 p.m.

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