

10/5/16  
OK per ZAK

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, September 21, 2016**

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 and the Star Ledger on December 24, 2015 and the Nutley Sun on December 31, 2015.

**ROLLCALL:**

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

**Meeting Minutes:**

Meeting Minutes for September 7, 2016 were approved by the Board.

**Invoices:**

An invoice for Debra Fontana for attendance and preparation of the September 7, 2016 Meeting Minutes was approved by the Board.

An invoice for Anthony Malfitano to attend mandatory training dated September 13, 2016 was approved by the Board.

Two invoices from Pennoni Associates, Inc. for site plan review, preparation of report and attendance at the hearing for the property located at 237 Centre Street, which are to be paid from the escrow account, were approved by the Board.

**Hearing – 668 Franklin Avenue and 159 Kingsland Street**

The Board received plans and an application for 668 Franklin Avenue and 159 Kingsland Street and the hearing will be scheduled once the availability of the Township’s experts is confirmed.

**Workshop Session - Mixed Use Definition and Property Maintenance Code** - presented by Pat Intindola, Construction Code Official and David Berry, Zoning and Building Subcode Official from the Code Enforcement Department.

Mr. Intindola and Mr. Berry distributed the following suggested changes to the Mixed Use Definition:

**Mixed Use Building Definition:**

A building in a B-1, B-2, B-3 B-3A and B-4 District containing more than one use such as professional and business offices, restaurants and bars which serve food (first floor only), service establishments (personal and household), and retail stores.

A "mixed use" is the use of a building, multi-stories in height, in B-1, B-2, B-3A and B-4 Zoning District for residential and business uses, the residential use of which shall be permitted in the second and third stories of the building. A mixed use is permitted in accordance with the following regulations and restrictions:

- A. Where more than 50% of the street frontage between intersecting streets or between an intersecting street and the Township boundary line is developed with business uses, the front yard requirement shall be equal to the average front yards of the existing business buildings between the intersecting streets, or between an intersecting street and the Township boundary line, on the same side of the street calculated to the nearest foot. However, in no case shall a building be located closer than three feet to the right-of-way line of Franklin Avenue.
- B. Where less than 50% of the street frontage between intersecting streets, or between an intersecting street and the Township boundary line, is developed with business uses, the front yard requirement shall be three feet from the right-of-way line of Franklin Avenue and the average setback from the right of way line of any other street.
- C. The required rear yard for a mixed use building shall be twenty feet in B-1, B-2, B3-A and B-4 Districts.
- D. Each side yard required in conjunction with a mixed use building shall be at least four feet and the total of both sides shall be at least 10 feet in a B-1 or B-2 District. There are no side yard requirements in B-3, B-3A and B-4 Districts.

E. The maximum height of a mixed use building may be no more than three stories, 40 feet in height, in a B-1, B-2, B-3, B-3A and B-4 Districts.

F. The maximum lot coverage of a mixed use building shall be 70% in B-1, B-2, B-3, B-3A and B-4 Districts.

G. The required off-street parking in conjunction with a mixed use building shall be equal to the sum of the required off-street parking in Article XIII per each use.

H. The requirements for minimum lot area, minimum lot width, and minimum lot depth or lot area per dwelling unit shall not apply to a mixed use.

#### **Property Maintenance Code:**

Mr. Intindola and Mr. Berry addressed the Board that there are currently seventy-five vacant or abandoned buildings within the Township. On October 1 of every year, the owners of a vacant property have to register the building with the Code Enforcement Department. Once the department receives the registration, they will do an inspection of the property.

They stated that there have been significant increases in violations reported from neighbors for the buildings that are abandoned. Once they receive a report of a violation of a building, an inspection is conducted. Inspections are conducted at different times during the day and night. The majority of the abandoned properties are bank-owned, which use a service to pay the taxes, and are in foreclosure. The properties that are in the early stages of a foreclosure are the most difficult. Abandoned properties in foreclosure could take weeks, months or as long as a year for a bank to register the property.

#### **Mixed Use Building Definition (Kimmerle):**

In addition to the suggestion of Mr. Intindola and Mr. Berry, the Board also received a study prepared by Kimmerle Urban Studio showing a density comparison for two mixed use buildings with a first floor retail space, similar lot sizes with setbacks and building height limits but with two different parking allowances (surface and underground) The result was two very different unit densities per acre (using one bedroom units).

The Board asked that Mr. Intindola and Mr. Berry compile a list of recent mixed use property approvals for the Board's consideration. Mt. Kimmerle suggested to Mr. Kozyra that the last 3 to 5 years of approvals be examined to determine their unit densities.

### **Ordinance – Residential Design Standards**

The Board reviewed a residential design standard ordinance from another town and suggested a workshop session after Mr. Kozyra obtained input from the Township Engineer and Board Planner.

The meeting concluded at 8:04p.m.

The next meeting is scheduled for Wednesday, October 5, 2016 at 7:00 p.m.