

Approved  
5/20

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, April 22, 2015**

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 Nutley Sun, The Herald News and the Star Ledger on December 11, 2014.

**ROLLCALL:**

Ms. Tangorra - Vice Chairperson - present  
Mrs. Eisenfelder - Secretary - present  
Mr. Greengrove - present  
Mr. Arcuti - present  
Mr. Barry - present  
Mr. Algieri - present  
Mr. Contella - present  
Commissioner Scarpelli - present  
Ms. Kucinski – present  
Ms. Gabriele - present  
Mr. McGovern - Chairman - present  
Ms. McGovern – present  
Mr. Kozyra - excused

Meeting Minutes for April 15, 2015 was approved by the Board.

An invoice for Debra Fontana for attendance and preparation of the April 15, 2015 Meeting Minutes was approved by the Board.

Invoices from Ricci Planning for work conducted on 599 Franklin Avenue and Clover & Prospect Street was approved by the Board.

The Oath of Office and Oath of Allegiance was administered to Ms. Gabriele.

**34-36 Harrison Street Minor Sub-Division Report** – A minor subdivision to change the property line, with no physical changes to the property was approved by the Board.

**388 High Street Minor Sub-Division Report** – A minor subdivision into two 50' by 150' lots to create two new homes was approved by the Board.

**116 Walnut Street Proposed Subdivision hearing** - Marina C. Perna, Esq., represented Benny DeFrank, whose parents owned the property and lived there for fifty years. Mr. DeFrank has an existing business down the street from 116 Walnut Street and has never lived in the house, which is currently vacant. He tried to sell the house for years but can't sell because of the taxes. Mr. DeFrank proposes to create two equal lots of 50 feet wide x 176 feet deep and the new lot will have an the existing single family residence built.

Sal Corvino, Architect testified that he designed the plans and proposed to create two equal lots 50 feet wide x 176 feet deep and removing a shed in the vacate lot. The benefit of the elimination of the shed will improve and also accommodate a sale on the property

No comments from the Public.

The application was approved by the Board.

**57 East Centre Street Hearing** - Thomas DiBiasi, Esq. stated that the applicant would like to utilize Suite 15 at the premises for a child care center in the existing and vacant ground floor space. The floor plan will be two classrooms, a kitchen area and two bathrooms. There will be no more than ten or eleven children in the play area and the child care center will be open to the public as in addition to the residence of the building.

Ms. Souliatis, address the Board and stated she will be the Manager in charge of the child care center and has ten years of experience in child care. She has been a residence of Nutley for thirteen years and graduated from Nutley High School. She stated that there will be 36 children between the ages of 0-6 years old. The hours of operations will be 7:00 a.m. to 7:00 p.m., five days a week and there will be six to seven day care workers depending on the shift. She stated that when transporting the children from the daycare to the playground, the children will be holding onto a rope with three adults, one in the front, one in the middle and one at the back of the line, so they can supervise the children and that there will be only eight to ten children being transported to the playground at a time. The children will be in the playground for approximately thirty minutes, depending on the weather.

**Clover & Prospect Street Preliminary Major Sub-Division hearing –**

Thomas DiBiasi, Esq., represented Dr. Maltzen and stated that this application was submitted one year ago and the neighbors requested adjustments to the property and have resubmitted the plans. Mr. DiBiasi stated that there are developers that are interested in the properties at this time and one of the applicants is Mr. Meka, who is here at the hearing.

Brian Intindola, Engineer stated that he was willing to go forward a year ago with six lots, but the applicant asked to work out a plan to satisfy the neighbor's request with four lots on Clover Street and one on Prospect Street. The design of the cul-de-sac will not have a negative impact on the neighbors with respect to drainage and the applicant will meet the dimension standards and can commit to all the conditions as stated in Mr. Hay's letter. The new design will work and be adopted for the future buildings with the well sized lots. The size of the yard requirements is

six feet with an increase set back lines of 12 feet. The new water line at Prospect and Clover Street will balance the pressure in the system. All the site waterline sanitary and storm drains will be paid by the applicant with no expense to the taxpayers. Mr. Intindola also stated that the applicant will comply with whatever light fixtures the Township of Nutley requires.

No public comments.

Paul Bauman, Planning Consultant – This application will be beneficial in improving the drainage on the site and/or the surrounding properties. It will eliminate any youngster from congregating at the property and believe this is going to be an improvement to the neighborhood and to the general public.

No public comments.

Todd Hay, Planning Board Engineers testified that five lot subdivisions with all new lots and lay out is conducive for this neighborhood. He stated that clearing the land and soil erosion for the plan will probably have more materials coming into the area than what will be coming out of the area. The drainage will have to be looked at by the Department of Environmental Protection and the Township of Nutley will have to maintain. The system will handle any additions, such as a pool or any additional build outs and feel the new drainage will be beneficial for the community. Mr. Hay stated that he thought this is a good plan and looking forward to working with the applicant. The master developer will do the infrastructure development, which will take approximately six to nine months, and the lots will be sold off individually, but the improvements will be made before the developer occupies each lot.

### **Public Comments**

Mr. Minichini wanted to know how it will affect the residence of Clover Street.

Mr. Hay stated that the inconvenience of the sewerage lines will be done in stages and will work with the developers during the process. The neighbors will have little inconvenience and will be notified prior any work being done.

Paul Ricci, Planner – The layout and design will allow the adjoining properties with a set back of the existing properties. The proposed change from six lots to five lots, may have larger homes with having a setback of six feet Traditional landscape easement and the trees can be removed at any time. After a break in the hearing, Mr. DiBiasi contacted his client and proposed that lot 18.01 be increased 6 feet to the side yard and an increase to the setback line of 12 feet, 18.02 be increased to 12 feet to the side yard and an increase to the setback of 21 feet, 18.03 be increased 6 feet to the side yard and an increase to the setback of 12 feet, 18.04 be increased 10 feet to the side yard and a setback of 25 feet. 18.05 setbacks will remain the same approximately with 10 feet side yard and a setback of 8 feet. Mr. Ricci will prepare a supplemental report reflecting these changes and all the agreed upon setbacks.

## **Public Comments**

Ms. Vaicels – Will the houses be similar or different?

Mr. Hay stated that each individual developer would be permitted to construct the design and there will be no mandate. The building would fit the scope of the height and zoning requirements of the town but certainly the size will match with the existing houses.

Mr. Palmage thanked Mr. DiBiasi for taking into consideration the neighbor's concerns and stated that most of the trees in the area are gone and if possible would like to keep the health trees.

Ms. Ulm thanked Mr. DiBiasi for his cooperation regarding his adjustments to the plans.

The meeting concluded at 10:15 PM.

The next meeting is scheduled for Wednesday, May 20, 2015 at 7:00 p.m. in the Commission Chambers.