

OK-BAK  
6/17/15

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, June 3, 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 - excused  
Mr. Barry - excused  
Mr. Algieri - present  
Mr. Contella - excused  
Commissioner Scarpelli - excused  
Ms. Kucinski - present  
Ms. Gabriele - present  
Mr. McGovern - Chairman - excused  
Mr. Kozyra - Attorney - present

Meeting Minutes for May 28, 2015 was approved by the Board.

An invoice for Debra Fontana for attendance and preparation of the May 28, 2015 Meeting Minutes was approved by the Board.

Two invoices for Pennoni Associates, Inc. for professional services at Clover/Prospect Street were approved by the Board.

**345-351 Centre Street Hearing - Approved by the Board - Vote - 6-0**

Thomas DiBiasi, Esq. presented the following exhibits:

- A-1 - Proposed Floor Plan
- A-2 - Proposed Elevation Plan
- A-3 - Color Photo of the proposed building
- A-4 - Color Photo of the proposed building
- A-5 - Preliminary and Final Site Plans
- A-6 - Affidavit of service
- A-7 - Notice of Publication
- A-8 - Landscape Plans with John Linson handwritten comments.

Mr. DiBiasi testified that he bought the property in 1990 and has been in the building practicing law since 1972 and has never worked in a different building. In 1976, he did a renovation of the building and also a second renovation in 1990. The current building in reality has become too old for a modern law firm and has seen the end of its lifestyle. Mr. DiBiasi would like to build something that would be conservative for the area. The Chase branch that is also on the property will be staying in Nutley, and currently has a lease for an additional fifteen years. He stated that John Linson's first report stated that he was destroying the Town of Nutley park system so he called Mr. Linson and met with him at the property. While Mr. Linson was at the property, he went through each of the trees and tested them. He then found that some of the trees were hollow and have to be removed. There are four large trees on the property that will be staying and Mr. Linson made handwritten comments on the Landscape Plans that are marked as Exhibit A-8. After the meeting, Mr. Linson prepared a second report stating that we are not destroying the park system in Nutley.

Mr. DiBiasi stated that we will be pushing the building back so it will be aligned with the Chase Bank and also be able to keep the Chestnut tree that is in the front of the building. He also stated that he never had a problem with neighbors and pointed out that there were no neighbors here tonight. Mr. DiBiasi stated that there was a rumor that we would be selling the property to Mr. Mecca. He affirmed that this was not correct and that they are building on the property for ourselves, but Mr. Mecca will be constructing and managing the building

Joseph Haines, Architect of Dassa Haines, testified that currently the Chase Bank is a one story building and the law firm is a two story building. There will be a bypass lane added with two lanes to better enhance the use of the property. The two story building will be knocked down to construct a more modern building that will better serve as the law firm. It was proposed to construct a building with the law firm on the first floor and ten, two bedroom rental apartment units on the second and third floor. There will be thirty-one parking spaces, eleven parking spaces for the law firm, twenty parking spaces for the apartment units and the parking lot will wrap around the building. There will be six parking spaces under the building. On the first floor of the building, there will be stairs and an elevator that will have access to all the floors and the entrance to the building will be on either the street side or on the parking lot side. The law firm will be 3,300 square feet and the second and third floor will be smaller with each floor having five, two bedroom apartments that are approximately 1,000 to 1,300 square feet. The smallest apartment will be 1,007 square feet and the largest apartment will be 1,321 square feet. The apartments that will face the park will have a balcony that is enclosed into the building, and not hanging over the side. There will be a condenser on the roof of the building, which will be approximately three to four feet high and will be enclosed.

Joseph Staigar, P.E., P.P., Traffic Engineer of Dynamic Traffic testified that there are two driveways between Chase Bank and the existing law firm. Mr. Staigar took into account the amount of traffic in the area during a normal weekday during peak hours. He stated that the area currently operates fairly well and the traffic will increase by only one percent. There will be a balance in the traffic with the new building because when the residence of the apartment units are not in the building, the law firm will be in use and when the law firm is closed, the residence

of the apartments units will be using the building. Mr. Hay requested additional information and we will address all of his concerns and comply with all of Mr. Hay's recommendations.

Paul Ricci, AICP, PP, Ricci Planning testified that multiple use in the lot will provide additional traffic, but questioned how much volume of traffic due to the residential apartment units. He stated that the apartment units are nicely sized, the signage on the building is minimal, the lighting is acceptable and the trash dumpster will be in a brick enclosure.

Todd Hay, Township Engineer, testified that his report is very brief and the only concern is the storm water. Mr. Hay stated that Mr. DiBiasi should explore the options regarding the point discharge runoff into the park at the concrete swale and that the applicant's engineer should determine the most effect method and a possible solution would be a scour hole or level spread. All the lighting is acceptable and there should be some landscaping improvements to the public sidewalks.

Mr. DiBiasi stated that he has reviewed Mr. Hay's report and he and his engineer, Mr. Riggs, will comply with the additional landscaping, the brick trash dumpster enclosure and all of the recommendations in Mr. Hay's report.

The board discussed the recommendations in Mr. Hay's report and the application with variances and stipulations was approved by a vote of 6-0.

The meeting concluded at 9:25p.m.

The next meeting is scheduled for Wednesday, June 17, 2015 at 7:00 p.m. in the Commission Chambers.