

*Debra Fontana*  
*11/7/15*  
*approved*

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, October 21, 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.

**ROLL CALL:**

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

Meeting Minutes for October 7, 2015 was approved by the Board.

An invoice for Debra Fontana for attendance and preparation of Meeting Minutes for October 7, 2015 was approved by the Board.

An invoice for Barry Kozyra for attendance at a Special Meeting with Jennifer Smith, David Roberts, Todd Hay and Paul Ricci regarding the Roche Subdivision Hearing dated October 16, 2015, which will be paid by the Roche account, was approved by the Board.

An invoice for Kalooky Real Estate for reimbursement of escrow fees for 4 Parallel Street and 171 Bloomfield Avenue subdivision was approved by the Board.

Resolution for 265 Franklin Avenue was approved by the Board.

Hearing presentation by James Levendusky, Chairman of the Nutley Township Historic Preservation Committee seeking designation by the Planning Board of the Bank of Nutley building located at 356 Franklin Avenue as a Township Historic Landmark is scheduled for November 4, 2015.

The Guidelines for the Audio and Video Recording of Public Meetings were recited by Barry Kozyra.

**Hoffman-LaRoche, Inc. Phase I Redevelopment Plan as Amended - Approved for Recommendation to the Commissioners - Vote - 8-0**

David Roberts of Maser Consulting, P.A. distributed a copy of the revised Phase I Redevelopment Plan dated October 16, 2015 to the members of the Board. Mr. Roberts revised a plan that was prepared by Phillips Preiss Grygiels, LLC with the following revisions:

- In Section 2.1, “Childcare Centers” has been deleted as a permitted use. ***Proposal: re-insert this as permitted accessory use so that facilities can be provided for faculty, staff and students.***
- In Section 2.1, language permitting multiple principal uses on a single lot or within a single building was also deleted. ***Proposal: re-insert this language as the same is proposed.***
- In Section 2.2, surface parking is permitted as an accessory use, but not a principal use, in Section 2.1, throughout the Phase 1 Area. Note that structured parking is permitted as both a principal use and an accessory use. ***Proposal: permit surface parking as a principal use for uses elsewhere in the Phase I area, as well as an accessory use, throughout the Phase 1 area.***
- In Section 2.2, health clubs and gyms were deleted as an accessory use. ***Proposal: re-insert these permitted uses so that facilities can be provided for faculty, staff and students.***
- In Section 3.4.2, parking spaces size is increased from 9 x 18 to 9 x 19. ***Proposal: revert to 9 x 18, as those are standard dimensions.***

Mr. Roberts testified that the intention of the Phase I Redevelopment Plan is to allow for the rehabilitation of Buildings 123 and 123A as a new private medical school for Seton Hall University. The Redevelopment Plan also contemplates that the remaining portion of the Phase 1 Project Area will be used for office, research and other compatible commerce uses. The medical school will be formed and operated by Hackensack University Health Network and Seton Hall University with a long term lease between a private entity and Hoffman LaRoche. The Redevelopment Plan sets forth the proposed land uses, design criteria and building requirements for the Phase 1 Project Area. The school’s uses, as well as either independent or affiliated research activities, will be located within the existing buildings known as Building 123 and Building 123A. The other buildings that may be constructed in the Phase I Project Area will be permitted for uses set forth in this Plan, subject to review and approval by the Board in future Site Plan application or the Township as part of the Redeveloper’s Agreement.

Paul Ricci, Planning Consultant of Ricci Planning stated that the proposed Phase I Redevelopment Plan would address approximately 10.9 acres out of the 52 acres of the Roche property located in Nutley. The initial redevelopment of 10.9 acres would not result in the fragmentation of the property in a manner inconsistent with the Master Plan.

### **Comments from the Public**

Patrick Lover - requested to see the size and the shape of the buildings that were going to be developed and to review a copy of the Phase I Redevelopment Plan. Mr. Lover was provided a copy of the plan.

### **Resolution and Vote**

The Board discussed the Phase I Redevelopment Plan as amended. The Board on motion voted that the Phase I Redevelopment Plan as amended be recommended to the Commissioners for adoption. The vote of the Board was unanimous. The Board instructed counsel to report their action to the Commissioners.

### **Hoffman-LaRoche, Inc. Preliminary and Final Subdivision Plan - Approved by Board - Vote - 8-0**

Douglas Janacek, Esq. of Gibbons, P.C representing the applicant, Hoffman LaRoche, Inc. and testified that the application is seeking approval of a preliminary and final major subdivision and bulk variances approval to divide the property to create four new tax lots in addition to the two remaining tax lots. The four proposed lots would measure approximately 2.991 acres (Lot A), 4.086 acres (Lot B), 2.293 acres (Lot C) and 1.612 acres (Lot D). Block 201, Lot 1 would measure 9.2 acres and Block 300, Lot 1 would measure 9.3 acres. The variances requested are a minimum lot width which would be less than required in Lot D, building setbacks in the side yard which would be less than required in Lot C, lot coverage greater than permitted in Lots C and D and in Block 201, Lot 1, a building setback in the rear yard which is less than required in Lot C and Block 201 Lot 1, and in the side and rear yards in Block 300, Lot 1 and the existing building heights which are currently greater than permitted.

Francis Wecht, Jr., Land Surveyor of PS&S testified that a carved out portion of the land for the entire site will be used for the medical school and create individual lots to facilitate more than a single use. There will be a vacant lot for future development and no variance will be required. All the lots will presently be under the ownership of Hoffman LaRoche.

Paul Ricci, Planning Board Consultant of Ricci Planning prepared a report dated October 21, 2015 that was distributed to the members of the Board. Mr. Ricci testified that he met with the applicant and was informed of the Phase I Redevelopment Plan. The proposed subdivision would create four new tax lots and three lots that would not have access to a public street. The applicant will maintain the internal roadways for snow plowing and will not have to rely on the Township services.

Todd Hay, Pennoni Associates, Inc. Planning Board Engineer prepared a report dated October 21, 2015 that was distributed to the members of the Board. Mr. Hay stated that this application is a different type of subdivision application, because it is more a financial subdivision. The Township will examine each lot to make sure it conforms with the master plan regarding the demands on the water system and other utilities. The tax assessor will be involved in the

assemblance of the lots, and numbering of property information and incorporate on the tax map. All storm water management regulations must be in accordance with the town ordinance. Mr. Hay indicated that the concerns in his report would be addressed as part of the Site Plan application and the Redevelopment Plan.

No public comments.

Resolution and Vote

The Board discussed the proposed Final Subdivision. The Board on motion voted that the Final Subdivision subject to a later Site Plan application and Redeveloper's Agreement be approved. The vote of the Board was unanimous. The Board instructed counsel to prepare a resolution. The meeting concluded at 9:08 p.m.

The next meeting is scheduled for Wednesday, November 4, 2015 at 7:00 p.m.