

Approved PAK
12/7/16

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, December 7, 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 - excused
- Mr. Greengrove - present
- Mr. Arcuti, Secretary - present
- Mr. Barry - present
- Mr. Algieri - present
- Mr. Del Tufo - present
- Mr. Contella - present
- Mr. Malfitano - present
- Ms. Kucinski - present
- Mr. Kozyra - present
- Commissioner Evans - excused
- Mayor Scarpelli - excused
- Mr. McGovern - Chairperson - excused

Meeting Minutes:

Meeting Minutes for November 2, 2016 were approved by the Board.

Invoice:

An invoice for Debra Fontana for attendance and preparation of the November 2, 2016 Meeting Minutes was approved by the Board.

Hearing:

488 - 494 Prospect Street subdivision application hearing has been scheduled for December 21, 2016.

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.

Correspondence:

Correspondence from Matthew J. Ward from the Hudson-Essex-Passaic Soil Conservation District to Dorit Cohen, Arbor Hills 432 Owners Inc. dated November 1, 2016, regarding the review of the soil erosion and sediment control plan pertaining to Arbor Hills Remediation & Parking Improvements located at 1 River Road, was reviewed by the Board. Mr. Ward reports that the plan meets the standards for Soil Erosion and Sediment Control. No action required by the Board.

688 Franklin Avenue and 159 Kingsland Street Hearing
Approved by Board (Vote 7-1)

Alan Trembulak, Esq. - Attorney for the Applicant, Rasht, Inc.

Mr. Trembulak addressed the Board, on behalf of the applicant Rasht, Inc., requesting to amend the prior site plan approval from August, 2013. He requested a change to the approved use of the first floor of the mixed-use building from 2,876 square feet for retail to 1,600 square feet for a Dunkin Donuts restaurant. The remaining 1,276 square feet will continue as retail use.

The previous site plan approval provided for retail use only for the entire first floor, and the second floor having two, two bedroom residential units.

He also stated that the applicant is seeking an amended final plan approval for two bulk variances, for the maximum number of directional signs, and the maximum sign area for dimensional signs.

The second floor of the mixed-use building will remain as residential two bedroom units.

He stated that there will be seventeen parking spaces, which was previously approved. There will be four designated parking spaces for the tenants on the second floor, and up to four non-designated employee parking spaces.

Calisto Bertin, Applicant's Engineer

Mr. Bertin stated that he testified at the prior hearing in August, 2013. He prepared the original plans and also prepared the amended plans. He stated that the amended plans include a two story building with a Dunkin Donuts restaurant on the first floor, and two, two bedroom units on the second floor. He stated that the front of the building is located on Kingsland Street and the parking lot entrance is located on Kingsland Street, in the back of the building.

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Mr. Bertin also prepared a Traffic Impact Study Report finding that there is more traffic in the evening hours, and less in the morning hours. The directional distribution is spread evenly for both Kingsland Street and Franklin Avenue with the majority of the traffic using the northern part of Franklin Avenue, due to the accessibility of Route 3 and using Kingsland Street in both directions. He acknowledged periodic queuing on Kingsland Street which would affect left hand turns made while exiting the site.

Mr. Bertin stated that the proposed amendments will not have a negative impact on the traffic in the area on either Franklin Avenue or Kingsland Street.

Addou Choukeir, Employee

Mr. Choukeir addressed the Board regarding the guidelines for the operation procedures for the proposed Dunkin Donuts. He currently lives in Nutley and has worked for Rasht, Inc. at four different Dunkin Donuts located in Essex and Bergen County. He said there will be no cooking on the premises, and only reheating in a convection oven. The proposed hours of operation were to be 5:00 a.m. to 12:00 a.m., but he accepted compliance with the Township's existing ordinance limiting the hours of operation from 6:00 a.m. to 11:00 p.m. During the peak times in the morning, there will be five morning employees plus one manager. During the non-peak times, there will be two employees in the afternoon and one employee at night. A tractor trailer will be delivering food only once a week and the deliveries can be scheduled anytime chosen. He said they are willing to schedule the deliveries at night during the less than peak traffic times and arranging deliveries for parking lot (not Franklin Avenue where it would be illegal). A turning template is to be provided by the Applicant's engineer and evaluated by the Board Engineer as safe and acceptable. Trash and recycling are scheduled to be picked up once a week.

Drew Disessa, Township Engineer

Mr. Disessa testified that the Applicant would have to provide the Township with a copy of the current NJDOT access permit for work to be performed on Kingsland Street. He stated that the best time for the tractor trailer to make the deliveries would be at night.

The Board approved the application by a vote of 7-1 with the following Stipulations:

1. The remaining 1,276 square feet building space will be for retail use only.
2. The Nutley Police Department will monitor the left hand turns onto Kingsland Street from the Property, and if necessary the Applicant will comply with and sign any no left hand turn directive.
3. Dead plant materials are to be replaced and maintained as indicated in the Township Forester John Linson's report dated September 21, 2016.
4. The hours of operation will be 6:00 a.m. to 11:00 p.m.

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5. Deliveries of food from vendors, an average of once a week, will be scheduled at night during the less peak hours or operations.
6. The Applicant's Engineer will prepare a turning template for tractor trailers entering or exiting the parking lot so that the Board Engineer can determine the safety of allowing deliveries by tractor trailer or requiring delivery trucks to be of a smaller size.

The meeting concluded at 9:10 p.m.

The next meeting is scheduled for Wednesday, December 21, 2016 at 7:00 p.m.

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