

Approved
3/18/15
BAC

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, September 17, 2014**

A meeting of the Planning Board of the Township of Nutley was held at the Township of Nutley Municipal Building, One Kennedy Drive, third floor Commission Chambers, Nutley, New Jersey. Adequate notification was published in the official newspaper of the Nutley Sun, Star Ledger and Herald News on December 12, 2013.

ROLLCALL:

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

The meeting minutes dated August 6, 2014 were approved by the Board.

An invoice for Linda Posternock for her appearance and preparation of minutes for August 6, 2014 was approved by the members of the board.

The Resolution for 653 Franklin Avenue - Dr. Bruce Ollins that was heard on September 3, 2014 was approved and signed by the Board.

Mr. Kozyra told the Board that he had a discussion and meeting with Mr. George Kimmerle who gave him a cost proposal for the East Centre Street area project. Mr. Kozyra is in the process of negotiating with him in order to have a firm number for the next meeting.

Historic Preservation Committee Presentation

Mr. Levendusky, Chairperson of the Nutley Township Historical Preservation Committee addressed the members of the board. He stated that the Committee was formed pursuant to the Historical Preservation Ordinance and is looking to reach out to different stakeholder that might be impacted by the Historical Preservation Ordinance and the Board is a primary stakeholder.

Mr. Levendusky stated that it is the Committees' responsibility to determine the landmarks that should be considered for historic designation and to make recommendations to the Board and that it is the responsibility of the Board to determine whether or not a site is to be designated as a historic landmark. Mr. Levendusky distributed a copy of the Historical Preservation Ordinance for the members of the Board. Mr. Levendusky requested the Board's procedure for making the determination for a building or site to be designated as a historic landmark be developed.

Mr. McGovern addressed Mr. Levendusky that the Board will review the Ordinance and have counsel get in touch with him to plan his attendance at a future workshop meeting.

No public comments in regard to the presentation from Mr. Levendusky.

203 Darling Avenue Application

Thomas DiBiasi, Esq. appeared on behalf of the applicant, Ankim M. Shah, Esq., and addressed the Board. Mr. DiBiasi stated that seven years ago the development team with appeared with him before the Board of Adjustment in order to seek approval of a Dunkin Donuts franchise. The reason he was before the Board of Adjustment instead of the Planning Board was because that application was tied in with a drive-thru. That application was approved by the Board of Adjustment. The Dunkin Donuts approval is still valid through December, 2014 but the owner never went forward as a result of finances. Mr. Shah, a developer and an attorney, has purchased the property. He stated that 7-11 is interested in developing the property and will not seek a 24 hour a day operation. Mr. DiBiasi stated that Mr. Stuart Kimmel, the 7-11 Corporate Representative, Mr. Michael Testa, an architect, Paul Bauman, Planner, and Brian Intindola, Traffic and Parking Engineer will testify before the Board.

Mr. Michael Testa, Architect, with Michael Testa, LLC, prepared the plans. He stated that the footprint of the building remains the same except for a small condition in the rear. The back of the building will be squared off and have an extension of the interior of the store and roof line. The extension does not impact the existing easement. They will remove the three overhead doors, put in aluminum and insulated doors, remove the old store front, remodeled the front and close in the left side of the building to make it have a uniformed commercial appearance. The inside of the building is a large open floor plan, with a customer service area, display cases, a coffee and beverage area in the rear and an office and a handicapped access bathroom.

No questions from the public for Mr. Testa.

Mr. Paul Bauman, Planner. Mr. Bauman stated that the applicant would be doing a minor addition to the building that is going to increase the variance condition that already exists on the site which is less than 300 square feet. The applicant presented a setback of 13.92 feet, 13 parking spaces of 9 by 18 feet and a travel aisle of 26/28 feet, six foot sidewalks and curbs as a bumper. The location of the trash bin and recycling area will be in the rear of the building enclosed by a masonry wall with a gate and lidded container. The applicant would like to use the previously approved signage allowed under the Dunkin Donut application with the colors used for 7-11. Presently on site there are four curb cuts; two will be eliminated under this application and two will remain. Removing the two curb cuts will improve the safety at the intersection.

No questions from the public for Mr. Bauman.

Brian Intindola, (Traffic and Parking) Engineer agreed with the report of Mr. Todd Hay. Mr. Intindola anticipates that there will be 76 trips at the peak hour, 38 in and 38 out of the parking lot with two driveways in and out of the parking lot. There will be no drive thru and there will be solid fencing along the property line. The applicant will be replacing the sidewalks and curbs and may want to make the driveway wider.

Questions from the Public

Ms. Fusaro wanted to know about the easement that is going into Dana Automotive and if it will also be used going into the 7-11? Mr. Intindola responded "yes". She also wanted to make sure of the fencing and alley way because a lot of cars might infringe on the parking lot in the back. Mr. Intindola stated that there will be a fence along the property line.

Suzanne Beadle wanted to know if there is a bus stop in that area and does that impact the plan? Mr. Intindola stated that there is no bus stop directly near the 7-11 and that they will be eliminating two of the closest driveways.

Ada Iacovone questioned Mr. Intindola and wanted to know if you have to have a left hand turn out of the parking lot on Darling Avenue or on Kingsland? Mr. Intindola stated that he does not think the site will be functional without making left hand turns on Kingsland Avenue but stated left hand turns are prohibited onto Darling Avenue.

Jim Mosher questioned Mr. Intindola if anyone considered what would happen if the Hoffman LaRoche becomes busier because it is already a dangerous intersection and was also concerned about a tractor trailer entering and exiting the site. Mr. Intindola stated that he looked at a study and the traffic in that location in 2007 was significantly less. He also stated that the width of the turn is sufficient for the tractor trailer to exit and enter the site.

Mr. DiBiasi stated that his client would eliminate and dismantle the existing pylon sign and follow the ordinance with a monument sign.

Stuart Kimmel, 7-11 Incorporated, Real Estate Representative. Mr. Kimmel agreed to dismantle the pylon sign and have it removed from the premises and in its place erect a monument sign pursuant to the ordinance with the logo color of 7-11. There will be two employees per shift and totaling 12 – 15 employees. Mr. Kimmel stated that he expected one to two tractor trailers per week for deliveries and the typical delivery time takes about 20 to 30 minutes which can be scheduled during off hours.

No comments from the public for Stuart Kimmel.

Todd Hay, PE of Pennoni Associates stated he needs to have a turning template from the applicant based upon the testimony of the engineer and the applicant's representative which will show the trucks for trash removal on the site, calculations for sanitary water and proof that adequate water consumption can be delivered by the Water Department. Mr. Hay also needs a full review from Essex County Traffic to make sure there is no problem with timing of the traffic light and if the traffic light has to be adjusted.

Mr. DiBiasi has stated that the applicant has agreed to comply with the conditions in Mr. Hay's report.

The application for the 7-11 was approved by eight members of the Board with the stipulations of the applicant.

The meeting concluded at 9:02 p.m.

The next meeting is scheduled for Wednesday, October 1, 2014 at 7:00 p.m. in the Commission Chambers.