

Township of Nutley
PLANNING BOARD
Meeting Minutes
Wednesday, October 7, 2009
7:00 P.M.

A regular meeting of the Planning Board of the Township of Nutley was held in the 3rd floor Commission Chambers and called to order at 7:05 p.m. Adequate notification was published in the official newspapers of the Township of Nutley.

ROLLCALL:

Ms. Tangorra – Vice Chairperson	- Present
Mrs. Eisenfelder – Secretary	- Present
Mr. Greengrove	- Present
Mr. Arcuti	- Absent/Excused
Mr. Riccio	- Absent/Excused
Mrs. Craine	- Present
Mr. Ritacco	- Present
Mr. Barry	- Present
Mayor Cocchiola	- Absent/Excused
Commissioner Scarpelli	- Absent/Excused
Mr. McGovern - Chairman	- Absent/Excused
Mr. Kozyra, Esq.	- Present

Ms. Tangorra asked Mr. Ritacco to sit for Mr. Riccio.

OPEN PUBLIC MEETING STATEMENT:

The Notice of Public Meeting of the Nutley Planning Board was read by Vice Chairperson Tangorra.

MINUTES:

The minutes of the September 16, 2009 meeting were circulated. A motion to approve was made by Mr. Greengrove and seconded by Mr. Barry. All ayes.

BILLS AND COMMUNICATIONS:

Mr. Kozyra noted there was one invoice to be presented.

Linda Posternock – attendance at and preparation of minutes for the September 16, 2009 meeting in the amount of \$150.00. A motion to approve was made by Mr. Greengrove and seconded by Mr Ritacco. All ayes.

Mr. Kozyra gave the members a copy of The Planner from the NJPO and information on seminars and training programs. Mr. Kozyra noted that the members had already taken the mandatory training program so there was no need to take it again.

OLD BUSINESS:

Mr. Kozyra stated that he had a proposed Resolution with respect to expanding the Green Element under the proposed Master Plan and some additional work from Phillips Preiss Shapiro Associates, which was beyond the scope of their original work, providing

a much more detailed Green Element and Sustainability Plan. The Board previously voted on it and approved going forward with the work. Mr. Kozyra noted that he was seeking a credit in the price since there was supposed to be a Green Element under the Master Plan anyway and we shouldn't have to pay the full retail amount if we were entitled to some adjustments. Mr. Kozyra said that after a few discussions with Phillips Preiss Shapiro, they agreed to reduce the proposed cost by 20%. Mr. Kozyra circulated to the Board members present, the Resolution approving the additional work and noted that it would be voted on after the hearings.

NEW BUSINESS:

63 River Road Site Plan Application Approval – Mr. Robert Gaccione, 524 Union Avenue, Belleville, NJ, counsel for the applicant of 65 River Road, stated that the applicant obtained approval to construct 71 units at that address and the approval was memorialized in a Resolution of the Board on December 12, 2007. Mr. Gaccione said that his client was in the process of constructing those units. It was testified during the application process that there was contamination at the site. Because of that contamination, the DEP has recommended that the client change the location of the play area. Mr. Gaccione received a letter denying his client's request to relocate the children's play area. The client was present, seeking the Board's approval to relocate the children's play area. The Board approved the tandem parking at the time of the original application.

Mr. Gaccione called Mr. Jack Thomas who was qualified as an expert in the field of engineering, and he was sworn. Mr. Kozyra marked the exhibits. Mr. Thomas reviewed the original location and the reasons for the relocation of the children's play area and discussed the proposed new location. Some of the Board members questioned Mr. Thomas regarding the relocation.

A motion to approve was made by Mrs. Eisenfelder, subject to the town forester's approval when the project is completed as to where the shrubs would be planted and what kind of shrubs to plant alongside the playground on the River Road location. Mr. Kozyra noted that the approval was also subject to the installation of fencing that had been referenced, and a letter from the DEP approving the site as appropriate for the relocation. Mr. Greengrove seconded the motion. 5 ayes, 1 nay (Mr. Barry) on a roll call vote.

111-115 Franklin Avenue Site Plan Application Approval – Mr. Joseph Debor, 278 Route 34, Matawan, NJ, counsel for the applicant of 111-115 Franklin Avenue, provided notices of Proof of Publication in the Nutley Sun and an Affidavit of Service as exhibits. Mr. Debor stated that they were seeking site plan approval for the renovation of the property, which is formerly known as Rite Aid. Mr. Debor introduced his clients, Oliver and J. Youssef, Board Certified Ear, Nose & Throat physicians, who own the property and are currently working from their offices located in Clifton, New Jersey.

Mr. Debor called Mr. Anthony Kurus, Lyndhurst, New Jersey, Site Plan Engineer, and he was sworn. Mr. Kurus gave background on his education and work experience. He displayed the engineering plans and explained the details of the plans to the Board. Some of the Board members questioned Mr. Kurus regarding the engineering plans.

Mr. Debor called Mr. Steven Aluotto, Morristown, New Jersey, architect for the project,

and he was sworn. Mr. Aluotto gave background on his education and work experience. Mr. Aluotto discussed the floor plan, which consists of the adaptive reuse of an existing building so there is no increase to the building's footprint. He described the layout of the interior of the building with respect to the different rooms. Mr. Aluotto stated that the plan had been submitted and preliminarily approved by the State but is subject to high-level analysis and the State's final approval. Some of the Board members questioned Mr. Aluotto regarding the architectural plans.

A motion to approve was made by Mrs. Eisenfelder, subject to the revision of certain drawings that were submitted and other conditions, and seconded by Mr. Greengrove. All ayes on a roll call vote.

MEETING OPEN TO PUBLIC

PUBLIC COMMENTS:

None.

COMMITTEE REPORTS:

None.

ADJOURNMENT:

A motion to adjourn was made by Mr. Greengrove and seconded by Mr. Ritacco. All ayes. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Linda Posternock

Linda Posternock
Recording Secretary