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**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, June 28, 2017**

A Special 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 Nutley Sun on June 15, 2017.

**Roll Call:**

- Ms. Tangorra - Vice Chairperson - present
- Mr. Greengrove - present
- Mr. Arcuti, Secretary - excused
- Mr. Algieri - excused
- Mr. Del Tufo - present
- Mr. Contella - present
- Mr. Malfitano - present
- Ms. Kucinski - present
- Mr. Kozyra - present
- Commissioner Evans - present
- Mayor Scarpelli - present
- Mr. McGovern - Chairperson - excused

**Meeting Minutes:**

Meeting Minutes for June 21, 2017 were approved by the Board.

**Invoices:**

An invoice for Debra Fontana for attendance and preparation of the June 21, 2017 Meeting Minutes was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through April 23, 2017 for the property located at Arbor Hills Apartment was approved by the Board.

**Resolutions:**

The Subdivision Committee and the Board signed the Resolutions for 224-228 East Passaic Avenue.

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.

## **Meeting Schedule**

Due to a scheduling conflict, the Board approved rescheduling the August 9, 2017 meeting to August 16, 2017.

### **Site Plan Application** **(Parking at Seton Hall Medical School)**

#### **Kevin J Coakley Esq., Attorney for Applicant**

Mr. Coakley stated that he represents the applicant, Kingsland Urban Renewal along with Allyson Kassetta, Esq. Kingsland is an entity that is jointly owned by Seton Hall and Hackensack Meridian Medical Center. Kingsland leases the property which was formerly owned by Roche from Prism Capital Partners, the entire site's developer. Kingsland's purpose in leasing the property is to facilitate the development for three uses, the Seton Hall Medical School, the Seton Hall College of Nursing, and the Seton Hall Graduate School of Medical Science. The three schools will have about 1100 students. The user population of the building is not being greatly changed from what existed before with Roche.

Mr. Coakley stated that the interior roadways are part of this application, along with rearranging the parking around the school to facilitate proposed use. There will not be any change in the size of the building, and not much change in the user population of the building. Mr. Coakley stated that in 2016 they started demolishing the interior of the building, and earlier this year they started to rebuild.

Mr. Coakley stated they have approvals from the Clifton Planning Board that were issued last week; the Essex County Planning Board also has approved the project; and they will shortly be before the Passaic Planning Board requesting their approval. They have tailored the project around the Nutley Redevelopment Plan, and there are no variances or deviations sought. Nutley adopted its Redevelopment Plan in 2016. The Redevelopment Plan between Nutley and Kingsland is the site plan development proposed.

Mr. Coakley received and read the Board's reports that were provided. He said the report by Pennoni Associates was a very thorough report, and Mr. Hay was very accommodating in discussions. Mr. Hay met and had several telephone conversations with Kingsland experts, and Kingsland has submitted a letter essentially agreeing to comply with most of the issues raised. Kingsland will satisfy and comply with the requests in the reports from the Fire Department and Shade Tree Commission, and will not be providing any testimony regarding those reports. Kingsland was disappointed with the report from the Township Planner. Mr. Coakley said the report reflects a lack of understanding as to the history of this project regarding the Redevelopment Plan, and the actions of the Commissioners that were previously taken.

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The management that are a part of Kingsland and Hackensack Meridian are committed to attempting to develop a parking deck for the use of this project. Mr. Coakley said there are many things that must be accomplished prior to building the deck: the deck must be designed, it must be bid and priced, financial arrangements must be in place and the rates that the students must pay to park have to be set. Those are all moving forward, but not completed. Once a proposal is completed by the management teams of both institutions, the parking garage will have to go before the Board of Governors of the school for approval. Hackensack Meridian has a similar board structure, and we will also need that approval.

Finally, assuming receipt of the Board's site plan approval, Kingsland would have to go back to Clifton since Clifton did not give approval for the parking deck, they only approved the parking lot. Kingsland will have to go before the Clifton Council, and have it approve the parking deck plan and then go before the Clifton Planning Board. Mr. Coakley was hopeful Kingsland would return to the Nutley Planning Board for an amendment to the site plan that has a parking deck in Clifton, and would be able to then reduce the amount of surface parking in Nutley. He said, "as of right now, we are not there yet."

Kingsland did not receive a variance for parking from Clifton because it is a permitted accessory use. This site has been developed as one site throughout the concept plans. The municipal boundary lines run right through the building. He believes it would be foolish to have considered developing this property as two separate sites. In fact, when Kingsland submitted the concept plans to the Nutley Commissioners, they approved the concept plans as one site. The concept plans show the exact configuration and development that is before the Board.

**Public Comments:**

No Public Comments.

**Erik Lillquist,  
Seton Hall University**

Mr. Lillquist addressed the Board stating that he works at Seton Hall University. He is the primary person overseeing the project, and has been involved throughout the whole process. Seton Hall and Hackensack plan to use the property for medical, health and science education. Seton Hall is going to locate the Seton Hall and Hackensack Meridian School of Medicine, Seton Hall College of Nursing, and Seton Hall School of Science on the site. At full capacity, they will have about 1100 students.

In March, 2017, the medical school submitted an application to the Liaison Committee on Medical Education ("LCME"). This application is a 900-page document that was worked on for well over a year. The application was reviewed at a meeting of the LCME earlier in June 2017,

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and LCME approved the medical school as an official candidate for accreditation. The next step is a site visit in mid-September or October 2017. The site visit will consist of four or five people from the LCME, to look at the progress.

After the site visit, there will be a decision by the LCME in February 2018 to determine if it will grant preliminary provisional accreditation or not. Assuming it is approved in February, 2018, it will then be permitted to begin accepting applicants, and the first class will begin in July 2018. Kingsland has made building progress on the interior of the building. When Kingsland closed on the lease last October, it moved right away and began demolishing the first three and half floors, and the basement where the education facilities are going to be located. That process was completed in late Winter 2016, and Kingsland is well into construction on the interior of the building. Kingsland will be finished by February or March 2018, which will give enough time to fully occupy the building and enroll the first classes.

The number of parking spaces requested is between 1300 - 1400. In addition to students, there will also be many researchers in the building, as well as faculty, administration and staff. Kingsland is committed to moving 400 spaces from Nutley to Clifton, but Kingsland will not accept movement of 400 (or any number) of parking spaces as a stipulation for approval for this application.

**Public Comments:**

No Public Comments.

**Stephen Powers, P.E.**  
**Civil Engineering/Roadway Design**  
**Greenberg Farrow**

Mr. Powers is a civil engineer, has practiced for almost twenty years and is licensed in the State of New Jersey. He stated that in discussion with Mr. Hay, and some of the Township officials, Kingsland went through and calculated the impervious area covered and how it related to the proposed redevelopment area. Kingsland has met the site's storm water requirements to the satisfaction of the NJDEP. Kingsland is adding some mechanical devices to pick up and treat 80% of the total suspended solids in the conversion area of the parking area. This was not in Kingsland's original plan, but per Mr. Hay's comments Kingsland will revise the plan to reflect the change and will meet all the sediment and erosion measures that our required.

In support of this application, Kingsland added new construction for road design and reconfigured one of the roads. The redevelopment area is 29.3 acres, the majority is east of First Avenue which runs north to south on the western side of the campus connecting to Route 3 and Kingsland. Kingsland configured the access point to Kingsland by shifting it westerly so it is a

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straight run north and south along the eastern side of Building 123A. The roadways will have a 15-mph speed limit.

Mr. Powers admitted that there was a desire for a fire hydrant to be moved to allow a permanent connection in an emergency only situation by the Public Works supply on Kingsland. Kingsland investigated doing so, but still needs to talk to Passaic Valley Water and the DEP. There is also an engineering design and construction cost impact that needs to be further investigated.

Finally, Kingsland needs to establish the appropriate legal agreements associated with hard piping in the portable public water supply. In some of the research that Kingsland did, it learned the campus water supply is connected to Jersey City Water Supply, as well as Passaic Valley. As it was in the past, Roche's water came from each supplier, but they could go through a process of shutting one of the suppliers and switching to another supplier. Prism has indicated that it is willing to work and perform the due diligence in what will be needed and what can be done. The full scope concept would be completed within twelve to eighteen months. Kingsland has calls into Passaic Valley to talk about it, and will be calling NJDEP as well to see what is required.

A bus stop is still being contemplated on Medicine Way. It is in a very conceptual stage right now with New Jersey Transit. Nutley has confirmed that the turning radius for the road design does accommodate New Jersey Transit vehicles.

**Public Comments:**

No Public Comments.

**Leonard Savino, P.E.**  
**Civil Engineering/Phase I Premises**  
**Langan Engineering & Environmental Services**

Mr. Savino has been licensed as an engineer in the State of New Jersey since 1995 and practicing for nearly thirty years.

Langan's role was the design of the four "blocks" that were created as part of the subdivision on Medicine Way, First Avenue, Fifth Avenue and Kingsland. The applicant is proposing the construction of two parking lots that front Medicine Way. Work will involve the demolition of the surfaces and construction of a new asphalt parking lot with curbed islands and sidewalks. Trash collection and recycling is proposed behind building 123A, but the applicant has shifted the trash collection behind Building 123 to a larger area that is concealed a little better.

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For the parking, the applicant is proposing 1384 total spaces; 938 are in Nutley, which has the requirement of 0.7 spaces per student (the same as Clifton). There will be 1088 students, and 400 researchers. All parking stalls and aisles are designed in code compliance, and follow the American Disabilities Act.

There was a deviation that had been sought for landscaping, but Kingsland will be in compliance without a deviation by adding two new islands that will run north to south parallel to the existing access. There are no deviations or variances sought by the applicant. 85% is allowed for the impervious coverage, and Kingsland is providing less than what is allowed, and adding greenery.

The total number of required spots are 1162, and Kingsland is proposing 1398, and a total of 938 spots on the Nutley side. There will be 136 on street parking spots on the site. Kingsland is proposing LED lights, Clifton wanted a more yellow light look and what Kingsland is proposing is to have a softer whiter light, not a bright white light.

He stated that he reviewed the Resolution regarding the subdivision application and is unsure if he reviewed Mr. Hay's and Mr. Ricci's reports regarding that application. He prepared the conceptual site plan that was submitted to the Commissioners, and the site plan with this application. He stated that he prepared an additional conceptual site dated October 26, 2016, which does not show a parking garage.

**Public Comments:**

Rory Moore addressed the Board with his concerns.

The meeting was adjourned for a five-minute break.

After the meeting resumed, Mr. Coakley spoke as follows:

**Kevin J Coakley Esq., Attorney for Applicant**

He stated that his client believed there was some feeling that Mr. Lillquist's testimony was not clearly understood. Mr. Coakley said he thinks the question asked of him was if the proposed parking deck is built in Clifton would the applicant accept a stipulation to a reduction of 400 parking spaces in Nutley. Mr. Coakley said he was not sure what Mr. Lillquist's answer was but the answer to that questions was meant to be "yes" and there would be a reduction of 400 parking spaces in Nutley.

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**Karl Pehnke, P.E.**  
**Traffic Impact Study**  
**Langan Engineering & Environmental Services**

Mr. Pehnke is a registered professional engineer in New Jersey, as well as in several other states. He has been practicing for thirty-two years and his area of expertise is traffic engineering. He submitted a traffic impact study with this application, had discussions with Mr. Hay and has provided the information that Mr. Hay has requested.

He stated that the applicant is to operate a medical school, which is a permitted use and that the traffic will be similar or a little less than when Roche was located at the property. The traffic will get a little higher in the evening because the school will have some evening classes.

First Street will be opened onto Route 3 for traffic entering and exiting the property. In addition, First Street currently comes through the site and onto Kingsland Street and will be relocated and designed according to Essex County standards. He stated the 58% of the traffic is oriented to Route 3 (30% from the west and 28% from the east), 42% is non-Route 3 traffic with 60% of going in and out through Nutley.

There are no plans for a future traffic light anywhere on campus, and bicycle traffic is not precluded from the site.

**Public Comments:**

No Public Comments.

**Todd Hay, Township and Board Engineer**

Mr. Hay addressed the Board summarizing his June 22, 2017 letter. He stated that he reviewed the survey, the plans, the Storm Water Management Report and Traffic Impact Study Reports.

He reviewed his report with the Board, and explained that the applicant has agreed to all of his recommendations regarding the Storm Water Management Report, except for one which the applicant has decided to withdraw. The applicant has agreed with all of his recommendations regarding the Hydrology Report. The applicant responded to his recommendation regarding the Roadway Design, and each response has been accepted. In regard to the Traffic Impact Study, he stated that applicant must supply him with all information from Essex County regarding their acceptance together with any engineering analysis.

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He testified that the Township of Nutley cannot ask the applicant as a condition for a no left hand turn onto Kingsland. Nutley does not have the authority because Kingsland is a right-of-way for Essex County. Mr. Hay stated he will speak to the Essex County Chief Traffic Engineer, and get an answer regarding a future no left-hand turn onto Kingsland and report back to the Board.

**Public Comments:**

Rory Moore addressed the Board with his concerns.

**Paul Ricci, Township Board Planner**

Mr. Ricci prepared a letter dated June 27, 2017. He stated that he normally does not produce a report on the same day of the hearing, but he received the plans approximately one week ago, and it did not leave him much time to conduct his review.

He relied upon what was in the Nutley Redevelopment Plan. Mr. Ricci stated that he carefully read the Redevelopment Plan, and finds the Board was trying to have a campus-like environment on the site which he took into consideration as part of his review. He stated that there are 1387 spaces proposed where only 1162 spaces are required. Mr. Ricci stated that the proposed parking did not designate or identify any spaces as temporary until the parking garage was built in Clifton.

He said it is hard to estimate the parking on a town by town basis for the number of employees and students within the building. So based upon the information he received, he found that 59.94% of the building is in Clifton and 40.06% is in Nutley. Using those percentages and applying them to the amount of parking based on required spaces, approximately 697 permanent spaces would be required in Clifton, and 465 in Nutley. The total parking requirement proposed by the applicant is approximately 951 spaces in Nutley and that result is approximate 81.8% of the total required parking or 68.5% of the total number of spaces. Nutley is absorbing a greater percentage of the parking than Clifton given the allocation of the building space.

He stated that the current proposal does not meet the Redevelopment Plan objective of creating a campus-like or park-like environment. There should be more green space. The proposed landscaping consists of nine red maple trees along the property frontage spaced approximately 22-feet apart. It is his opinion that the proposed deciduous trees planted along the Kingsland Street frontage will do little to block the view of the parked cars. a higher berm is needed. Mr. Ricci also stated that he reviewed the grading plan and the front lot along Kingsland Street increases in elevation from approximately 101 to 115 feet in height.

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Mr. Ricci stated that the proposed parking did not meet the Redevelopment Plan objective of creating further economic opportunity and development in Nutley through additional building as the parking lot as designed has left no space for construction.

Mr. Ricci stated that no information has been provided regarding building identification or any free-standing signage. He also stated that the site plan depicts two trash or recycling areas adjacent to the loading docks. Mr. Ricci recommended that the application use a trash area with an enclosure within a masonry or fenced structure.

Mr. Ricci confirmed with the Board that he would sit down with the applicant and discuss their concerns and disapproval of his report.

**Public Comments:**

No Public Comments.

Mr. Coakley requested that the Board adjourn to allow his cross-examination of Mr. Ricci at a later date. He waived all time constraints under the law so as to allow for the adjournment. The Board granted the request for an adjournment and scheduled the hearing for July 12, 2017 to allow time for the applicant to address all issues.

Before adjourning the Board allowed additional testimony and comments.

**Robert Glenning, President Financial Services Division, CFO  
Hackensack Meridian Health**

Robert Glenning stated that Hackensack Meridian is very committed to construction of the parking deck. He stated they have gone through a lot of efforts, and have received twenty million dollars in EDA parking credits. A joint letter was sent to the EDA confirming their interest in applying the credits; they will be sending another letter by July 10, 2017 with an update on the status. Hackensack Meridian has already engaged engineers to start the design process, have started the interview process for architects and will speak with the Passaic County Improvement Authority regarding financing. After all is completed, Hackensack Meridian must take the proposal to its governance.

**Public Comments:**

No Public Comments.

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The following were marked as exhibits:

<u>Exhibit No.</u>	<u>Description</u>
A-1	Proof of Publication
A-2	Certification of Mailing
A-3	Site Layout Plan - common roadways
A-4	Rendering of Landscape Plan - Common Roadways
A-5	Site Layout Plan - Phase I Premises
A-6	Site Plan Rendering (color – including landscaping) Phase I Premises
A-7	Aerial Image & Entire Site

The meeting concluded at 10:36 p.m.

The next Board meeting is scheduled for Wednesday, July 12, 2017 at 7:00 p.m.

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