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1/20/16

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, January 6, 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 - present  
Mr. Greengrove - present  
Mr. Arcuti - Secretary - present  
Mr. Barry - present  
Mr. Algieri - present  
Mr. Contella - present  
Commissioner Scarpelli - present  
Ms. Kucinski - present  
Mr. McGovern - Chairperson - present  
Mr. Kozyra - present

**Swearing In of Members** - The following Board members were sworn in for the year 2016 and were administered the Oath of Office by Mr. Kozyra: Ms. Tangorra, Mr. Greengrove, Mr. Arcuti, Mr. Barry, Mr. Algieri, Mr. Contella, Commissioner Scarpelli, Ms. Fontana, Ms. Kucinski and Mr. McGovern.

**Nomination and Election of Officers** - Mr. Greengrove presented the 2016 slate of officers:  
Approved by the Board - Vote 9-0

Mr. McGovern - Chairperson  
Ms. Tangorra - Vice Chairperson  
Mr. Arcuti - Secretary

**Nomination and Appointment of Counsel** - Mr. Greengrove moved the appointment of Barry Kozyra as Planning Board Attorney through December 31, 2016. After discussion and comment by the Board, Mr. Kozyra was approved by the Board - Vote 9-0.

Mr. Kozyra recited the Oath of Office and sworn in for the year 2016.

**Nomination and Appointment of Planner, Engineer and Recording Secretary** - Resolutions were moved for appointments of Paul Ricci as Planning Expert, Todd Hay as Planning Board Engineer and Debra Fontana as Recording Secretary and approved by the Board - Vote 9-0.

Meeting Minutes for December 16, 2015 were approved by the Board.

**Workshop Session:** Food Establishments presentation by Paul Ricci, Planning Expert and David Berry, Zoning Official.

Paul Ricci referred to a draft memorandum to the Board dated December 28, 2015, which served as a starting point for discussion purposes regarding the Nutley's current code definitions regarding restaurants, drive-ins, fast-food and take-out food establishments and outdoor cafés. He also identified in the memorandum the zoning districts where the establishments are permitted and observed that the code does not regulate these uses in a clear manner and there are overlapping meanings and uses. Mr. Ricci proposes there be a better definition of the specific types of restaurants and distinctions made among dine in restaurants, fast food restaurants, take out restaurants, bakeries and cafés.

David Berry, Zoning Official agreed there should be better definitions for restaurants by type. What exactly is the definition that regulates a restaurant as fast food, take out, or sit down, etc. and what is the distinction for each type of restaurant. It is presently vague.

Mr. McGovern suggested that Mr. Ricci and Mr. Berry meet and discuss the specific definition of each type of restaurant and set what the specific definitions are in a meeting with the Zoning Committee before returning to the Board with an update recommendation.

**Workshop Session:** Recommendations regarding mixed use properties presented by George Kimmerle of Kimmerle Associates.

George Kimmerle addressed the mixed used development of the lot and block dimension issues. He stated what is currently happening in Nutley is going on in a lot of other towns, as those towns are in a transitional stage with building a community within a community. He stated that all Nutley streets are not the same and that some of the streets such as Franklin Avenue can provide more development flexibility and depth to accommodate contemporary uses. Mr. Kimmerle suggested that prior to hearing an application; the Board should have a design concept for that street and consider the safety of children walking on the sidewalks without worry about cars racing in and out of a driveway. The Board could limit the buildings in an application to a two story or lower building with better signage and less curb cuts. He also suggested that the Board consider ways to encourage people to move to Nutley as an application will bring to the town, certain types of households which must be taken into consideration as to the types of units in the buildings that are being developed. He highly recommends privately owned senior citizen housing facilities, because that type of facility can become a mini community within a community, and would add street life to the community.

The meeting concluded at 8:40 p.m

The next meeting is scheduled for Wednesday, January 20, 2016 at 7:00 p.m.