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**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, December 20, 2017**

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, the Star Ledger and the Nutley Sun on December 1, 2016.

Roll Call:

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

Meeting Minutes:

Meeting Minutes for December 6, 2017 were approved by the Board.

Invoices:

An invoice for Debra Fontana for attendance and preparation of the December 6, 2017 Meeting Minutes was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through October 22, 2017 regarding the Roche Redevelopment was approved by the Board.

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.

Site Plan Application
Parking, Streets and Roads at Seton Hall Medical School

Kevin Coakley, Connell Foley, Attorney for
Applicant Kingsland Street Urban Renewal, LLC

Mr. Coakley addressed the Board stating that in September 2017 there was a dialogue with the Board about the extent of parking to be allowed on the Nutley portion of the 123/123A property leased by Kingsland. As a result, there were discussions between Kingsland representatives and members of the governing body which led to a proposed amendment to the Nutley Redevelopment Agreement. The amendment would provide that Kingsland make a strong, serious effort to build a parking garage on the Clifton portion of Kingsland's leased property.

In the interim Kingsland would seek 467 permanent parking spaces and 196 temporary parking spaces on the triangular lot located along Kingsland Street. This proposed amendment to the Nutley Redevelopment Agreement embodied the idea that if the garage was built, the temporary parking spaces would be eliminated since the temporary spaces would go in the garage. If all efforts to have the garage built in Clifton were unsuccessful, the 196 temporary spaces would move to another area of the site called "banked parking" located next to the 467 permanent spaces. The proposed amendment to the Nutley Redevelopment Agreement requires Seton Hall and Hackensack to reach an agreement since they have different roles with respect to the parking garage. Both have been working on reaching an agreement and but there are a couple of "minor" issues remaining to bring before their respective Boards which will not occur until sometime towards the end of January.

Kingsland seeks an "interim solution" allowing preliminary site plan approval, except for the paving. It would have to return for final site plan approval for the paving as soon as the amendment to the Redevelopment Agreement is executed. The final approval would include the curbs, sidewalks, lights, and granular fill so the site can be prepared over the winter. When asphalt plants open in early spring the site could be paved. This interim solution is subject to the approvals from the Seton Hall and Hackensack Boards and getting their agreement signed.

Mr. Coakley also stated that there are common roadways that run through this property that are owned by a Prism Capital Partners entity called PB Nutcliff. Those roadways are designed to serve the medical school project and other users who come onto the site. Prism has not started any work on those roadways. They would like to get approval for their roadways so they can be authorized to start that work and install those roadways over the next several months.

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Mayor Scarpelli addressed Mr. Kozyra for his opinion on Mr. Coakley's suggestions.

Mr. Kozyra stated that there are two aspects with respect to getting a preliminary site plan approval. The approval would be consistent with the Resolution that the Board has previously discussed with the same parking numbers and configurations that was previously presented. If anything else is presented to the Board, the application would have to be reopened or the approval amended. That application would have to be made to the Board to amend, notice would have to be given to the public and the neighboring property owners and then the Board would have a hearing. It would not be a long hearing because it is an amendment to what was already heard, presented and presumably adopted in the preliminary site plan approval.

As to the second part, Mr. Kozyra stated he would have to review and confirm that the PB Nutcliff's roadways were part of the previous application. If not part of the application there is nothing before the Board to grant. Whatever roadways were sought as part of the original application could be made part of the preliminary approval on January 3, 2018. The Resolution would recite that The Applicant intends to return to the Planning Board to amend the site plan in the future to reflect what is in the proposed amendment to the Nutley Redevelopment Agreement, which would be done that in six months or less.

Mr. Coakley addressed the Board stating that the Applicant accepted that the approval required he return to make a subsequent application for final approval to include the paving and all aspects of the amended Redevelopment Agreement not previously approved.

Commissioner Evans stated that the Board and the town are doing everything possible to support the Applicant in the process because all are very excited about the opportunity to have the medical school open. He said it is unfortunate that there have been a lot of other factors and dynamics that have hindered the process. He questioned Mr. Coakley asking if he foresaw any issue coming back before the Board within the next six months with a permanent parking plan, and addressing the testimony on the record regarding the amendment to the Redevelopment Agreement and the terms discussed.

Mr. Coakley stated that all would take a relatively short period of time assuming that the respective Boards approve the agreement between Seton Hall and Hackensack, which will allow Kingsland to sign the proposed amendment to the Nutley Redevelopment Agreement. He believed it will occur in the first sixty days of 2018 and immediately after that be back with the final element to this application. He said the reason why Kingsland structured the proposal to be limited is because it is aware of the Board's concerns so it only left the door open about paving, which was not unintentional.

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Mr. Arcuti questioned Mr. Coakley if there has been a strong, serious effort to build a parking garage in Clifton, and the timeline of when that might be built.

Mr. Coakley stated Kingsland would have to go and present the plan to the Clifton governing body and then to the Planning Board. The concept plan presentation submission has been developed by Hackensack and will be able to move quickly as soon as Kingsland jumps the hurdle of Nutley's Board approval. An application would be made in Clifton; if denied it would be pursued to the highest Court possible. The biggest obstacle to building the parking garage is getting Clifton's approval to do it but Kingsland has committed to making that application to Clifton.

Ms. Tangorra questioned Mr. Coakley if there was a reason that was not already set in motion with Clifton.

Mr. Coakley responded that Kingsland reached an agreement back in October 2017 with the Clifton governing body and Kingsland has spent a good deal of time between Seton Hall and Hackensack in coming to an agreement between themselves which will go before their Boards in January.

Commissioner Scarpelli made a motion, seconded by Mr. Del Tufo to have Mr. Kozyra draft a Resolution to incorporate the earlier pass Resolution along with Mr. Coakley's suggestions and Commissioner Evans' six-month proviso for a vote at the January 3, 2018 meeting.

Mr. Coakley then told the Board that the existing proposed site plan filed had sought approximately 980 parking spaces in Nutley. The current proposal would track the proposed amended Nutley Redevelopment Agreement of 467 permanent spaces, 196 temporary spaces and 55 roadway spaces. The permanent spaces are in the main lot in Nutley, 196 temporary spaces are located in the triangular lot in Nutley between what may be called Medicine Way and Kingsland Street.

Mr. Coakley showed the Board a proposed plan for the parking garage and stated that they originally had 357 parking spaces approved in Clifton. If those spaces are not developed because the garage is built Kingsland will need to get some transitional parking in Clifton because the requirement of parking is almost 1000 spaces for the overall use. Once the garage is built the spaces in Nutley will be 467 permanent spaces plus 55 roadway spaces, and the 196 temporary spaces will go away.

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The Board approved Mayor Scarpelli's request (6-0) for Mr. Kozyra to prepare a proposed Preliminary Site Plan Resolution for the Board to vote on which will address the suggested changes requested by Mr. Coakley.

Public Comments

Penny Landry addressed the Board with questions and her concerns.

The meeting concluded at 7:43 p.m.

The next meeting is scheduled for Wednesday, January 3, 2018 at 7:00 p.m.

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