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9/19/18

**Township of Nutley
Planning Board
Meeting Minutes
Wednesday, August 29, 2018**

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 August 16, 2018.

Roll Call:

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

Invoices:

Two invoices for Pennoni Associates, Inc. for professional services provided through March 25, 2018 for the Roche Redevelopment project were approved by the Board.

An invoice for Barry Kozyra for attendance at the August 29, 2018 Special Meeting regarding Subdivision and Site Plan Application as to Prism Phase IIA Redevelopment was approved by the Board.

Hearing Schedule:

The Board decided to have the Board Engineer as well as the Township Planner prepare and submit reports with their recommendations on the application for 212 Hancox Avenue. The hearing on this matter will be tentatively rescheduled to September 19, 2018 subject to preparation of said reports and review by the Board. Mr. Kozyra stated that he will notify the applicant of the date change and seek a waiver for any time constraints there may exist.

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.

Board's Density Recommendations to Board of Commissioners for Mixed Use Applications:

Mr. Kozyra asked Mayor Scarpelli whether he had any updates regarding the Board's density recommendations to the Board of Commissioners. Mayor Scarpelli stated that meetings have been held and a draft ordinance is currently being reviewed by the Commissioners. He is hopeful that the ordinance will be on the agenda for the upcoming Board of Commissioners meeting of September 4, 2018.

**Nutley Phase IIA Redevelopment
Subdivision and Site Plan Application**

Meryl A. G. Gonchar, Esq., Attorney for the Applicant

Ms. Gonchar stated that she is a member of the firm Sills, Cummis & Gross, and represents the applicant, PB Nutclif Master, L.L.C. The application is for Preliminary and Final Site Plan Approval, Preliminary and Final Major Subdivision Approval and bulk variances or deviations from the Redevelopment Plan or the Zoning Ordinance of the Township. The subject property is identified as Block 201, Lot 1 and Block 300, Lots 1 and 20 on the current tax map, the applicant's portion of the current On3 campus, previously known as the Hoffmann-La Roche campus, also referred to as 340 Kingsland Street. The property is partially located in the Nutley Phase IIA Redevelopment Plan area and partially in the M-O Zone.

Ms. Gonchar stated that the applicant is seeking Preliminary and Final Major Subdivision Approval to create three new tax lots and a remainder lot (which will be part of an application with regard to the private roadway network) from existing Block 201, Lot 1, and to create two new tax lots and a remainder lot from existing Block 300, Lots 1 and 20. Block 201, Lot 1 is currently improved with two existing buildings: 100 Metro Boulevard, a seven-story building previously known as Building 1 in the Hoffman-La Roche Campus, and 200 Metro Boulevard, previously known as Building 76. Metro Boulevard was previously referred to as First Avenue. These two buildings are proposed to remain. By the subdivision, 100 Metro Boulevard is proposed to be located on a separate tax lot and 200 Metro Boulevard also will be on a separate tax lot. The third new tax lot is proposed to be developed with a 7-level parking garage and 23 at-grade parking spaces which parking will serve the occupants of 100 and 200 Metro Boulevard, and will also include the majority of a proposed outdoor courtyard to be further described by the applicant's consultants. The remainder of lot 1 in block 201 remains in the M-O Zone and it will be the subject of a future application for private roadways to be utilized by the ON3 Campus.

Ms. Gonchar stated that the subdivision of Block 300, Lots 1 and 20 will result in the creation of one new tax lot improved with an existing building, now known as 111 Ideation Way (formerly Fifth Avenue). This is a 6-story building previously known as Building 102 in the HLR campus. This lot is part of the Redevelopment Plan. The balance of Lot 1 in Block 300 is improved with a small building of about 8,000 square feet, previously known as Building 77. The lot created where this existing building is located is not part of the Redevelopment Area and, therefore, remains subject to the M-O Zone in the Township Ordinance.

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Ms. Gonchar stated that the applicant is also seeking Preliminary and Final Site Plan Approval with regard to the proposed parking garage and parking lot, and the proposed courtyard located between 100 and 200 Metro Boulevard. The new lots which are part of Block 201 are referred to in the application as well as the Redevelopment Plan as Lots V, W and X, and will receive new designations from the Tax Assessor. The courtyard is proposed to be improved with hardscaping, landscaping, outdoor seating, and other details to be further described by the landscape architect. Finally, Preliminary and Final Site Plan Approval is sought with regard to various building enhancements with regard to 100 Metro Boulevard to be further described by the applicant's architect. Applicant is also seeking deviations from the Redevelopment Plan or variances from the Ordinance with regard to the lot depth of both remainder lots proposed for future roadways. Additionally, Ms. Gonchar stated that there is one specific point of the building at 100 Metro Boulevard which is at a zero foot setback rather than the required 20 feet from the roadway located next to it. She also stated that the applicant seeks relief from the required maximum height of 6 feet for fences and walls for a proposed 18-foot decorative screening walls between the garage and the back of the courtyard.

Ms. Gonchar stated that the applicant's planner and other witnesses would address certain items identified in the review letters provided by the Board Engineer and Township Planner; one regarding a minimum buffer height for a sight triangle, and another regarding security lighting. The applicant also seeks relief from the provisions of Sections 35 and 36 of Municipal Land Use Law in regard to the proposed parking garage.

Ms. Gonchar provided a list of consultants who will be part of the testimony for the applicant as follows:

- Stephen Powers, Professional Engineer
- Matthew Seckler, Professional Engineer
- Charles Logan, Licensed Architect
- Jarka Vonder, Licensed Surveyor
- Michael Hicks, Licensed Architect
- Giovanni Diaz, Licensed Landscape Architect
- John Szabo, Licensed Professional Planner

Ms. Gonchar also noted that, as required by the Redevelopment Plan, a presentation was made to the Board of Commissioners, approval was obtained from the Commissioners in order to proceed with the application before the Planning Board, and the applicant has been designated by resolution from the Board of Commissioners as the approved redeveloper of the subject property. Ms. Gonchar added that the Redevelopment Plan was also presented to the Planning Board for compliance review and was found to be compliant with the Master Plan.

Ms. Gonchar also stated that proof of service to property owners within 200 feet of the property has been provided as well as proof of publication of this hearing in a newspaper. Mr. Kozyra confirmed on the record that Notice of Publication has been marked as Exhibit A-1 and

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Proof of Service has been marked as Exhibit A-2, and they both satisfy the jurisdictional requirements for the Board's hearing.

Additionally, Ms. Gonchar stated that two submission waivers have been requested. Plans have been prepared at a larger scale to provide additional clarity around the areas under design, given the large nature of the developable area. A partial waiver is also required for the County Planning Board submission as required at the time of municipal filing. The County Application will be submitted following the municipal approval. Mr. Kozyra confirmed that the applicant may move ahead with their application subject to those conditions.

Eugene Diaz
Prism Capital Partners, L.L.C.

Mr. Diaz provided a summary of the reasons the applicant has submitted this application. He stated that one of the essential reasons for this subdivision is to provide a very discrete and direct tax assessment opportunity for each individual parcel as each building is going to be re-occupied by multiple users. He also explained that the parking garage will be used by the occupants of the two buildings as previously described by Ms. Gonchar, and therefore a reciprocal easement agreement has been established between the two properties that governs precisely how the garage will be managed, maintained and operated by the owners or occupants of the buildings at a future point in time. During the interim, Prism will control the site as the redeveloper.

Mr. Diaz also provided an explanation as to why subdivision is required including Building 111. He stated that as a result of the subdivision granted during the medical school redevelopment phase, there were remaining parking lots not currently needed by the occupants of 111 Ideation Way, which building is now fully leased. Therefore, there is a need to separate those parcels and provide 111 Ideation Way, its fair allocation of property, and therefore, the ability to be assessed as a separate and distinct property by the municipality.

Mr. Diaz concluded by stating that the applicant's planner and civil engineer will provide testimony with respect to setbacks, compliance and technical details.

Public Comments:

No Public Comments

Stephen Powers, P.E.
Civil Engineering
Parking Garage & Courtyard Design
Greenberg Farrow

Mr. Powers is a licensed professional engineer in the State of New Jersey as well as several other states. Mr. Powers and his team at Greenberg Farrow are the civil engineers responsible for the exterior site improvements for the project.

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The Chair accepted Mr. Powers as an expert in the field of engineering.

Mr. Powers provided an overview of the location of the subject lots and existing buildings. Building coverage in Lot W is 67.1 percent, which is within limits of the proposed subdivision plan. For Building 100 in Lot X, coverage is 59.8 percent of the allowable building area, and Building 111 on the subdivision plan for Lot Y is approximately 12 percent currently.

Mr. Powers proceeded to explain the layout of the parking garage located on Lot V. The proposed garage is a seven-story building providing 2,589 parking spaces. There will be two-way traffic on both sides of the building. He further stated that the exhibits show a wheel-base 40 truck movements coming from any direction, either from Route 3 or Kingsland Street, in order to allow for emergency vehicle access.

Mr. Powers stated that pedestrian access around the garage building will extend on all sides of the lot. He explained that, as per the Board Engineer's letter, additional concrete area will be provided wherever possible on pedestrian walkways around the building.

Mr. Powers stated that, even though the applicant is technically exempt from the three DEP storm water requirements (quantity, quality and recharge), in order to remain consistent with previous applications they are working with Todd Hay, Board Engineer, and his group to provide some improved water quality by taking some of the runoff from the garage itself. Mr. Powers also stated that most likely he will work with Mr. Hay to comply with the required so-called "total solids," or suspended solids removal by filtrating some of the runoff that might come off the roof.

Mr. Powers stated that the only utilities being proposed for the parking garage are electrical. There will be pedestrian safety lighting all around the garage. The applicant is proposing 16-foot Philips LED fixtures, which have zero bulb lighting, meaning no back light, no up light and no glare. Mr. Powers stated that the Redevelopment Plan requires zero foot-candles, or no light shining over the property line itself. However, due to the fact that the pedestrian walkway is so close to Roadway H, there are certain areas where it is exceeding the zero foot requirement. He clarified that it only exceeds it by going over the property line because it is zero offset along that side and into the road. He stated this is only to make sure that appropriate, safe lighting is provided for pedestrians that are walking around the campus. Ms. Gonchar clarified with questions that the light spillage only goes from the proposed lot onto the road; however, it does not leave the applicant's property.

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Public Comments:

Commissioner Alphonse Petracco addressed the Board with his concerns.
Patricia Doherty addressed the Board with her concerns.

Jaroslava Vonder
Professional Licensed Surveyor
Subdivision Plans for
Block 300, Lots 1 and 20 & Block 201, Lot 1
PS&S

Ms. Vonder has been a professional licensed surveyor since 1989. She has worked for PS&S for over 30 years.

The Chair accepted Ms. Vonder as an expert in the field of surveying.

She was responsible for the preparation of the subdivision plans with regard to Block 300, Lots 1 and 20, and Block 201, Lot 1. Ms. Vonder confirmed that the testimony by Mr. Powers provided an accurate depiction of the proposed subdivision into new tax lots. Ms. Vonder further confirmed that she designed the plans presented to the Board in accordance with the bulk standards that are included in the Phase IIA Redevelopment Plan, except with regard to proposed lot Z and the lots referred to as “remainder lots”. The Subdivision Plans provided by Ms. Vonder were marked as Exhibit A-4.

Charles Otis Logan, Jr.
Licensed Architect
Parking Garage Design
Aztec Architects, L.L.C.

Renderings of the proposed garage provided by Mr. Logan were marked as Exhibit A-5.

Mr. Logan is a licensed architect in New York, New Jersey and Pennsylvania, and he is the President and CEO of Aztec Architects. The company has been retained by Prism Partners, L.L.C. in order to design the proposed parking garage located on lot V. The garage is bound by Roads H, D and Prism Way.

The Chair accepted Mr. Logan as an expert in the field of architecture.

Mr. Logan stated that the garage is a six-story building with 7 tiers, meaning that the roof of the sixth tier also includes parking. The total area of the building is 890,400 square feet. The building consists predominantly of parking, and one 8,230 square-foot storage area on the ground floor, which is going to be dedicated to a single tenant from 100 Metro Boulevard, Ralph Lauren.

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The ground floor parking area is 118,970 square feet. The other floors (second through sixth floors) are 127,200 square feet each floor. The roof is also 127,200 square feet.

Mr. Logan pointed out that 78 percent of the building is in Nutley and 22 percent in Clifton. The garage has 2,566 parking spaces, and the combined total including surface parking is 2,721. Mr. Logan stated that 42 stalls are ADA accessible, distributed throughout the building. Approximately 18.2 percent of the spaces are for compact parking, which is within the maximum 20% requirement. The double ramp design allows for two-way traffic from both east and west sides.

Mr. Kozyra pointed out to Mr. Logan that the compact spaces he described are not properly marked on the drawings. Mr. Logan stated that the drawings will be amended as requested.

Mr. Logan described the building composition as concrete spandrels that look like limestone. There is presently a similar type of material on Building 200, and his idea was to complement what was being used there on Building 100 as well. The building height from grade to top of beam is 64 feet and 10 inches. It is a non-sprinkle red building, which has six fire standpipes, four passenger elevators able to accommodate a gurney in each one of them, four fire vertical stairs, six pedestrian points of entry, two vehicular points of entry and ingress and egress controlled by a key FOB.

Mr. Logan stated that the light fixtures on the roof level are Dark Sky compliant, meaning that they all point downward. The poles on the roof are 16 feet tall (rather than the traditional 24-foot pole) due to light sensitivity issues as to the entire campus as well as to adjoining neighbors.

Mr. Logan confirmed to Mr. Kozyra that the applicant is prepared to stipulate to the materials, colors and designs as testified to by Mr. Logan and as set forth in his drawings. He also confirmed that there will be signage on the crash bars as to the maximum vehicle height at the entrances to the garage.

Public Comments:

Rory Moore addressed the Board with his concerns.

Michael A. Hicks
Registered Architect
Architectural Design for 100 Metro Boulevard
Gensler Architects

Mr. Hicks works for Gensler Architects and has been a registered architect for 26 years. He has been hired as the project architect responsible for Building 100. Mr. Hicks stated that this building will be occupied by Ralph Lauren.

The Chair accepted Mr. Hicks as an expert in the field of architecture.

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Mr. Hicks described his drawings which showed changes made to the façade on the north side of the existing building. The changes include a new two-story entrance, a 30-foot lobby space, a new glass and steel canopy for the new entry way, and an anodized aluminum eyebrow framing the new glass wall at the entrance. The second page showed the new lobby and reception desk. The drawings were marked as Exhibit A-6.

Matthew Seckler
Licensed Professional Engineer
Traffic Engineering
Stonefield Engineering Design

Mr. Seckler is a licensed professional engineer, has practiced in the traffic engineering field for over 10 years, and has testified as an expert in this field in front of more than 80 boards in the State of New Jersey. Mr. Seckler is a principal of Stonefield Engineering Design.

The Chair accepted Mr. Seckler as an expert in the field of traffic engineering.

Mr. Seckler stated that a traffic impact letter report dated August 14, 2018 was provided by him as part of the application package. He designed the internal roadways, evaluated the parking supply and the parking demand to be expected during the reoccupation of the buildings in this project. In addition, he worked with outside agencies, such as the New Jersey Department of Transportation and Essex County on this part of the project, as well as Passaic County for other aspects of the overall traffic involvement in the site.

Mr. Seckler stated it is fairly unusual to provide traffic impact studies for parking garages since they do not generate much traffic. He also noted that, typically, off-site impacts are not considered as part of a permitted use application; however, he conducted a study on Kingsland Street for over a mile stretch going from Darling Avenue to Passaic Avenue, as requested by the Board's experts as well as by Essex County.

Mr. Seckler stated that his study considered a trip generation which included the proposed Quest Diagnostics redevelopment in Clifton, the full occupation of the HUMC medical school, nursing school and allied health sciences school, full occupation of 111 Ideation Way, and the two buildings that are part of this current application. The results of the study show traffic generations of about 25 percent less than what was generated by the Hoffmann-La Roche site in the past. Mr. Seckler also noted that Route 3 will become accessible to cars parked in the lots on the south side of the campus, which should alleviate some of the traffic that had previously been forced onto Kingsland Street from the same lots. An analysis has been provided to the County and the impact in this corridor has been found generally consistent or compatible with what Essex County has reportedly deemed acceptable.

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Mr. Seckler stated that he is also working with Essex County in order to retime two traffic lights, including the intersection of Darling Avenue with Kingsland Street. He is also evaluating, as part of the overall future development, the intersection of Route 7 and Kingsland Street in order to determine if a traffic light would be warranted at that location.

Mr. Seckler stated that the driveways and on-site access are all being designed efficiently and adequately for the current application. As stated by Mr. Loga, 24-foot drive aisles are considered quite large when compared to other parking garages elsewhere, and they allow for proper two-way movements. The driveways are designed adequately with raised crosswalks allowing for a traffic-calming mechanism. Mr. Seckler stated that overall the design layout of the site meets traffic engineering standards based on his analysis. He believes the application meets the burden of proof in terms of traffic engineering impacts.

Mr. Seckler stated that the large roadway aisles have been designed to accommodate fire trucks and other large vehicles such as delivery trucks. He also confirmed that all roads internal to the site provide adequate access and means to allow emergency vehicles coming from Kingsland Street, Route 3 or other public streets to the buildings that are the subject of the hearing.

Public Comments:

Patricia Doherty addressed the Board with her concerns.

The following were marked as exhibits:

<u>Exhibit No.</u>	<u>Description</u>
A-1	Notice of Publication
A-2	Certification of Mailing to Owners within 200 feet
A-3	Site Plan – Phase IIA Premises
A-4	Subdivision Plans for Block 300, Lots 1 and 20 & Block 201, Lot 1
A-5	Rendered Perspective Views and Lighting Study / 100-200 Metro Boulevard Parking Garage
A-6	Architectural Drawings / 100 Metro Boulevard

Mr. Greengrove made a motion to continue the present hearing on September 5, 2018. The motion was seconded by Mr. Algieri and approved by the Board.

The meeting concluded at 10:56 p.m.

The next meeting is scheduled for Wednesday, September 5, 2018 at 7:00 p.m.

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