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11/14/18

**Township of Nutley
Special Planning Board
Meeting Minutes
Thursday, October 18, 2018**

A Special Meeting of the Planning Board of the Township of Nutley was held on Thursday October 18, 2018 at 7:00pm, in the Township of Nutley Municipal Building, One Kennedy Drive, Commission Chambers. The purpose of the Special Meeting was for Final Site Plan Approval for Kingsland Street Urban Renewal LLC, 340 Kingsland Street, Block 300 Lots 1, 1.01, 1.02, 1.03, 1.04, 20 & 300 and Block 201 lot 1 and other matters not limited to said Final Site Plan Approval.

Adequate notification was published in the Nutley Sun on September 20, 2018.

Roll Call:

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

Communications and Bills:

A notice of Public Hearing was received from the Clifton Zoning Board to be held on October 24, 2018 for an Application for variances and other relief with respect to the ON3 Project. Mr. Kozyra stated he was not sure exactly what the application was seeking. Mayor Scarpelli advised that it was for the Garage Structure on the Clifton side. Mr. Kozyra confirmed with Todd Hay, Township Engineer, that the letter related to the construction of the parking structure on the Clifton side, but stated he has not analyzed all of the variances requested as the letter was just received. He indicated that no Board action was required.

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.

A notice to Ms. Tangorra from Paul, Sokolowski and Sartor for a Public Notification for a Water Treatment Works Application for Building 123A, indicated an Application was made for approval and was awaiting a decision from Passaic Valley Water Commission. No action is required by the Board.

Invoices:

An invoice for Pennoni Associates, Inc. for professional services through September 23, 2018 for Roche Phase 2 in the amount of \$2,550.00 was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through September 23, 2018 for Arbor Hills Apartments – Final Inspection in the amount of \$340.00 was approved by the Board.

An invoice for Pennoni Associates, Inc. for professional services through September 23, 2018 for the Roche Site ON3 Phase 2 Roadway Inspections for the amount of \$4,975.00 was approved by the Board.

Hearings Scheduled - New Business:

Kingsland Street Urban Renewal, LLC, Final Site Plan Approval
340 Kingsland Street, Nutley, NJ 07110

APPEARANCES:

Mr. Kevin J. Coakley, Esq., Connell Foley LLP
Mr. John DiGiacinto – Langan Engineering and Environmental Services Inc.
Mr. Donald E. Ellis, Hackensack Meridian Health
Ms. Meryl A. G. Gonchar Esq., Sills Cummis & Gross
Mr. Stephen Powers, PE, GreenbergFarrow
Mr. Todd Hay, Pennoni Associates, Inc.

Mr. Kevin J. Coakley, Esq., Connell Foley LLP, 56 Livingston Avenue, Roseland, NJ
07068

Mr. Kevin J. Coakley, Esq. representing the applicant Kingsland Street Urban Renewal, LLC stated: The application is for Final Site Plan Approval for 340 Kingsland Street (Phase 1). Mr. Coakley addressed the Board and thanked them for holding a Special Meeting for the Final Site Plan Approval of Kingsland Street Urban Renewal, LLC application. Mr. Coakley advised the Board of the plans presented, signed and submitted are the Final Plans for this project. Mr. Coakley called his first witness Mr. DiGiacinto with Langan Engineering.

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Mr. John DiGiacinto – Langan Engineering and Environmental Services Inc., 300 Kimball Drive, 4th Floor, Parsippany, NJ 07054

Mr. Kozyra stated to Mr. John DiGiacinto that an agreement was made with Mr. Benson that all of his exhibits submitted have been marked as Exhibit A2.

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

Mr. DiGiacinto stated to the Board by looking at Exhibit A2 the most significant change is Block 300 lot 1.01, which was formally an existing parking lot that was going to be re-used as well as expanded it. He stated it has been abandoned and that area will now be a lawn area with no parking. Mr. Kozyra asked the change of the parking lot has been abandoned and not the area itself. Mr. DiGiacinto answered to his understanding that is correct, but he is not an attorney. Mr. DiGiacinto stated that most of the other changes have been minor. He stated there are some additional emergency talk a phones that were installed in the parking lot, some adjustments of locations and the lot in Clifton was not constructed and has been identified as not completed, and also some sidewalk work on the south east corner of the building. Mr. DiGiacinto also stated the next major change was to address Paul Ricci and the Town Foster's planning memo regarding the parking lot south of the building, in the last submission they had 16 trees they now have 48 trees which is in conformance with the requested 1 per 10. He stated in addition they removed the red mulch that was in the islands and replaced that with 900 plantings, including ground cover, perennials and annuals. Mr. Coakley asked Mr. DiGiacinto if he has submitted electronic versions of the plans and Mr. DiGiacinto responded yes. Mr. Coakley asked Mr. DiGiacinto if Mr. Hay asked for additional plans today and Mr. DiGiacinto responded that Mr. Hay asked for the existing building connection locations and advised they are going to work with the construction manager to get those plans for him. Mr. Coakley stated he has no further questions for this witness.

Mayor Scarpelli commented that the changes to the landscape are much appreciated.

Mr. Kozyra briefed the Board and explained that the Signage Issue was part of Phase 1 Re-Development Plan. Mr. Kozyra stated he discussed this with Mr. Berry and he thought it would be best to receive approval on the signage this evening. Mayor Scarpelli asked Mr. Coakley to explain the roof signage as he was confused to exactly what it was. Mr. Coakley called Donald Ellis to the stand to explain roof signage.

Mr. Donald E. Ellis, Hackensack Meridian Health, 1250 Campus Parkway, Neptune, NJ 00753

Mr. Donald Ellis testified and stated they are replacing the roof with a rubber membrane and contemplating on painting the logo squares on the roof. He stated it is not a raised sign or a structure. He stated when looking at it from above you will see the logo painted on there. He stated there will be some minor lighting and not a lot of up-lighting because of the issues with FAA. He stated it will be subtle. Mayor Scarpelli mentioned the contemplated changes for the façade signage on building 76. Mr. Ellis responded they have been speaking with Prism

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regarding the façade and they are contemplating with putting a glass façade which will have to change the mounting mechanism. He stated the signage will not be any bigger or brighter. He stated they will still need to figure out how it will be mounted. Mayor Scarpelli asked if they had all the rights to the signage being asked for tonight. Mr. Ellis responded yes they do and they have reviewed the package with Prism and are in alignment and agreement with the proposed signage package.

Ms. Meryl Gonchar, Esq. asked Mr. Ellis some questions about the roof signage and stated she was not aware of an agreement with Prism regarding the roof matter. Mr. Ellis responded that he stands corrected and he still needed to discuss the roof signage with Gene.

Mr. Kozyra stated that the Board is approving the proposed signage that is being presented this evening and if there are any deviations that were not agreed upon between Prism and Kingsland, they would have to come back to the Board for approval. Ms. Meryl Gonchar asked if the sign on building 76 which is part of Phase IIA had been discussed, as Phase II does not have any approvals for signage. Mr. Kozyra stated that the 76 building was identified and included in Phase I with approvals for signage. He stated if there are any changes it can be brought back to the Board for Approval.

Mr. Kevin Coakley addressed the Board and advised that if any changes need to be made to the signage they would return to the Board for approval.

**Ms. Meryl A. G. Gonchar Esq., Sills Cummis & Gross, One Riverfront Plaza, Newark, NJ
07102**

Meryl A. Gonchar with Sill Cummis & Cross introduced Stephen Powers, PE, engineer with GreenbergFarrow to the stand. She stated Mr. Powers will address minor changes that will be incorporated through the as built.

Mr. Kozyra stated for the record the materials that Mr. Powers is relying upon have been reviewed with Mr. Benson and marked as Group A3.

Ms. Conchar asked Mr. Powers for the record if he was a licensed professional engineer in the State of New Jersey and if he still is. Mr. Powers responded yes. Ms. Conchar asked the Board to recognize Mr. Powers as an expert in engineering.

**Mr. Stephen Powers, PE, GreenbergFarrow, 153 Cordaville Road, Suite 210,
Southborough, MA 01772**

Mr. Powers address the Board as the engineer for Prism Capital. Mr. Powers stated there are some minor changes made to the approved plans. He stated working from North to South on Ideation Way a minor change was made to the water storm line that was mostly to avoid an existing utility structure that was found in the road. He stated coming South down Ideation Way there was a grading adjustment to avoid an existing steam vault that would have been cost prohibited and taken a lot of time to relocate. He stated moving further South there were additional storms drain lines that were reconfigured to avoid existing utility structures within Ideation Way. He also stated a minor change to a slight bump out to a curb on Ideation Way to

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avoid existing monitor well. Mr. Powers stated that also on Medicine Lane they have shifted the sanitary and storm lines further north to avoid the monitoring wells.

Mr. Coakley addressed the board and stated that the TCO runs out shortly and he requests if they can have their resolution as quickly as possible. Mr. Kozyra advised that the resolution has been circulated to the Board for approval review.

**Mr. Todd Hay, Pennoni Associates, Inc., Township Engineer, 24 Commerce Street,
Newark, NJ 07102**

Mr. Hay testified that he has listened too and reviewed the current application. He stated that over the last 12 months they have done onsite inspections for the Township and Mr. Kozyra for both portions presented by Langan and GreenbergFarrow. He stated there has been no objections as the site inspections were done as necessary and are in compliance. Mr. Hay stated he also received an update to give the Board on some partially satisfied items that were related to CAD files that were requested. He stated the necessity of these files is so the town has a written record that it can utilize on the site in the event of an emergency for instance, for water, sewer electric and gas. He stated as in previous testimony from the Langan representative they will provide some type of drawing that will indicate the electric & gas and the utilities that are not there. He stated these are a necessity so our Fire Fighters can look at those drawings in case of an emergency as well as any other type of emergency that may be necessary. Mr. Hay stated this is the only requirement he is asking the board to consider outside of his letter. Mr. Hay stated he will let the board know that they have received as well as all of the files that have been requested within his letter. Mr. Hay also stated that the emergency interconnection and the sewer meter will be part of the re-development plan and not part of this proposed approval. Mr. Hay mentioned they are working with the applicant for approval regarding the sanitary sewer treatment works.

Mr. Kozyra agreed that the testimony and presentation covered everything that is written in the resolution. Mr. Kozyra mentioned that the Final Site Plan Resolution re-adopts the Preliminary Resolution and the amendment to the Preliminary Resolution and they are not inconsistent to the Final Site Plan. Mr. Kozyra confirmed that the CAD files are the furnished file and part of the Final Site Plan.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Mr. Mayor Scarpelli, seconded by Ms. Tangorra and approved by the Board.

Public Comments:

No Public Comments

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Mr. Kozyra addressed the Board that the professionals on this job, the attorneys, planners and engineers did a wonderful job. He stated that the end product is what they hoped for "A Campus" He stated that the Campus is turning out to be an amazing success. He mentioned that Welcome Day for ON3 that was organized by the town of Nutley looked like a School not a building with a bunch of Adults coming out of it. He stated the best is certainly yet to come.

The Special Planning Board Meeting concluded at 7:40 p.m.

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