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9/19/18

**Township of Nutley  
Planning Board  
Meeting Minutes  
Wednesday, September 5, 2018**

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 14, 2017.

**Roll Call:**

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

**Meeting Minutes:**

The Meeting Minutes for August 1, 2018 were approved by the Board.

**Invoices:**

An invoice for Debra Fontana for attendance and preparation of the August 1, 2018 Meeting Minutes was approved by the Board.

An invoice for Barry Kozyra for attendance at the August 29, 2018 Special Planning Board Meeting and Hearing for the Subdivision and Site Plan as to Phase IIA Application 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.

**Hearings Schedule:**

The application hearing for 212 Hancox Avenue has been rescheduled for September 19, 2018. Mr. Kozyra presented the proposed September 19, 2018 hearing date to Michael Piromalli, attorney for the applicant, and he is confirming his experts' attendance. As of this date, Mr. Kozyra has not received confirmation from Mr. Piromalli, but he has confirmed the Township's experts are available and will have their reports prepared in a timely fashion.

The hearing for Nutley Phase I PB Nutclif Master LLC Final Site Plan approval has been scheduled for a Special Meeting on October 18, 2018.

**Nutley Phase IIA PB Nutclif Master LLC Redevelopment Subdivision  
and Site Plan Application Hearing (Continuation)**

**Meryl Gonchar, Esq., Sills Cummis & Gross  
Attorney for PB Nutclif Med, LLC  
and PB Nutclif Master, LLC**

Ms. Gonchar addressed the Board that as discussed at the August 29, 2018 meeting, this is an application for preliminary and final site plan approval and preliminary and final major subdivision approval with various bulk variances and deviations from either the Redevelopment Plan or the Township ordinance.

At the August 29, 2018 hearing there were a number of witnesses on behalf of the applicant which included a civil engineer, a surveyor, a traffic consultant, the architect who designed the parking garage, and an architect responsible for the proposed modifications to 100 Metro Boulevard. The applicant would now present the landscape architect and followed by the planner.

**Giovanni Diaz, Landscape Architect  
Weintraub Diaz Landscape Architecture, PLLC**

Mr. Diaz stated that he is a principal of Weintraub Diaz Landscape Architecture and received his professional education from The City College of New York, and is a registered, licensed landscape architect in New York, New Jersey, and Connecticut for over twenty years.

He was accepted as an expert by the Chair.

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Mr. Diaz distributed to the Board (marked as Exhibit 8) proposed landscape plantings plans consisting of five pages:

- 100 - 200 Garage Planting - Trees - Page 1
- 100 - 200 Metro Planting - Page 2
- 100- 200 Metro Open Space Courtyard - Page 3
- 100 - 200 Metro Open Space Courtyard - View From Garage - Page 4
- 100 - 200 Metro Open Space Courtyard - Dimension Plan - Page 5

As indicated in the plans Mr. Diaz is responsible for the design of the courtyard between 100 and 200 Metro Boulevard, as well as the planting landscape adjacent to the proposed garage structure. The plans illustrate the layout for the plantings along the side of the structure which is southeast of the building and opposite the train tracks. Mr. Diaz is proposing a four-foot-high evergreen screen around the surface parking area with perennial grass planting that will provide seasonal “interest” with blooming times in late August through the early Fall, and maple trees in and around the parking lot area. The plantings are in a patterned landscape with respect to the evergreen hedge and ornamental grasses. This patterned landscaping would be used along the southwest exit out of the garage. The plantings vary in height, from one foot for more ground coverage to six, seven and/or eight feet in height. There will also be a grouping of trees that will flower which could reach the height of sixty feet at full maturity. Most of the garage exterior will be covered by the foliage.

The variety of plants being proposed are lower scales of materials, some taller plants with a variety of textures and flowers for the different seasons. The courtyard space between 100 and 200 Metro will be one of the initial spaces that can be designed and will reinforce the concept of openness. This courtyard space is a place, too, for the local community as it will be open to the public with clear passageways adjacent to the building more than twelve feet wide. This courtyard will have moveable chairs and workstations and has a water feature that will have water shooting upward. The ground lighting in the courtyard will be LED and low wattage.

Mr. Diaz agreed to meet with John Linson, Township Forester to address his concerns regarding the deficient planting spacing and to address the quantity of the Narcissus Daffodil plants as stated in Mr. Linson’s report.

**Public Comments:**

Patricia Doherty addressed Mr. Diaz with her questions and concerns about landscaping proposals.

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**John Szabo, Planner**  
**Burgis Associates, Inc.**

Mr. Szabo stated he is a Senior Associate with Burgis Associates, Inc. After he set forth his education and work experience he was offered as an expert in planning.

He was accepted as an expert by the Chair.

Mr. Szabo walked the Board through the planning aspect of the application. He stated that the proposed development is subject to the Redevelopment Plan adopted by the Township on August 7, 2018 to regulate the development of these specific parcels.

Mr. Szabo stated that the importance of recognizing the historical development of the Hoffman LaRoche property, that it evolved over decades and was developed as a unified campus. This resulted in building that was unique to the user - Hoffman LaRoche - which property is now undergoing redevelopment and transformation from the Roche development to a redevelopment site that will be open to the public. The basic plan is to seek integration of the property into the community in a positive way.

Mr. Szabo stated that the applicant is now seeking to develop the site by reconfiguring the lot lines, constructing a seven-story parking garage, constructing open space amenities, and recreating existing buildings to facilitate the sale and development of the parcels necessitated by the need to apportion taxes and establish maintenance expenses.

The development as it evolves you will be a unified development with shared parking and amenities pursuant to the Redevelopment Plan. The development proposed by the applicant is in substantial compliance with the Redevelopment Plan. There is some relief requested which is minor given the scope of the project and the level of compliance by this applicant.

Some of the relief that has been requested follows:

Building Set Back - A zero set-back for Lot X is proposed for the corner of the existing building adjacent to Kingsland Street where twenty feet is required.

Lot Depth - For Blocks 201, Lot 1 and 301, Lot 1, the variable lot depths will be 22.7/25.2 for Block 201, Lot 1 and an unspecified depth under 150 feet for Block 300, Lot 1. These irregularly-shaped lots are designed to include private roadways.

Wall Height - Permit a decorative screening wall up to eighteen feet in height, where six feet is permitted.

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Lightning - The Redevelopment Plan does not establish streetscape standards for lighting, benches and other improvements associated with public right-of-way and adjacent to the private internal roadways. The applicant proposes a decorative lighting fixture to be mounted on a sixteen-foot fluted pole.

Landscaping - The interior landscaping proposed for the surface parking is required to include at least five percent of landscaping with at least one deciduous tree for every five parking spaces.

**Public Comments:**

No Public Comments or questions.

**Paul Ricci, Township Planner**

Mr. Ricci stated that he prepared a letter dated August 20, 2018 and his testimony would be brief. Mr. Ricci stated he was in full agreement with the applicant on the deviations requested. From a planning standpoint this application meets all the requirements of the Redevelopment Plan. He stated that there were a couple of items the applicant has agreed to address. Mr. Ricci agrees with the proposed landscaping changes associated with the parking deck and all his architectural comments were addressed by the applicant's architect. He stated that there is very little in the planning of this application that has not been addressed through direct testimony and it is consistent with the Redevelopment Agreement.

Mr. Ricci stated that the applicant's landscape architect testified that there will be low wattage lighting in and around the water feature at the two buildings and garage. He feels the lighting will not be visible in the surrounding residential areas and properties and will be diminished through the water feature itself.

**Public Comments:**

Patricia Doherty addressed Mr. Ricci and the Board with her questions and concerns.

**Todd Hay, Township Engineer**

Mr. Hay addressed the Board that saying there are two different applications presented. The first application is for Preliminary and Final Major Subdivision approval, and the second is Preliminary and Final Major Site Plan approval. With respect to the Preliminary and Final Major Subdivision, Mr. Hay prepared a letter dated August 24, 2018 with some comments that were already addressed by the applicant and he also had the opportunity to speak to the applicant's engineer prior to his submission and the applicant has agreed to comply.

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Mr. Hay also prepared a second letter dated August 24, 2018 regarding the Preliminary and Final Major Site Plan. Mr. Hay's first issue is regarding the layout and site clearance to make sure trucks could make a left and right turn out of the garage. The applicant indicated that he would demonstrate how this will be done to Mr. Hay in additional plans for Mr. Hay's approval. Mr. Hay also had concerns about a regular passenger vehicle or standard box truck turning in the tight corners which would need to be addressed. Mr. Hay also reviewed how the garage and sidewalk were situated in a campus-like setting.

With respect to the drainage, the applicant has answered all questions and regarding how the building will look from a profile view he now has a little more understanding how the grades will relate on such a large building. As far as storm water and drainage this applicant does fall under the major development criteria, however the amount of impervious coverage has decreased and because of that the amount of drainage that will be withheld is minimal.

Mr. Hay recommended that language be in the Resolution that all sanitary discharge shall be monitored and metered. The potable water on the site will come from Nutley and the applicant has stated that they would be willing to show any hydraulic calculation to the Code Enforcement Department, if necessary.

Mr. Hay will work with the applicant regarding the amount of lighting. Mr. Hay did indicate his concerns about security lighting, and that security lighting is very important on a structure this size. He feels the applicant has done a great job showing a lot of detail on the plans and agrees that the security plan is acceptable.

Mr. Hay has reviewed the traffic report and the applicant has shown with their testimony the typical traffic standards with a twenty percent site trip reduction for the proposed development. Mr. Hay stated there is no reference in this plan of a traffic circle for the egress, ingress or the right of way.

**Public Comments:**

No Public Comments.

**Meryl Gonchar, Esq., Sills Cummis & Gross  
Attorney for PB Nutcliff Med, LLC  
and PB Nutcliff Master, LLC**

Ms. Gonchar stated the applicant seeks a preliminary and final major subdivision to create two new tax lots and a remainder lot with regard to the existing Block 300, Lot 1 and indicated what is shown in the plan as proposed Lot D which is not part of the redevelopment plan area. The standards that have to be met with regard to Lot D are under the M-O zone and will be dealt with in a future Redevelopment Plan. The remainder of Lot D would be for roadways and one of the variances or deviations that requested with regard to the inability to

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meet the lot and depth for that remainder lot. Similarly with regard to the existing Block 201, Lot 1 the applicant is requesting three new tax and building lots as well as one remainder lot. The remainder lot does not need the lot depth as it is the thin road that runs along the railroad line which will still serve as a road as it does now. That lot will be incorporated in a future Redevelopment Plan which will deal with the internal circulation and roadway network.

Ms. Gonchar stated that the other deviation is characterized as a minor deviation with regard to the height of the decorative fence. If the fence was six-foot-tall it would not accomplish the objective because it would have limited utility in terms of screening. Similarly, the other wall, which is largely located in Clifton that does come into Nutley for a short distance has height designed to screen the cooling towers and the deviation is a necessity in order to fulfill its function. The screening wall is part of the site plan that the applicant is seeking for preliminary and final site plan approval. In addition, there are improvements to the courtyard that separates 100 and 200 Metro as well as the improvements to Building 100 and the change from concrete to two stories of glass which is characterized as a building type improvement.

Finally, the applicant proposes as part of the application for site plan approval the garage. The garage is primarily located in Nutley and then goes over the border into Clifton. The garage is a very attractive building and far exceeds what one would anticipate.

Ms. Gonchar then stated that the applicant seeks approval for seven level but may only need six levels if it is determined that the parking count for seven levels is not necessary. The applicant knows who the tenant is for 100 and what their parking demand will be, but does not know who the other tenant is going to be. Depending on the needs of the tenant, there may be a determination of a need for only six levels. The reason for bringing this up is that the applicant wants it to be part of the record. The applicant wants to be able to say the building is done at the sixth level and complete the alternative design of the project without it being an issue.

Mr. Kozyra stated that the applicant would have come before the Board for an amended site plan approval. The reason for the amended site plan is so the Township Engineer could review that all the calculations are correct. Mr. Kozyra feels that there should not be a problem in getting the Board's approval because the applicant is decreasing the number of levels, but it is speculative.

Mr. Kozyra stated that the applicant could be approved for Preliminary and Final Major Subdivision, and then come back to the Board if the parking garage required a change to the number of levels. The applicant can amend Preliminary and Final Site Plan and this language can be included in the Resolution.

The meeting is adjourned at 9:25 p.m. for a short recess.

The meeting is resumed at 9:45 p.m.

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**Charles Logan, Jr. AIA, Architect**  
**The Aztec Corporation**

At the request of Ms. Gonchar, the applicant was permitted to provide additional limited testimony as to the effect of reducing the garage from seven to six levels. Mr. Logan testified this is a six-story building with seven tiers of parking. The revision would have five-floors with the roof as the sixth floor. The square footage that was previously testified was 890,400 square feet, the adjustment would be taking out one floor revising the building to 763,200 square feet. The height adjustment up to the top of the roofing is 64 feet 10 inches for the current design, and the revised design would be 54 feet 2 inches. The stall count was 2566, and the revision would be 2182.

**Public Comments:**

No Public Comments or questions.

Mr. Arcuti made a motion to approve the Preliminary and Final Subdivision with the conditions that were stated on the record, seconded by Mr. Algieri.

**Preliminary and Final Major Subdivision**

**Board Roll Call**

Mr. Greengrove - Yes  
Ms. Kucinski - Yes  
Mr. Algieri - Yes  
Mr. Arcuti - Yes  
Ms. Tangorra - Yes  
Commissioner Evans - Yes  
Mayor Scarpelli - Yes

Mr. Arcuti also made a motion to approve the Preliminary Site Plan only with the conditions that were stated on the record, seconded by Mr. Greengrove. The Preliminary Site Plan approval will allow the applicant to obtain permits, start construction and obtain a Temporary Certificate of Occupancy subject to approval of the Code Enforcement Department.

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**Board Roll Call**

Mr. Greengrove - Yes  
Ms. Kucinski - Yes  
Mr. Algieri - Yes  
Mr. Arcuti - Yes  
Ms. Tangorra - Yes  
Commissioner Evans - Yes  
Mayor Scarpelli - Yes

**Public Comments:**

No Public Comments

The meeting concluded at 10:04 p.m.

The next meeting is scheduled for Wednesday, September 19, 2018 at 7:00 p.m.

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