

Approved BAC
9/17/25

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, September 3, 2025**

A public meeting of the Planning Board of the Township of Nutley was held. Adequate notification was published in the official newspapers of the Herald News, the Star Ledger and the Nutley Sun on November 21, 2024, and posted on the Township website and at the Township of Nutley Municipal Building, One Kennedy Drive, Nutley, New Jersey.

Salute to the Flag

Roll Call

Mr. Malfitano – Present
Ms. Kucinski – Excused
Mr. Del Tufo, Secretary – Present
Mr. Arcuti, Chair - Present
Mr. Smith – Excused
Mr. Koribanick, Mayor's Designee – Present
Ms. Rempusheski - Present
Ms. Tangorra, Vice Chair – Present
Mr. Kozyra – Present
Commissioner Scarpelli – Present
Mayor Kelly – Excused
Mr. Contella, Alternate – Excused
Dr. Marchese, Alternate – Present (**sat for Kucinski**)

Meeting Minutes

The Meeting Minutes for the August 20, 2025 meeting were approved by the Board.

The Meeting Minutes for the August 27, 2025 meeting were approved by the Board (w/stated changes needed to be made).

Communications/Bills

An invoice for Meredith Blank, in the amount of \$150.00 for her attendance at and preparation of the August 27, 2025 Meeting Minutes, was approved by the Board.

An invoice for Barry Kozyra, Esq., in the amount of \$800.00 for his attendance at a Special Planning Board Meeting regarding 777-789 Bloomfield Avenue Major Subdivision Application, was approved by the Board.

An invoice for Klein Traffic Consulting, LLC, Invoice #082225-385000 in the amount of \$3,850.00 for a traffic engineering evaluation at 438 Kingsland Street, 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.

An invoice for Penonni Associates, Inc., Invoice #1285889 in the amount of \$5,385.00 for professional services through 7/20/25 - On3 Prism Redevelopment, was approved by the Board.

Correspondence received from the Township of Belleville Zoning Board regarding a Notice of Hearing On 9/4/25 for property located at 23 Valley Street, Belleville. No action is required by this Board.

Correspondence received from the Township of Belleville Zoning Board regarding a settlement agreement in a litigation matter on property located at 2-8 Cleveland Street, Belleville. No action is required by this Board.

New Business

Franklin Avenue Redevelopment and Rehabilitation Area Application – Hearing has been adjourned by the Applicant to September 17, 2025, waiving all time constraints and no required further notices by the Applicant.

**Continuation of PB Nutcliff Master, LLC/Roche
Preliminary/Final Major Site Plan Application
41-47, 44-50 and 54 Winsor Place; 340, 430, 434 and 438 Kingsland Street**

Exs.: A1 - Affidavit of Publication
A2 - Affidavit of Service
A3 - Site Plan, dated 7/15/25
A4 - Site Plan (zoomed in view)
A5 - Truck Turning Movement (substituted page), dated 7/30/25
A6 – Artist’s rendering of the building, dated 7/30/25
A7 – Material Board. Dated 7/30/25

Meryl Gonchar, Esq., Sills Cummis & Gross P.C., appeared on behalf of PB Nutcliff Master, LLC. Stated that Mr. Diaz would address the Board about questions regarding the security and signage. She also stated that they were ready to rest their application presentation but should there be other testimony from the public or r objecting parties then she reserves the right to cross-examine and present rebuttal testimony.

Eugene Diaz, Owner of PB Nutcliff. He stated that he did a consistency study of the signage on the other buildings in the On3 campus as compared to the proposed signage for this Application, and he found that all signs are significantly similar in size. Regarding the security gate leading to the loading dock in the rear of the building, he stated that it is to be a motorized system. Regarding comments on social media and flyers with respect to stormwater/drainage system of the campus property, he read excerpts from an NJDEP brief that explained the objector’s claims were unwarranted and stated the litigation was then dismissed by the presiding judge.

Numerous questions and/or comments were made by the following Board Members: Mr. Malfitano and Mr. Koribanick.

Public Questions:

None

Paul Ricci, Township's Planner. He stated that he prepared three letters on this matter: (1) 6/18/25 regarding the consistency of the proposed application to the Township's Master Plan in which he found that the Redevelopment Plan is consistent with the Master Plan; (2) 7/12/25 regarding possible deviations/variances that may be needed by the Applicant. He stated that he was unable to identify any deviations/variances and noted that Francis Reiner did a similar review and came to the same conclusion; and (3) 7/28/25 site plan review. He stated that Collier Engineering has answered many of the comments in his letter by its letter dated 8/8/25, and was summarizing his findings for all three letters tonight. He stated, "I found that this project was spot on in terms of meeting the intent of the Redevelopment Plan."

Numerous questions and/or comments were made by the following Board Members: Commissioner Scarpelli, Mr. Del Tufo and Mr. Malfitano

Public Questions:

None

Dipti Raja, Township Engineer. She stated that she issued a revised engineering review letter dated 9/2/25. She summarized this letter by discussing points as to stormwater, impervious coverage, curve under curve approach, post and preconstruction hydrographs, and time of concentration. She has asked for back-up documentation regarding the time of concentration and the impervious conditions so that she knows that the correct decisions have been made by the Applicant. She also mentioned that the Applicant is responsible for off-site drainage conveyance and the need to make sure that the pipes are sized correctly. She added that the Applicant has agreed to address these issues. She also stated that she had made comments to the Applicant's expert reports on site layout, landscaping, lighting, drainage, utilities, etc. She advised that she has received some revised response letters. She also just learned that there is an active LSRP for the site. In her opinion, she thinks that once the plans are revised, the design is revised, and the stormwater is revised to be in compliance with NJDEP requirements, the Redevelopment Plan should be approved.

Numerous questions and/or comments were made by the following Board Members: Commissioner Scarpelli, Ms. Rempusheski, Mr. Del Tufo, Mr. Malfitano, and Mr. Arcuti, as well as Ms. Gonchar and Mr. Gorrie, Esq.

Other Public Questions:

None

Richard Procanik, Applicant's Engineer again testified. Regarding Ms. Raja's testimony and her review letter, he stated that the Applicant has acknowledged an error in their stormwater calculations that put them in a non-compliant state. He stated that they have run preliminary calculations and he feels that they can bring the curve under curve back into NJDEP compliance. He was asked if he feels that the Applicant can comply with Ms. Raja's comments and he stated that they would need some time to digest and finalize all the calculations, but he is confident that they can get them done.

Old Business

None

Workshop Issues

None

Committee/Sub-Committee Reports

None

Counsel's Report

None

Public Comments

Victoria McGeown, 206 Hillside Avenue, Nutley. She had questions regarding the Franklin Avenue hearing that was adjourned to the September 17th meeting. The Chairman asked her to come back for the September 17th meeting.

Robert Gorrie, Esq., attorney for Nutley Lumber. He explained the basis for his client's lawsuit against PB Nutcliff. He then offered Richard Vuich, Engineer, to present a 128-page report that he had submitted at 5:20 p.m. today (and was not allowed to be brought in as an exhibit due to the time of its submission). After speaking for a time as extended by the Chair, his testimony was cut short due to the amount of time that elapsed, and Ms. Gonchar was given time to cross-examine him.

Numerous questions and/or comments were made by the following Board Members: Mr. Del Tufo, Mr. Malfitano, and Ms. Rempusheski. Mr. Arcuti said that the report will be added to the record

and will be allowed to be reviewed by the Board and its experts. Those experts and the Applicant's experts will have time to review the report and submit review letters before the September 17th meeting.

Mr. Arcuti adjourned the 275 Kingland Street application at the request of the Applicant to the September 17, 2025 meeting with the Applicant waiving all time constraints and with no required further notices by the Applicant.

The meeting concluded at 10:27 p.m.

The next meeting is scheduled for Wednesday, September 17, at 7:00 p.m.