

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, April 29, 2026**

Approved
5/20/26
BAC

A 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, 2025, 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 by Zoom
Mr. Del Tufo, Secretary – Present
Mr. Smith – Present
Ms. Tangorra, Vice Chair – Excused
Dr. Marchese – Present
Mr. Koribanick, Mayor’s Designee – Present
Commissioner Scarpelli – Present
Mr. Goitiandia - Present
Mayor Kelly – Present
Mr. Contella, Alternate – Present
Ms. Rempusheski, Alternate – Present
Mr. Kozyra – Present
Mr. Arcuti, Chair - Present

Meeting Minutes

The Meeting Minutes for the April 15, 2026 meeting were approved by the Board.

Communications/Bills

An invoice for Gail Santasieri, in the amount of \$150.00 for her attendance at and preparation of the April 15, 2026 Meeting Minutes, was approved by the Board.

Mr. Kozyra confirmed that everyone received a copy of the communication from the Township of Belleville regarding the subdivided property located at 98 Little Street.

No New Business

Old Business

Mr Arcuti inquired about the clarification of the warehouse definition from the Board of Commissioners. Mayor Kelly confirmed that the warehouse definition had been approved but the amendment of the accessory dwelling definition is still being reviewed and discussed.

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.

Commissioner Scarpelli noted an Executive Order released by the Governor's Office regarding the need to increase affordable housing in the State of NJ. Mr. Kozyra stated that he was aware of it and at this time the language is very vague in terms of how it will be implemented.

Numerous questions/comments were offered made by the following Board Members: Mr. Arcuti, Commissioner Scarpelli, Mr. Del Tufo, Mayor Kelly, Mr. Contella, Ms. Rempusheski, and Mr. Kozyra.

Mr. Arcuti addressed the continuation of the hearing for 530 Franklin Avenue and its adjournment to May 20th. Mr. Kozyra noted that he has not heard from the applicant's counselor to confirm the date of May 20th but the Board will be notified regarding the status prior to the scheduled date.

Workshop Issues

Mr. Arcuti opened the workshop portion of the meeting addressing the Zoning Board's concerns reported at the Joint Meeting which he suggested should be reviewed and discussed over the next couple of workshop meetings. Mr. Arcuti stated that he had a conversation with Dave Berry of the Code Dept. regarding drainage issues. It was suggested that Dave, Sal Ferraro and a Pennoni representative should get together to come up with a solution for the storm water management issues involving smaller properties. Mr. Arcuti used Margaret Avenue as an example of drainage issues regarding steep slopes and potential issues. Comm. Scarpelli suggested reaching out to someone that has experience in other municipalities with this issue and seek their opinion on solutions, to avoid the possibility of neighbor disputes. Presently there is nothing stated in our ordinances that address single-family and two-family dwellings with proposed additions requiring submission of site plans.

The second topic addressed was garbage and recycling for multi-family and mixed-use locations. A drawing was included in the Board's information packet that explains the proposed requirements for refuse enclosures, but it is not specific enough with regard to location, size, etc. It did, however, mention both minimum height and color. It was suggested that more detailed requirements be reviewed regarding the size and number of enclosures to adequately accommodate the number of units and/or residents utilizing the garbage and recycling locations. Mr. Malfitano noted that he works with a lot of dumpster and enclosure issues, but usually on a much larger scale.

It was suggested that buildings that have more than two floors should incorporate a "chute system" which leads to an internal compactor. It was noted that such a requirement would only work for newer construction, but the question of what to do still remains for older multi-unit dwellings that do not have this system.

Ms. Rempusheski brought up the issue of multi-unit dwelling/apartment complexes that have switched from garbage carts to dumpsters and do not have adequate enclosures surrounding the dumpsters and creating neighborhood rodent issues. It was agreed that the current ordinance be updated addressing garbage dumpster enclosures for older/existing sites.

The third issue that was discussed refers to rear yard fencing, in particular 6' solid privacy fencing. Height, color and density of the fence was discussed. It was brought to the Board's attention that if you want to install a 6' fence and you get the approval from your neighbors, you do not have to apply for a variance. But if a neighbor does not approve you would have to go in front of the Zoning Board and apply for a variance. The discussion proposed possibly amending the ordinance to allow 6' solid fencing in the back of the house only and not on the sides of the property. The discussion turned to the aesthetics of the fencing and what would be considered acceptable.

Mr. Malfitano noted that he works in many different municipalities and the towns will often dictate what type and color of fence is to be used. They usually give several options to choose from. Ground elevation is something that has to be considered when installing fencing. Mr. Arcuti said that he would contact Dave Berry and John Cafone (Artistic Fence) and get their input and have Jessica Liebold (Code Dept) check ordinances from other municipalities.

It appears that a paragraph from the Zoning Ordinance was removed in error in 2023 and the Code Department is requesting that the language be put back into the Zoning Ordinance. The restoration was approved as to section 700-46. Mr. Arcuti made a motion that the language be added back into the zoning ordinance, and all Board members were in favor.

Mr. Arcuti stated that he had a conversation with Dave Berry regarding residential basements with kitchens, full baths, etc. It is a topic that is still in discussion.

Mr. Del Tufo noted that he is working on the scope of work proposal for Washington Avenue redevelopment. The potential redevelopment opportunities, the Township current exposure for redevelopment, what is currently allowed, etc. are all issues to be considered. It was noted that the area is a B4 zone which allows retail stores, storage, sales facility bar/restaurants, automotive sales, printing, dyeing plants, dry cleaning and laundry. The area in question runs from the Belleville border line down to approximately Nutley Avenue. Although Abundant Life which is in the old ITT building is located a block further from the B4 zone. There was discussion of the existing, unused railroad tracks which run through that area and that the railroad company does not want to give up the property.

It was noted that Mr. Del Tufo will put his report together ASAP and submit it to the Board as soon as possible.

Committee/Sub-Committee Reports

None

Counsel's Report

None

Online Attendees: 2

The meeting concluded at 8:04 p.m.

The next meeting is scheduled for Wednesday, May 6th at 7:00 p.m. at the Parks & Rec Building, Room 200 (second floor above the gym).