

6/17/26
Approved
BTK

**TOWNSHIP OF NUTLEY
PLANNING BOARD MEETING MINUTES
Wednesday, June 3, 2026**

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

Meeting Minutes

The Meeting Minutes for the May 20, 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 May 20, 2026 Meeting Minutes, was approved by the Board.

Scheduled Future Hearings

536-544 Washington Avenue Preliminary/Final Major Site Plan Application is scheduled for June 17, 2026 and possibly July 1, 2026 should the hearing take more than one session.

The 530 Franklin Avenue LLC application is on hold due to the fact that the Applicant has not provided any updated materials. Mr. Kozyra is going to reach out to Mr. Berry to have him reach out to the Applicant’s counsel regarding their updated plans, the possible need for a new trial date and therefore the need for new notice publication.

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.

New Business

None

Old Business

Mr. Arcuti asked Mayor Kelly if the BOC had a chance to discuss off-site parking being put back on the Conditional Use List, and the Mayor stated that they have not had a chance to review that yet.

Workshop Issues

Mr. Arcuti advised that Mr. Del Tufo put together a “Washington Avenue Land Use Study” showing the potential for long-term projects starting at the Belleville border and going to Abundant Life, and how the Board can protect the Town from something that possibly could not be favorable to the Town. He stated that after Mr. Del Tufo’s study is reviewed the Board will interview and hire a contractor to review not only the study but also prepare their own study to see what could possibly be coming up sometime in the future. Mr. Kozyra stated that he has already reached out to John Bruno, the Town’s attorney, to let him know that he will be receiving the proposal once it has been approved. Mr. Del Tufo gave a quick explanation of his study and stated that he wants to make sure that the public does not perceive this study as the Board moving ahead with something or doing things behind their backs. This study is for “down the line” projects.

There was a short conversation about the review of the Master Plan and setting up a committee to start assembling what changes/updates need to be made to the Plan. Eventually the Board will have to decide on an RFP for a planner.

Due to the potential of a data center coming in the next few years, Mr. Arcuti brought up the proposed Noise Ordinance, which is certified by the NJ DEP. Both Mr. Arcuti and Mr. Kozyra feel strongly that the Board should adopt this Ordinance, especially with the possibility of the data center. If this ordinance is adopted it will set a standard for all future development projects.

A motion was made and passed to adopt the proposed noise ordinance set by the NJ DEP, as written, and send it to the BOC for consideration:

Mr. Malfitano – Yes
Mr. Del Tufo – Yes
Mr. Smith - Yes
Ms. Tangora - Yes
Commissioner Scarpelli – Yes
Mr. Goitiandia - Yes
Mayor Kelly – Yes
Mr. Contella - Yes
Mr. Arcuti – Yes

Commissioner Scarpelli spoke briefly about how the water demand for the data center will affect the Town's need for more water.

Mr. Arcuti strongly stressed his feelings toward off-site parking for retail and office employees. Several Board Members did not agree with his feelings because of the effect it will have on the residents of those areas. It was agreed that Mr. Arcuti would reach out to Paul Ricci to have him provide a review of what other towns are doing regarding off-site parking for retail and office businesses.

Mr. Arcuti advised that tours will be set up for the Diamond Springs property. He asked that anyone who is interested in a tour(s) should let him know. They are only allowing a certain number of people per tour so there will definitely be more than one tour. Mr. Arcuti will reach out to Mr. Berry to find out what dates are good with the property owner.

There was a major discussion regarding the need to have the approval of your backyard neighbor to allow for the installation of a 6 ft. solid fence. Very strong mixed feelings regarding this ordinance. Mr. Arcuti stated that this will be put aside for another workshop.

Committee/Sub-Committee Reports

None

Counsel's Report

Regarding the Innovation Center, Mr. Kozyra stated that Nutley Lumber has filed an appeal with regard to this Board's decision to approve that application. Nutley Lumber has filed a complaint in lieu of prerogative writs, and it is before a judge for an eventual hearing. He also stated that he has filed an answer on behalf of the Town, Merle Goncher, Esq. has filed an answer on behalf of her client, and an attorney from O'Toole Screebo, who is also supporting the Board's decision. Last week there was a Case Management Conference with a judge. He set down a bunch of dates for exchanges of materials, what the record is supposed to look like before this board, and for purposes of his making a determination on the multiple issues that have been raised by Nutley Lumber. Mr. Kozyra feels that the Board will be sustained because you did your job properly, and he does not think there is a legitimate legal basis for finding that what the Board did was wrong in any way, shape, or form. He further stated that the judge does have some land use background, which is unusual but good, and he thinks the judge will do a good job reading everything carefully, and we will see how it turns out.

Online Attendees: 2

The meeting concluded at 8:07 p.m.

The next meeting is scheduled for Wednesday, June 17, 2026 at 7:00 p.m. at the Parks & Rec Building, Room 200 (second floor above the gym).