

Township of Millburn
Minutes of the Planning Board
January 6, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, January 6, 2016** at 7:30 PM in Millburn Town Hall.

Eileen Davitt, Board Secretary, opened the meeting by reading section 5 of the Open Public Meetings Act.

The oaths of office were administered to Elaine Becker, Joseph Steinberg, Sandra Haimoff, Matthew O'Neill, Ian Mount and Robert Tillotson.

A roll-call indicated the following members were present:

Elaine Becker
Mary Esquivel
Sandra Haimoff
Kenneth Leiby
Leslie Lombardy
Roger Manshel
Ian Mount
Matthew O'Neill
Joseph Steinberg
Robert Tillotson

Also present:

Tiena Cofoni, Board Attorney
Eric Fishman, Court Reporter
Thomas Watkinson, Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary

ORGANIZATION OF THE BOARD

Eileen Davitt asked for a nomination for Planning Board Chairman.

A motion to nominate Kenneth Leiby as Chairman was made by Elaine Becker, seconded by Roger Manshel, and carried with the following roll-call vote:

Elaine Becker – yes
Mary Esquivel – yes
Sandra Haimoff – yes
Leslie Lombardy – yes

Roger Manshel – yes
Ian Mount – yes
Matthew O’Neill – yes
Joseph Steinberg – yes
Robert Tillotson – yes

The meeting was turned over to Kenneth Leiby, who asked for asked for a nomination for Vice Chairman. A motion to nominate Mary Esquivel as Vice Chairwoman was made by Ian Mount, seconded by Kenneth Leiby, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Matthew O’Neill – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Kenneth Leiby – yes

A motion to appoint Edward Buzak (The Buzak Law Group) as Board Attorney was made by Joseph Steinberg, seconded by Sandra Haimoff, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

A motion to appoint Eileen Davitt as Board Secretary was made by Joseph Steinberg, seconded by Roger Manshel, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

APPROVAL OF MINUTES

A motion to approve the minutes of September 2, 2015 was made by Mary Esquivel, seconded by Roger Manshel, and carried with a unanimous voice vote.

A motion to approve the minutes of October 7, 2015 was made by Joseph Steinberg, seconded by Sandra Haimoff, and carried with a unanimous voice vote.

A motion to approve the minutes of October 21, 2015 was made by Roger Manshel, seconded by Mary Esquivel, and carried with a unanimous voice vote.

A motion to approve the minutes of November 4, 2015 was made by Sandra Haimoff, seconded by Joseph Steinberg, and carried with a unanimous voice vote.

A motion to approve the minutes of December 2, 2015 was made by Ian Mount, seconded by Sandra Haimoff, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Site Plan #444, Pita on Essex, LLC, 184 Essex Street, Millburn

A motion to approve the resolution memorializing the granting of site plan approval to Pita on Essex, LLC for a change of use from retail bakery to restaurant on the property located at 184 Essex Street was made by Elaine Becker, seconded by Mary Esquivel, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Mary Esquivel – yes
Kenneth Leiby – yes

APPLICATIONS

SITE PLAN #441, STARCOM FIBER, LLC, 59-61 E. WILLOW STREET, MILLBURN

Michael Kaplonski, Attorney for the Applicant, stated his appearance. He indicated that the only testimony tonight will be from the applicant's Engineer, Michael Lanzafama, who will provide information regarding lighting, pavement and landscaping which was requested by the Board at the last hearing.

Entered as A-2: Site Plan Exhibit

Michael Lanzafama stated that arborvitae has been added along the front side of the fence in order to obscure the view of the fence from the street with the exception of the gate area. In addition, a large portion of the paved area has been removed. Additional arborvitae has also been added in the rear right side of the property outside the riparian zone. The proposal calls for the addition of 9 trees.

Michael Lanzafama referred to sheet 4 of the Board plans. He stated that a lighting plan was provided in response to the Board's request. Initially, the applicant requested a waiver from the requirement to submit a lighting plan. In response to the Board's concerns, a lighting plan was prepared and submitted. There will be no glare as a result of the lights proposed and the lighting will not project beyond the property line. The lights will not be offensive to the neighboring properties. There will be 5 new wall-mounted lights that will be on from dusk to dawn. There are 2 existing wall-mounted lights on the south front of the building that will remain. All the lights will have shields.

Jennifer Baer, 11 River Lane, asked Mr. Lanzafama to explain the plantings along the river and how they are going to be maintained. Mr. Lanzafama stated that there are a number of plantings being added to the existing plantings. More vegetation is being added along the riparian zone. Mr. Lanzafama indicated that the applicant has purchased the property and is eager to maintain his property in a pristine condition. The applicant indicated that many of his clients come to the site to conduct business and it is his intention to keep the property well-maintained. He added that all plantings along the river will be native, non-invasive species.

Upon a motion made by Joseph Steinberg, seconded by Roger Manshel, and with a roll-call vote as follows:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Matthew O'Neill – yes
Joseph Steinberg – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Site Plan #441, StarCom Fiber, LLC, 59-61 E. Willow Street, was **APPROVED** with the following conditions: 1) applicant shall apply for and obtain a grading/drainage permit; 2) applicant shall obtain Township permission for any structures proposed over the easement area.

SITE PLAN #446, HOAI VO, 286 ESSEX STREET, MILLBURN

John Buchholz, Architect for the applicant, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposal.

Mr. Buchholz indicated that the applicant is seeking minor site plan approval for a change of use from a retail food establishment to a fast food restaurant. The property formerly housed Bella's Bakery. John Buchholz gave a brief description of the floor plan. He stated that the first floor houses the restaurant portion of the proposal and consists of approximately 685 square feet. The second floor consists of a residential apartment.

The parking requirement for the fast food use proposed is 1 space/35 square feet, resulting in the requirement for 20 spaces. The apartment requires 2 parking spaces and the basement storage area requires 1 parking space. A total of 23 parking spaces are required. None can be provided.

Entered as A-1: sheet A-2 aerial image/building façade

Chairman Kenneth Leiby asked John Buchholz to speak to the checklist waiver requirements. He indicated that this property is fully developed and there are no exterior modifications proposed. All work proposed is interior.

A motion to grant the applicant's request for a waiver of checklist requirements, with the exception of the loading space, was made by Joseph Steinberg, seconded by Ian Mount, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

John Buchholz indicated that the applicant also requires relief from the requirement to provide a loading space. Due to the small size of the proposed restaurant, there will be no large truck deliveries. Most deliveries will be via FedEx or UPS, both of which utilize the municipal parking area behind the establishment to deliver to the various food establishments located in the area.

A motion to grant the applicant's request for a loading space waiver was made by Joseph Steinberg, seconded by Mary Esquivel, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Joseph Steinberg asked for testimony regarding the conditional use requirement of the proposal. John Buchholz indicated that the conditional use requirement for a restaurant in the B-4 zone is that the structure must be at least 125' away from the nearest lot line of a single-family dwelling in a residential district. The application meets this condition.

Entered as A-2: 3 page handout

Hoai Vo, applicant, appeared and was sworn. He stated that one section of the space will be used for a bakery area to offer a wide variety of pastries and baked goods such as croissants and French macarons. Another area will be used to prepare a selection of authentic Vietnamese food such as noodles, soup, rice and vermicelli dishes. In addition to food, the restaurant will provide smoothies using fresh acai, berries, avocado, etc.

Elaine Becker asked about any proposed venting. John Buchholz indicated that there are currently 2 venting fans that will remain and be utilized for the newly proposed restaurant.

Hoai Vo indicated that he initially intends to be open 6 days per week and will have 3 employees. He agreed to purchase three municipal business parking permits.

John Buchholz indicated that the applicant will comply with the recommendations of the Fire Marshall report dated 12/21/15 with the exception of Item #7.

Overall, Board members were in favor of the proposal.

Upon a motion made by Roger Manshel, seconded by Leslie Lombardy, and with a roll-call vote as follows:

Elaine Becker – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – yes

Mary Esquivel – yes
Kenneth Leiby – yes

Site Plan #446, Hoai Vo, 286 Essex Street, was **APPROVED** with the following conditions: 1) the applicant shall purchase 3 business parking permits; 2) the applicant shall comply with the recommendations of the Fire Marshal's report dated 12/21/15, with the exception of Item #7.

BUSINESS

Chairman Kenneth Leiby spoke to the Board regarding the application of 233 Canoe Brook Associates. He indicated that a subcommittee consisting of himself, Mary Esquivel and Joseph Steinberg will meet in order to discuss and decide which engineer and traffic experts to retain in order to provide information on the 233 Canoe Brook application.

Ann Levinson, a member of The Short Hills Association, questioned whether the Township of Summit, excluded in the applicant's first hearing notice, has received notice of the hearing and reached out to Millburn Township regarding the matter. Tiena Cofoni responded that she was not aware if Summit has been notified as she does not know if the notices have been sent out by the applicant yet.

ADJOURNMENT

A motion to adjourn was made by Joseph Steinberg, seconded by Ian Mount, and carried with a unanimous voice vote. (9:10 PM)

Eileen Davitt
Board Secretary

Motion: RM
Second: SH
Date adopted: 1/20/16