

Township of Millburn  
Minutes of the Planning Board  
January 5, 2022

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, January 5, 2022** at 7:30 PM via Zoom webinar.

Board Attorney, Edward Buzak, administered the oaths of office to Gaston Hauptert, Srinijay, Maggee Miggins, Dianne Thall Eglow, Sujatha Shanmugasundaram and Craig Ploetner.

Eileen Davitt opened the meeting by reading Section 5 of the Open Public Meetings Act.

The following members were present for the meeting:

Gaston Hauptert  
Jorge Mastropietro  
Marc Matsil  
Maggee Miggins  
Craig Ploetner  
Sujatha Shanmugasundaram  
Dianne Thall Eglow  
Srinijay  
Beth Zall

Also present:

Edward Buzak, Board Attorney  
Eric Fishman, Court Reporter  
Martha Callahan, Township Engineer  
Eileen Davitt, Zoning Officer/Board Secretary

**ORGANIZATION OF THE BOARD**

Eileen Davitt asked for a nomination for Chairman of the Planning Board.

A motion to nominate Beth Zall for Chairwoman was made by Dianne Thall Eglow, seconded by Maggee Miggins, and carried with following roll-call vote:

Gaston Hauptert – yes  
Jorge Mastropietro – yes  
Marc Matsil – yes  
Maggee Miggins – yes  
Craig Ploetner – yes  
Sujatha Shanmugasundaram – yes  
Dianne Thall Eglow – yes

Srini Vijay – yes

The meeting was turned over to Chairwoman Beth Zall who nominated Daniel Baer for Vice Chairman of the Zoning Board. A second was made by Dianne Thall Eglow and the motion carried with the following roll-call vote:

Gaston Hauptert – yes  
Jorge Mastropietro – yes  
Marc Matsil – yes  
Maggee Miggins – yes  
Craig Ploetner – yes  
Sujatha Shanmugasundaram – yes  
Srini Vijay – yes  
Beth Zall – yes

A motion to appoint Edward Buzak of The Buzak Law Group as Board Attorney was made by Beth Zall, seconded by Maggee Miggins, and carried with the following roll-call vote:

Gaston Hauptert – yes  
Jorge Mastropietro – yes  
Marc Matsil – yes  
Maggee Miggins – yes  
Craig Ploetner – yes  
Sujatha Shanmugasundaram – yes  
Dianne Thall Eglow – yes  
Srini Vijay – yes  
Beth Zall – yes

A motion to appoint Eileen Davitt as Board Secretary was made by Beth Zall, seconded by Maggee Miggins, and carried with the following roll-call vote:

Gaston Hauptert – yes  
Jorge Mastropietro – yes  
Marc Matsil – yes  
Maggee Miggins – yes  
Craig Ploetner – yes  
Dianne Thall Eglow – yes  
Sujatha Shanmugasundaram – yes  
Srini Vijay – yes  
Beth Zall – yes

**ANNUAL NOTICE/AGENDA DATES**

A motion to adopt the Resolution of 2022/23 Annual Notice was made by Dianne Thall Eglow, seconded by Maggee Miggins, and carried with a roll-call vote as follows:

- Gaston Hauptert – yes
- Jorge Mastropietro – yes
- Marc Matsil – yes
- Maggee Miggins – yes
- Craig Ploetner – yes
- Dianne Thall Eglow – yes
- Sujatha Shanmugasundaram – yes
- Srini Vijay – yes
- Beth Zall – yes

**APPROVAL OF MINUTES**

There were no minutes for approval.

**MEMORIALIZATIONS**

There were no resolutions to be memorialized.

**APPLICATIONS**

**APPL#21-007, ESSEX 281, LLC, 378-380 MILLBURN AVENUE, MILLBURN**

Anthony Cerciello, Attorney for the applicant, stated his appearance. The applicant is before the Board tonight seeking preliminary and final site plan approval with a parking and sign variance request to construct a 3-story mixed use building of retail, office and residential with 10 on-site parking spaces and 6 EV charging stations.

Nancy Dougherty, Architect for the applicant, appeared and was sworn. Her credentials were presented and accepted by the Board. She gave a brief description of the proposal and referred to sheets A-1 through A-8 of the submitted plans dated 11/4/21. She stated that the proposed building will be a 3-story mixed use building with 2 retail spaces on the first floor, 3 small offices on the second floor and 3 apartments of approximately 1300 SF on the third floor. There are 10 parking spaces proposed in the rear of the site behind the proposed building. There is no basement proposed. The design of the building is timeless but modern. They have respected the scale and rhythm of the downtown. The apartments are proposed to be 2 BR apartments with a den and a private outdoor terrace or balcony space.

- Entered as A-1: sheet A-9 (street view south side of Millburn Avenue)
- Entered as A-2: sheet A-10 (street view north side of Millburn Avenue)
- Entered as A-3: sheet A-1 of architectural plans

Ms. Dougherty indicated that the first floor contains 2 retail spaces of 1400 SF and 1200 SF with individual entrances. There is also a covered driveway.

Entered as A-4: sheet A-2 of architectural plans

Ms. Dougherty stated that the second floor proposes 3 office spaces with one office space located over the covered driveway area. The third floor contains 3 apartments each containing 2 BR/2 BA/1 den.

Entered as A-6: sheet A-4 roof plans

Ms. Dougherty stated that the roof will contain the mechanicals and there is no tenant access to the roof. The mechanical screening will be a dark color finish to match the upper portion of the building. The roof will be a reflective material, which is recommended for sustainability.

Entered as A-7: rendering

The lower portion of the building was purposely designed to align with the existing streetscape. The front portion of the building is proposed to be stucco panels and goes up and creates the parapet where the rooftop terraces of two of the apartments are located. The material wraps around ½ way into the driveway area and leads into the entrance area for the offices and apartments. The stucco panels wrap around 6 feet on the western side. After 6 feet and into the rear side of the building, it is proposed to be stucco only, not stucco panels.

The infill between the stucco panels on the front façade are panels with double hung windows with traditional lights in them at the top. There are planters proposed in front of the retail spaces to add some greenery. Ms. Dougherty spoke to the proposed signage and indicated that there are 20 SF signs proposed for each of the retail storefronts. In addition, there is a 35 SF sign proposed above the covered driveway area which requires variance relief for being above the 2<sup>nd</sup> floor line.

Ms. Dougherty spoke to the lighting and indicated that the first floor lighting is 4 sconces intended to graze the face of the building. The apartments have additional down lit sconces that are very focused on the face of the building.

Marc Matsil asked if there was any plan to install additional bike racks in addition to the proposed bike room. He also questioned the EV charging stations. Ms. Dougherty deferred those questions to the applicant's Engineer. Mr. Matsil asked if the applicant intended to obtain LEED certification. Ms. Dougherty indicated that they are not proposed to obtain LEED certification. She added that the intention is to provide the highest efficiency building without going through the LEED process.

Beth Zall questioned if the lights are proposed to be on a timer. Ms. Dougherty stated that the sign lights on the front of the building would be on from dusk to dawn and the 2 down lights on the covered driveway area would stay on 24 hours for security purposes. The lights in the parking lot will be on at full power until about 11 PM and then will go to a lower level. However, they will also be on motion sensors so that if someone comes into the parking lot at night, they go back on.

The meeting was opened for public questions.

Jean Pasternak, 342 Hobart Avenue, asked if there will be closets in the den. Ms. Dougherty indicated that there is no proposal for closets in the den.

Harold Maltz, Traffic Engineer, appeared and was sworn. His credentials were presented and accepted by the Board. He spoke to the traffic/parking survey dated 12/22/21 that he prepared as part of this application. There are 32 spaces required by ordinance, which reflects the 3-space credit for providing 6 EV charging stations. Consequently, a parking variance for 22 spaces is required. Mr. Maltz stated that he was retained by the applicant to perform a parking occupancy survey of the municipality, both permit and non-permit, within a reasonable walking distance of this site. He indicated that he was also charged with identifying the adequacy of the parking areas to accommodate the site's parking variance of 22 spaces.

Mr. Maltz stated that the parking areas near the site that were identified for the study were: 1) Millburn Avenue from Douglas Street to Main Street; 2) Municipal lot # 4, Taylor Street; 3) Municipal lot #5, east side of Municipal building; 4) Municipal lot #6, west side of Municipal building; 5) the one way drive on the west side of the Municipal building between Millburn Avenue and Essex Street; 6) the west side of Spring Street between Millburn Avenue and Taylor Street; and 7) the east side of Spring Street between Millburn Avenue and Essex Street.

The parking survey was performed in 30-minute intervals on Thursday, November 18, 2021 from 7:30 AM – 1 PM and 3 PM – 6:30 PM and on Saturday, November 20, 2021, from 9 AM – 1 PM and 3 PM – 6:30 PM.

Based on the parking survey and analyses performed, the 22 parking space variance required for this proposed mixed-use building can be adequately accommodated by the nearby, vacant on and off-street municipal parking. In addition, surveys of the localized parking area showed more than sufficient vacant parking spaces to satisfy the 22 space parking deficiency.

Srini Vijay inquired as to whether the recently approved development to be constructed at 397 Millburn Avenue was incorporated into the study and if it would impact the traffic study in terms of vehicular and/or pedestrian traffic. Mr. Maltz indicated that he did not review that project. He stated that it may be fully conforming in terms of on-site parking thereby reducing any pressure for street parking.

Craig Ploetner asked if the parking spots are going to be deeded to each use. Mr. Maltz stated that he believes they will be designated as 3 spaces for the residential and the balance of the spaces for the office. He added that the site engineer, Richard Keller, would speak to that in his testimony. Mr. Ploetner asked if the landlord intended to purchase 24-hour or business permits for the tenants as part of their leases. Mr. Maltz again indicated that Mr. Keller would testify to that.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. He stated that he reviewed the Master Plan, downtown vision plan and Township Zoning ordinance and gave an overview of the applicant's proposal. His firm prepared an EIS for the applicant and he has reviewed the Township professionals' reports.

Entered as A-12: aerial photo

Mr. Keller stated that the property in question, 378-380 Millburn Avenue, is located in the B-4 zone district. The subject property is located directly across from Town Hall Plaza slightly to the west of the Township Municipal building. The site consists of two tax lots; block 801, lot 6 is on the east and is about 587 feet from Main Street; block 801, lot 7 is about 162 feet from Spring Street. The site is also about 1700 feet from the Millburn train station.

Mr. Keller stated that it is always difficult to determine what to do when you have a dense, older, suburban down town central business district with a lot of small lots with no parking on them as well as large scale developments on the periphery where you are starting with a clean slate and it is much easier to comply with parking requirements, size of loading spaces, etc.

The subject site is a 10,640 SF lot, 106.4 feet wide and 100 feet deep. The 2 buildings that were on the site were in very poor condition with mold, asbestos, and structural issues. They have been removed and this proposal demonstrates a good balance between being a street facing, pedestrian-reinforcing building that hide the parking behind it rather than have a sea of parking is site or, even worse, a lot of parking under the building.

Entered as A-13: Casey & Keller #1

Mr. Keller stated that the former buildings on the site have had a number of uses over the years and were somewhat residential in character. In looking at the most recent uses on the property, which were retail, residential and office, the parking requirement generated would have been between 22 and 26 spaces. The proposed construction requires 32 spaces. There was always a shortfall of between 15 and 24 parking spaces on site.

Entered as A-14: Casey & Keller drawing #2

Entered as A-15: Casey & Keller drawing #3

The proposed construction reinforces the street line with a pedestrian-friendly façade. There are two entrances into the building and a recessed area that will allow for planters that serve to soften the street scape.

Mr. Keller stated that they were careful to use the existing driveway into the site to access the rear parking lot. There are ten 9 x 19 spaces with 23 feet of back of space, which meets the Township requirement. There will be three parking spaces assigned to the apartments; two spaces for each of the three offices spaces; and the remaining one space would remain open. There are 3 EV charging stations proposed which also allows for a slight reduction to the parking requirements, as per state statute. Mr. Keller indicated that the 10 spaces will be very low intensity in terms of in and out of the site. The proposed 11 x 45 foot loading space does double duty as a loading space as well as an egress aisle.

Garbage will be done through a private carting service. Trucks will back into the driveway where they can access the refuse area, wheel the 79-80 gallon containers to the truck and dump them. These pick-ups would be done off hours, most likely early in the morning.

Entered as A-16: Casey & Keller drawing #4

Mr. Keller spoke to the grading plan and indicated that the site is relatively flat but breaks slightly toward the street and a portion breaks to the rear left towards the School House Plaza property. He stated that he did a full drainage report of the site and although it is not located within the Township's flood zone, the project will help reduce storm water flow and improve drainage for the surrounding area due to the water management plan proposed.

Mr. Keller spoke to the Township Engineer's reports and indicated that the applicant would comply with the recommendations stated in the report, which includes repairing any damaged sections of the adjacent sidewalk and paying a sanitary sewer connection fee.

As reflected in the environmental impact analysis of the site, Mr. Keller indicated that there are no wetlands or steep slopes on the site. The proposed water detention and infiltration system will reduce the runoff. He feels the proposal will have no adverse effects on the local environment, public health, safety or welfare.

In response to the comments from the Board Planner, Graham Petto, that the use of the egress lane for a loading zone created a dangerous circulation/loading condition, Mr. Keller stated that they feel their proposed set-up is consistent with other area in the downtown. Although it is not perfect, they feel the benefits of providing an off-street loading space outweigh the detriments.

Entered as A-17: Casey & Keller drawing #5 (lighting plan)

Mr. Keller spoke to the lighting plan and indicated that there will be no spillover of lights onto adjoining properties. He indicated that the lights in the rear parking lot can be dimmed after 11 PM and brighten by 25%-50% when motion sensors activate.

The matter was carried to February 16, 2022.

**ADJOURNMENT**

A motion to adjourn was made by Beth Zall, seconded by Craig Ploetner, and carried with a unanimous voice vote. (10:47 PM)

Eileen Davitt  
Board Secretary

Motion: MMA  
Second: BZ  
Date Adopted: 2/16/22