

Township of Millburn
Minutes of the Planning Board
February 16, 2022

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, February 16, 2022** at 7:30 PM via Zoom webinar.

Chairwoman Beth Zall opened the meeting by reading Section 5 of the Open Public Meetings Act.

Edward Buzak, Board Attorney, administered the oath of office to Debra Nevas as Alternate #2.

The following members were present for the meeting:

Gaston Hauptert
Marc Matsil
Maggee Miggins
Sujatha Shanmugasundaram
Dianne Thall Eglow
Srini Vijay
Debra Nevas
Daniel Baer, Vice Chairman
Beth Zall, Chairwoman

Also present:

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

APPROVAL OF MINUTES

A motion to approve the minutes of January 5, 2022, was made by Maggee Miggins, seconded by Beth Zall, and carried with a unanimous voice vote.

MEMORIALIZATIONS

There were no resolutions to be memorialized.

APPLICATIONS

ESSEX 281, LLC, 378-380 MILLBURN AVENUE, MILLBURN

Anthony Cerciello, Attorney for the applicant, stated his appearance. He indicated that the application was heard by this Board at their January 5, 2022 meeting and carried over to tonight's meeting in order to conclude the testimony of Richard Keller, P. E., P. P.

In response to Mr. Cerciello's questions, Mr. Keller summarized the variances being requested by the applicant. He indicated that there are 2 variances required. A variance is required for on-site parking. The proposal requires 32 parking spaces and 10 spaces are proposed. A variance is also required in order to allow signage to extend above the 2nd floor line.

Mr. Keller presented proofs for the parking variance and indicated that relief could be granted under c(1) since this is a small lot and cannot meet the parking requirement for any viable use. Relief can also be granted under c(2) as the proposal advances several purposes of the MLUL. Specifically, it encourages appropriate use of the land in a manner that will promote the public health, safety, morals and general welfare; it provides adequate light, air and open space; it provides sufficient space in appropriate locations to meet the needs of the community.

Mr. Keller stated that this is an attractive in-fill project that benefits the community with no negative impact. He added that the variances can be granted without substantial detriment to the public good. This is supported by the parking study that was submitted by the applicant.

Mr. Keller stated that the proposed sign above the driveway entrance is above the 2nd floor line. He stated that variance relief can be granted under c(2) where the purpose of the land use plan is advanced. There is no substantial detrimental to the public good and the sign is considerably under the allowable square footage. It is an architecturally appropriate location.

In response to Board questions, Mr. Keller stated that the driveway area height is 12-1/2 feet, which is adequate height for a refuse or standard u-haul truck. He stated that the lighting is brightest under the canopy, resulting in an overage of the 1 FC allowance. It is more than adequate from a security standpoint. He stated that the loading zone will not be utilized a lot. It will be for move-in/move-out purposes. The proposed loading zone is scaled to the types of vehicles that are expected on this type of property. He stated that underground parking was not considered since the lot is not deep enough. In addition, high water tables would make underground parking difficult.

Mr. Keller was asked if the applicant would agree to restrict the ground floor space for retail only, and not allow food uses, as a condition of approval. However, after discussion, it was indicated by the Board Attorney that it is not proper for this Board to restrict the uses on this property.

The meeting was opened for public questions.

Jean Pasternak, 342 Hobart Avenue, asked what consideration was given in terms of blending in with the neighborhood. Mr. Keller stated that the downtown vision plan was a dominant factor. This proposal has been scaled to pedestrian activity. Ms. Pasternak questioned the columns proposed and whether they exist anywhere else in town and if they were out of place. Mr. Keller stated that the columns are a way to access the rear parking area. There is a similar structure on the corner of Essex and Lackawanna. He stated that it is not uncommon and not out of place, in his opinion. Ms. Pasternak asked if there would be warning signals for pedestrians crossing the driveway area. Mr. Keller indicated that this is not a high-intensity parking lot and warning signals are not proposed.

The meeting was opened for public comments.

The following concerned residents appeared, were sworn and indicated their support of the application as a great asset to the community: Kadie Desoe, 9 Edwards Place, Short Hills; Alex Zaltsman, 28 Marion Avenue, Short Hills; Michelle Retik, 150 Forest Drive, Short Hills; Jean Pasternak, 342 Hobart Avenue, Short Hills; Hannah Ashton, 18 Colonial Way, Short Hills; Joanna Parker-Lentz, 16 Ridge Terrace, Short Hills; Nicole Cohen Richter, 34 Hobart Avenue; Igor Vishnevitsky, 170 Myrtle Avenue, Millburn; Kelli Davis, 23 Thackeray Drive, Short Hills; Kevin Wenzel, 23 Thackeray Drive, Short Hills.

Overall, Board members were pleased with the proposal. Some members opined that the proposed construction shows a substantial investment in the downtown and were pleased that the applicant was respectful of the downtown vision plan.

Upon a motion made by Dianne Thall Eglow, a second by Gaston Hauptert, and with a roll-call vote as follows:

Gaston Hauptert – yes
Marc Matsil – yes
Maggee Miggins – yes
Sugatha Shanmugasundaram – yes
Dianne Thall Eglow – yes
Srini Vijay – yes
Debra Nevas – yes
Daniel Baer – yes
Beth Zall – yes

App#21-007, Essex 281, LLC, 378-380 Millburn Avenue, site plan approval with parking/sign variance/lighting waiver was **GRANTED** with the following conditions: 1) existing street tree along Millburn Avenue shall be retained and applicant shall plant an additional street tree along Millburn Avenue; 2) applicant shall install landscaping along the easterly property line to screen the rear parking lot from Millburn Avenue; 3) three parking spaces shall be reserved for residential apartments, two spaces reserved for each of the three office spaces, one space shall remain open and there shall be no parking for the general public; 4) any change of permitted use from the proposed retail uses that would generate parking in excess of 1/200 SF shall be subject

to Board approval; 5) there shall be no storage of any item other than patio/outdoor furniture on the residential balconies; 6) applicant shall comply with all comments/recommendations of Board's professional in their respective reports.

BEAHIVE PROPERTIES, 397 MILLBURN AVENUE, MILLBURN

The matter was not heard due to improper notice. The applicant will re-notice for the 3/2/22 Planning Board agenda.

ADJOURNMENT

A motion to adjourn was made by Beth Zall, seconded by Maggee Miggins, and carried with a unanimous voice vote. (9:40 PM)

Eileen Davitt
Board Secretary

Motion: DE
Second: BZ
Date Adopted: 3/16/22