

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

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, March 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.

The following members were present for the meeting:

Dianne Eglow
Gaston Haupt
Jorge Mastropietro
Maggee Miggins
Craig Ploetner
Sujatha Shanmugasundaram
Srini Vijay
Daniel Baer, Vice Chairman
Beth Zall, Chairwoman

Also present:

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

APPROVAL OF MINUTES

A motion to approve the minutes of February 2, 2022, was made by Dianne Eglow, seconded by Beth Zall, and carried with a unanimous voice vote.

MEMORIALIZATIONS

There were no resolutions to be memorialized.

APPLICATIONS

APPL#21-009, BEAHIVE PROPERTIES, 397 MILLBURN AVENUE, MILLBURN

Bart Sheehan, Attorney for the applicant, stated his appearance. He indicated that the prior application was summarized in the approving resolution. He stated that it is not his

intention to go through all the facts again tonight but rather to focus only on the amendments proposed by this application.

Mr. Sheehan called Mark Yeager who appeared and was sworn. Mr. Yeager stated that the existing conditions of the site have remained relatively unchanged for the past months. Wells Fargo vacated the building more than 2 years ago. He stated that as they moved into the actual construction drawings and development phase of the project, they realized that the site would be greatly improved by incorporating a handful of amendments. He gave a brief outline of those amendments which consisted of the following:

The vehicular ingress/egress access drive and curb cut has been eliminated along Millburn Avenue. There will be an approximate 7 foot wide pedestrian access way from the parking garage onto Millburn Avenue. The ground floor commercial space fronting on Millburn Avenue has been extended east by approximately 24 feet. He indicated that the increase of commercial space results in the need for a sign variance, identical to the sign variances granted in the original application for the 2 commercial spaces. The loading area on Essex Street has been relocated to Spring Street. The pick-up/drop-off area on Essex Street will remain as approved but the additional parallel parking space in that has been removed. The refuse and recycling room has been eliminated from the ground floor level on Essex Street and relocated to the parking garage level with access provided from Spring Street. The residential loading area has been relocated to be on-site with access off of Spring Street. Mr. Yeager indicated that 4 of the angled parking spaces on Spring Street are to be removed for loading space maneuverability. Finally, six interior balconies facing the residential courtyard are proposed to be added as a supplemental amenity.

Mr. Yeager referred to the report from Graham Petto, Township Planner. He indicated that it is the developer's intention to comply with the current electric charging stations requirement and would agree to such as a condition of approval. In response to the Planner's comment with regard to 2-way traffic on Spring Street, Mr. Yeager deferred to the applicant's civil engineer and or traffic professional. In response to the Planner's request for bollards in the garage separating pedestrians from traffic, Mr. Yeager indicated that he does not believe the bollards are necessary given the low volume of traffic in and out as well as the predicted speed at which the vehicles will be travelling. Mr. Yeager stated that the developer would agree to provide bicycle storage on site and on Millburn Avenue and would accept that as a condition of approval. Finally, Mr. Yeager stated that in response to the Township Planner's request for light pole consistency on Millburn Avenue, the applicant would accept that as a condition of approval as well.

The meeting was opened for Board questions.

Dianne Eglow asked whether the removal of the ingress/egress on Millburn Avenue would allow for additional parking spaces, given that four spaces are being lost on Spring Street. Mr. Yeager indicated that they should be able to pick up as least 1 additional spot on Millburn Avenue where the entrance was.

Dan Baer questioned the applicant's request for a waiver of EIS. Mr. Baer directed his question to Board Attorney, Ed Buzak, and asked if it is necessary to request a waiver and if the Board needs to go through that process again. He questioned the necessity for a waiver request for an amended application where the applicant specifically says that the EIS has not changed. Ed Buzak stated that if the applicant is relying upon the previous EIS that was submitted and there has been no change, it should just be incorporated in this application as opposed to seeking a waiver. This way it is clear that whatever is set forth in that prior EIS is applicable to this amendment.

Ed Buzak asked Mr. Yeager to clarify where provisions for retail loading and unloading have been made. Mr. Yeager stated that they anticipate that most drop offs/pickups will be quick and done through the front door on Millburn Avenue. Longer term deliveries are anticipated to be handled through the Spring Street entrance with the assistance of building managers.

Gaston Hauptert questioned the change in the refuse logistics. Mr. Yaeger explained that there are two trash rooms in the building; one behind the commercial space and the other on the Essex elevation in the lower level. As the refuse trucks back into what is now the Spring Street refuse pick up, they will pull inboard of the building and building management will be responsible for getting the dumpsters from both of the rooms to the garbage trucks which will be inboard to the footprint of the building.

Mr. Yeager spoke to the Township Engineer's professional report. The report included a request that any cherry trees that are proposed to be removed from the site be saved and replanted elsewhere. Mr. Yeager agreed to this condition.

Graham Petto, Township Planner, asked about the design approach for the incorporation of the 6 additional balconies. He indicated that 4 of the balconies are to the interior of the courtyard of the building, which is consistent with the zone ordinance. However, the two balconies that are proposed along the side of the building extending towards Spring Street and somewhat exterior and appear to be close to the property line. Mr. Yaeger stated that he would defer this question to the applicant's architect.

Stephanie Morgan, 49 Greenwood Drive, asked if the proposed loading dock is long enough for trucks. Mr. Yeager deferred this question to the civil engineer.

Stewart Johnson, architect, appeared and was sworn. His credentials were presented and accepted by the Board.

Entered as Exhibit A-1: aerial photo of site

Stewart Johnson briefly described the subject area. The site is about 1.53 acres in area, with frontage on Millburn Avenue to the south, Douglas Street to the west, Essex Street to the north and Spring Street to the east. The site generally slopes down from north to south with a 10 foot grade differential from Essex Street to that of Millburn Avenue. Current conditions on the site include a commercial bank building with surface parking that supports that use. Adjacent

uses are commercial businesses on Millburn Avenue as well as Spring Street; single family homes to the west along Douglas Street; and municipal buildings to the north along Essex Street.

Stewart Johnson feels this site is an ideal location for a new moderate density multi-family community and an optimal gateway to the downtown area. Mr. Johnson stated that the site is convenient to mass transit and access to major roadways.

Entered as Exhibit A-2: Sheet A06 of previously approved application, illustrative perspective view

Mr. Johnson stated that the architectural design remains substantially similar to that of the project that was previously approved. There are still 53 residential units, which was previously approved. There has been a minor modification to the unit mix due to the relocation of the refuse room that was previously located along Essex Street. There is now one more 2-BR market rate unit versus the prior application and 1 less 1-BR market rate unit. The main difference in this modification is 7 exterior Juliette balconies were added. Stewart Johnson stated that these changes will add value to the facades.

Entered As Exhibit A-3: A07, illustrative perspective view, view looking west from Essex Street

Entered As Exhibit A-4: A01.1, ground level floor plan

The two-way garage on Millburn Avenue was removed which allows for 1000 SF of new elegant storefront windows to further activate that ground floor façade and further encourages the pedestrian activity along the Millburn Avenue frontage. In addition, residential storage lockers and bicycle storage were relocated.

Entered as Exhibit A-5: A02.1, second floor plans

There are 45 market rate units and 8 affordable units designed in an inclusionary manner.

Entered as Exhibit A-6: A02.2, parking summary

Entered as Exhibit A-7: A04, colorized version of exterior building elevations

The building height was previously approved at 39 feet 2 inches, and has been reduced to 38 feet 2 inches. This decrease in height was due to engineering modifications and changes in grade plans.

Stewart Johnson spoke to the request for retail/commercial signage, consisting of dimensional cut, halo lit letters. This signage requires variance relief consistent with the relief granted for the signage in the original application.

Entered as Exhibit A-8: A05, colorized version of north and east elevations

Entered as Exhibit A-9: A03, third floor plans

Third floor plans include 6 interior balconies facing the courtyard. Two of the balconies are 231 feet away from the curb on Millburn Avenue and 23 feet in height relative to the curb elevation.

Entered as Exhibit A-10: A05.1, street view

Entered as Exhibit A-11: A05.2, building and site sections

The project will be seeking LEED silver certification and energy star certification.

Entered as Exhibit A-12: A03.1, roof plan

Craig Ploetner said that it seems the proposed balconies are haphazardly placed, and felt they did not speak to the descriptive terminology used by Mr. Johnson. Dianne Eglow felt the two bedroom units on the upper floors should have a balcony.

Maggee Miggins asked what the reason was for eliminating a one-bedroom unit and adding a two-bedroom unit. Stewart Johnson stated that this was a result due to the change of square footage to accommodate loading zones, causing units to be re-adjusted. The plan changed from 35 MR two-bedroom units and 10 MR one-bedroom units, to 36 MR two-bedroom units and 9 MR one-bedroom units.

Maggee Miggins also asked why none of the affordable units have balconies. Stewart Johnson said this was due to economic reasons and prices of rent, but if the Board was inclined they would be willing to make changes to that.

Graham Petto asked about the depth of the Juliette balconies. Stewart Johnson stated the balconies were 6 to 8 inches in depth, and that these balconies are not space that cannot be occupied.

Ed Buzak asked if the only usable balconies are the 6 balconies within the courtyard area. Stewart Johnson stated this was correct. Ed Buzak also asked to clarify the number of proposed Juliette balconies and their locations. Stewart Johnson stated that there will be 3 second floor balconies along Douglas Street, 2 second floor balconies along Millburn Avenue, and 2 second floor balconies along the Essex Street.

Jorge Mastropietro asked where the proposed bicycle room would be and how many bicycles it would accommodate. Stewart Johnson referred to Exhibit A-4. The bicycle storage was relocated to behind the refuse area. The storage would hold about 20 bicycles for residents. Mr. Johnson also referred to Exhibit A-5. The storage space would have an area of 1,800 square feet.

Michael Lanzafama, P.E., P.P., appeared and was sworn. His credentials were presented and accepted by the Board.

Entered as Exhibit A-13: color rendering of proposed Site Plan compared to approved Site Plan

Michael Lanzafama spoke to the revisions made to the site plan. He discussed the elimination of the driveway onto Millburn Avenue, which increased available parallel parking from 3 to 6 spaces. This resulted in an increase of rental space to 4,000 square feet.

The loading zone is 15 by 48 feet along Spring Street, which results in the need to remove 4-5 angled parking spaces on Spring Street.

Entered as Exhibit A-14: truck turning exhibit

The drop off area along Essex Street has been reduced and approved by the Essex County Planning Board. This application will rely on the prior approval of the previously submitted environmental impact statement, as there has been no change to the plan that warrants an amendment to the past statement.

Entered as Exhibit A-15: proposed grading plan compared to previously approved grading plan

The original detention basin was located under the exit driveway onto Millburn Avenue. The applicant opted to relocate the detention basin and increased its size for the two-year storm. The peak runoff rate for the two-year storm was 1.94 cubic feet per second in the original plan, and was reduced to 1.56 cubic feet in the revised plan.

Entered as Exhibit A-16: colorized landscape plan for amended application

The ordinance states that the loading zone should be 40 by 60 feet, and the proposed loading zone is 15 by 48 feet to adequately service the requirements of this project.

Daniel Baer asked if modifications to on-street parking should be part of this application. He believes it can only be a recommendation and not a specific request. Bart Sheehan concurred with Daniel Baer's comment. He noted that the Township Engineer and the civil engineer, Michael Lanzafama, have conferred and the recommendation is for the removal of four spaces. Bart Sheehan asked that any condition of approval referring to the Spring Street or Millburn Avenue parking spaces be phrased in such a way that allows the township committee to address them.

Gaston Hauptert asked for clarity on the sizes of the proposed parking spaces. Michael Lanzafama stated the spaces are the standard parking stall size measured at 7 by 23 feet.

Craig Peregoy, traffic engineer, appeared and was sworn. His credentials were presented and accepted by the Board. He stated that nothing being done for this project would prevent two-way access on Spring Street in the future.

Michael Lanzafama appeared and provided testimony as a professional planner. He indicated that there are three variances being requested.

1. additional signage
2. location and size for the loading area located in the front yard
3. proposed balconies

The proposed signage is in violation of 606.4.2j4. It is located on a canopy that would extend over the retail space. Architecturally it is aesthetically pleasing. Mr. Lanzafama felt the proposed signage would have no negative impacts and believes it could be granted as a c(2) variance, where the benefits outweigh the detriments. The proposed signage matches the signage proposed and granted with variance relief in the original application.

The proposed loading area is in violation of section 607.3a. Mr. Lanzafama indicated that it would provide for a safe means of traffic moving in and out of the site. It also accommodates refuse trucks and smaller delivery vehicles. Mr. Lanzafama feels a c(2) variance could be granted without substantial detriment to the public.

The 6 proposed balconies facing the courtyard are in violation of section 606.4.2h6c. One balcony is 6 by 14 feet, two are 6 by 18 feet, and three are 6 by 13 feet. Mr. Lanzafama stated that these balconies meet two of the three suggestions for balconies outlined in the ordinance, by providing outdoor space and being visually permeable. However, the ordinance says that the balconies should be recessed, which they are not.

Gaston Hauptert asked what would prevent someone from using a tractor trailer to move in. Mr. Lanzafama indicated that maximum size of the vehicle for moving will be explicitly stated in the lease.

Barth Sheehan thanked the Board for their time this evening and respectfully requested the Board's favorable vote on the matter.

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

- Gaston Hauptert – yes
- Maggee Miggins – yes
- Craig Ploetner – yes
- Sujatha Shanmugasundaram – yes
- Dianne Thall Eglow – yes
- Srini Vijay – yes
- Daniel Baer – yes
- Beth Zall – yes

App#21-009, Beahive Properties, 397 Millburn Avenue, sign variance relief was GRANTED.

Upon a motion made by Dianne Eglow, seconded by Daniel Baer and with a roll-call vote as follows:

Gaston Hauptert – yes
Maggee Miggins – no
Craig Ploetner – no
Sujatha Shanmugasundaram – no
Dianne Thall Eglow – yes
Srini Vijay – yes
Daniel Baer – yes
Beth Zall – yes

App#21-009, Beahive Properties, 397 Millburn Avenue, balcony variance relief was GRANTED.

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

Gaston Hauptert – yes
Maggee Miggins – yes
Craig Ploetner – yes
Sujatha Shanmugasundaram – yes
Dianne Thall Eglow – yes
Srini Vijay – yes
Daniel Baer – yes
Beth Zall – yes

App#21-009, Beahive Properties, 397 Millburn Avenue, loading/maneuvering variance relief was GRANTED.

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

Gaston Hauptert – yes
Maggee Miggins – yes
Craig Ploetner – yes
Sujatha Shanmugasundaram – yes
Dianne Thall Eglow – yes
Srini Vijay – yes
Daniel Baer – yes
Beth Zall – yes

App#21-009, Beahive Properties, 397 Millburn Avenue, amended site plan approval with design waivers was GRANTED.

BUSINESS

Ord#2596-22

The Planning Board discussed Ordinance No. 2596-22 which proposes to amend and supplement the Township of Millburn Development Regulations and Zoning Ordinance as it pertains to Article 5, by adding section DRZ-501 entitled “Affordable Housing.”

Graham Petto, Township Planner, stated that the proposed ordinance has been developed in accordance with the applicable State requirements, including the Substantive Rules of the NJ Council on Affordable Housing and the Uniform Housing Affordability Controls. The proposed ordinance will assure the development of very-low, low-, and moderate-income housing units consistent with the required affordability controls and meet all occupancy requirements. The proposed ordinance is also consistent with the terms of the Township’s Settlement Agreement with the Fair Share Housing Center, which requires the introduction of ordinances providing amendments to the Township’s Affordable Housing Ordinance to implement other terms of the Settlement Agreement.

Upon a motion made by Beth Zall, seconded by Jorge Mastropietro and with a roll-call vote as follows:

Gaston Hauptert – yes
Jorge Mastropietro – yes
Maggee Miggins – yes
Craig Ploetner – yes
Sujatha Shanmugasundaram – yes
Dianne Thall Eglow – abstain
Srini Vijay – yes
Daniel Baer – yes
Beth Zall – yes

the Planning Board finds that Ordinance #2596-22 is not inconsistent with the Master Plan.

Ord#2597-22

The Planning Board discussed Ordinance No. 2597-22 which proposes to amend and supplement the Township of Millburn Development Regulations and Zoning Ordinance as it pertains to Article 5, by adding section DRZ-502 entitled “Mandatory Affordable Housing Set-Aside.”

Graham Petto, Township Planner, stated that the proposed ordinance sets forth a mandatory affordable housing set-aside requirement for any multi-family or attached dwelling residential development, including the residential portion of a mixed-use project which consists of five or more new residential units. The proposed ordinance is also consistent with the terms of the Township’s Settlement Agreement with the Fair Share Housing Center, which requires the

introduction of ordinances providing amendments to the Township's Affordable Housing Ordinance to implement other terms of the Settlement Agreement.

Upon a motion made by Beth Zall, seconded by Jorge Mastropietro and with a roll-call vote as follows:

Gaston Hauptert – yes
Jorge Mastropietro – yes
Maggee Miggins – yes
Craig Ploetner – yes
Sujatha Shanmugasundaram – yes
Dianne Thall Eglow – abstain
Srini Vijay – yes
Daniel Baer – yes
Beth Zall – yes

the Planning Board finds that Ordinance #2597-22 is not inconsistent with the Master Plan.

ADJOURNMENT

A motion to adjourn was made by Beth Zall, seconded by Maggee Miggins, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt
Board Secretary

Motion: BZ
Second: CP
Date Adopted: 5/4/22