

Millburn Township Committee Meeting Minutes

Minutes of the Regular Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall electronically via Zoom starting at 7:00 PM on the above date.

Mayor Lieberberg opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 7:00 PM on June 16, 2020.

Mayor Lieberberg asked all those present to stand for the Salute to the Flag.

Upon call of the roll, the following Committee members were recorded present: Cheryl H. Burstein (via Zoom), Jackie Benjamin Lieberberg, Tara B. Prupis, Dianne Thall Eglow and Richard J. Wasserman. Also present were Business Administrator Alexander McDonald (via Zoom), Township Attorney Christopher Falcon (via Zoom), and Assistant Administrator Jimmy Homs (via Zoom).

Approval of Agenda

Mayor Lieberberg asked for a motion to approve the agenda. The motion was offered by Ms. Burstein and seconded by Mr. Wasserman.

Vote: All Ayes

Minutes

Mayor Lieberberg asked for a motion to approve the May 19, 2020 regular meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Burstein.

Vote: All Ayes

Reports

Mayor Lieberberg reported and provided the following statement:

“Good evening everyone. Happy to report that phase 2 of Governor Murphy’s Multi-phase re-opening plan has begun and the Township has been working in earnest in preparation of this next phase.

The Township is currently reporting 142 residents testing positive for Covid-19 with the current recovery rate of 76%. Please, please continue to practice social distancing and wear a mask whenever social distancing is not adequate.

At the last couple of Committee meetings and the smaller group meetings with Landlords/Business Owners—it was mentioned that “Mayor Lieberberg you said that no important matters would be discussed during Covid ”—Let me say that statement was made when I believed our ZOOM public meetings would be limited for a week or two—not 14 weeks. It is incumbent upon me as your Mayor to continue to address important issues and effectuate positive change. I was elected to the Committee in 2017 and will continue to support a progressive, pro-active, engagement, inclusionary and participatory agenda that welcomes new initiatives and ideas that I believe are in the BEST interests of ALL residents—all stakeholders—An Active SID will be a welcomed addition to our community and provide a conduit for the business community to Town Hall and help our merchants with innovative programming and activities. For the record, I never wanted to dismantle the previous one – We must move forward—if we do not—we will be left behind. The discussions regarding this new organization will continue with a first read scheduled for July 14th.

Yesterday, June 15th the Parking Ad Hoc Committee met and discussed the timetable and implementation for the return of parking fees – The consensus of the group was to continue the FREE Parking until Sept 1st – the parking attendants will be monitoring and enforcing the time limits beginning July 1st – Residents—please adhere to the limits when parking and be cognizant that fees WILL apply to those cars that extend beyond the limited parking hours.

Under Governor Murphy’s orders—our Millburn Library will offer curbside pickup.

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Please check the website for additional guidelines and protocols. Restaurants will be allowed to offer service OUTSIDE—(more info about that later in the meeting)

On Thursday, June 18th at 8 PM-9:30 PM Black Americans of Millburn- Short Hills present: Real Talk: Can't we all just get along? It will be moderated by Rabbi Gewirtz of TBJ with Panelists Lisa Opoku Busumbru, Nancy Kislin, Mellisa Okoko and Peter Akwaboah. To register: Please email: BlackAmericansMS@Gmail.com

MOVIE NIGHTS---June 25-29th— at the Millburn High School parking lot---Do not forget to register!! July 4th—The Millburn Short Hills 4th of July Committee will be hosting Neighborhood Parades starting at 8:45 PM--- Stay home, don't worry about the crowds—order from our local businesses –The Parade will come to you! Shop local at participating businesses from June 26-July 3 and ask for your free patriotic themed giveaways—(while supplies last). Parade details will follow in the upcoming weeks—be sure to check the website for details.”

Ms. Burstein reported that the Millburn Recreation Commission held a meeting and she commended the Recreation Department for thinking of what could be done in the age of Covid. There will be a return to outdoor activities on June 22nd. She added that there would be baseball clinics and lacrosse and soccer would be determined at a later date. The pool would open without guests attending and with some restrictions. She advised that there would be swim lesson available; however, no swim meets would take place. She pointed out that playground camp would be offered. She announced that the girl's lacrosse club donated a score board for the library field and a shed on the Paper Mill field was also donated.

Ms. Thall Eglow advised she did not have any reports.

Ms. Prupis reported that the Environmental Commission met on June 9th and they would be going to back to the drawing board in regards to the leaf blower ordinance. She recalled an email from the LEEDS certification regarding the Wells Fargo site and other new buildings in town to have LEEDS certification. She advised that the Planning Board would meet on June 17th, the Shade Tree would meet on June 19th and the Pedestrian Safety Advisory Board would meet on July 1st all via Zoom

Mr. Wasserman invited everyone to the PRIDE flag raising on June 19th at three o'clock, with social distancing in mind. He pointed out that Father's Day was coming up and asked the residents to support the town and their businesses.

Mr. McDonald reported that the Recreation Department had done a tremendous job on working hard during tough times and he reviewed some of the planning activities. He reminded residents about the June 25-29 drive-in movie nights, two nights were already sold out. Funds received would be distributed evenly between four non-profit organizations. He was eager to discuss the dining plan later in the meeting.

Mr. Falcon advised that he did not have any reports.

Public Comment

Mayor Lieberberg made the following statement:

“Due to the COVID-19 pandemic Millburn town hall will be closed to the public for this meeting. Directions to access our meeting via zoom have been properly noticed. If you would like to speak via computer or an iPhone please raise your hand and you will be acknowledged. If you are dialing in by phone please press *9. All members of the public wishing to speak will be put in a que to address the committee. Please state your name and address so your comments may be properly recorded. Whenever an audience or Committee member reads from a prepared statement, please email a copy to the Township Clerk's Office at townclerk@millburntwp.org. To help facilitate an orderly meeting and to permit all to be heard, speakers are asked to limit their comments to 3 minutes. This is a business meeting and please do not address professionals or staff directly and please direct all comments to me.

Mayor Lieberberg opened the public comment period.

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David Cosgrove, of 99 Oakview Terrace, asked the Committee members how they felt about creating a committee of residents to assist the town to manage the approach to fair share housing. He also asked if there were any possible residential developments that the Committee members could have been approached about. Ms. Prupis and Mr. Wasserman liked the idea of having a group of residents assist in the fair share housing subject.

Nicolas Volpicelli, of 18 Overlook Terrace thanked the Committee members for their service and time. He appreciated his involvement in the feedback session in regards to the proposed Special Improvement District (SID). He voiced his concerns with the proposed SID. He believed the business owners should be the ones to select their board instead of it being selected by the Township Committee.

Mr. Wasserman reiterated that he and Mayor Lieberberg had received positive feedback from residents whom they had spoken too. Mr. Volpicelli ended his comment with his opposition for the SID.

Elizabeth Vollavanh, of 54 Cedar Street, stated she was on the Environmental Commission. She mentioned the township currently has a requirement on township funded projects to hold the LEED Silver Certification. She went on to explain what LEED Silver Certification was and the benefits. She suggested that the 397 Millburn Avenue development include the requirement of LEED Silver Certification. Mayor Lieberberg advised that she would have Mr. McDonald or Mr. Falcon get back to Ms. Vollavanh in regards to her suggestion.

Bruce Hausman, of 275 Millburn Avenue, stated that Footnotes Shoe Store had been in town for over 60 years and was never approached in regards to the SID matter. He mentioned Millburn Township had a large amount of vacancies compared to other towns. He stated the SID could be a great idea although it may be a great idea during this difficult time and he did not see the reason for the rush to push the ordinance through. Mayor Lieberberg informed Mr. Hausman that property assessments would not be made until the year 2022.

Nancy Stone, of Essex Street, expressed that Ms. Urso was having difficulties joining the meeting on her own and reiterated that the system was flawed. She expressed her frustration with the Township Committee members. She pointed out that there is a lot of miscommunication between the Committee members and township merchants. She voiced her strong opposition to the Special Improvement District ordinance.

Perry Urso, of 506; 508, 514 Millburn Avenue and 1 Short Hills Avenue, stated that she contacted the Department of Community Affairs and was informed the Township Committee meetings were able to be held in person with appropriate social distancing regulations. She expressed her frustration with the town in not doing so. She stated that she had not received answers to all of her questions from a previous email. She inquired who the Township Committee members spoke to and what questions were asked in regard to the SID.

Annette Romano, of 15 Cypress Street, thanked the Committee for their work and commended the members for the outstanding work. She stated she knew they would continue to do a great job with the help of Mr. McDonald especially during these difficult times.

Jean Pasternak, of 342 Hobart Avenue asked why a survey was not conducted prior to the SID concept and boundaries being formed. Mayor Lieberberg reviewed the matter and pointed out that the Committee members heard and spoke to merchants and property owners and many were concerned regarding the financial burden so it was decided the township would bear the cost for the year of 2020-2021. She stated that many were also in favor of the SID. Ms. Pasternak asked what the percentage of each category was.

Mayor Lieberberg closed public comment.

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Public Comment – Consent Agenda

Mayor Lieberberg asked if there were any comments or questions regarding items on the Consent Agenda.

Ms. Thall Eglow asked for clarification in regards to Resolution 20-137 and Resolution 20-138. Mr. McDonald advised Resolution 20-137 was a relaxation of dining in municipal lots and streets in order to accommodate outdoor dining. He stated that Resolution 20-138 was to authorize a hold harmless with Essex County for the use of any side street spaces such as parking lanes that would allow for pedestrian walkways when sidewalks would be used for seating. He pointed out that these would be considered separately.

No other comments or questions were presented.

Consent Agenda

Mayor Lieberberg asked for a motion to approve the items on the consent agenda, with Resolution 20-137 and Resolution 20-138 being removed from the consent agenda so they may be considered and voted on separately. Ms. Prupis made a motion to approve the consent agenda as amended which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 20-129
APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated June 16, 2020, in the following accounts:

General	\$	400,730.43
Capital Fund		4,000.00
Parking Utility - Operating Fund		622.59
Dog Trust Fund		363.90
Escrow Trust Fund		2,053.50
Police Off Duty Trust Fund		580.00

**RESOLUTION 20-130
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

NOW, THEREFORE BE IT RESOLVED that the Treasurer of the Township of Millburn be and he is hereby Authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Robert & Ginger Chang 375 White Oak Ridge Rd Short Hills, NJ 07078 Block 4902 Lot 13	Tax Refund Duplicate pymt Overcollection	\$8,753.03
Northfield Bank 581 Main St Suite 810 Woodbridge, NJ 07095 Block 211 Lot 4	Tax Refund Duplicate pymt Overcollection	\$3,287.26
Corelogic Refunds Dept Mail Code DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Block 1812 Lot14	Tax Refund Duplicate pymt Overcollection (Mehta)	\$5,152.13
Corelogic Refunds Dept Mail Code DFW 1-3	Tax Refund Duplicate pymt	\$2,659.06

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3001 Hackberry Rd
Irving, TX 75063
Block 405 Lot 24

Overcollection
(Ghosh)

Lereta, LLC
901 Corporate Center Dr
Pomona, CA 91768
Block 705 Lot 23

Tax Refund \$3,385.70
Duplicate pymt
Overcollection
(Wong/Valdemoro)

Nicholas Berger
21 Woodland Rd
Short Hills, NJ 07078
Block 1806 Lot 11

Sewer Refund \$176.00
Duplicate pymt

RESOLUTION 20-131

DESIGNATING A \$3,988,000 PARKING UTILITY BOND ANTICIPATION NOTE, DATED JUNE 12, 2020 AND PAYABLE JUNE 11, 2021, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Township of Millburn, in the County of Essex, New Jersey (the "Township") intends to issue a \$3,988,000 Parking Utility Bond Anticipation Note, dated June 12, 2020 and payable June 11, 2021 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex, New Jersey, as follows:

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2020:

<u>Amount</u>	<u>Dated – Due</u>
\$5,403,022 BAN	1/30/20 - 1/29/21

SECTION 4. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2020 dated as of the date of delivery of the Note.

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SECTION 6. This resolution shall take effect immediately upon its adoption.

**RESOLUTION 20-132
AUTHORIZING CHANGE ORDER NO. 1 TO THE
CONTRACT WITH LEGACY CONSTRUCTION MANAGEMENT**

WHEREAS, a purchase order was prepared in the name of Legacy Management INC located at 5021 Industrial Road Wall, NJ 07727 under a construction management services contract for the management of the HVAC project at the Millburn Township Police Department, totaling \$90,200.00;

WHEREAS, it is necessary to adjust the contract as follows;

Change Order #	Description	Amount	Net Amount of Contract
1	Additional work that includes the following: Change to the contract schedule due to the presence of asbestos on the existing heating and domestic water pipe fittings throughout the building.	\$35,600.00	\$125,800.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey as follows:

1. Change Order Number 1 as described in the preamble is hereby approved.
2. The change order shall be charged to C-04-55-893-001-906. The Chief Financial Officer has determined that a Certification of Available Funds is necessary and made part of this Resolution.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign all appropriate contract amendment documents for the extension if required.

**RESOLUTION 20-133
AWARD CONTRACT FOR MOUNTAINVIEW ROAD IMPROVEMENTS – PM CONSTRUCTION CORP.**

WHEREAS, the Township of Millburn (“the Township”), publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for a Contract entitled “Mountainview Road Improvements from Wyoming Avenue to Whittingham Terrace”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on June 10, 2020; and

WHEREAS, at the time of bid opening, the following bids and the amounts thereof were announced:

1. PM Construction Corp. (\$164,664.00)
2. A.J.M. Contractors, Inc. (\$168,967.48)
3. Reivax Contracting Corp. (\$169,644.95)
4. Fischer Contracting, Inc. (\$174,149.65)
5. S & L Contractors, LLC (\$184,446.93)
6. American Asphalt & Milling Services, LLC (\$184,712.80)
7. D.L.S. Contracting, Inc. (\$203,563.00)

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- 8. Mark Paving Co. Inc. (\$207,365.05)
- 9. Top Line Construction Corporation (\$208,035.70)
- 10. Onorati Construction Co. (\$228,264.98)

WHEREAS, PM Construction Corp. is the lowest responsible bidder as determined by the Millburn Township Engineer and is in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Treasurer has certified that funds are available for the performance of this Contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, County of Essex and the State of New Jersey on this 16th day of June, 2020 as follows:

- 1. The Township hereby awards the Contract for Mountainview Road, from Whittingham Terrace to Wyoming Avenue, Road Improvements to PM Construction Corp., having a business address of 1310 Central Avenue, Hillside, New Jersey 07205, as the lowest responsible bidder, in the amount not-to-exceed \$164,664.00 and the Mayor is authorized to execute said Contract.
- 2. The Business Administrator and staff are authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
- 3. With the exception of the bid security for the lowest three bidders, the Municipal Clerk is authorized to release the bid security submitted by the other bidders. Within three days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for PM Construction Corp., the bid security of the remaining unsuccessful bidders shall be returned to them.
- 4. A copy of this Resolution shall be kept on file at the offices of the Township.
- 5. This Resolution shall take effect immediately.

**RESOLUTION 20-134
AUTHORIZE EXECUTION OF REVOCABLE LICENSE AGREEMENT**

NOW, THEREFORE BE IS RESOLVED, that the Millburn Township Mayor and Municipal Clerk are hereby authorized to enter into an agreement between the Township of Millburn and J & D Klein for the purpose of granting permission to erect a fence over an easement/right-of-way located on 75 Great Oak Drive, Short Hills, NJ, Block: 1605, Lot: 2 and the form and content of the agreement is subject to approval by the Township Attorney and Township Engineer.

**RESOLUTION 20-135
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SHORT HILLS AVENUE ROAD
IMPROVEMENTS FROM SPRINGFIELD TOWN LINE TO THE CRESCENT**

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NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millburn formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Millburn Township Short Hills Avenue RoadImprovements-00290 to the New Jersey Department of Transportation on behalf of the Township of Millburn;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Millburn and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION 20-136
AUTHORIZING THE REAPPOINTMENT OF JASON COHEN AS TAX ASSESSOR FOR THE TOWNSHIP OF MILLBURN**

WHEREAS, pursuant to N.J.S.A. 40A:9-148.1, a municipal tax assessor shall hold a tax assessor certificate provided for in P.L. 1967, c. 44 (C. 54:1-35.25 et seq.) and shall have the duty of assessing property for the purpose of general taxation; and

WHEREAS, Jason Cohen is deemed qualified for the position and has served as Millburn Tax Assessor since March 2, 2020; and

WHEREAS, N.J.S.A.40:9-148 provides that every municipal tax assessor shall hold office for a term of four (4) years from the first day of July next following his appointment; and

NOW THEREFORE, BE IT RESOLVED by the Millburn Township Committee, in the County of Essex, State of New Jersey that pursuant to N.J.S.A. 40:9-148, the appointment of Jason Cohen as Tax Assessor for the Township of Millburn, for a four (4) year tenure term track commencing July 1, 2020 and expiring on June 30, 2024 is hereby confirmed.

Resolution 20-137

Mr. McDonald provided explanation on the outdoor dining plan in relation to Resolution 20-137. He added that the idea was to provide additional space for outdoor dining as per the Governors Executive Order 150. He reviewed the closure concepts and rules that would have to be followed. He pointed out that resolution would allow for the relaxation of the requirements as per Chapter 4-40.

Ms. Thall Eglow shared her parking and safety concerns with areas being closed off. A discussion ensued among the Committee regarding the closures and different options were considered.

Mayor Lieberberg asked for a motion to approve Resolution 20-137, which was made by Ms. Prupis and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

**RESOLUTION 20-137
APPROVE TEMPORARY WAIVER AND/OR RELAX REQUIREMENTS OF
CHAPTER 4-40 SIDEWALK CAFÉ LICENSES**

WHEREAS, the COVID-19 Global Health Pandemic has had a significant negative economic impact on Millburn Townships restaurants and eateries; and

WHEREAS, the Millburn Township Committee wishes to temporarily ease restrictions to sidewalk café dining licenses and restrictions on operating businesses from private or public parking lots or other spaces that may be designated by the Township to allow for outdoor dining.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex, State of New Jersey, that the annual license fee shall be waived for 2020, that the Business Administrator is hereby authorized to permit an existing restaurant or food establishment to expand outdoor dining during the 2020 outdoor season and/or as long as indoor restrictions exist with

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proper application and adherence to Executive Order 150 issued by Governor Murphy authorizing said activity, subject to the following:

- 1. Outdoor dining may be conducted on any restaurant property in the B1, B2, B3 and B4 zoning districts, and
- 2. Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their establishment with the consent of the property owner and adjoining business, and
- 3. Outdoor dining may be permitted on publicly owned parking lots, streets or spaces as expressly permitted by the Township; and
- 4. Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning; and
- 5. Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by the Division of Alcoholic Beverage Control (ABC) and state regulations.

BE IT FURTHER RESOLVED that the restaurant must submit a sidewalk café application with a map detailing the location, a weather plan, the number of tables and seating capacity of the outdoor dining space, complying with Executive Order 150, the Township’s regulations and New Jersey Department of Health COVID-19 guidelines and regulations; and

BE IT FURTHER RESOLVED that the Business Administrator with the advice and consent of the Township Attorney may relax compliance with other sections of Chapter 4-40 and may require alternative arrangements as appropriate to maintain order, enhance public safety and to help Township restaurants and eateries that are economically impacted by the COVID-19 Global Health Pandemic.

Resolution 20-138

Mr. McDonald reviewed Resolution 20-138 regarding requesting permission from the county for temporary closures.

Mayor Thall-Eglow asked for a motion to approve Resolution 20-138, which was made by Ms. Prupis and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

RESOLUTION 20-138

REQUEST PERMISSION FROM THE COUNTY OF ESSEX FOR THE TEMPORARY CLOSURE OF PARKING LANES ON ESSEX STREET AND MILLBURN AVENUE TO ACCOMMODATE OUTDOOR DINING IN THE TOWNSHIP OF MILLBURN

WHEREAS, Executive Order 150 issued by Governor Murphy permits outdoor dining with various restrictions related to the COVID-19 health crisis; and

WHEREAS, a vast majority of restaurants in the Township of Millburn front on county controlled roadways; and

WHEREAS, it is the desire of the Township Committee of the Township of Millburn to provide temporary safe closure of various parking areas along Essex Street and Millburn Avenue to accommodate additional sidewalk seating and the safe and socially distant flow of pedestrian traffic; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that it hereby requests permission from the County of Essex to close parking along Millburn Avenue and Essex Street to accommodate additional sidewalk café seating for the township’s food establishments.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey that the Township of Millburn will accept the responsibility for installation and maintenance of any closure of and will hold Essex County harmless from any claims and litigation from any types of incidences related to this equipment installed within the county right-of-way for the

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length of time that such closures exist. The County reserves the right to remove the parking closures if hazardous situations are observed or such closures interfere with any scheduled or emergent work to be done by Essex County.

Ordinance/ Second Reading and Consideration of Adoption**Ordinance 2556-20**

Ms. Prupis brought forth and reviewed Ordinance 2556-20 for consideration of adoption. Mayor Lieberberg declared the public hearing open. Since comments or questions were not presented, Ms. Prupis declared the public hearing closed. Ms. Prupis made a motion to approve the ordinance on final reading, which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

ORDINANCE NO. 2556-20

BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT (PHASES I AND II) OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$1,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,650,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Millburn, in the County of Essex, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,650,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$1,650,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,650,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,650,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

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SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, as applicable, but not limited to, (a) Phase I of the Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill, and (b) Phase II of the Flood Mitigation Facilities Project consisting of upgrades to the Co-Generation Facility, which upgrades include, but are not limited to, as applicable, the installation of two (2) additional co-generation engines in the existing Co-Generation Facility, the installation of electrical and instrumentation equipment for the new generator engines, integration of the new engines into the existing Co-Generation Facility, connection of the Biosolids Facilities to the Co-Generation electrical transmission lines, and upgrades to the substations at the Biosolids Facilities.

a. All improvements shall include, as applicable, all work, materials, equipment, engineering services and design, architectural services and designs, surveying, environmental consulting work, environmental remediation, preparation of plans and specifications, governmental permits, bid documents, conducting and preparation of reports, plans, analysis, and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,650,000.

c. The aggregate estimated cost of said improvements or purposes is \$1,650,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Essex make a loan, contribution or grant-in-aid to the Township for the improvements authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Essex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant-in-aid received by the Township as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

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SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of

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the said bonds authorized by this bond ordinance, is 30 years.

c. Notwithstanding N.J.S.A. 40:63-134, the supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,650,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$491,852 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Township to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Township.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property located within the Township for the payment of the principal of and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. Upon adoption hereof, the Township Clerk of the Township shall forward

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certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting of Essex and Union Counties, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

Ordinance/Introduction

Ordinance 2557-20

Ms. Thall Eglow brought forth Ordinance 2557-20 for introduction. A brief explanatory statement about the ordinance was made. Ms. Thall Eglow moved that the ordinance be taken up and passed on first reading noting that the public hearing would take place on July 14, 2020, Ms. Burstein seconded the motion. Mayor Lieberberg requested a roll call vote.

Roll Call Vote: Ayes: Lieberberg, Thall Eglow, Wasserman
Nays: Prupis

ORDINANCE NO. 2557-20
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Article 6 "Zoning Provisions", Section 602 "Zoning Map" is hereby amended such that Block 1211, Lot 1 and Lot 7 on the Official Tax Map of the Township of Millburn shall be removed from the B-4 zone and shall then be incorporated into the RMF-AH2 zone.

Section 2. Article 6 "Zoning Provisions", Section 606 "Zone Requirements" is hereby amended and supplemented by adding the following new section:

606.4.2 Residential Multi-Family Affordable Housing RMF – AH2

a. Purpose.

To provide for development of a multi-family inclusionary building with a required set aside for low and moderate income units.

b. Permitted Principal Uses.

1. Residential apartments; with optional associated amenities and services, including but not limited to fitness center, screening room, business center, balconies and terraces for individual units, and other uses customarily associated with multi-family dwellings, provided such accessory uses are subordinate to the principal use and serve only the principal use. Notwithstanding the above, no residential apartments shall occupy the ground floor along the building's Millburn Avenue frontage.

2. A minimum of 3,000 square feet of the ground floor space along the building's Millburn Avenue frontage shall be devoted to any B-4 district permitted principal or conditional use, i.e., other than residential.

c. Accessory Uses

1. Off-street structured parking within the building

2. Any other use which is subordinate and customarily incidental to the principal permitted use, including but not limited to

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leasing/sales/management offices associated with residential apartments, maintenance areas, and trash collection/recycling areas.

d. Maximum Development Yield

1. The total number of residential multi-family units shall not exceed 53.
2. Market rate units shall be limited to 1- and 2- bedroom apartments.

e. Area, Bulk and Setback Requirements

1. The minimum tract area shall be 1.5 acres.
2. Required minimum building setbacks from street lines shall be as follows: five (5) feet along Millburn Avenue; five (5) feet along Douglas Street; and five (5) feet along Essex and Spring Streets. Porches and stoops may project into the setback.
3. Required minimum building setbacks from internal lot lines shall be as follows: seven (7) feet along the side lot line shared with Block 1211, Lot 2; and two (2) feet along the side and rear lot line shared with Block 1211, Lot 6.
4. Building height. Maximum permitted building height shall not exceed 40 feet. In addition, maximum building height shall not exceed three stories at the lowest-elevation finished grade along Millburn Avenue and shall not exceed two stories at the highest-elevation finished grade along Essex Street. A flat roof is required.

f. Affordable Housing Requirements

If developed as rental apartments, a total of eight (8) units shall be maintained as affordable units in compliance with applicable New Jersey Council on Affordable Housing (COAH) rules and regulations and Uniform Housing and Affordability Controls (UHAC). Such affordable units shall include at least 2 three-bedroom units and no more than 2 one-bedroom units. Four of the affordable units shall be set aside for low-income households, and four shall be set aside for moderate-income households, as defined by COAH and/or UHAC. In addition, one of the four affordable units set aside for low-income households shall be made available to very-low income households, as defined by COAH and/or UHAC.

If developed as for sale apartments, a total of eleven (11) units shall be maintained as affordable units in compliance with applicable New Jersey Council on Affordable Housing (COAH) rules and regulations and Uniform Housing and Affordability Controls (UHAC). Such affordable units shall include at least 3 three-bedroom units and no more than 3 one-bedroom units. Six of the affordable units shall be set aside for low-income households and five shall be set-aside for moderate-income households, as defined by COAH and UHAC. In addition, two of the six affordable units set-aside for low-income households shall be made available to very low-income households, as defined by COAH and/or UHAC.

The affordable units shall be integrated with market rate units throughout the development.

g. Circulation and Parking

1. Vehicular entry. One combined vehicular entrance for ingress to and egress from structured parking is permitted along the Millburn Avenue frontage. Said entrance shall be located a minimum of 100 feet from the intersection of Millburn Avenue and Douglas Street. The driveway and

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garage door each shall not exceed 24 feet in width. A second entrance to structured parking is permitted along the Spring Street frontage.

2. Sidewalks. Sidewalks shall be provided along all adjoining public streets.
3. Parking requirements. Residential parking shall be compliant with RSIS, except that the Planning Board may consider a de minimis exception from RSIS in recognition of the zone's proximity to the Millburn train station. However, in no event shall the residential parking ratio be less than 1.75 spaces per unit. A minimum of 3 parking spaces shall be provided for the non-residential space along the building's Millburn Avenue frontage.
4. Location and screening of parking. Parking shall be provided only as structured parking within the first level of the building. Tuck-under structured parking with open sidewalls is prohibited along all public frontages.
 - (a) Parking within the structure may not be located within 25 feet of the front wall of the building facing Millburn Avenue, except that where parking is located behind required ground floor commercial space it shall be at least 35 feet from said front wall.
 - (b) Where structured parking extends to the front facade along the varying grade of Douglas Street, it shall be screened through the use of prominent stoops or porches as set forth herein.

h. Building Design and Massing

1. Pedestrian entries, stoops and porches. Pedestrian building entries should be clearly visible and highlighted within the front facade through projections, recessions, material changes, canopies, overhangs, porches, stoops, and/or lighting. Specific requirements for entry location and configuration shall include the following.
 - (a) Shared /common entries
The primary shared pedestrian entry to the building should be located at-grade within a chamfered corner at Millburn Avenue and Douglas Street. This entry should lead to a large central lobby. A secondary shared entrance and lobby are required on Essex Street, at grade with the sidewalk.
 - (b) Lowest-level units along Douglas Street to screen parking
In order to screen the parking garage along Douglas Street, stoops or porches connecting to the public sidewalk are required for *all* residential units on the second floor along Douglas Street, except for any residences that are above the ground-floor lobby at the corner of Douglas Street and Millburn Avenue.
 - (c) Units along Essex Street
Along Essex Street, at least two apartment units on the second level of the building (roughly at-grade) should have stoop or porch entries directly to the public sidewalk.
2. Ground floor commercial along Millburn Avenue. A segment of the building frontage along Millburn Avenue shall include ground level commercial space for one or more tenants comprising a total of at least 3,000 square feet of gross floor area. The retail commercial space should be at least 35 feet deep and shall maximize the interior ceiling height to the extent practical. All entries to the commercial space shall

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connect directly to the Millburn Avenue sidewalk, rather than an internal mall-style entry.

3. Articulation. All building facades facing public streets should have articulated massing so as to create a smaller, human-scale, traditional form that complements the character of downtown Millburn and harmonizes with the adjacent residential neighborhood.
 - (a) Facade proportion and expression by street
 - (i) Along Douglas Street and Millburn Avenue
A building appearance that is harmonious with the nearby single-family housing is encouraged along Douglas Street and Millburn Avenue. Along these streets, the building should present a townhouse form to the street, with a series of tall, narrow bays. The width of each bay should be approximately two-thirds of the height. Placement of commercial storefront windows and their enframing structure along Millburn Avenue should echo the townhouse-width bays.
 - (ii) Along Essex Street
A larger-scale bay width is acceptable and encouraged, such as is found in traditional downtown civic, commercial or office buildings. Wider bays; short and thicker massing elements; and wider, square, or horizontally-proportioned casement style windows with divided lites are examples of the types of massing and detailing encouraged for this style.
 - (b) Corner emphasis
The most prominent articulation of facades should place the focus on major pedestrian entryways and corner elements. At the corner of Douglas Street and Millburn Avenue, as well as at the corner of Douglas and Essex Streets, the building should have more prominent corner bay massing, including chamfered corners, taller and more elaborate rooflines such as from tall parapets and deeply-projecting cornices, shared entries and lobbies, stoops or porches, and contrasting or accent materials.
 - (c) Vertical articulation
Facades should be broken down vertically so that they appear as a series of distinct bays. The physical expression of each bay should extend through all levels, including into any exposed parking levels and the roofline. Bays should be defined through two approaches, dimensional variation and texture / pattern / material variation, as follows:
 - (i) Dimensional variation.
Bay definition must include variation by dimensional elements such as columns, pilasters, and changes in facade plane such as setbacks, stepbacks, projections, and recessions. Those distinguishing dimensional features should each have a depth of at least one foot and a width of at least two feet, so as to create significant shadow lines that help create a sense of depth in the facade.
 - (ii) Texture, pattern and material variation
Bay definition should also include textural, pattern, and/or material variation, such as by the proportions and rhythm of window spacing, pattern of balconies, variation in surface material and pattern, and

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downspouts or expansion joints. Variation in color alone is not sufficient.

(d) Horizontal articulation

(i) Base

The base of the building is the first level, and on sloping grades may also include the second level. A visually-weighty material, such as brick or cast stone, should be used to anchor the base of the building, including any exposed parking garage facades. To define the base, overhangs, light shelves, or flat projecting canopies are encouraged over building entrances and bordering lobbies and other common-use areas. Entries should be flanked by sconce lights. The base may include porches or stoops as discussed above. For commercial storefronts, transom windows, flat canopies and decorative accents such as tile work trim and façade lighting are encouraged to provide visual interest within the façade.

(ii) Middle

The middle of the building should be distinguished from the base and top by horizontal belt courses or cornices, and/or by changes in material, masonry, or fenestration pattern.

(iii) Top

The top of the building is the roofline and should be emphasized with a parapet wall and/or balustrade, deep bracketed cornice with a minimum 6-inch projection, or sunshade (*brise-soleil*). Roofs shall be flat. Corners and entry bays should be accented with a more elaborate, deeper and/or higher roofline.

4. Transparency

(a) Entries

The shared pedestrian entry at Millburn Avenue and Douglas Street should be highlighted with an industrial-style metal or glass overhang or canopy which may project up to 6 feet from the façade plane.

The shared pedestrian entry on Essex Street should include a fully-glazed door. Double doors, side lites, full-height windows, transoms, and other glazed features are encouraged to increase the transparency at this entry.

Where a stoop or porch leading to an individual unit door is required, it should meet the following requirements. The stoop or porch should have a base of similar materials and expression as the adjoining building facade. Railings should be substantial but should allow views through to entry doors. Steps that project at right angles to the building facade are encouraged. Steps that extend parallel to the building are acceptable if necessary due to space constraints, provided that they have a generous width and a shallow slope.

(b) Windows

Upper-story residential units should have windows occupying at least 25 percent of that floor's façade area. Windows that align vertically from floor to floor are encouraged. To the extent practical, commercial storefront windows along Millburn

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Avenue should occupy approximately 40 percent of the façade area and provide clear views into the interior space.

No area of blank, windowless wall shall exceed 12 feet in width, including at garage levels. Where structured parking areas extend to the outside building wall, they should be screened by stoops or porches (as required above) and by window-like garage openings with glazing or decorative grilles.

All windows and garage-window openings should have dimensionality so as to create shadows and texture within the building facade. At a minimum, all windows and garage-window openings should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged. Window glazing should be recessed relative to the surrounding enframing. If divided lites are used, they should include external members that cast shadows on the glass.

On any residential-styled facades, upper-story windows should be vertically-proportioned in order to harmonize with the character of downtown Millburn. Vertically-proportioned windows may be clustered in pairs and triples to create larger, horizontally-proportioned expanses of windows within each bay.

5. Materials

(a) Facade materials

Preferred facade materials are brick veneer, cultivated stone, cast stone or other masonry facing; fiber cement vertical siding panels, siding boards or shingles; and wood, metal, and glass. No more than three different materials should be employed as **primary materials on a building façade**. Within the chosen primary materials, variation in color, texture and pattern may be employed to create further distinctions. Use of secondary materials for accent purposes is further permitted.

(b) Window glazing

Windows for residences, lobbies, commercial storefronts and shared common-use rooms on the ground floor should have clear and non-reflective glass. Stained, translucent, or decorative glass may only be used for transom and accent windows. Windows on upper-level floors may be lightly tinted but should be not be mirrored. Window and door glazing for mechanical and related rooms may be translucent (admitting light but not views) or opaque (such as spandrel glass).

(c) Application of materials

The quality and variety of materials, detailing, and articulation should be consistent on all facades. Materials should extend around corners and extensions to a logical break in plane so as to avoid a pasted-on appearance. Changes in materials across a vertical line should be made at an inside corner or other logical change in building massing. Changes in materials across a horizontal line should be delineated by a cornice, belt course, expansion joint, or similar feature.

6. Open space and landscaping

(a) Front setback and sidewalk landscaping

Any required front setback area that is not used as porch, stoop, or walkway along public streets should be landscaped with a mix of lawn grasses, ornamental hedges and flowers, and shade trees.

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Any portion of the adjoining public right-of-way that is not being used as a public sidewalk should be landscaped seamlessly and in a similar fashion to the front setback.

(b) Terrace over parking

The building should provide a shared residential open space in the form of a roof deck terrace over the parking garage. Access to the terrace should be readily available to all building residents and prominently sited off a common hallway or lobby. The terrace should include landscaping and a variety of seating options. Buffer landscaping or low fencing should be provided for privacy screening between the terrace and adjoining properties.

(c) Individual private open space

Interior balconies (i.e., balconies that do not face public streets) are encouraged as a means to provide private outdoor space for some or all apartments. Balconies should be recessed within a wider facade or within a projecting bay, rather than projecting alone from the facade. Balconies should be visually-permeable, such as with vertical posts, horizontal wires, or glass safety panels.

i. Service Areas

1. Mechanical rooms

Where possible, mechanical, storage, and other utilitarian rooms should be located at the interior or below-grade portions of the building. Where they must be located along an exterior, street-facing or courtyard-facing wall of the building, they should maintain the overall pattern, proportion, and design of windows in adjacent and upper facades.

2. Rooftop mechanical equipment

All major mechanical equipment located on the roof should be screened from view of all street-level sidewalk vantage points along Millburn Avenue and Douglas and Essex Streets, using a material harmonious to the building's façade design.

3. Trash and refuse

Building trash and recycling collection areas should be fully contained within the garage.

j. Signage

1. Number and placement of residential façade signs

A total of two (2) façades sign identifying the name of the residential apartment building are permitted, one along Millburn Avenue and one along Essex Street. Facade signs should be placed in the sign band or entablature that extends in a consistent zone across the first-level façade above windows and doors; or be mounted as individual channel-cut letters at the front edge of an entrance canopy. Façade signs should not obscure architectural features of the building.

2. Residential façade sign area and types

The area of each permitted residential façade sign shall not exceed thirty (30) square feet. Recommended facade signage types include: designs painted on or otherwise affixed to a signage board; dimensional lettering; channel-cut letters; and box signs with light-colored lettering against a dark, opaque background. Dimensional signs (such as carved relief, individually-pin-mounted lettering or channel-cut letters) are encouraged.

3. Residential signage lighting

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All residential façade signs shall be lighted in one of two ways: (1) externally lit wall-mounted, focused, directional lights such as goose neck lights or sconces, in which the lighting source is shielded, and the bulb exposure limited to that sufficient to illuminate the sign content; or (2) halo-illuminated, providing a shielded back glow illumination. All lighting should be selected from the International Dark Sky Association's Fixture Seal of Approval program in order to limit glare, light trespass, and skyglow.

- 4. Signage for ground floor commercial space along Millburn Avenue shall comply with the requirement for the B-4 district as set forth in Section 609.10 of the Township of Millburn Development Regulations and Zoning Ordinance.

Section 3. Conflicts and Severability

- a. Conflicts. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.
- b. Severability. If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality or any other part of portion of this Ordinance.
- c. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.
- d. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 4. This Ordinance may be renumbered for purposes of codification.

Section 5. This Ordinance shall take effect after final passage and publication as provided by law.

Old Business

Short Term Rentals

Ms. Prupis asked for clarification on whether the Township Committee should enforce the current zoning ordinance or implement a new one in regards to Short Term Rentals. Mr. Falcon advised that uses that weren't permitted were prohibited. He suggested for the Township Committee to regulate on a policy basis which would be easier to enforce either on a limited basis or ban it completely. A discussion ensued among the Committee in regards to the allowance of owner occupied rentals. Mr. McDonald recalled approximately twenty-four properties listed as providing short term rentals in the township. A discussion ensued among the Committee in regards to proposed fees for regulating short term rentals. Mr. Falcon advised the fee would have to be reasonable to cover the costs that would take place in order to administer the program. Ms. Burstein stated that she would opt for a complete ban of short term rentals and advised that she should no longer serve on the subcommittee to review ordinance changes. It was decided Ms. Prupis would replace Ms. Burstein to serve on the subcommittee with Mayor Lieberberg to review proposed regulations for a short term rental ordinance.

Special Improvement District (SID) Draft Ordinance

Mr. McDonald reviewed the latest revisions to the proposed Special Improvement District Ordinance. A discussion ensued among the Committee and Mr. Falcon in regards to the proposed ordinance language and the powers of the SID. Ms. Burstein asked if the District Management Corporation (DMC) could delegate power to a subcommittee if the Township Committee did not give them that power. Mr. Falcon advised if they were not given power they would have no power to give. The Township Committee

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reviewed the use of funds the DMC could use to implement improvements and to further the appearance of the district. The Committee further reviewed the language and appropriate revisions to be made in the ordinance before it came to the Committee for introduction. It was announced that the draft ordinance scheduled to be considered by the Committee at their next meeting would be placed on the township website prior to their meeting for the public.

Downtown Mural Discussion

Mayor Lieberberg asked the Committee members what their thoughts were on the murals submitted. A brief discussion took place and the Committee members voted on their favorites. Mayor Lieberberg advised that she would speak to the artist and discuss incorporating elements from the two chosen.

Parking Spots in Front of Movie Theatre

Ms. Prupis asked about the parking spots in front of the movie theatre and Mr. McDonald advised that since the movie theatre was closed there would be no issue in parking and there would be signage provided to advise drivers.

New Business

Consideration of Proposed Ordinance Changing Restaurants to Principal Permitted Use

Mr. McDonald presented the topic and advised the change to the zoning code which would be a good element for all business districts. He explained that if a new restaurant was going in place of an old restaurant they would not need to obtain Planning Board approval for site plan approval or Zoning Board approval if near a residential district. He added that the ordinance would smooth the entry of businesses into the township. Mr. McDonald advised that the parking issue was broader and would need to be addressed but this ordinance was a first step to get more businesses into town. The Committee reviewed the matter and the consensus of the Committee was that they were in favor of moving forward with the proposed ordinance.

Adjournment

Mayor Lieberberg asked if anyone had any remaining old or new business to discuss. Receiving none, she called for a motion to close the public session of the meeting, which was offered by Ms. Thall Eglow and seconded by Mr. Wasserman. The meeting was adjourned at 9:00 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: August 11, 2020