

Township of Millburn
Minutes of the Planning Board
September 21, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, September 21, 2016** at 7:30 PM at Millburn Public Library.

Chairman Kenneth Leiby, opened the meeting by reading section 5 of the Open Public Meetings Act.

A roll-call indicated the following members were present:

Elaine Becker
Fred Coombs
Sandra Haimoff
Leslie Lombardy
Roger Manshel
Ian Mount
Robert Tillotson
Mary Esquivel, Vice Chairwoman
Kenneth Leiby, Chairman

Also present:

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

APPLICATIONS

APPLICATION #16-004, 508 MILLBURN AVENUE, LLC, 514 MILLBURN AVENUE, SHORT HILLS

*It is noted that Sandra Haimoff recused and left the meeting room.

Thomas Sateary, Attorney for the applicant, stated his appearance. The applicant would like to take their 1-tenant space and seal up the existing doorway in order to make a 2-tenant space.

A motion to grant the waiver of checklist requirements was made by Mary Esquivel, seconded by Roger Manshel, and carried with the following roll-call vote:

Elaine Becker – yes

Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Robert Tillotson – yes
Fred Coombs – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Perri Urso, applicant, explained that she would like to seal off the existing doorway in order to create a 2-tenant space.

Board members had no questions.

Thomas Sateary indicated that he had no further testimony and respectfully requested the Board approve the application.

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

Elaine Becker – yes
Fred Coombs – yes
Leslie Lombardy – yes
Roger Manshel – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Application #16-004, 508 Millburn Avenue, LLC, 514 Millburn Avenue, site plan was **APPROVED**.

*It is noted that Sandra Haimoff returned to the meeting room.

APPLICATION #16-005, NEW CREEK II, LLC, 778-800 MORRIS TURNPIKE, SHORT HILLS

*It is noted that Kenneth Leiby and Elaine Becker recused and left the meeting.

Mary Esquivel took over as the Chair.

John Wyciskala, Attorney for the applicant, stated his appearance. The applicant would like to take the former Radio Shack space and divide it into 2 spaces; 1 for a health facility and 1 for an eyelash studio. They are seeking minor site plan approval.

John Wyciskala addressed the checklist waiver request. He explained that issues such as circulation, sight triangles, easements, are items that are more typically addressed in a major site

plan where exterior modifications are being made. This application involves only interior alterations and there will be no changes to the exterior of the property.

A motion to grant the applicant's request for checklist waivers, with the exception of lighting, was made by Roger Manshel, seconded by Fred Coombs, and carried with the following roll-call vote:

Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Robert Tillotson – yes
Fred Coombs – yes
Mary Esquivel – yes

Entered as A-1.0: sheet A-1.0 of the plans

Les Tribble, Architect for the applicant, gave a brief description of the proposal. His credentials were presented and accepted by the Board. The applicant proposes to divide the existing 2,800 square foot area into 2 separate units of approximately 1,400 square feet each.

One unit will be occupied with a Club Pilates studio. The hours of operation are typically 5:30 AM to 8:30 PM Monday through Friday and 7:30 AM to 12:30 PM on Saturday and Sunday. The peak hours of the facility are likely to be between 8:30 AM and 10:30 AM. Classes are at 50 minute intervals with a maximum class size of 12 people. There will be a staff of 2-3 employees.

The second unit will be occupied by an Amazing Lash studio. The hours of operation will be 9 AM to 8 PM Monday through Friday, 8 AM to 6 PM on Saturday and 10 AM to 5 PM on Sunday. The peak hours of the facility are likely to be Thursday, Friday and Saturday from 11 AM to 3 PM. Appointments usually take 1 to 1-1/2 hours and there is a staff of approximately 8-10 employees.

Entered as A-2.0: sheet A-2.0 of the plans (existing conditions survey)

Board members were concerned with the proposed exterior lighting by the new rear egress door. The applicant indicated that the light would be code compliant. Several Board members questioned if the lights could be put on a timer, or be motion activated.

Chris Ciminiello, Kimco representative, appeared and was sworn.

Elaine Becker questioned Mr. Ciminiello about the lights in front of the stores where these tenants are proposed to occupy. She would like to see the lights put on timers so that they will not be as obtrusive as they currently are. She referred to a Planning Board resolution from 2006 that spoke to this property. Specifically, condition #5 of the resolution spoke to residents'

concerns over the lighting in the parking lot. It indicated that the lights in the parking lot would be turned off by 11 PM.

Mr. Ciminiello indicated that he would be happy to adhere to the conditions as outlined in the resolution. He stated that they propose to retrofit the lighting to be on timers.

Ed Buzak stated that there are 2 lighting issues to be addressed. The first issue deals with the lighting by the new rear egress door. The condition will be that the light is code compliant, with a light deflector to direct the light downward. The lighting in the front of the units to be occupied is also within this Board's jurisdiction. This Board can have the applicant comply with the previously approved resolution or impose whatever additional conditions they see fit.

John Wyciskala indicated that the applicant is the new owner of the property. They are eager to bring the property into compliance with regard to lighting. He stated that he was not aware of the 2006 resolution but will certainly adhere to the conditions, but would ask for a reasonable amount of time to comply with the standard. He respectfully asked for 3 months to get the light situation straightened out.

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

Fred Coombs – yes
Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Robert Tillotson – yes
Mary Esquivel – yes

Application #16-005, New Creek II, LLC, 778-800 Morris Turnpike, was **APPROVED**, with the following conditions: 1) the rear egress door safety light shall be fitted with reflectors to direct the light downward; 2) within 3 months of the adoption of the resolution, the applicant shall install timers on the front lot lights, to be turned off by 11 PM, except to the extent needed for security lighting purposes; 3) the applicant shall maintain the buffer along the rear of the building.

ADJOURNMENT

A motion to adjourn was made by Ian Mount, seconded by Robert Tillotson, and carried with a unanimous voice vote. (8:39 PM)

Eileen Davitt
Board Secretary

Motion:
Second:
Date adopted: