

Township of Millburn
Minutes of the Planning Board
January 20, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, January 20, 2016** at 7:30 PM in Millburn Town Hall.

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
Sandra Haimoff
Roger Manshel
Ian Mount
Matthew O'Neill
Joseph Steinberg
Robert Tillotson
Mary Esquivel, Vice Chairwoman
Kenneth Leiby, Chairman

Also present:

Tiena Cofoni, Board Attorney
Eric Fishman, Court Reporter
Martha Annoni, Assistant Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary

APPROVAL OF MINUTES

A motion to approve the minutes of January 6, 2016 was made by Roger Manshel, seconded by Sandra Haimoff, and carried with a unanimous voice vote.

APPLICATIONS

SITE PLAN #447, 382 MILLBURN AVENUE ASSOCIATES, 382 MILLBURN AVENUE

Anthony Cerciello, Attorney for the applicant, stated his appearance. The applicant is seeking minor site plan approval for a change of use from retail sales to retail service. The proposed use of the property will be a nail salon. The applicant is also seeking a parking and loading variance.

The Board first discussed the applicants request for checklist waivers. A motion to approve the applicant's request for checklist waivers, with the exception of the sustainability checklist, was made by Robert Tillotson, seconded by Elaine Becker, and carried with the following roll-call vote:

Elaine Becker – yes
Sandra Haimoff – yes
Roger Manshel – yes
Ian Mount – yes
Matthew O'Neill – yes
Joseph Steinberg – yes
Robert Tillotson – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Entered as A-1: letter and sustainability checklist from applicant's architect
Entered as A-2: revised floor plan

Diane Rhee, owner of proposed nail salon, appeared and was sworn. She gave a brief history of her experience in the nail salon industry. She stated that she has two other nail salons. The proposed spa will offer manicures, pedicures, waxing and facials. The proposed hours of operation are Tuesday – Sunday from 10 AM – 6 PM. There will be approximately 8 employees on site at one time.

Ms. Rhee stated that there are no anticipated deliveries to the site for the nail salon. She will be purchasing needed supplies and bringing them to the site. She stated that she will comply with the recommendations made by the Fire Marshal in his report dated January 12, 2016.

Andrea Lamedica, employee of the property owner, appeared and was sworn. She stated that there is a dumpster on site and all tenants are authorized to utilize it. Garbage pick-up is by private hauler and is paid for by the building tenants. In response to questions raised by several Board members regarding recycling, she indicated that she was unsure if there was a receptacle for recyclables.

Anthony Cerciello spoke to the parking variance being requested. He stated that a prior parking variance was granted to the restaurant on site, which was required to provide 40 parking spaces. The proposed nail salon is required to provide 9 parking spaces, based on its square footage.

Some Board members were uncomfortable voting on the application without any testimony provided by an architect or planner.

Chairman Kenneth Leiby stated that he was comfortable voting on the application with specific conditions relating to garbage hauling/recycling/business parking permits.

*It is noted that Robert Tillotson left the meeting at this time. (8:45 PM)

Ian Mount stated that he feels more information should have been submitted and the applicant should have provided experts, such as a planner or architect, who could speak to some of the issues involved. Several other Board members were in agreement.

Sandra Haimoff was concerned with the applicant's comments with regard to recycling.

Several Board members felt an architectural drawing indicating the proposed floor plan should have been provided. It was noted that the applicant presented 2 floor plans but indicated that neither one reflected her intentions as to the interior configuration. There was inconsistent testimony given by the applicant as to the proposed number of manicure/pedicure chairs, which numbered in excess of 10 on the submitted floor plans. In addition, some Board members felt there was inconsistency as to the number of employees that would be on site. The applicant initially indicated that there would be 8 employees on site but at a later point in her testimony, indicated that there would be 3 employees on site.

Board Attorney, Tiena Cofoni, gave Mr. Cerciello the opportunity to decide on going to a vote or carrying the application to a future date. After discussion with his client, Mr. Cerciello indicated that he wanted to move forward with a vote on the application.

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

Elaine Becker – yes
Sandra Haimoff – no
Roger Manshel – yes
Ian Mount – no
Joseph Steinberg – no
Matthew O'Neill – no
Mary Esquivel – no
Kenneth Leiby – yes

Motion failed to carry.

Application #447, 382 Millburn Avenue Associates, LLC was **DENIED**.

BUSINESS

Chairman Kenneth Leiby spoke about the 233 Canoe Brook Associates application. He indicated that the subcommittee is recommending that the Planning Board retain the services of CME as an Engineering consultant as well as an Environmental consultant if it is in the scope of their services, Hamal Associates (Harold Maltz) as a Traffic Consultant and Paul Phillips (Phillips, Preiss, Grygiel) as a Planner.

A motion to appoint the professionals, as recommended, was made by Roger Manshel, seconded by Ian Mount, and carried with a unanimous roll-call vote.

ADJOURNMENT

A motion to adjourn was made by Joseph Steinberg, seconded by Kenneth Leiby, and carried with a unanimous voice vote. (9:20 PM)

Eileen Davitt
Board Secretary

Motion: RM
Second: JS
Date adopted: 2/3/16