

Township of Millburn  
Minutes of the Planning Board  
February 3, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, February 3, 2016** at 7:30 PM at the 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  
Sandra Haimoff  
Roger Manshel  
Ian Mount  
Matthew O'Neill  
Joseph Steinberg  
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  
Paul Phillips, Planner  
Louis Ploskonka, Engineer  
Harold Maltz, Traffic Consultant

**APPROVAL OF MINUTES**

A motion to approve the minutes of January 20, 2016 was made by Roger Manshel, seconded by Joseph Steinberg, and carried with a unanimous voice vote.

**MEMORIALIZATIONS**

**Site Plan #441, Star-Com Fiber, 59-61 E. Willow Street, Millburn**

A motion to approve the resolution memorializing the site plan approval of Star-Com Fiber on the property located at 59-61 E. Willow Street was made by Mary Esquivel, seconded by Roger Manshel, and carried with a roll-call vote as follows:

- Elaine Becker – yes
- Sandra Haimoff – yes
- Leslie Lombardy – yes
- Roger Manshel – yes
- Ian Mount – yes
- Matthew O’Neill – yes
- Mary Esquivel – yes
- Kenneth Leiby – yes

**Site Plan #446, Hoai Vo, 286 Essex Street, Millburn**

A motion to approve the resolution memorializing the site plan approval of Hoai Vo for a change of use on the property located at 286 Essex Street was made by Joseph Steinberg, seconded by Mary Esquivel, and carried with a roll-call vote as follows:

- Elaine Becker – yes
- Sandra Haimoff – yes
- Leslie Lombardy – yes
- Roger Manshel – yes
- Ian Mount – yes
- Joseph Steinberg – yes
- Robert Tillotson – yes
- Mary Esquivel – yes
- Kenneth Leiby – yes

**BUSINESS**

A motion to approve the award of a professional services contract to Paul Phillips as Planner, Hamal Associates as Traffic Consultant, and CME as Engineering Consultant, in the matter of the 233 Canoe Brook Associates application was made by Mary Esquivel, seconded by Ian Mount, and carried with a roll-call vote as follows:

- Elaine Becker – yes
- Sandra Haimoff – yes
- Leslie Lombardy – yes
- Roger Manshel – yes
- Ian Mount – yes

Joseph Steinberg – yes  
Robert Tillotson – yes  
Mary Esquivel – yes  
Kenneth Leiby – yes

## **APPLICATIONS**

### **SITE PLAN #443, 233 CANOE BROOK ASSOCIATES, 150 JFK PARKWAY, SHORT HILLS**

Richard Hoff, Attorney for the applicant, stated his appearance.

Chairman Kenneth Leiby asked if there were any attorneys present in the audience who will be appearing.

Bette Grayson stated her appearance on behalf of her clients, Stan Kurzweill and Janet Lesco.

Eileen Davitt, Zoning Officer, Tom Watkinson, Township Engineer, and Paul Phillips, Planner were sworn in.

Entered as A-1: site plan  
Entered as A-2: rendered site plan

Richard Hoff stated that the applicant is before the Board for preliminary and final subdivision and site plan approval with respect to the properties located on block 5303, lots 3 and 4, commonly known as 150 JFK Parkway. He stated that they will be presenting testimony from their civil engineer tonight and, if time permits, their traffic engineer. The property is a 14.62 acre parcel located in the Township's OR-3 zone. The OR-3 zone was amended in February 2015 by ordinance #2437-15, which added a mixed use development provision incorporating three core components of residential, office and hotel. The application presented is variance and waiver-free and proposes a 200-unit residential component, of which 15% percent of those units will be reserved for low and moderate income households. In addition, the proposal includes a 246 room hotel room complex and an existing 247,000 square foot office complex.

In addition to the civil engineer who will be providing testimony tonight, Mr. Hoff indicated that they will be presenting testimony from a traffic engineer, architect and planner.

Lisa DiGerolamo, PE, appeared and was sworn. Her credentials were presented. Chairman Kenneth Leiby asked Attorney Bette Grayson if she had questions with regard to Ms. DiGerolamo's qualifications. Ms. Grayson asked Ms. DiGerolamo if she has done any review for the municipality, county or state as their in-house reviewer. Ms. DiGerolamo stated that her firm typically does work in the private sector but they have, on occasion, done municipal reviews. She added that she, however, has not done work as an in-house reviewer for this

municipality. Ms. Grayson had no further questions. Ms. DiGerolamo's credentials were accepted by the Board.

Lisa DiGerolamo gave a brief description of the site. She stated that block 5303, lot 4 is a 12.6 acre lot and lot 3 is approximately 2 acres in size. The properties front on JFK Parkway to the north and Canoe Brook Road to the south. It is bound on the west by a private driveway on the mall property and by undeveloped property to the east. She stated that there is currently a significant amount of development on lot 4, including a large office structure of approximately 270,000 square feet in the middle of the lot, with 900 parking stalls, of which about 50 are in a garage below the building. Lot 3 has a smaller office building of approximately 10,000 square feet with 60-70 parking stalls for that lot. The properties slope from the southwest to the northeast with about a 4% grade across the site. There is very little topography on the lots, with an elevation of 222 in the lower left and 186 in the upper right. There is a retention basin on the easterly side that serves for storm water management on the property.

Ms. DiGerolamo stated that the goal of this development is to maintain the existing office building in the center of the site and use the westerly area for the hotel and residential component of the project. The residential component will consist of 200 units and the hotel component will consist of 246 rooms.

Ms. DiGerolamo spoke to the zone requirements for the proposed development. The property is located in the OR-3 zone and the application complies with the mixed use development standards. There is a lot area requirement of 14 acres and the site is approximately 14.62 acres in area. In addition, the zone standard restricts the lot coverage to 75% where the application proposes 70%. The allowable building coverage is 45% and the application proposes 44%. The 60' setback requirement of the hotel to JFK Parkway has been complied with and the 20' westerly boundary requirement has been complied with, as well.

The residential component is required to have a minimum setback of 10' to Canoe Brook Road and the proposal is compliant with that requirement. There is a minimum setback to the westerly boundary of 20' and the proposal is compliant in that regard, as well. The existing office is compliant with a setback of 155' from JFK Parkway, where the ordinance requires a minimum of 100'. The office is also required to be a minimum of 50' from Canoe Brook Road and it is compliant at 84'.

The parking garage on the easterly side of the development is required to be set back a minimum of 50' to JFK Parkway and the application proposes approximately 68'. It is required to have a minimum setback of 20' to Canoe Brook Road and the application proposes 21'.

The residential building will be a 4-level building with 2 levels of parking, largely below grade. The residential building will have a maximum height of 60', in accordance with the standards of the mixed-use requirements. The hotel will be 5 levels with two levels of parking, below grade, with an average height of 60' as well, complying with the requirements of the ordinance.

Ms. DiGerolamo spoke to the parking requirements and indicated that the hotel requires 394 parking spaces, and is proposing 302 spaces in the 2-level garage and 92 surface parking spaces. The residential component requires 391 parking spaces, based on RSIS, and the application proposes 421 spaces.

Ms. DiGerolamo spoke to the access and circulation and stated that there are two entry points on the north side, which will remain and operate in a similar fashion. There are also two entry points to the proposed development from Canoe Brook Road. The currently existing driveway on the easterly point will remain in the same position. The westerly driveway will be slightly shifted from its current location. There are two other driveways that service lot 3 which will be removed as part of this plan. There is also one more access point to the property from the private mall driveway on the west side.

Ms. DiGerolamo stated that access to the parking garage is through a driveway between the existing office building and the new structure. The southern-most driveway provides entry into the parking garage for the residential and then further to the north there is another driveway which will provide access into the hotel parking garage. The area in the center of the hotel and the parking garage will be the drop-off for the hotel. The westerly side will have an entrance from the private driveway as a secondary entrance into the garage for the hotel. It will also have a location for residential loading for the move in/move out situations.

Ms. DiGerolamo spoke to the stormwater management and stated that this property was largely parking and office with significant development on it. This proposed development increases the impervious surface by only 1-1/2 acres, fairly small when compared to the total lot area of the site. A key point to note in evaluating the stormwater management is that much of what is being redeveloped was open surface parking, being replaced with rooftops, which do not produce stormwater run-off that contains oils and grits as surface parking surfaces do.

Ms. DiGerolamo stated that the proposed stormwater management basin located on the northwest corner of the property along JFK Parkway will provide for the required 100-year storm and 10-year storm. They will be making modifications to that basin so that the required 50% reduction for the 2-year storm will be met.

Ms. DiGerolamo stated that the proposed hotel and residential units will obtain water from the New Jersey American Water main on Canoe Brook Road. There are also some significant water mains under the existing parking lot along the east where the garage is proposed. She indicated that they are working with the authorities in order to make those relocations in conjunction with the construction of the new buildings. The sanitary sewer for the property is located on Canoe Brook Road. The discharge for the hotel and a portion of the residential building will be discharged by pump through a force main up to the Canoe Brook elevation. A portion of the residential building will be via gravity and will also connect to Canoe Brook Road. She stated that confirmation has been received by Joint Meeting that they had capacity for the treatment. Gas service for the building is located on JFK Parkway.

Bette Grayson, objecting attorney, cross-examined Ms. DiGerolamo. She questioned where the loading dock is currently located for the office building. Ms. DiGerolamo stated that the existing building does not have a loading dock but loads on the adjacent driveway.

Jack O'Connell, VP of Development of Roseland Properties, appeared and was sworn. In response to Ms. Grayson's question, he stated that the existing office building does not have a loading dock but a loading area, which he indicated was underneath the building. Ms. Grayson asked if there have been instances when trucks cannot get in because they are higher than the 15-16 feet of garage height. Mr. O'Connell stated that the trucks do not come underneath the building where the dock is. The trucks pull up to the loading area and load/unload from the exterior.

Ms. Grayson asked how many cubic feet will be excavated in order to build these two new buildings with the two underground floors and how this cubic footage is being considered in calculating water detention and run-off. Ms. DiGerolamo stated that stormwater regulations regulate surface water, that which falls on the ground. That is what they are accommodating for in the retention basins. The rules require them to address surface water and they are picking up the additional surface water. Ms. Grayson questioned how they can disrupt the natural underground flow of water without addressing the water detention. Ms. DiGerolamo stated that the NJDEP stormwater rules require them to provide detention basins, detention facilities and stormwater management facilities to accommodate surface water. That is water coming down during a storm event; water that hits the ground and typically runs off and on the surface. It does not take into account water that is moving underground. It takes into account the rain that is hitting the ground, how much is coming down and how much is collected over a period of time.

Board Attorney, Edward Buzak asked Ms. DiGerolamo if it was her testimony that the proposed plans comply with the NJDEP rules and regulations with regard to stormwater runoff and management. Ms. DiGerolamo stated that with the modifications she noted to the 2-year storm reduction, the project is in compliance.

Ms. Grayson stated that she had no further questions at this time.

Ian Mount asked if the applicant proposes to utilize the existing pipe system servicing the northwest detention basin or if the pipes are being sized to accommodate the new development. Ms. DiGerolamo indicated that since they are installing the detention basin upstream of those pipes, before the water gets to them, and they are not required to make reductions, there will be increase in flow experience to those pipes. As a result, they do not propose to modify them. Ian Mount asked what measures will be taken with regard to excavation on site in the event of a serious rain event. Ms. DiGerolamo stated that The Soil Conservation District will generally control much of the exposed earth to make sure that things are handled during construction activity. This project will require a permit from the local district.

Elaine Becker asked if the applicant has been in contact with representatives of the Short Hills Mall about the plan for the private driveway. Mr. Hoff indicated that they have been in regular contact with the mall owner.

Robert Tillotson asked if there will be some sort of legal paperwork involved in the agreement. Mr. Hoff stated that they are currently working that out in the form of an easement to allow the improvements.

The questioning was opened to member of the public.

Feng Qi asked if the proposal results in a groundwater recharge issue and whether the applicant intends to address this issue. Mr. Hoff stated that they intend to provide soil boring samples, which will shed some light on the issue of groundwater. Once that information is received, they will be better able to address what, if any, effect this project has on the groundwater or the aquifer.

Ken Ettinger, 104 Canoe Brook Road, asked if the garbage from the residential units will be collected externally or internally. Jack O'Connell stated that the residential and hotel garbage will be collected internally, brought to a holding room inside, and 3 times per week it will be brought outside and collected within an hour or so. Mr. Ettinger asked if emergency vehicles have been taken into account with regard to their height and their ability to fit in the parking garage in case of an emergency. Mr. Hoff indicated that the architect will be providing testimony with regard to the height of the parking garage and vehicle access.

Jessica Sanders, 147 Tennyson Drive, asked how this influx of people flushing and showering will affect the rest of the Poet's section water pressure. Ms. DiGerolamo stated that there is an existing water main on Canoe Brook Road and there is significant existing infrastructure in this area. She stated that they have been in contact with NJAW, who have not indicated that there is any concern regarding pressures and availability to provide services. She indicated the NJAW will request the number of units being built as well as the square footage. They will evaluate the entire distribution system in order to see if they can service this. If they feel that they can provide the adequate capacity, they will sign off on the application.

Sonali Ganti, 34 Canoe Brook Road, asked how many of the residential apartments will be 1-bedroom; 2-bedroom; 3-bedroom. Mr. O'Connell stated that there are 49 1-bedrooms; 145 2-bedrooms and 6 3-bedrooms.

Aime Appla Sachs, 20 Wadsworth Road, asked how many of the 200 apartments are for sale. Mr. O'Connell stated that all of the residential apartments are rentals.

Based on the lateness of the hour, and no further public questions, Chairman Kenneth Leiby indicated that no new witnesses would begin their testimony.

The application was CARRIED, with no further notice required, to March 16, 2016, 7:30 PM at the Millburn Public Library.

The applicant agreed to an extension of Board's time to rule through April 30, 2016.

**ADJOURNMENT**

A motion to adjourn was made by Joseph Steinberg, seconded by Roger Manshel, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt  
Board Secretary

Motion: SH  
Second: ME  
Date adopted: 4/6/16