Township of Millburn
Minutes of the Planning Board
March 16, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, March 16, 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
Sandra Haimoff
Leslie Lombardy
Ian Mount
Matthew O'Neill
Robert Tillotson
Mary Esquivel, Vice Chairwoman
Kenneth Leiby, Chairman

Also present:

Edward Buzak, Board Attorney
Eric Fishman, Court Reporter
Thomas Watkinson, Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary
Harold Maltz, Traffic Engineer
Paul Phillips, Planner
Louis Ploskonka, Engineer

MEMORIALIZATIONS

Site Plan #447, 382 Millburn Avenue Associates, LLC, 382 Millburn Avenue, Millburn

A motion to approve the resolution memorializing the denial of site plan approval to 382 Millburn Avenue Associates, LLC, for a change of use on the property located at 382 Millburn Avenue was made by Sandra Haimoff, seconded by Mary Esquivel, and carried with the following roll-call vote:

Sandra Haimoff – yes
Leslie Lombardy – yes
Roger Manshel – yes
Ian Mount – yes
Matthew O'Neill – yes

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

APPLICATIONS

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

Chairman Kenneth Leiby stated that Board member, Joseph Steinberg, has recused from the application. He indicated that although Mr. Steinberg was present for the first meeting on this matter, a matter arose in his law office in which there is a connection to Mack-Cali. Mr. Steinberg felt it appropriate to recuse on the matter.

Kenneth Leiby asked Board Attorney, Edward Buzak, to explain the 3 ordinances that relate to the vacation of Canoe Brook Road. Edward Buzak stated that there are 3 ordinances, all adopted on February 14, 1978. The first ordinance, 15-83 is an ordinance releasing public rights in certain lands dedicated to the public use to the Township of Millburn. Basically this ordinance vacated a strip of property 10' long and 41.5' wide to break the then existing Canoe Brook Road into two sections. The second ordinance, 15-84, dedicated a portion of property that the Township owned at the time to create the cul-de-sac at the end of Canoe Brook Road. The third ordinance, 15-85, provided the funding for the construction of the cul-de-sac on Canoe Brook Road. As a result of these actions, there is a gap between the two sections of Canoe Brook Road.

Richard Hoff, Attorney for the applicant, stated that the architect will be providing testimony tonight.

Christian Lessard, Architect for the applicant, appeared and was sworn. His credentials were presented and accepted by the Board. Mr. Lessard stated that he is familiar with the proposal and the layout of the buildings and structures. He provided testimony indicating why the buildings have been located in this manner.

Entered as A-3: overall landscaping plan
Entered as A-4: parking tabulations

Mr. Lessard indicated that within the mixed use ordinance, there are setbacks specific to the hotel and residential unit. Many of these setbacks are based on the road network system. In addition the hotel site is constrained by a sewer line. The ordinance permits the office space to have a maximum of 260,000 square feet. The current office space consists of 241,678 square feet. The residential building requirement permits no more than 200 multi-family units. The maximum number of hotel rooms permitted is 250 and the proposal here is for 246 rooms. In layout out the residential and hotel, the applicant was guided by the terms of the ordinance and this design complies with all of the requirements.

Mr. Lessard spoke to the parking requirement. The hotel parking requirement is 394 spaces. There are 92 surface parking spaces and 302 spaces beneath the hotel; 152 spaces on B1 and 150 spaces on B2. This results in a compliant 394 spaces for the hotel component. The residential component will have 10 surface parking spaces, 189 on the ground floor parking area and 222 in B2. This results in 421 spaces, 30 more than is required.

Entered as A-5: ground floor plan
Entered as A-6: building section

Mr. Lessard referred to the ground floor plan and explained the ingress and egress to the site. He also spoke to the height of the hotel. He indicated that the ordinance restricts the height of the structure to 60'. The ordinance defines that height from the average grade, which is determined by the elevations at 10' intervals around the perimeter. He indicated that the height of the residential building from the average grade is 51'10", well below the 60' maximum. And the height from the lowest elevation is 64'11". So there is no point around the building where the height exceeds the allowable 65'. The average height of the hotel is 59'5" from the average grade and 64'5" from the lowest elevation.

Entered as A-7: enlarged east elevation (residential)

Mr. Lessard stated that the ordinance was also specific as to the building articulation and massing of the residential building. The multi-family building façade must be broken down vertically into a series of bays or through vertical changes in the façade plane. The residential building proposed has incorporated all of the elements specified in the ordinance as per section 606.8

The ordinance is also specific as to the building façade details and requires that windows must occupy at least 25% of the façade area, as well as requiring a change in plane and variation in materials and detailing

Entered as A-8: rendered east elevation
Entered as A-9: rendered south elevation
Entered as A-10: residential materials

Mr. Lessard stated that the ordinance requires a minimum of 3 materials. The proposal has more than 3. Mr. Lessard indicated that they are trying to use different colors and subtle color changes. They are trying to use different textures, as well.

The ordinance also requires that there be certain amenities and accessories in the residential component. The intent of the ordinance was to do a high end building so they put in services such as a concierge, business center, screening area, fitness and pool area and golf simulator. All of these required amenities have been incorporated into the residential design.

Entered as A-11: enlarged east elevation (hotel)

Entered as A-12: rendered north elevation (hotel)

Mr. Lessard stated that they have added more detail to the windowless areas in response to comments received by the Board Planner, Paul Phillips.

Entered as A-13: hotel & garage materials

Mr. Lessard stated that the color and texture of materials used transitions well from the residential to the hotel and they coordinate well with each other.

Harold Maltz, Board Traffic Consultant, had several questions for Mr. Lessard. He asked about the access to the residential building and asked for clarification as to how visitors to the residential component will park. Mr. Lessard stated that visitors will park in the surface lot and go in to the concierge to get a code to access the parking area. He referred to A-5 and indicated that the access to the residential area is going to be by a baffle door system. Mr. Maltz asked whether visitors might opt to pull up to the entrance area by the hotel and go through the lobby to the concierge to get the code and come back out, rather than surface parking, walking the distance to the concierge and then coming back to their car. Mr. Lessard felt that was a building management issue. He stated that the residential building would obviously prefer to have them park in the spaces but that is something that would have to be monitored by the management.

Paul Phillips, Board Planner, referred to comment #7 of his report and indicated that he was pleased that the applicant addressed his comment on the design of the façade along JFK Parkway. Mr. Phillips referred to #9 of his report and asked if the surface parking spaces that were testified to are available for all three of the uses or whether they would be designated for a specific use. Mr. Lessard stated that he believes those spaces will have some type of designation but that it is a management decision. In response to Paul Phillips' question about spaces designation, Richard Hoff indicated that the intent is to leave the spaces open in order to avoid over signage and pavement markings, since this is proposed to be a first-class space. If it becomes an issue, it will be addressed during the operation.

Chairman Kenneth Leiby asked for questions from the public.

Feng Qi, 26 Glenwood Drive, member of Environmental Commission asked about the height of the parking garage. MR. Lessard staetd that the garage is 21'4'' from the average grade and 26'4" from the lowest elevation. Ms. Qi asked when they can expect a response to the comments sent by the environmental commission. Applicant's attorney, Richard Hoff, stated that he hopes to have answers to all the professional reports for the next scheduled April meeting. Ms. Qi asked about the status of the LOI from NJDEP. Mr. Hoff stated that it has been submitted for review but they have not received it at this time.

Lynn Jaeger, 26 Harvey Drive questioned why this application is moving forward if NJDEP approval has not yet been received, and the site could potentially not be a viable site. Mr. Hoff stated that any municipal approval comes with an array of necessary approvals. We anticipate receiving the LOI back from DEP. She asked about the height of the garage proposed

and whether emergency vehicles will be able to access the garage? Mr. Lessard stated that he will review the information and be prepared to provide more detailed information at the next meeting with regard to emergency vehicle access to the parking garage.

Ken Ettinger, 104 Canoe Brook Road, asked what would happen if the lower height ambulance that the Township purchased is not available. Ken Leiby stated that the questions must pertain to architectural testimony that has been provided tonight. Mr. Ettinger asked if there are any changes planned to the existing office building. Mr. Lessard stated that there are no changes proposed.

Entered as O-1 through O-9: existing office conditions (2/6/16)

Jason Kaplan, 58 Joanna Way, asked about the floor plans for the residential units. He questioned if there be 1-bedroom units with dens and 2-bedroom units with dens. Mr. Lessard indicated there are some 1- and 2-bedroom units with dens.

Stacy Mischel, 128 Canoe Brook Road, asked for the sizes of the residential units. Mr. Lessard stated that the units vary in size between 638 square feet and 1,214 square feet. There are also some penthouse units on the top floor that vary in size between 789 square feet and 1,584 square feet.

Shaunak Tanna, 294 Hartshorn Drive, asked if the project will be phased. Mr. Lessard stated it will be phased with the garage being built first.

Jessica Sanders, 147 Tennyson Drive, asked if there is a playground associated with this development. Mr. Hoff stated that there is no playground planned and the landscape architect will provide further testimony in that regard.

Elizabeth Vollavanh, 54 Cedar Street, asked if they are considering a LEED certification. Mr. Hoff indicated that they are not. She asked if they will be using energy star appliances in the rentals. Mr. Lessard stated that they will.

Ben Zheag, 36 Meadowbrook Road, asked how they enforce the restrictions that prevent tenants from putting up walls, etc. Mr. Hoff stated that these matters are addressed by the management. Tenants sign leases and if it is determined that they have violated the terms of their lease, they would be handled by management. The leases limit the units to 2 people per bedroom as a matter of policy.

Mitchell Radin, 44 Thackeray Drive, asked about the allocation of the parking. He asked why are they providing 421 spaces when there are only 200 rooms. Mr. Hoff stated that the number of spaces being provided is mandated by the Residential Site Improvement Standards.

Susan Gross, 93 Meadowbrook Road, asked what the capacity of the ball room is. Mr. Lessard indicated that he could provide the area of the room but not the capacity. He stated that he would be able to get that information for the next meeting. Ms. Gross asked if the terraces on the apartments can be enclosed. Mr. Lessard indicated that would be controlled by management.

Ankar Manglik, 2 Dale Drive, asked if traffic flow has been evaluated for cases such as black Friday and other peak traffic occurrences. Mr. Hoff stated that a traffic report has been submitted and will be testified to by the traffic expert.

Shaunak Tanna, 294 Hartshorn Drive, asked if there is any meeting space planned in the hotel. Mr. Lessard stated that the ball room is designed to be broken up into 3 meeting rooms. Mr. Tanna asked what the income restrictions on the low income units are. Board Attorney, Edward Buzak, stated that the low income units are affordable to people who are earning less than 50% of the median income of the region and the moderate income units are available for families that are earning between 50 and 80% of the medium income of the region.

Minita Singh, 26 Fenton Drive, asked if there are any outdoor spaces in the residential components. Mr. Lessard stated that, in order to meet some guidelines of the ordinace, there are terraces with outdoor space.

Mitch Boyarsky, 77 Browning Road, asked if there will be exterior lighting on the side facing Canoe Brook Country Club. Mr. Hoff indicated that the landscape architect will speak to the lighting. Mr. Boyarsky asked about the size of the 2-bedroom units with dens as compared to the 3-bedroom affordable housing units. Mr. Lessard stated that the 2-bedroom units with den are larger than the 3-bedroom affordable units, simply because the 3-bedroom units do not have a lot of the features and amenities of the 2-bedroom units. On a size basis, the 2 bedroom units are approximately 1400 square feet whereas the 3-bedroom units are 1,240 square feet.

The matter was carried to April 20, 2016 at the Bauer Center.

ADJOURNMENT

A motion to adjourn was made by Ian Mount, seconded by Sandra Haimoff, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt
Board Secretary

Motion: EB
Second: ME
Date adopted: 4/20/16