

Township of Millburn
Minutes of the Planning Board
April 6, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, April 6, 2016** at 7:30 PM at 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
Leslie Lombardy
Roger Manshel
Ian Mount
Matthew O'Neill
Joseph Steinberg
Robert Tillotson
Mary Esquivel, Vice Chairwoman
Kenneth Leiby, Chairman

Also present:

Tiena Cofoni, Acting Board Attorney
Eric Fishman, Court Reporter
Thomas Watkinson, Township Engineer
Martha Annoni, Assistant Township Engineer

APPROVAL OF MINUTES

A motion to approve the minutes of February 3, 2016, with corrections, was made by Sandra Haimoff, seconded by Mary Esquivel, and carried with a unanimous voice vote.

APPLICATIONS

#16-001, DIANA KWOK, 622 MORRIS TURNPIKE

Daniel Bankendorf, Attorney for the applicant, stated his appearance. The applicant is seeking minor site plan approval with a parking/loading variance for a change of use from retail service to fast food. The applicant proposes to establish a business called Jungle Juice.

Diana Kwok and John Buchholz, Architect, appeared and were sworn. Mr. Buchholz's credentials were presented and accepted by the Board. He gave a brief description of the proposal.

John Buchholz stated that the proposed space is located at 622 Morris Turnpike. Previously, the space was utilized by OXXO Cleaners. The property is located in the B-3 zone, which permits restaurants, fast food restaurants and retail food establishments as a conditional use, provided the use is at least 125' from the nearest single-family dwelling in a residential zone. The applicant meets that condition.

Entered as A-1: photo of existing condition of subject site

Mr. Buchholz stated that the space is already separate from the dry cleaning service located on the property. The applicant is proposing interior changes only...replacing carpeting, painting walls, installing storage, recycling and garbage cans, a prep station, as well as front counter area.

Entered as A-2: floor plan

Entered as A-3: photo #1 – Madison, NJ Jungle Juice

photo #2 – Morristown NJ Jungle Juice

There are no tables proposed to be on site. There are bar stools and counters. The intent is for customers to come in for a specialty smoothie. A parking variance is required based on the requirements of the ordinance. There are 30 spaces required for the proposed use and the existing dry cleaner on site. There are only 13 spaces provided. Based on the 113 square foot space of the proposed business, it is only anticipated that 3-4 customers will be at the proposed business at any one time. The parking lot on site is not heavily used and they do not anticipate needing more than 6-8 parking spaces for the proposed use. A variance is also required for the loading space requirement. There is no loading space on site and no space is proposed. Due to the nature of the business, there are no large deliveries made.

Mr. Buchholz indicated that the appliances proposed will be energy star equipment and they propose to use low VOC paint and recycled material in the tiles.

Chairman Kenneth Leiby questioned whether this property is located in the B-3 zone, as indicated, or in the B-2 zone. He stated that he believed that the Township discussed extending the B-2 zone in this particular area. John Buchholz stated that he would confirm with Eileen Davitt, Township Zoning Officer, as to what zone this property is located in. Kenneth Leiby confirmed that despite the zone classification, the requirement for parking is the same and fast food restaurants are conditional uses in both zones.

Diana Kwok gave a brief description of the proposed business. She stated that the deliveries are made by UPS approximately one time per week. She anticipates having 1-2 employees on site and hours of operation will be 7 AM – 9 PM. The business is seasonal in that the summer hours are typically busier than the winter hours. She stated that she owns and

operates 2 other Jungle Juice businesses and is confident that this site is well-suited for this particular use.

Sandra Haimoff asked what type of cups these smoothies will be put in. Ms. Kwok stated they will be put in a clear, plastic cup that is recyclable.

Roger Manshel asked how the garbage pick-up will be handled. Mr. Bankendorf stated that they are anticipating private garbage pick-up twice per week. There is very little garbage generated by this use.

Tiena Cofoni stated that the dry cleaner on site requires 9 spaces as per the ordinance. This leaves 4 spaces for the use of the Jungle Juice. Based on the ordinance requirements, the applicant is seeking variance relief for 17 parking spaces.

John Buchholz spoke to the request for a waiver from the submission of an EIS. He stated that the site is fully developed and there is no exterior expansion proposed. All work proposed will be interior modifications, only. As such, a waiver from the requirement to submit an EIS has been requested.

Joseph Steinberg stated that he was troubled by the parking variance being requested. The dry cleaner could move out tomorrow and be replaced with a retail service that will generate a much bigger parking demand. Thirty spaces are required and there are only 13 spaces on site. This site is not well-suited for the proposed use. He stated that he is not in favor of the application.

Roger Manshel disagreed and feels the site is suited for the proposed use. This type of use generates the “in and out” type of traffic. Customers are not staying on site after purchasing the product. They buy it and they leave. He expressed support of the application.

Sandra Haimoff stated that the applicant is 17 spaces short on the parking requirement. This use is considered fast food which typically generates cars coming in and out on a fairly regular basis. She is concerned with the number of parking spaces the applicant is seeking variance relief for.

Elaine Becker stated that this small use, with very few customers, should be permitted to utilize this space.

Robert Tillotson was in agreement with Ms. Becker and feels the site can accommodate the proposed use.

A motion to grant the applicant’s request for the checklist waiver requirements was made by Ian Mount, seconded by Mary Esquivel, and carried with a unanimous roll-call vote.

Upon a motion to deny made by Joseph Steinberg, seconded by Sandra Haimoff, and with a roll-call vote as follows:

Elaine Becker – no
Sandra Haimoff – yes
Leslie Lombardy – no
Roger Manshel – no
Ian Mount – yes
Joseph Steinberg – yes
Robert Tillotson – no
Mary Esquivel – yes
Kenneth Leiby – yes

#16-001, Diana Kwok, 622 Morris Turnpike, was **DENIED**.

#16-002, FERUZA KHADJIEVA, 358 MILLBURN AVENUE

Feruzha Khadjieva and John Buchholz, Architect, appeared and were sworn. John Buchholz's credentials were presented and accepted by the Board. The applicant is seeking minor site plan approval for a change of use from retail sales to retail food establishment.

The Board spoke to the checklist waiver items being requested. John Buchholz stated that this application is proposing interior changes, only. There are no exterior changes proposed and all lighting is pre-existing. There are no drainage calculations provided as there is no additional drainage proposed by this application.

The proposed use is a conditional use, requiring 125' from the nearest single-family dwelling lot line in a residential zone. The applicant is proposing to operate a bakery, a retail food establishment, and meets the 125' ordinance requirement.

A motion to grant the applicant's request for the checklist waiver requirements and EIS was made by Joseph Steinberg, seconded by Mary Esquivel, and carried with a unanimous roll-call vote.

Entered as A-1:google map photo of subject site.

John Buchholz gave a brief description of the proposal. The subject site is an 884 square foot lot which is only 14 feet wide and 64 feet long. There will be baking on site. There will also be coffee served. There are 2 tables and a window shelf that could accommodate 3 seats.

Parking variance relief is required. The proposed use requires 5 spaces and there is 1 space on site, allocated to the business owner. The applicant is seeking parking variance relief for 4 spaces. The applicant also agrees to purchase municipal parking permits as a condition of approval.

Faruza Khadjieva gave a brief description of her proposed business. She stated that she will be baking on site. She proposes to begin baking at 2 AM and will open to the public at 6

AM. The hours of operation are proposed to be Monday through Friday from 6 AM – 9 PM, and 6 AM – 7PM on the weekends. She is anticipating 2-3 employees on site at one time. There will be 2-4 deliveries per month, which are usually via UPS/FedEx. Garbage will be picked up by private hauler approximately twice per week.

Upon a motion made by Ian Mount, seconded by Sandra Haimoff, and 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

#16-002, Faruza Khadjieva, 358 Millburn Avenue, was **APPROVED** with the condition that the applicant purchase 2 municipal parking permits.

CAPITAL PROJECT REVIEW

Tiena Cofoni, Board Attorney, indicated the Planning Board is required to review the application and make recommendations to Township Committee as it relates to the Master Plan.

Christopher Falcon, Township Attorney, Timothy Gordon, Township Business Administrator and David Lustberg, Arterial representative, were present to explain the current project.

Timothy Gordon, Township Business Administrator, appeared and was sworn. He stated that on July 15, 2014, the Township Committee adopted a complete streets program by resolution. A transportation committee was established, consisting of Committee Member Ted Bourke and Committee Member Ian Mount. The transportation committee recommended that the township retain the services of a consultant, and a subsequent search led to the hiring of Arterial. That subcommittee worked with Arterial throughout 2015 and made periodic reports to the Township Committee as well as to focus groups. There was a formal public presentation made on February 2, 2016 which resulted in the adoption of an ordinance on March 15, 2016 in the amount of 8.3 million dollars to finance the project. The Township has also filed with Planning Board for their consideration of the plan. The next steps are development of contracts and final plans to be put out to bid, with the project proposed to start this summer. The Township welcomes any comments/recommendation from the Planning Board with regard to the proposal.

David Lustberg, Landscape Architect, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief overview of the project. He stated that the Complete Streets project is a comprehensive capital improvement strategy to improve pedestrian safety, vehicular circulation and economic vitality in the downtown. The project area extends from the intersection of Millburn Avenue and Essex Street to Millburn Avenue and Douglas Street, as well as the side streets that connect the two.

The proposal will calm traffic, create safe pedestrian crossings and create additional space at the corners as well as mid-block pedestrian crossings.

The project will also undertake lane balancing. They will look at the lanes and see if they are the appropriate size for the traffic coming into the downtown from the west. The existing traffic flow on Millburn Avenue starts with 2 lanes at Douglas Street. The new pattern will start with 2 lanes at Town Hall and will continue those 2 lanes through the downtown rather than the existing 3 lanes. This results in additional space which can be used for reverse-angle parking and provide a significant increase in parking. The proposal will also utilize flexible parking; take the parking lane and make it into a flexible lane. The parking lane will be paved concrete with bollards at current curb line. The store owner or the Town can decide if there are certain areas where they want wider sidewalks. If that is the case, they can move the bollard further out to the street line in order to accommodate outdoor seating. The bollard can be moved back when they want to accommodate parking.

The left hand turns onto Main Street from Essex Street and onto Main Street from Millburn Avenue will be eliminated. Instead, a new street will be introduced adjacent to Town Hall in order to accommodate the left hand turn onto Main Street that is being eliminated. This will result in the loss of approximately 20-25 spaces in the existing lot but those spaces are picked up elsewhere so there is not an overall loss of spaces.

They are proposing additional sidewalk space on Main Street. The left turn onto Main from Essex is a very light move and currently has a dedicated lane. The proposal eliminates the left turn lane and gives the 10 feet to the sidewalks, making the sidewalks 5 feet wider on each side. This will revitalize the street. Currently throughout the downtown, there are several areas where they would like to have outdoor seating. The sidewalks as they exist are too narrow and are not comfortable for pedestrian traffic. Widening them 5 feet on each side of the street allows for some buffer space for street trees, potted plants and outdoor furniture.

They are also looking to simplify the gateways. At the western gateway they are realigning the intersection in order to make it a little more of a right angle, thereby encouraging the cars to slow down in order to make the turn. The eastern gateway is a difficult intersection to cross so a round-about will be added which results in less conflict.

The project will also provide an aesthetic improvement through interpretative landscaping, which tells the story of Millburn. They are incorporating furniture made of natural materials that are contemporary looking. They are also using stone benches and pavers specifically chosen to reflect the history of Millburn.

Mr. Lustberg stated that this plan speaks to the Master Plan in that it encourages improved pedestrian circulation, provides conveniently located public parking in the central business district, and improves visibility in site distances at the intersections in the Township.

Sandra Haimoff felt this was a good plan that is very comprehensive. She feels that in addition to addressing the traffic, it addresses the ambiance of the town.

Tiena Cofoni, Board Attorney, stated that she will draft a letter for the Board's review. The letter will be reviewed and forwarded to the Township Committee.

ADJOURNMENT

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

Eileen Davitt
Board Secretary

Motion: JS
Second: EB
Date adopted: 9/7/16