

Township of Millburn
Minutes of the Planning Board
June 1, 2016

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, June 1, 2016** at 7:30 PM at The Bauer Center.

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
Matthew O'Neill
Robert Tillotson
Mary Esquivel, Vice Chairwoman
Kenneth Leiby, Chairman

Also present:

Ed Buzak, Board Attorney
Eric Fishman, Court Reporter
Thomas Watkinson, Township Engineer
Martha Annoni, Assistant Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary

APPLICATIONS

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

Richard Hoff, Attorney for the applicant, stated his appearance. He indicated that the applicant has responded, in writing, to each of the professional review letters received. He stated that he will be presenting the testimony of Joseph Fleming, the civil engineer for the project, who will be addressing and responding to engineering comments received from Township Engineer, Tom Watkinson, as well as comments received from CME, the Board's consultant.

Joseph Fleming appeared and was sworn. His credentials were presented and accepted by the Board. He spoke to the review letters received from Tom Watkinson, Township Engineer, dated November 23, 2015, March 16, 2016 and April 15, 2016. He indicated that they have

reviewed and addressed all of Mr. Watkinson's comments through various revisions. Chairman Kenneth Leiby asked Tom Watkinson if he was satisfied that the applicant had addressed his comments. Tom Watkinson indicated that his most recent review letter dated April 15, 2016 had only two comments. He is satisfied that the applicant has addressed his comments relative to lighting and sanitary and storm sewer issues.

Mr. Fleming spoke to the CME reports dated March 11, 2016 and revised June 1, 2016. He stated that questions were posed as to the adequacy of the sanitary sewer system down gradient of the proposed project, which included the gravity conveyance to the Canoe Brook pumping station. Mr. Fleming stated that there were a number of sections analyzed. In addition, they analyzed the gravity sewers for their existing and proposed characteristics. They found a number of gravity sections that required some help. They were able to make some proposed alterations to the off-site existing sewers that remedy the existing problem and also allow for the acceptance of development flows into the conveyance system. These proposed improvements have been shown in the report and have been discussed with CME and Mr. Watkinson. As the plans are finalized, a Treatment Works Approval will be created which will incorporate the off-site modifications.

Louis Ploskonka, CME Associates, Board's consultant, stated that he has had worked with the applicant's engineer over the last several months to develop an analysis and mitigation strategies. He indicated that he is satisfied with the proposed remedy for the 2 problem areas.

Mr. Hoff referenced the December 6, 2015 letter from the Township Environmental Commission. He indicated that the applicant responded to the Commission in a letter dated April 25, 2016. Mr. Fleming responded to each of the Commission's comments with regard to stormwater, wastewater, drinking water, traffic, trees and energy saving features.

Chairman Kenneth Leiby asked if there were any questions from members of the public.

Pak Ing, 12 Canoe Brook Road, asked about the proposed trees to be planted along Canoe Brook Road. He asked if the trees are being planted in the Township right-of-way. Richard Hoff indicated that the trees proposed will be planted on the applicant's property.

Regina Truitt, 85 Hartshorn Drive, asked if the plan allows for school busses to pick up any children that will be living in the proposed development. Joseph Fleming indicated that the plan provides adequate room for truck deliveries, etc. School busses will have no problem maneuvering the site.

Feng Qi, 26 Glenwood Drive, asked why a stormwater contingency plan is not necessary. Joseph Fleming stated that the proposed stormwater management improvements will have a comprehensive maintenance manual which will dictate what must be done on an annual basis as well as what must be done after major storm events. In addition, the manual provides guidance as to steps necessary in the event of a spill.

Chairman Kenneth Leiby opened the meeting for public comment.

Marc Packman, 45 Browning Road, appeared and was sworn. He believes the testimony provided that this development will generate between 20-32 school-aged children is an under estimate. He feels the applicant should be held accountable to any costs associated with the number of children in excess of their estimation.

Sonali Ghanti, 34 Canoe Brook Road, appeared and was sworn. She requested that several conditions be incorporated into the applicant's approval, including: 1) the applicant should be responsible for providing left turn access onto JFK Parkway from the unnamed road; 2) the applicant should remove all the dens from their existing future apartment plans. Ms. Ghanti suggested that the applicant consider paying for additions to several of their schools which could set a good example for other developers.

Charles Bambara, 37 Keats Road, appeared and was sworn. He stated that he would like to see the sidewalk plan extended beyond the apartment complex in consideration of the residents of Canoe Brook Road.

Stacey Mischel, 128 Canoe Brook Road, appeared and was sworn. She stated that she has serious concerns with the proposed digging and potential shifting of water tables and the effect this disruption will have on her property.

Regina Truitt, 85 Hartshorn Drive, appeared and was sworn. She indicated that she would like to see the applicant pay for the busing that will be needed for any school-aged children. In addition, she would like the applicant to pay restitution for the educating of these additional children.

Tamara Bigman, 29 Browning Road, appeared and was sworn. She stated that she would like the applicant to consider making this proposal senior housing, thereby eliminating any potential burden on the school system.

Jennifer Duckworth, 82 Linden Street, appeared and was sworn. She indicated that she would like to see the applicant incorporate sustainable elements in their proposal.

Eugena Walter, 85 Rector Street, appeared and was sworn. She stated that she feels Millburn has a great need for affordable housing. She has been a resident of Millburn for 15 years raising 4 daughters, working 52 hours a week and living with her parents. She indicated that she has spoken with the Township Mayor several times as well as the welfare director and inquired about low income housing within the Township.

Lauren Aaron, 51 Canoe Brook Road, appeared and was sworn. She indicated that she would like the Planning Board to confer with the superintendent and the Millburn Board of Education in order to understand the financial impact the potential influx of school-aged children will have on the community.

Mitch Boyarsky, 77 Browning Road, appeared and was sworn. He stated that there are many complex issues associated with this proposed development, such as transportation, water management, pollution, environmental impact. He feels there needs to be ongoing dialogue with the applicant. Mr. Boyarsky also stated that the size of the residential building is disproportionate to the site. He feels it stands out and is very imposing. Mr. Boyarsky stated that he does not feel this application should be rushed through the system and would like the Board to consider further deliberations on the matter.

Elizabeth Vollavanh, 54 Cedar Street, appeared and was sworn. She stated that this is an opportunity for the developer to participate in the orientation of the township toward sustainable silver certification.

Feng Qi, 26 Glenwood Drive, appeared and was sworn. She encouraged the Board to take the concerns of the Environmental Commission into account while making their deliberations on the matter.

The public comments portion of the meeting ended.

Richard Hoff gave a brief summary and thanked the Board, professionals and members of the public for their time and attention to the matter. He indicated this is an application for preliminary and final major site plan. The application is governed by the provisions of ordinance #2437-15, which set forth various zoning bulk standards with which the applicant must comply. This application complies with all standards and requires no variance relief. Mr. Hoff stated that this application is entitled to an approval pursuant to the MLUL as well as the Millburn ordinance and he requested the Board grant the approvals, as requested.

Board Attorney, Ed Buzak, stated that the Board's obligation, in an application such as this, is to evaluate the application based on the ordinance. If the applicant meets the requirements set forth in the ordinance and addresses the issues raised by the Board and their experts, then the applicant is entitled to an approval of the project. That approval can be subjected to a number of valid conditions for issues that have been raised over the course of the proceedings.

Chairman Kenneth Leiby asked for Board comments.

Ian Mount indicated that when this project first came to the Township, it was with a 400 plus residential unit development. The Township Committee immediately recognized that this was a serious issue. After discussion with the developer and a Master Plan amendment to the zone, the Township was able to reduce the residential units to the currently proposed 200. He stated that it is important to understand that the alternative to what is being proposed here is far worse than the application being presented. Millburn Township is a very special community. However, when it comes to affordable housing, Millburn Township is not special. Millburn Township is no different than any other community in its affordable housing requirement. The applicant has submitted an application in compliance with local land use law, with affordable

housing land use law as a backdrop. The applicant has responded to our requests and made adjustments to their plans and responded to comments from our experts.

Mr. Mount continued stating that he has 2 small children; 1 in kindergarten and 1 in second grade. This development impacts him as much as anyone else. He hopes the applicant has been listening and heard the concerns of the residents. The applicant is developing a very profitable project and he would like to see them be a good corporate citizen in the community.

Roger Manshel would like a train station shuttle bus be made a condition of approval. We should try to encourage fewer cars coming downtown and over taxing the parking demand. Mr. Manshel added that the applicant's testimony was that they are not intending to market these apartments to families with children. He feels they should honor that comment.

Sandra Hamioff requested that a condition of approval be that all plants be native to New Jersey.

Elaine Becker stated that we had professionals bring up several issues and the applicant responded to our concerns. She understands the residents' concerns about the potential for a large influx of school-aged children. She indicated that the school population goes up and down. She is confident that the Township will be able to deal with however many children they get.

Robert Tillotson agreed that a shuttle bus was a consideration that the applicant should take. It will alleviate an already stressed parking situation.

Leslie Lombardy stated that she has 3 children in the Township school district. She hopes the applicant has heard the residents' concerns with regard to the potential impact this project may have on the schools.

Kenneth Leiby indicated that the issue of potential school-aged children is a topic that would have been addressed when the zoning ordinance was being drafted. The only thing regulated in the land use ordinance is the number of units and the number of bedrooms. Mr. Mount explained that the Township went to great lengths to reduce this to a more manageable size. When the Master Plan was amended to address this zone, there was testimony provided that spoke to the possible impact on school population. Those things were taken into consideration when the ordinance was drafted.

Upon a motion made by Sandra Haimoff, seconded by Roger Manshel, and 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

Fred Coombs – yes
Mary Esquivel – yes
Kenneth Leiby – yes

Site Plan Application #443, 233 Canoe Brook Associates, was **APPROVED**.

ADJOURNMENT

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

Eileen Davitt
Board Secretary

Motion: RT
Second: FC
Date adopted: 9/7/16