

Township of Millburn
Minutes of the Planning Board
June 6, 2018

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, June 6, 2018** at 7:30 PM in Millburn Town Hall.

*Acting Board Attorney, Valerie Kimson, administered the oath of office to Marc Matsil.

Vice Chairwoman Beth Zall opened the meeting by reading section 5 of the Open Public Meetings Act.

The following members were present:

Marilyn Atlas-Berney
Daniel Baer
Elaine Becker
Cheryl Burstein
Roger Manshel
Marc Matsil
Miriam Salerno
Beth Zall, Vice Chairwoman

Also present:

Valerie Kimson, Acting Board Attorney
Eileen Davitt, Zoning Officer/Board Secretary

APPROVAL OF MINUTES

A motion to approve the minutes of May 2, 2018 was made by Daniel Baer, seconded by Cheryl Burstein, and carried with a unanimous voice vote.

MEMORIALIZATIONS

Appl#18-005, Wells Fargo Bank, 281 Millburn Avenue, Millburn

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

Marilyn Atlas-Berney – yes
Daniel Baer – yes
Elaine Becker – yes
Cheryl Burstein – yes

Miriam Salerno – yes
Beth Zall – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**Wells Fargo Bank, N.A.
Minor Site Plan #18-005
Block 704, Lot 2
Minor Site Plan Approval
Waiver**

WHEREAS, Wells Fargo Bank, N.A. ("Applicant") has made application to the Township of Millburn Planning Board for minor site plan approval, along with certain design waivers as set forth in more detail below, in connection with property commonly known as 281 Millburn Avenue, and formally known as Block 704, Lot 2 on the Official Tax Map of the Township of Millburn ("Property"); and

WHEREAS, the Applicant has submitted the following plans and designs: (i) "Minor Site Plan for Wells Fargo, N.A., Block 704, Lot 2, Tax Map Sheet #7, 281 Millburn Avenue, Township of Millburn, Essex County, New Jersey", prepared by NorthStarDesign LLC, Flemington, New Jersey, dated 1/22/18, latest revision 4/19/18, consisting of 7 sheets ("Plans"); (ii) Boundary and Topographic Survey Wells Fargo, #281 Millburn Avenue, Lot 2, Block 704, Township of Millburn, Essex County, State of New Jersey", prepared by Blue Marsh Associates, Inc., Toms River, N.J., dated 11/22/17, consisting of one sheet ("Survey"); and (iii) Architectural Plans entitled "Wells Fargo Interior Alterations & Building Addition, 281 Millburn Avenue, Millburn, New Jersey", prepared by Longo Architects & Associates LLC, New Providence, N.J., dated 12-15-17, consisting of two sheets ("Architectural Plans"); and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn; and

WHEREAS, a public hearing was held on the application on May 2, 2018; and

WHEREAS, at the hearing the Applicant was represented by Jennifer M. Knarich, Esq., and testimony in support of the application was provided by Thomas F. Pugsley, Jr., P.E. and Vincent F. Wolk, A.I.A.; and

WHEREAS, the Board having considered the testimony and reviewed the Exhibits related thereto, together with the application and Plans, hereby makes the following findings of fact:

1. The Property is commonly known as 281 Millburn Avenue and formally known as Block 704, Lot 2 on the Official Tax Map of the Township of Millburn. The Property is located within the B-4 Central Business Zone and is developed with an existing one-story vacant (former Chase Bank) building of approximately 3,000 square feet. The Property consists of approximately 0.44 acres (19,358 square feet) and contains associated surface parking and drive-through banking lanes. The Property is located to the northeast of the intersection of Holmes Street and Millburn Avenue and is an irregularly shaped corner lot with frontage along both Millburn Avenue and Holmes Street, with a portion of the Property extending toward Essex Street. The site is within the downtown area of Millburn and land use in the vicinity of the site is made up largely of one and two-story commercial and mixed use buildings with retail sales or services on the ground floor and residential and/or professional offices above.

2. The one-story vacant building is located in the southwestern portion of the Property. The main building entrance is along Millburn Avenue at the southeast corner of the building and there are three existing drive-through banking lanes and one by-pass lane onto Holmes Street. Vehicular access is provided through a one-way entrance driveway from Essex Street and a two-way driveway from Millburn Avenue. There is an "Exit Only" driveway onto Holmes Street.

3. The Applicant proposes eliminating one drive-through banking lane which would allow the creation of five new parallel parking spaces (9' x 22'). The Applicant also proposes to reconfigure the southeast corner of the parking lot and re-stripe it to provide one fully compliant ADA accessible parking space. Alterations are proposed to the sidewalk area at the southeastern corner of the building where two new walk-up ATM's and a drop-box would be installed on the east side of the building. The result of the elimination of the by-pass lane, the configuration of the parking lot for an ADA parking space and other alterations will increase the number of parking spaces from 16 to 20 parking spaces, fully conforming to ordinance parking requirements.

4. The Applicant proposes to construct a small building addition at the southwest corner of the existing structure of approximately 148 square feet, for a total building size of approximately 3,145 square feet.

5. All trash and recycling generated on-site will be removed privately. Trash related to banking operations will be properly disposed of by a private company. There is no need for an outdoor receptacle for trash.

6. Lighting on-site will be similar to what currently exists. Five 18' high, pole-mounted fixtures are proposed to be located within the parking lot and three building-mounted fixtures, mounted at 12' in height will be affixed to the building above the ATM's and adjacent to the drive-through lanes. In addition, two canopy-mounted lights, approximately 9.5' in height

over the drive-through lanes and two entrance doors fixtures (13' in height) will be installed. Site lighting will average 4.6 foot-candles, with a maximum of 15.4 foot-candles related to the lighting for the ATM machines. Per Section 512.2 of the Millburn Development Regulations, light intensity at the ground level shall average between 0.5 foot-candles to 1.0 foot-candles over the entire area, with a maximum of 10.0 foot-candles at any point. Here, there is an average of 4.6 foot-candles and a maximum of 15.4 foot-candles. A design waiver is required for this excess light intensity. In addition, the Applicant proposes the use of LED lighting which is prohibited under the Township's Ordinances. The Applicant agreed to use 3,000 k color temperature lights, rather than the 4,000 k specified in the Lighting Plans, to comply with the recommendation of the Environmental Consultant.

7. The signage for the previous use has been removed. New wall (building) signage is proposed on the south (Millburn Avenue) and west (Holmes Street) building elevations which would be internally illuminated "Wells Fargo" signs measuring 2' in height and 22' 9⁷/₈" in length. At the request of the Board, the Applicant agreed that the lighted sign facing Holmes Street would be extinguished within one hour after the closing of the bank's operations, as will all other outdoor lighting except for the ATM lighting.

8. A Landscape Plan was submitted which proposes new landscaping along Millburn Avenue at the southeastern corner of the building. However, the specific types of plantings have not been provided. The existing landscaped areas would be retained. At the request of the Board, the Applicant agreed to provide enhanced landscaping to the satisfaction of the Township Engineer.

9. The Architect indicated that the lobby hours for the bank will be between 9:00 a.m. and 5:00 p.m., Monday through Thursday; 9:00 a.m. through 6:00 p.m., Friday; and 9:00 a.m. to 2:00 p.m., Saturday. The drive-up will be available 9:00 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. to 12:00 noon on Saturday. There would be a maximum of 11 employees for the business operation and generally 8 to 9 employees would be on-site at any given time.

10. With regard to the light intensity and LED light waivers requested by the Applicant, it was noted that lighting levels at the ATM are mandated by the State of New Jersey for safety reasons and the Board is of the view that complying with the less intense lighting levels would work an undue and exceptional hardship on the Applicant and would be impractical because the state would then not allow the use of the ATM machines, an important component of banking facilities in today's market. Similarly, the use of LED lighting as opposed to conventional lighting is more energy efficient and can be better controlled. In addition, the Applicant's agreement to change the lighting to a 3,000 k light which is a warmer color temperature than the 4,000 k initially proposed, reduces the impact of the intensification of the lighting and the Board finds that an undue hardship would be created if the Applicant were required to utilize conventional lighting fixtures under the circumstances set forth herein.

11. The Township Forester and the Township Police Department did not have any concerns with regard to the application. The Township Engineer, in a Memorandum dated

March 16, 2018, raised several issues, most of which have already been covered above, but those that are not will be made conditions of the approval. As above-noted, the Millburn Environmental Commission also had several comments related to lighting, including the recommendation that the color temperature be reduced to 3,000 k to which the Applicant has already agreed. Furthermore, the Applicant indicated that the lighting at the rest of the site will be turned off one hour after closing of the facilities except for lighting needed to comply with ATM requirements.

12. The Board is of the view that minor site plan approval with the associated waivers as set forth hereinafter, should be granted in accordance with the requirements as set forth in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn on May 2, 2018, granting (i) minor site plan approval; (ii) a waiver allowing the use of LED lighting on the site; and (iii) a waiver allowing the average ground level lighting to exceed the 0.5 to 1.0 foot-candle requirements as set forth in the Ordinance to the extent of an average of 4.6 foot-candles, provided that (i) the Applicant does not exceed the light intensity standards set forth by the regulatory authorities for the ATM machines; (ii) the parking lot and building lighting be turned off one hour after closing (except for ATM lighting); and (iii) the illuminated building sign on the elevation facing Holmes Street will also be extinguished when the parking lot lights are extinguished one hour after closing, all as requested by the Board and as delineated above, subject to the following conditions:

1. The Applicant shall comply with all municipal ordinances and regulations, as well as all County, State and Federal Laws applicable to this development application.

2. The foregoing is subject to review of, approval by, and requirements imposed by such other Federal, State, County, and local bodies that shall have jurisdiction over the project.

3. The Applicant shall remit all outstanding escrow fees as requested by the Township of Millburn.

4. The Applicant shall provide additional landscaping on-site to the satisfaction of the Township Engineer.

5. All parking lot lighting and building lighting shall be turned off one hour after closing, except as needed to comply with regulatory requirements for the ATM machine. In addition, the lighted building sign facing Holmes Street will be extinguished at the same time that the parking lot lights are extinguished.

6. The Applicant shall substitute 3,000 k color temperature bulbs for the 4,000 k color temperature bulbs as set forth in the application.

7. The Applicant shall comply with the requirements set forth in the March 16, 2018 Memorandum from the Township Engineer.

8. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and Applicant's witnesses during the course of the public hearing on the application held on May 2, 2018 as related to the application and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

9. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g (2), memorializing action taken by the Board at its meeting on May 2, 2018.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 6th day of June, 2018.

Appl#18-007, Karen Wolf Interiors, LLC, 36 Chatham Road, Short Hills

Upon a motion made by Cheryl Burstein, seconded by Miriam Salerno, and with a roll-call vote as follows:

- Marilyn Atlas-Berney – yes
- Daniel Baer – yes
- Elaine Becker – yes
- Cheryl Burstein – yes
- Miriam Salerno – yes
- Beth Zall – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

Karen Wolf Interiors, LLC

**Site Plan Application No. 18-007
Block 1812, Lot 10
Preliminary and Final Site Plan Approval
Variance
Waiver**

WHEREAS, Karen Wolf Interiors, LLC ("Applicant") has made application to the Township of Millburn Planning Board for preliminary and final site plan approval, variances for lack of a loading space and for lack of adequate parking and a waiver of the requirement that an Environmental Impact Statement be submitted, as well as certain completeness waivers, all as set forth in the application submitted and as set forth in more detail below, in connection with a change of use within an existing store front located at premises commonly known as 38 Chatham Road and formally known as Block 1812, Lot 10 on the Official Tax Map of the Township of Millburn ("Property"); and

WHEREAS, the Applicant has submitted Architectural Plans entitled "Karen Wolf Interiors Planning Board-Change of Use, 36-38 Chatham Road, Short Hills, N.J. 07078", prepared by Buchholz Architects, Florham Park, New Jersey, dated March 14, 2018, consisting of two sheets ("Architectural Plans") which also contains on Sheet A-0 ("Sheet 1") a reprint of a survey entitled "Survey of Property Tax Lot 10, Block 1812, 36 Chatham Road, Township of Millburn, Essex County, New Jersey", prepared by Lakeland Surveying, Rockaway, New Jersey, dated 11/18/08 ("Survey") which shows the various buildings and the entirety of the Property; and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn; and

WHEREAS, a public hearing was held on the application on May 2, 2018; and

WHEREAS, the Applicant was represented by Anthony Cerciello, Esq. and testimony was provided by John Buchholz, A.I.A.; Richard Keller, P.E. & P.P.; and Karen B. Wolf, Applicant, in support of the application; and

WHEREAS, the Board having considered the testimony offered on behalf of the Applicant and the interested parties and having reviewed the Exhibits related thereto, together with the application, Architectural Plans and Survey, hereby makes the following findings of fact:

1. The property is located at 38 Chatham Road, and is formally known as Block 1812, Lot 10 on the Official Tax Map of the Township of Millburn. The Property is located in the B-3 Neighborhood Business Zone. The entirety of the Property measures 0.48 acres (20,944 square feet) and is developed with a Tudor-styled masonry commercial building and an adjacent

brick commercial building fronting on Chatham Road. Each of the two buildings has several store fronts including the Short Hills Pharmacy which is located within the brick building. A garage is located adjacent to the masonry commercial building and extends to the rear of the site along the easterly Property line. An asphalt driveway area is located to the rear of the building which is accessed from Woodland Road to the west via an easement through adjacent Block 1812, Lot 11.

2. The United States Post Office is located immediately to the east of the subject Property. The Short Hills N.J. Transit Station and a municipally owned parking lot are located further east. A fuel station is located immediately to the west of the Property and railroad tracks are located to the north of the subject Property, across Chatham Road. The Short Hills Village Apartments are located to the south.

3. The Applicant seeks preliminary and final site plan approval with bulk c variances for loading space and parking to permit a change of use within an existing store front located at 38 Chatham Road. The new use is an interior design studio that would be comprised of office space with accessory retail sales on two floors. The first floor consists of approximately 627 square feet and the basement area consists of approximately 602 square feet.

4. The Applicant seeks certain completeness waivers because the circumstances of the application do not warrant the submission of certain details otherwise required in the application checklist. The Board is of the view that given the scope of the application before it, such waivers should be granted and granted those completeness waivers. The Applicant also requested a waiver from the requirement that an Environmental Impact Statement be issued. The basis for the request for the waiver is that the site is fully developed and that the Applicant is only proposing interior changes of the store front rental space and therefore that there are no exterior activities taking place. The Board is of the view that for those reasons there is no need to seek and obtain an Environmental Impact Statement and therefore agrees that the requirement should be waived.

5. The street level floor is proposed to contain a waiting area, four work stations, storage areas for design samples and a central design area along with a kitchenette and a restroom. The basement level would contain storage area and a library and would be accessed through a newly constructed staircase in the rear of the first floor premises. The primary use would be as an office with related retail sales of home furnishings such as art work and pillows. This proposed use as an interior design studio/office with associated retail space is permitted as a principal use in the B-3 Zone. All trash and recyclables will be deposited in a common dumpster located on the Property to the west of the brick building on the Property.

6. Although the Fire Marshal did not issue a report on this application, the Applicant agreed to comply with the requirements of the Fire Marshal typically consisting of a C.D. of the Plans and an appropriately designated Knox Box.

7. The interior design offices would be open generally between 9:00 a.m. and 5:00 p.m., Monday through Friday and by appointment on weekends. There will be a total of four persons working on-site, inclusive of the owner, Karen B. Wolf. Two of the four will be

assistant designers, one of whom will work part-time and one of whom will work full-time. The part-time designer would work largely between 9:30 a.m. and 3:00 p.m. In addition to Ms. Wolf, there will also be one part-time Administrator.

8. Deliveries will be largely through UPS or Federal Express, consisting of small packages. Delivery will take place through the front door at street level if small items, and through the rear door accessing the basement for any larger items.

9. There are a number of non-conforming, pre-existing conditions on the subject Property and the buildings located thereon for which no changes are proposed. The new use will not affect any of these pre-existing, non-conformities. These non-conformities involve minimum front and rear set-backs, maximum building coverage, maximum floor area ratio and maximum lot coverage. Because the proposed change of use will not intensify or affect any of these pre-existing, non-conformities, they shall remain as they are. The Applicant seeks no legitimatizing variances for any of those non-conformities.

10. Although the Applicant originally applied for a variance from the requirement that a loading space be provided and the application so indicates, the Applicant's Planner and Engineer testified that there is indeed a designated loading space located in the rear of the Property although, as has been noted above, deliveries will be made by UPS and Federal Express with small packages being delivered from the street level and larger boxes being delivered in the rear of the building to which direct access to the basement level is provided. Thus, there is no need for the Applicant to seek and obtain a variance for the lack of a loading space.

11. Section 607.2m requires one parking space for each 250 square feet of gross floor area for office space and no less than 0.8 of a parking space per employee on-site at any time. This calculation generates the need for five parking spaces, where no on-site parking spaces are provided. The testimony revealed that the location and orientation of the buildings on the Property and the coverage of the lot by multiple buildings do not lend themselves to the ability to produce any parking on-site. The prior use, a hair salon, also was unable to provide any parking on-site. That use required seven parking spaces under the Township's Ordinances, so this use actually reduces the magnitude of the deviation that was associated with the previous use. Because realistically there is no available land on-site for the construction of parking spaces, the imposition of the requirement that five parking spaces be provided on-site would be a significant hardship on the Applicant and would not be able to be fulfilled. The Applicant's Planner and Engineer pointed out that parking lot #3 is in proximity to the Property and the Applicant agreed to purchase 4 business parking permits so that its employees, including the owner, would be able to have public parking easily available. The Board finds that there would be no detriment to the public good because, as abovementioned, the parking demand of the new use is even less than the parking demand from the former use and thus, if anything the public good would be benefited. The Applicant's willingness to purchase 4 building parking permits will also eliminate the demand for 4 parking spaces in the immediate vicinity of the building which will further enhance the public good. The granting of the variance will also not create any substantial impairment of the Zoning Ordinance and Zoning Plan. The granting of the variance will encourage the business use of this space and will encourage businesses to locate within the

Township. For these reasons the Board is of the view that the parking variance should be granted.

12. There were a number of professional reports issued in connection with this application. The Township Forester, by Memorandum dated 4/10/18 and the Township Police Department, by Memorandum dated 4/13/18 had no comments or questions on the application and did not request that any conditions be imposed. The Township Fire Marshal did not issue a report, but consistent with the Fire Marshal's reviews of similar applications, there would likely be required to be submitted "as-constructed" Plans on disc and Knox Box access. The Board will require that the Applicant comply with the requirements of the Fire Marshal despite no report having been submitted.

13. After considering the testimony, the recommendations of the Board's Professionals, and the advice of its counsel, the Board is of the view that preliminary and final site plan approval should be granted; a variance from the requirement that 5 parking spaces be provided; and a waiver of the requirement that an Environmental Impact Statement be prepared and submitted, all in accordance with the requirements as set forth in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn taken on May 2, 2018, granting preliminary and final site plan approval for a change in use from retail services to office use and retail sales for premises known as 38 Chatham Road, along with a variance from the requirement that 5 parking spaces be provided on-site and the waiver of the submission of an Environmental Impact Statement as set forth above, subject to the following conditions:

1. The Applicant shall comply with all applicable municipal ordinances and regulations, as well as all County, State and Federal Laws applicable to this development application.

2. The foregoing is subject to review of, approval by, and requirement imposed by such other Federal, State, County and local bodies having jurisdiction over the development.

3. The Applicant shall remit all outstanding escrow fees as requested by the Township of Millburn.

4. The Applicant shall submit applications to, and obtain approval from, the Essex County Planning Board and the Hudson-Essex-Passaic Soil Conservation District, if applicable.

5. The Applicant shall comply with the requests of the Township Fire Marshal in connection with the proposed use.

6. The Applicant shall be required to purchase 4 Business Parking Permits to accommodate the employees of the Applicant, including the principal of the Applicant, as represented at the hearing.

7. Any signage to be provided on premises shall be in compliance with Township requirements and all necessary permits shall be obtained prior to installation.

8. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and the Applicant's witness during the course of the public hearing on the application held on May 2, 2018 as related to the application for relief and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

9. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g(2), memorializing action taken by the Board at its meeting on May 2, 2018.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 6th day of June, 2018.

Appl#18-008, CrossFit Millburn, LLC, 27 Bleeker Street, Millburn

Upon a motion made by Cheryl Burstein, seconded by Miriam Salerno, and with a roll-call vote as follows:

Elaine Becker – yes
Cheryl Burstein – yes
Roger Manshel – yes
Miriam Salerno – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**CrossFit Millburn, LLC
Site Plan Application No. 18-008
Block 1004, Lot 20**

**Preliminary and Final Site Plan Approval
Waiver**

WHEREAS, CrossFit Millburn, LLC ("Applicant") has made application to the Township of Millburn Planning Board for preliminary and final site plan approval, a waiver of the requirement that an Environmental Impact Statement be submitted, as well as certain other completeness and design waivers, all as set forth in the application submitted and as set forth in more detail below, in connection with locating a CrossFit gym facility in a vacant portion of an existing multi-tenant building located at 27 Bleeker Street and formally known as Block 1004, Lot 20 on the Official Tax Map of the Township of Millburn ("Property"); and

WHEREAS, the Applicant has submitted (i) architectural plans entitled "Interior Renovation for: CrossFit Millburn, LLC, Block 1004, Lot 20, 27 Bleeker Street, Millburn, New Jersey", prepared by Dubinett Architects, LLC, Short Hills, New Jersey, dated 3-10-18, consisting of one sheet ("Architectural Plans"); and (ii) a location, plot and grading plan depicting the location of the two-story, multi-tenant office building and the Property, prepared by Formosa Engineering, Inc., Edison, New Jersey, dated 3/20/17, previously submitted in connection with other activity on this same site, submitted herein for information purposes only ("Survey"); and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn; and

WHEREAS, a public hearing was held on the application on May 16, 2018; and

WHEREAS, the Applicant was represented by Amanda Curley, Esq. and testimony was provided by Brett Prager, a member of CrossFit Millburn, LLC; and Danial Dubinett, AIA, Architect, in support of the application; and

WHEREAS, the Board having considered the testimony offered on behalf of the Applicant and having reviewed the Exhibits related thereto, together with the application, Architectural Plans and Survey, hereby makes the following findings of fact:

1. The Property is located at 27 Bleeker Street, and is formally known as Block 1004, Lot 20 on the Official Tax Map of the Township of Millburn. The Property is located in the Commercial/Medical Office Zone (CMO). The entirety of the Property consists of 1.91 acres (83,114 square feet), located on the north side of Bleeker Street and contains a two-story, 28,380 square foot commercial building (excluding the basement area) and a parking lot in the rear consisting of 148 spaces. Existing building tenants include a day care facility on the first floor and a real estate office on the second floor.

2. The Applicant proposes to utilize 3,773 square feet of space in the basement level of the building to locate a new CrossFit gym. The remainder of the basement level is comprised of mechanical space, storage areas, a rest room and unused space. The Applicant proposes no changes to the existing floor area or to the exterior of the building as part of this application.

3. The Applicant testified that their CrossFit facility, which currently operates in Springfield, New Jersey, is to be moved to this location. It will operate beginning at 5:00 a.m. and will have 5 one hour classes in the morning and 5 one hour classes in the afternoon beginning at 3:00 p.m. In the less popular classes there will be approximately 5 to 6 participants, whereas in the more popular classes there will be 8 to 12 participants in any one segment. Two coaches will work between 20 and 25 hours per week and two coaches will work between 5 and 6 hours per week. In addition to the weekday classes set forth above, there will be Saturday morning classes and an open gym in the afternoon and there will be Sunday morning classes. There will be minimal deliveries and minimal trash created by the operation. There will not be any designated parking spaces in the parking area for this use. There will be no food or drink available for sale. Although there is a bathroom facility and two showers downstairs, it is likely that the participants in the class will neither be utilizing the showers nor bathroom facilities in the basement, and that the upstairs common bathroom will be utilized by the participants, when necessary.

4. There are 148 existing parking spaces. The Township Zoning Ordinance does not address parking requirements for sports/fitness facilities, but the Applicant has calculated parking based upon retail uses (one space per 200 square feet) which would require 19 spaces for this size gym. Given the activities set forth above, 19 spaces are adequate for the purposes intended. If the parking requirements for this space were calculated in the same manner as the spaces for the balance of the office building (one space per 250 square feet), there would be 131 parking spaces required for the two floors of office space and this space, and since there are 148 existing spaces, there are adequate spaces for this use at that calculation as well as at the calculation for this space only at one space per 200 square feet.

5. The Township Planner noted that there is a pre-existing, non-conforming condition related to excess impervious coverage on the site whereby 81% of the site contains impervious coverage, whereas 75% impervious coverage is permitted under the Ordinance. Because the Applicant is proposing no exterior changes and is utilizing already existing basement floor area as part of this application, the pre-existing, non-conformity is not being intensified or aggravated by this use and therefore has no impact on such non-conformity, eliminating any need for a variance from this non-conforming condition.

6. The gym will utilize floor mats for the CrossFit training and the lighting currently on-site will be adequate for these purposes. The Applicant had anticipated installing an outside ground graphic sign that would be approximately 5' tall and measure 4' x 3' as shown on Exhibit A-1 which is the sign that is utilized at their current site in Springfield. The Zoning Officer pointed out that a sign in front of this building is not permitted without a variance and the Applicant, through its Architect, indicated that they would withdraw their request for a sign to eliminate the need for a variance. They would likely install a building mounted sign in

accordance with Ordinance requirements and represented that any signs that they would install would comply with all existing Ordinance requirements, and they would obtain an appropriate sign permit before the installation of the same.

7. The Applicant seeks certain completeness waivers because the circumstances of this application do not warrant the submission of certain details otherwise required in the application checklist. The Board is of the view that given the scope of the application before it, such waivers should be granted and in fact, granted those completeness waivers. The Applicant also requested a waiver from the requirement that an Environmental Impact Statement submitted. The basis for the request for the waiver is that the site is fully developed and that the Applicant is only proposing interior changes involving use of the basement area and there are no exterior activities taking place. The Board is of the view that for those reasons there is no need to seek nor obtain an Environmental Impact Statement and therefore agrees that the requirement should be waived.

8. There were a number of professional reports issued in connection with this application. The Township Forester, by Memorandum dated 4/25/18; the Township Police Department, by Memorandum dated 4/30/18; and the Township Engineer, by Memorandum dated May 1, 2018 had no comments or questions on the application and did not request that any conditions be imposed. The Township Fire Marshal did not issue a report, but the Applicant shall be required to comply with any requirements that the Fire Marshal imposes on the use of these premises.

9. After considering the testimony, the recommendations of the Board's Professionals, and the advice of its counsel, the Board is of the view that preliminary and final site plan approval should be granted; a waiver of the requirement that an Environmental Impact Statement be prepared and submitted, should be granted and the requested completeness waivers should be granted, all in accordance with the requirements as set forth in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn taken on May 16, 2018, granting preliminary and final site plan approval to utilize basement space consisting of 3,773 square feet for a CrossFit operation in an existing two-story office building located at 27 Bleeker Street, along with the waiver of the submission of an Environmental Impact Statement and the waiver of specified checklist completeness items, all as set forth above, subject to the following conditions:

1. The Applicant shall comply with all applicable municipal ordinances and regulations, as well as all County, State and Federal Laws applicable to this development application.

2. The foregoing is subject to review of, approval by, and requirement imposed by such other Federal, State, County and local bodies having jurisdiction over the development.

3. The Applicant shall remit all outstanding escrow fees as requested by the Township of Millburn.

4. The Applicant shall submit applications to, and obtain approval from, the Essex County Planning Board and the Hudson-Essex-Passaic Soil Conservation District, if applicable.

5. The Applicant shall comply with the requests of the Township Fire Marshal in connection with the proposed use.

6. Any signage to be provided on premises shall be in compliance with Township requirements and all necessary permits shall be obtained prior to installation.

7. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and the Applicant's witness during the course of the public hearing on the application held on May 16, 2018 as related to the application for relief and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

8. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g(2), memorializing action taken by the Board at its meeting on May 16, 2018.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 6th day of June, 2018.

Appl#18-009, 233 Canoe Brook Associates, 150 JFK Parkway, Short Hills

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

- Elaine Becker – yes
- Cheryl Burstein – yes
- Roger Manshel – yes
- Miriam Salerno – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**233 Canoe Brook Associates, LLC
Site Plan #18-009
Block 5303, Lots 3 & 4
Amended Preliminary and Final Major Site Plan Approval
Variances
Waivers**

WHEREAS, 233 Canoe Brook Associates, LLC ("Applicant") has made application to the Township of Millburn Planning Board for amended preliminary and final major site plan approval, along with associated bulk variances and waivers as set forth in more detail below, in connection with property commonly known as 150 John F. Kennedy Parkway and formally known as Block 5303, Lots 3 & 4 on the Official Tax Map of the Township of Millburn ("Property"); and

WHEREAS, the Applicant has submitted plans entitled (i) "Preliminary Subdivision and Preliminary & Final Site Plan for Short Hills Mixed-Use Development, Block 5303, Lots 1, 3 & 4, Township of Millburn, Essex County, New Jersey", prepared by Paulus, Sokolowski & Sartor, LLC, Warren, New Jersey, originally dated 9/9/2015, consisting of Sheets C-01, C-04, C-06, C-08, C-010, all bearing a latest revision date of 3/3/18 ("Plans"); (ii) Architectural Plans entitled "Short Hills Mixed Use Redevelopment, Short Hills, New Jersey", issued March 4, 2016, latest issuance date March 22, 2018, prepared by Lessard Design, Vienna, Virginia, consisting of Sheets A.000; A.001; A.00101; A.111; A.112; and A.301, all with the latest issued date of March 22, 2018 ("Architectural Plans"); and (iii) Shared Parking Analysis, prepared by Wells + Associates, dated March 19, 2018 ("Shared Parking Analysis"); and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn; and

WHEREAS, a public hearing was held on the application on May 16, 2018; and

WHEREAS, at the hearing the Applicant was represented by Richard J. Hoff, Jr., Esq. and testimony in support of the application was provided by Christian J. Lessard, AIA; Joseph Fleming, P.E.; Michael R. Pinkoske, Jr., Professional Traffic Planner (PTP); and Andrew Marshall, President of Roseland Residential Trust; and

WHEREAS, the Board having considered the testimony and reviewed the Exhibits related thereto, together with the application, the Plans, Architectural Plans and the Shared Parking Analysis, hereby makes the following findings of fact:

1. The Property is located at 150 John F. Kennedy Parkway and is formally known as Block 5303, Lots 3 & 4 on the Official Tax Map of the Township of Millburn. The Property is located in the OR-3, Office Research Zone, and is currently developed with a 241,678 square foot office building and a newly constructed 626 space parking deck on the easterly portion of the tract. By Resolution adopted July 6, 2016, the Board granted preliminary and final site plan approval and subdivision approval in connection with the construction of a mixed use development, including a 200 unit multi-family residential structure, a 246 room hotel, and the aforesaid 626 space parking deck. By Resolution adopted November 1, 2017, Mack-Cali Short Hills, LLC made application to the Board solely in connection with Lot 4 for minor site plan approval and for certain bulk variances under N.J.S.A. 40:55D-70c) in connection with the modification of the existing office building and certain configurations thereon, as well as the construction of a dog run to be utilized for the benefit of the dogs of the tenants of the residential rental structure of the mixed use development.

2. In the initial approval of July 6, 2016, the Applicant provided for a total of 1,689 parking spaces for the mixed use development, including residential, hotel and office space (whereas only 1,656 parking spaces were required). Of the 1,689 parking spaces provided, 713 underground parking spaces were proposed to service the residential development and the hotel use, 411 of which were to be allocated to the residential development and 302 thereof to be allocated to the hotel use. In addition to the 713 underground spaces, there were 102 surface parking spaces (92 for the hotel and 10 for residential use). Thus, the total number of parking spaces to accommodate the residential and hotel uses aggregated 815 parking spaces (although only 785 were required under ordinance standards, 391 for residential use and 394 for hotel use).

3. When the Applicant returned to the Board in 2017 with regard to the improvements to the office building and surrounding area and the construction of the dog run, 12 surface parking spaces were eliminated, reducing the total number of parking spaces on the site (surface, parking deck and underground parking) to 1,677 parking spaces from the originally approved 1,689 total parking spaces. In summary, in the initial approval of July 6, 2016 the Applicant had provided 1,689 total spaces. When the Applicant returned in 2017 for modifications to the office building and the construction of a dog run, among other things, 12 surface parking spaces were lost, reducing the aggregate number of parking spaces available for the development of the entirety of Lots 3 and 4 to 1,677 parking spaces.

4. The current application proposes to eliminate underground structural parking spaces devoted to hotel patrons and instead have just all the residential parking underground. That residential underground parking will span the ground not only under the residential structure, but also under the hotel structure, although the hotel patrons and staff will not be able to utilize the underground parking under the hotel, access for which will only be provided for the residential units. Eliminating the underground parking for the hotel will allow the Applicant to

eliminate the lowest level of parking structure which will reduce the costs of construction as well as the amount of soil to be removed off site during construction.

5. Further, with the elimination of the underground parking for the hotel, the parking needs for the hotel will have to be provided as surface parking or in the parking deck. The current application before the Board proposes a shared parking arrangement between the hotel and office uses because these two different uses have somewhat reciprocal demands for parking depending upon the time of day and night. Thus, the bulk of the hotel parking would be in the evening and early morning hours and the bulk of the office parking will be during the day with minimal night and overnight parking. The Applicant proposes that the 394 parking space requirement for the hotel (1.6 spaces per room) and the 871 spaces for the existing office (3.6 spaces per 1,000 square feet of gross floor area), for a total of 1,265 necessary spaces, be accommodated by providing 973 shared parking spaces, consisting of 626 parking spaces in the new parking deck constructed on the east portion of the Property; 59 parking spaces beneath the existing office building (already existing); and 288 surface parking spaces, for a total of 973 spaces. To implement this shared parking arrangement, the Applicant seeks a variance from the parking requirements of 1,265 spaces to allow for the shared parking of an aggregate 973 spaces, a shortfall of 292 parking spaces.

6. No variance relief is sought with respect to the residential parking since the Applicant continues to comply with the parking requirement for the residential portion of the project, although the configuration has changed by reducing the number of floors of underground parking and the number of spaces has been reduced.. Instead of the total 421 residential spaces originally approved (411 underground and 10 aboveground), there will now only be 391 residential parking spaces which meet the full requirements for parking for the residential component of the development. All 391 spaces shall be underground and devoted exclusively to residential use.

7. The summary of the totality of the parking is depicted as follows:

USE	REQUIRED	PROPOSED
Multi-Family	391	391 (underground)
Hotel	394	[973 shared spaces (626 in the new parking
Office	871	deck; 59 underground at the office building;
		<u>and 288 surface parking spaces)]</u>
TOTAL:	1,656	1,364

Accordingly, while an aggregate 1,265 parking spaces are required for hotel and office use, the Applicant proposes to provide only 973 combined parking spaces, for a shortfall of 292 parking spaces, for which variance relief is sought.

8. In support of the application, the Architect Christian Lassard, confirmed that one level of underground parking under the hotel and residential structure would be eliminated, bringing down the cost of construction, particularly as related to the eventual construction of the hotel. The Architect relied upon the Shared Parking Analysis prepared by Wells + Associates,

dated March 19, 2018 to justify the reduction in the aggregate number of parking spaces by 292 units.

9. The Applicant's Engineer provided further background for the previously approved construction and, in addition to explaining the parking space count as set forth above, also stated that because the original underground parking for the resident units and hotel will be limited to residential use under the current approach, the ingress and egress to that parking garage that was going to be utilized for hotel patrons and operations located off of the private roadway that is owned by the Short Hills Mall, known as Lot 1, Block 5303, will be eliminated. Instead, the loading area will only be utilized for the hotel and there will be no ingress to, or egress from the underground residential parking structure at that location. Service vehicles for the hotel will still be able to navigate the loading area as originally approved and the area will still be utilized for those purposes.

10. The Applicant's Engineer indicated that the elimination of the additional underground parking level would eliminate the need to remove approximately 30,000 cubic yards of soil from the site which translates into the reduction of truck trips by approximately 2,000 truck trips. In addition, the reduction in the amount of soil to be removed will also reduce delays on, or partial closings of, the private road during the construction period.

11. The Engineer noted that the parking space located at the furthest distance from the hotel use is approximately 1,170 linear feet and estimated that it would be a 4 minute walk from that furthest parking space to the hotel. It was also pointed out that the furthest parking space from the office use was approximately 600' from the entrance of the office building, which would involve a walk of approximately 2 minutes from that furthest space to the office building.

12. To accommodate hotel guests who would otherwise have to potentially park at such a distant location, the Applicant indicated that there would be valet parking service from the hotel so that a guest would pull up to the hotel to check in and have their personal vehicle parked by a parking attendant at the hotel to eliminate the need for the hotel guests to navigate the parking lot from a potentially significant distance from the hotel.

13. Andrew Marshall, President of Roseland Residential Trust testified that a variety of hotel "flags" were interested in the site, including Marriot, International Hotels, and others. Initially, the Applicant was unsure of whether the hotel would be built simultaneously with the residential construction because there was no hotel franchise that had been lined up for the construction and operation of the hotel facility. However, since the time of the original approval of this project in July, 2016, the Applicant has actively sought franchises and operators for a hotel and has found a strong interest in the market. Therefore, the project will be structurally redesigned in a way that the residential parking and building construction will take place simultaneously with the construction of the hotel structure. In the event that the construction of the residential building and hotel building cannot be done simultaneously, the Applicant has directed its Engineers to design the weight bearing capacity of the footings and foundations in the underground parking structure underlying the eventual hotel building in such a way that they are adequate to support the eventual construction of the hotel above the garage without any

disturbance of the underground parking inventory for the residential use when the hotel structure is subsequently constructed. Furthermore, if the residential building is constructed before the hotel is constructed, the Applicant will submit to the Township Engineer for approval adequate and appropriate landscaping or features on that “roof” portion over the underground parking for residential tenants that will eventually become the ground floor of the new hotel structure. To the extent that an amended site plan application needs to be filed at that time, the Applicant will do so as determined by the appropriate Township officials.

14. To support the shared parking concept for the office building and hotel structure, a Shared Parking Analysis was prepared by Wells + Associates. The Applicant produced Michael R. Pinkoske, Jr., Professional Traffic Planner, who was last certified as a Professional Traffic Planner in 2017. The Board accepted his credentials as a Professional Traffic Planner. Both Mr. Pinkoske and the written Shared Parking Analysis submitted by the Applicant explained the general concept of shared parking. It was pointed out that the Urban Land Institute has published a shared parking manual and that these two types of uses, office use and hotel use were particularly suited for the possible utilization of a shared parking concept because of the reciprocal timing of their peak levels of parking activity. Hotels generally have peak parking activity in the evening and early morning hours, while office buildings typically have peak parking requirements during the work day. In order to avoid substantial unused parking during each of those periods, a shared parking concept is utilized which maximizes the utilization of the constructed parking spaces, reducing what would otherwise entail the construction of parking spaces that go unutilized because of the timing of their use.

15. It was also pointed out to the Board that more current observed data indicates that the parking requirements of 1.6 parking spaces per room is excessive in today’s hotel market with the advent of ride providing services such as UBER. Furthermore, because of the proximity of this hotel location to major transportation modes such as airports and train stations, this particular location is one that is eligible for consideration for modifying the aggregate number of parking spaces, even for the hotel use itself, irrespective of utilizing the concept of shared parking.

16. The Shared Parking Analysis was reviewed in detail by Mr. Pinkoske. As set forth earlier, the existing office building of 241,678 square feet generates a need to provide 871 parking spaces (3.6 spaces per 1,000 square feet). The observed parking situation for 3 consecutive dates, Tuesday, February 27, 2018; Wednesday, February 28, 2018; and Thursday, March 1, 2018 shows a high morning count (10:00 a.m.) of 496 spaces occupied and a high afternoon count (2:00 p.m.) of 511 parking spaces occupied. The building is approximately 85% occupied. Using that observed date, and extrapolating the same or a 95% occupied building results in a factor of 2.62 spaces per 1,000 square feet or a total of 634 spaces for an office building of 241,678 square feet. Keeping the hotel parking requirement as set forth in the Ordinance of 1.6 parking spaces per guest room, results in a need for 316 parking spaces. Combined office and hotel parking requirements would then aggregate 919 spaces, while the Applicant is proposing a shared parking proposal providing 973 parking spaces, 54 spaces more than the observed data would otherwise support.

17. Given the above analysis, the Applicant's experts contended that the combination of hotel and office use on a single site is a prime candidate for a Shared Parking Analysis and that the analysis performed as set forth above and as set forth in more detail in the Shared Parking Analysis demonstrates that sufficient parking will be available for both the office use and the hotel use by providing an aggregate of 973 parking spaces for those categories of use. Again, it is emphasized that the Applicant will meet in full the 391 additional residential parking spaces need for the residential use on the site through the underground parking devoted exclusively to the residential use.

18. The Applicant also introduced an exhibit marked A-3 which surveyed a similar office and hotel use virtually across the street from this site at 51 John F. Kennedy Parkway where a Hilton Hotel consisting of 308 rooms and an office building of approximately 260,741 square feet are located. During observations between May 1 and May 3, 2018 between the hours of 10:00 a.m. and 2:00 p.m., the demand for parking spaces was 718 parking spaces, while 1,256 parking spaces were provided. The Applicant suggests that the observed parking conditions at the Hilton Hotel supports its position that the shared parking concept will help to avoid over-aggressive parking requirements.

19. The Applicant sought certain completeness waivers because the circumstances of the application do not warrant the submission of certain details otherwise required in the application checklist. The Board is of the view that given the scope of the application involving shared parking, requiring the submission of that material is unnecessary and irrelevant. Thus, those completeness waivers can be, and were, in fact, granted. The Applicant also requested a waiver from the requirement that an Environmental Impact Statement ("EIS") be submitted, as well as certain other design waivers that require submissions for aspects of the development that were previously reviewed by the Board and addressed in the original July 6, 2016 approval. The Board is of the view that because those aspects of the site plan checklist requirements for which the Applicant is seeking waivers, have already been addressed in the prior applications and are not implicated in this application, and further, that the EIS was likewise reviewed and addressed during the original approvals in July, 2016, it is appropriate to waive those requirements as well and the Board has waived those requirements to allow the site plan to proceed.

20. As set forth above, the request for utilizing shared parking triggers a number of related variances to be considered by the Board in order to grant the approval to the Shared Parking Analysis requested by the Applicant. The variances include the following:

- (i) a variance from Section 606.8f(6)(n) which requires 3.6 parking spaces per 1,000 square feet of office space exclusively for use of the office building;
- (ii) a variance from Section 607.2(i) which requires 1.6 parking spaces per hotel room exclusively for use of the hotel;
- (iii) a variance from Section 607.2 which provides that when a particular site contains more than one use, the minimum parking requirements should be the sum of the component parts of parking; and

(iv) a variance from Section 607.3d which requires that all parking spaces for commercial/industrial uses be within 300' of the entrance to a building, whereas, the furthest parking space from the entrance to the hotel will be approximately 1,170' and the furthest parking space from the entrance to the office building will be approximately 600', both exceeding the 300' requirement.

21. Taken as a whole, multiple purposes of the Municipal Land Use Law ("MLUL") will be advanced by utilization of the Shared Parking Analysis. Among other things, the granting of these variances are encouraged by action to promote the public health, safety and general welfare by reducing impervious coverage and unnecessary parking spaces (N.J.S.A. 40:55D-2a). In addition, adequate light, air and open space is maintained by eliminating the need for additional unnecessary parking (N.J.S.A. 40:55D-2c). Also, the elimination of unnecessary parking will promote free flow of traffic and avoid congestion (N.J.S.A. 40:55D-2h) while producing a desirable visual environment through creative development techniques such as shared parking and good civic design and arrangement (N.J.S.A. 40:55D-2i). The granting of these variances will further enable the Township to provide flexibility by allowing alternatives to traditional development through effective planning tools such as shared parking (N.J.S.A. 40:55D-2p). The advancing of these multiple planning goals creates multiple benefits for the Township and its development and significantly outweighs any detriments that are created as a result of the granting of these variances. Furthermore, because the amount of impervious area and/or additional structures to accommodate unnecessary parking are eliminated, there is no substantial detriment to the public good and neither the Zoning Ordinance nor the Master Plan are substantially impaired by implementing this shared parking concept.

22. The Township Forester, by Memorandum dated 4/25/2018 and the Township Police Department, by Memorandum dated 5/2/2018 had no comments or questions on the application and did not request that any condition be imposed. The Township Fire Marshal did not issue a report, and since the shared parking concept does not involve any increase in the magnitude of construction nor the number of parking spaces available, it is unlikely that the Fire Marshal will have any comment. Nevertheless, the Board will require that the Applicant comply with any requirements of the Fire Marshal in connection with the implementation of any approval of this application. The Township Engineer, by Memorandum dated May 4, 2018, reviewed the report and empirical data provided by the Applicant, particularly through the report of Wells + Associates, and agreed with the methodology and conclusion of the report. Moreover, the Township Engineer confirmed that the deletion of one level of underground parking will not affect the design of the stormwater facilities, circulation, lighting, or landscaping and that there is no detriment created by an approval of the application. The Township Engineer further confirmed that the deletion of an underground parking level will result in a reduction of the off-site soil removal and decrease the duration of construction lessening disruption to the surrounding area. Finally, the Engineer did offer the Board the option to engage the services of a formally trained Traffic Engineer to review the Shared Parking Analysis, but after the presentation made by the Applicant and its professionals, the Board is satisfied that there is no need to engage a separate Traffic Engineer to address any of the Shared Parking Analysis issues. The Township Planner, by detailed Memorandum of May 15, 2018, confirmed the findings in the

Shared Parking Analysis and the range of variances necessary if the Board were to consider allowing a shared use concept.

23. After considering the testimony, the recommendations of the Board’s professionals, and the advice of its counsel, the Board is of the view that an amendment to preliminary and final site plan approval should be granted, together with the multiple variances to allow for shared parking between the office use and hotel use on-site; a waiver of certain completeness checklist requirements; and a waiver of the requirement that an Environmental Impact Statement be prepared and submitted, all in accordance with the requirements as set forth in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the actions of the Planning Board of the Township of Millburn on May 16, 2018, granting (i) amended preliminary and amended final major site plan approval; (ii) a variance from Section 606.8f(6)(n) regarding the requirement of 3.6 parking spaces for every 1,000 square feet of gross floor area for office; (iii) a variance from Section 607.2(i) regarding the requirement of 1.6 spaces per guest room for hotel use; (iv) a variance from that portion of Section 607.2 that requires that when a particular function contains more than one use, the minimum parking requirements shall be the sum of the component parts (based upon the request for the above two variances); (v) a variance from the requirement of Section 607.3d that all parking spaces for commercial uses be within 300’ of the entrance of the hotel or office building which are the subject matter of this application; (vi) a waiver of the certain checklist and design requirements; and (vii) a waiver of the requirement that an Environmental Impact Statement be submitted; as set forth in the Findings of Fact of this Resolution, subject to the following conditions:

1. The Applicant shall comply with all municipal ordinances and regulations, as well as all County, State and Federal Laws applicable to this development application.
2. The foregoing is subject to review of, approval by, and requirements imposed by such other Federal, State, County, and local bodies that shall have jurisdiction over the development.
3. The Applicant shall remit all outstanding escrow fees as requested by the Township of Millburn
4. The Applicant shall seek and obtain approval or waiver from the Hudson-Essex-Passaic Soil Conservation District prior to the commencement of construction.
5. The Applicant shall require the hotel owner/operator to provide valet parking service to hotel guests in order to appropriately address the fact that multiple parking spaces may be at a distance greater than 300’ from the entrance of the hotel as prohibited under Section 607.3d.
6. If required by the Township Engineer, the Applicant shall submit an amended site plan application to address the manner in which the hotel “pad” will be landscaped or otherwise

constructed if the hotel structure is not constructed simultaneously with the construction of the residential portion of the project and the underground parking facilities.

7. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and Applicant's witnesses during the course of the public hearing on the application held on May 16, 2018 as related to the application and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

8. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g (2), memorializing action taken by the Board at its meeting on May 16, 2018.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 6th day of June, 2018.

APPLICATIONS

There are no applications scheduled.

INFORMAL REVIEW

Millburn Board of Education
Millburn High School
Parking lot expansion

Paul Griggs, Attorney for the Millburn Board of Education, indicated that the Board of Education is presenting a courtesy review of the parking lot expansion proposed for Millburn High School.

William Burr, P. E., Maser Consulting, briefly described the proposed project. Millburn High School is located at 462 Millburn Avenue on a 35.47 acre parcel. The site has frontage along Millburn Avenue and is currently developed with two buildings, athletic fields and courts, 326 parking spaces, internal drives and walkways. The proposed work includes the following: 1) mill and resurface the main parking area; 2) restripe the main parking area to provide adequately sized parking spaces; 3) construction of 5 new parking areas along the main and loop driveways; 4) construction of parking spaces, sidewalks and accessible route to the building entrance at the

Education Center; 5) mill and resurface areas of the main and loop driveways that are severely deteriorated.

The Board of Education is currently accepting bids. The Board will review the bids and hope to award a contract at the June Board of Education meeting with the project to start in July and be finished in August.

BUSINESS

Beth Zall gave an update on the Master Plan review. The June 20 Planning Board meeting will be devoted entirely to Township Planner, Paul Phillips, who will present the findings from the May 19 visioning session.

ADJOURNMENT

A motion to adjourn was made by Cheryl Burstein, seconded by Miriam Salerno, and carried with a unanimous voice vote. (8:20 PM)

Eileen Davitt
Board Secretary

Motion: CB
Second: RM
Date adopted: 6/20/18