

January 16, 2024
Millburn Township Committee Meeting Minutes

Minutes of the Regular Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall starting at 7:00 PM on the above date.

Mayor Romano opened the meeting and read the following statement: In accordance with Section 5 of the Open Public Meetings Act be advised that a notice of this meeting was made by posting on the bulletin board in town hall and forwarding to the officially designated newspapers, that this meeting would take place at town hall at 7:00 p.m. on Tuesday, January 16, 2024. Meeting details and the draft agenda were also posted on our township website.

Mayor Romano asked all those present to stand for the Salute to the Flag.

Upon call of the roll, the following Committee members were recorded present: Michael Cohen, Tara Prupis, Frank Saccomandi, Ben Stoller and Annette Romano

Also present were Business Administrator Alexander McDonald; Municipal Clerk Christine Gatti; Township Counsel Jarrod Kantor; and Assistant Business Administrator Tim Hoffman

Approval of Agenda

Mayor Romano requested a motion to approve the agenda. The motion was made by Ms. Prupis and seconded by Mr. Saccomandi. Vote: All Ayes

Minutes

Mayor Romano asked for a motion to approve the December 19, 2023 Regular Township Committee meeting minutes. The motion was made by Mr. Cohen and seconded by Ms. Prupis.

Vote: All Ayes, except Mr. Saccomandi and Mr. Stoller who abstained.

Mayor Romano asked for a motion to approve the December 19, 2023 Special Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Mr. Cohen.

Vote: All Ayes, except Mr. Saccomandi and Mr. Stoller who abstained.

Reports

Mr. Stoller reported on the Recreation Commission and reviewed their plans for future projects. He provided an update on the Flood Mitigation Advisory meeting last week and the recent flood; he thanked the DPW for the update to the Gilbert stormwater pump during the last storm. He provided an update on the SID, thanked them for their help with storm preparedness and announced their upcoming activities and events.

Mr. Cohen reported on the Planning Board meeting and upcoming applications. He reviewed a discussion with a resident looking to ban the use of gas-powered leaf blowers and noted that this would be brought to the Environmental Commission for their thoughts and consideration. He made everyone aware that the Township Committee would be reviewing the appointment process and would like to make more appointments with the consent of all five Committee members.

Mr. Saccomandi provided an update on the continued progress to form an Affordable Housing Advisory Committee and reported on the Historic Preservation Commission meeting.

Mayor Romano thanked everyone for their hard work to prepare for the last storm and noted that she was fascinated watching everyone in town hall prepare. Mayor Romano advised that effective immediately, that she would step down as the Chair of the Democratic Committee and Michael Bolt would assume the position as Chair. Her priority was to the residents of Millburn Township.

Mr. McDonald reported on a staffing analysis being done on the Police Department and the results were due back tomorrow. He provided an update on the PSE&G work being done in the Washington section. He reviewed a notice regarding a home elevation grant for three homes through FEMA; these homes have had repetitive losses.

Public Comment

Mayor Romano made the following statement: "When invited to speak to offer your comments, please come to the lectern, clearly state your name and whether you are a Millburn Township resident and/or property or business owner. Please do not provide your full address seeing our meetings are recorded and are readily available to the public. For the convenience of our community, there is a remote option. If you called in and would like to comment, please press *6 now. If you are attending by computer or electronic device please click the raise hand button and be sure your video is on when you comment. All members of the public wishing to speak will be put into the queue to address the Committee. To help facilitate an orderly meeting and to permit all to be heard, speakers shall limit their comments to one 3-minute session. You will be prompted when there is 30 seconds remaining. A reminder that this is not a time for dialogue or to debate a matter and this is a time during our business meeting for the public to offer comments.

Mayor Romano opened the public comment period.

Scott Henning, resident and disabled combat vet who spent 15 years in the army, made everyone aware that he volunteered to serve on the Historic Preservation Commission, but was not chosen. He voiced his disappointment with the appointments made to the Historic Preservation Commission.

Mr. Singh, resident, voiced his concern on the Historic Preservation process and how it was very misleading; he voiced his opposition to the process.

Gary Shilling, resident, voiced his concern with gas powered leaf blowers, they were noisy and dirty. He suggested leaves be used for compost and also suggested they be left on lawns and chopped up by electric powered lawn mowers. He reviewed statistics of electric powered yard equipment and voiced his support of switching to electric powered equipment.

Resident, voiced her disappointment with the Historical Preservation Commission appointments and noted that no one from the effective areas were appointed. She would like the appointment process to be redone to include resident input.

Charles Bambera, resident, spoke on pedestrian safety and recommended wearing reflective clothing when out walking after dark. He suggested new legislation be adopted advising traffic to watch out and stay clear of pedestrians and also suggested a pedestrian safety month.

David Elephant, resident, reviewed the appointments to the Historic Preservation Commission; residents were now questioning the appointment process and the judgment of the Township Committee. He asked for qualifications of those appointed and those not appointed. He and his neighbors would like the appointments to be null and void.

Dianne Thall-Egglow, resident, congratulated Mayor Romano and welcomed Mr. Saccomandi and Mr. Stoller. She read and submitted the following statement: "The Paper Mill Playhouse is asking the town for an outright \$7.5 million. The township purchased the Paper Mill for \$9 million in 2008. I have read the contracts and according to my source, this was a "bail out" with the ultimate goal for them to become "self-sufficient" and run their own organization. The contract is a Triple Net Lease; a Commercial Lease where the Lessee – the Paper Mill pays rent and utilities as well as insurance, maintenance and taxes. The Paper Mill is a non-profit, so the township receives no taxes. There is a detailed rent agreement with an escalating payment schedule for rent and they are also now asking to revise the contract to no longer pay that rent to the township. To date, \$1.2 million has been put aside in escrow, from past rent and in the original contract number 7(v), a maintenance escrow should be maintained by the seller in accordance with the lease. I do not know if this is separate money set aside money, but several years ago, future rent was then put into the township's general fund. The Paper Mill just purchased the adjacent property for \$ 1.8 million and are asking for that to be reimbursed, after the fact. How will that new parking revenue be accounted for? Article 5. Services and Maintenance: the Lessee shall at lessee's sole cost and expense keep the premises and every part thereof in good condition, working order and repair, structural, heating/air conditioning, driveways, parking lots, etc (fences and sidewalks located in, on, and adjacent to the premises). Lessee's obligations shall include restorations and replacements. SECTION 5.02: Has the lessee provided a maintenance plan every calendar year to the township as required by the contract? Now we hear the building is in dire disrepair and requires millions of dollars in repairs and upgrades; leaking roof, failing HVAC, etc. Why hasn't this been maintained? Why has the Board allowed the building to degrade? Section 5.05: The lessor-the township, is not responsible for repair and replacement or performing any maintenance on the premises. Why is the retaining wall about to fall into the river, and God forbid be the cause of catastrophic flooding downtown and in neighborhoods, haven't we suffered enough losses? We got very "lucky" the past 2 major rain events. Why should they stop paying rent and ask for \$7.5 million dollars for a vanity project. Imagine what \$7.5 million of taxpayer dollars could do for the township and the taxpayers? Mr. Stotts and Mr. Hobee each have salaries of \$350,000. No township employees have that kind of salary, but that was the Board's decision. The Board has raised over \$20 million for their \$40 million wish list. The Board should use that money to do what must be done, and what hasn't been kept up for 15 years. Look at the finest theaters on Broadway with original historic facades. It's what inside the theater that matters. Does the historic Paper Mill theater really need a 4-story glass atrium? Do they need a huge lobby so theater goers can "find their people" during intermission, as was mentioned? Again, there was never transparency in all the years leading up to this outrageous proposal. Alex you have always said you are a non-voting member on their Board; Section 16.10: Lessee Board Representative states "The lessor-the township, shall be permitted to have a representative of the lessor- the township, sit on the Board as a voting member at all times." Alex, if you attended the Board meetings, why didn't you vote and share this \$40 million proposal that must have been in the works for several years? The Paper Mill is an asset owned by the town and I believe a full accounting must be made public before any public funds are allocated before four Township Committee member's vote to issue this \$7.5 million dollar bond."

Richard Seibert, resident, commented on his feelings of residents not being chosen to sit on boards they were interested in serving on. He spoke on the voter registry not being accurate and voiced his suggestions on working to get this corrected. He spoke about the Planning Board leadership and noted that he would like to see new members.

Christine Best, resident, stated she had thought about Ms. Prupis' comments at the last meeting on kindness and she voiced her feelings on kindness and being polite. She questioned how to appeal a land grading permit and reviewed issues with her neighbor. She discussed her thoughts on the moving of the DPW site to JFK Parkway and hoped the environmental challenges were being considered. She

wondered what the process was for firing a contractor hired by the township and asked if the bottom of Fairfield drive could be cleaned up.

Fran Feld, resident, commented on having a problem getting back onto the meeting via zoom after she spoke at the last meeting. She voiced her feelings on how impressed she was that Mayor Romano was willing to step down as the Chair of the Democratic Committee. She spoke about the Paper Mill Playhouse and was in agreement with Ms. Thall-Eglow, the township needs to fix their own buildings and \$7.5 million was a lot of money.

Mayor Romano closed the public comment period.

Mr. Stoller thanked Mr. Henning for his service to our country. He reviewed the appointment process and commented that everyone appointed to the Historic Preservation Commission and all Boards had something to bring to the table.

Mr. Cohen reiterated Mr. Stoller's comments and reviewed the process of choosing and appointing volunteers, and he commented on the Planning Board Chair and Vice Chair appointments and explained the responsibility of the Chair.

Deputy Mayor Saccomandi reviewed how the Township Committee members chose the Board appointments. He addressed Mr. Shilling's comments about gas powered leaf blowers and voiced his feeling that this should go through the Environmental Commission as there were challenges in banning gas powered leaf blowers. He made everyone aware that there would be more public sessions and discussion on the Paper Mill Playhouse before the Township Committee would vote on their request.

Ms. Prupis confirmed whether anything could be done to nullify the Historic Preservation Commission appointments/process and Mr. McDonald confirmed there could not. Mr. Stoller explained that any decision that comes out of the HPC must be approved by the Township Committee. Mr. Kantor added a member could be removed for just cause and Ms. Prupis made everyone aware there was still an alternate opening on the Commission. Mr. Saccomandi reviewed the HPC designation process and the process was being reviewed to try and make it more transparent.

Mr. McDonald addressed Fairfield Drive project and the firing of a contractor. He reviewed what had happened on Fairfield Drive and made everyone aware the township would be asking for funding to complete curb and drainage work on Fairfield Drive and other surrounding roads; the contractor for this would be hired through the required open bidding process.

Consent Agenda

Mayor Romano asked if any of the Committee members had any questions or concerns regarding consent agenda items. Mr. Cohen commented on Resolution 24-044. Mayor Romano asked for a motion to approve the items on the consent agenda including Resolutions 24-037 through 24-047. Mr. Cohen made a motion to approve the consent agenda which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 24-037
APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated January 16, 2024, in the following accounts:

FUND

AMOUNT

| | | |
|----------------------------------|-----------|---------------------|
| General Fund | \$ | 1,479,855.41 |
| Parking Utility - Operating Fund | \$ | 957.70 |
| Capital Fund | \$ | 103,764.50 |
| Dog Fund Trust | \$ | 3.60 |
| Recreation Trust Fund | \$ | 1,697.00 |
| Escrow Trust Fund | \$ | 4,815.17 |
| Donation Trust Fund | \$ | 9,769.00 |
| | | |
| TOTAL | \$ | 1,600,862.38 |

**RESOLUTION 24-038
 AUTHORIZING THE AWARD OF A CONTRACT FOR SOFTWARE, MAINTENANCE,
 GIS AND RELATED SERVICES [SPATIAL DATA LOGIC]**

WHEREAS, there exists a need for specialized software, maintenance, GIS and other related services for the township; and

WHEREAS, Spatial Data Logic, 285 Davidson Avenue, Suite 302, Somerset, NJ can provide such specialized services; and

WHEREAS, Spatial Data Logic has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn in the County of Essex as follows:

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Spatial Data Logic, 285 Davidson Avenue, Suite 302, Somerset, NJ 08873 for this professional service.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for services are authorized as per proposal dated December 27, 2023 and the Chief Financial Officer has certified funds in the maximum amount of \$41,600.00.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

**RESOLUTION 24-039
 AUTHORIZING EXECUTION OF CONTRACT FOR CONSTRUCTION OF PICKLEBALL COURTS
 AT GERO PARK**

WHEREAS, the Township of Millburn (“the Township”), publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for a Contract entitled “Construction of Pickleball Courts at Gero Park”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders; and

WHEREAS, at the time of bid opening on January 3, 2024, the following bids and amounts thereof were announced:

1. Denbar Construction
Base Bid: \$111,183.00; Alt. #1: \$65,433.00; Alt. #2: N/A
2. Grade Construction
Base Bid: \$355,567.15; Alt. #1: \$127,120.69; Alt. #2: \$170,465.18
3. Green Valley Group
Base Bid: \$278,220.00; Alt. #1: \$80,600.00; Alt. #2: \$152,500.00
4. Halecon Incorporated
Base Bid: \$146,791.00; Alt. #1: \$54,344.00; Alt. #2: \$167,000.00
5. Harshi Construction
Base Bid: \$202,256.00; Alt. #1: \$126,690.00; Alt. #2: N/A
6. JAG Paving Corp.
Base Bid: \$329,320.00; Alt. #1: \$65,650.00; Alt. #2: N/A
7. Robbie Lane Enterprises
Base Bid: \$180,450.00; Alt. #1: \$86,650.00; Alt. #2: \$181,875.00
8. Sea Coast Construction
Base Bid: \$272,440.00; Alt. #1: \$67,935.01; Alt. #2: \$112,500.01

WHEREAS, Denbar Construction is the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the CFO has certified that funds are available for the performance of this Contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, County of Essex and the State of New Jersey on this 16th day of January 2024 as follows:

1. The Township hereby awards the Contract for "Construction of Pickleball Courts at Gero Park" to Denbar Construction, having a business address of 625B North Michigan Avenue, Kenilworth, NJ, as the lowest responsible bidder, in the amount not-to-exceed \$177,000 (Base bid and Alternate #1), and the Mayor and Municipal Clerk are authorized to execute said Contract in a form acceptable by the Municipal Attorney.
2. The Business Administrator and staff are authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. Within three days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for Denbar Construction, the bid security of the unsuccessful bidders shall be returned.
4. A copy of this Resolution shall be kept on file at the offices of the Township.
5. This Resolution shall take effect immediately.

RESOLUTION 24-040
RESOLUTION TO PROVIDE FOR THE APPOINTMENT OF INDIVIDUALS TO THE ADVISORY COMMITTEE ON CULTURE, ENGAGEMENT, DIVERSITY AND ARTS (CEDA)

WHEREAS, Millburn Township is a community composed of people with a wide variety of faiths, philosophies and backgrounds and can become stronger, more cohesive and more interesting by embracing its diversity; and

WHEREAS, the Township Committee created the Advisory Committee to the Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA) in 2019 in order to assist local cultural organizations in highlighting programs that recognize and showcase the diversity in culture and art in Millburn Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex and State of New Jersey on the 2nd day of January, 2024 as follows:

- 1.) There is hereby reconstituted an Advisory Committee to the Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA) wherein the purpose is to:
 - a. share the rich background of our community and seeking to be a resource for diversity needs within the community
 - b. assist local organizations in highlighting programs that recognize the diversity in culture in Millburn Township
 - c. assist with requests for visual art placement in Millburn Township

- 2.) The board shall consist of seven (7) or more Millburn Township residents, appointed by the Mayor, with advice and consent of the Township Committee, to serve until December 31, 2024:

Annette Romano, Township Committee Member
Jackie Benjamin Lieberberg, Millburn Township Resident
Yanwen Hou, Millburn Township Resident
Robin Li, Millburn Township Resident
Swathi Jayanth, Millburn Township Resident
Amol Chopra, Millburn Township Resident
David Sorkin, Millburn Township Resident
Christine Lassiter, Millburn Township Resident
Dean Shulman, Millburn Township Resident
Richard Wasserman, Millburn Township Resident
Jane Shan, Millburn Township Resident
Sandi Chung, Millburn Township Resident
Jun Mao, Millburn Township Resident
Monisha Amaral, Millburn Township Resident
Louie Shen, Millburn Township Resident
Stephanie Mallios, Millburn Township Resident
Charu Goel, Millburn Township Resident
Laraine Barach, Art Advisory Committee Liaison
Millburn Board of Education Representative
Cody Andrus, Paper Mill Playhouse Representative or Designee

- 3.) The Board shall select a chairperson among its members. The Chairman shall submit an annual written report to the Mayor and Township Committee.
- 4.) The board shall also select a secretary among its members. The secretary shall schedule meetings, issue notices and keep minutes.
- 5.) Cultural, Diversity & Arts Advisory Committee shall meet quarterly through the end of the year, but may meet more frequently in its discretion as needed.
- 6.) The Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that this resolution replaces Resolution 24-031 approved by the Millburn Township Committee on January 2, 2024.

RESOLUTION 24-041
RATIFY APPOINTMENT TO THE BOARD OF RECREATION

BE IT RESOLVED that the Township Committee confirms the Mayor's appointment of Anthony Wolk to the Board of Recreation, as Alternate #2 Member, with a term expiration of December 31, 2028;

BE IT FURTHER RESOLVED that this appointments term expiration was incorrectly announced at the January 2, 2024 Township Committee meeting and is hereby being notated to correct for the record.

**RESOLUTION 24-042
APPOINTMENT TO THE COMMUNITY SERVICE AWARD COMMITTEE**

BE IT RESOLVED by the Township Committee that Charu Goel be appointed to the Community Service Award Committee with a term expiration of December 31, 2024.

**RESOLUTION 24-043
APPOINT MEMBER TO THE FLOOD MITIGATION ADVISORY COMMITTEE**

BE IT RESOLVED that the Millburn Township Committee appoints the following member to the Flood Mitigation Advisory Committee, as per Resolution 24-032, approved on January 2, 2024, with term expiration of December 31, 2024:

Ben Stoller, Township Committee Member

**RESOLUTION 24-044
RESOLUTION TO CONSTITUTE AND PROVIDE FOR THE OPERATION OF A
ZONING CODE EXAMINATION ADVISORY COMMITTEE**

WHEREAS, the Millburn Township Committee desires to constitute and provide for the operation of a Zoning Code Examination Advisory Committee (“Committee”); and

WHEREAS, the Committee shall meet and evaluate the current Zoning Code of the Township of Millburn and reflect on the current zoning needs of the township while maintaining the objectives of the Millburn Township Master Plan; and

WHEREAS, the Committee shall make periodic reports to the Township Committee as necessitated and formulate recommendations to the Committee outlining proposed action as it relates to amending the Zoning Code;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey, as follows:

- 1) The Zoning Code Examination Advisory Committee is hereby established and shall consist of nine public officials and up to two public members to serve until December 31, 2024; and
- 2) The positions and individuals to serve on the Committee shall be:
 - a) Frank Saccomandi, Township Committee
 - b) Jessica Glatt, Zoning Board of Adjustment
 - c) Craig Ploetner, Zoning Board of Adjustment
 - d) Alison Canfield, Historic Preservation Commission
 - e) Planning Board Member
 - f) Planning Board Member
 - g) Township Planner or designee
 - h) Alex McDonald, Business Administrator or designee
 - i) Eileen Davitt, Zoning Officer
 - j) Resident

k) Resident

BE IT FURTHER RESOLVED that the Zoning Code Examination Advisory Committee hereby replaces the Zoning Code Examination Subcommittee reconstituted by Resolution 24-033 approved by the Millburn Township Committee on January 2, 2024.

**RESOLUTION 24-045
CONFIRM APPOINTMENT TO THE
HISTORIC PRESERVATION COMMISSION**

BE IT RESOLVED that the Millburn Township Committee confirms and consents to the following Mayoral appointment to the Historic Preservation Commission:

- Brad Jenkins, Class C, be appointed to the unexpired term position as Regular Member, with a term expiration of December 31, 2026

BE IT FURTHER RESOLVED that this appointment shall take place immediately.

**RESOLUTION 24-046
APPROVE LICENSE TO DEAL SECOND HAND JEWELRY AND PRECIOUS METALS**

WHEREAS, the following have submitted applications to the Township Clerk to deal second hand jewelry and precious metals, providing all required identification and the appropriate fees; and

WHEREAS, the Police Department has conducted an investigation and has found nothing to prevent their issuance;

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

Watchfinder North America – Joshua Lipman

**RESOLUTION 24-047
APPROVE RAFFLE LICENSES**

WHEREAS, the following have submitted application to the Township Clerk to conduct a raffle, providing all required identification and the appropriate fees; and

WHEREAS, the Police Department is in receipt of a copy of the application per the regulation of the Legalized Games of Chance Control Commission.

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

St. Rose of Lima Academy HSA (On Premise)
St. Rose of Lima Academy HSA (Bingo)
Summit Speech School (On Premise)
Summit Speech School (Off Premise)

Green Acres Application - Taylor Park Playground, 100 Main Street

Resolution 24-048

Chris Myers, Recreation Director, reviewed the Green Acres Grant Application for the Taylor Park Playground. He advised that they were looking for the Township Committee's support and permission to submit this grant application seeking \$750,000 to make the playground inclusive for kids of all ages and abilities. Mr. Cohen asked if the township would be responsible for an additional \$250,000 toward the project and Mr. Myers confirmed that they would be responsible for that portion. Mr. Stoller wondered

if the grant funding came free and clear and whether there were regulations. Mr. Myers reviewed the regulations associated with Green Acres funding.

Mayor Romano opened the public hearing to the public.

Chris Drucker, Vice Chair of the Recreation Commission, hoped the Township Committee would support the Recreation Department's request to submit this grant application to update the playground. He praised the Recreation Department for the incredible job they do and voiced his feeling that they were understaffed.

Phil Kirsch, resident, thought this was a great idea. He wondered what the odds were of receiving the full \$750,000 and Mr. Myers advised that this was a non-competitive grant. Mr. Kirsch voiced his concern about flooding and if there would be a plan in place in case of flooding. Mr. Myers reviewed the surface that would be used and the DEP regulations for the surface.

Charles Bambara, resident, addressed parking for the playground and made everyone aware that Flood Mitigation would be addressing flooding at Taylor Park. Mr. Myers provided an overview and advised that part of the plan would be to add handicap parking next to the entrance.

Jerry Kung, resident, was not opposed to this project and voiced his concern that there were many long-term projects in the works and was wondering if there was a budgeting plan for the costs to the township.

Jay Morreale, resident, advised that he was in support of this project and agreed with Dr. Kung that a budgeting plan would be a good idea.

Adrienne Topping, resident, stated that she would be happy to help and give her opinion on what would be useful to this project.

Christine Best, resident, commented on the rubber surface that would be used and was aware of a new surface that was less toxic. She suggested the Environmental Committee look into this. She was very excited about the project, but felt the Open Space Plan should be looked at.

Mr. McDonald asked if this project was being prioritized due to the grant being available and Mr. Myers confirmed it was.

Ms. Prupis wondered when the project would be completed and Mr. Myers responded the application was due by February 7th.

Mr. Stoller reviewed the grant and funding the township would be responsible for.

Mayor Romano closed the public hearing and asked if any of the Committee members had any questions or concerns regarding Resolution 24-048. Mr. Saccomandi wondered if they got the grant, would they still have the option of not moving forward. Mr. Myers confirmed that the funding could be returned once received. Mayor Romano asked for a motion to approve Resolutions 24-048. Mr. Stoller made a motion to approve Resolution 24-048 which was seconded by Mr. Saccomandi.

Roll Call Vote: All Ayes

RESOLUTION 24-048
AUTHORIZE APPLICATION WITH NJ GREEN ACRES PROGRAM FOR IMPROVEMENTS AT THE TAYLOR
PARK PLAYGROUND LOCATED AT 100 MAIN STREET
(NEAREST INTERSECTIONS: MAIN STREET AND RIDGEWOOD ROAD)

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Millburn desires to further the public interest by obtaining funding in the amount of \$750,000, in the form of a \$750,000 matching grant and, if available, a \$0 loan, from the State to fund the following project(s): Taylor Park Playground - Proposed Upgrade to an Inclusive Playground at a cost of \$1,000,000; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the Millburn Township Committee resolves that:

1. Alexander McDonald or the successor to the office of Business Administrator is hereby authorized to:
 - a.) make application for such a loan and/or such a grant,
 - b.) provide additional application information and furnish such documents as may be required, and
 - c.) act as the authorized correspondent of the above-named applicant
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$250,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

ORDINANCE / INTRODUCTION

Ordinance 2657-24

Mr. Cohen brought forth Ordinance 2657-24 for introduction and provided a brief explanation of the ordinance. Mr. Cohen moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on February 6, 2024. Mr. Saccomandi seconded the motion. Mayor Romano requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE 2657-24
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

WHEREAS, the Master Plan Reexamination and Update seeks to “Protect the character of established residential neighborhoods and encourage land use and development at an appropriate scale and density;” and

WHEREAS, the Master Plan Reexamination and Update recommends the Township “promote clear, user friendly, and transparent application, review and public hearing processes for development proposals and applications;” and

WHEREAS, the Township seeks to provide for development and zoning definitions that are clear and facilitate efficient land use administration; and

WHEREAS, the Development Regulations and Zoning Ordinance are limited in the extent of uses that are explicitly prohibited within the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

Section 1: DRZ Section 301: Words and phrases defined.

301.7.3. BOARDING HOUSE – Any building in which three or more persons not related in direct line by blood or marriage to the owner or operator of such business are lodged and served with meals from one kitchen by the owner or operator for a valuable consideration.

301.11.1. CHECK-CASHING SHOP – A person or entity that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This does not include a state or federally chartered bank, savings association, credit union, or industrial loan company; nor does it include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose or business.

301.43.0.1. PAWN SHOP – A business establishment in which money is lent at interest on pledged personal property.

301.56.1. ROOMING HOUSE – A building in which lodgers rent one or more rooms without cooking or kitchen facilities for one or more nights, and sometimes for extended periods of time.

301.57.1. SEXUALLY ORIENTED BUSINESS – A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations that depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity; OR

A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

As pertaining to the determination of a sexually oriented business:

a) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

b) Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttock or female; or human male genitals in a discernibly turgid state, even if covered.

c) Specified sexual activities means the fondling or other erotic touching of covered or uncovered human genitals, pubic region; or buttock or female breast; or any actual or simulated act of human masturbation, sexual intercourse or deviant sexual intercourse.

301.60.1. SLAUGHTER HOUSE – means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

301.60.2. SMOKE SHOP – shall mean any premises dedicated as a principal business to display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, electronic smoking devices, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products, shall not be included within the definition of smoke shop. An area for smoking shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic device.

301.64.1. TATTOO PARLOR – An establishment where tattooing, body piercing, and non-medical body modification services are offered.

Section 2: DRZ Section 604: Prohibited Uses

- a. All classes of ~~cannibas~~ cannabis establishments or ~~cannibas~~ cannabis distributors or ~~cannibas~~ cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of ~~cannibas~~ cannabis items and related supplies by a delivery service, are prohibited.
- b. ~~All uses not expressly permitted in this ordinance are prohibited.~~ Check-cashing shops.
- c. Pawn shops.
- d. Rooming and boarding houses.
- e. Sexually oriented businesses.
- f. Slaughter houses.
- g. Smoke shops.
- h. Tattoo parlors, including body piercing establishments.
- i. The retail or wholesale sale of weapons or firearms, as the same are defined in N.J.S.A. 2C:39-1, including shooting ranges.
- j. All uses not expressly permitted in this ordinance are prohibited.

Ordinance 2658-24

Mr. Saccomandi brought forth Ordinance 2658-24 for introduction and Mr. Graham Petto, Township Planner, provided an explanation of the ordinance and noted that the ordinance covered total demolition regulations within the Historic Preservation sections of the township. Mr. Saccomandi asked for clarification on the process and Mr. Petto reviewed the process. Mr. Cohen questioned if a survey was needed and Mr. Petto confirmed a survey would be required before an application could be filed. Mr. Stoller wondered how many homes in town have been surveyed to date. Mr. Petto advised that he could not provide that figure at this time. Mr. Saccomandi moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on February 6, 2024. Ms. Prupis seconded the motion. Mayor Romano requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE 2658-24
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

WHEREAS, the 2018 Master Plan Reexamination and Update provides goals and objectives for future land use policy in the Township; and

WHEREAS, the Goal 1 of the Master Plan Reexamination and Update seeks to, “Encourage appropriate land uses that promote the character of the Township as a small suburb of the highest quality;” and

WHEREAS, Objective 1.01 of the Master Plan Reexamination and Update recommends the Township, “Protect the character of established residential neighborhoods and encourage land use and development at an appropriate scale and density;” and

WHEREAS, the Master Plan Reexamination and Update recommends the Township, “Monitor recent tear downs and new construction in single-family districts to determine whether additional zoning modifications are necessary to protect neighborhood character.”

WHEREAS, the Millburn Township Planning Board adopted a new Historic Preservation Element of the Master Plan on August 16, 2023; and

WHEREAS, the Township seeks to provide for enhanced protection of the Township’s historic resources and districts, as well as such structures or districts identified as potentially historic; and

WHEREAS, regulations requiring approval by the Historic Preservation Commission for partial or total demolition or relocation of historic resources are considered to be an effective tool to protect the Township’s historic assets and character.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

Section 1: DRZ 805 – Certificates of Appropriateness

§DRZ 805.1 – When Required. A Certificate of Appropriateness (or "CA") issued by the Commission shall be required before any work is commenced on any historic landmark or within any historic district, whether or not a construction permit is required for such work, including but not limited to the following activities listed below. Work associated with a development application requiring ultimate approval by the Planning Board or the Zoning Board of Adjustment is not exempt from this requirement.

- a. Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration, or replacement, including, but not limited to, the addition or alteration of windows, doors, roofing, fences, signs, awnings, porches, railings, steps, materials, finishes, exterior lighting, solar panels, communication devices, sidewalks, paving, or streetscape work except for the activities described in Section 805.2 below.
- b. ~~Demolition of any building, structure, site, object or improvement.~~ Demolition of less than substantially all of any building or the façade of any building. Activity in this category shall be reviewed according to the criteria and standards in § DRZ 807 and § DRZ 811.e.3.
- c. Relocation of a principal or accessory building, structure, site, object, or improvement.
- d. Any addition to or new construction of a principal or accessory building, structure, site, object, or improvement
- e. Total demolition of any landmark or any building, structure, site or object located within a landmark district, including total demolition associated with a development application either pending before or approved by the Planning Board or Zoning Board of Adjustment, or of an historic resource as defined in § DRZ 811.a, is governed by § DRZ 811.

Section 2: DRZ 811 - Demolition of Historic Resources.

Article XXIII – Historic Preservation is hereby supplemented to include the following §DRZ 811 – Demolition of Historic Resources.

§DRZ 811 - Demolition of Historic Resources.

- a. Purpose.
 1. This article aims to preserve the integrity and authenticity of historic resources and the character, ambience, and stability these structures bestow on the neighborhoods and the community. The Township’s historic resources are woven into the fabric and identity of the community. The demolition of an historic resource is a tear in that fabric that qualitatively changes the ambience and environment.
 2. It is the Township Committee's intent that this article provide notice to current owners and those who in the future will own historic resources that the Township regulates and protects its historic resources, including prohibiting demolition in cases where the application of the criteria and standards set forth in this article support that conclusion.
 3. The Township Committee recognizes that the Township's property owners and public officials are stewards of the lands and historic resources, committed to encouraging and

managing appropriate growth while preserving and protecting the historic and natural environment.

4. The authority and procedures of the Planning Board and Board of Adjustment are intended to regulate what can be built on a particular property, and not whether an historic resource should or should not be demolished. As authorized by the Municipal Land Use Law, N.J.S.A. 40:55D-111, the Historic Preservation Commission has approval power concerning historic preservation over those aspects of a development application not determined by either land use board.
 5. The Historic Preservation Commission is constituted by statute with the expertise and judgment to determine the impact of the demolition of an historic resource. It is the intention of this section to confer the maximum authority consistent with the Municipal Land Use Law, particularly N.J.S.A. 40:55D-111, to review and approve or disapprove applications to demolish an historic resource.
 6. The Township Committee recognizes that many applications subject to review because of the property location or the broad definition of "demolition" will have little or no impact on the historic context or character of the Township. To minimize the delays and costs to both the applicant and the Township associated with such review, this article also provides for an expedited procedure for low-impact cases.
 7. It is not the intent of this article to discourage contemporary architectural expression or to encourage new construction that emulates existing buildings of historical or architectural interest or of a certain period or architectural style, but to preserve historic resources and the integrity of historic districts for the purposes enumerated in this article.
- b. Definitions. As used in this section, the following terms shall have the meanings indicated.

HISTORIC RESOURCES

Includes any property historic building, structure, or site 1) located in a federally, state- or locally designated historic zoning district; or 2) located on a federally, state- or locally designated historic site identified on the Zoning or Official Map; or 3) identified as historic or potentially historic in the Historic Preservation Element of the Master Plan with a documented historic survey filed with the New Jersey State Historic Preservation Office. The Township Building Department shall maintain a list of properties deemed to be historic resources, and a notation to that effect added to the property record in the Tax Assessor's office.

PARTIAL DEMOLITION and PARTIALLY DEMOLISHED

Any razing, dismantling, destruction, removal, or demolition of less than 50% of the total building, site or structure as calculated by the surface area of any visible facade, exterior wall and/or architectural element, including removal of a building, site, or structure, which may or may not include the foundation.

TOTAL DEMOLITION and TOTALLY DEMOLISHED

This section shall be applicable to the razing, dismantling, destruction, removal, or demolition (collectively referred to as "demolition") of all or substantially all of any historic resource, including any publicly visible facade, including removal of a building, site, or structure from its site, which may or may not include the foundation. "Total demolition," which is subject to this section, is to be distinguished from "demolition" as defined in this section, which is a broader category that includes total demolition. "Substantially all" of a building, site or structure means at least 50% of the exterior walls or publicly visible facade wall, as measured by the exterior surface area of the building, site or structure. Any demolition (partial or total) proposed within five years of a previous demolition permit issuance for the same property will be considered cumulatively with respect to the percentage of exterior walls or facade demolished or removed when determining whether total demolition is sought.

TOTAL DEMOLITION PERMIT

A separate permit distinct from a construction or building permit issued by the Construction Official, specific to enforcement of the Millburn Code zoning provisions concerning historic preservation.

- c. Notice to property owners. No later than 90 days after the effective date of this section, and no later than 90 days after this section becomes newly applicable to a property by way of a documented historic survey being filed with the New Jersey State Historic Preservation Office, adoption of an ordinance by the Township Committee designating a new individual landmark property or district, or otherwise, the Township shall notify the owner of each property that as of said date is or contains an historic resource as defined in § DRZ 811.b that said property is subject to the requirements of this section. Notice may be provided by regular mail to the last-known address of the owner of record as found on the Tax Assessor's records. Failure to receive notice shall not relieve the property from compliance with the provisions hereof.
- d. Permits for total demolition or removal of historic resources.
 1. No historic resource shall be totally demolished unless a total demolition permit has been issued as provided in this article. This article is applicable regardless of whether a demolition permit issued by the Construction Official is required.
 2. This article applies to all historic resources, including those that would be totally demolished in connection with a development application to the Zoning Board or Planning Board.
 3. No permit shall be issued by the Construction Official to totally demolish an historic resource unless the proposed total demolition is approved by the administrative officer. Applications to the Building Department to totally demolish an historic resource shall be referred by the administrative officer to the Historic Preservation Commission for review and approval prior to the issuance of a total demolition permit.
 4. A permit to totally demolish an historic resource where a development application has been filed with the Planning Board or Zoning Board of Adjustment shall not be issued during the pendency of the development application or thereafter unless approved pursuant to the requirements of this article. If the development application is denied, withdrawn, or terminated for any reason, the total demolition permit shall not be issued until the requirements of this article have been followed and completed.
 5. An order issued by the Fire Official or the Construction Official to demolish an unsafe structure is exempt from the requirements of this article.
- e. Procedure and criteria for total demolition approval.
 1. Supplementary application. An application, or supplementary application, as the case may be, for approval to totally demolish or remove an historic resource shall be completed and submitted on an application form maintained by the Township Building Department. Such application shall be submitted in cases where:
 - (a) An application for a total demolition permit of a historic resource has been submitted to the Construction Official.
 - (b) The administrative officer finds that any other permit application to the Construction Official involves total demolition of an historic resource as defined herein.
 - (c) An application for development is filed with the Planning Board or the Board of Adjustment that if approved would require the total demolition or removal of an historic resource.
 2. Required contents of application for total demolition or removal. The application for total demolition or removal shall include:
 - (a) Complete photographic record of all exterior elevations, interior spaces, and details of all existing buildings, sites or structures and any adjacent properties pertinent to the history of the building, site, structure, or surrounding neighborhood.

- (b) Statement of the need/purposes for the proposed total demolition or removal.
- (c) Written documentation by a qualified historic preservation architect or other design professional as defined by the Secretary of the Interior of:
 - (1) the estimated cost and timing of restoration or rehabilitation of the building, site, or structure to allow for its reasonable use.
 - (2) evidence of good faith offers of the historic building, site, or structure for sale at a price that does not exceed its reasonable and comparable value to purchasers willing to remove and relocate the historic building, site or structure, at the purchaser's expense, to another location within the Township and/or to preserve, rehabilitate or restore the building, site or structure, and
 - (3) the time frame for such alternatives to take place.

A reasonable and comparable price shall be demonstrated by the applicant by providing evidence such as recent appraisals, comparable sales of buildings similar in location, character, and condition to the building, site or structure proposed to be totally demolished or removed or such other evidence as the Historic Preservation Commission determines to be a reasonable indication of its value. At the request of the applicant, the HPC shall grant a waiver of this requirement upon a finding of good cause, including, but not limited to, instances the property's historic use as a non-profit institution or charitable organization is proposed to continue on-site, or continuous ownership since the period of significance.

- (d) Written and pictorial record of the building's, site's or structure's history and architectural features for archival purposes, including, without limitation, all exterior facades as a whole, a street view with surrounding properties, pictures of all features identified in all historical/architectural surveys of the property on file with the Township, the dates of original construction of the building, site or structure to be totally demolished or removed; original documents, maps, drawings, and photographs; the square footage or dimensions of the building or structure to be totally demolished or removed; a brief description of the materials, configuration and use of the existing building, site or structure; significant events and occupants associated with the history of the building or property who are historically significant; architectural features; and a description of the building, site or structure through photographs, plans, and maps.
- (e) Archaeological study of the land that is the subject of the building, site, or structure before and/or during total demolition if the property falls within the area demonstrated to have a medium or high probability to contain archaeological resources.
- (f) Preservation or salvage of architectural elements that are proposed for removal and photographic documentation. The Department of Planning and Community Development will provide applicants with local service directories of centers.
- (g) Cost estimate of the proposed total demolition or removal, categorized by site preparation, abatement, physical demolition work, disposal of materials and any other relevant costs.
- (h) Conceptual, design or other plans for any building or structure proposed or planned by the applicant to replace the historic building, site, or structure sought to be totally demolished or removed, including a design of the replacement building or structure, and a statement of how the replacement structure will affect the character of the neighborhood. At the request of the applicant, the HPC shall grant a waiver of this requirement upon a finding of good cause.

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3. Review criteria for total demolition. Regarding applications to totally demolish or remove an historic resource, such application to demolish shall be granted if the applicant demonstrates that: 1) the preservation of the historic resource is not warranted; or 2) the preservation of the historic resource would impose an undue burden or hardship on the applicant.
 - (a) The first element may be demonstrated by evidence that the building's, site's, or structure's historic characteristics do not warrant its preservation, based on the following factors:
 - (1) Its historical, architectural, cultural, and aesthetic significance.
 - (2) Its use, its intended use and/or the use for which the building, structure or site was originally designed and the feasibility of the continuation of its designed use.
 - (3) Its importance to the Township and the extent to which its historical or architectural value is such that its removal will or will not be detrimental to the landmark district and/or to the public interest.
 - (4) The extent to which it is of such age, unusual or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty and cost.
 - (5) The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists, or artisans, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the Township a more attractive and desirable place in which to live.
 - (6) The probable impact of its removal upon the character and ambience of the landmark district.
 - (7) The extent to which the replacement building, site or structure proposed would preserve or not adversely affect the neighborhood's character.
 - (b) The second element may be demonstrated by evidence, in consideration of the following factors, that preservation of the building or structure or denial of the permit would impose an undue burden or hardship upon applicant:
 - (1) The condition, structural soundness, and integrity of the historic resource and the economic feasibility of its restoration or rehabilitation to allow for its reasonable use.
 - (2) The threat posed to the public health and safety due to deterioration or disrepair of the historic resource.
 - (3) The technological feasibility of structural rehabilitation.
 - (4) Interference with the charitable purposes of any nonprofit or charitable organization if total demolition is not permitted.
 - (5) Such other information and evidence regarding the burdens upon applicant of preservation as the Historic Preservation Commission may reasonably request in writing.
 - (c) Criteria regarding removal and relocation of historic resources. An application to move the building, site or structure to a new location shall be granted if the applicant demonstrates that:
 - (1) The preservation of the historic resource is not warranted under the criteria of Subsection d.2(a)(1) through (7) above; and,
 - (2) Moving the historic resource is technically feasible and would not pose a substantial negative impact to the site, the present historic district, or

the proposed district of relocation. The following factors shall be considered in the determination of this second part.

- i. The condition, structural soundness, and integrity of the building, site or structure and the economic feasibility of its restoration or rehabilitation to allow for its reasonable use at another site in the Township.
- ii. Interference with the charitable purposes of any nonprofit or charitable organization if relocation is not permitted.
- iii. The compatibility, nature, and character of the areas adjacent to both the present location and the proposed location as they relate to the protection of historic properties and districts as regulated by this article.
- iv. If a proposed new location is in an historic district, the impact on the visual compatibility of adjacent buildings, structures, or sites, as set forth in § DRZ 807.
- v. The likelihood of significant damage to the physical integrity of the building, site, or structure itself.

f. Notice of hearing.

1. The applicant for total demolition or for removal and relocation of an historic resource shall give notice of the date, time, and location of the public hearing before the Historic Preservation Commission during which the application is to be heard as follows:
 - (a) Public notice shall be given by publication in the municipality's official newspaper at least 10 days before the hearing date.
 - (b) Notice shall be given to the owners of all real property as shown on the current tax duplicates located within 200 feet in all directions of the property which is the subject of such hearing and all adjoining property which is under common ownership and whether located within or without this municipality. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax duplicate or his or her agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a limited-liability company may be made by service upon any member thereof. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property, which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas. The requirement of service shall be satisfied by notice to the condominium association, in the case of any unit owner whose unit is above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.

g. Review.

1. The Historic Preservation Commission shall review the application for total demolition according to the standards set forth in § DRZ 807 and § DRZ 811.e.2, and the standards set forth in 36 CFR 60.4, entitled "Criteria for Evaluation" as promulgated by the U.S. Secretary of the Interior, which is adopted and incorporated by reference herein.
2. The Historic Preservation Commission shall report and certify its conclusion to the administrative officer as to whether the subject building or structure possesses cultural,

historical, or architectural significance which merits its preservation. The Historic Preservation Commission shall present its certification in a written report within 45 days of receipt of a complete application for total demolition. The report shall include, but shall not be limited to:

- (a) A description of the age (noting if the building, site, or structure was constructed more than 50 years ago), architectural style, historical associations and significance of the building, site, or structure.
- (b) Certification that the building, site or structure is historic as defined in this chapter.
- (c) Certification as to whether the building, site or structure is associated with events that have made a significant contribution to the broad patterns of our local, state, and/or national history.
- (d) Certification as to whether the building, site or structure was associated with the life of a person who made a significant contribution to local, state and/or national history.
- (e) Certification as whether the building, site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction, most especially if no other, or very few, buildings with the same association have survived.
- (f) Certification as to whether the building, site or structure has yielded, or may be reasonably likely to yield, information important in prehistory or history.
- (g) Certification as to whether the building, site or structure maintains integrity of:
 - (1) Location: the place where the historic property was constructed or the place where the historic event occurred; and/or
 - (2) Design: the combination of elements that create the form, plan, space, structure, and style of a property; and/or
 - (3) Setting: the physical environment of an historic property; and/or
 - (4) Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form an historic property; and/or
 - (5) Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory; and/or
 - (6) Experience: the property's expression of the historic sense of a particular period of time; and/or
 - (7) Association: the property's direct link between an important historic event or person and an historic property.
- (h) The applicant is required to arrange site access for the Township and the Township's contracted professional consultants, as needed, to prepare a complete review as outlined in this section.

h. Findings and decision.

- 1. If, after the consideration of the standards and criteria set forth above, the Historic Preservation Commission concludes that the building or structure possesses no cultural, historical or architectural significance which would merit its preservation, or if the Historic Preservation Commission fails to file its findings with the administrative officer within 45 days of referral, the administrative officer shall approve, and the Construction Official may issue a total demolition permit.

2. If, after the consideration of the standards and criteria set forth above, the Historic Preservation Commission concludes that the subject building and/or structure possesses sufficient cultural, historical or architectural significance which merits its preservation, and the Historic Preservation Commission files its report within the required forty-five-day period, containing its findings and recommendation against the issuance of the total demolition permit or recommendation that the total demolition permit be issued with conditions, then the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be.
3. In cases where the approval of a development application by the Zoning Board or Planning Board would result in the total demolition of an historic resource, issuance of a total demolition permit pursuant to this article shall be included as a condition in the Board's resolution of approval.
4. The applicant for a total demolition permit may appeal the administrative officer's decision to the Zoning Board pursuant to N.J.S.A. 40:55D-70 and 40:55D-70.2. The Historic Preservation Commission, by one or more authorized representatives, shall appear at the appeal hearing and provide testimony as to the basis for the disapproval. Any person aggrieved by the decision of the Zoning Board may appeal to a court of competent authority as permitted by applicable law.
5. In cases of an appeal of the administrative officer's denial of a total demolition permit or imposition of conditions thereon, the Zoning Board may, in its discretion, hear the appeal together with the development application.

OLD BUSINESS

Redeveloper Agreement - 9 Main Street

Mr. Kantor advised that the Redevelopment Agreement remained in draft form and there was no further update.

NEW BUSINESS

Police Blotter

Mr. Saccomandi reviewed an information session held by the watch groups discussing what residents could do to prevent themselves from being victims of car thefts and burglaries. He discussed the importance of the police blotter being accurate and up to date as well as the KPI's. He wanted the residents to be aware of what was going on and to contact their legislators so changes to legislation could be made. Mr. McDonald agreed that if the KPI's were not up to date and would see that they are. His understanding was that the police blotter was updated every two weeks, Mr. Saccomandi noted that he would like to see it updated weekly. Mr. McDonald advised that he would follow up and discuss the KPI breakdown with the Police Chief. Mr. Stoller felt this was a good measuring stick for the Police Department as well. Mr. Saccomandi would like to see how many cars were recovered to also be tracked.

Town Wide Traffic Study

Mr. Saccomandi advised that this had come up during the Reorganization meeting to possibly conduct a holistic town wide traffic study. He voiced his feeling that this would be beneficial with all the upcoming development in town and since traffic was already a challenge in town. He suggested it be done during peak hours. Mr. Stoller reiterated that the study should be done during high volume times, during school and work hours. Mr. McDonald asked for clarification with what roads Mr. Saccomandi was concerned with; was it within the commercial district or secondary and tertiary roads. Mr. Saccomandi would like a comprehensive study to see how the traffic in one area affected the traffic in another area and explained his reasoning for this. He also suggested looking at light timing and stop sign placements. Ms. Prupis wondered how the two-way traffic change on Essex would affect a study. Mr. McDonald made everyone aware the change could take place sometime in early February. Mr. Saccomandi

suggested they wait and see if the change made an improvement. The Township Committee further discussed what the study should include and when it should be done. Mr. McDonald advised that he would review high traffic maps.

Adjournment

Mayor Romano asked for a motion to adjourn the meeting. Mr. Stoller made a motion to adjourn; the motion was seconded by Ms. Prupis to adjourn the meeting at 8:45PM. Vote: All Ayes

Christine A. Gatti, RMC
Municipal Clerk

Approved: February 6, 2024