

Township of Millburn
Minutes of the Planning Board
March 3, 2021

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, March 3, 2021** at 7:30 PM via Zoom webinar.

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

The following members were present for the meeting:

Daniel Baer
Gaston Haupt
Jorge Mastropietro
Marc Matsil
Maggee Miggins
Joseph Steinberg
Sanjeev Vinayak
Srini Vijay
Miriam Salerno, Vice chairwoman
Beth Zall, chairwoman

Also present:

Edward Buzak, Board Attorney
Phillip Fishman, Court Reporter
Martha Callahan, Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary

MINUTES

There were no minutes to be approved.

MEMORIALIZATIONS

There were no resolutions to be memorialized.

APPLICATIONS

APPL#20-014, CV SLOPE, LLC, 121 Slope Drive, Short Hills

Anthony Cerciello, attorney for the applicant, CV Slope, stated his appearance. The applicant is seeking preliminary and final major subdivision approval. The applicant also requests a waiver from the checklist requirements to submit an environmental impact statement and a stormwater management plan.

Michael Lanzafama, Professional Land Surveyor, P.E., P.P., appeared and was sworn. His credentials were presented and accepted by the Board.

Mr. Lanzafama addressed the checklist waiver requests and indicated that the applicant is not requesting that stormwater management be waived completely. The applicant is requesting that the stormwater management information be deferred until plans are submitted for the development of the property.

Entered as A-1: Rolling Green Estate Map #2224 (filed 8/17/56)

Mr. Lanzafama stated that the property was initially two lots that were merged over time and developed with a single family dwelling, a pool and ancillary patios.

The property is not in a flood plain and there are no wetlands on the property. There will be no environmental impact with the creation of these two lots. Any development of the new lot will be subject to all Township regulations and requirements as it pertains to stormwater management. Erosion control measures will be controlled by Hudson Essex Soil Conservation District Standards.

The removal of trees will be monitored by the Township Forester. Mr. Lanzafama stated that he inventoried the trees on sight. There are 43 trees within the building envelope and 21 of them are 6" or less in diameter. Once the trees come down and a new dwelling is constructed, a substantial landscape plan will be submitted that will adhere to the tree replacement regulations.

A motion to approve the applicants request for an EIS waiver was made by Daniel Baer, seconded by Miriam Salerno, and granted with the following roll-call vote:

Daniel Baer – yes
Gaston Hauptert – yes
Jorge Mastropietro – yes
Marc Matsil – no
Maggee Miggins – yes
Joseph Steinberg – yes
Sanjeev Vinayak – yes
Srini Vijay – yes
Miriam Salerno – yes

Beth Zall – yes

A motion to approve the applicant's request to defer the submission of existing and proposed drainage and run-off calculations was made by Daniel Baer, seconded by Miriam Salerno, and granted with a unanimous roll-call vote.

Michael Lanzafama gave a brief description of the proposed subdivision. He indicated that he prepared a boundary and topographic survey. The property is located in the R-5 Zone at the intersection of Slope Drive and Hartshorn Drive. The subject property has a lot area of .92 acres where 14,500 SF is the minimum lot size required.

Entered as A-2: cover sheet

Entered as A-3: Sheet 2 of submitted plans (existing conditions)

Michael Lanzafama described the existing conditions of the property stating that the lot contains a principal dwelling, pool and patio areas.

Entered as A-4: sheet 3 of submitted plans (proposed conditions)

The applicant's proposal is to subdivide the lot into two fully conforming lots. The R-5 Zone has a minimum lot area requirement of 14,500 SF, minimum lot width of 75' and minimum lot depth of 125'.

Proposed lot 2.01 will have a lot area of 20,590 SF, 151.9 feet of frontage along Slope Drive and 94.9 feet of street frontage along Hartshorn Drive. The existing dwelling is to remain on the lot. The existing pool and patio are to be removed.

Proposed lot 2.02 will have a lot area of 19,487 SF, 99 feet of street frontage along Hartshorn Drive, and a lot depth of 196.84 feet.

Proposed lot 2.01 will be compliant with all bulk zoning requirements. It will maintain a front yard setback of 42.97 feet on Hartshorn Drive and 41.13 feet on Slope Drive. The side yard setback will remain at 44.64 feet. The building coverage will be 15.9%, where 18% is permitted. The lot coverage will be 28.7% where 35% is permitted. The floor area ratio will be 20.7% where 30 % is permitted.

Proposed lot 2.02 will contain a new dwelling that will conform to all bulk requirements for the R-5 Zone.

Board Attorney Ed Buzak asked Mr. Lanzafama for a timeframe on the removal of the pool and associated accessory structures. Mr. Lanzafama stated that they anticipate the removal within the next 30-60 days.

Evan Brustein, 358 Oxford Drive, asked for the breakdown of the percentage of trees being removed in the building envelope that are healthy. Mr. Lanzafama stated that there are 85

trees on the new lot and 43 of them are in the building envelope. He stated that he does not know what percentage of trees in the building envelope are in good, fair, or poor condition. He stated that, on average, about half of the trees on the lot were in good to fair condition, but he did not know the percentage strictly within the building envelope.

Ryan Nash, 365 Hartshorn Drive, asked Mr. Lanzafama how he will address the severe downward slope on the newly created lot. Mr. Lanzafama stated that the house has not yet been designed. However, they will work with the topography to develop the best dwelling for the lot.

The chair asked for public comments.

Ryan Nash, 365 Hartshorn Drive, appeared and was sworn. He stated that he lives directly adjacent to the newly created lot. He feels that this subdivision and the construction of a new dwelling will over-crowd the street.

Tim Fram, 108 Slope Drive, appeared and was sworn. He stated that he had concerns about the safety during construction.

Grace Lee, 354 Hartshorn Drive, appeared and was sworn. She stated that she is concerned the traffic will increase in the area, particularly with the safety of traffic due to construction vehicles and equipment.

Guido Subotovsky, 356 Hartshorn Drive, appeared and was sworn. He stated that he is a new resident in the area and has major concerns with construction at this site.

Evan Brustein, 358 Oxford Drive, appeared and was sworn. He stated that he is concerned with the lack of information on the trees being removed as well as the lack of the information on the new dwelling.

The Chair closed the public comment session.

Mr. Cerciello summarized indicating that the proposed subdivision creates two fully conforming lots and respectfully requested a favorable vote from the Board.

A motion to approve the preliminary and final subdivision was made by Beth Zall and seconded by Gaston Hauptert. Marc Matsil asked to amend the motion to require a tree inventory. Said motion failed for lack of a second and vote continued as follows:

Daniel Baer – yes
Gaston Hauptert – yes
Jorge Mastropietro – yes
Marc Matsil – yes
Maggee Miggins – yes
Joseph Steinberg – yes
Sanjeev Vinayak – yes

Miriam Salerno – yes
Beth Zall – yes

Appl#20-014, CV Slope, LLC, 121 Slope Drive, preliminary and final subdivision approval was GRANTED with the following conditions: 1) Applicant shall obtain approval by Hudson Essex Passaic Soil Conservation District, if applicable; 2) Existing pool and patio on the property shall be demolished/removed prior to signing of subdivision plat; 3) Applicant shall comply with recommendations/requirements of Township Engineer and Township Forester in their respective 2/19/21 reports; 4) This major subdivision shall be perfected within 95 days of the signing of the final plat.

NEW BUSINESS:

The Board discussed Ordinance #2569-21 which proposes to amend section 525.4 of the Development Regulations.

The Board received a report from Township Engineer, Martha Callaham, which summarized the proposed ordinance. Ms. Callaham's report indicated that the purpose of the ordinance is to amend the Stormwater Control Ordinance to be compliant with new standards adopted by the NJDEP.

Upon a motion made by Beth Zall, a second by Jorge Mastropietro, and with a roll-call vote as follows:

Daniel Baer – yes
Gaston Hauptert – yes
Jorge Mastropietro – yes
Marc Matsil – yes
Maggee Miggins – yes
Joseph Steinberg – yes
Sanjeev Vinayak – yes
Srini Vijay – yes
Miriam Salerno – yes
Beth Zall – yes

the Planning Board recommends Township committee adoption of Ord#2569-21 as not inconsistent with the Master Plan.

ADJOURNMENT

A motion to adjourn was made by Joseph Steinberg, seconded by Miriam Salerno, and carried with a unanimous voice vote. (9:05 PM)

Eileen Davitt
Board Secretary

Motion: JM
Second: GH
Date Adopted: 7/7/21