

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 7:30 PM on the above date.

Mayor Thall Eglow opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 7:30 PM on March 5, 2019.

Mayor Thall-Eglow asked all those present to stand for the Salute to the Flag.

Upon call of the roll, the following Committee members were recorded present: Jackie Benjamin Lieberberg, Cheryl H. Burstein, Samuel L. Levy, Tara B. Prupis, and Dianne Thall Eglow.

Also present were Business Administrator Alexander McDonald, Township Attorney Christopher Falcon, Assistant Business Administrator Jimmy Homsy and Township Clerk Christine Gatti.

Approval of Agenda

Mayor Thall Eglow announced that she would like to add a resolution to the agenda, Resolution 19-080, which would appoint Kevin Wenzel as a member of the Board of Adjustment by filling the position of Alternate #2. Mayor Thall Eglow asked for a motion to approve the agenda as amended. The motion was offered by Ms. Burstein and seconded by Mr. Levy.

Roll Call Vote: All Ayes

Minutes

Mayor Thall Eglow asked for a motion to approve the December 4, 2018 regular meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein. Vote: All Ayes

Mayor Thall-Eglow asked for a motion to approve the December 4, 2018 special meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein. Vote: All Ayes

Reports

Mayor Thall-Eglow made the following statement for her report:

“Welcome everyone.

I would like to say thank you and compliment DPW, which did an outstanding job clearing the Township’s roads Sunday night into Monday.

I was asked me to share that March is National Colon Cancer Awareness Month. I left a fact sheet on the table.

The PACTS committee had its first meeting where we identified several target areas that cause the most distress and congestion in and around downtown. The group will continue to look at these top targets and categorize them into 3 buckets.

- 1. Quick hits; paint and signage, low costs with little or no construction*
- 2. Moderate changes; these may require more time and more funding*
- 3. Long term changes; requiring more capital investment, time, and disruption.*

An example of a “quick hit”

...We will look to create a designated right turn lane on Millburn Ave onto Spring St. Our engineering department will provide the measurements to allow for this.

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Some vehicles, in addition to the school buses, are currently using this as a turn lane and this will serve to reduce potential conflict and confusion here, as well as stacking of cars at that corner. This can be accomplished with paint and signs.

A “moderate Change” would be, for example, looking at the large bump out in front of Bubble Tea (across from Blue Mercury). This bump extends half way into Millburn Ave. and hinders traffic from all 3 directions. We have numerous reports of the traffic light being hit here, video of cars driving over the bump out and many overall complaints.

We have asked our in house traffic engineer to review what it would take to scale back that bump out, while still providing a pedestrian refuge for safety.

Included in this scenario would be bringing back the dedicated right turn lane onto Main Street. The group will have this information to assess at our next meeting.

These two taken items together will help with circulation, reduce the stacking of cars on Millburn Ave and very importantly allow for vehicles to have more area to yield for emergency vehicles.

An example of combining a combination “moderate” and “long Term” fix, we discussed circulation around Town Hall. What can and should be done to remove the conflict of the current situation at the town hall / DD lot. Currently cars exit directly over the crosswalk and there is a very tight entrance and exit together.

This situation would require completing the unfinished access into Town Hall Plaza. We have that being studied.

A “long term” discussion would involve the Millburn Train Station; circulation, safety issues, and creating pick up and drop off zones. We will most likely need to engage a professional engineer firm with this specific expertise. We will also investigate NJ Transit grants. This may also require the services of a professional grant writer for the best outcome in being awarded these grants.

We discussed the “short term” possibility of reflective bollards like we currently have at the SH Station. These have been successful in identifying that pedestrians are expected here, possibly in left lane on Essex Street.

All property owners will be sent a copy of the ordinance that was passed in December that restricts deliveries to designated loading zones. We hope for compliance, yet realize follow up PD enforcement may be required.

Also, we will ask the Police officers to step up enforcement with double parking. AND again we ask everyone to slow down, full stop at stop signs, use your cell phone flash light aps and do not walk or drive distracted by texting. We are 1 community. Thank you.”

Ms. Burstein reviewed upcoming library events. She mentioned that on April 1st they had a book review and she said the selection will be a young adult crossover book. She announced that on May 5th Vivian Gordon will discuss renaissance portraits. She said the book sale will be in June and donations will begin in May.

Ms. Lieberberg spoke about recent MMAC events, such as an evening of conversation on March 26th at the Library, which will include a performance by the mental health players. She also provided an update regarding the CEDA Committee and spoke about the kick-off event for the Mill Wheel project, which is scheduled for April 7th.

Mr. McDonald announced that the township will receive 75% FEMA reimbursement for the March 2018 snowstorm. He gave an update on the energy aggregation program, stating that the RFP is out and will be received by Maplewood on April 2nd. He stated that additional information will be available to residents about the program through our website. He advised that there are some conceptual improvements for the Chatham Road and Short Hills train station area and the public is invited to the Library March 14th at 7PM and March 24th at 3PM to view and discuss the proposed improvements. He said it will also be available on the website.

Mr. Falcon stated that he is pleased to advise that in the case of Kerzweiler vs. Millburn Township and the Board of Adjustment the judge has signed the order to have the township removed from the case. He said this is essentially equivalent to a dismissal.

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Presentation

Ms. Prupis introduced Joseph Getz, the founding principal of JGSC Group, who she met at the New Jersey Chapter of the American Planning Association. JGSC Group are downtown revitalization specialists. Mr. Getz made a presentation covering a plan for economic growth and revitalization of downtown Millburn. He spoke about focusing on consumer spending and adjusting the outlook of traditional business models. He reviewed his proposal and spoke about helping the community understand their market through analysis and a realistic strategic plan. He engaged in a discussion with the Committee members, covering costs, financial responsibility, attracting new business to the downtown, and how this would be facilitated since the DMDA dissolved. Mayor Thall Eglow opened questions and comments to the public. The following people came forward and asked questions and engaged in discussion with Mr. Getz in regards to his proposal: Josh Scharf, 11 Hawthorne Road; Lynne Ranieri, 94 Oakview Terrace; Richard Futter, property owner of 333 Millburn Avenue; Richard Wasserman, of 24 Inverness Court; and Robert Engel, business at 46 Main Street.

Public Comment

Mayor Thall Eglow opened the floor to public comment.

Phil Kirsch, of 93 Cedar Street, asked if the town would be working with Mr. Getz or his staff specifically. Mayor Thall Eglow stated that would have to be worked out. He also commented on the keeping of a database for the downtown storefronts. Ms. Lieberberg noted that the DMDA had this type of list. He suggested that Mr. Getz work with the Chamber of Commerce.

Janet Pizar, of 186 Main Street, spoke about the roster for the PACTS Committee. Mayor Thall-Eglow reviewed the roster, citing the qualifications and reasons for the individuals being placed on the Committee.

Ed Mazer, of 119 Greenwood Drive, commented on the real estate trailblazing signs. He said this is a quality of life issue. He pointed out that 30 years ago the township decided it was to be prohibited. He indicated that the reasoning for the signs to assist people from out of the area because most people have a phone that can use apps of the same kind to get them to their destination. Mr. Mazer suggested surveying the civic associations to see what they want. He stated that if they want to have the signs, to not put a lot of limitations on it because they won't be enforced. Mr. Mazer also discussed the electronic sign that is out for bid. He was advised that the township is exempt from the ordinance and he stated that the exemptions should be listed in the ordinance. He requested that something be done regarding the 24-hour business issue.

Donna Burnstein, of 900 Ridgewood Road, came forward and stated that she and her husband have been Air B and B hosts for about 5 years and it has been a rewarding experience. She suggested sensible regulations if an ordinance is enacted. Ms. Burstein advised that they are always home when hosting.

Ed Burnstein, of 900 Ridgewood Road, spoke about his positive experience as an Air B and B. He explained how Air B and B works, which offers the host insight into who will be renting in their home.

Mayor Thall Eglow explained that by considering this ordinance, the Governing Body is trying to be proactive, not reactive. She pointed out that she has heard from a wide variety of people which opinions are for or against short term rentals. She said the ordinance will not be on the agenda for the next meeting and will be put on pause until more research is done because things were brought to our attention that will now be considered.

Lisa Chenofsky Singer, of 325 Wyoming Avenue, came forward and spoke about her experience with Air Band B as a guest, and suggested looking at it from a leasing standpoint. She said she doesn't think the township should have a say in what she is doing with her home unless it is offensive to neighbors. Mayor Thall Eglow advised that they are going to study it further and gather more facts. Mr. McDonald noted that it will have to be listed on the agenda for the next meeting so it can be tabled.

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Bernadine Wu, of 40 Highland Avenue, said she cares about this town and asked for a fair and collaborative approach. She said she supports neighbors’ choice to rent their homes. She said she has data to provide as part of the towns research. She said she is a single mother of two high school students and Air B and B helped her be able to stay in town. She said there is a misconception of the Air B and B guests. She listed a variety of statistics and regulations from other towns for consideration. She recommended not having an all or nothing approach.

Lynne Ranieri, of 94 Oakview Terrace, provided a document outlining regulations from the community in which her son resides in Michigan.

A resident from 45 Mechanic Street came forward and thanked the Committee for the time they are taking to consider this and that it is being tabled.

Mayor Thall Eglow asked if there were any other public comments. Seeing none, she continued with the meeting.

Public Comment – Consent Agenda

Mayor Thall-Eglow asked if there were any comments or questions regarding items on the Consent Agenda. Seeing none, she brought forth the consent agenda.

Consent Agenda

Mayor Thall-Eglow asked for a motion to approve the items on the consent agenda, with Resolution 19-080 being added. Mr. Levy made a motion to approve the consent agenda which was seconded by Ms. Burstein.

Roll Call Vote: All Ayes

**RESOLUTION 19-072
RESOLUTION TO 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 March 5, 2019, in the following accounts:

General	\$	830,403.37
Capital Fund		132,794.50
Parking Utility - Operating Fund		8,462.94
Dog Fund Trust		440.00
Donation Trust Fund		853.57
Escrow Trust Fund		2,707.96
Police Off Duty Trust		33,065.00

**RESOLUTION 19-073
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

NOW, THEREFORE BE IT RESOLVED that the Treasurer of the Township of Millburn be and he is hereby Authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Lereta LLC Attn: Central Refunds 1123 Park View Dr. Covina, CA 91724 Block 507 Lot 31 44 Greenwood Dr.	Tax Refund 2019 taxes Duplicate pymt	\$3,900.05

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<p>Lereta LLC Attn: Central Refunds 1123 Park View Dr. Covina, CA 91724 Block 1301 Lot 7 288 Glen Ave</p>	<p>Tax Refund 2019 taxes Duplicate pymt</p>	<p>\$4,616.64</p>
<p>Corelogic Real Estate Tax Services Mail Code: DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Block 3802 Lot 34 220 Hartshorn Dr</p>	<p>Tax Refund 2019 taxes Overpymt</p>	<p>\$33,021.45</p>
<p>Wells Fargo Home Mortgage 1 Home Campus Des Moines, IA 50328 Block 4604 Lot 9 4 Barry Lane</p>	<p>Tax Refund 2019 taxes Duplicate pymt</p>	<p>\$7,593.45</p>
<p>Corelogic Real Estate Tax Services Mail Code: DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Block 2111 Lot 18 21 Highland Ave</p>	<p>Tax Refund 2019 taxes Duplicate pymt</p>	<p>\$8,644.12</p>
<p>Jennifer R. Jacobus Trustee and Vladimir & Victoria Shpilsky 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 2801 Lot 49</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$1,240.10</p>
<p>Jennifer R. Jacobus Trustee and Sandeep & Ruchika Singla 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 4901 Lot 1 7 Farmstead Rd</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$11,752.46</p>
<p>Jennifer R. Jacobus Trustee and Sandeep & Anupama Tyagi 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 3304 Lot 35 301 Hobart Ave</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$1,443.62</p>
<p>Jennifer R. Jacobus Trustee and Margery L. Karp 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 3902 Lot 30 18 Shawnee Rd</p>	<p>Tax Appeal 2017 taxes</p>	<p>\$909.44</p>
<p>Hoe Yong Lee and Eun Sook Cho C/o Valerie Hofer Esq. Trust Acct 120 Lebbie Lane Fairless Hills, PA 19030 Block 3903 Lot 16 30 Mohawk Rd</p>	<p>Tax Appeal 2017 taxes (\$928.00) 2018 taxes (\$951.00)</p>	<p>\$1,879.00</p>
<p>Avelino & Hartlaub Attorney Trust Acct</p>	<p>Tax Appeal</p>	<p>\$22,746.02</p>

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C/o A. Jude Avelino Trustee
 47 River Road
 Summit, NJ 07901
 Block 2305 Lot 2
 2 Jefferson Ave

2018 taxes

BE IT FURTHER RESOLVED that the following tax appeals be processed between the 45th and 60th day from the date of judgment;

Michael A. Vespasiano
 Attorney Trust Account and
 Yun Yang & Ji Hua
 331 Main Street
 Chatham, NJ 07928
 Block 5201 Lot 6
 26 Timber Acres Road

Tax Appeal
 2017 taxes
 (\$1,662.98)
 2018 taxes
 (\$3,606.19)

\$5,269.17

Seth and Cathy Van Voorhees
 C/o Valerie Hofer Esq. Trust Acct.
 120 Lebbie Lane
 Fairless Hills, PA 19030
 Block 5002 Lot 13
 12 Harvey Dr.

Tax Appeal
 2017 taxes
 (\$723.84)
 2018 taxes
 (\$741.78)

\$1,465.62

Jennifer R. Jacobus Trustee and
 Jeffrey & Ellen Kagan
 201 Littleton Rd 1st floor
 Morris Plains, NJ 07950
 Block 4306 Lot 3
 55 Kean Road

Tax Appeal
 2018 taxes

\$951.00

Englert Law Firm, LLC
 Attorney Trust Account and
 Melissa Joy Arden
 58 Livingston Ave
 Dover, NJ 07801
 Block 4206 Lot 6
 60 Dorison Drive

Tax Appeal
 2018 taxes

\$9,713.51

RESOLUTION 19-074

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Municipal Tax Sale held on November 20, 2018, a lien was sold on Block 1712 Lot 12, Tax Sale Certificate No. 2018-002 also known as 30 Winding Way, Short Hills, NJ 07078 and assessed to Jill Hanauer for 2017 delinquent taxes; and

WHEREAS, this lien was sold to US Bank Cust for Tower DB VIII Trust for 0% interest on the certificate and a \$60,000.00 premium; and

WHEREAS, Homecoming Title on behalf of Reverse Mortgage Funding, LLC for Jill Hanauer has requested redemption;

NOW, THEREFORE BE IT RESOLVED, that the treasurer of Millburn Township be authorized to issue two checks in the amounts of \$32,887.14 for redemption of the lien and \$60,000.00 for the return of the premium. Each check payable to US Bank Cust for Tower DB VIII Trust.

Treasurer’s Note: 1099: \$2,468.34

RESOLUTION 19-075

AUTHORIZE RESCIND OF TAX REFUND

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey, that the following refund be rescinded for the record seeing it

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was originally authorized by the Township Committee at their February 19, 2019 Millburn Township Committee meeting;

BE IT FURTHER RESOLVED that the refund check was not issued as the result of the payment being returned by the bank;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Alan Halpert 7282 Ballantrae Ct Boca Raton, FL 33496 Block 805 Lot 1 290 Millburn Ave	Tax Refund 2019 Taxes Duplicate pymt	\$19,598.69

RESOLUTION 19-076

REVISE NAME OF THE CULTURAL, DIVERSITY & ARTS ADVISORY COMMITTEE TO THE ADVISORY COMMITTEE ON CULTURE, ENGAGEMENT, DIVERSITY AND ARTS (CEDA)

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey, that the Cultural, Diversity & Arts Advisory Committee, created by Resolution 19-059 on February 5, 2019, hereby change the name of the Advisory Committee to the Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA).

RESOLUTION 19-077

APPROVE RAFFLE LICENSES

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

WHEREAS, the Police Department has conducted an investigation of those conducting such raffles and has found nothing to prevent their issuance.

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

- Saint Barnabas Medical Center
- St. Rose of Lima
- Paper Mill Playhouse
- Hartshorn School PTO
- PTO Millburn High School

RESOLUTION 19-078

RESOLUTION TO CLOSE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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 public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

- a.) Personnel & Contract Negotiations – Millburn Township Professional Service Contracts
- b.) Pending Litigation – 85 Woodland Road LLC mediation

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

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3. This Closed Session will take place immediately following the regular meeting on Tuesday, March 5, 2019.

RESOLUTION 19-080
APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Township Committee that Kevin Wenzel be appointed to the Alternate #2 position on the Zoning Board of Adjustment with term expiration of December 31, 2020;

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

Resolution

Resolution 19-079

Mayor Thall Eglow reviewed the policy and Mr. McDonald said it will be an effective tool for the township regarding traffic issues in a particular neighborhood. Mayor Thall Eglow asked for a motion to approve, which was made by Ms. Burstein and seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes

RESOLUTION 19-079
ADOPTION OF TRAFFIC ISSUES MANAGEMENT POLICY

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey that the attached Traffic Issues Management Policy dated February 28, 2019 is hereby adopted.

Ordinance/Introduction

Ordinance 2526-19

Ms. Prupis brought forth Ordinance 2526-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mr. Levy. The public hearing for the ordinance is scheduled for March 19, 2019.

Roll Call Vote: All Ayes

ORDINANCE NO. 2526-19
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX, STATE OF NEW JERSEY,
AMENDING THE GENERAL LICENSING ORDINANCE OF THE TOWNSHIP OF MILLBURN CONCERNING
CANVASSERS AND SOLICITORS

STATEMENT OF PURPOSE: The purpose of this Ordinance is to enact a comprehensive revision of the Township's door-to-door canvassing and solicitation regulations and to bring them into conformance with controlling constitutional case law.

WHEREAS, the Township Committee has determined that the ordinance provisions in the Revised General Ordinances of the Township of Millburn which regulate door-to-door canvassing and soliciting require substantial revision so as to implement legitimate control of such activities while observing the requirements of constitutional protection for such persons engaged in these activities pursuant to the First Amendment of the U.S. Constitution; and

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WHEREAS, the Township Committee has determined that it is lawful and appropriate to provide for the protection of its residents’ privacy concerns through the adoption of provisions to make available a “no knock” list supplemented by premises signage; and

WHEREAS, the Township Committee intends to adopt hereby a comprehensive revision of the current Ordinance governing Canvassers and Solicitors.

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:

Section 1. Chapter IV entitled “General Licensing” is hereby amended at Section 4-8 “Canvassers, Solicitors, Transient Merchants and Peddlers” and more particularly Part I thereof entitled “Canvassers and Solicitors” which is hereby amended in its entirety to read as follows:

PART I. CANVASSERS AND SOLICITORS

4-8.1 Definition.

As used in this section:

Canvassers and *solicitors* shall mean any individual, organization, group, association, partnership, corporation or any combination of them who, in person or by representation by one (1) or a group of volunteer or professional workers, without invitation calls or applies at homes, dwellings, residences or business establishments in the Township with the intent or for the purpose, actual or implied, of soliciting from an occupant or the owner of any such home, dwelling, residence or business establishment, the payment, contribution or donation of, or undertaking to pay money, the purchase, sale acceptance or donation of any goods or orders for the same, or subscriptions to, or endorsement of any publication, undertaking, project, cause, or candidacy, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payment on such sales or services; provided, that the term "canvasser" or "solicitor" shall not be deemed to include any duly accredited representative of any municipal or governmental authority or agency thereof, nor any person who, by or under any ordinance of the Township or law of the State, or of the United States, is licensed or otherwise authorized to engage in any of the activities hereinbefore enumerated, nor any person engaged in delivering to any home, dwelling or residence in the Township, goods, wares or merchandise previously ordered or requested by an occupant or the owner of the premises or in exchange for any such goods, wares or merchandise, nor any person engaged in making, receiving or lawfully endeavoring to obtain payment for goods, wares, merchandise or other property or services sold or rendered to or by any such occupant or owner.

(1967 Code § 8-1-1; Ord. No. 6-18-73 § 1)

4-8.2 Permit Required; Term of Permits.

No person shall engage in the business or occupation of canvasser or solicitor without first having obtained a permit therefor. The permit shall be issued for a period of one year from the date of issuance.

(1967 Code § 8-1-2; Ord. No. 6-18-73 § 2; New)

4-8.3 Commercial Permit Application and Fee.

Every person applying for a commercial permit under this section shall file with the Township Clerk a sworn application in writing, on a form to be furnished by the Township. The form shall contain the following information:

- a. Name of the applicant. If applicant will be canvassing or soliciting on behalf of an organization, then the application shall also contain the name and address of the organization;
- b. Address of the applicant to which all notices and communications are to be addressed;
- c. A copy of a form of photo identification, such as driver’s license, passport or other similar identification;
- d. Payment of an application fee of twenty-five dollars (\$25.00) per applicant for the use of the Township to defray the cost of processing and issuing the permit.

(1967 Code § 8-1-3, § 8-1-6; Ord. No. 6-18-73 §§ 3, 6; Ord. No. 3-84 §§ 1, 4; New)

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4-8.4 Disposition of Applications for Permits Generally.

The Township Clerk shall issue a commercial permit within twenty (20) days after receipt of a complete commercial permit application and fee per subsection 4-8.3 hereof. Upon issuance of the permit, the Township Clerk shall provide the permittee with a copy of the nonsolicitation list per subsection 4-8.6.

(1967 Code § 8-1-5; Ord. No. 6-18-73 § 5; New)

4-8.5 Regulations Governing Canvassing and Soliciting.

- a. No commercial canvassing or soliciting shall be done except between the hours of 9:00 a.m. and 9:00 p.m., Monday through Sunday.
- b. Upon going onto any premises in the Township, canvassers and solicitors shall first examine any notice, as described below, which may be attached to said property and shall be governed by the statement contained on any such notice by immediately and peacefully departing from the premises.
- c. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such a residence for the purpose of securing an audience with the occupant thereof and engaging in canvassing or soliciting, as herein defined, in defiance of any notice as defined below.
- d. Every person desiring to secure the protection provided by this subsection 4-8.5 shall notify the Township of his or her desire to be placed on the nonsolicitation list maintained by the Township Clerk, and may also exhibit at the front edge of the property or upon or near the main entrance door to his or her residence a notice indicating the words “no solicitors” or “no soliciting.” The letters shall be at least one inch in height, and the notice shall be at least three inches by six inches in size.
- e. The permittee shall carry and exhibit his/her permit at all times while canvassing or soliciting.
- f. The permit shall be signed and sealed by the Township Clerk, or designee and shall show:
 - 1. Name and address of the permittee, with a copy of the photo identification produced by the applicant, pursuant to Section 4-8.3 (c);
 - 2. Date of issuance of the permit and date the permit shall expire;
 - 3. Kind of goods to be sold or services to be furnished or performed;
 - 4. Amount of fee paid.

(1967 Code § 8-1-6; Ord. No. 3-84 § 4)

4-8.6 Nonsolicitation List

- a. The Township Clerk shall collect, prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Township that he or she does not wish for any solicitor or canvasser to enter upon his or her property for solicitation or canvassing purposes.
 - 1. To be included on this nonsolicitation list, residents must complete a form which will be made available by the Township, and must submit the completed form to the Township Clerk.
 - 2. This list shall be available to the general public.
 - 3. No canvasser or solicitor shall enter upon any private property that is included upon the nonsolicitation list.
 - 4. In the event that a new owner/occupant of a property identified on the nonsolicitation list desires to have that address removed from the list, the Township Clerk shall remove the same upon receipt of a written request from the new owner/occupant.

4-8.7 Unauthorized Canvassing or Soliciting.

No person shall canvass or solicit:

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- a. Under any permit issued to him/her as a canvasser or solicitor for any other person, organization, society, association or corporation for whom or for which he/she is not, at the time of such canvassing or soliciting, a duly authorized canvasser or solicitor; or
- b. Under any permit issued to him/her as the result of any material misrepresentation; or
- c. Under a permit not issued to him/her.

(1967 Code § 8-1-7; Ord. No. 6-18-73 § 7)

4-8.8 Nonprofit Canvassing or Soliciting.

The requirements of this section shall not apply to any canvassing or solicitation conducted by any political candidate or a religious, charitable, civic, political, veteran or fraternal organization or association, service club, volunteer fire or first aid company provided that the requirements of subsection 4-8.6 shall apply.

(1967 Code § 8-1-3.2; 7-16.63, § 1; Ord. 3-84, § 3)

4-8.9 Violations and Penalties

If any of the requirements of this Part are not complied with:

- a) the Township may initiate prosecution for a violation pursuant to Chapter I, Section 1-5 “General Penalty”, as applicable; and/or
- b) the Township shall have the right to commence litigation in a court of competent jurisdiction; and/or
- c) such other actions may be initiated as permitted by law.

Section 2. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. This Ordinance shall take effect after final passage and publication as required by law.

Ordinance 2527-19

Mr. Levy brought forth Ordinance 2527-19 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mayor Thall Eglow. The public hearing for the ordinance is scheduled for March 19, 2019.

Roll Call Vote: Ayes: Ms. Lieberberg, Mr. Levy, Ms. Prupis and Ms. Thall Eglow

Nays: Ms. Burstein

ORDINANCE NO. 2527-19

ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE 6 OF THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCE, OF THE TOWNSHIP OF MILLBURN TO ALLOW TEMPORARY REAL ESTATE DIRECTIONAL SIGNS FOR USE DURING AN OPEN HOUSE

Statement of Purpose: *The purpose of this Ordinance is to allow for and establish guidelines for the use of real estate directional or “trailblazing” signage for open houses.*

WHEREAS, there exists a need to allow for temporary real estate directional signs for open houses as a tool for home buyers to identify homes for sale in Millburn Township;

WHEREAS, sensible regulation and guidelines will ensure that these wayfinding tools are properly placed and do not obstruct important areas of mobility within the Township; and

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WHEREAS, the following revisions to the zoning ordinance on signage will provide consistency and fairness in the way that such temporary real estate directional signs are placed for all realtors;

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:

NOTE: The section of Article 6 that is to be amended by this Ordinance includes only section 609.10 “Street Graphics” and is specifically set forth below. All additions shown in ***bold italics and underlines***. Any deletions are shown as ~~***strikovers in bold italics***~~. Sections of section 609.10 will remain in normal type.

609.10 Street Graphics
[Ord. 2471-16]

The purpose of this section is to create the legal framework for a system of street graphics.

a. Table of Design Elements

A Table of Design Elements for street graphics is included herewith. Except in Areas of Special Control, as set forth in Section 609.10g., no street graphic shall be erected, displayed, substantially altered, or reconstructed except in conformance with the Table of Design Elements, hereinafter referred to as the Table.

TABLE OF DESIGN ELEMENTS				
	Zoning Districts			
	R-3 thru R-8, R-O	B-1, B-2	B-3, B-4	OR-1 thru OR-3, CMO, CD, C
Basic Elements				
Wall Graphic-Area	2 sq. ft.	20%	20%	10% (Note A)
Wall Graphic-Height	1 ft.	2 ft.	2 ft.	2 ft. (Note A)
Ground Graphic-Area	2 sq. ft.	(Note B)	20 sq. ft.	20 sq. ft.
Ground Graphic-Height	5 ft.	15 ft.	10 ft.	5 ft.
Auxiliary Elements				
Awnings (Note E)	N	Y	Y	N
Canopies	N	Y	Y	N
Marquees	N	N	Y	N
Time & Temperature	N	Y	Y	N
Window	N	(Notes C & D)		N
Surface Color	W + 1	All	All	W+2
Y = Yes; N = No; W = White [Ord. 12-93, 15-95]				

Notes:

Note A: In the OR-3 District, buildings which are 2 or more stories in height and have a front setback of at least 100 feet, may have wall graphics displayed on each street frontage, provided:

1. Graphics are not over 7 feet in height;
2. Graphics are at least 20 feet above any area used by the public;
3. Graphic area does not exceed 150 square feet;
4. Graphic area does not exceed 5% of the wall area to which attached;
5. Graphic does not project above roof line.

Note B: One ground graphic identifying the activities on the property may be displayed along each street or road which abuts the property, provided there exists at least 200

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feet of unbroken frontage and a vehicular access. Ground graphics for individual businesses are not permitted. Area of graphic shall not exceed 50 square feet and height shall not exceed 15 feet above grade at street line. Setback shall be at least 20 feet from the street and all property lines.

Note C: Temporary window graphics must be removed within 5 days after close of the sale or special event and in no event may be displayed more than 40 days. Graphics must be attached flat against the window glass and not occupy more than 25% of the total area of the window in which displayed.

Note D: Permanent window graphics may not occupy more than 25% of the total area of the window in which displayed. Any lettering in the window which is less than 3 inches in height shall not be considered in this calculation.

Note E: Awnings shall be permitted on any retail use in any zoning district under any of the following conditions:

1. The use is specifically permitted in the zoning district; or
2. The use is permitted through the granting of a use variance; or
3. The use is a valid pre-existing nonconforming use. [Ord. 12-93]

Note F: In the R-3 through R-8 and R-O Districts, wall and ground graphics shall not be illuminated, except for those Areas of Special Control as set forth in Section 609.10g.(1) and (2). [Ord. 15-95]

b. Items of Information Allowed

1. Each land use is entitled to display street graphics containing up to 10 items of information on each street to which it has access. The name of the proprietor or the name of the business occupying the building and its premises shall count as only one item of information. The name may be displayed on each street frontage, even if the items of information use up the permitted 10 items.
2. An "item of information" means any of the following: a syllable of a word; an abbreviation; a number (whether one digit or more); a symbol; or a geometric shape. In addition, graphics combining several shapes are to be assessed one additional item for each non-continuous plane.
3. Lettering less than 3 inches in height, if contained in a wall graphic, is not included.

c. Ground Graphics

1. Any land use may display one or more ground graphics, provided:
 - (a) The face of the building or structure is set back at least 35 feet from the street line;
 - (b) The ground graphic shall not exceed 8 feet in height, measured from the grade at the street line;
 - (c) A ground graphic which is 6 square feet or more in area may be displayed only on a frontage of 100 feet or more;
 - (d) The ground graphic shall be set back from each property line and the street line a minimum of 10 feet, or 1.5 times the height of the graphic, whichever is greater.

d. Wall Graphics

1. The area permitted for wall graphics is shown in the Table of Design Elements.
2. "Signable area" of the building means an area of the facade of the building which is free of windows, doors, and major architectural detail. The percentage figures shown in the Table are based on the signable area. The following provisions apply in calculating the graphic area:

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- (a) If the graphic is enclosed by a box or outline, the total area of the graphic, including the background, is counted as part of the graphic area;
 - (b) If the graphic consists of individual letters, only the area of the letters is counted as part of the signable area.
3. A graphic may not cover or interrupt major architectural features, such as frieze, string courses, or other decorative facade details.
 4. Wall graphics height limitations:
 - (a) Wall graphics placed in the space between windows may not exceed in height more than 2/3 of the distance between the top of a window and the sill of the window above, or major architectural details related thereto;
 - (b) Wall graphics may not extend above the second floor line, nor above the roof line of the building to which attached. **[Ord. 9-87]**
- e. Projecting Graphics are Not Permitted
- f. Special Situations
1. Street graphics may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is 40 feet or more in width. However, the side or rear of the building may not be included when calculating the signable area.
 2. If a building has frontage on 2 or more streets, each side of the building is to be separately considered.
- g. Areas of Special Control
1. A church, school or other quasi-public land use in an R-3 through R-8, or R-O Districts may display one ground graphic not larger than 15 square feet in area. Golf courses and private clubs may display one ground graphic not to exceed 10 square feet in area and 5 feet in height for each vehicular entrance from a public street.
 2. Apartments in the R-8 District may have one ground graphic not larger than 12 square feet in area and 5 feet in height for each 200 feet of street frontage.
 3. Automobile service stations may have one pole mounted ground graphic not larger than 15 square feet in area, nor more than 20 feet in height, in addition to the provisions of the Table of Design Elements.
 4. The following graphics are prohibited:
 - (a) Billboards; except as a conditional use in the Commercial/Medical Offices District (CMO), subject to the conditions set forth under Section 606.9d.* **[Ord. 2305-07]**

Editor's Note: Codified per ordinance. Billboard provisions removed by Ord. 2326-08
 - (b) Portable graphics;
 - (c) Graphics with motion or which give the illusion of motion;
 - (d) Flashing or intermittent light for graphics.
 - (e) Temporary signs identifying architects, engineers, contractors, builders, painters, gardeners and any other tradesman or service providers engaged in construction, improvement, repair, refurbishing, landscaping or any other commercial activity relating to structures in residential zones. **[Ord. 2170-00]**

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5. The following temporary graphics are permitted and do not require a permit:
 - (a) Graphics identifying the sale, rental, or lease of the premises on which located, subject to a maximum graphic area of 4 square feet in the R-3 through R-8 and R-0 Districts, and 9 square feet in all other districts; ground graphic provisions shall apply; graphics shall be removed no more than 7 days after the date when the contract or lease is signed or the reason for the graphic has ceased; open house graphics shall be allowed only during the day when the open house is being conducted. ***[Ords. 20-95, 2170-00]***
 - (b) Developments with 3 or more lots for sale shall be permitted one ground graphic not larger than 12 square feet in area or 5 feet in height;
 - (c) Temporary window graphics;
 - (d) Graphics on the grounds of churches, schools, or other quasi-public land uses provided they do not exceed 15 square feet and are not displayed for more than 14 days.
 - (e) Temporary real estate directional signs***
 - i. "Temporary real estate directional signs shall be defined as removable freestanding signs, to be in or on the ground, not to exceed 18 inches in height, 24 inches in width and no higher than 30 inches above existing grade that are used to direct potential home buyers to an active open house".***
 - ii. Signs may be placed in the public right of way; however, no sign shall create a site triangle obstruction for motorists or an obstruction to pedestrians. No sign shall be placed on private property without the written permission of the property owner.***
 - iii. A temporary real estate directional sign may only be installed during the hours of 11:00am to 5:00pm on the day of the open house, Signs must be removed by 6:00pm on the same day of the open house.***
 - iv. No more than four (4) temporary real estate directional signs shall be placed for a single open house. These signs must identify the broker sponsoring the open house and a phone number.***
 - v. A temporary real estate directional sign, as defined herein, shall not include any illumination, nor shall there be affixed thereon any balloons, streamers or other decorative accessory.***
 - vi. Any violation of this section will be enforced as defined in section 419.***
6. Signs indicating the presence of a security device or system are permitted. Security device or system shall have the same meaning as a "local alarm" or a "private alarm system" as defined in Chapter IV, subsection 4-1.4 of the Revised General Ordinance of the Township of Millburn (1994). ***[Ord. 2170-00]***
- h. Permits
 1. No street graphic other than temporary graphics as set forth in Section 609.10g.5, or those operations set forth in paragraph 3. below, shall be erected, altered, or relocated without a permit issued by the Zoning Officer.
 2. Applications for permits shall include a drawing showing the design, location, pertinent details, and the name and address of the owner and applicant.
 3. The following operations shall not require a permit:
 - (a) Changing copy on a theater marquee;
 - (b) Renovating an existing graphic where no change in copy is made.

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i. Auxiliary Elements

See Table.

- 1. Awnings and canopies are permitted in the B-1 through B-4 Districts, and as otherwise permitted in accordance with Note E in the Table of Design Elements. Letters over 3 inches in height which are displayed are debited against the allowable graphic area.
- 2. Temporary window graphics are not debited against the allowable graphic area.
- 3. Indirect illumination, i.e. a light source not seen directly, is permitted.
- 4. Floodlight illumination is permitted, provided none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians.
- 5. Bare bulb illumination is not permitted.

j. Advisory Board

The Design Review Committee shall act in an advisory capacity to the Planning Board, Board of Adjustment, and Zoning Officer relating to street graphics.

Ordinance 2528-19

Mayor Thall Eglow brought forth Ordinance 2528-19 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mayor Thall Eglow. The public hearing for the ordinance is scheduled for March 19, 2019.

Roll Call Vote: Ayes: Ms. Burstein Ms. Lieberberg, Ms. Prupis and Ms. Thall Eglow

Nays: Mr. Levy

ORDINANCE NO. 2528-19

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

STATEMENT OF PURPOSE: *Analysis of existing development within the Township’s OR-2 zone concentrated at the east end of Millburn Avenue revealed that the district contains principally office uses, including medical offices, together with a number of retail/personal service uses. Neither retail sales establishments nor eating and drinking establishments currently exist within the district. While the built condition largely conforms to the current OR-2 zone standards with regard to use, the subject amendment accomplishes the following objectives. It expressly allows for medical offices, which is not presently the case, and, in recognition of the fact that OR-2 zone is in close proximity to established residential uses and zones it expands upon and reinforces the definition of retail services rendering it clear that retail service use shall not include establishments primarily engaged in the sale of products or merchandise, including food or drink, to the general public.*

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Article 3 “Definitions”, Section 301.54 “Retail Services” is hereby amended and supplemented by adding the following as underlined below:

301.54 Retail Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, such as laundry, cleaning and garment services; photographic portrait studios; beauty and barber shops; and shoe repair shops. Retail services shall not include establishments primarily engaged in the sale of products or merchandise, including food or drink, to the general public. Retail services shall not include those uses defined under “Medical Office” as defined in this ordinance.

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Section 2. Article 6 "Zoning Provisions", Section 606.8 "Office Research OR-1, OR-2, OR-3" is hereby amended and supplemented under Section b. "Permitted Principal Uses" by adding the following as underlined below:

- b. Permitted Principal Uses
 - 1. Offices, including medical offices in the OR-2 Zone, and financial institutions.
 - 2. Retail services, such as beauty salons and barber shops.
 - 3. In addition in the OR-1 Zone, office-hotel complex.
 - 4. In addition in the OR-3 Zone, Mixed-Use Development subject to the standards contained herein.

Section 3. Conflicts and Severability

- a. Conflicts. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.
- b. Severability. If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality or any other part of portion of this Ordinance.
- c. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.
- d. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 3. This Ordinance may be renumbered for purposes of codification.

Section 4. This Ordinance shall take effect after final passage and publication as provided by law.

Old Business

No old business was presented.

New Business

No new business was presented.

Adjournment

Mayor Thall Eglow asked if anyone has any remaining comments or questions. Receiving none, she called for a motion to close the public session meeting which was offered by Mr. Levy and seconded by Ms. Prupis. The meeting was adjourned to go into closed session at 9:30 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: May 7, 2019