

Township of Millburn
Minutes of the Planning Board
March 20, 2019

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, March 20, 2019** at 7:00 PM in Millburn Town Hall.

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
Elaine Becker
Cheryl Burstein
Dianne Eglow
Gaston Hauptert
Jorge Mastropietro
Joseph Steinberg
Marc Matsil
Miriam Salerno, Vice Chairwoman
Beth Zall, Chairwoman

Also present:

Valerie Kimson, Board Attorney
Eric Fishman, Court Reporter
Martha Callahan, Township Engineer
Eileen Davitt, Zoning Officer/Board Secretary

APPLICATIONS

APPL#18-015, HHHH REALTY, 286 ESSEX STREET, MILLBURN

Jonathan James, Attorney for the applicant, stated his appearance. The applicant is seeking site plan approval, conditional use approval, parking and loading space variance, height variance and a waiver of the EIS.

The property is located at 286 Essex Street in the B-4 zone district. The property is currently occupied by a restaurant with minimal seating on the first floor and a residential unit on the 2nd floor. There is no on-site parking and no loading space. The applicant proposes an addition to the building for the purpose of accommodating a larger restaurant seating capacity and additional 2nd floor residential area.

Hoai Vo, business and property owner, appeared and was sworn. He stated that the operation currently being conducted on site is a Vietnamese restaurant. He has 4 employees

currently and most of the business is take-out due to the limited seating capacity. The restaurant is open from 10:30 AM – 9 PM Tuesday through Sunday and is closed on Monday. He hopes that the increased seating capacity will promote more clients to stay and dine in the restaurant. The expansion of the upstairs residential area will allow him, his wife and 2 children to live comfortably in the residential unit. There will be no change to the number of deliveries, which is currently 1 per week. Additionally, garbage pick-up will continue to be picked up by private carting.

John Buchholz, Architect for the applicant, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposed addition. He spoke to sheet A-1 of the submitted plans.

Entered as A-1: sheet A-1 of submitted plans

Entered as A-2: sheet A-1 (colorized version of sheet A-1 of submitted plans)

Entered as A-3: sheet A-3 (elevations)

The current restaurant area has only 4 tables that seat 8 patrons. The upstairs is currently a 2-bedroom unit. The proposal will add seating for 32 patrons on the 1st floor as well as add a 3rd bedroom to the residential unit. Mr. Vo currently lives in Short Hills but will be moving to the apartment with his wife and 2 children.

Mr. Buchholz stated that the trash area is on the right side of the building and will be encapsulated by a fence in order to shield it from the adjoining property owner's view. The proposed addition will result in a height that exceeds the allowable height by 2.6 feet. It is a very limited area of space that is in violation of the height allowance.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the property site, surrounding area and variances required for the proposal. The current dining area is very small and does not conveniently accommodate patrons. The building is 38 feet by 66 feet. It is a small property in the B-4 zone district. It conforms to all bulk requirements.

Entered as A-4: Casey & Keller land use & topographic survey

Entered as A-5: colorized sheet 3 of submitted plans

Entered as A-6: revised zoning table

The proposal will result in a decrease to the parking requirement by 6 spaces. The original operation of the restaurant was that of a fast food restaurant, which required 20 spaces. The additional tables change the classification of the operation to a restaurant which requires 1 space/3 seats for a total of 14 spaces. The 2nd floor residential area will continue to require 2 parking spaces and the basement storage will continue to require 1 space. Overall, the parking results in a requirement for 17 spaces, where the previous operation required 23 spaces.

Mr. Keller stated that this proposal is consistent with the Master Plan. This project promotes an enhanced quality of dining experience. The recently adopted Master Plan

amendment recommended that the Township Committee review their permitted uses to provide for more experiential uses, such as restaurants. The newly adopted Master Plan amendment also encouraged the Township Committee to allow for an increase to the allowable height.

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

Daniel Baer – yes
Elaine Becker – yes
Cheryl Burstein – yes
Dianne Eglow – yes
Gaston Hauptert – yes
Jorge Mastropietro – yes
Joseph Steinberg – yes
Miriam Salerno – yes
Beth Zall – yes

Appl#18-015, HHHH Realty, 286 Essex Street, site plan approval/conditional use approval/parking and loading space variance and waiver of EIS was **GRANTED** with the condition that the applicant purchase business parking permits for all employees.

APPL#19-002, EPOC SEVEN, LLC, 290 MILLBURN AVENUE, MILLBURN

*Miriam Salerno recused and left the meeting.

Richard Schkolnick, Attorney for the applicant, stated his appearance. The applicant is seeking site plan approval and loading space variance for a change of use from retail to physical fitness on the property located at 290 Millburn Avenue. The property was formerly used by Dolce Salon. There are no proposed exterior changes. Although physical fitness does not have a specific parking requirement, historically the 1/200 retail requirement has been used.

Adam Krell, owner/area developer, appeared and was sworn. He stated that Orange Theory is a 1-hour full body workout. They are group workouts only and there are no food preparations on site. There will be a small retail component of water and limited clothing. The proposed hours of operation are 5:30 AM – 9:15 PM, Monday through Friday and 6 AM – 2 PM on weekends. Classes are held throughout the day depending on the client base with a typical class size of approximately 20 people. There is only 1 class at a time with 2-3 employees on site. There are limited deliveries typically by UPS, FedEx or USPS. There is very little garbage generated and there is no towel service provided to clients. Mr. Krell stated that he is excited at the prospect of opening in Millburn.

Richard Keller, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the applicant's proposal.

Entered as A-1: marked up site plan

Mr. Keller stated that the applicant is seeking approval to occupy 4,876 SF within the existing retail building for use as a physical fitness studio. The applicant has been allocated 32 parking spaces in the rear parking lot. The proposal requires 25 parking spaces per the 1 space/200 SF calculation.

There is no signage being proposed as part of this application and the applicant has indicated that any signage proposed will be in conformance with the ordinance.

Several neighboring residents expressed concern with the potential increase to street parking if the lot is full as well as the potential noise associated with a 5:30 AM opening. Mr. Schkolnick indicated that the business owner is eager to be a good neighbor and will make every effort to convey this message to his patrons.

Upon a motion made by Dianne Eglow, a second by Joseph Steinberg, and with a roll-call vote as follows:

Daniel Baer – yes
Elaine Becker – yes
Cheryl Burstein – yes
Dianne Eglow – yes
Gaston Hauptert – yes
Jorge Mastropietro – yes
Marc Matsil – yes
Joseph Steinberg – yes
Beth Zall – yes

Appl#19-002 EPOC Seven, LLC, 290 Millburn Avenue, site plan approval/loading space variance/waiver of EIS was **GRANTED** with the condition that the applicant shall comply with the recommendations of the Fire Marshal's 3/15/19 memorandum.

ADJOURNMENT

A motion to adjourn was made by Joseph Steinberg, seconded by Dianne Eglow, and carried with a unanimous voice vote. (9:10 PM)

Eileen Davitt
Board Secretary

Motion: EB
Second: DB
Date Adopted: 5/1/19