

Township of Millburn
Minutes of the Planning Board
March 31, 2021

A special meeting of the Township of Millburn Planning Board was held on **Wednesday, March 31, 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 Hauptert
Jorge Mastropietro
Marc Matsil
Maggee Miggins
Joseph Steinberg
Sanjeev Vinayak
David Morrow, Alt. #1
Srini Vijay, Alt. #2
Miriam Salerno, Vice Chairwoman
Beth Zall, Chairwoman

Also present:

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

MINUTES

A motion to approve the minutes of February 3, 2021, was made by Maggee Miggins, seconded by Beth Zall, and carried with a unanimous voice vote.

MEMORIALIZATIONS

App#20-012, Beahive Properties, 397 Millburn Avenue/160 Spring Street, Millburn

Upon a motion made by Gaston Hauptert, seconded by Marc Matsil, and with a roll-call vote as follows:

Daniel Baer – yes
Gsaton Hauptert – yes

Marc Matsil – yes
Maggee Miggins – yes
Beth Zall – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**Beahive Properties, LLC
Application #20-012
Block 1211, Lots 1 & 7
Preliminary and Final Major Site Plan Approval #20-012**

WHEREAS, Beahive Properties, LLC (“Applicant”) has made application to the Township of Millburn Planning Board (“Board”) for preliminary and final major site plan approval in connection with property commonly known as 397 Millburn Avenue and 160 Spring Street, and formally known as Block 1211, Lots 1 and 7 on the Official Tax Map of the Township of Millburn (“Property”); and

WHEREAS, the Applicant has submitted plans, designs and reports entitled: (i) “*Preliminary and Final Site Plan, Retail and Multi-family Redevelopment, 397 Millburn Ave., Township of Millburn*”, prepared by Michael T. Lanzafama, PE, PLS, PP, of Casey & Keller, Inc., dated September 1, 2020, (some sheets revised for Planning Board Approval, September 21, 2020 consisting of 8 sheets (and as supplemented by additional Exhibits as hereinafter referenced) (“Site Plan” set); (ii) “*Concept Architectural, Preliminary/Final Site Plan, 397 Millburn Avenue, Block:1211, Lots 1 & 7*” prepared by Minno Wasko Architects and Planners, dated September 21, 2020, consisting of a coversheet and Sheets A01, A02, A03, A04 and A05 (“Architectural Plans”); (iii) “*Stormwater Management Report for 397 Millburn Avenue & 160 Spring Street*” prepared by Michael T. Lanzafama, PE, PLS, PP, of Casey & Keller, Inc., dated September 2020; (iv) “*Environmental Impact Assessment Statement, Proposed Mixed-Use Building, Retail and Residential Apartments, 397 Millburn Avenue and 160 Spring Street*” prepared by Michael T. Lanzafama, PE, PLS, PP, of Casey & Keller, Inc., dated August 2020 (“EIS”); and (v) “*Traffic Impact Study for Beahive Properties, LLC, Proposed Mixed-Use Development*”, prepared by Craig W. Peregoy, PE and Corey M. Chase, PE of Dynamic Traffic; and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn as modified for the purposes of conducting the meeting remotely through the Zoom platform wherein members of the public were able to participate by joining the meeting utilizing

the invitational link set forth in the notice or by telephone using the invitational telephone number as set forth in the notice; and

WHEREAS, public hearings were held on the application on November 4, 2020, December 16, 2020 and February 3, 2021; and

WHEREAS, the Applicant was represented by Bartholomew A. Sheehan, Jr., Esq. and testimony in support of the application was provided by Mark Yeager, Applicant's real estate developer; Michael T. Lanzafama, P.E., P.P., P.L.S. (Engineer, Planner, Land surveyor); Stuart Johnson, AIA (Architect); Craig W. Peregoy, P.E. (Traffic Engineer); and Jennifer Mazaway, Esq. appeared on behalf of the objector, Millburn Courtyard Associates, LLC; and

WHEREAS, the Board having heard and considered the testimony presented, and reviewed the Exhibits related thereto marked A-1 through A-21, together with the application, the Site Plan set, Architectural Plans, and the afore-referenced reports, hereby makes the following findings of fact:

1. The Property is located at 397 Millburn Avenue and 160 Spring Street, and is formally known as Block 1211, Lots 1 and 7 on the Official Tax Map of the Township of Millburn. The site consists of approximately 66,774 sq. ft., or 1.53 acres, is at the northeast corner of Millburn Avenue and Douglas Street, and slopes downhill from Essex Street to Millburn Avenue. The Property is located in the RMF-AH2 Residential Multi-Family Affordable Housing Zone, and currently developed with a former Wells Fargo bank building, a small garage and extensive surface parking. Surrounding development consists of municipal, institutional and retail uses, as well as single-family homes.

2. The Applicant, Beahive Properties, LLC is seeking preliminary and final major site plan approval to construct a mixed-use building consisting of a ground level 97-space parking garage, a 3,000 sq. ft. ground floor retail space fronting on Millburn Avenue, and 53 rental apartment units located on the second and third floors above the parking garage. Forty-five (45) units will be market housing units, and eight (8) will be affordable housing units. There will also be a residential second-floor rooftop courtyard. Because the site slopes uphill from Millburn Avenue, the height of the building relative to the adjacent grade varies from three stories along the Millburn frontage to two stories along the Essex Street frontage. Parking garage access is provided at two points: one on Millburn Avenue, and one on Spring Street.

3. The proposed project is governed by the "RMF-AH2" Residential Multi-Family Affordable Housing Zone, Subsection 606.4.2 of the Township's Development Regulations and Zoning Ordinance. The RMF-AH2 zoning permits a multi-family inclusionary project with up to 53 units, including a minimum set-aside of eight (8) affordable units if the project is developed as rental apartments, and requires a minimum of 3,000 sq. ft. of ground-floor retail space along Millburn Avenue. Off-street structured parking within the proposed building is a permitted accessory use.

4. During the course of the proceedings, Mark Yeager testified that he is the Applicant's joint venture real estate developer for the project and a prospective joint-owner of the Property. He provided historical background for the site, stating that the site has long been owned by the Harth Family. The building on the site formerly occupied by Wells Fargo was built in the 1950s. When the bank informed the Harth family in early 2018 that it would be moving out of the building, the family contacted Mr. Yeager to redevelop the Property. In his view, the site is a transitional one because it borders residential zones to the west of Douglas Street and to the south of Millburn Avenue, a business zone to the east and partially to the south and north, and the P-Zone (Public) to the north. Public transit and downtown Millburn are also within walking distance. Mr. Yeager stated the project was developed with the Property's transitional location in mind. He estimated a 16 to 18-month buildout, inclusive of demolition and site preparation for construction. The building will be managed by a third-party management company, with a superintendent on-site.

5. Mr. Yeager also testified that there is a triangular-shaped driveway encroachment onto Lot 1 of the Property from adjacent Lot 2 to the east. He represented that should the Board approve the subject application, the Applicant will develop around the encroachment and provide a conditional easement to the property owner of Lot 2 for the current use, i.e., driveway. The easement would be retired if Lot 2 is modified or redeveloped.

6. Of the 53 rental apartment units in the mixed-use building, 45 units will be market units, consisting of 10 one-bedroom units and 35 two-bedroom units. The remaining 8 units will be affordable units and will consist of one (1) one-bedroom, five (5) two-bedroom, and 2 (2) three-bedroom units. This bedroom mix complies with the RMF-AH2 Zone's specific required breakdown in affordable unit distribution of at least two (2) three-bedroom and no more than two (2) one-bedroom units. As required, the affordable units are also integrated with the market units throughout the building. In addition, the zoning requires that four (4) of the affordable units (50%) shall be set aside for low-income households, and the remaining four (4) affordable units shall be set aside for moderate-income households. One of the four affordable units set aside for low-income households must be made available to a very-low income household. Mr. Yeager represented that the project will comply with these threshold household income levels.

7. Michael T. Lanzafama, PE, PP, PLS, Applicant's engineer, planner and land surveyor, presented the Site Plan set as Exhibit A-5. He described the site in general, reviewing the Area Map and Land Title/Topographic Survey, Sheets 2 and 3 of the set. The Property is "L-shaped" and surrounding development consists of municipal (i.e., fire house, police station), institutional and retail uses, as well as single family homes. There is a 10% grade change, slanting downwards from the intersection of Douglas and Essex Streets to Millburn Avenue. The Property is not impacted by steep slopes. Stormwater currently drains into the existing drainage system on Millburn Avenue. The former bank building and small garage are 8,316 sq. ft., surface parking and asphalt areas 43,448 sq. ft., and gravel areas 1,006 sq. ft., which is a current total impervious coverage of 52,770 sq. ft. Mr. Lanzafama confirmed the existence of a driveway encroachment from adjacent Lot 2, and that the project will develop around the encroachment. Traffic runs in a counterclockwise direction within the four streets surrounding the Property, i.e., on, Millburn Avenue, Spring Street, Essex Street and Douglas Street. Across

the street to the east of Lot 7 is angled parking along Spring Street which will be re-striped to convert to parallel parking spaces.

8. Applicant's Engineer presented the "Site Plan", Sheet 4 of the Plan set, to explain the project in detail and introduced a colorized version of same as Exhibit A-10. He testified that the proposed development is fully compliant with the RMF-AH2 Zone criteria. Lots 1 and 7 constituting the Property have a total lot area of 1.533 acres (66,774 sq. ft.). The mixed-use building will have a building coverage of 55,421 sq. ft. Concrete and asphalt areas will account for another 4,530 sq. ft., for a total impervious coverage of 59,951 sq. ft., which represents a 7,181 sq. ft. increase from existing conditions. There will be 3,000 sq. ft. of ground floor retail space fronting Millburn Avenue on Lot 1. The 53-unit apartment building will be constructed primarily on Lot 1, with the structure's secondary residential entrance and lobby, mail and refuse rooms, and Spring Street parking garage access developed on Lot 7.

9. Front setbacks along Millburn Avenue, Douglas, Essex and Spring Streets will be 5.02 ft., 7.27 ft., 5.20 ft., 12.01 ft., respectively, all in compliance with the 5 ft. minimum setback along street frontage required by the RMF-AH2 Zone. The 13.76 ft. side-yard (Lot 2, Block 1211), 10.42 ft. side-yard (Lot 6, Block 1211), and 3.54 ft. rear-yard (Lot 6, Block 1211) setbacks also comply with the minimum setbacks along interior lines. Some porches and stoops project into the front street-facing setbacks, as permitted in the Zone. The mixed-use building will have a flat roof, and a height of 37.84 ft. as measured from the average ground elevation around the foundation to the highest point of the roof (tower element). This complies with the Zone's maximum, above average grade 40-ft. height limit. As required, the building also does not exceed three stories along Millburn Avenue nor two stories along Essex Street.

10. Applicant's Engineer further testified that two pedestrian building entries are located where required, the main entrance being within a chamfered corner at Millburn Avenue and Douglas Street, and a secondary residential entrance along Essex Street near the intersection with Spring Street that is at grade with the sidewalk, ADA accessible and provides easy accessibility to the nearby Millburn train station. The main entry at Millburn Avenue and Douglas Street leads to a large central first-floor lobby, the building's private office, and elevators and stairs. From the elevator lobby access can be gained into the parking garage and the small refuse and storage areas therein. The second entry on Essex Street leads to a residential lobby which, due to the site's grade change, is sited halfway between the first and second floors. There is also a mail and package room off of this entrance vestibule. An elevator and a short flight of stairs joins the lobby to the first level of apartments on the second floor. From the elevator lobby access can be gained to the building's main refuse termination room which fronts Essex Street and is within the parking garage.

11. Applicant's Architect, Stuart Johnson, AIA, introduced the Architectural Plans as Exhibit A-8, utilizing Sheets A04 and A05 to describe the two pedestrian building entries more specifically. The main Millburn Avenue entry is designed as a prominent "gateway" with three-story corner bay massing, entry doors highlighted within the façade, glazing, a cantilevered aluminum slung canopy with channel-cut signage lettering, and façade-mounted lighting. Along the three-story bay at Millburn Avenue and Douglas Street, the entryway is further highlighted

via the extension of the cast stone cladding through the second floor. The secondary Essex Street entry is similarly designed, but with a two-story bay the cast stone cladding is not extended beyond the first floor. Both entries will have halo-illuminated façade signs designed in a format of individual channel-cut painted aluminum letters mounted on the front edge of the entrance canopy, and will measure approximately 21 sq. ft., well within the maximum 30 sq. ft. permitted size in the Zone. Residents will gain building access through the entries via a key fob system.

12. For the 3,000 sq. ft. retail space, two retail signs are proposed along Millburn Avenue designed in the same fashion as the residential signs. Applicant's Architect referred the Board to detail "04-Typical Retail Signage Detail" on Sheet A04 of the Architectural Plans and testified that the signs will be 10 ft. long and 18 inches high, for a total area of approximately 15 sq. ft.. He represented that the proposed retail signs as configured complies with B-4 Zoning District sign standards as incorporated in the RMF-AH2 Zone. The Board Planner, however, noted that the area of the proposed retail signage cannot be evaluated relative to the B-4 zoning standards since the signs' channel-cut letters stand at the front of the canopy, which in turn stands in front of transom windows, and therefore there is no applicable blank façade area to use in accessing the maximum signage area. Nonetheless, the Board Planner opined that the proposed retail signage is attractive, matches the residential signs on the same façade, and helps create a pleasing overall appearance for the Millburn Avenue façade; furthermore, the size and format of the signage meets the spirit and intent of the wall sign portion of the B-4 Zone Ordinance, which was written before canopy signs such as that being proposed in the subject application became popular. The Board agrees.

13. There will be an 90 ft. long by 7 ft. wide "cut-out" loading zone and drop-off area along Essex Street in front of the second residential entrance, lobby and refuse room that will allow vehicles to temporarily pull in parallel to the building. The "stamped" loading area will be utilized for tenant move-ins and move-outs, mail and delivery trucks such as UPS, FedEx, Amazon and the like. Applicant's Engineer and Architect indicated that move-ins and move-outs will be pre-scheduled and coordinated with building management. Garbage and recycling will be taken out by building management from the adjacent refuse room to the loading zone area and collected from there by waste haulers. The "cut-out" for the loading/drop-off zone will extend beyond the property line and into Essex Street, a county right-of-way. As such, the Applicant acknowledges that same is subject to County approval.

14. The Applicant proposes to change and re-stripe the 11 angled parking spaces across from Lot 7 on Spring Street into 5 parallel spaces. The rationale for the conversion as testified by Applicant's Engineer is that there is inadequate back-out space for the angled parking in its current configuration, especially since Spring Street is a one-way street, and it will be easier for vehicles to maneuver in and out of parallel spaces. The Applicant acknowledged that any change in parking along the public right-of-way is subject to Township approval. The Applicant also proposes to remove existing striping along Millburn Avenue to create three (3) parallel street parking spaces for the 3,000 sq. ft. retail space. The right-of-way is a county road, and thus the Applicant acknowledged any re-striping thereon would require County approval.

15. The 97-space parking garage will be located beneath the mixed-use building, spanning most of the ground under the residential units. Section 606.4.2 g. of the RMF-AH 2 Ordinance (Ordinance No. 2557-20) establishes specific Circulation and Parking requirements for the residential and non-residential uses in the RMF-AH 2 zone different from the generic Off-Street Parking and Loading requirements set forth in DRZ-607. The applicable RMF-AH 2 Ordinance requires for residential purposes that the RSIS apply but specifically notes that in recognition of the zone's proximity to the Millburn train station, the Board may consider a *de minimus* exception from the RSIS standards, provided however, that the residential parking ratio not be less than 1.75 spaces per residential unit. The ordinance further requires for non-residential uses in the RMF-AH 2 zone that there be a minimum of 3 parking spaces for the non-residential ground floor retail space along the Millburn Avenue frontage and no loading space, as would otherwise be required as set forth in DRZ-607. This is consistent with Section 3 "Conflicts and Severability" of Ordinance No. 2557-20, which created the RMF-AH-2 zone. It provides that all ordinances, parts of other ordinances, or other local requirements that are inconsistent or in conflict with Ordinance No. 2557-20 are superseded to the extent of any inconsistency or conflict while still recognizing and acknowledging that the provisions in the RMF-AH-2 zone are cumulative and not in substitution for all *other applicable* zoning, planning and land use regulations ordinances. Because Section 606.4.2 g of the RMF-AH 2 Ordinance addresses off-street parking requirements for the residential and the minimal non-residential uses, any *other* ordinances dealing with the same subject matter are superseded by the standards of the applicable RMF-AH 2 Ordinance. That said, it is noted by the Board that the Applicant has provided a substantial 90 foot "cut-out" drop-off area and loading/unloading area along the Essex Street frontage for move-ins and move-outs and for other deliveries not limited to the residential uses, further accommodating non-residential loading/unloading activities as necessary.

Applicant's Engineer testified that 93 spaces will be dedicated to the residential units, and 4 spaces to the employees of the 3,000 sq. ft. retail space. The Board's Planner opined that the project's parking space count and distribution complies with the required minimum residential parking ratio under the RMF-AH2 Zone of 1.75 spaces per residential unit, and exceeds the retail parking requirement of 3 spaces by one space. All parking, as required, is also provided within the structure on the first floor. There will be at least five electric vehicle charging stations within the garage.

As set forth above, the RMF-AH2 Zone also defers to the Residential Site Improvement Standards (RSIS) for residential parking requirements. Applicant's Traffic Engineer, Craig W. Peregoy, PE, testified that under RSIS standards, the total parking requirement for the subject project would be 107 spaces, whereas a total of 97 on-site parking spaces are provided. However, he stated the RSIS also instructs that alternative parking standards shall be accepted if the applicant demonstrates such standards better reflect local conditions, and factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, and available off-site parking resources. Mr. Peregoy accordingly noted that the Millburn train station is within walking distance approximately half a mile east of the Property, and there are at least 24 on-street metered parking spaces available on the blocks around the site's perimeter. He further stated the RMF-AH2 Zone itself recognizes that a *de minimus* exception

from RSIS may be considered due to the Property's close proximity to the Millburn Rail Station. The Applicant therefore seeks a *de minimus* exception from the RSIS' 107 parking space requirement. For the aforesaid reasons, the Board is amenable to granting such a *de minimus* exception, and will grant an exception.

16. There will be two vehicular entries to the parking garage, one on Millburn Avenue more than 100 ft. from the intersection of Millburn Avenue and Douglas Street, and the other on Spring Street. The driveways and garage doors for the entries will not exceed 24 ft. in width. Applicant's Architect testified that the garage doors will be set back from the curb, and are sensor-activated quick-action roll-up grille style gates that maintain visibility and allow for increased air flow and reduced moisture collection internal to the garage areas. The Board and members of the public questioned whether the proposed garage door setback for the Millburn Avenue entry provides adequate sight lines for exiting vehicles and queueing space for incoming vehicles. It was pointed out that the right-of-way is highly trafficked and also has significant pedestrian foot traffic. In response to the safety concerns raised, the Applicant modified the Millburn Avenue garage entry gate to be set back an additional 10 ft. into the building than originally proposed, such that the gate will be set back 24 ft. to the sidewalk and 33.5 ft. to the curb, and agreed to revise the Plans to reflect the deeper setback. Applicant's Traffic Engineer opined that the deeper setback provides for sufficient sight lines and queueing space. As an additional safety measure, both garage entries will have an illuminated warning indicator signal system as well as an audible signal that will alert pedestrians of vehicles exiting or entering the garage.

The afore-referenced proposed parallel retail parking spaces on Millburn Avenue are located within Applicant's proposed 150-ft. sight triangle at Millburn Avenue and Douglas Street. The Board Engineer opined this creates an obstruction to vision when vehicles are exiting the parking garage from the Millburn Avenue entrance. Applicant's Engineer disagreed, testifying that sight lines will not be impacted because traffic will be coming one-way only from the west along Millburn Avenue and from Douglas Street around to Millburn Avenue, vehicles exiting the garage will likewise be making a left, and trees planted near the entry will be high branch and shrubbery kept short. Mr. Lanzafama also indicated that the Applicant was amenable to erecting "One-Way" regulatory signage on the street opposite both the Millburn Avenue garage entry and the Spring Street entry.

17. The parking garage is well-screened and hidden from street-facing facades, as testified by Applicant's Architect and Applicant's Engineer, and as shown on the plans.

Except for the garage entry, the first-floor garage along Millburn Avenue is located entirely behind ground-floor retail space having a depth of at least 35 ft., as shown on Sheet A04 of the Architectural Plans.

Along the rising grade of Douglas Street, the garage parking extends to the front façade, but is located behind a solid wall of manufactured masonry cast stone veneer, punctuated, as required, by regular windows closer to Millburn Avenue and by five projecting stoops closer to Essex Street that mitigate a blank wall effect at the garage ground level. The west elevation

facing Douglas Street provides façade relief detailing (i.e., engaged pilasters creating a shadow line on the elevation and recessed punches in the façade mimicking the proportion of a window cut). The Douglas Street frontage is further softened by required in-ground landscaping. The brownstone design, landscaping, sidewalk and hardscape improvements all help screen the ground level garage space, as shown on Sheet A04 of the Architectural Plans.

Along the Essex Street frontage, most of the first level with parking is entirely below grade, as illustrated in Sheet A05 of the Architectural Plans. The ground-level frontage here is the second level of the building, and is enlivened by four individual stoops (two mid-block, and two within the chamfered corner of Essex Street at Douglas Street) as well as numerous windows, projecting pilasters, and façade-mounted lighting. At the Spring Street end of Essex Street, the portion of the parking level that is partially above grade is used to provide an extra-high entry lobby at grade with the sidewalk, so no parking is exposed along this portion of the façade.

Along Spring Street, the second garage entry is located behind (south of) the glazed Essex Street entry lobby, which is also depicted in Sheet A05 of the Architectural Plans. The second floor of the Spring Street façade incorporates glazing mimicking the scale and proportion of the residential windows above (i.e., at the third-floor level). The windows will be partially translucent/clear admitting light. This allows for additional light to enter the garage area as well as provides for a more cohesive exterior façade.

18. The Architectural Plans and testimony presented show that the mixed-use building as a whole is well-articulated to present a contemporary, human-scaled and inviting appearance, as required by the RMF-AH2 Zone. The building is broken up vertically and horizontally on its façade. Along Millburn Avenue and Douglas Street, the three and two-story façades are arranged into a series of narrow bays, taller than wide, akin to a brownstone proportion and more harmonious to the single-family houses nearby. Along Essex Street, the two-story massing is arranged into wider bays, echoing the civic/municipal buildings along this street. The small portion of façade along Spring Street is also well-articulated. Prominent corners are emphasized through architectural tower massing. Bays are differentiated both through physical changes in plane as well as through varying materials. There is a varying roofline. The base of the building is highlighted with a cast stone veneer, a weightier-appearance material that anchors the structure. The façade material choice, variation, and application contribute to an overall attractive and high-quality building appearance. Material changes occur at inner corners, across cornices or other horizontal trim/accent features, or at other logical changes in plan.

19. There is also sufficient façade transparency along street-facing frontages, including entries and stoops, placement and detailing of windows, and avoidance of large expanses of blank walls. Individual residential stoop entries have side-lites next to the doors, projecting canopies and/or recessed entry doors for shelter and emphasis within the façade, and sconce wall lighting. Windows are plentiful within the façade, and vertically-proportioned windows are grouped together to span wider openings.

20. Building service and mechanical areas (i.e., water, meter and electrical switchgear, storage, refuse, etc.) are shown to be indoors but sited largely along exterior walls. However, the design of their frontage is integrated into the overall architecture by means of large glazed windows, massing and detailing. The two trash and recycling collection areas are fully contained in the parking garage, as required.

21. Stuart Johnson, AIA, the Applicant's Architect testified regarding the proposed inclusionary development, and presented floor plans for the building's residential levels (Sheets A02, A03 of the Architectural Plans) and colorized versions of same as Exhibits A-17 and A-18. Consistent with the RMF-AH2 Zone requirements, the affordable units are mixed in with the market-rate units. They will have access to the same building amenities as market-rate units. In addition to fitness, yoga and club rooms, there is a shared residential open-air rooftop courtyard with seating, grilling and dining areas at the center of the building on level two above the parking garage. It was represented that the grilling equipment and fire place/pit seating areas are not propane-sourced. Trees and smaller, lower landscaping are provided throughout hardscape amenity areas, as well as buffer landscaping for privacy screening between the roof deck terrace and adjoining properties. Several interior apartment units will have private outdoor space by way of interior balconies facing the rooftop courtyard.

22. Market units will be approximately 900 sq. ft. for a one- bedroom and 1,200 sq. ft. for a two-bedroom with corner two-bedroom units slightly larger at about 1,300 sq. ft. Two larger two-bedroom duplex units will be located at the Essex and Douglas Streets corner. The one and two-bedroom affordable units will be smaller as compared with the market- units, at approximately 700 sq. ft. and 1,000 sq. ft. respectively, and a three-bedroom affordable unit about 1,200 sq. ft.. Mr. Johnson testified that although the affordable units will be smaller, they will have the same appliances and fixtures, and the same level of finish for floors, walls, ceilings and plumbing. All units will have green design elements such as Energy Star certified appliances and light fixtures, programmable thermostats and motion activated lighting, and large windows allowing for ample light and air into the apartments. He introduced a "Three Market Rate Units Floor Plans" visual as Exhibit A-19 to illustrate the prototypical layouts of the market units. He indicated that some market units will have a "den/nook/alcove space" that is internal to the unit, with no doors, closets or window exposure such that the space cannot be used for, nor is designed as, a bedroom.

23. Applicant's Architect explained that the residential levels will each have two refuse rooms with chutes that are accessible to tenants. The chutes will transfer trash and recyclables down to the two refuse rooms in the parking garage, where they will be collected by building management utilizing large bins. Bins from the smaller refuse room behind the retail space will be wheeled by building management to the main refuse termination room along Essex Street. From there, all building refuse will be taken out to the loading area for collection by private waste management haulers.

24. Applicant's Architect introduced a "Roof Top Plan" as Exhibit A-15 to depict schematically located 42-inch-high condensing units and an emergency access stair/elevator tower on the rooftop. The mechanical equipment and tower bulkheads project above the

roofline, as permitted. They are shown to be adequately set back from the roof perimeter to be only minimally visible from the adjacent streetscape. The flat roof design with varying parapet cornice also obscures the mechanical equipment from grade level view and represents adequate screening while providing a harmonious look that blends in with the building's overall design.

25. Applicant's Engineer presented the "Grading, Drainage and Utility Plan", Sheet 5 of the Site Plan set, to identify the location of the building's various utility rooms. Given the size of the project, Applicant initially determined that a generator and two transformers were needed, with the systems to be located near the common property line between Lot 1 and Lot 2, adjacent to the driveway encroachment. The Applicant subsequently revised its plan to require only a single generator and a single transformer, and presented as Exhibit A-14 a "Utility Area Plan Enlargement," dated December 3, 2020, to reflect that modification. The generator and transformer will be screened from view. The Applicant's Engineer testified that the transformer noise will not disturb the neighbors.

26. Improved or upgraded sidewalks will be provided along all adjoining public streets. Applicant's Engineer presented a "Landscape Plan", Sheet 7 of the Site Plan set showing new street trees at the front of the public sidewalk, at the curb, as well as perimeter groundcover plantings consisting of evergreen hedges and shrub and perennial moss, within front setbacks along all streets. The only exceptions are in front of the retail space, where an effectively wider paved sidewalk storefront is desirable; and in front of the pedestrian building entrance along Essex Street, where the pull-in loading/drop-off area of parallel parking spaces is provided, narrowing the available sidewalk width.

27. The project includes façade mounted lighting but no pole mounted lights. There are contemporary LED street light fixtures on Millburn Avenue, but older style pole mounted street lighting on Essex and Douglas Streets that is inconsistent in design with the LED lighting on Millburn Avenue. Applicant's Engineer represented that the existing pole street lighting on Essex and Douglas Streets will be removed and replaced with poles that match or compliment the newer LED lighting on Millburn Avenue.

28. To manage stormwater runoff, the Applicant will install an underground detention system beneath the parking garage near the Millburn Avenue entry. Applicant's Engineer referred to the "Grading, Drainage and Utility Plan", Sheet 5 of the Site Plan set, to explain that although the project will increase the site's impervious coverage, the proposed new detention system which will consist of four rows of polyethylene pipe 100 linear feet long filled with crushed stone, will recharge groundwater and reduce the site's current volume of run-off and peak run-off rates. He stated that runoff quality will be improved as the project will substantially replace asphalt runoff that contains pollutants with cleaner runoff from the rooftop of the mixed-use building. He further noted that the site's underlying soils have high permeability. The Applicant submitted a Stormwater Management Report to demonstrate that the proposed detention system will reduce post development peak runoff rates for the 2-, 10-, and 100- year storms. The Board Engineer accepted the results of the report and the proposed design for detention and mitigation of the 2-, 10- and 100-year storms.

29. The Applicant's Engineer testified that the project will generate increased water demand and sanitary sewer volume on the site. The Applicant shall be required to secure Treatment Works approval from the NJDEP and all other required approvals and permits for water and sanitary sewer facilities and capacity for the project.

30. The Applicant's Traffic Engineer testified that traffic counts were taken in November 2020 at the intersections of Millburn Avenue with Douglas Street, Millburn Avenue with Spring Street, and Spring Street with Essex Street. Since traffic conditions associated with the Covid-19 pandemic were in effect, traffic volumes were atypically low and not representative of "existing" conditions. Therefore, historical August 2018 traffic record count data for Millburn Avenue was obtained from New Jersey Department of Transportation (NJDOT). The count volumes were then adjusted utilizing a NJDOT adjusted growth rate table to develop traffic volumes representative of "existing" conditions. Mr. Peregoy testified the three intersections at existing conditions achieved a service level at peak hours of either a "B" or "C", which is higher than the "D" level of service rating goal that new intersections are typically designed to achieve. He stated that he prepared a Traffic Impact Study dated November 30, 2020 that assesses the proposed project's traffic impact on the adjacent roadway network. He testified that a future capacity analysis indicates that even after the project is developed, the aforesaid intersections will continue to operate at the same levels of service. He also opined that the two parking garage entry points pose no operational problems. Mr. Peregoy concluded his testimony by opining that the analyses undertaken in the traffic impact study demonstrate that the project will have very minimal off-site impacts from a traffic perspective and that site circulation is satisfactory.

31. The Environmental Impact Assessment Statement submitted for the project concludes that the proposed development will not adversely affect the local environment, public health, safety, or welfare. It further concludes that the change in existing use – largely pavement and a commercial building – to a building with internal parking is compatible with its location on the edge of the downtown district and surrounding residential neighborhoods. Although there will be an increase in impervious cover, the overall site is in keeping with typical downtown development. The project incorporates parking and a resident courtyard with other amenities. New landscaping would be incorporated into the site as much as possible. The potential environmental impacts will be limited in duration and intensity. Although there would be certain impacts – particularly during the demolition and construction phases, the use of judicious construction techniques and mitigation measures will lessen their effect. The mitigation required is relatively standard for this type of project. In light of the aforesaid, the EIS finds that the construction of the project can be built without adversely affecting the local environment, public health, safety, or welfare.

32. The Township Forester, by Memorandum dated 10/29/20, had comments and recommendations on the application with which the Applicant agreed to comply. The Township Fire Marshal, by Memorandum dated October 28, 2020, had comments and recommendations on the application with which the Applicant agreed to comply and/or work with the Fire Marshal to resolve, to the satisfaction and approval of the Fire Marshal. The Township Engineer issued memoranda dated November 2, 2020 and November 6, 2020 on the subject application. She noted therein that she had reviewed the Stormwater Management Report submitted by the

Applicant's Engineer, and accepts the results of said report which indicates that the proposed stormwater detention system for the site will reduce post development peak runoff rates in conformance with NJDEP requirements and the state's Best Management Practices. She therefore accepts Applicant's proposed design for detention and mitigation of the 2-, 10- and 100- year storms. The Township Engineer also raised a number of recommendations and conditions in the aforesaid memoranda, with which the Applicant agreed to comply to her satisfaction and which shall be made conditions of approval. The second memoranda from the Township Engineer requested the imposition of certain conditions which the Board will incorporate in its approval. The Board's Planner, by detailed Review Letter of October 30, 2020, opined that the proposed project fully complies with the requirements and spirit of the RMF-AH2 zoning.

33. During the course of the proceedings, Jennifer Mazaway, Esq. appeared on behalf of the objector, Millburn Courtyard Associates, LLC and questioned the Applicants' witnesses on various aspects of the project being proposed.

34. After considering the testimony, the reports and recommendations of the Board's professionals on the application, and the advice of its counsel, the Board is of the view that preliminary and final major site plan approval should be granted, in accordance with the requirements as set forth in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn on February 3, 2021, granting preliminary and final major site plan approval to construct a mixed-use building consisting of a 97-space ground level parking garage, a 3,000 sq. ft. ground-floor retail space fronting on Millburn Avenue, and 53 rental apartment units located above the parking garage consisting of 45 market units and 8 affordable housing units, and a *de minimus* exception to the RSIS parking standard to allow for 93 interior residential garage parking stalls (plus 4 non-residential parking stalls for an aggregate of 97 parking stalls), as set forth in the Findings of Fact of this Resolution, and subject to the following conditions:

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

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

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

4. The Applicant shall provide proof of exemption or approval from the Hudson-Essex-Passaic Soil Conservation District, and an approval or letter of no interest from the County of Essex, prior to the commencement of construction.

5. To the extent required, the Applicant shall submit revised Plans to reflect the changes to which the Applicant agreed and/or those modifications that are required by the Board in this resolution or by the Board's experts.

6. The Applicant shall enter into a Developer's Agreement and shall submit to the Township of Millburn appropriate bonds, adequate inspection fees and insurance certificates for the installation of the improvements in the Township right-of-way as set forth herein, including, without limitation, a performance guarantee with the Township in the amount of 120% of the design engineer's cost estimate for said work. The cost estimate for improvements in the right-of-way shall be prepared by the developer's engineer and shall be submitted to the Township Engineer's office for review and approval. The performance guarantee shall be posted prior to the start of construction. The developer may request a reduction in the amount of the performance guarantee as improvements are partially completed. Such partial releases require a favorable recommendation by the Township Engineer and approval of the governing body.

7. The Applicant shall obtain all requisite Essex County permits and approval for any work in the county public right-of-way on Millburn Avenue and Essex Street, including but not limited to the "cut-out" loading zone and drop-off area along Essex Street, and shall post the appropriate performance guarantee with the County as may be required and shall comply with all conditions which may be imposed by the County.

8. The Applicant shall remove the abandoned oil tank on the west side of the existing building on the Property during the demolition process, and shall obtain a building department permit for the tank remediation and submit all requisite certifications as may be required.

9. The Applicant shall remove the existing street lighting poles on Douglas and Essex Streets, and replace same with poles that match or complement the contemporary LED light fixtures currently on Millburn Avenue. A photometric plan and lighting analysis shall also be submitted with lighting levels and uniformity ratios calculated.

10. The northern 170 ft. of Spring Street shall be milled and paved (full width) where the new parking garage ingress/egress is proposed, and where the angled parking spaces are proposed to be replaced with fewer parallel parking spaces.

11. The painted directional arrows on the parking garage egress lanes at both locations shall be left turn only arrows as both Millburn Avenue and Spring Street are one-way streets. In addition, "One-Way" regulatory signage shall be erected on the street opposite the garage entry/exit points subject to the approval of the Township Engineer.

12. Lots 1 and 7 shall be merged into a single lot with a deed of consolidation to be approved by the Township Engineer and the Planning Board Attorney. The tax assessor shall be consulted to assign a new Block and Lot designation and new street address.

13. The generator and transformer shall be adequately screened in an acoustic attenuating enclosure to the satisfaction of and subject to the approval of the Township Engineer.

14. The Applicant shall provide and implement adequate safety protocols for pedestrians along the adjoining rights-of-way during construction of the project.

15. Any changes to street parking on Spring Street shall be subject to Township approval.

16. The Millburn Avenue parking garage entry gate shall be set back an additional 10 ft. into the building than originally proposed by the Applicant, such that the gate will be set back 24 ft. to the sidewalk and 33.5 ft. to the curb, and the Plans revised accordingly to reflect the modification.

17. The Applicant shall obtain a minimum Silver rating level of LEED (Leadership in Energy and Environmental Design) Certification, as well as Energy Star Certification, for the project.

18. All trees planted near the entry and at the corner of Douglas Street and Millburn Avenue shall be high branch and shrubbery kept short. Said trees and shrubbery at all stages of growth shall not interfere with sight triangles or views of pedestrians (including small children) and shall at all times be maintained short enough so as to not block a driver's vision of traffic or pedestrians (including small children).

19. Trash pick-up shall not occur during peak traffic periods.

20. Both garage entries (Millburn Avenue and Spring Street) shall have an illuminated warning indicator signal system as well as an audible signal that will alert pedestrians of vehicles exiting or entering the garage.

21. The Applicant shall provide a minimum of five (5) electric vehicle charging stations in the interior of the parking garage.

22. The Applicant shall comply with the comments and recommendations set forth in the Township Forester's Memorandum dated 10/29/20.

23. The Applicant shall comply with the comments and recommendations of the Township Fire Marshal's Memorandum dated October 28, 2020.

24. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and Applicant's witnesses during the course of the public hearings on the application held on November 4, 2020, December 16, 2020 and February 3, 2021, as related to the application and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

25. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g (2), memorializing action taken by the Board at its meeting on February 3, 2021.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 31st day of March 2021.

App#20-011, Advanced Accelerator Applications, 45/57 E. Willow Street, Millburn

Upon a motion made by Beth Zall, seconded by David Morrow, and with a roll-call vote as follows:

- Gaston Hauptert – yes
- Jorge Mastropietro – yes
- Marc Matsil -- yes
- Maggee Miggins – yes
- Joseph Steinberg – yes
- Sanjeev Vinayak – yes
- David Morrow – yes
- Miriam Salerno – yes
- Beth Zall – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**Advanced Accelerator Applications
Application #20-011
Block 507, Lots 84 and 85
Preliminary and Final Site Plan Approval
Variances
Exceptions/Waivers**

WHEREAS, Advanced Accelerator Applications (“Applicant”) has made application to the Township of Millburn Planning Board for preliminary and final site plan approval, and certain variances and exceptions/waivers as set forth in more detail below, in connection with property commonly known as 45 and 57 East Willow Street and formally known as Block 507, Lots 84 and 85 on the Official Tax Map of the Township of Millburn (“Property”); and

WHEREAS, the Applicant has submitted the following plans and designs which are referenced herein by the latest iteration: (i) Site Improvement Plans Advanced Accelerator Applications, 45 and 57 East Willow Street, Block 507, Lots 84 & 85, Millburn Township, Essex County, New Jersey”, prepared by PS&S, dated 9/23/20, with certain sheets revised with the latest date of 2/03/2021, consisting of Sheets C-01 to C-11, including Sheet C-07A1 (“Plans”); (ii) Plans entitled “Building Renovations, 45 East Willow Street, Millburn, N.J., consisting of Sheets G-001; A-101; A-201; and A-202, prepared by PS&S, dated 04//08/2020, latest revision, 10/23/2020; (ii) Plans entitled “Existing Manuf. Facility Renovations, 57 E. Willow Street, Millburn, N.J. 07041, consisting of Sheets G-001; A-101; A-201; and A-202, prepared by PS&S, dated 04/10/2020, latest revision 10/23/2020; and (iv) Environmental Impact Statement for 45 & 57 East Willow Street, Block 507, Lots 84 & 85, Township of Millburn, Essex County, New Jersey”, prepared by PS&S, dated February, 2021 (“EIS”); and

WHEREAS, the Applicant has provided the requisite notice to property owners and published public notice in accordance with the notice requirements of the Municipal Land Use Law and Section 424 of the Development Regulations and Zoning Ordinance of the Township of Millburn as modified for the purposes of conducting the meeting remotely through the Zoom platform wherein members of the public were able to participate by joining the meeting utilizing the invitational link set forth in the notice or by telephone using the invitational telephone number as set forth in the notice; and

WHEREAS, an initial public hearing was held on the application on January 6, 2021; with the second and final hearing held on February 17, 2021;

WHEREAS, at the hearing the Applicant was represented by James G. Webber, Esq., and testimony in support of the application was provided by Robert Gunning, representative of the Applicant; Sanjay Patel, P.E.; William Diamantopoulos, Director of Pharmacy of Applicant and authorized Nuclear Pharmacist; and

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

1. The Property is commonly known as 45 and 57 East Willow Street and is formally known Block 507, Lots 84 and 85 on the Official Tax Map of the Township of Millburn. The Property is located within the CMO (Commercial/Medical Office) Zone. The combined lots comprise an aggregate of approximately 2.39 acres and gently slope in a northerly direction from a high point at East Willow Street toward the rear of the site, which is crossed by

the West Branch of the Rahway River. Surface run-off flows toward the river. Lot 85 has an existing rain garden in the northeast corner which collects parking lot run-off.

2. The rear portion of the combined site is located within the Flood Hazard Area according to the FEMA flood mapping. The existing building on each lot is above the base flood elevation, with the building at Lot 84 approximately 3.5' above the Base Flood Elevation and the building on Lot 85 at approximately 2.5' above the Base Flood Elevation. It is required that the building be at least 1' above the Base Flood Elevation and therefore both buildings comply. Except for the actual river bank, there are no steep slopes on the site.

3. The Applicant is seeking preliminary and final site plan approval in connection with its proposal to consolidate Lots 84 and 85 in Block 507 into a single lot and undertake a series of site improvements and building renovations in order to utilize the premises for the production of oncology/pharmaceutical diagnostics and therapeutics. As abovementioned, each lot is improved with a one-story masonry building. Lot 85 includes access points on either side of the building that serve the existing parking spaces. Lot 84 has a single access point and contains no formal delineated on-site parking at this time. At the present time, the access drive on Lot 84 dead-ends in the rear of the site.

4. The proposed site improvements consist of (i) the provision of a direct access connection between the two lots through a new one-way internal driveway running behind the building on existing Lot 84 and allowing for an egress only on East Willow Street; (ii) the addition of six angled parking spaces in the rear of existing Lot 84 and four spaces, inclusive of one ADA space, along the westerly side of the building on Lot 84; (iii) the installation of a new generator, new air handling unit and one parking space to the rear of the building existing on Lot 84; (iv) installation of a trash dumpster pad with a 6' board-on-board fence and an elevated loading dock to the rear of the west side of the existing building on Lot 85; (v) Installation of another elevated loading dock to the rear of the east side of the existing building on Lot 85; (vi) Provision for a truck turn-around area to the east of the existing building on Lot 85; (vii) Installation of an uninterruptible power supply ("UPS") enclosure next to the existing generator on Lot 85 and the extension of the 8' high chain link fence currently surrounding the generator to now also include the UPS (viii) Elimination of a number of existing parking spaces on Lot 85; and (ix) Construction of a number of sidewalks/walkways and landscaping enhancements.

5. The Architectural Plans submitted, for which no substantial testimony was provided, indicate that the westerly building exterior will consist of new EIFS finish along the rear façade and a combination of EIFS finish with a metal panel canopy above and along the front façade.

6. All of the existing pavement on Lot 84 is proposed to be removed and reconstructed with new pavement and striping for the ten new parking spaces abovementioned, including the ADA parking space. The Plans confirm that the new spaces conform with the stall dimensions and aisle width required under the applicable code, but that the existing condition of certain of the parking stall dimension and aisle widths on Lot 85 do not conform, requiring an exception from the development regulations.

7. The Applicant proposes to reduce the aggregate impervious coverage on the site. More specifically, approximately 1.014 square feet of existing pavement near the top of the river bank will be replaced with grass, landscaping and a drainage swale. Furthermore, the pavement on the east side of the building will be replaced with landscaped areas and a porous, flexible pavement walkway, further reducing the impervious coverage.

8. Robert Gunning, representative of the Applicant and Head of Finance Transformation, testified on behalf of the Applicant to explain the operation. The Applicant produces nuclear based pharmaceutical products derived from radioisotopes with a very short half-life. The production has been approved by the United States Food & Drug Administration (“FDA”). The manufacturing currently takes place and will continue to take place in the building on Lot 85 (57 East Willow Street). The radioactive manufacturing is performed in rooms which are properly shielded to prevent any exposure to the radioactivity. William Diamontopoulos is the Director of Pharmacy and an authorized Nuclear Pharmacist who provided further details regarding the manufacturing of the product. He testified that waste is gathered and disposed of off-site by licensed handlers. The product created by the Applicant is delivered typically by airplane or by other rapid delivery means. The proximity of this site to Newark Airport is a major benefit since in many cases the product has to be shipped quickly and utilized within a very short time period.

9. The overall concept is to create an office campus to smoothly operate the production of this pharmaceutical products. The building on Lot 84 will be renovated and utilized for the office staff with the pharmaceutical production taking place in the building on Lot 85. The architectural changes will blend the two buildings to better reflect a consolidated campus. The separation of the office operation from the pharmaceutical processing will make for a more efficient operation which will be more easily managed.

10. Sanjay Patel, P.E., the Applicant’s Engineer, testified with regard to the engineering and development aspects of the project. He confirmed that there will be no grading changes and that there will be a reduction in the total impervious area of the combined sites. Roof drains will be connected to outlets and piped to the West Branch of the Rahway River. The stormwater from Lot 84 will sheet flow to the river as well, maintaining the same drainage pattern as currently exists.

11. The Engineer testified with regard to the reconfiguration of the loading docks on the east and west side of the building and the creation of the new truck turn-around area on the east side of the building located on Lot 85. He confirmed that a new UPS will be located next to the existing generator and the 8’ high chain link fence will be expanded to encircle both the generator and the UPS. The trash enclosure on the west side of the building located on Lot 85 will be enclosed by a 6’ high board-on-board fence, consistent with the Ordinance requirements.

12. Due to the concern of residents located contiguous to this property on the north side of the West Branch of the Rahway River, the Applicant met with representatives from the neighborhood and substantially revised their landscape and buffering plans in an attempt to

address the concerns of those residents. The primary challenge to ultimately accommodating the concerns of the neighbors by mitigating the impact of activities on this site as related to the contiguous residential neighborhood is that the proposed landscaping and buffering activity as set forth hereinafter is located in the Flood Hazard Area necessitating approval by the New Jersey Department of Environmental Protection (“NJDEP”). The Applicant agreed to submit requests for permits and approvals from the NJDEP to undertake the hereinafter described landscaping and buffering to mitigate any impacts on the residential neighborhood, and to do so within 60 days of any approval by this Board.

13. The enhanced buffering and landscaping is set forth on a new Sheet C-07A, dated 2/03/2021 and made part of the Plans. That landscape exhibit depicts the maintaining of the existing trees on the south side portion of the river bank of the West Branch of the Rahway River and the planting of 10’ high evergreen trees to substantially buffer the entirety of the rear portion of Lot 84 and to fill in those area gaps between existing trees behind the building on Lot 85. In addition, the Applicant proposed the construction of a 7’ high fence running in the rear to the south of the existing trees and newly proposed evergreen trees from the west boundary line in the rear of Lot 84 essentially to the western extended corner of the building located on Lot 85. In addition, the 7’ high fence would be installed from the western extended corner of the building located on Lot 85 south of the new and existing trees to a point of the existing rain garden that exists on the west side of the building located on Lot 85. In addition, as a result of public comments at the February 17, 2021 hearing, the Applicant agrees to install the same 7’ high privacy fence in an “L” shape along the north edge of the proposed truck turn-around area and then running north to the edge of the existing rain garden on Lot 85.

14. Both the Township Engineer and the residents were concerned about the river bank, particularly behind Lot 84, as well as that portion of the river bank behind Lot 85 that had not been reinforced as yet. The Applicant agreed to apply to the NJDEP for the requisite permits to stabilize that river bank. If the NJDEP grants and approves the requisite permits, then the Applicant agreed to construct the improvements consistent with such NJDEP approval.

15. The Applicant had originally requested a checklist waiver for the submission of an EIS. At the first hearing on January 6, 2021, after substantial discussion, the Board declined to grant the waiver and required the submission of the EIS, which, among other things, necessitated the holding of the second hearing. The Applicant submitted the EIS which addressed all of the requisite items set forth in the development regulations of the Township, specifically, DRZ-509. The Township professionals and the Board were satisfied with the materials submitted in the EIS and determined that the Applicant adequately addressed all of the potential environmental impacts of the proposed project.

16. The Township Engineer noted that the lighting photometric plan reflected acceptable average and maximum foot-candle values, but noted that the calculated uniformity ratios (max/min and average/min) were slightly over the values set forth in Section 512 of the DRZ. The Engineer supported a waiver of that requirement because the same is in a commercial zone, and will be well buffered by the landscaping from impacting any of the residential properties on the north side of the West Branch of the Rahway River. In addition, the Applicant

agreed to install a new light pole behind the building on Lot 84 and direct the lighting toward the building to reduce any impact on the adjacent residents to the north.

17. During the course of public comment, representatives of the residents testified and concurred that the Applicant and the residents agreed to address the various concerns of the parties. In addition to the items that have been set forth above and that will be included in this Resolution as part of the development approvals, the Applicant and the residents agreed on a variety of other voluntary limitations, including the time restriction on the deliveries and construction, subject to certain exceptions, the timing of the removal of trash, the idling of the trash vehicles and the relocation of HVAC units from the building. The Board expressed its acquiescence to the various commitments made between the Applicant and the property owner, but, except as set forth herein, those agreements will not be made part of this Resolution to be enforced by the Township. Instead, the Applicant and the residents shall work together and develop appropriate private enforcement mechanisms for the commitments made and the resulting agreement.

18. The Applicant seeks three variances. The first variance involves the proposed 7' high fence along the rear of the Property as set forth above and partially around the turn-around area as set forth above. The Ordinance limits fence height to 6'. Furthermore, the Applicant requests to extend the 8' high chain link fence currently around the existing generator to include the UPS facility adjacent to the generator area. The second variance involves the front yard set-back for each of the buildings. The Ordinance requires a 24' front yard set-back for which neither building complies. The existing building on Lot 84 has a 14.6' front yard set-back. That will remain the same. The Applicant requests to slightly reduce the existing front yard set-back for the building on Lot 85 from 14.66' (for which a variance was granted in 2015), to 14.3' due to certain improvements to the front of the building located on Lot 85. The third variance involves the existing parking stalls and aisle widths on Lot 85 which do not conform to the current development regulation standards. With regard to the fence height variance for both the privacy fence and the security fence (7' and 8' respectively, where 6' is the limit), the unique topographic and physical conditions of this site in the rear being in the Flood Hazard Area and contiguous to a residential area, coupled with the fact that the fence will be located to the south of the existing and newly planted tree buffering, and located on the commercial site, supports the positive criteria to grant the variance. The same relates to the 7' high buffering fence around the truck turn-around area which will be located entirely on this Property but yet is intended to adequately shield the residential neighborhood located to the north from the activities taking place in that truck turn-around area. Further, there is no substantial detriment to the public good because its purpose is to enhance the public good and to reduce the impact of these commercial activities on the adjacent residential neighborhood. Similarly, there is no substantial impairment of the Zoning Ordinance and Zoning Plan for the same reasons.

19. The variance for the extension of the 8' high chain link fence is justified because of the advancement of several purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2 which includes, under subsection a, the promotion of the public health, safety, morals and general welfare and, under subsection b, to secure safety from fire, flood, panic and other natural and man-made disasters. The benefits of properly securing the generator and the UPS

facilities for a facility of this nature outweighs any detriments by the fence, particularly because an 8' high chain link fence already exists surrounding the generator and the proposal is to extend the perimeter of that fence to now include the UPS that will be located immediately adjacent to the existing generator. For the same reasons as set forth above, the negative criteria have been met by the Applicant.

20. The variances for the front yard set-backs and the existing aisle width and parking stall size are justified by pre-existing conditions which demonstrate that it would be an exceptional hardship for the Applicant to reconstruct the existing buildings in order to meet the required front yard set-back or to reconfigure the parking stall sizes and the aisle width that have been adequately utilized over the years of existence and use of that building. The granting of these variances will have no substantial impact on the public good nor will they substantially impair the Zoning Ordinance or Zoning Plan because they currently exist and would continue to exist if there had been no application before this Board for the improvements and proposals set forth in this application.

21. As abovementioned, the Applicant seeks an exception to allow three access driveways, as opposed to two permitted on these consolidated lots. In addition, the Applicant seeks an exception for the minor deviation from the lighting photometric requirements as set forth in the Ordinance and as delineated in the Township Engineer's Report of February 9, 2021. With regard to each of those exceptions, the Board finds that they are reasonable and within the general purposes and intent of the site plan approval requirements and the literal enforcement of the requirements would be impracticable and will result in undue hardship because of the preexisting nature of the access drives and the minimal impact of the lighting standard deviation.

22. The Board is of the view that preliminary and final site plan approval should be granted along with the variances and design exceptions set forth in more detail in this Resolution and subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn on February 17, 2021 granting (i) preliminary and final site plan approval; (ii) a variance to allow a fence height of 7' in the areas as specifically set forth on Sheet C-07A of the Plans, as well as the 7' high fence in an "L" shape partially around the turn-around area as set forth in the Findings of Fact; (iii) a variance to allow for the extension of the 8' high chain link fence around the UPS on the east side of the building located on Lot 85; (iv) a front yard set-back variance to allow for a 14.6' front yard set-back for the building located on Lot 84 and a 14.3' front-yard set-back for the building located on Lot 85; (v) a variance to allow for the existing undersized parking stalls and aisle width on Lot 85; an exception to allow for three access drives on the Property; and (vi) an exception to allow a photometric deviation related to the calculated uniformity ratios which are minimally over the values as set forth in Section 512 of the DRZ, all subject to the following conditions:

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

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

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

4. The Applicant shall provide proof of exemption or approval from the Essex County Planning Board and/or proof of exemption or approval from the Hudson-Essex-Passaic Soil Conservation District and an approval or letter of no interest from the County of Essex.

5. To the extent required, the Applicant shall submit revised Plans to reflect the changes to which the Applicant agreed and/or those modifications that are required by the Board in this Resolution or by the Board's experts.

6. The Applicant shall comply with the reports of the Township professionals, more specifically: (i) the Township Forester in his 12/15/20 Memorandum; (ii) the Township Fire Marshal's two reports of 12/22/20; (iii) the Township Planner's report dated 1/4/21; and (iv) the Township's Engineer's Report dated February 9, 2021.

7. The Applicant shall merge Lots 84 and 85 into a single lot with a Deed of Consolidation reviewed and approved by the Township Engineer and the Planning Board Attorney, after consultation with the Tax Assessor to assign an appropriate singular lot designation and new street address to the Property, if necessary.

8. The parking light pole "A" on Exhibit A-3 in the parking lot of Lot 84 will face the building.

9. The Applicant shall file all requisite permits for the construction of the fence and buffering in the Flood Hazard Area, along with requests to stabilize the bank along the West Branch of the Rahway River along the consolidated Property with the NJDEP within sixty (60) days of the date of approval of this Resolution. In the event that the NJDEP denies the Applicant the right to construct any portion of the buffering or fencing or other improvements in the Flood Hazard Area as set forth in the Plans, including, but not limited to, Sheet C-07A, the Applicant shall be required to return to the Planning Board for an amended approval and provide alternative mitigating activities and landscaping to the extent that the proposed activities are not ultimately issued a Permit by the NJDEP.

10. The Applicant shall execute an appropriate Release and Hold Harmless Agreement with the Township of Millburn, in a form acceptable to the Planning Board Attorney, Township Engineer and Township Attorney related to improvements installed over the easement as set forth on the Plans.

11. The Applicant shall make all efforts to replace any current or proposed impervious area with permeable pavers or other permeable products that will further reduce

impervious area. The Applicant shall report in writing the results of the Applicant's efforts to the Township Engineer.

12. The Applicant will make reasonable efforts to enhance the rain garden presently on the premises and install an additional rain garden to help mitigate stormwater run-off from this site, if approved by the NJDEP

13. The Applicant shall further consider the installation of two electric vehicle charging stations on the premises to encourage the use of electrical vehicles by employees. The Applicant shall report in writing whether said electric vehicle charging stations have been installed to the Township Engineer.

14. The Applicant shall be bound to comply with all representations made before this Board by the Applicant and Applicant's witnesses during the course of the public hearings on the application held on January 6, 2021 and February 17, 2021 as related to the application and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

15. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A.40:55D-10g (2), memorializing action taken by the Board at its meeting on February 17, 2021.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 31st day of March 2021.

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

Upon a motion made by Miriam Salerno, seconded 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
- Miriam Salerno – yes
- Beth Zall – yes

the following memorializing resolution was adopted:

**RESOLUTION
PLANNING BOARD
TOWNSHIP OF MILLBURN**

In the Matter of:

**CV Slope, LLC
Application #20-014
Block 3701, Lot 2
Preliminary and Final Major Subdivision Approval
Environmental Impact Statement and Stormwater Waivers**

WHEREAS, CV Slope, LLC (“Applicant”) has made application to the Township of Millburn Planning Board (“Board”) for preliminary and final major subdivision approval involving property located at 121 Slope Drive, formally known as Block 3701, Lot 2 on the Official Tax Map of the Township of Millburn (“Property”); and

WHEREAS, the Applicant has submitted plans entitled “Preliminary and Final Major Subdivision, 121 Slope Drive, Tax Lot 2, Block 3701, Township of Millburn, Essex County, New Jersey”, consisting of four sheets, prepared by Michael T. Lanzafama, P.E., L.S., P.P. of Casey and Keller, Inc. dated December 15, 2020 (the “Plans”); and

WHEREAS, a public hearing with proper notice under the Municipal Land Use Law (“MLUL”) and the applicable ordinances of the Township of Millburn, as modified for the purposes of conducting the public hearing remotely through the Zoom platform wherein members of the public can participate by joining the meeting utilizing the invitational link set forth in the notice or by telephone using the invitational telephone number as set forth in the notice, was held on the application on March 3, 2021; and

WHEREAS, the Applicant was represented by Anthony Cerciello, Esq. and testimony in support of the application was provided by Applicant’s professional engineer/land surveyor, Michael T. Lanzafama, PE, LS, PP; and

WHEREAS, the Board having reviewed the materials submitted and considered the testimony presented, and having reviewed the reports of the Board’s professionals with respect to the application and considered their opinions, hereby makes the following findings of fact:

1. The Property is located at 121 Slope Drive and is formally known as Block 3701, Lot 2 on the Official Tax Map of the Township of Millburn. The Property is a corner lot at the intersection of Slope Drive and Hartshorn Drive and consists of approximately 40,000 square feet (0.92 acre) in the R-5 Zone, which has a minimum lot size requirement of 14,500 square feet. The Property contains an existing single-family dwelling that fronts on Slope Drive, with

an in-ground pool and patio to the rear of the house. The Property is not in a flood hazard area, nor is the parcel affected by wetlands or riparian buffers. There is a small 787 square feet area of steep slopes near the side property line with adjacent Lot 1.

2. The Applicant's proposal is to subdivide the Property and create two fully conforming residential lots. The proposed subdivision would create an additional building lot from what is currently the rear yard area of the Property. Proposed Lot 2.01 will consist of 20,590 square feet and contain the existing dwelling. Proposed Lot 2.02 will consist of approximately 19,487 square feet and would front on Hartshorn Drive. The existing pool and patio that are currently located on that portion of the current Lot 2 that is proposed to be subdivided into proposed Lot 2.02 will be removed. Both proposed lots exceed the minimum lot size required and there are no bulk variances requested in the Applicant's proposed subdivision. Proposed Lot 2.01 with the existing house thereon meets all of the R-5 Zone setback, coverage and floor area ratio (F.A.R.) requirements. The Plans further show side yard setbacks of 12 feet and 16 feet. Proposed Lot 2.02 meets the lot area, lot width and lot depth requirements in the R-5 Zone. A building envelope was shown on the Plans for the new Lot 2.02 parcel, but without a footprint of a proposed structure. In the Board Planner's view, the Plans show that Proposed Lot 2.02 has a realistic building envelope based on R-5 Zone setback standards so as to accommodate a dwelling that would also meet building coverage and F.A.R. requirements.

3. Applicant's Engineer/Land Surveyor, Michael Lanzafama, presented as Exhibit A-1 a subdivision map of Rolling Green Estates, which he testified was filed in the Essex County Register's Office on August 17, 1956 and shows that the Property was historically two separate lots. Mr. Lanzafama also reviewed the first three sheets of the Plans – the Cover Sheet, Land Title and Topographic Survey, and Preliminary Subdivision Plat, which were marked Exhibits A-2 through A-4. He testified that the proposed subdivision is fully conforming as it complies with all R-5 Zone requirements. He further stated that the existing pool and patio on the Property will be removed within the next 30 to 60 days.

4. The Applicant has requested a waiver from the requirement to submit an Environmental Impact Statement ("EIS"). The Township Engineer is of the view that such a waiver is appropriate since the Property is not located in an environmentally sensitive area and the subdivision application before the Board does not involve any construction at the present time. The Board agrees and finds that as the Property is not affected by flood plains, wetlands or riparian buffers and there is only a small area of steep slope along an adjacent property line, the Applicant shall not be required to submit an EIS. The Applicant's Engineer/Land Surveyor testified that future development on Proposed Lot 2.02 would require the removal of trees within the building envelope as shown on the Plans. The Board finds that even so, the submission of an EIS is not necessitated, and notes that any prospective development of the parcel which involves tree removal would be overseen by the Township Forester and require submissions including landscape, tree removal and tree replacement plans.

5. The Applicant has also requested a waiver from the requirement to submit stormwater runoff calculations. Mr. Lanzafama opined that such a requirement is premature at this juncture because no building has been proposed to be constructed on Proposed Lot 2.02. He

stated that the waiver request is more akin to a deferral request, as stormwater calculations would be provided at such time when there is an actual proposed structure and lot grading plan for the parcel. The Township Engineer concurred and does not object to a waiver for stormwater calculations as there is not a proposed structure or regrading plan that accompanies the subject application.

6. The Board received and reviewed reports in connection with the subject application from the Township Engineer, Martha Callahan, P.E. and the Board Planner, Paul A. Phillips, P.P., dated February 19, 2021.

7. Several neighbors appeared to ask questions of Applicant's witness and to comment on the application.

8. After considering the application, and taking into account all of the various factors set forth herein, as well as all of the information presented on the record and in the various reports, the Board is of the view that preliminary and final major subdivision approval should be granted along with the waiver requests for the submission of an EIS and stormwater runoff calculations set forth in detail in this Resolution and subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall serve to memorialize the action of the Planning Board of the Township of Millburn taken on March 3, 2021 granting (i) preliminary and final major subdivision approval; (ii) a waiver of the Environmental Impact Statement requirement; and (iii) a waiver of the submission of stormwater runoff calculations, all subject to the following conditions:

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

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

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

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

5. The existing pool and patio on the Property shall be demolished/removed prior to the signing of the subdivision plat by the Planning Board and the filing of the same in the Essex County Register's Office.

6. The Applicant shall perfect this major subdivision by filing with the Essex County Register's Office, the Township Engineer and the Tax Assessor a subdivision plat in accordance

with the requirements of the New Jersey Map Filing Law within 95 days after signing of the final plat, unless extended in accordance with N.J.S.A. 40:55D-54a. Such Plat shall be reviewed and approved by the Township Engineer prior to being signed by the Township Engineer and the Board and filed.

7. This approval is subject to payment of all outstanding tax and utility charges owed to the Township.

8. The Applicant shall comply with the recommendations and requirements of the Township Engineer and Board Planner as contained in their respective reports dated February 19, 2021.

9. Copies of the filed plat shall be submitted to the Board Secretary.

10. The Applicant shall be bound to comply with all representations made before this Board by the Applicant, and Applicant's witness during the course of the public hearing on the application held on March 3, 2021 as related to the application for relief and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable as if those representations were made conditions of this approval.

11. This Resolution is a memorializing Resolution as set forth pursuant to N.J.S.A. 40:55D-10g(2), memorializing action taken by the Board at its meeting on March 3, 2021.

I, EILEEN DAVITT, Secretary/Clerk to the Planning Board of the Township of Millburn in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the said Planning Board on the 31st day of March 2021.

APPLICATIONS

APPL#20-007, 85 WOODLAND ROAD, LLC, WOODLAND/CHATHAM ROAD, SHORT HILLS

*Maggee Miggins recused and left the meeting.

Board Attorney, Ed Buzak, clarified the record as it relates to comments that were made by the applicant's attorney at their previous meeting. Mr. Buzak stated that in the course of discussion regarding roof top decks, fire pits and how the building fit into the neighborhood, a comment was made by Mr. Inglesino as follows:

“This is an affordable housing and inclusionary project and it was carefully designed and planned by the Governing Body as a settlement with the applicant

and our view legally is that our obligation, if you will, which we have I think this hearing, is borne out as fulfilled with the settlement agreement provided for.”

Mr. Buzak indicated that the Governing Body did not design this project; it was designed by the applicant and any implication that the Governing Body designed the project is incorrect. The Settlement Agreement, in face, included reference to several exhibits. One was the ordinance that this application has proceeded under and another was a set of concept plans which were attached as exhibit B to the Settlement Agreement.

Mr. Buzak continued saying that a provision in the Settlement Agreement, article 5, subsection a reads in part:

“The parties acknowledge that the aesthetic appearance and appeal of the development from the adjoining streets and properties including, specifically, all facades, number of units, footprint and height of the building constitutes significant areas of concern for the township and neighborhood. Therefore, it is an essential and significant element of this agreement that any development application presented to the Planning Board shall be consistent with the concept plan exhibit B and consistent with the ordinance exhibit A for except for any reasonably *de minimus* bulk variances or waivers from its provisions resulting only from detailed engineering design of the residential development provided, however, that the developer shall not seek any variances from the ordinance relative to the following: 1) use; 2) maximum density; 3) footprint of the building; 4) aggregate number of units; 5) height and stories.”

John Inglesino, Attorney for the applicant, stated his appearance and indicated that Gary Dean, Traffic Engineer, presented testimony at the last hearing and is present tonight for any questions from the Board and public.

Gary Dean, Traffic Engineer, appeared and remains sworn. He spoke to the exit driveways and potential impact on safety of pedestrians, specifically children who may be using the sidewalks.

Entered as A-38: photo of garage Harborside (Jersey City)

Mr. Dean stated that exhibit A-38 shows how exits can be treated with signage and building columns.

Entered as A-39: photo of garage at 15th St. (Hoboken)

Mr. Dean stated that exhibit A-39 shows a sidewalk that comes out directly at the building exit and is an example of what should not be done by the applicant in this situation.

Entered as A-40: photo of garage at 14th St. (Hoboken)

Mr. Dean stated that exhibit A-40 is an example of how masonry planters that flank each side of the garage, along with the use of glass on the side of the exit, can help better characterize garage exits.

Entered as A-41: photo of truncated domes (Washington Trust Bank)

Exhibit A-41 shows a bright yellow, pedestrian warning device placed on the sidewalk in advance of the garage exit lanes. They are used to provide a difference in pavement treatment where they can be felt below the feet of pedestrians and visually be seen with their bright color. They also create a greater presence of the garage exit.

Entered as A-42: photo of decorative walking surface

Mr. Dean stated that exhibit A-42 is an example of a sidewalk with decorative pavement courses stamped into the concrete to emulate a contrasting material, such as bluestone. It has both a colored and textured treatment to help distinguish that aspect of the driveway apron from the balance of the sidewalk.

Entered as A-43: marked-up site plan (Chatham Road)

Mr. Dean indicated that exhibit A-43 shows Mr. Lanzafama's original site plan, which has been marked up showing notes that reinforce his previous examples, such as truncated domes, decorative walking surface and green planters.

Entered as A-44: marked-up site plan (Woodland Road)

Mr. Dean stated that exhibit A-44 shows Mr. Lanzafama's original site plan, also marked up showing truncated domes and green planters along the Woodland Road elevation.

Entered as A-45: parabolic mirror

Mr. Dean indicated that exhibit A-45 is an example of a convex mirror attached to the garage ceiling that provides exiting drivers and pedestrians the ability to look around the corner.

Entered as A-46: PASS video (Pedestrian Alert Safety Signs)

Mr. Dean explained that the PASS signs have motion detection technology and are fixed to the exterior of the buildings. When a vehicle approaches the exit, there is a detection device which will signal the sign to illuminate a flashing light to indicate a car exiting or approaching. The sign flashes to catch the pedestrian's attention and there is also an audible warning.

Jorge Mastropietro asked if the Hoboken and Jersey City sites shown in the exhibit are situations similar to the site here in Short Hills. Mr. Dean indicated that this site is actually a better situation.

Gaston Hauptert liked the glass visibility shown on the Woodland Road side and questioned whether it could be done on the Chatham Road side, as well. Mr. Dean stated that it is not needed on the Chatham Road side and structural conditions would prevent that, as well.

A member of the public asked if any of the examples that were shown in the exhibits have schools nearby. Mr. Dean indicated that the Hoboken project has an elementary school 1 block away. When asked if unaccompanied children walking the area was taken into account, Mr. Dean stated that the recommendations are made for all ages, unaccompanied or accompanied. The access points are designed for pedestrians to have the right of way.

Michael Tobia, P. P., appeared and was sworn. His credentials were presented and accepted by the Board. Mr. Tobia provided testimony with regard to the planning aspect of this application and addressed the variance being requested for it. He explained that the site of this development lies in a RMFAH zone (Residential Multi Family Affordable Housing) and that the metrics required for this zone are met by the applicant. According to Mr. Tobia, this is a nearly fully conforming application. The only variance required is the approval of the terrace's dimensions. The Township ordinance requires three particular terraces to be a minimum of 10 feet wide and 30 feet long, and in this case there is a terrace that is 10 feet wide and only 20 feet long. Mr. Tobia touched on the rooftop decks and addressed the question of whether it is a permitted accessory use in the RMFAH zone. He stated that although the ordinance does not specifically permit a rooftop deck in this zone, it does not mean that it is prohibited. Similarly to elements like gyms, sidewalk, and lamp posts, it is something that is not explicitly permitted yet is very customary for a high end apartment building such as is proposed.

Mr. Tobia stated that Summit Medical Group will remain in operation during the construction phase. There will be a temporary shortfall of 14 parking spaces for approximately 18 months while the phase 1 portion of the project is taking place.

Entered as A-46: valet parking exhibit

Mr. Tobia explained that the proposed valet plan will allow for the required 50 parking spaces during the phase 1 construction phase.

Board Members Jorge Mastropietro and Daniel Bear questioned the duration of each construction phase. They emphasized that the ordinance states that the Board has the right to understand construction impacts.

Paul Phillips raised questions for Mr. Lanzafama about a requirement for the landscaping treatments to buffer the exposure of the third level parking garage and asked for an illustrative photo so the board could see what the treatment would look like. Mr. Phillips also asked him if the applicant would be willing to do additional foundation plantings on the south side of the building, wrapping it around the garage entrance because in the plans that were submitted, it was just along the woodland road frontage. Mr. Phillips asked that these issues be addressed and presented for the next meeting on this matter.

The matter was carried to April 7, 2021.

ADJOURNMENT

A motion to adjourn was made by Beth Zall, seconded by Jorge Mastropietro, and carried with a unanimous voice vote. (10:44 PM)

Eileen Davitt
Board Secretary

Motion: BZ
Second: MS
Date Adopted: 7/7/21