

Township of Millburn
Minutes of the Planning Board
April 7, 2021

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

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

The following members were present for the meeting:

Daniel Baer
Gaston Haupt
Jorge Mastropietro
Marc Matsil
Maggee Miggins
Joseph Steinberg
Sanjeev Vinayak
David Morrow, Alt. #1
Sriniv Vijay, Alt. #2
Miriam Salerno, Vice Chairwoman
Beth Zall, Chairwoman

Also present:

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

MINUTES

There were no minutes for approval.

APPLICATIONS

APPL#20-007, 85 WOODLAND RP LLC, 85/87 WOODLAND – 54/58 CHATHAM ROAD, SHORT HILLS

*Maggie Miggins recused and left the meeting.

John Inglesino, Attorney for the applicant, stated his appearance. He stated that Michael Tobia, P.P., provided testimony at the 3/31/2021 meeting and is present tonight for Board and public questions.

Ent. as A-47: Settlement Agreement 9/17/2019

Jorge Mastropietro referred to exhibit A-36, aerial site, and asked Mr. Tobia if he feels the scale of the building relates to the neighborhood. Mr. Tobia stated that the proposed building is bigger than the building that currently exists there. He stated that this is a large property. They worked closely on the concept of the courtyard in order to reduce the scale across Woodland Road. They limited the Chatham Road side to a 38 foot height and 3 stories in order to minimize the scale. Mr. Tobia indicated that the proposed development is in scale with the neighborhood and fits well into the streetscape.

Gaston Hauptert questioned safety concerns during the anticipated 3-year construction project. He questioned what is proposed to help pedestrians in the area during the construction. Mr. Tobia stated that if approved, they will proceed with the constructions drawings and schedule contractors. They will meet with all Township professionals to rehearse the entire plan. They will speak to pedestrian safety as well as all other safety aspects.

Board Attorney, Edward Buzak, referred to exhibit A-46 which spoke to the valet parking proposed. He asked for clarification as to how it will work. Mr. Tobia stated that the outer perimeter is for employees and the first stack of the tandem is for employees. They will valet patient cars only. There are 24 tandem spaces and 26 perimeter spaces. Mr. Buzak questioned whether it would work better if the employees were stacked and the patients self-parked around the perimeter. Mr. Tobia stated that it was considered and the project is about a year away. By the time the project goes into construction, it is possible they may use the tandem for employees.

In response to public questions, Mr. Tobia stated that the rooftop deck was not a requirement for affordable housing and was not part of the settlement agreement. The rooftop deck was included as part of the site plan review. Occupancy of the rooftop deck will be addressed and enforced by a property manager. The property manager will not be on site 24/7, however they will be available to respond for any after hour issues. Mr. Tobia stated that this development was prepared in accordance with the ordinance. The ordinance granted the density by way of a court settlement. It is beautifying a corner and meeting an affordable housing requirement.

Several Board members had questions regarding accessory structures and customarily incidental clarification. Board Attorney, Edward Buzak, indicated that there is no definition of “customarily incidental”. The applicant has presented this development and based on the applicant’s testimony, this Board can render a decision.

Board Attorney, Edward Buzak, indicated that during the course of the settlement, designs were submitted and reviewed by Township representatives. Comments and revisions were made, resulting in the settlement agreement. This ordinance was adopted and governs. The Township had input; however, the Township itself did not design the project.

This application was carried to April 28, 2021.

BUSINESS

ORD #2571-21

The Board discussed ordinance #2571-21 which proposes to amend section 604 of the Development Regulations and Zoning Ordinance as it pertains to cannabis establishments and prohibited uses.

With a motion made by Beth Zall, seconded by Jorge Mastropietro, and a roll-call vote as follows:

- Daniel Baer — yes
- Gaston Hauptert — yes
- Jorge Mastropietro — yes
- Marc Matsil — yes
- Maggee Miggins — yes
- Joseph Steinberg – abstain
- Sanjeev Vinayak — yes
- David Morrow, Alt. #1
- Srini Vijay, Alt. #2
- Miriam Salerno, Vice Chairwoman — yes
- Beth Zall, Chairwoman — yes

The Planning Board recommends Township Committee approval of Ord. #2571-21 as not inconsistent with the Master Plan.

ADJOURNMENT

A motion to adjourn was made by Jorge Mastropietro, seconded by Gaston Hauptert, and carried with a unanimous voice vote. (10:45 PM)

Eileen Davitt
Board Secretary

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