

Township of Millburn
Minutes of the Planning Board
May 5, 2021

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, May 5, 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
Sriniv Vijay, Alt. #2
Miriam Salerno, Vice Chairwoman
Beth Zall, Chairwoman

Also present:

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

MINUTES

A motion to approve the minutes of February 17, 2021 was made by Joseph Steinberg, seconded by Gaston Hauptert, and carried with a unanimous voice vote.

APPLICATIONS

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

*Maggee Miggins recused from both matters before the Board tonight and left the meeting.

Derek Orth, Acting Attorney for the applicant, stated his appearance tonight in the absence of John Inglesino. He stated that the applicant presented an affirmative case and the public has had the opportunity to ask questions and express their opinions. In response to some concerns, the 2,700 SF rooftop deck has been removed from the plans.

Entered as A-48: letter of 5/5/2021 re: rooftop deck of Phase II

Joseph Steinberg questioned whether both rooftop decks were being removed. Derek Orth stated that only the rooftop deck in Phase II is being eliminated. The applicant is not altering any balconies or other parts of the building. There are no alterations being made to the deck on top of the garage. The uppermost rooftop deck on Phase II is being removed.

Some Board members raised issue with obtaining LEED Certification. Mr. Orth stated that the applicant is following LEED designs but not committing to LEED certification.

Other Board members felt the applicant and developer should have done more to minimize any adverse impacts on the neighboring community.

Several Board members felt the applicant should have implemented green infrastructure in the proposed development.

Chairwoman Beth Zall asked Martha Callahan to speak briefly about the Riparian issues that were raised. Ms. Callahan indicated that she looked at the application as the DEP would. The applicant is not increasing an adverse impact. They are providing storm water and drywell systems in accordance with the ordinance standard and all water collected from the buildings is directed into drywell systems. The applicant has complied with the mitigation efforts the Township has requested.

An issue was raised with regard to off-street parking. Some members felt the proposed cut-out is in violation and the garage should be able to accommodate all parking associated with the development.

Board Attorney, Edward Buzak, stated that the cut-out area is for move-in/move-out and deliveries and is not permanent parking for the residents or visitors.

Township Planner, Paul Phillips, agreed and stated that the cut-out does not violate the ordinance. Structured parking refers to the needs of the tenants; not off street parking.

Edward Buzak stated that the cut-out is partially in the right-of-way and will need permission of the Township.

Sanjeev Vinayak felt that the applicant did not have a good attitude throughout the matter. He felt they were bullies from the beginning. Marc Matsil stated that the applicant was largely unresponsive to several questions asked by community members, Planning Board

members and the Environmental Commission related to stormwater management, riparian, and sustainability issues.

Edward Buzak asked for comments from the Township Engineer and Planner as it pertains to the cut-out. Martha Callahan, Township Engineer, stated that there is a similar cut-out situation on the recently approved Beahive Properties development. She indicated that a condition of approval should be that the applicant receive approval from the Township Committee for the encroachment into the right-of-way.

Township Planner, Paul Phillips, agreed and stated that the developer, by proposing the cut-out, was being responsive to some public concerns.

Edward Buzak reminded Board members that the applicant's attitude is not a basis to deny/grant the application. He added that there is no ordinance that requires multi-family residences to provide move-in/move-out accommodations on site.

Joseph Steinberg stated that he understands the importance of this application and how it came about. He also understands the litigation that would be involved in the event of a denial. He stated that he has two issues with the proposal. He indicated that there were two rooftop decks and only one was withdrawn. Many neighbors were concerned with both decks and the noise associated with them. Those concerns remain. Mr. Steinberg also stated that he does not feel all pedestrian safety issues have been addressed.

Mr. Buzak stated that the developer agreed to any one of all of the safety precautions, as the Board would require.

Miriam Salerno asked if it would be appropriate for the applicant to work with the Pedestrian Safety Advisory Committee. The applicant has offered several options/methods but there is nothing specific in place at this time.

Daniel Baer felt the EIS was significantly deficient, especially on the construction side. However, this plan was the result of a builder's remedy and the plan here is what was agreed upon in the settlement agreement. We are bound by that and the ordinance that was written in that regard. The application complies with zoning for this property with the exception of 2 *de minimus* variances. Our role is limited with respect to what we can rule on.

Beth Zall felt much of the noise concern was directed toward the upper rooftop deck, which has been removed from the plan. She has less concern with the interior deck.

In response to Miriam Salerno's request, Edward Buzak stated that the Planning Board can require that the applicant work with the Township officials and any committees with regard to pedestrian safety.

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

Daniel Baer – yes
Gaston Hauptert – yes
Jorge Mastropietro – abstained
Marc Matsil – no
Joseph Steinberg – abstained
Sanjeev Vinayak – abstained
David Morrow, Alt. #1 – yes
Miriam Salerno, Vice Chairwoman – yes
Beth Zall, Chairwoman – yes

App#20-007, 85 Woodland Rd. LLC, Woodland Road/Chatham Road site plan approval was **GRANTED** with the following conditions: 1) the cut-out shall be subject to approval from the Township Committee; 2) there shall be no move-in/move-out occurring M-F between 9 AM – 5 PM. . .move-in/move-out to occur on weekdays after 5PM or on weekends; 3) there shall be no dens converted to bedrooms; 4) there shall be no closets in the dens; 5) the gym facility shall be limited to 10-15 residents only; 6) applicant agrees to additional landscaping along the finger of the site adjoining lot 76; 7) applicant shall install raised planter beds along the exposed garage façade south of the main courtyard; 8) landscaping shall be provided for the portion of the façade south of the Woodland garage entry continuing and extending to wrap around the southern tip of the building; 9) light fixtures shall be mounted at a 12 foot height on the south west apartment wing of the building; 10) there shall be low level illumination for the public walkway at the rear of the new building; 11) applicant agrees to provide temporary lighting during construction to ensure that the pathway continues to be lit; 12) all lighting adjacent to the arboretum area shall be shielded and downward facing; 13) parking of construction vehicles in the public right of way is prohibited; 14) applicant will ensure that all public rights of way and sidewalks are accessible and maintained during construction; 15) applicant shall provide detailed plans for façade signage for the medical offices and residential properties; 16) applicant shall meet with Township professionals and representatives of committees with regard to the installation of pedestrian safety measures; 17) the lots shall be merged into a single lot.

APPL#21-001, CANOE BROOK COUNTRY CLUB, 1108 MORRIS TURNPIKE, SHORT HILLS

Bart Sheehan, Attorney for the applicant, stated his appearance. The applicant is seeking site plan approval to renovate and expand a caddy/bag storage building that was destroyed by fire in 2020.

Albert Constantini, general manager of Canoe Brook Country Club, appeared and was sworn. He stated that the club is a private, family-oriented country club that includes a clubhouse, golf course, tennis courts, pool and other associated structures related to those activities. The caddy/bag storage building was damaged by fire in 2020. The club would like to reconstruct the building with a small 712 sq. foot expansion.

Wayne Jacques, architect, appeared and was sworn. His credentials were presented and accepted by the Board.

Entered as A-1: Colorized schematic rendering
Entered as A-2: floor plan

Mr. Jacques gave a brief description of the proposal. The building will comply with all applicable Township Zoning ordinance requirements. The building will contain a large, bag storage area and breakroom. There is also an indoor space for the outdoor operations staff. Mr. Jacques stated that the proposed floor plan is a customary layout for caddy/bag storage buildings.

Robert Lynes, P.E., appeared and was sworn. His credentials were presented and accepted by the Board.

Entered as A-3: sheet S3 (5 of 8) of submitted plans.

Mr. Lynes referenced sheet 5 of the site plan showing the existing conditions of the property. He stated that the existing caddy building is approximately 2,694 SF. The proposed building is approximately 3,415 SF. He stated that the building is 555 feet to the closest property line and 672 feet to the nearest residential dwelling. He indicated that the existing on-site utilities will serve the new addition and concrete pavers and asphalt that currently surrounds the existing building will be removed and replaced with new concrete brick pavers. Grading and drainage improvements will be undertaken that will be sufficient to handle the additional runoff from the small 712 SF addition.

Overall, the Board felt minor site plan approval could be granted.

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

Daniel Baer — yes
Gaston Hauptert — yes
Jorge Mastropietro — yes
Marc Matsil — yes
Joseph Steinberg — yes
Sanjeev Vinayak — yes
David Morrow, Alt. #1 — yes
Miriam Salerno, Vice Chairwoman — yes
Beth Zall, Chairwoman — yes

APPL#21-001, Canoe Brook Country Club, 1108 Morris Turnpike, site plan approval was **GRANTED** subject to the following conditions: 1) applicant shall submit plans for review/approval to Hudson-Essex-Passaic Soil Conservation District, if applicable; 2) applicant shall comply with recommendations of Board Planner, Township Engineer Township Marshal.

ADJOURNMENT

A motion to adjourn was made by Joseph Steinberg, seconded by Gaston Hauptert, and carried with a unanimous voice vote. (10:24 PM)

Eileen Davitt
Board Secretary

Motion: DB
Second: BZ
Date Adopted: 8/4/21