

Township of Millburn  
Minutes of the Planning Board  
May 19, 2021

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, May 19, 2021** via Zoom webinar at 7:30 PM.

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  
Maggie Miggins  
Joseph Steinberg  
Sanjeev Vinayak  
David Morrow, Alt. #1  
Srini Vijay, Alt. #2  
Beth Zall, Chairwoman

Also present:

Paul Phillips, Township Planner  
Eileen Davitt, Board Secretary

### **APPROVAL OF MINUTES**

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

### **APPLICATIONS**

There are no applications scheduled.

### **BUSINESS**

#### **ORD #2577-21**

The Board discussed ordinance #2577-21, which proposes changes to the Development Regulations and Zoning Ordinance as it pertains to the B-2, B-3 and B-4 zones.

Paul Phillips, Township Planner, gave a brief summary of the proposed ordinance. He stated that the 2018 Master Plan review made a number of recommendations. In 2019, some

modifications were made into permitted uses in the B-2, B-3 and B-4 zones. The allowable height in the B-4 zones was also increased.

The ordinance proposed is done in attempt to make Millburn's Zoning Ordinance more business friendly and put Millburn's business district in a more competitive position. The proposed ordinance also modifies the parking requirement in the B-4 zone for changes of use/changes in tenancy with no expansion of the building.

The proposed ordinance will also allow brew pubs, theaters, museums, co-working/shared spaces and will allow insurance offices as a permitted use on the ground floor in the B-4 zone.

The final proposed amendment relates to restaurants in the B-2, B-3 and B-4 zones. The current ordinance permits restaurants as a conditional use in the B-2, B-3 and B-4 zones, with the condition being that the closest part of the structure be at least 125 feet from the lot line of a single-family dwelling in a residential district. It also prohibits drive thrus and requires that the restaurant be on a primary or secondary roadway. If the conditions are not met, the applicant needs to obtain a d(3) variance from the Zoning Board. One of the current issues is that even if a restaurant meets the conditions, MLUL mandates an application be filed with the Planning Board.

The proposed ordinance amendment will eliminate any need to go to the Planning Board if the applicant is otherwise site plan exempt and meets all the conditional use requirements.

The proposed amendment will allow restaurants that meet the 125 foot separation standards as a permitted use, not a conditional use, which would eliminate any need to go to the Planning Board if the applicant is otherwise site plan exempt.

Additionally, the 125 foot separation standard would not apply in instances where the nearest residential lot within 125 feet is separated by a street or railroad right-of-way.

While most of the B-3 zone encompasses properties along upper Millburn Avenue or Morris Turnpike, there is a section of the B-3 zone on Chatham Road where restaurants are not permitted irrespective of the 125 foot separation standard because they are not on a primary or secondary roadway as classified in the Master Plan. Any restaurant there would still be required to seek use variance relief from the Zoning Board.

Paul Phillips stated the amendment before the Planning Board tonight is clearly not inconsistent with the Master Plan.

A motion was made by Jorge Mastropietro, a second by David Morrow, and with a roll-call vote as follows:

Daniel Baer – yes  
Gaston Hauptert – yes

Jorge Mastropietro – yes  
Marc Matsil – yes  
Maggie Miggins – recused  
Joseph Steinberg – yes  
Sanjeev Vinayak – yes  
David Morrow, Alt. #1 – yes  
Srini Vijay, Alt. #2 – yes  
Beth Zall, Chairwoman – yes

the Planning Board recommends Township Committee adoption of Ord.#2577-21 as not inconsistent with the Master Plan.

**ADJOURNMENT**

A motion to adjourn was made by Sanjeev Vinayak, seconded by Joseph Steinberg, and carried with a unanimous voice vote. (8:17 PM)

Eileen Davitt  
Board Secretary

Motion: MM  
Second: GH  
Date Adopted: 8/4/21