

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

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, July 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 Hauptert  
Jorge Mastropietro  
Marc Matsil  
Maggee Miggins  
Joseph Steinberg  
David Morrow  
Srini Vijay  
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

**APPROVAL OF MINUTES**

A motion to approve the minutes of February 24, 2021, was made by Joseph Steinberg, seconded by Beth Zall, and carried with a unanimous voice vote.

A motion to approve the minutes of March 3, 2021, was made by Jorge Mastropietro, seconded by Gaston Hauptert, and carried with a unanimous voice vote.

A motion to approve the minutes of March 31, 2021, was made by Beth Zall, seconded by Miriam Salerno, and carried with a unanimous voice vote.

A motion to approve the minutes of April 7, 2021, was made by Srini Vijay, seconded by Miriam Salerno, and carried with a unanimous voice vote.

A motion to approve the minutes of April 28, 2021, was made by Beth Zall, seconded by Miriam Salerno, and carried with a unanimous voice vote.

**BUSINESS**

The Board discussed resolution 21-153, forwarded by the Township Committee, which proposes the nomination of 155 Millburn Avenue, also known as The Hessian House, as an historic landmark.

Gary Hall, Attorney for the property owner of 155 Millburn Avenue, stated his appearance. He indicated that he was contacted by Andrew Brewer, Attorney for the HPC. Mr. Hall said that he understands the Planning Board's position on this matter. His concern is that the Partnership is a non-profit organization and this designation will impose an additional fee for any exterior improvements to this property. He requested that the Board encourage conversation between his client and the HPC.

Angelo Valente, Executive Director of Partnership for a Drug Free NJ, spoke briefly to the Planning Board and stated that he is disappointed that they have not been given the opportunity to appear before the HPC on this matter. He stated that the Partnership has made a commitment to maintaining the integrity of the building and the property.

Board Attorney, Edward Buzak, stated that the Planning Board has 60 days to make their recommendation to the Township Committee on this resolution.

Upon a motion made by Beth Zall, a second by Jorge Mastropietro, and with a roll-call vote as follows:

- Daniel Baer – abstain
- Gaston Hauptert – yes
- Jorge Mastropietro – yes
- Marc Matsil – yes
- Maggee Miggins – yes
- Joseph Steinberg – yes
- David Morrow – yes
- Srini Vijay – yes
- Beth Zall – yes

the Planning Board supports resolution 21-153, approving the nomination of 155 Millburn Avenue as an historic landmark with the recommendation that the Township Committee coordinate dialogue with all parties involved.

## **APPLICATIONS**

### **App#21-003, 275 Company, 275 Millburn Avenue, Millburn**

Richard Stewart, Attorney for the applicant, stated his appearance. The applicant is seeking preliminary and final site plan approval for the construction of a 2-story addition to the existing retail business to accommodate four residential apartments.

Michael Lanzafama, P. E., P. P., appeared and was sworn. His credentials were presented and accepted by the Board. Mr. Lanzafama first spoke to the applicant's request for a waiver of an EIS submission. He stated that the property is fully developed and the proposed construction will have no adverse impact on the environment. There are no wetlands and the property is not located in a flood plain. In addition, the flora and fauna is not an issue here and the increase to sewer and water demands are minimal and the traffic generated with the addition of four apartments is not significant. In response to a Board question, Mr. Lanzafama indicated that a percolation test, which was requested by Martha Callahan, Township Engineer, will be done as part of the drywell system.

A motion to grant the applicant's request for a waiver of an EIS submission was made by Gaston Hauptert, seconded by Beth Zall, and carried with the following roll-call vote:

Daniel Baer – yes  
Gaston Hauptert – yes  
Jorge Mastropietro – no  
Marc Matsil – yes  
Maggee Miggins – no  
Joseph Steinberg – yes  
David Morrow – yes  
Miriam Salerno – yes  
Beth Zall – yes

Mr. Lanzafama gave a brief description of the applicant's proposal. The property is a 9,342 SF lot in the B-4 zone with frontage on Millburn Avenue and Essex Street.

Entered as A-1: area map  
Entered as A-2: Title and topographic survey  
Entered as A-3: Site plan

There is an existing 3,816 SF 1-story building on the site with 13 parking spaces. The proposed improvements will result in 10 fully conforming parking spaces including 1 ADA space and 1 charging station. Access to the site will be from Essex Street and the existing monument sign is proposed to be relocated closer to the right-of-way on Essex Street. This proposed relocation will require variance relief.

The applicant is requesting a variance to permit a building height of 42.73 feet where 40 feet is permitted by ordinance. A parking variance is also required to permit 10 spaces where 28 spaces are required by ordinance. A variance is also being sought for not providing a loading space.

The applicant has 4 full time employees M-F; 3 full time employees on Saturday; 2 full-time employees on Sunday. The site is in close proximity to the train station and there is ample street parking along Millburn Avenue in this area.

Entered as A-4: existing Footnotes ground sign

Mr. Lanzafama stated that the existing graphic is larger than permitted by ordinance. The applicant is proposing to relocate the sign 2 feet from the street right-of-way and 2 feet from the adjoining property line. He referred to the Township Engineer's report and indicated that the applicant will comply with all recommendations.

In response to Board questions regarding the relocation of the sign and the effect the relocation will have on vehicles exiting the adjacent property, Mr. Lanzafama stated that he believes the sign clears the site lines. He stated that the applicant will revise that location in order to provide a better line of site.

Board Attorney, Ed Buzak, indicated that the applicant has not made reference to a sign variance in their notice. Mr. Lanzafama indicated that he did not believe they would require a variance since the sign is already non-conforming. He stated that it was not until he read the Township Planner's report that he became aware of the need for variance relief.

The applicant's professionals discussed the sign issue and withdrew the sign from their submitted plans. The existing sign will be removed from its current location since the bollards will interfere with the proposed driveway. The applicant will seek variance relief at a future date from the Zoning Board, if necessary, or will propose a conforming graphic.

Entered as A-5: sheet 3 of architectural plans

In response to Board questions about the building height, Mr. Lanzafama stated that there are structural elements required between each floor which cause the additional building height. In response to Board questions as it pertains to the parking deficiency, Mr. Lanzafama indicated that the parking demand for 2 bedroom units can be as low as 1.2 spaces. Many renters of this type of unit, in close proximity to the train station, have only 1 car. He stated that the spaces for the residential units will be designated. The retail customers typically use street parking in front of the building along Millburn Avenue.

In response to Board questions as it pertains to refuse pick up and residential move-in/move-out, Mr. Lanzafama stated that there is a fenced in area off the rear portion of the building where refuse will be stored. Private haulers will access the site off of Essex Street, back

in, access the gate, dump the garbage and close the gate. Residential move-in/move-out trucks will be able to utilize the parking stalls while loading and unloading.

John Buchholz, Architect, appeared and was sworn. His credentials were presented and accepted by the Board. He gave a brief description of the proposed construction.

Entered as A-6: sheet A-1 of architectural plans  
Entered as A-7: rendering of Essex Street façade  
Entered as A-8: rendering of Millburn Avenue elevation

The site is currently occupied by a retail establishment. The proposal is to construct a 2-story addition to the building for the purpose of adding 4 residential apartments. Each apartment will be approximately 1500 SF and will have 2 bedrooms, 2 bathrooms, a living room/dining room area, kitchen and laundry room. There is a small home office/den in each apartment as well as a small open balcony on the Millburn Avenue front of the apartments. The apartment entrances are on the Essex Street side of the building.

In response to Board questions as it pertains to bicycle storage, Mr. Buchholz stated that the building storage room could be enlarged to accommodate 5 bicycles. In addition, a bicycle rack could be installed near the rear entry to accommodate bicycles.

In response to Board questions as it pertains to LEED certification and charging stations, Mr. Buchholz stated that the applicant is incorporating many energy efficient elements. The costs, at this time, are very high, making LEED certification a very costly undertaking. There is currently 1 charging station proposed and it was his opinion that adding another charging station would result in that parking space sitting vacant 90% of the time.

Richard Stewart gave a brief summary and asked for the Board's favorable vote on the matter.

The Board discussed the applicant's request and were divided in their opinions. Some Board members felt that the parking variance was a huge request and thought the proposal was over building on the site. Others felt that the times are changing and the addition of 4 residential apartments will add vibrance to the downtown.

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

Daniel Baer – yes  
Gaston Hauptert – no  
Jorge Mastropietro – yes  
Marc Matsil – no  
Maggee Miggins – no  
Joseph Steinberg – no  
David Morrow –yes

Miriam Salerno – yes  
Beth Zall – yes

App#21-003, 275 Company, 275 Millburn Avenue, site plan approval was **GRANTED** with the following conditions: 1) the ground floor storage room shall be enlarged to accommodate a minimum of 5 bicycles; 2) a bicycle rack shall be installed near the rear retail entry; 3) the applicant shall purchase 4 business parking permits; 4) 4 parking spaces shall be reserved for the residential apartments and marked as such; 5) the applicant shall request County approval for the planting of a shade tree/hedges in the parking lot area and install if approval received; 6) no items shall be stored on the residential balconies.

### **ADJOURNMENT**

A motion to adjourn was made by Gaston Hauptert, seconded by Beth Zall, and carried with a unanimous voice vote. (11:00 PM)

Eileen Davitt  
Board Secretary

Motion: GH  
Second: BZ  
Date Adopted: 9/22/21