

Township of Millburn  
Minutes of the Planning Board  
February 3, 2021

A regular meeting of the Township of Millburn Planning Board was held on **Wednesday, February 3, 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  
Marc Matsil  
Maggee Miggins  
Joseph Steinberg  
Sanjeev Vinayak  
Srini Vijay  
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 January 6, 2021 was made by Marc Matsil, seconded by Gaston Hauptert, and carried with a unanimous voice vote.

**APPLICATIONS**

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

Chairwoman Beth Zall announced that the matter is being carried to a special meeting to be held via ZOOM webinar on February 24, 2021.

**APPL#20-012, BEAHIVE PROPERTIES, 397 MILLBURN AVENUE/160 SPRING STREET, MILLBURN**

Bart Sheehan, Attorney for the applicant, stated his appearance. He indicated that this is the 3<sup>rd</sup> meeting on the matter. Previous testimony was heard by Mark Yeager, Michael Lanzafama, P. E., and Stuart Johnson, Architect. The only testimony presented tonight will be from Craig Perego, applicant's Traffic Engineer.

Mr. Sheehan indicated that the applicant amended the plan by recessing the Millburn Avenue overhead garage door 10 feet back. This amendment was made based on comments from several Board members as it pertains to traffic safety.

Craig Perego, Traffic Engineer, appeared and was sworn. His credentials were presented and accepted by the Board. Mr. Perego stated that he prepared a traffic impact analysis. He stated that a field inspection was conducted in order to obtain an inventory of existing roadways, traffic control and existing conditions. Existing traffic data was collected during weekday morning and weekday evening peak periods at the intersections of Millburn Avenue/Douglas Street, Millburn Avenue/Spring Street and Spring Street/Essex Street. Traffic projections were prepared according to ITE trip generation data and capacity analyses were conducted for the existing conditions as well as build-out conditions.

Mr. Perego described the existing roadway conditions along Millburn Avenue, Douglas Street, Spring Street and Essex Street. He spoke to the existing traffic volumes and indicated that manual turning movement counts were conducted on Thursday, November 12, 2020 and on Tuesday, November 17, 2020 between 7-9 AM and 4:30-6:30 PM at the relevant intersections. He added that current traffic volumes were low due to the pandemic and thus are not representative of the existing traffic conditions. As a result, he used historical traffic data obtained from NJDOT collected in August 2018. He then used an annual growth rate table for a period of two years in order to develop a traffic volume along Millburn Avenue that would be representative of the currently existing conditions.

Mr. Perego stated that all affected intersections are currently operating at a level of service "C" or better. These levels of service do not change as a result of the proposed development.

Mr. Perego stated that there is a fast action gate at the driveway along Millburn Avenue. The gate has been relocated 10 feet further back into the garage area due to several concerns expressed by the Board. This provides a distance of 24 feet to the sidewalk and allows a car to sit at the gate without blocking the sidewalk. Mr. Perego added that the garage exit along Millburn Avenue gives cars exiting the site the ability to travel east on Millburn Avenue. He added that having two access points is also a safer option for the proposed development.

Chairwoman Beth Zall opened the meeting for public comment.

Jennifer Mazawey, Attorney for objector Millburn Courtyard Associates, stated that she presented her technical objection to the application at the 1<sup>st</sup> meeting. She requested, at that time, that the Board defer hearing the application while the ordinance validity was determined in court. She stated that she had several concerns with regard to the application including inadequate policy, planning and layout. With regard to policy, Ms. Mazawey stated that this property is located in downtown Millburn and was located in the B-4 zone for a long time. She stated that this property's change in zoning is a self-fulfilling prophecy and will be a catalyst for shrinking downtown environment for businesses. Ms. Mazawey stated that Millburn Township has commissioned professionals for a downtown vision plan (which includes this parcel) to create and maintain a vibrant downtown. This was not taken into account with this proposal. Ms. Mazawey further stated that this proposal is the result of spot zoning since the entire block was not taken into account.

With regard to inadequate planning, Ms. Mazawey stated that the applicant should have been required to seek several variances which were not requested or noticed, specifically with regard to a loading space, required parking, and trash/garbage enclosure. She stated that the proposal is bad for the downtown and eliminates several street parking spaces. Finally, she stated that the plan proposed requires township as well as county action. There are several requests that are outside of Township action that require County approvals that have not been obtained.

Bart Sheehan summarized stating that the objector made no application before the Court for injunctive relief. The proposed development provides a public benefit through inclusionary housing. The site plan and design comply with the standards of the ordinance. Concerns for safety have been discussed and the site functions have been effectively considered. Mr. Sheehan added that the requirement for County approval does not create an unusual situation. It is routine for the County to wait until the Township has acted on a matter before they give their approval. Mr. Sheehan respectfully requested a favorable Board vote.

The Board had mixed feelings on the proposal. Some felt the proposal was well-designed and spoke to the needs of the community; others felt there were design and safety concerns that had not been addressed.

Upon a motion made by Marc Matsil, a second by Daniel Baer, and with a roll-call vote as follows:

Daniel Baer – yes  
Gaston Hauptert – yes  
Marc Matsil – yes  
Maggee Miggins – yes  
Joseph Steinberg – no  
Sanjeev Vinayak – no  
Srini Vijay – no  
Beth Zall – yes

Appl#20-012, Beahive Properties, 397 Millburn Avenue/160 Spring Street, site plan approval was **GRANTED** with the following conditions: 1) applicant shall submit revised plans to reflect the changes agreed upon; 2) applicant shall comply with Forester and Fire reports; 3) applicant shall remove the abandoned oil tank on the property; 4) applicant shall obtain all necessary county and state permits; 5) northern portion of Spring Street shall be milled and paved where the new parking garage ingress/egress is proposed; 6) directional arrows on the parking garage egress lanes shall be left turn only arrows; 7) lots 1 and 7 shall be merged with a deed of consolidation approved by Township Engineer and Planning Board Attorney; 8) generator and transformer shall be adequately screened to the satisfaction of the Township Engineer; 9) applicant shall provide adequate safety protocols for pedestrians during construction phase; 10) applicant shall obtain Township approval for any changes to the street parking on Spring Street; 11) garage entries shall have an illuminated warning indicator signal system

**ADJOURNMENT**

A motion to adjourn was made by Joseph Steinberg, seconded by Jorge Mastropietro, and carried with a unanimous voice vote. (10:00 PM)

Eileen Davitt  
Board Secretary

Motion: MM  
Second: BZ  
Date Adopted: 3/31/21