

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**

March 23, 2017

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 12, 2017: Adequate notice of this meeting was given to the Citizen and the Daily Record, posted with the Borough Clerk and on the Bulletin Board and made available to all those requesting individual notice and paying the required fee.

Start: 7:05PM

ROLL CALL:

Members Present: Kane, Russo, Dagger, Sheola (7:29PM), Shepherd, DeVenezia, Horan and Mirsky

Absent: Nachshen, Holmberg and DuTertre

Also Present: Attorney, Peter Henry, Engineer, Bill Ryden, Planner, Kate Keller

PUBLIC COMMENT: none

REVIEW OF MINUTES: Nick DeVenezia made a motion to adopt the minutes, with corrections, of the February 23rd meeting. Arlene Mirsky provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Barka Restaurant, LLC

App. #16-264

Tom Dagger made a motion to adopt the resolution of approval; David Shepherd provided the second. The resolution was carried by a vote of 5 to 0 with members Kane, Shepherd, Horan, Dagger and Russo voting in favor.

PUBLIC HEARING:

Carried Application:

Kings, Mountain Lakes, LLC
145 Route 46
Major Subdivision, Major Site Plan
Sign Variance

App. #16-261
Blk: 116, Lot: 3.01
Zones OL-2 & R-AH2

Peter Wolfson, Attorney for Kings, Mountain Lakes, LLC, stated since they had not received the Environmental Commission's follow up comments they would not have their environmental expert testify tonight. He requested the Commission's report be available by April 17th in order to review it before the meeting on the 27th. John Horan, the Environmental Commission Representative, thought that could be accommodated. As requested at last month's meeting Mr. Wolfson also asked for the list of Mr. Simon's clients. Mr. Simon responded he checked the papers of the corporation and there are no members; it only lists Board of Directors. Mr. Simon complained about not being copied on correspondence to the Board by the applicant. He asked Board to require that be done.

Peter Wolfson started his presentation by clearing up a few items from last month. He pointed out all issues such as the use of common space, cutting down of trees in common areas, the management of the storm water system and ownership of private lots will be spelled out in the Homeowners Association Master Deed. To clarify the question of density he read the definition of density and residential density from section 40-3 of the Borough's Ordinances. He then pointed out the Ordinance establishing the RAH-2 set the maximum density at 5.5 dwelling units per gross acre. The location of affordable units had been questioned at the last hearing. The R-AH2 zone permits the affordable dwellings to be multifamily units and the market rate units to be townhomes. Mr. Wolfson continued the 100 ft. buffer requirement is required in the OL-1 or OL-2 zone but this property was in the overlay zone, OL-2/R-1, and the church was not industrial or office space so this requirement did not apply. Mr. Simon said he will respond to these comments when they present their own case.

Mr. Wolfson recalled Marc Walker to follow up on his testimony from the last month. Mr. Walker repeated there were no sidewalks proposed for this project just like other developments in the community. The Legacy development received de minimis waivers for narrow roads and the lack of sidewalks. The Fox Hill Estates project was granted a waiver for the installation of sidewalks. Pine Edge and Spruce Edge were developed before the RSIS was implemented. In his opinion the gravel access drive should not be included in impervious coverage calculations. He continued, last meeting it was suggested the end of the piping for the drainage system was an accessory structure. All the piping is underground with the exception of the end of the pipe. That end is flared to prevent erosion and they do not think it is an accessory structure. If it was considered an accessory structure then any sewer clean out would be an accessory structure and require a variance. He explained in Mountain Lakes retaining walls were allowed in the right of way. Theirs would be 10 ft. tall and the maximum height of an accessory structure is 20 ft. The applicant plans to comply with the Borough's noise Ordinance; 8am to 8pm. It was proposed the dumpster be replaced with individual cans for trash and recycling in the enclosure for the affordable units. They have make that change so the residents of the affordable units will participate in the green bags program.

Mr. Walker went on to respond to the "Issues for Consideration" in the report prepared by Paul Phillip's, the Borough Planner. Item #1 – They will identify parking spaces for the affordable units by having the unit number painted on its corresponding space. Item # 2 – On-street parking will be up to the association to permit since this is a private street. Item #5 – Mr. Walker presented a detailed drawing of the entrance retaining wall. It became exhibit A-5 dated 3/23/17. The walls would be concrete with a footing. They plan to add a stone veneer and concrete cap. Item #10 – The parking areas will be lit with fixtures that give off 1 ft. candle of light.

Bill Ryden asked it be put on the record that he had discussed the inclusion of the gravel driveway in the impervious coverage calculation with Stephen Souza and at this point they do not accept Mr. Walker's position on this. Mr. Walker added the gravel driveway was included in the storm water calculations. Peter Henry asked could they still meet their required ILC if they include the sidewalks and the gravel driveway. Mr. Walker answered they would still comply. Tom Dagger asked about school bus service to the entrance of the project. Mr. Walker said the traffic engineer will testify about this. Peter

Henry followed up with the applicant, would they be doing a mounding analysis? The applicant will discuss that during the environmental testimony.

Chairman Kane opened the meeting to the public for questions. Rob Simon, representing the Concerned Citizen of Mountain Lakes, asked Mr. Walker questions about the definition of density verses residential density, how he determined what zone the property was in and the overlay zone. Mr. Simon's position was the church property was in the OL-2 zone not OL-2/R-1. Once again the Board and the Board Attorney asked Mr. Simon to keep his questions specific to the testimony of the witness. They should be engineering not legal questions. Mr. Simon asked about the storm water outlet being an accessory structure and its encroaching onto the church lot. Mr. Walker answered piping is not considered an accessory structure. While it is a structure there are no variances granted for piping on applications before building permits are granted. Mr. Simon asked, if Mr. Walker had considered the effect on parking if a family day care was established in the development.

Ellen Emr, the property owner at 19 Sherwood Drive, asked why no sidewalks were in the previous developments. Mr. Walker answered that decision was made by a Borough Board. Mrs. Emr suggested the deaths of two children in Borough were due to the lack of sidewalks. Ron Schornstein, of 10 Craven Road, asked if the land on Sherwood, that provided access to property, was owned by the townhomes and if there was better way to access the development. Mr. Walker answered that property was a public right of way and a paper road found on all the town maps. The tax map shows that location as the access to the property. Was there a way to go over the brook to gain access? Mr. Walker replied, it would not be allowed by the DEP. Mr. Schornstein was concerned about the increase in traffic on Intervale Road. Jim Hyson, of 2 Littlewood Court, confirmed the applicant was against adding sidewalks because they don't fit in with the town. He asked if there were other reasons. Mr. Walker answered they created coverage and loss of green space. It was not an economic issue. Kenneth Adams, of 388 Morris Ave, asked how two firetrucks parked side by side would be able to get out. Mr. Walker said at the end of Albie Drive there was a cul-de-sac they could turn around in. Mr. Adams asked about bears getting in the trash enclosure. Where would trash be stored between pickups? Mr. Walker said it could be stored in the garage for the townhomes or in the enclosure area for the affordable units. Tom Dagger said there seems to be some concerns about sidewalks and children. Had the applicant provide for proper site lines. Mr. Walker said the narrower width of road is traffic calming plus they added stop signs. Bethany Russo felt a bear resistant enclosure was important.

Lawrence Appel, of Appel Design Group Architects, introduced the architectural plans for the 40 unit development. He presented three exhibits of the proposed dwelling elevations dated 9/22/16. Exhibit A-6 was a rendering of the front elevation of building #3. Exhibit A-7 was a rendering of proposed building #4 and exhibit A-8 was a rendering of building #7. Mr. Appel said Ordinance 245-9.1A listed 7 design criteria that needed to be met. There needed to be variation in the building plans, elevations and a balancing of materials and color. The applicant wanted a craftsmen feel to all the buildings. All the asphalt roofing installed would be the same color with metal roof accents. There are horizontal setbacks between the units and vertical stepping of units due to the terrain of the property. All the units are 2.5 story dwellings with carriage style garage doors. Buildings 1, 4, 5, 6 and 8 are townhomes with a smaller unit footprint and master

bedrooms on the second floor. Buildings 2 and 3 have a larger footprint were the master bedroom can be an up or down configuration. Building 7 houses the affordable unit with 3 dwellings per floor for a total of 6 units. There is one (1) one bedroom unit, one (1) three bedroom unit and four (4) two bedroom units. Mr. Appel reviewed the individual floor plan options for the market rate units. Customers could change the lay out slightly to their individual needs but the number of bedrooms would always remain the same. He reviewed the units in the affordable building.

With this presentation Mr. Appel felt he had answered item #11, pertaining to the design criteria, of Paul Phillips' report. In response to item #7 of the same report the chain link fence will be replaced with a PVC board fence material which is more compatible and maintenance free. In response to item #5 of the Fire Dept. letter concerning sprinklers. The affordable units are required to have them but the townhomes are not. The market rate units will be built to international residential codes. There will be 2 hour fire walls between the units spanning from the basement to the roof. This allows for the individual collapse of a unit in a fire situation. Mr. Appel presented exhibit A- 9, a board consisting of sample construction materials for the project, dated 3/23/17. Included on the board were samples of the roof shingles and stone veneer (common on all units), garage door style and two color schemes (a & b) to create variation. Exhibit A- 10 was a second sample board dated 3/23/17. This consisted of larger samples of the accent shingles, horizontal siding boards and a batten sample.

Martin Kane asked the Board if they had any questions. Bill Ryden asked how they planned to do the unit numbering. Mr. Appel answered they would install numbers on the column by the front door. Peter Henry asked if the numbers would be visible from the road. Rich Sheola added the Borough had a new Ordinance on the size of numbers required on residential homes. Mr. Ryden asked about lighting on the building numbers and would it apply to the affordable units as well. Lawrence Appel answered, yes it would. Bill Ryden requested we have the police and fire departments weigh in on the numbering before construction. Nick DeVenezia commented, we are here today because of the affordable units but he was concerned with the size of space allocated to the affordable units verses the market rate units.

Mr. Simon asked questions of Mr. Appel on behalf of the Concerned Citizens. Did the applicant provide the rear elevations of the buildings? No, they did not. Were the renderings to scale? Mr. Appel responded the buildings on the artistic renderings were to scale but the roads and driveways were not. The buildings will have their own identity and are not replicas of a Hapgood home. They did however take elements of those homes to create the feeling of that character. Tom Dagger questioned the materials to be used for the rear the elevations of the buildings. Mr. Appel replied there would be no stone or metal roofing in the rear but there were vertical and horizontal breaks in the facade. The roof is the same on the rear and fronts of the buildings.

Mr. Simon asked if the plans created were similar to other projects Mr. Appel had done. Mr. Appel answered the elevations and market rate unit floor plans were not. However the affordable units were similar to floor plans they have used successfully before. Rob Simon inquired if Mr. Appel had made the decision to keep the affordable units in a separate building. He replied it was discussed but the determination was made by others. Mr. Simon confirmed there were no covered garages, only one bath in the affordable units and the unfinished basements in the market rate units could be finished later. Mr.

Simon established the affordable units had washers and dryers but no non-bedroom closets and didn't have basements. He noted the basements in the market rate units were larger than the total square footage of the affordable units. Mr. Appel said the units in this project were larger than on other sites they were building. Rob Simon asked who decided to make the units so small. Again Mr. Appel said these units were on the generous size. The site plan gave the footprint for the building but they designed the units accordingly. Mr. Simon asked if he had determined the size of the market rate units. He answered the developer provided guidance based on market experience. Bethany Russo was concerned the backs of the townhomes were so plain. If all the buyers did not decide to purchase an optional deck the rhythm on the back elevation might be awkward. She continued, the side of building #8 was what the public would see. The applicant agreed to work on the back of building #8. Nick DeVenezia asked they also consider doing something to building #7. Martin Kane summarized the affordable units would have 8ft. ceilings, one bathroom per unit, no basements, no garages, no storage, no decks, no patios, and no non-bedroom closets.

Chairman Kane asked if anyone else from the public wished to ask questions of the architect. Linda Hyson, of 2 Littlewood Court, asked where the fence would be located. She suggested they eliminate the attics in market rate units. Mr. Appel explained the attics were not habitable and only for mechanicals. The roof was pitched so there will only be a scuttle hole for access. She was also looking for the sq. ft. of the common space. Jim Hyson, of 2 Littlewood Court, inquired since the basements were not walkout would there be escape windows. Mr. Appel said, no they would be small windows with window wells. Mr. Henry requested the condo documents state no basement bedrooms would be permitted. Tom Dagger asked when the condo documents were approved. Mr. Henry answered they are a condition in the resolution. Martha Connell, of 29 Lockley Court, asked if the affordable units could have a common basement. Kenneth Adams, of 388 Morris Ave, confirmed the fire walls went from the foundation to the roof sheathing and 4 ft. to either side.

At the end of the hearing Tom Dagger urged the applicant to consider changing the finishes on the back of all the buildings. Martin Kane suggested the applicant come prepared next meeting to talk about fencing, the common spaces, the environment and traffic.

The Board agreed to carry the application to the April 27th meeting without further notice. The meeting will be held at the high school at 7pm.

COMMITTEE REPORTS:

Other Business

Historic Preservation Ordinance – Tom Dagger presented the amendments proposed to the 2012 Historic Preservation Ordinance. He felt they were consistent with the Borough's Master Plan. In addition to the amendments they added the homes built from 1931 to 1938 to the contributing dwellings list. These houses were listed on the Historic District Application and should be included on the list even though they were not built by Hapgood or Belhall.

Martin Kane asked if the Ordinance had reduced the number of demolitions. Mr. Dagger thought the Ordinance had helped. Peter Henry thought there were a few issues with the

Ordinance as written and suggested they be corrected. It was decided he should prepare a memo to point out those issues and send it to the Tom Dagger.

Nick DeVenezia made a motion to find the amendments to the Historic Preservation Ordinance consistent with the Historic Preservation Element of the Master Plan. Arlene Mirsky provided the second. The Board voted 7 -0 to find the amendments consistent with members Kane, Shepherd, Horan, DeVenezia, Dagger, Russo and Mirsky voting in favor.

Martin Kane made a motion to adjourn the meeting at 10:41PM.

Respectfully submitted,

Cynthia Shaw, Secretary