

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**
March 26, 2015

Vice Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 29, 2015: Adequate notice of this meeting was given to the Citizen and the Daily Record, filed with the Borough Clerk, posted on the Bulletin Board in the Borough Hall on February 02, 2015 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:32 pm

ROLL CALL:

Members Present: Kane, Nachshen, McWilliams, Holmberg, Horan (7:35pm), Dagger, Russo, Du Tertre

Absent: Bailey, Hoffmann, DeVenezia

Also Present: Attorney Peter Henry, Engineer Bill Ryden

REVIEW OF MINUTES: Peter Holmberg made a motion to adopt the minutes of the January 29th meeting. Nancy Du Tertre provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING:

Carried Application:

Zisis, Inc. t/a Paul's Diner	320 Route 46 East
Blk: 4 Lot: 15	App. #13-255
Request for change of a condition of approval	Zone B

Anthony Boyadjis, Attorney for Zisis Inc., wished to request a change in a condition of approval for his client. The applicant wished to remove condition #2 on page 8 of the resolution adopted January 29, 2015. The condition states an obligation to submit plans for the renovated freestanding sign by March 26th; if not the existing sign needed to be removed. He felt they did not request any changes to the original sign. They only agreed to remove the proposed signs on the building. His client did not wish to update or tear down the current sign.

Martin Kane asked for a clarification concerning the sign situation. Mr. Henry said the Board wanted to see what the sign's updated appearance would be and asked for plans in 90 days. The applicant asked for 120 days to get plans to the Board. If the Board wishes to modify the condition of approval they can do so without the need for separate notice. Martin Kane asked board member to share their thoughts on the sign. Corey Nachshen and John Horan said the sign could remain. Nancy Du Tertre was not at the hearing but was ok with the existing sign remaining. Tom Dagger did not think he had sufficient information to express an opinion on the sign.

Bethany Russo made a motion to remove condition #2 in resolution and add a determination that the present sign could remain as is; John Horan provided the second. The resolution was approved by a vote of 6 to 0 with members Kane, Nachshen, McWilliams, Horan, Russo and Du Tertre voting in favor.

New Applications:

Park Lakes Tennis Club, Inc.
20 Rainbow Trail
Site Plan Review

Appl. #15-258
Bk. 18 Lot 19
R-1 & R-A Zone

William Askin, the Attorney for Park Lakes, said in January his client applied to the Board for waivers to the check list. Since January members of the club had met with the neighbors and discussed their concerns about the potential noise and lighting. They have made changes to their proposal based on the feedback from the Planning Board and neighbors. They have removed the two planned paddle courts and their lights will now go off at 10:30 pm. They also reduced the size of the proposed paddle hut. Marc Walker has redone the site plan.

John Catlett, President of Park Lakes (8 yr member), said they would like to build a new club house. He provided the Board with a history of the club. The paddle hut had not been updated since the 70's and had structural issues. The current space can only hold 8 people so all of their club meetings are held off site. They have 5 un-lit red clay tennis courts with nets that are taken down in mid-November and put back up the end of April. They have 3 paddle courts for winter tennis. The platforms are off the ground and a net surrounds each court; their season is December until the end of March. Mr. Catlett continued the paddle courts are not closed in the summer but are rarely used. The Pro Shop is a building 15' x 15' that is used for storage. Parking is never an issue at the club. He plays 3 to 4 times a week either in the evening after 6 pm or on weekends between 8 and 11 am. As President he has not received any complaints from the members or visitors about the parking.

Mr. Askin asked Mr. Catlett to explain the league situation. Paddle league matches are held during the week for women. The men's paddle league competes on Saturday mornings and Tuesday nights but half the time they are at other clubs. There are no parking issues during league play. The court lights are on a three hour timer. They are only turned on when in use but will go off automatically by 10:30 pm if not turned off manually. Peter Henry asked if the lot at the top of the property was used for parking. No it was not but they do cut the grass in that area. Mr. Catlett added they had bathrooms by the tennis courts, built in 1951, that would not be renovated or upgraded. They will be adding new bathrooms in the proposed club house.

William Askin said the applicant would need a parking variance due to the larger facility. Tom Dagger asked how long the current parking lot had been in existence. The parking lot was built in the late 60's. Mr. Dagger then asked about the trolley path erosion. Mr. Catlett said the club had worked with the town to correct the erosion of the path. The erosion is not near the parking lot but it was going across the track. Mr. Dagger thought the erosion came from the parking lot. Corey Nachshen asked since they repaired the path a year ago how it looked now? John Catlett responded he couldn't say since he had not looked at it in a while.

Mr. Askin introduced the Board to club members Nancy Mohrle (4 yrs), Jeffrey Breda (2.5 yrs), Mike Fraser (8 yrs), Chaz Champenois (a junior member and member now) and Jack Kahrs (30 yrs) who gave testimony to their experiences at the club with the current parking. Nancy Du Tertre asked if the club house would be used for any outside events. Mr. Catlett said they would only use it for their annual meetings and would not be renting it out. Bethany Russo confirmed the maximum number of occupants would be 25 people. The club would have the same social functions they do now which is mostly outside

barbeques. There is no staff to maintain the building and members come and go all the time.

Marc Walker presented the changes made to the site plan. They removed the two proposed paddle courts and reduced the size of the building. Exhibit A-1 was a colorized version of plans submitted dated 3/26/15. The proposed paddle hut was in the same location as the existing. There is a large wooded buffer with delineated wetlands around the property. They are removing the existing 544 sq. ft. hut and 315 sq. ft. deck. The overall dimensions of the new clubhouse would be 24' x 36' or 864 sq. ft. built on a crawl space. The Pro Shop would stay but the shed would be removed. The building will have a tiered effect so people inside can watch paddle matches without being blocked by those watching outside. The two new decks will be 43' x 8' and 16' x 32'. The proposed 13' x 1' sign on the south side of the building facing the parking lot will only be seen from the old Newsweek building and requires a variance. The 30 parking spaces listed are based on the parking area but the building area determines the number required. The plans presented meet the ADA requirements for handicap parking. There will be no striping in the lot other than the handicap spaces. They used 9 ft. wide spaces to determine the anticipated 30 spaces.

One light illuminates the parking lot and two lights the Pro Shop. The three lights are on all the time. The lighting on walkway is about 1 ft. candle and fades to a 1/2 ft. in the back of the parking lot when there are no lights on the courts. Craig Marsden, member of the club, said he is approved to take light readings but was not a lighting engineer. Mr. Marsden presented exhibit A-2 a list of light readings in "lux" at various places on the property without the court lights on. Marc Walker explained 1 lux equals 10 ft. candles. Due to his familiarity with the site Chaz Champenois reviewed the 5 motion censored lights on the property. Martin Kane asked for clarification; would there be new lighting at the site? Mr. Champenois said they do not have a new lighting designed. Craig Marsden added the club would like to add the ability to turn the lights on and off from the building. William Askin added the path lighting would stay as it is now but he thought they would be adding lighting that washed the sides of the new building. After some confusing testimony John Horan confirmed there were only 2 lights on all night and 5 motion detecting lights. Bill Ryden said the Board really needed to see a lighting plan and a schedule of lights. You have mentioned a lot more lighting at the hearing than is on the plan. Marc Walker offered the applicant could commit to a number of lights on the building and add a condition that they will provide a lighting plan before getting a building permit. He added the lowest lighting listed on Mr. Marsden's schedule was 2 ft. candles and Mountain Lakes only requires 1 ft. candle.

The applicant reviewed the signs on the property. Chaz Champenois said the sign at the entrance to the club was 2ft. x 2ft. and they plan to keep that sign. The second sign is a bulletin board (2 ft. x 3 ft.) 3ft. off the ground. Plus there is the new sign on the building previously mentioned. Bill Ryden said none of the signs are permitted in a residential zone so a variance is required. Martin Kane agreed with Mr. Ryden the Board needed a lighting plan and the square footage of all the signs.

Mr. Kane asked if there were any questions or comments from public. Oliver Chan, of 31 Rainbow Trail, said his property was at the entrance to the club. He was concerned about the speed of the traffic exiting the club. Bill Ryden thought Mr. Walker could change the design of the driveway so it exited onto Rainbow Trail like a regular driveway. Mr. Walker said the club could clean up the edge of the site to improve the line of site and add a stop sign. There would be grading difficulties to re-align to driveway. Mr. Ryden

thought it could be accomplished.

Mr. Kane asked if there were any additional comments from the Board. Tom Dagger was still concerned the increased ILC, although allowed, could cause the erosion of the historic trolley path to be worse. He would like to add a condition to add a barrier to control the run off. John Horan confirmed there would be 7 trees removed during the construction.

The application was carried to April 23rd. The Board asked that a lighting plan and fixture schedule be prepared. They also asked the square footage of all the signs be determined and their location be included on the site plan.

Committee Reports

Ordinance 02-15 - Amend Chapter 208 of Revised General Ordinances

The Board Administrator reviewed the Ordinance changes she presented to the Council necessary to support the Board's updated applications. The Council introduced the Ordinance changes at their March 23, 2015 meeting and were requesting the Planning Board determine if the changes were consistent with the Master Plan.

Peter Holmberg made a motion that the amendments to Chapter 208 were consistent with the Master Plan; John Horan provided the second. The motion was approved by a voice vote of all eligible members.

Other Matters

COAH Update – Peter Henry said on March 10, 2015 the NJ Supreme Court ruled COAH was not working so the courts will once again assume the role of enforcement. The latest court ruling allows for a builder remedy suit. The ruling talks about appointing special judges to hear cases and provides 90 days for the courts to set this up. Beginning June 8th municipalities who have plans for Affordable Housing approved by COAH have 30 days to get them submitted to the court. Other municipalities who have plans but never received substantive certification can also submit. The last category are the approximately 200 towns that have submitted nothing to receive certification; Mountain Lakes is one of them. Many of these municipalities did not submit because there were no rules to submit under. Mr. Henry recommended the Borough Council should consult with their Attorney and Planner regarding how best to respond to the new situation.

Public Comments – Jeff Leman, of 32 Sherwood Drive, expressed his apprehension with the potential development of the King of Kings property. Copies of a letter, signed by members of the neighborhood, were handed out explaining their concerns.

Executive Session - Peter Holmberg made a motion to accept the resolution entering into executive session and John Horan provided the second. The Board approved the resolution by voice vote of all eligible members.

At the conclusion of the executive session Peter Holmberg made a motion to return to the public session; a second was provided by Tom Dagger. The Board approved the motion by voice vote of all eligible members.

Martin Kane made a motion to adjourn the meeting at 11:07 pm.

Respectfully submitted,

Cynthia Shaw, Secretary