

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

November 17, 2016

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 28, 2016: 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 01, 2016 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:33PM

ROLL CALL:

Members Present: Nachshen, DeVenezia, Russo, DuTertre, Kane and Mirsky

Absent: Holmberg, Borin, Sheola, Horan and Dagger

Also Present: Attorney Peter Henry

Also Absent: Engineer, Bill Ryden

PUBLIC COMMENT: none

REVIEW OF MINUTES: Corey Nachshen made a motion to adopt the minutes of the October 27, 2016 meeting. Bethany Russo provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING:

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 the Kings, Mountain Lakes, LLC, was present to request their application be carried to December 15, 2016. Mr. Wolfson said since they submitted their original application they have received information on engineering and environmental issues that have been resolved. They then received additional information from the opposition causing them to review the historical records on the property. Now he would like to review issues pertaining to the jurisdiction of the application with Peter Henry.

Peter Henry, said there were several issues the Board needed to think through such as when to start the application; either in December or in January. If the Board was concerned with the numerous carries maybe they would like to consider require new notice be done. The time to decide the application expires at the end of December. The Board should request an extension of time to act. The Board should also consider granting permission to allow the applicant to speak to me, the Board Attorney, concerning jurisdiction. Mr. Henry would be looking for a legal written explanation as to why they should be heard at this Board verses the Board of Adjustment.

Martin Kane suggested the Board take the issues one item at a time. Peter Henry thought the Board should request an extension of time to make a decision until March. Peter

Wolfson was fine with an extension of time to the end of March. Martin Kane was afraid attendance in December and the potential changes to the makeup of the Board in January could be a problem. Arlene Mirsky and Bethany Russo had similar concerns. The Board decided to begin hearing the application in January, no re-noticing would be required and all meetings on the will be held at the high school. Martin Kane felt beginning the application on January 26th gave the applicant time to speak to Peter Henry about the jurisdictional issue.

Bethany Russo made a motion to carry the application to January 26, 2016 at 7:30PM without further notice and Nancy Du Tertre provided the second. The Board voted 6 -0 to carry with members Nachshen, DeVenezia, Russo, DuTertre, Kane and Mirsky voting in favor.

Steve Arnold, of 4 Craven Road, asked how he could view the information submitted for the application. The Administrator told him to see her and the hours he could view the application.

COMMITTEE REPORTS – none

OTHER MATTERS –

Martin Kane closed the public meeting.

Executive Session – Nick DeVenezia made a motion to accept the resolution entering into executive session and Corey Nachshen provided the second. The Board approved the resolution by voice vote of all eligible members.

At the conclusion of the executive session Nick DeVenezia made a motion to return to the public session; a second was provided by Bethany Russo. The Board approved the motion by voice vote of all eligible members.

Corey Nachshen adjourned the meeting at the conclusion of the executive session.

Respectfully submitted,

Cynthia Shaw, Secretary