

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

October 23, 2014

Chair James Bailey read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 30, 2014: 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 03, 2014 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:33 PM

ROLL CALL:

Members Present: Bailey, Nachshen, Tovo, Dagger, Lester, Horan, Happer, Russo and DuTerte

Absent: Kane and DeVenezia

Also Present: Attorney Peter Henry, Engineer Bill Ryden

REVIEW OF MINUTES: Dan Happer made a motion to adopt the minutes of the August 28th meeting. Robert Tovo provided the second; the minutes were approved by voice vote of all eligible voters.

Dan Happer made a motion to adopt the minutes of the September 25th meeting. Bethany Russo provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Evergreen Realty Group, LLC

App. #14-257

Peter Henry told the Board he received comments on the draft resolution from Bill Ryden, Joseph Alessi, Tom Dagger and Stephen Shaw. Chairmen Jim Bailey facilitated going through the resolution to incorporate everyone's comments.

Most of the comments were clerical and minor in nature. In the testimony section of the resolution the following changes were requested by Board members. On page 2, item 3, Nancy DuTerte requested adding the project did not include a pool. On page 8, item 20, Tom Dagger requested Mr. Henry add a sentence stating the proposed materials and colors were to match the existing structure. He also asked that item #21, on page 8, reflect water usage being calculated on a highly conservative basis and item #26 (e), on page 13, add an adjustment of the turning radius at the rear south west corner near the ceremony area be required. The applicant requested item 28, on page 14, state the applicant would explore the collection of rain water for irrigation since Evergreen Realty did not agree to develop and implement the collection of rain water in their testimony. The conditions of the resolution were changed to agree with the previously mentioned additions.

John Lester did not believe the privacy wall in the front of the property was necessary. He continued; it would make it difficult for the Board to answer requests from residents who wanted fences. Robert Tovo thought the wall was fine acting as a noise barrier and keeping people who were drinking contained; Bethany Russo agreed. Nancy DuTerte reminded the Board this property was in a commercial not a residential zone. Tom Dagger was more concerned about the landscape plan being maintained. Mr. Lester

preferred having a landscape buffer rather than the wall. Dan Happer asked about the installation of the landscaping. Bill Ryden said he would make sure the property owner planted what was on the plans but the Zoning Officer would monitor the replacement of dead trees. The Board requested the replacing of dead trees and other landscaping be made a condition of the resolution. John Lester asked the variance for the wall in the front yard not be granted. The Board decided to leave the wall/fence variance in the resolution. Jim Bailey asked about signage for the property. Bill Ryden reminded him signage was not part of the application. Mr. Bailey asked about a future COAH obligation required of the applicant. Mr. Henry stated it was already included as a condition of the resolution.

Robert Tovo made a motion to adopt the draft resolution with the minor revisions made at the meeting; Tom Dagger provided the second. The Board voted to approve the application 9 to 0 with members Bailey, Nachshen, Tovo, Dagger, Lester, Horan, Happer, Russo and DuTertre voting in favor.

PUBLIC HEARING:

New Application:

Zisis, Inc. t/a Paul's Diner	320 Route 46 East
Blk: 4 Lot: 15	App. #13-255
Major Site Plan Review	Zone B
Front Setback, Signs, Parking Spaces, Parking Stall Size and Parking Aisle	

The applicant will be coming to next month's meeting to present their application.

Committee Reports – none

No one from the public was present at the public portion of the meeting.

Jim Bailey adjourned the meeting at 9:42 PM.

Respectfully submitted,

Cynthia Shaw, Secretary