

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**
September 25, 2014

Vice Chair Martin Kane 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: 7:31 PM

ROLL CALL:

Members Present: Kane, Tovo, Dagger, Lester, DeVenezia, Horan, Happer, Russo and DuTertre

Absent: Bailey, Nachshen

Also Present: Attorney Peter Henry, Engineer Bill Ryden

REVIEW OF MINUTES: After Board discussion the minutes of the August 28th meeting were carried to October 23, 2014 so corrections could be made.

RESOLUTIONS: none

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	

Due to improper noticing the applicant will appear next month, October 23, 2014, to present their application.

Carried from August 28, 2014:

Evergreen Realty Group, LLC	90 Route 46 East
Blk: 4 Lot: 20	App. #14-257
Major Site Plan Review	B Zone
Parking Spaces, Parking Stall Size, Fence in the Front Yard, Side Setback, Front Setback	

Stephen Shaw continued application #14-257 started on August 28th. He told the Board he and Mr. Frungillo met with the Rainbow Lakes residents and felt the meeting went well. Jim Johns of the Morris County Development Corporation was no longer able to testify for them. Dan Hagberg's testimony was no longer needed because the applicant met with the fire department and settled the issues he would have addressed.

Marc Walker, a licensed Engineer in the state of NJ, was introduced. He presented the current property conditions found on exhibit A-1. The existing building was marked in gray, the dark brown area was where the 5 story hotel would be built and the area in light orange would be removed and rebuilt. Currently the building on the 3.2 acre site is 3.5 ft. from property line where 20 ft. is required. The property is in the B zone where hotels are a permitted use.

Mr. Walker explained the applicant was proposing the 600 seat banquet area be reduced to 300 seats. The 5 story hotel would be 55.5 ft. tall where 60 ft. was permitted and would be 53 ft. from the right of way. The net increase in building area will be 4,163 sq. ft. and all the new construction would be over areas that are already built or paved so there would be no increase in ILC. The applicant would like to add a patio outside the pre-event rooms to create a usable outdoor space. They are proposing a 6 ft. high wall to control the highway noise in this area. A variance is required for the wall because fences are not permitted in the front yard. They are also planning to increase the ceremony area off the banquet hall to 45' x 65'. They propose 167 parking spaces and 244 spaces are required. The applicant proposes a valet parking plan similar to the one approved in 2004. The parking calculations are based on the facility being maxed out for the hotel, spa, restaurant, and banquet hall. They will be reducing the ILC to 78.6% but the building coverage will increase to 24.8%; both will conform.

The daily water usage is projected to be 34,968 gal per day based on maximum use of the facility. The applicant has agreed to do laundry off site which will reduce water usage to 25,200 gallons per day. The real daily water usage is multiplied by three to determine the daily water usage for the DEP. John Lester referenced a letter from Borough Engineer Bill Ryden, dated August 19, 2013, listing water usage for only the hotel; the memo did not agree with what was presented. Robert Tovo explained the correspondence referenced was only an estimate not usage for a particular project. Mr. Walker reminded the Board the applicant still needed to get permission from the DEP for water usage. When they submit their applicant they will show usage at 1.63 million gallons per month without onsite laundry. Robert Tovo confirmed water usage was the responsibility of the DEP not the Planning Board. Martin Kane asked for clarification. Peter Henry said water was a first come first serve issue handled by the DEP. Bill Ryden added the Council has to endorse Evergreen Realty's application for water usage. He continued this calculation was set by the DEP and was typical for any hotel. Mr. Ryden explained the Borough could get water other places. John Horan requested a condition be added to the resolution requiring offsite laundry; the applicant agreed.

Mr. Walker said the Borough requires a 50 ft. front setback but the building is 45.5 ft. to a preexisting column at the corner of the structure. Peter Henry confirmed the new hotel would be at 53 .5 ft. but its soffit and columns along the 1st floor were at 47.5 ft. The side setback is currently 3.5 ft. and after construction it would be 10.3 ft. measured to the foundation. Tom Dagger asked about changes in the signage. Marc Walker answered the hotel chain was unknown at this time so they may have to come back for a sign variance when that was determined. The variance for number of parking spaces may not be required if the Board was satisfied with the valet parking plan but they will need a variance for the size of the spaces. They are requesting spaces 8.9 ft. wide rather than 9 ft. The ordinance requires 10' x 18' but industry standard is 9' x 18'. Per the Borough's Ordinances the Board can determine the required size.

Mr. Walker wished to address the Borough's Traffic Engineer, Gary Dean's, comments pertaining to the site plan. Mr. Walker pointed out the access aisle was less than the required 24' by parking bay 1 and 2. Modifications to the island will be made to accommodate cars backing out of the parking spaces on the westerly side of the property but a variance will be required for the width of the aisle. Per the suggestion of Mr. Dean the handicap spaces will be moved and now located along Route 46 so they are away from the porte co-chere. Bill Ryden asked the location of the handicap spaces be a condition of approval. They will also be adding some direction signage and striping for

the flow of traffic.

Mr. Walker told the Board the applicant met with the Fire Department Chief, Matt DeSantis, and made modifications that were contained in their resubmitted plans. As per his request they will do a flow test at the hydrant site and talk to the DOT about the emergency traffic signal changer. The applicant would not be willing to do the signal changer if they needed a DOT permit. Robert Tovo explained this was more commonly used in urban areas. In Mountain Lakes the police department would close the road for the fire trucks; he thought it wouldn't be necessary.

Mr. Walker presented exhibit A-5, Construction Fencing Exhibit, dated September 25, 2014. During construction the building area would be separated from the banquet area. They would install a fence on the northerly side of the building and at the back of the site. Nick DeVenezia asked if deliveries would still go to the back through the fence. Yes; most deliveries would happen on the weekend when there is no construction going on since all food would be prepared off site and brought in for an event. Mr. Walker said they would prepare a lighting plan for the site with all the lights pointing down as they do currently. The applicant agreed the site lighting plan, to be approved by Bill Ryden, would be a condition of the resolution.

Mr. Walker referenced sheet 5 of the site plan. They will connect the proposed sanitary sewer manhole at the front of the property to the existing sewer line in front of the building. Tom Dagger asked about landscaping. Mr. Walker said the front would be redone adding a lot of evergreens to create a screening for the patio area. Nancy DeTertre asked if the property would have a sprinkler system for the green space; yes. She asked if that water usage was included in the calculations. Bill Ryden answered usage calculations do not include irrigation. Robert Tovo added as Manager he had the ability to contact any commercial property in the Borough and tell them to stop irrigation at any time.

Peter Henry said the residents of Rainbow Lake had asked about run off into their lakes. Marc Walker replied they checked the topographical maps the Borough had on file. Based on the topography of the area the water comes from west of this property by the bagel shop and winds up in the pond on the Dixon property on the other side of Route 46. John Lester asked if this answered the Rainbow Lakes concerns. Stephen Shaw said they met them and they were satisfied with their explanation of the project. Peter Henry asked about façade lighting for the building. Stephen Shaw they would have down lighting for the walkways. Mr. Henry confirmed all mechanical equipment will be on the roof and the dumpster would be in the same location. Mr. Henry asked about the additional photo renderings requested. Mr. Shaw said they have rough sketches to share. The photos taken by Mr. Furugillo became exhibit A-6, an east bound photo of site with building penciled in, and exhibit A-7, a west bound photo showing the same from the opposite direction. The only difference was these photos do not add perspective.

The applicant's next professional was Joseph Staigar a licensed Engineer, specializing in in traffic, and instructor at NJIT teaching classes on traffic engineering. The Traffic Impact Statement he prepared was reviewed by Gary Dean of Dolan and Dean, LLC for the Borough. In his review, dated September 22, 2014, Mr. Dean requested traffic counts at the intersection of Boulevard and Route 46. Counts were conducted at a morning event, 25 to 50 people attending, a weekly corporate event, with 190 people attending and a staff meeting with 20 people attending. In the future the impact from weekly meetings would be reduced since most of the attendees would be staying at the hotel. They did a traffic count for a banquet event, 300 people attending, which resulted in 67 cars entering the facility with 3.33 persons per car and only 1 vehicle self-parking. If they added a

restaurant chain on site it would only add 22 trips. Mr. Staigar did not recommend changing the entry/exit patterns into the site and keeping the signal without a changer. He pointed out the DOT letter stating there was no interest so they would not need a new access permit. While guests can self-park if they insist they would make all guests valet park.

Mr. Staigar reviewed Mr. Dean's comments concerning the site plan. On sheet 4, the Valet Parking Plan, the employee parking would occur in the farthest row. They would add additional signage to explain the dropping off and picking up of a car using the valet. As per Mr. Dean's comments they are considering removing the planned 20' entrance and leave it at the original 25'. The applicant will send a new letter to the DOT for approval if they leave the entrance as is. Limos for 22 persons and large buses can turn around in the back of the property. Bethany Russo asked if two cars could fit under the porte co-chere at one time; yes. Mr. Staigar continued there would be no garbage pickup during an event so valet parking can occur in front of the dumpster area. Tom Dagger confirmed there would be plenty of parking during construction since only 300 seats would be available.

Stephen Shaw asked Mr. Staigar to speak about the size of the proposed parking spaces. Joseph Staigar said they are requesting spaces 8.9' x 18' and 9' x 18'. Spaces 9' x 18' are typical for any large car with 10' wide spaces found in shopping centers. Valet parkers are professionals and don't need the area the average person does to park. Stephen Shaw asked him about the signal controller; getting something like that would take over a year. Mr. Shaw asked about fire access on the east side of the building; the fire department said they would get access from the Forest Lumber parking lot. Are employee counts included in parking calculations; yes the calculations include everyone.

As requested by the Board Mr. Shaw presented exhibit A-8, prepared by Gerald Frungillo and Scott McMahon, a schedule listing the maximum number of persons on site for a 300 guest wedding and the restaurant at 75% capacity. There would be 38 employees at any one time assuming 60 guests in the restaurant, 75 wedding guests coming by car and 225 wedding guests staying in the hotel. As a result 205 parking spaces would be occupied between 6-11pm the night of the event.

The Borough's Traffic Engineer, Gary Dean, commented on the responses presented by Joseph Staigar. As requested in his report dated August 20, 2014, the traffic counts, once the hotel replaces the 300 banquet seats, are traffic neutral. Mr. Dean asked if they looked at daily counts; no the parking layout was adequate for daily events. Mr. Dean was concerned with someone coming from the back of the building, making a right hand turn and coming head on into traffic due to the tight radius created by widening the ceremony area. He suggested changing the radius of the corner to improve the sight distance. Mr. Dean thought the traffic signal changer was not practical because the county must make the application to the DOT since the Boulevard was a county road. John Lester was concerned about traffic backed up on the highway for an event. Gary Dean said the traffic counts show the guests are equally staggered for arrival so he did not see a backup problem. He was more concerned about the traffic flow under the porte co-chere. The applicant agreed to allow the Borough and Traffic Engineers to come up with a solution to this problem.

The last expert to present was Matt Sprung, a licensed Planner in state of NJ. He reviewed the town's Master Plan, its Historic District Application and made many visits to the site. He presented exhibit A-9, an aerial view of the site and zone B. Route 46 is made up of mostly commercial property, the zone permits hotels and the proposed

development is consistent with the area. The application require 6 variances, 3 are for parking, front and side setback and the wall in front yard. The proposed wall will create a park like setting along Route 46 for those attending an event and the landscaping creates a buffer for those traveling along the highway. Under section 40:55D-2 of the MLUL this development meets the intent and purpose of the act as follows: a. it is an appropriate use or development of the land, g. the development plan is consistent with planning area #1 of the state plan and is in the planning area of the highlands where growth is to be encouraged, i. it promotes a desirable visual environment through creative development, j. helps to prevent urban sprawl, and k. vertical development is a better use of land.

Mr. Sprung presented exhibit A-10, an overlay of the aerial view highlighting the area property lines and colored blocks representing the buildings. He pointed out the majority of the properties along Route 46 are at or over their property line. Creative redevelopment of zone B is suggested as part of the Master Plan. Nick DeVenezia said he understood the Planner's comments at ground level but what about the height of the building. Matt Sprung thought this development was appropriate based on the town's desire for redevelopment along Route 46.

The Board requested Stephen Carrozza, the Architect for the project, answer a few more questions concerning the façade. He said the exterior would be stucco with darker glass windows in aluminum frames. Tom Dagger asked about the color of the building; it would be 2 to 3 beige tones similar to what is there now. Mr. Ryden asked for clarification of the façade lighting. There would be soft dim lighting in warm tones of amber or green. There would be upward lighting onto the building. The down lights would be similar to what they have now. The main building would 10 up lights on front 5 down, the hotel would have 44 up and 5 down per side plus the porte co-chere. They could leave the lights off the back of the building so as not to disturb the residents of Rainbow Lakes. Bill Ryden's approval of the façade lighting would be a condition of the resolution.

Mr. Kane asked if there were any further comments from the public. There were none. Since all the testimony was presented and there were so many conditions to be considered Peter Henry suggested a draft resolution be prepared for the next meeting. Robert Tovo made a motion to have Mr. Henry prepare a draft resolution of approval and John Lester seconded to motion. The Board approved the preparation of the draft resolution by a vote of 9 to 0 with members Kane, Tovo, Dagger, Lester, DeVenezia, Horan, Happer, Russo and DuTertre voting in favor.

To close Evergreen Realty's presentation Stephen Shaw summarized the application. They were requesting the following variances a front yard setback of 45.5 ft., a side yard setback of 10.3 ft., and a fence in front yard. A variance for the size of the self-parking spaces at 8.9 ft. wide, 167 parking spaces where 244 are required and a valet parking plan with 259 spaces. Conditions of the resolution would be laundry done off site, site lighting plan, do a water flow test at the hydrant, limit the restaurant to 80 seats, get DEP water allocation approval, valet parking for large events, employees are to park in southern most row when valet parking is in use, the radius on island shall be adjusted for site distance, an operational plan at the port co-chere shall be worked out with the Applicant's and Borough's Traffic Engineers, a plan for the building façade lighting is to be approved by Bill Ryden and there will be no façade lighting on the back of the building. The applicant does not have to look into installing a traffic signal changer.

The application was carried to the October 23, 2014 meeting.

There were no committee reports this evening.

No one from the public was present to speak during the public comment portion of the meeting.

Martin Kane adjourned the meeting at 11:21PM.

Respectfully submitted,

Cynthia Shaw, Secretary