

BOROUGH OF MOUNTAIN LAKES
MOUNTAIN LAKES HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES
973-334-3131
www.mtnlakes.org

MAY 11, 2015
7:00 PM EXECUTIVE SESSION
8:00 PM PUBLIC SESSION

MINUTES

1. CALL TO ORDER; OPENING STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting as originally scheduled and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 8, 2015 (change in time and location May 7, 2015) and posted in the municipal building.

Mayor McWilliams called the meeting to order at 7:04 p.m. in the High School Auditorium.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present except for Councilman Happer and Councilman Borin, who were absent. Also present for the Executive Session were Borough Manager Richard Sheola, Borough Clerk Michele Reilly, Borough Attorney Robert Oostdyk, and Borough Planner Paul Phillips. Also in attendance during the public portion of the meeting was Fire Chief Matt DeSantis.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION

Resolution 109-15

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege

- Affordable Housing Litigation
- Executive Session Minutes

Motion made by Deputy Mayor Holmberg, second by Councilman Lester, to enter into Executive Session with all members in favor signifying by "Aye".

Motion made by Deputy Mayor Holmberg, second by Councilman Barrett, to adjourn the Executive Session and return to the public portion of the meeting with all members in favor signifying by "Aye".

5. COMMUNITY ANNOUNCEMENTS

Mayor McWilliams thanked the Deputy Mayor and the rest of the Council for their assistance while he recuperated from his knee surgery.

Deputy Mayor Holmberg congratulated Coach Tim Flynn and the Mountain Lakes Lacrosse Team on their 600th win. The Deputy Mayor said this milestone puts the program as one of the Top 5 in the nation.

Deputy Mayor Holmberg acknowledged all Borough Council members and members of the administration who participated in another successful Borough Council Goes To Briarcliff program. In addition, the Deputy Mayor thanked the school and the League of Women Voters for inviting the Council to attend and interact with the eighth graders.

Deputy Mayor Holmberg announced that Mountain Lakes Day would be held on May 25th, immediately following the Memorial Day festivities, with rides, food, and the Golden Gup playing music.

Mayor McWilliams mentioned that the Mountain Lakes Volunteer Fire Department would be having their annual dinner dance this weekend.

Mayor McWilliams reminded all in attendance about the Memorial Day ceremony on May 25th.

Mayor McWilliams said that there might be a multi-year high school reunion held over the July 4th weekend and he would announce more details as he received them.

6. SPECIAL PRESENTATIONS

NONE

7. DISCUSSION ITEMS

-Proposed Zoning Ordinance Amendments: Residential-Affordable Housing 2 (R-AH2) Zone

Mr. Oostdyk explained that the Borough Planner had drafted an Ordinance at the Council's request in order to facilitate further discussion regarding reasonable development of the King of Kings property and to assist the Borough in meeting its affordable housing requirements. He said that Mr. Phillips had been able to update the Borough Council in Executive Session before leaving for another meeting, and that Mr. Phillips had reported that the draft Ordinance would create a new zone with a twenty percent (20%) set aside for affordable housing and a change in density, while preserving the environmental restrictions of the property. Mr. Oostdyk said the draft Ordinance was intended to be the beginning of a discussion about the issues. Mayor McWilliams and Deputy Mayor Holmberg said that Council discussions would continue with input from the public, Borough professionals, and Borough administration. Councilman Lester said that the Communications Advisory Committee would be setting up a Wiki or a FAQ (frequently asked questions) page on the website so that information would be in one place and everyone would have the chance to contribute to the knowledge base.

8. PUBLIC COMMENT

Please state your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes with no yielding of time to another person.

Mayor McWilliams opened the public comment portion of the meeting with the consent of the Council. Mayor McWilliams explained the Council's policy of limiting each speaker to five (5) minutes with no yielding of time to another person.

Nancy duTertre – 41 Lake Drive

Ms. duTertre made a request that the Council consider adopting an official Coat of Arms for the town of Mountain Lakes and presented her idea for a coat of arms contest. She said she hoped this could be authorized by the Borough Council.

Grant Kalfus – 68 Hillcrest Road, Boonton Township

Mr. Kalfus asked permission to take Grace Holmberg to the prom. The consensus of the Council was to offer permission to Mr. Kalfus and Ms. Holmberg accepted his invitation.

Steve Castelucci – 2 Laurelwood

Mr. Castelucci mentioned that he had received a letter regarding Hub Lakes, signed by the Recreation Directors of Mountain Lakes and Lake Arrowhead and printed on official Borough letterhead. He said it appeared that Mountain Lakes had decided that he was a citizen of the Lake Arrowhead community. He said he wanted to know who gave the legal and administrative approval to sign and send the letters.

Khizar Sheikh – 2 Warwick Road

Mr. Sheikh identified himself as the Chair of the Environmental Commission (EC) and said he was speaking on behalf of the Commission. He said the Commission was attempting to answer some of the questions posed by Council. He referenced several examples of Borough Ordinances that showed support for environmental protection. He said that the EC would recommend that the Borough Council understand what features are present in the property and address such issues as: potential for flood hazard, steep slopes, prime aquifer area, native vegetation, habitat for threatened or endangered species, and groundwater recharge.

Mary Kalapatapu – 76 Pollard Road

Ms. Kalapatapu said that since the Borough is already under water restrictions, she would recommend that the Council put a freeze on all building in the Borough and purchase the property for Green Acres.

Fred Kanter – 81 Hanover Road

Mr. Kanter commented on the fact that the Borough Council and Board of Education were having meetings on the same night and mentioned that the same conflict occurred two weeks ago. He said this was counterproductive to public input and recommended fixing the calendar.

Mimi Kaplan – 89 Lake Drive

Ms. Kaplan, a member of the Environmental Commission, continued the comments started by Mr. Sheikh. She said that some of the steep slopes present on the property may measure up to thirty-five percent (35%). She talked about the large black oak on the property, which is possibly one of the oldest trees in town. She mentioned that the property is located in the 2nd tier wellhead protection area and also mentioned the potential for stormwater management issues. Ms. Kaplan said that the Borough Council should consider whether or not it will maintain its endorsement of the 2007 Whippany River Watershed study protecting the Troy Brook, which runs through the property.

Joyce Leuchten – 21 Crystal Road

Ms. Leuchten identified herself as a former Borough Council member and said she and her fellow Council members had opened meetings to the public long before the Sunshine Law was passed. She questioned the transparency of the Council regarding the King of Kings issue.

Steve Monetti – 14 Crestwood Drive

Mr. Monetti said that the Lake Arrowhead Club had changed its bylaws several years ago and subsequently attempted to require all lakefront property owners to become members of the club and pay dues. He said that he and other Mountain Lakes residents had hired attorneys and are still fighting this decision. He referenced the letter he received from the Borough about Hub Lakes and asked the Council to retract the letter as he does not consider himself a member of the Lake Arrowhead community.

Steve Arnold – 4 Craven Road

Mr. Arnold commented that he was happy to hear the Council say that the Ordinance was just a draft. He said he agreed with the comments made by the EC. He referenced a map he made, on which he had superimposed slopes of fifteen percent (15%) or greater and the Troy Brook and told the Council he had come to the conclusion that the actual developable lot was four (4) acres.

George Jackson – 20 Sherwood Drive

Mr. Jackson told the Council he felt that the Planner needed to speak to the community. He said he felt that the developer was trying to force an inappropriate development that had nothing to do with affordable housing. He mentioned that the Borough already had a twenty percent (20%) affordable housing overlay zone so the draft Ordinance was not needed in order to address affordable housing concerns. He said he felt that the draft Ordinance had been prepared as a way to increase the density and waive building conditions.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr said the EC had done a great job explaining some of the environmental issues. She said that the Planner spoke of preserving the steep slopes but felt that there was nothing written in the Ordinance specific to preventing the development of the slopes and preventing the developer from approaching the Planning Board for variances. She compared the potential development at King of Kings with the development at Fanny Road and mentioned that Fanny Road was a flat parcel of land whereas at least twenty-five percent (25%) of the King of Kings property was made up of steep slopes. Ms. Emr said she would like to see a public discussion on water.

Jim Hyson – 23 Ronarm Drive

Mr. Hyson expressed concern about the draft Ordinance and said he was unclear if the planner was representing the Council or the developer. He said he thought that any reference point for a draft Ordinance would be the RC-3 Zone, and he said that the Economic Development Subcommittee had made the same comments. Also, Mr. Hyson said he would like to hear each Council member comment on the benefit of the development to the Borough.

Jeff Lemman – 32 Sherwood Drive

Mr. Lemman commented that this was a major issue for the Borough and could fundamentally change the town. He said that everyone was in this together and should work together to do what is right for Mountain Lakes.

Jackie Bay – 430 Morris Avenue

Ms. Bay asked if it would be possible to rezone certain corporate zones, citing properties such as 49 Old Bloomfield Road, 271 Boulevard, and the commercial zone on Midvale, to allow for residential housing. She said that by her calculations, rezoning those properties would result in 65,000 square feet of developable property and thirty-two (32) affordable housing units. She said she felt this was a better option than putting a development in a place where the neighbors do not want it and the environment cannot sustain it.

With no one else wishing to be heard, Mayor McWilliams closed the public comment portion of the meeting.

Mayor McWilliams said the Manager would research the issues regarding Lake Arrowhead and the Hub Lakes letter.

Deputy Mayor Holmberg mentioned that water for the development of the King of Kings property would not come from a Mountain Lakes water source but he agreed the water issue should be addressed. He said that the Board of Education and the Borough Council would work together to ensure that meetings are scheduled for different evenings. He asked Mr. Sheikh to send a copy of the EC comments to Mr. Sheola.

Councilman Alberg offered thanks to the EC for their efforts to address the environmental issues.

Councilman Lester asked Mr. Sheola to have an update for Council at the next meeting regarding the Hub Lakes issue. He also complimented the Environmental Commission and asked that Mr. Sheikh send his comments to the webmaster for posting on the website. Councilman Lester thanked Ms. duTertre for her proposal and asked for Council feedback regarding a Borough coat of arms.

9. ORDINANCE 06-15

ORDINANCE AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES BY CREATING A NEW RESIDENTIAL – AFFORDABLE HOUSING 2 (R-AH2) ZONE

Following introduction, the above Ordinance will be published in accordance with the law and a public hearing will be held on **June 8, 2015**.

This Ordinance was not moved by Council consensus.

10. *RESOLUTIONS

R110-15 Resolution Amending the Appointment of Representatives to the Joint Insurance Fund (JIF) - Sheola
 R111-15 Resolution Amending the Appointment of Representatives to the Whippany River Watershed Action Committee for the Calendar Year 2015 - Sheola
 R112-15 Resolution Appointing the Municipal Housing Liaison - Sheola
 R113-15 Resolution Amending the Members of the Public Works Advisory Committee - Sheola
 R114-15 Resolution Authorizing the Payment of Bills

11. *MINUTES

February 23, 2015 (Executive)
 April 27, 2015 (Regular)

12. *DEPARTMENT REPORTS

NONE

13. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS

COMMISSION/BOARD	NAME	TERM	POSITION	DATES	NOTE
Recreation Commission	Ina Rose	3 years	Member	1.01.15-12.31.17	Appointment

Council Member	By:	2 nd :	Yes	No	Abstain	Absent
Albergo			X			
Barrett			X			
Borin						X
Happer						X
Lester		X	X			
Holmberg	X		X			
McWilliams			X			

***Indicates Consent Agenda Item**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

14. ATTORNEY'S REPORT

Mr. Oostdyk had nothing additional to report.

15. MANAGER'S REPORT

Mr. Sheola handed out a synopsis of his activities and said he owed a great deal of thanks to former Interim Manager Robert S. Hoffmann for his assistance during the transition. He said he had been meeting with Department heads and would continue doing so next week.

Mr. Sheola said the dam engineer will make a presentation to the Council in the near future.

16. COUNCIL REPORTS

Public Works Advisory Committee – Deputy Mayor Holmberg said that the beach renovation project is being presented to different committees and will eventually be presented to the Borough Council.

Lakes Management Advisory Committee – Deputy Mayor Holmberg reported that the beaver issue was of strong concern to the Committee. Mr. Sheola said the trapping period does not begin until December but he will work diligently to secure a trapper for the Borough.

17. PUBLIC COMMENT

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Steve Arnold – 4 Craven Road

Mr. Arnold said he was happy to receive a broadcast email notifying him about this meeting and the Board of Education meeting.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr advised the Council not to run the town by fear, specifically fear of a builder's remedy. She said she has done the math and no court will tell the Borough that two hundred (200) units have to be built on that property.

Fred Kanter – 81 Hanover Road

Mr. Kanter said he had asked Mr. Hoffmann to comment on the status of the Borough Hall space and he had not yet received an answer. He asked the Council to let him know if they had spoken to Mr. Hoffmann about this issue and if yes, what he had said, and if not, why they hadn't asked and if Mr. Hoffmann could be contacted. He suggested the Borough Council meet in the school library and that the Police Department expand into the Council chambers.

Linda Hyson – 23 Ronarm

Ms. Hyson mentioned that many of the people who spoke during public comment are long-time residents and have a sense of community. She said these residents have a sense of community and want to see that continued.

Chris Sullivan – 4 Sherwood Drive

Mr. Sullivan said he had been threatened with litigation many times during his terms on the Council and various boards and he took umbrage at the developer's threat of a lawsuit. Mr. Sullivan told the Council he thought they should not worry about the lawsuit and if the Borough is sued, he will personally help fund the defense.

George Jackson – 20 Sherwood Drive

Mr. Jackson recommended the Council turn the development of an Ordinance over to an ad hoc committee and suggested that the Planner and Borough Manager should not be involved as they are both new. He mentioned the affordable housing plan and the open space grant and asked the Council to clarify their guidance and said he feels the current guidance is vague and no one is sure who is doing what.

Rich Grebe – 4 Roberts Drive

Mr. Grebe spoke about the unknown economic impact of the development on the Borough. He said ten (10) new homes have been built in the Borough in the last decade and now there are forty (40) condos on Fanny Road. Mr. Grebe said more townhouse development will decrease the assessed value of homes in the Borough and have an impact on schools as these townhomes are marketed to young families with children.

With no one else wishing to be heard, Mayor McWilliams closed the public comment portion of the meeting.

Mayor McWilliams asked Mr. Oostdyk to comment about affordable housing and COAH. Mr. Oostdyk stated that the Borough's affordable housing strategy is not something that can be discussed with the public at this time as it is a negotiation. He mentioned that the Council is still receiving information about COAH. Mr. Oostdyk said that a builder's remedy is a potential and these complaints do occur.

18. ADJOURNMENT at 9:54 PM

Motion made by Deputy Mayor Holmberg, second by Councilman Lester, to adjourn the meeting at 9:54 p.m., with all members in favor signifying by "Aye".

***Indicates Consent Agenda Item**

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ATTEST: MAY 11, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor