

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

April 23, 2015

Chair James Bailey 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: 7:33 PM

ROLL CALL:

Members Present: Bailey, Kane, Nachshen, Holmberg, Dagger, and DuTertre

Absent: Hoffmann, McWilliams, Horan, DeVenezia and Russo

Also Present: Attorney Peter Henry, Engineer Bill Ryden

REVIEW OF MINUTES:

Peter Holmberg made a motion to adopt the minutes of the March 26th meeting. Corey Nachshen provided the second; the minutes were approved by voice vote of all eligible voters.

REVIEW OF EXECUTIVE MINUTES:

Peter Holmberg made a motion to adopt the executive minutes of the March 26th meeting. Nancy DuTertre provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Zisis, Inc. t/a Paul's Diner

App. #13-255

By motion the resolution was adopted removing condition #2 from the original resolution adopted on January 29, 2015. The resolution was adopted by a vote of 2 to 0 with members Nachshen and DeTertre voting in favor.

PUBLIC HEARING:

Carried Application:

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 continued the hearing for Park Lakes Tennis Club, they were back to discuss the variances needed for parking, lighting and signs on property.

Marc Walker previously sworn in directed the Board to page 7 of the newly submitted plans dated April 13, 2015. He said bulletin boards up to 18 sq. ft. were permitted in a residential zone but theirs was a total of 35 sq. ft. The club uses the bulletin board for seasonal information. Peter Henry said community or institutional bulletin boards were allowed but they were a private club so they do not qualify. Mr. Walker continued a sign by the street is important for visiting players and is needed to direct them into the club. It

is also important for emergency vehicles. The bulletin board was not visible by the residents from the street but maybe visible from the back of the old Newsweek building. Jim Bailey asked if the 2 other signs, the one on the railing and the board for court sign up, would remain. It was determined the sign on the railing would be removed and the sign up sign would not. Mr. Walker continued they had resurveyed the entrance to the property. They cleaned out the area of dead brush and added a stop sign with a stop bar to the proposed site plan. They were asking for 4 different sign variances.

The lighting plan dated April 13, 2015 was presented. They plan to install a decorative light fixture at all three doors. Jim Bailey asked if there would be lights on the pathways. Marc Walker said the pathway lighting would remain as it is now. The light fixture was coming off of the shed and would be installed on the pro shop. The lighting report submitted last meeting (A-2) was in lux. The applicant incorrectly said 1 lux was equal to 10 foot candles it actually is the other way around, 10 lux are a foot candle so they do not meet the lighting requirement for 1 foot candle in the parking lot. Peter Holmberg asked if the Board needed to require the minimum lighting per our ordinances. Peter Henry answered, the Board needed to make a judgment, was the lighting adequate if so they may want to grant a waiver. Marc Walker said the club felt the lighting was adequate and had been in place for many years. Most of the parking area is 1/2 a foot candle. William Askin confirmed this reading was when the lights were not on the courts. Martin Kane said this could be a good thing, less light would disturb the neighbors less. Mr. Holmberg thought it had worked for so long the Board should allow it to continue. Tom Dagger asked can we quantify the amount of light they are suggesting when granting the waiver. Bill Ryden said we could hold them to the site plan. John Catlett, the club President, said the corporate building behind them gave off a lot of light, in the past he has parked in the southwest corner without a problem. Peter Henry asked if they will have night meetings for the membership. Mr. Catlett said they would be. George Jackson added the club had cameras in the parking lot and there was enough light to record any activity. Corey Nachshen was concerned granting the lighting waiver could be setting a precedent for other applications. He also was concerned the new building would increase the number of people in the parking lot. William Askin asked Mr. Jackson the number of people at their annual meetings; it is 20 and a Board meeting would be 10 people.

Martin Kane asked about the run off from the parking lot. Mr. Walker described the run off. There was a lot of rain the previous night and the repair work done by the Borough seems to be working. If they added the berm suggested last meeting it would concentrate the flow causing a problem somewhere else. Tom Dagger asked if they could add a catch basin. Marc Walker said if you add a catch basin you would need to get DEP permits to direct the run off elsewhere. Jim Bailey asked about getting a LOI from the DEP. Peter Henry told him the Board granted a waiver at the last meeting. Jim Bailey pointed out the 1st site plan had a wall delineated and now it was missing. Marc Walker said the club got cost estimates to build a basement for the structure, a retaining wall and gravel access to the basement. All were determined to be too expensive so they were removed from the plan.

Tom Dagger said the trolley path was still a concern. He was worried about erosion over time and wanted to know what role the club could play in maintaining it. George Jackson said Park Lakes was private property. They had allowed the Borough to come in and repaired the path and the Borough did more than they originally planned bringing the stone to the parking lot to stabilize the area. The club has agreed to allow people to use the trail even though it is on private property. Tom Dagger asked if the Board could

require the club to provide public access and the trolley path could be repaired in the future as conditions of the resolution. Mr. Jackson said he did not think they could do so because of the future liability. William Askin said they could only agree to allow the Borough to maintaining the trolley path. Peter Holmberg said the Planning Board could not make the commitment for the Council to maintain the trolley path.

Chairman Bailey asked if there were any questions or comments from the public. John Grossman, of 181 Morris Ave, is chairman of the Historic Preservation Committee. He went out to the property with a Borough employee to look at the site after the heavy rain. The employee thought there should be a catch basin added. This is an important part of the trolley history that needed protecting. Martin Kane said the HPC would need to apply for grants for the trolley path and take responsibility for working with the Borough to maintain the drainage.

Martin Kane made a motion to approve the site plan with variances for the parking stalls at 9' x 18', only 30 stalls, the number of signs and their size, the existing setbacks and a lighting waiver. The approval would contain our standard conditions, the applicant would revise note 7 on the plans. There would be no lights left on after 10:30 pm except for two lights, there would be no rental usage and they agreed to grant the Borough access to the trolley path. A second was provided by Peter Holmberg. The Board voted to approve the motion as presented 6 to 0 with members Bailey, Kane, Nachshen, Holmberg, Dagger, and DuTertre voting in favor.

Committee Reports – There were no committee reports to present.

Other Matters – The Board Administrator reminded everyone to fill out their disclosure forms. The deadline is April 30th.

Public Comments – Jim Moody, of 17 Robinhood Dr, told the Board he was opposed to the potential development of the King of Kings property. He read into the record a petition that had been signed by over 200 members of the community.

Deputy Mayor Peter Holmberg told all those present there would be a discussion on the property's development next Monday night at the high school. Peter Henry reminded the Board they might be voting on this application at a later date. While they could independently attend to listen to the discussion they should not go as a group. They should also refrain from discussing the property with anyone.

COAH – Peter Henry said the judges who will be hearing the COAH cases have been determined but now they need to determine the requirements. Peter Holmberg added the Borough's Manager, Planner and Attorney will be meeting to discuss the COAH situation.

Executive Session - Peter Holmberg 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 Peter Holmberg made a motion to return to the public session; a second was provided by Corey Nachshen. The Board approved the motion by voice vote of all eligible members.

Jim Bailey made a motion to adjourn the meeting at 9:51 pm.

Respectfully submitted,

Cynthia Shaw, Secretary