

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

April 25, 2019

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 24, 2019: Adequate notice of this meeting was given to the Citizen and the Daily Record, posted with the Borough Clerk and on the Bulletin Board and made available to all those requesting individual notice and paying the required fee.

Start: 7:32PM

ROLL CALL:

Members Present: Kane, Barnett, Coppola, Stern, Menard and Mirsky

Absent: Horan, Russo, Holliday and Berei

Also Present: Attorney, Peter Henry, Paul Phillips, Planner,

Also Absent: William Ryden, Engineer

PUBLIC COMMENT: none

REVIEW OF MINUTES: Lauren Barnett made a motion to adopt the minutes of the March 28, 2019 meeting. Arlene Mirsky provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

SUNRISE DEVELOPMENT, INC.

Appl. #18-268

Before voting on the resolution Nick Coppola asked if Bill Ryden had a chance look into drilling wells for irrigation. Peter Henry said he had; the well was allowed since it was not restricted in our Ordinances. Jim Hyson, of 2 Littlewood Court, said limits on the time of day garbage collection can occur was in the resolution but the number of times a week they could collect was not. Mr. Henry said they should work that out as neighbors. Sandy Batty, of 15 Lockley Court, wanted the times the arborist would appear on site as a condition. Peter Henry said it was covered in the resolution.

A motion was made by Nick Coppola to adopt the resolution of approval. A seconded was provided by Tom Menard. The Board voted 5 – 0 to adopt the resolution with Kane, Barnett, Menard, Coppola and Mirsky.

PUBLIC HEARING:

MASTER PLAN – Element IV “Housing Element and Fair Share Plan

Borough Planner, Paul Phillips, said no changes had been made to the draft copy of the amended Housing Element and Fair Share Plan reviewed at our last meeting. No one from the Board wished to make any changes.

Chairmen Kane opened the meeting to the public for questions and comments. Cynthia Korman,

of 53 Pollard Road, said she was a member of the Affordable Housing Committee and Chair of the Accessory Apartments subcommittee. C. Korman thought the low apartment rents would not encourage residents to participate. Paul Phillips said the accessory apartment program was part of the settlement with Fair Share Housing and the town could supplement the rental income for a homeowner. She asked if we could replace the accessory apartment agreement in another round. Mr. Phillips said no. Mr. Kane asked what if no one signed up for the program. Mr. Phillips said there would be follow up by the FSHC to make sure we are offering it but we can't make people do it.

Peter Henry passed out a prepared resolution accepting the amendment as presented. The Board reviewed it and a motion was made by Mitchell Stern to adopt the resolution as prepared. A second was provided by Lauren Barnett. The Board voted 6 – 0 to adopt the resolution with members Kane, Barnett, Menard, Stern, Coppola and Mirsky voting in favor.

COMMITTEE REPORTS:

Other Matters

Review of Permitted Uses in Commercial Zones: Changes to Zone A, B, OL-1 OL-2

Martin Kane reviewed the history of the zones along Route 46. Everyone knows that office parks are empty and the new businesses that want to come to town can't come because our current zoning does not allow them to do so. Right now Route 46 east is our business zone B and the west bound is zone OL-1 and 2 which is restricted to office space. Currently the B zone does not allowed hotels, gas stations, dry cleaners and drive-ins. Nick Coppola said looking forward we should not allow a business, such as a gas station or cleaners, near our well. They could contaminate them. Arlene Mirsky was concerned with ground water pollution. Peter Henry reminded the Board they couldn't remove any business that was already there. They would be grandfathered unless the town wanted to condemn the property and buy it. Mrs. Mirsky said a hotel could be a height issue. Mr. Kane said we need to look at this from the planning stand point because right now we are making it difficult for any business to locate in Mt. Lakes. They would all have to come for a variance. The first question to consider is should we keep both zones the same. We need to discuss drive-throughs and drive-ins. Martin Kane said there are more development possibilities on the west bound side. Arlene Mirsky said we need to look at the residents around these commercial properties. She thought this was the reason for the differences on the two sides. She understood the overabundance of office space but asked what type of businesses we want to attract.

Chairmen Kane asked what Paul Phillips thought; what are other towns doing. Lauren Barnett asked about mixed use projects. Mr. Phillips responded he had not studied the properties in Mt. Lakes but the office market is challenged now. The direction developers are taking now is to take down office buildings and add housing or mixed use. You could make housing in the rear of the lot and retail in the front of the lot to keep the retail away from the residential areas. Martin Kane added maybe we have to make a bigger buffer between zones. We need to take a 2019 look at what is best for the town. N. Coppola asked what types of businesses we wanted.

Martin Kane invited David Shepherd chair of the Economic Development Committee (EDC) to

speak to the Board about what they were doing. Mr. Shepherd said they have been looking at towns that are similar to us. They have broken the areas of the Borough into sections, treating them each differently, mostly focusing on east bound 46. Many towns are going taller with their buildings and allowing drive-throughs. We looked at gas stations, did some research, and found them to be much safer today. We have small lot sizes and numerous owners which presents a challenge. We need to stop being other town's customers and be our own customers. Our current restrictions are valid but outdated. We understand the history of our office space but have to accept it's not working now. Nick Coppola asked what businesses has the EDC talked to. Mr. Shepherd said they have talked to several unfortunately the ones they did speak to were not interested. They did not want to locate here because they didn't like the traffic patterns or the demographics within the 10 mile area around us. Martin Kane also mentioned the developers for the Zeris property had a long list of businesses they contacted who were not interested in the site. That is how they came up with the hotel and the WAWA.

Peter Henry said it was better to have a zoning plan which determined how you want a zone to be developed rather than have each project separately requesting variances. Mitchell Stern said he had witnessed this in many towns. You can't tell people "we want you" to come to our community; they will tell you where they want to be. Paul Phillips said he thought what the EDC was doing was a good thing. We have to look at reinventing ourselves. You are not going to get women's clothing and shoe stores coming into town. You can write Ordinances to keep properties near the wells without dry cleaners and gas stations. He would open east bound to drive-throughs. Peter Henry added if you make drive-throughs allowed you can't say you are going to create a traffic problem when they present their applications. Paul Phillips continued but you can make drive-throughs a conditional use and cover the traffic issues.

Chairmen Kane opened the meeting to the public. Sandy Batty, of 15 Lockley Court, said the aquifer goes under route 46 and gas stations can have spills. Drive-throughs create litter which becomes a quality of life issue. Retail on the westbound side would generate more trips than a commercial use. Peter Henry said that works both ways. Office traffic is created all at one time and retail is a few cars at a time. Linda Hyson, of 2 Littlewood Court, asked if the person developing the Zeris property knew about the hotel at the Mansion. Martin Kane asked should we have Paul Phillips look at adding mixed use on these sites. Paul Phillips responded we can do that and still keep the affordable housing overlay zone. Jim Hyson, of 2 Littlewood Court, was concerned that residential development would not increase ratables for the town.

Martin Kane said they would take the information back to the EDC. They can work with the Planner to come up with ideas and concepts then the Planning Board can work on the zoning changes. Lauren Barnett said she thought we should simplify and modernize our Ordinances. Arlene Mirsky asked how empty buildings were being repurposed. Paul Phillip responded they are either torn down or they are being made into mixed use buildings. The biggest example of this was the Bell Labs site in Holmdel. Mr. Phillips concluded restaurant and fitness services are the types of businesses that are renting space.

Vice Chair

Corey Nachshen has resigned from the Planning Board. We will be looking for his replacement.

Martin Kane adjourned the meeting at 9:08PM.

Respectfully submitted,

Cynthia Shaw, Secretary