

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

April 30, 2020

Chair Martin Kane read the Special Remote Open Public Meeting Notice provided to the Citizen and the Daily Record as a Sunshine Notice on April 24, 2020, posted with the Borough Clerk and on the Bulletin Board on April 27, 2020 and made available to all those requesting individual notice and paying the required fee.

Start: 7:36PM

ROLL CALL:

Members Present: Kane, Menard, Horan, Holliday, Coppola, Stern, Russo, Leininger and Shepherd (8:30PM)

Members Absent: Berei

Also, Present: Attorney, Peter Henry, Engineer, Bill Ryden

PUBLIC COMMENT: none

REVIEW OF MINUTES: Bethany Russo made a motion to adopt the minutes of the January 30th meeting. Tom Menard provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Robert Klingenburg	Appl. #19-269
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Martin Kane reported there was an objection raised by applicant's attorney concerning condition 9.c of the resolution. Background information, pertaining to front load garages and the side setback for the driveways, was made available by both attorneys. Peter Henry said the Applicant did not agree to having homes with garages and would like the condition to reflect that. The Board agreed to the change. Tom Menard thought the driveway setback was 2.5ft as permitted by our Ordinance not 25ft as written. Bethany Russo, Nick Coppola and Martin Kane agreed. Peter Henry said he would adjust finding 9. c. accordingly. A motion was made by Tom Menard to adopt the resolution with the changes made to 9.c. and a second was provided by Bethany Russo. The Board voted 5 – 0 with members Kane, Menard, Coppola, Holliday and Leininger voting in favor.

PUBLIC HEARING:

AHS Hospital Corp.	Appl. #20-272
333 Rt 46W	Blk: 7, Lot 7
Minor Site Plan/Sign	Zone OL-1

Bill Bergman, a licensed attorney in NJ, would present the application. The applicant currently

operates the Urgent Care located at 333 Rt 46W. They are open daily, and their customers are having trouble finding their facility. They would like to replace the existing sign with a V shaped sign. The original sign was approved in 1988 when the building had one occupant and it now has many. There are no variances required for this application. They are seeking to modify the sign design in order to list several tenants in the building.

Peter Chandler, a licensed engineer in the state of NJ, explained the waivers they were requesting. Due to the minimal impact of the project, they asked for waivers for stormwater, plan scale, location of structures within 200ft, utility locations, an environmental impact statement, a surface water management plan, a landscaping plan and building plans. Bill Ryden was in favor of granting the waivers since the project did not impact any of those items. Mitchell Stern made a motion to grant the waivers and Bethany Russo provided the second. The Board voted 8 – 0 to grant the waivers with members Kane, Menard, Horan, Holliday, Coppola, Stern, Russo and Leininger voting in favor. Peter Chandler continued; the property has 2 access points on Route 46W. The current sign is in the middle of the two driveways. The building has mostly office use. They are an urgent care facility within the office building. The existing sign is low to the ground and there are numerous large evergreens blocking the view of the building. Their patrons are having trouble seeing the building through the trees. The sign would make it easier for them to find the urgent care facility.

Mr. Chandler explained the current sign is 40ft from the Route 46W pavement. At 10ft the new sign would be closer to the highway as permitted by Ordinance. The second sign to the right is for a childcare center. Permission for the sign was granted in 2000 under a separate resolution. It could be put up when there were vacancies at the daycare and removed when they were full. He explained the images of the proposed sign and the photos of the existing sign on sheet 3 of 3. The existing sign is 40sqft per side and they want a new sign 70sqft per side. Three tenants will be listed. The sign will be internally illuminated not external lit as it is now. Bill Ryden asked what the lighting intensity was. The light is 1.2 watts per module. Mr. Ryden responded that did not work with the town's Ordinance of 20watts of power per square foot of fluorescent source. Bill Bergman agreed to a condition in the resolution requiring the lighting wattage be reviewed by the Borough Engineer before it was installed.

Martin Kane asked Board member if they had any questions. Mitchell Stern asked if the sign was in the right of way. Peter Chandler said it was on the property. Tom Menard asked what the DOT requirements were for the sign. P. Chandler said the DOT does not have jurisdiction over this sign. Mr. Menard asked if there were other tenants in the building besides the three listed. Mr. Chandler said yes but the sign panels could be changed to add up to six tenants. Mr. Menard asked if the owner was involved in the sign application. Bill Bergman responded the owner had to sign off on the sign and the application. Tom Menard asked if the new sign could accommodate the day care center, he did not like removable signs. Meghan Leininger did not like them either and thought the Board should be addressing them. She suggested the applicant move the sign closer to the 1st turn in and light rather than between the two entrances. Bethany Russo asked if there was a sign at the entrance to the complex by the 1st driveway. P. Chandler answered no, there is only one main sign. The storm water basin is closer to that entrance making it impossible to locate it closer. That is why they placed it in its same location. Marty Kane added Board members don't have any expertise in the area of sign location so the Board should

just look at what was being presented. Tom Menard asked what size sign was allowed in this zone? Mr. Chandler answered there is no limit in this zone. The sign is consistent with other signs in area. Paul Diner, Zeris, and Citco have larger signs. Mr. Menard questioned if the Boulevard entrance sign was still in existence. Yes, the Boulevard sign was approved with the nursery school sign. Peter Henry responded, then there are two signs for Atlantic Health. Bill Bergman said there are no restrictions on the number of signs in this zone. Mitchell Stern commented he thought the 10ft high x 7ft wide sign was too large. Mr. Menard added it was about the size of a garage door, but he was more concerned with sign clutter than the size. Bethany Russo asked how the Board would approve signage for future tenants. Mr. Menard suggested we put something in the resolution requiring future tenants must be added to this sign. Meghan Leininger knows from previous experience that the sign could be modified to include more tenants. Bill Ryden responded the OL-1 zone is open to Board approval for all signage unlike the B-Zone. In this zone they can't change anything on the signage without coming to the Board. The Zoning Officer has jurisdiction over the signage in other zones but not in this one. Mr. Kane asked if there were any questions from public. Mitchell Stern said there was no one from the public who wished to speak.

Bill Bergman introduced Alexander Sarenac, the Atlantic Health Medical Director. He said he has been at the urgent care for 1 year. Their practice was becoming a necessity especially in the coronavirus environment. As a doctor at the facility he has been told many times there are problems finding the location. 60 to 70% of the users to their location are there for the 1st time. Kelly Holliday made a motion to approve the application as submitted with the applicant providing illumination information to the Borough Engineer for approval. A second was provided by Nick Coppola. The Board voted 6 -2 with members Kane, Horan, Holliday, Coppola, Russo and Leininger voting in favor and Menard and Stern voting against.

COMMITTEE REPORTS:

After all the discussion concerning signage Martin Kane thought it time to revisit the Sign Ordinance; especially in our business zones.

Other Matters –

Ordinance 3-20 - Amending Chapters 40 and 245 of the Revised General Ordinances of the Borough of Mountain Lakes (§40-3 “Definitions”, §245-11 “Business Zone B”)

David Shepherd said the amended Ordinance was in response to a recommendation from the Economic Development Committee. It allows for some additional permitted uses on the east bound side of Route 46. The Council also added some conditional uses to the Ordinance.

Peter Henry suggested some editorial changes which the Board decided to recommend. On page 3, Section 2 C. Conditional Uses. (3) (a) - Remove the words “hammering and welding”. On page 5, Section 2. C. Conditional Uses. (5) (h) should be reviewed to make sure it accurately reflected the intent of the author of the Ordinance.

Bethany Russo made a motion finding Ordinance 3-20 consistent with the Master Plan and David Shepherd provided the second. The Board voted 9 -0 in favor of its consistency with

members Kane, Menard, Horan, Holliday, Coppola, Stern, Russo, Leininger and Shepherd voting in favor.

Morris County Master Plan Land Use Element Survey

The Board responded to the survey sent by the Morris County Planning Board. They were updating their Land Use Element and looking for feedback. The Board responses to the 4 survey questions were as follows:

What do you see as the three most important land use issues/trends facing Morris County?

1. Loss of retail and office space
2. Improve mass transit (specifically east to west)
3. Providing affordable housing options for a wider range of low and moderate county residents while monitoring density.

What other development or land use issues/trends are having or are likely to have a significant impact on land use in Morris County?

Climate Change (increase in extreme weather impacts). There needs to be a broader strategy to control water run-off. We need to have buffers between development and the natural elements. Integrating sustainable design and green building initiatives into the land use planning process.

How have County programs and/or functions influenced local land use character or facilitated achievement of local land use goals and objectives in your municipality?

The County's strong standing on Open Space and Historic Preservation supports our community goals and objectives.

What type of information could the County Planning Board provide that would be most helpful to your municipality in support of your local land use decision-making process?

Presentation by Morris County Planning Board to our local Planning Board and the Public summarizing county-wide initiatives, goals and pressing land-use issues facing Morris County.

Other comments / issues pertaining to land use for consideration by the County Planning Board?

No comments.

Martin Kane made a motion to close the meeting at 9:46PM

Respectfully submitted,

Cynthia Shaw, Secretary