

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

January 26, 2021

The Administrator, Cynthia Shaw, read the Open Public Meeting Advertisement Notice: Adequate notice of this meeting was given to the Citizen and the Daily Record and January 6, 2021, posted with the Borough Clerk and on the front door on January 14, 2021 and made available to all those requesting individual notice and paying the required fee.

Start: 7:00PM

ROLL CALL:

Members Present: Kane, Menard, Horan, Holliday, Coppola, Berei, Russo, Lane, Shepherd and Leininger

Members Absent: Stern

Also Present: Attorney, Glenn Kienz, Engineer, Bill Ryden, Environmental Engineer, Peter Black, Traffic Engineer, Joseph Fishinger, Planner, Steve Lydon

REORGANIZATION:

Election of Chair – Bethany Russo nominated Martin Kane Chair of the Planning Board; David Shepherd provided the second. Martin Kane was elected by voice vote of all eligible voters.

Election of Vice Chair – Martin Kane nominated Bethany Russo vice Chair of the Planning Board; Kelly Holliday provided the second. Bethany Russo was elected by voice vote of all eligible voters.

Appointment of the Planner – David Shepherd made a motion to appoint Paul Phillips, of Phillips, Preiss, Grygiel, Leheny, and Hughes LLC, the Planning Board Planner and Jeff Berei provided the second. The motion was approved by a voice vote of all members present.

Appointment of Board Engineer – Bethany Russo made a motion to appoint Bill Ryden of Anderson and Denzler Assoc., Inc. the Planning Board Engineer and Tom Menard provided the second. The motion was approved by a voice vote of all members present.

Appointment of Secretary – Audrey Lane made a motion to appoint Cynthia Shaw the Planning Board Secretary and Nick Coppola provided the second. The motion was approved by a voice vote of all members present.

Designation of Official Newspapers – Bethany Russo made a motion to designate The Citizen and The Daily Record the official newspapers for the Board, Kelly Holliday provided the second. The motion was approved by a voice vote of all members present.

Re-adoption of By-Laws – Nick Coppola made a motion to adopt the By-Laws of the Planning Board and David Shepherd provided the second. A voice vote approved the adoption of the by-laws.

REVIEW OF MINUTES: Nick Coppola made a motion to adopt the minutes of the December 17th meeting. Meghan Leininger provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Park Lakes Tennis Club

Appl. #20-274

A motion was made by Tom Menard to adopt the resolution of approval for Park Lakes Tennis Club. A second was provided by Bethany Russo. The Board voted 8 – 0 to adopt the resolution with Board members Kane, Russo, Menard, Horan, Coppola, Berei, Holliday and Shepherd voting in favor.

Substitute Attorney, Glenn Kienz swore in this year’s Board professionals Bill Ryden, Engineer, Steve Lydon, substitute Planner and Joseph Fishinger, substitute Traffic Engineer.

COMMITTEE REPORTS:

Chairmen Kane said the Board would be maintaining its current committee assignments for 2021. David Shepherd will represent the Board on the Economic Development Advisory Committee, Meghan Leininger will represent us on the Affordable Housing Committee, and Kelly Holliday will represent us on the Borough Hall Renovation Committee. A subcommittee has been established to review RFQ (Request for Professional Qualifications) for the Board Attorney position. The Committee is made of the Board Administrator, Cindy Shaw, Chair Marty Kane, Vice Chair Bethany Russo, and Board member John Horan.

PUBLIC COMMENT: No members of the public wished to make a public comment.

The Board took a 5 minute break and began the hearing at 7:30PM.

PUBLIC HEARING:

Carried Application:

Highview Commercial, LLC	Appl. # 20-273
372 Route 46E	Blk. 2, Lots 2, 5. 5.01
Major Site Plan & Minor Subdivision	Zone B
Setbacks: Front (2), Rear & Side, Pervious Buffer (2), Front Landscape Area (2), Parking Stalls, Signs: Area (2), Number, Height (2), Proximity to the Lot Line & Illumination, Accessory Structure Height, Improved Lot Coverage	

John Veteri continued the application for Highview Commercial. Mr. Veteri said the applicant has made changes to the original site plan based on Board comments. Matthew Sharo presented exhibit A-3, the *Site Plan Rendering* dated 1/26/21. They added sidewalks on the west of the property for pedestrian traffic. This sidewalk linked a secondary sidewalk to the hotel so people could access the site without having to walk down the driveway entrance. They relocated the sidewalk between hotel & the convenience store so the front door of the hotel would connect to the front of the Wawa. They added *no left-hand turn* signage to the northern driveway on Fox Hill Road. They added additional sidewalk on the north bound side of Fox Hill Rd which connects to the existing sidewalk over the railroad tracks. Finally, they replaced the evergreen shrubs with evergreen trees along the rear of the property. They spoke with Wawa about adding electric car charging stations. They plan to put them in the 8 spaces at the rear of the property. If Tesla is not interested in installing them, they will add two electric vehicle charging spots in the front of the site. Mr. Sharo presented exhibit A-4 the Fox Hill Rd *Illuminated Monument Sign*,

dated 2/1/21. They reduced the size of the sign to 7' 10" high x 10' 2" wide for a total of 49sq ft. This is half the size previously proposed and is smaller than the existing Zeris sign. They are looking to dress up the side of the Wawa store that faces the hotel by adding some windows. Mr. Sharo switched to the aerial map on page 2 of the original site plans. The vernal pool is on the southwest side of Birch Lane in an isolated area. A vernal pool is created by standing water that stays for 2 months anytime between March and September. No fish live in the pool, but it can support insects, reptiles, and turtles. These can be filled in. If there were endangered species in the pool, a 200ft buffer would be required but no endangered species are present. The Zeris property is over 200ft away from the pool, due to an elevation change any drainage would not go into the vernal pool.

The Board asked about the generator hook up to the building. If there was a long loss in power the generator would power only the building. There is a separate alarm system for the fuel tanks. The monitoring system has a battery backup so the system would never experience a loss of monitoring during a power outage. Mr. Veteri said last month there were questions about Wawa environmental report card and if their standards exceed the current laws. Mr. Sharo answered, fuel tank testing is done 3 x per year and the state regulations only require testing every three years.

The Chair opened the hearing to Board member questions. Nick Coppola asked how long the battery backup lasted and what was the protocol followed if it were to go off? Mr. Sharo said an associate would call the 24hr call center, the center would talk them through the system, if they could not talk them through it, they would send someone to the site within a few hours. They do have a spill plan they can share with the Board. J. Fishinger said if they wanted to put in the Tesla charging stations, they would need to come back to the Board since they are not on the latest plans. Glenn Kienz asked if they could reserve the two spaces in the front for universal charging stations. They could call the charging stations American or European on the plans. John Veteri agreed they should be identified on the plans. Tom Menard thought they should show two of each type on the plans. He requested they add more brick or stone on the building. J. Veteri said they planned on submitting new building elevations at the next meeting. To control light pollution would they consider trees on the median. Would they consider, at a minimum, picking up the roof runoff to protect the aquifer and lakes. He asked about the easement for the widened road. Does that property get turned over to the town? Bill Ryden explained if the applicant dedicated the easement, they would lose lot area and effect the setbacks. That is why they want an easement, and it makes no difference to the Borough. John Veteri said they would be willing to add trees to the highway median if the DOT allowed it. Matthew Sharo said he would speak to the applicant to see if they would add dry wells for the roof runoff. He reminded everyone they were reducing the overall ILC and paved areas plus increasing the landscaped areas. Tom Menard said on other sites they use retention basins to the catch runoff. David Shepherd agreed with Mr. Menard they should add dry wells for the roof runoff. What were the dimensions of the sign on Route 46? The sign was not changing it was still 19ft tall. Nick Coppola asked about water usage. Where any calculations submitted yet? Mr. Sharo said he was creating a report for the Borough Engineer. Bill Ryden asked if the revised sidewalk between the two buildings reduced the number of parking spaces; it did not.

The Chair opened the meeting to the public for follow up questions of Mr. Sharo. Brianna Ostrosky, of 8 Rainbow Trail, asked why they were only making one sign smaller? She had questions about the vernal pool. Could he explain how the water runoff goes toward the railroad tracks? Who determined there were no animals in the pool? Are there sidewalks connecting the Wawa to the residential areas? They have 16 fueling stations; why are there that many? Mr. Sharo answered due to the required front setback the sign needed to be that tall for the eastbound traffic. He referenced page 2 of submitted site plan set. Using the photo, he showed how the topography kept the water on the railroad property and traveling east. It never gets to the vernal pool. The DEP determined there were no animals in the pool. He explained the existing sidewalks by referencing exhibit A-3. The new sidewalk connects to the existing one over the railroad. They are proposing 16 fueling stations and 8 pumps to reduce potential lines and eliminating the need to drive around the pumps. Michael Soriano, the Mayor of Parsippany resides at 8 Norman Ave in Lake Hiawatha area. He mentioned the cooperation between the towns. He appreciated the addition of sidewalks and the improvement made to the left turn onto Route 46W but suggested they add dotted lines for the turns while people learned the new traffic pattern. He was concerned about the amount of traffic going through Rainbow Lakes. Cathi Hadjiloucas, of 5 Lakewood Dr., Are permits required to fill in the vernal pool? Where can she find the Wawa report cards? How do we know the vibrations from the train do not affect the tanks? She asked Mr. Sharo to confirm there would be no sidewalks on Route 46W? Have you addressed the impact of the development on Lake Arrowhead? When can the public comment on this application? Martin Kane said all comments would be heard at the end of the testimony. Mr. Sharo answered they would not be getting a permit to fill the vernal pools since they are 200 ft away from the site. He will try to obtain Wawa's report cards. Any vibrations from the railroad would not affect the tanks because they are embedded in pea gravel. He confirmed there were no sidewalks on Route 46W. There would be no impact on Lake Arrowhead since the development is 1000ft away. Ellen Foppes, of 29 Rainbow Trail, confirmed there were two exits onto Fox Hill Rd, but you can only make a left hand turn out of one of them. What is to prevent people from going into the Wawa site from Rt 46E, going around the building, and exiting the site to make a left turn onto Rt 46W or even making a right into the site so they can miss the light and make a right hand turn onto Fox Hill Rd. Mr. Sharo thought they could add signage to direct drivers. Michael Hollick, of 9 Lakewood Drive, asked if the NJDOT does not allow the trees on the median there is a privately owned property on the westbound side of Rt 46 that is vacant and provides some screening. Would the applicant be willing to purchase the empty lot and preserve it? John Veteri said the applicant would not be interested. Victoria Branchini, of 7 Pinewood Lane, asked when they would get an answer from the DEP on the trees in the median? Have they considered any of the suggestions for green building and solar panels? Could they change the two exits to one out and one in on Fox Hill Rd? Mr. Sharo responded they had no idea when they would have an answer from the DOT. Audrey Lane said this has been discussed and felt Mitchell Stern might have some more information for the Board about the cost to maintain trees in the median. Mr. Kane added there seems to be two issues: planting and maintaining. Matthew Sharo replied the hotel and Wawa will have a white roof. Wawa does have a solar company they work. They will assess the site after it is built for solar panels. The Traffic Engineer will explain the options for the 2 exits and its signage. David

Harsanyi, of 530 Old Dover Road Morris Plains, owns the Animal Hospital across the street. Where is the barrier that is required between the Wawa and Fox Hill Rd? He confirmed they were not taking land from his side of the road to make the new lane. What was the size and locations of signs on page 19 of the plans? Mr. Sharo said there was a shrub barrier between the road and the parking lot to block the headlights. What was the distance from the curb line to the parking lot? It was 11ft at the narrowest point. M. Sharo explained the sign size and locations on the map. Dena Muniz, of 7 Rainbow Trail, said the Highland Council shows there are two protected species in the area; who has the final word that this is a wildlife site? US EPA recommends screening school sites for potential health risks when gas stations are within 1000ft. How close is this site to the Day Care? How far do gas plumbs travel? What is the distance a gas station should be from a water source? How do we know the sewage pipe will not overflow? In regards all water runoff where does it ultimately go? Do you test for contaminates in the runoff? What about water pressure at the site? Will the project be served by the towns water system? Are the structures outside the 100-year flood plain? Can you screen the site signage from the residents? Matthew Sharo answered there are no endangered species at this site per the DEP, even if there were, we would need a 150ft buffer and we are 200ft away. He will look up the questions about proximity to a school. He did not know how far gas plumbs traveled but they are 350ft from the closest body of water. The approvals for the water and sewer capacity need will go through the provider. Those agencies will regulate the standards. They already agreed to look at capturing roof runoff. They are not in a 100-year flood plain. The signs do not face the residents they face Route 46. Edward Stroh, of 4 Maple Lane Rainbow Lakes, said the runoff moves in the direction of Rainbow Lake. Will there be an impact study on how this will affect the lake? Matthew Sharo said the site runoff stays on the northside of the railroad because of the swale. The runoff does not go pass the train track. The lake is on the south side of the track. Martin Kane asked are you saying the runoff from this site would not go into Rainbow Lake? The runoff will not go directly into the lake because of the swales on both sides of the railroad track. It could go onto another site or swale further down the road and ultimately go into the lake, but he could not confirm that. Mr. Sharo showed sheet 6 the *grading plan*, for the topographic information. The elevations show there is a 16 to 20ft grade change between our site and the railroad. Bill Ryden agreed but thought the applicant should do a field study to confirm it does not get into Rainbow Lake. Michael Hadjiloucas, of 5 Lakewood Drive, said all the rainwater drains into Lake Arrowhead, any runoff you would have will ultimately run into the lake. It looks like there will be 500sqft of signage. How will it affect the residents of Mountain Lakes? How will this beautify our neighborhood? Ryan Gorman, of 37 Rainbow Trail, said it was true that the site was 1000ft from Lake Arrowhead. But this site is about 200ft from the Great Bay which is the closest body of water. It is part of a series of lakes that is connected to Rainbow Lake. The Mountain Lakes County Day School is within 400ft of the site. The Wawa site in Parsippany has 12 pumps and there are 8 pumps in Randolph. How do you justify this many pumps when the gas station is not located off a state highway? Mr. Sharo said the number of pumps were a function of convenience and to control the line of cars. Bethany agreed they should reduce the number of pumps. She cited the old Speedway. It never had a line and had less pumps. John Horan asked for clarification on the number of pumps. Mr. Sharo said this site proposes 8 pumps with 16 fueling stations. Randolph has 6 pumps with 12 stations. Rupal Patel, of 1 Hillside Rd in

Rainbow Lakes, asked if they could increase the greenery on Fox Hill Rd? M. Sharo said they could add some more ornamental trees mixed in with the shrubs. Seth Johnson, of 49 Lakewood Dr in Denville, asked about the water running into the Rt 46 drainage system which ultimately goes into the Great Bay. Will there be a study done about the impact that will have on our lakes? M. Sharo answered we are inherently making the site better because we have less coverage, adding more landscaping and installing hoods on the catch basins. We will investigate other options if the site soil allows. Andy Sadowski, of 29 Highview Road Denville, asked if the new lane being deeded to Mt Lakes reduce the required 200ft frontage? Mr. Sharo said they currently have 234ft of frontage and they are widening the road 10ft.

John Veteri introduce Nick Verderese, a licensed Traffic Engineer in the state of NJ, to present the traffic testimony. Mr. Verderese started with exhibit A-3. His firm did a traffic impact study last revised, August 30, 2019. The study was submitted to the Board and the NJ DOT. They reviewed the existing conditions in April of 2019. They did traffic counts at the traffic light and recorded the traffic during a 24-hour period both on weekdays and weekends. The peak hours were 7:45am and 4:45pm during the week and 11:30am on Saturday. They were charged with determining how much traffic would be generated by the new site. None of their analysis took any credits for the current use. They used the NJ Department of Transportation Published Data. This was all submitted to NJDOT and they have draft permits from them. The only open requirements are site plan approval from the Planning Board and the Borough's sign off on the street intersection application. They plan to widen the shoulder from 7ft to 12ft, they will install a new traffic signal, they will remove the signals in the median since they are crash hazards, there will be new curb ramps, new sign poles and mast arms, new ADA ramps, a new island with push buttons in the median for pedestrians, and new crosswalks that go completely around the site. They are adding a new lane on Fox Hill Road. There will be separate right- and left-hand lanes that go north. This will improve the queuing at that intersection. They made sure the improvements would accommodate trucks entering Fox Hill Rd. They provided a truck circulation plan. The north driveway on Fox Hill will be restricted to right in and right out and left-hand turn in. The south entrance will allow all turns. There is significant frontage on Rt 46 so they designed a wide entrance that will accommodate large trucks. They are eliminating one of the exits out of the old Zeris site onto Rt 46.

Mr. Verderese continued the DOT considers this is a "major with planning review" which required them to do a traffic analysis. We expect 60% of the traffic to enter the site from 46W, 25 to 35% will come from the east and about 15% from the south. Wawa will generate about 80%+ of the traffic on the site. This use will attract $\frac{3}{4}$ of the traffic that is already part of the existing traffic stream. During the early morning this will be about 40 vehicles per hour. Mr. Verderese reviewed the aisle and parking space size at each site and the delivery truck circulation plan for both locations. The hotel will get its deliveries in 30ft box trucks. The laundry will be done on site. Trash pick-up will be a couple of times per week. The Wawa is a standard layout. On this site the driveway goes down the middle of the property. In good transportation planning you want several access points around the site. The north entrance on Fox Hill Rd is for those coming from Rt 46W. Signal timing adjustments will be made to help the current backup on Fox Hill Rd. There is a bus stop on the corner of Rt 46. They are providing a sidewalk on Fox Hill that will connect to the sidewalk at the railroad track for the residents of

Rainbow Lakes. The DOT standard for lighting allows .2ft candles to be spilled onto the highway and they have less than that. Mr. Verderese has been speaking to DOT about trees in the median. The state has design standards that only permit low shrubs and flowering plants in the median. They do not allow street trees because they can cause accidents. The median needs to be clear of all obstructions. Along the front of the property there is a 40ft wide area, from the curb to the property line, where they could add additional landscaping. You cannot see the use of the property from the Route 46, so the sign is important. The sign sits 60ft back from the travel lane. The current Zeris sign is in the right of way and not on their own property.

The chairman asked Board members if they had any questions. Mr. Kane asked Mr. Verderese if he could explain the signal adjustments in more detail. The timing adjustment will occur on the weekend. They will add more time to turn left onto Fox Hill from Rt 46W. They are adding time on Saturdays for Fox Hill Rd to exit onto Route 46. The light will know if there are vehicles waiting on Fox Hill Rd. This is called *actuation*, if no one is at the light at Fox Hill Rd at 11pm the signal stays green on Rt 46. The south driveway allows for people to enter the site without entering the traffic pattern at the light. Bethany Russo asked if they could change the north entrance on Fox Hill to an entrance only and the southern entrance could be both. Nick Verderese thought the right turn out had little impact. Martin Kane agreed with B. Russo. David Shepherd said the que for the left on Fox Hill is 140ft in length. How many cars was that? It would be 6 to 7 cars. When were the traffic studies done? The traffic studies were done for one week in April 2019, pre-covid, so normal traffic volumes applied. What is a low shrub? It is 30" or less so it doesn't impede sight lines.

Our Traffic Engineer, Joseph Fishinger, had traffic questions. Will there be new signage on the new poles? Yes, there will be. Will there be a right turn overlap with the signal upgrades? No, there is not because the state allows U-turns to travel west at this corner. They will still be able to do a right on red leaving Fox Hill Rd. The two traffic engineers did not agree with the volume of traffic traveling each way on Route 46, so a sensitivity analysis was done using both of their volume calculations to confirm the turning lane was adequate. Mr. Fishinger wanted to confirm the signal would function properly when more afternoon traffic would be traveling west. The results were slightly different. They did a sight line analysis at both driveways because of the crest on the bridge approaching the signal. There is adequate sight distance at both driveways of those vehicles traveling north on Fox Hill. Are they paving the length of Fox Hill Rd? No, they are only paving the area of disturbance but would speak to the applicant about doing so. Will they be adding intersection lighting at the traffic light? Yes, they will as per DOT requirements. If the rear spaces become Tesla parking will that affect overall parking availability. It has no affect since the signs say the spots are available to everyone. J. Fishinger said he agreed with the Board they should make the northern exit onto Fox Hill a one way in only because if more than one car wanted to exit the northern exit it would block the internal circulation of the site. Nick Coppola asked if the animal hospital site was redeveloped, what would the traffic volume be? Nick Verderese said he did not look at that. T. Menard liked adding dotted lines to help people learn the new traffic pattern. Since the property will be subdivided does the hotel have a perpetual easement to access their establishment if the Wawa was ever sold. Yes, the easement is perpetual. Meghan Leininger asked who pays for the new pavement, sidewalk and poles? They are paid for by the developer. Jeff Berei was concerned with the speed of the traffic entering the

site from Rt 46E. N. Verderese answered the site was very deep, there was a full 12ft shoulder and the entrance has a long throat, so he was not concerned with the speed of traffic entering the site.

The application was carried to the next meeting, Thursday February 18th at 7PM, with no new notice required. The hearing will continue the traffic testimony by Nick Verderese including public questions.

Other Matters – none

Martin Kane made a motion to close the meeting at 10:33PM.

Respectfully submitted,

Cynthia Shaw, Secretary