

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

January 26, 2023

Administrator Cynthis Shaw read the Open Public Remote Meeting Notice published in the Citizen and Daily Record on August 31, 2022: Adequate notice of this meeting was posted with the Borough Clerk and on the Bulletin Board on August 29, 2022 and made available to all those requesting individual notice and paying the required fee.

Start: 7:33PM

ROLL CALL:

Members Present: Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan

Absent: Stern and Horan

Also Present: Attorney, Steven Tombalakian, Bill Ryden, Engineer

REORGANIZATION:

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

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

Appointment of the Attorney – Bethany Russo made a motion to appoint Steven Tombalakian, of Weiner Law Group, LLP the Planning Board Attorney and Nick Coppola provided the second. The motion was approved 8-0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

Appointment of the Planner – Bethany Russo made a motion to appoint Paul Phillips, of Phillips, Preiss, Grygiel, Leheny, and Hughes LLC, the Planning Board Planner and Kelly Holliday provided the second. The motion was approved 8-0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

Appointment of Board Engineer – Jeff Berei made a motion to appoint Bill Ryden of Anderson and Denzler Assoc., Inc. the Planning Board Engineer and Chris Ryan provided the second. The motion was approved 8 -0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

Appointment of Secretary – Kelly Holliday made a motion to appoint Cynthia Shaw the Planning Board Administrator and Secretary; Jeff Berei provided the second. The motion was approved 8-0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

Appointment of Board Traffic Engineer – Jeff Berei made a motion to appoint Joseph Fishinger of Bright View Engineering, LLC. the Planning Board Engineer and Tom Menard provided the second. The motion was approved 8 -0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

Appointment of Board Environmental Engineer – Kelly Holliday made a motion to appoint Peter Black of Dewberry Engineers, Inc. the Planning Board Engineer and Chris Ryan provided the

Stephen Azzolini continued the October 27th application for Euroimmun. During the hearing it was determined that the generator plans submitted were for a gas unit rather than a diesel one. Mr. Miskov, the applicants engineer, submitted new plans for a diesel generator. Mr. Ryden subsequently reviewed those plans and prepared a response letter dated January 11, 2023. Mr. Miskov responded to Mr. Ryden's review letter. The applicant also submitted an environmental engineer's wetland report.

Mr. Miskov explained the proposed unit will register 86 decibels at 23ft from the property line. All the other specifications remained the same. The generator pad increased by 40sqft, but the impervious coverage remains at 100sqft. The unit is about 178ft from property line. It complies with USEPA standards. The generator has a dual wall fuel tank. If it were to leak the unit can store all fuel plus an additional 10%. The applicant has added a basin rupture switch and low fuel switch. The property is in the "Tier Two" Well Head Protection Area. They have met the secondary containment requirements in our Ordinance. The Board did not have any questions of this witness.

William Ryden asked if approved a condition be added to the resolution requiring the operations and refueling plans be recorded as part of the deed. Jeff Berei asked if there would be a maintenance and testing schedule for the unit. The generator is to be tested every two weeks. Mr. Ryden said the unit's containment system should be certified according to the manufacture's recommendations. This could be added to the resolution as well as maintaining wellhead compliance. Kelly Holliday asked who would monitor the alarm system? It should contact someone in the building. Tom Menard asked who follows up on these conditions. Mr. Ryden said the Borough does not have the staff for that, so we use the resolution as our enforcement. David Kruger, an environmental science professional prepared the wetlands report. He was engaged to determine the need for a NJDEP wetland permit. The site did have a wetlands delineation determined years ago. They do require a 50ft wetlands buffer and the unit is 100ft away. He did confirm all of this with the NJDEP.

No one from the public wished to make a comment.

Steve Tombolakian listed the proposed conditions of the resolution as follows: the applicant will provide an O& M Plan and a Spill Containment Plan to Mr. Ryden for review. They will record the monitoring of the unit with the county, and they will maintain wellhead compliance. Nick Coppola made a motion to approve the application with the conditions noted and a second was provided by Tom Menard. The application was approved 8 -0 with members Kane, Menard, Holliday, Coppola, Berei, Russo, Sheikh, and Ryan voting in favor.

New Application:

Mountain Lakes Public Library	Appl. #22-280
9 Elm Road	Blk. 98, Lot 5
Major Site Plan	R-A Zone
Rear Setback, Improved Lot Coverage	

Bethany Russo recused herself, she is a trustee of the library. Jonathan Holasek is the current president of the Library Board of Trustees. He said they were looking to expand the facilities. Covid made them realize they needed to revitalize their outdoor space. Their current patio is in

disrepair and not ADA compliant. They are proposing a new patio in the rear of the building. Since the library is not a municipal library, it is a 501.C3, Jen Scarpati, would serve as the attorney for the Board.

William Ryden said the library requested 13 check list waivers. He felt they should be granted but they should place testimony on the record for items 22, 27 and 28. The Board was comfortable with granting the waivers.

Carolle Huber, was a landscape architect in state of NJ. The library wanted to create a patio for outdoor events. She pitched the patio away from the library and created a retaining wall that would double as seating. All the plantings are native to NJ. She did hide the A/C unit with plants and added a sunshade that will attach to the building. The sunshade will be taken down in the wintertime. There will be two lights one on either side of the door. They are dark sky approved lighting that will point down. Kihzar Sheikh asked the number of people the patio would hold? Jennifer Lynch, the head librarian, expects no more than 40 people to use the patio at any time. Tom Menard asked if they consider a raingarden. Carolle Huber said a raingarden would be hard for the library to maintain. J. Lynch said the library promised the Garden Club they would not have to maintain this area and they don't have the staff to do so. They shared exhibit A-1, 4 photographs of the library's backyard and current patio. Jeff Berei asked about the post without the light. It is only there to provide for the GFI outlet. Nick Coppola asked if the storage shed was for the patio chairs. The existing storage shed is for the Garden Club's tools. They would use chairs from the community room. The children will sit on the walls.

Paul Anderson, a licensed engineer, and planner in state of NJ, was engaged to do create a grading and drainage plan for the project. The patio represents a minor increase in coverage of 750sqft. They plan to have the new runoff flow into the current inlet and run into the drain in the street. He treated this project like a house edition. He used a traditional design, replacing the current pipe with a porous pipe surrounded by crushed stone forcing the water into the ground behind the building. Any overflow would go out to the street. Exhibit A-2, was the grading and drainage plan, dated 1/10/23. Tom Menard asked the size of the gravel bed. It would be 75ft long, 2.5ft wide and 2.5ft high. Mr. Ryden had not seen this revision. He asked, as a condition of approval, a stormwater management plan be provided, and a Soil Erosion Control Certification must be done. They also need two variances, one for an 8ft rear yard setback and another for ILC. The zone allows for 25% coverage. They currently have 31.1% and are going to 33.8%. Mr. Anderson said both are C-2 variances. There is no substantial detriment to the public good and the impact is de minimis. A library is inherently beneficial to the community. This project advances the purposes of the municipal land use law.

The chair asked if the Board had any questions of this witness. K. Holliday asked about nighttime events. Jennifer Lynch said they would be infrequent.

The Chair opened the hearing for public questions and comments. Margarethe Laurenzi, of 236 Morris Ave, thought the proposed design would look better. She asked the library to cover some of the windows to reduce the lights shinning on their property. Marni Vyff, of 10 Vail Dr, referenced the rain garden at Birchwood Lake. Brain Marshall, of 220 Morris Ave, said there currently is no practical space on the property for outdoor activities. They are supportive of the new project. Eric Freedman, of 1 Esplanade, was only concerned about light spillage and the maintenance of the property line. Jonathan Holasek said the library would investigate the light

spillage from the transom windows. M. Kane asked the landscape designer if they could use native plants rather than native hybrids and would they label their plants. Tom Menard asked the library engineer to taking into consideration the current flooding at the library when finalizing his design.

Mr. Ryden requested the following condition in the resolution: The applicant update their stormwater management and provide soil erosion measures. They should update the plans to identify the pole as only having an outlet and no light. Steve Tombolakian added this was a major site plan approval. They were seeking a rear setback and ILC variance. They have been encouraged to identify the plants installed and use pure native plants.

Khizar Sheikh made a motion to approve the application with the above-mentioned conditions. Kelly Holliday provided the second. The application was approved 7 -0 with members Kane, Menard, Holliday, Coppola, Berei, Sheikh, and Ryan voting in favor.

COMMITTEE REPORTS: The Master Plan Committee met with Paul Phillips about the additions they need to make to the Land Use Element. They plan on scheduling a meeting one evening in February. Mr. Khizar asked to be added to the committee.

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

PUBLIC HEARING:

Other Matters – The administrator provided an application update.

Martin Kane made a motion to close the meeting at 9:06PM.

Respectfully submitted,

Cynthia Shaw, Secretary