

**MINUTES OF A MEETING
ZONING BOARD OF ADJUSTMENT OF
THE BOROUGH OF MOUNTAIN LAKES
January 5, 2023**

James Murphy called the remote meeting to order and announced: Adequate notice of this remote meeting has been provided in accordance with the Open Public Meetings Act by publishing the remote meeting notice in The Citizen and The Morris County Daily Record on January 12, 2022 and by filing the same with the Borough Clerk and posting it on the Front Door on January 10, 2022 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:31pm

ROLL CALL:

Present: Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo, Leininger, Astrup and Vecchione

Also, Present: Attorney, Michael Sullivan, Engineer, William Ryden, Environmental Engineer, Peter Black, Traffic Engineer, Joseph Fishinger, Planner, Paul Phillips

Election of Chair – Steve Vecchione made a motion to appoint James Murphy Chair of the Zoning Board of Adjustment and Annie Peters provided the second. The motion was approved by a 7 – 0 vote with members Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo, and Vecchione voting in favor.

Election of Vice Chair– James Murphy made a motion to appoint Stephen Vecchione vice Chair of the Zoning Board of Adjustment and Brett Paddock provided the second. The motion was approved by a 7 – 0 vote with members Murphy, DeNooyer, Paddock, Peters, McCormick, Caputo, and Vecchione voting in favor.

*Appointment of the Board Attorney, Michael Sullivan,
Appointment of Administrator/Secretary, Cynthia Shaw,
Appointment of Board Engineer, Bill Ryden,
Appointment of Board Planner, Paul Phillips,*

Adoption of the By-laws

Designation of Official Newspapers, The Citizen and The Daily Record, and

Determination of the regular 2023 Meeting Dates as follows:

January 31 st	
February 2 nd	August 3 rd
March 2 nd	September 7 th
April 6 th	October 5 th
May 4 th	November 2 nd
June 1 st	December 7 th
July 6 th	January 4, 2024

Brett Paddock made a motion to adopt the resolution determining the Attorney, Board Administrator/Secretary, Engineer, Planner, newspaper designations, meeting dates and re-adoption of the by-laws for the Zoning Board of Adjustment for the 2023 calendar year.

A second was provided by Annie Peters. The resolutions were approved by a voice vote of all eligible members present.

REVIEW OF MINUTES: Steve Vecchione made a motion to approve the minutes from the December 1st meeting. James Murphy provided the second; the minutes were approved by voice vote by all eligible members present.

RESOLUTION: none

PUBLIC HEARINGS:

Carried Application:

The Craig School	App # 22-739
10 & 15 Tower Hill Road	Blk 54, Lot 14 Blk 55, Lot 1 & 4
Major Site Plan	R-AA Zone
Lot 14: Improved Lot Coverage, Parking Stall Size	
Lot 1 & 4; Front Yard Setback (2), Floor Area Ratio	
Improved Lot Coverage, Number of Stories, Sign	
Parking Stall Size, Parking Aisle Width	

Simone Calli continued the hearing by introducing, Marc Walker, a licensed civil engineer in the state of NJ. He began with exhibit A-7, the “Existing Conditions Exhibit” dated 11/30/22. He identified the blue house used as the administrative building on lot 14, reviewed the site’s circular driveway, the lower parking area off Laurel Hill Rd and delineated the wetlands. Across the street on lots 1 & 4 were the 2 school buildings. Both halls create a campus setting. There are many classrooms, an indoor pool, but no cafeteria. The Wilson School is 41,346sqft and Henderson Hall is 14,010sqft. There are 41 paved parking spaces, 5 are for visitors and 1 is handicapped. They have a small playground and traffic circulates through the campus in one direction.

Mr. Walker presented exhibit A-8 the “Proposed Layout” dated 11/30/22. They are removing a section of Henderson Hall and reconstructing it with a larger footprint. The new addition will be 2 floors for a total of 3,190sqft. The FAR calculation is 3,828sqft because 638sqft is for cathedral space. This is a less intensely used site since the classroom sizes are small (8 children). They have reduced the size of the greenhouse. It will be 19’ x 13’ or 247sqft, it has a cathedral ceiling which adds 120.5sqft to the FAR calculation. The greenhouse will have a small A/C unit installed in the front yard. They will modify the site plan and add 4sqft to the improved lot coverage. On lots 1 & 4 they have increased the parking spaces from 41 to 45. They will continue the use of the reduced aisle width (11’) and smaller parking spaces (9’ x 18’). They will expand the pavement for the new spaces and line them with arborvitae. They are trying to level out the driveway by removing the steeper areas and will regrade the driveway. They will relocate the dumpster from the north side of Wilson Hall to the parking area across the street. They are adding a metal ramp next to the handicap spaces for Wilson Hall. They plan to update the site lighting. They are adding 5 light fixtures, 4 on Henderson Hall and 1 on Wilson Hall. All will be down lit with LED bulbs recessed into the fixture. They will have 3 lights that stay on all night for security. At night they will be at 50% power. All the other lights will go off at 10pm. They are adding a landscape berm along Tower Hill Rd, updating the patio, adding foundation plantings, and relocating the walkway.

They added school crosswalk stripping and the word “school” on the Tower Hill Rd pavement. The ILC for lots 1 & 4 is increasing by 3,368sqft. They will collect stormwater from the roof and the patio. They will install new infiltrators under the patio containing 75 chambers that will hold 6,800 gallons of water. The overflow will connect to the storm drain at the corner of Laurel and Tower Hill Roads.

Across the street on lot 14, they are removing the circular driveway and port cochere. A covered roof will be installed over the front door. They would like to add 10 parking spaces to the south of the building. They will install an evergreen hedge row to screen the neighbors to the south. They plan to install a 5.5ft tall retaining wall on the backside of the property with a safety fence along the top of the wall 25ft from the property line. They plan to add 1 lighting fixture for the parking light. The existing streetlight will provide light for egress from the lot. There is an increase in lot coverage. They will collect the 3,800 gallons of stormwater runoff into the ground. Any overflow will go into the wetlands. They plan to remove the gravel from the lot off Laurel Hill, add a paved parking area and relocate the dumpster here.

They need a DEP permit for this proposed stormwater plan. Exhibit A-9 was the NJDEP permitting plan dated 12/8/2021. As part of the approval process the DEP did visit the site on 12/20/2022. The applicant wishes to recreate what was previously approved by the DEP and town. The dark dotted line on the site plan is the anticipated 50ft wetlands buffer. This line does clip the parking lot so they will need a general permit #11 and a “Letter of Interpretation” from DEP. You are allowed to decrease the buffer if you provide a compensation area elsewhere on the lot. There would be a deed restriction requiring them to maintain this compensation area. The DEP will look at this as a combined project for stormwater. This project requires a minor soil moving permit from the Borough since 670cy of soil will be moved around the site. Only 186cy of dirt will be brought in. They have provided a soil erosion permit to the Borough.

Both properties are in the R-AA zone and schools are permitted in the zone. There are no parameters for this type of use in the Borough Ordinances. Mr. Walker highlighted the small building envelopes on each site and the current setbacks. The applicant was requesting variances for the sign, FAR, and slight increase in ILC, the number of spaces, the sign and two front yard setbacks. They also need variances for these preexisting non-conforming conditions: the parking space size, the drive aisle width, and the 3 stories on Wilson Hall where 2.5 stories are allowed.

Mr. Walker said the applicant had no problem with the comments made in the professional reports and had no objection to making them conditions of approval. The Environmental Commissions report suggested they leave the parking lot at the administrative building gravel. The applicant was willing to do either. The Shade Tree Commission’s report suggested they protect all the trees on the property. They disagreed but will protect the two trees near the new parking spaces. They have received approval from the Morris County Planning Board.

William Ryden thought some of his comments should not be conditions. Comment #9 asked about the number of parking spaces. Only 28 are being provided and 60 are required. M. Walker responded the teacher/student ratio is much higher at the school. The site parking is currently under what is required but does function and they don’t have a lot of public traffic. In comment #17 Mr. Ryden said the dumpster on lot 14 was in a poor location. Mr. Walker thought it a good location for the maintenance staff who bring the

garbage over by van and the hauler who would pick it up. In comment #19 Mr. Ryden noted the need to protect the handicap ramp from parked cars. They need curbing 2ft away from the ramp to create a buffer to protect it. They could install a masonry structure rather than the metal ramp. Mr. Ryden was satisfied with that suggestion. M. Sullivan confirmed the proposed percentage of ILC on both properties had not changed but the FAR was changed to 78.5% by the architect. M. Sullivan asked for clarification on the front yard setback from Tower Hill Rd. The required is 40ft and Henderson Hall is 26.2ft. Wilson Hall is currently 25.8ft and they are proposing 26.2ft. M. Sullivan noted signs were not permitted in this zone. Was the sign electronic? It is not, it is back lit. The Borough Planner, Paul Phillips, asked how the new patio would be used. The area will be expanded and used by students. Did the parking area have any existing landscaping on the upside of Laurel Hill Rd. The applicant was willing to look at supplemental screening in that area. What was the width of the pervious buffer from the property line to the parking? It was 5ft. Mr. Phillips said the Lighting Plan included new and old light fixtures. Would there be light spillage from the old fixtures? There will be no light spillage. Joe Fishinger, the Traffic Engineer, asked in comment #2 of his report about the site triangle coming out of the school parking lot onto Tower Hill Rd. Mr. Walker responded they were modifying the existing stonewall and the grades to provide ADA compliance and improve the exit. Comment #4 asked about the stripping of Tower Hill Rd. Why do you need a crosswalk for adults. The school wanted the stripping to formalize the crossing. Comments #6 and #7 referenced regulatory signs. Mr. Walker said they were willing to modify the plans to add stop bars and signage needed for traffic. The Environmental Engineer Peter Black's comment #5 refers to the infiltrator trench next to the Henderson Hall patio. He wanted a catch basin added in that area. That was acceptable. In comments #6 & 7 he had concerns about the open pipe into the wetlands. Both Engineers would discuss the best way to handle this later. J. Murphy asked if any Board members had questions for Mr. Walker. Kelly McCormick asked if the gravel parking lot was in the coverage calculation. Yes, it was. For the new outfall, what was going into the wetlands? There is nothing because the wetlands would only be used for overflow. Do you have to do water quality testing? No, this is not a major stormwater project because they are only developing 1/8 of an acre. Will you need a 150ft buffer or be required to do habitat evaluation? The DEP will determine that. Annie Peters noted the new patio would cover the current play area so where would the children play? They will play on the new expanded patio and the grass. She asked if they had studied the pollution created by the vans idling at island beach. No studies had been done but the impact would be minimal. Meghan Leininger noted there was no handicap access from the building to the street. Could they add steps from Tower Hill Rd onto a ramp? Tower Hill is too steep for a wheelchair so it would not be used that way. She asked for the foot candles for the back lit sign. Mark Caputo did not like the garbage dumpsters behind two parking stalls. How would it get emptied if a car was parked there? They could add signage about the pickup time. Brett Paddock confirmed the HVAC unit near the greenhouse was only for the greenhouse. Steve Vecchione confirmed the gravel parking area at administrative building was previously approved by the town. Jake DeNooyer said he was uncomfortable with the high FAR and ILC. The allowed FAR is 13%, they are at 60% and going to 65%. The ILC is currently 6.1% over the allowable and they are going to 13% over. M. Walker responded this was the problem with

permitting this type of use in a zone without regulations. James Murphy noted the total area of disturbance was 2/3 acre for both sites. How many trucks of fill would be brought in. There would be about 15 tandem trucks. On the Lighting Plan how do you distinguish the existing fixtures from the proposed? The dark markings are the existing lighting, all the others are the proposed, and the existing lights labeled A & B will be replaced. The poles are 16ft tall and the bulbs are recessed into the fixtures.

Chairman Murphy opened the hearing to the public for questions of Mr. Walker. Jill Gotthelf, of 20 Laurel Hill Rd, asked if the applicant did a lighting plan study. Mr. Walker said they had not but were keeping the lighting close to the buildings. Did they include the back lit sign? That was not included. Robert Von Schalscha, of 289 Boulevard, was concerned commercial development was being allowed in a residential zone. He asked questions about the retaining wall on lot 14. The fence will be an additional 4ft on top of the 4ft retaining wall. The creek connected to the wetlands runs under his house and he is concerned the proposed plan would increase the amount of water runoff into the creek. M. Walker assured him the school was not increasing the water flow. He thought the new garbage location was closer to the residential zone. Mr. Walker thought the new location would affect the neighborhood less. What was the environmental impact of the dumpster on the wetlands. The dumpster was on a concrete slab and enclosed. There is no cafeteria so the materials in the dumpster are not food but cardboard and paper. Mr. Schalscha asked about the greenhouse. Mr. Walker said it would be built at grade on a slab with footings. Robert Platt, of 210 Laurel Hill Road, how can we come up with a solution to the FAR and ILC issues. Mr. Sullivan explained the Planner will testify on the subject and the Board will weigh in on the testimony and vote. Why do they need the building sign facing Tower Hill? He confirmed lunch delivery happened every day. Rich Burke, of 126 Laurel Hill Rd, asked which building was being razed? They would be removing part of Henderson Hall. He asked about the height variance. Mr. Walker explained the height variance was for Wilson Hall which is not changing. This is a preexisting condition. The sidewalks on Tower Hill are narrow. Will you be doing anything to improve the sidewalk? They are not doing anything to them. Dr. Atkin-Platt, of 210 Laurel Hill Rd, questioned the dumpsters screening. Mr. Walker said it would have a fabric fence surrounding it. What about the liquid waste in the dumpster? The dumpster is solid metal and if maintained it shouldn't leak. The slab is pitched so any runoff would run into the parking lot. Did Mr. Walker know the additional number of buses needed. She asked him to identify the light fixtures that would be on 50% power at night. Mr. Walker identified the 3 lights. They can be adjusted once they are installed. Will the gravel parking lot be lit? They are not adding any additional lights. The current light is on a motion detector. How do we know the soil being brought in is clean? M. Walker said if it comes from somewhere other than town it will be tested. Joe Hession, of 260 Blvd, asked if the school property had permission for the increase coverage. Mr. Walker said everything currently on this site was previously approved by Zoning Board. The site currently has more coverage than a residential lot and they are meeting all the stormwater regulations. Daniel Gates, of 34 Pollard Road, was representing the environmental commission, asked if a surface water management plan was done. Yes, it was. What will happen to the gravel area not paved? It will become grass. Could they replace the burning bush with something not invasive. Yes, they could do that. Barry Lowell, of 159 Laurel Hill Road, was concerned about the patio distance to

the road. They are adding a landscape berm to create a barrier. He mentioned the steepness of the driveway leaving the school. The applicant was also, they are regrading it. James Ferguson, of 50 Tower Hill Road, asked where will the children play now? That is an administrative question. Could an executive of the school speak about the plans for during the construction. Had Mr. Walker experienced a similar situation where a town did not have conditional use Ordinances for schools and churches. Mr. Walker did not know of one. Barbara Girz, of 60 Tower Hill, how can you determine the number of new high school drivers. That will be handled by the Traffic Engineer. Abram Kirschenbaum, of 170 Laurel Hill Rd, asked if they could get a normal size bus through the site? The Traffic Engineer will address that. Had the drainage system been reviewed by an independent company? It was reviewed by the Borough Engineer and the Environmental Engineer. Who will be crossing Tower Hill Rd? Those persons who park in the lot 14 lot and need to go to the school. Kim Webb, of 44 Tower Hill Rd. asked who owned the retaining wall on Tower Hill? It is the schools. The location of retaining wall and the narrow sidewalk make people walk in the street and should be repaired. John Calli, of 203 Laurel Hill Rd, was concerned about oil seepage from the car parked in lot 14. Is there extra filtration requirements for parking lots. Mr. Walker said they do have a baffle in the inlet of both systems to catch leaves and debris. That will need to be cleaned out in the fall and spring. On the back side of the retaining wall of lot 14 could they provide plantings? Unfortunately, they can't plant in the buffer area, but we could do a solid fence on the wall. We could discuss the plantings options with the DEP. Amanda Cali, of 203 Laurel Hill Road, was concerned about wildlife being attracted to the dumpster. Justin Jackson, of 201 Laurel Hill Rd, was concerned about the crosswalk placement. What was its distance from the corner of Tower and Laurel Hill? It's 180ft. Did you look at the site lines for that intersection? No, they did not but they will look at that. Dr. Platt, spoke for Genny Ota, of 215 Laurel Hill Road, how will the construction trucks impact the school children. Mr. Walker said information on the construction phasing could be provided at the next meeting. Was Mr. Walker aware of the 1999 Wilson School resolution for the blue house? Mr. Walker will look at.

The public question period was closed.

Jim Murphy made a motion to carry the hearing to February 2nd, without further notice. A second was provided by Kelly McCormick. The Board voted in favor by voice vote.

Other Matters / Public Comment:

Public Comment – No one wished to speak during the public comment period.

S. Vecchione asked if the Board should change their current practice of asking questions after each witness to asking all questions at the end of the testimony. Michael Sullivan advised this was the best system used by most boards.

Mark Caputo made a motion to adjourn the meeting and Annie Peters provided the second. The meeting was adjourned at 11:08PM.

Respectfully submitted,

Cynthia Shaw