

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

June 25, 2015

Vice Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 29, 2015: Adequate notice of this meeting was given to the Citizen and the Daily Record, filed with the Borough Clerk, posted on the Bulletin Board in the Borough Hall on February 02, 2015 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:31 pm

ROLL CALL:

Members Present: Kane, Dagger, Sheola, McWilliams, Holmberg, DeVenezia, Nachshen, Russo and DuTertre

Absent: Bailey and Horan

Also Present: Attorney Peter Henry

Also Absent: Engineer Bill Ryden

PUBLIC COMMENT: None

REVIEW OF MINUTES:

Rich Sheola made a motion to adopt the minutes of the May 28th meeting. Tom Dagger provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Park Lakes Tennis Club, Inc.	Appl. #15-258
20 Rainbow Trail	Bk. 18 Lot 19
Site Plan Review	R-1 & R-A Zone

Peter Henry explained the applicant felt they had not agreed to deed restrict the conditions listed in item #6 of the resolution. He then reviewed the history of the original deed restriction which does not allow Park Lakes to subdivide their property for 50 years. Since the draft resolution was prepared he and Bill Askin have communicated several times; all said correspondence was provided to the Board. Mr. Henry suggested there be a recording in a deed of the conditions listed in item #6 so future potential owners would know about them. He was concerned if the conditions were only in a resolution they may not be known by the public.

Martin Kane asked what the Board's options were. Mr. Henry explained they could adopt the resolution as is, make changes to it and approve it tonight or if the changes were significant they could come back the next month to approve. Mr. Henry said the Board needed to keep in mind if the changes were significant notice might be required. Peter Holmberg asked the cost associated with doing a deed restriction. Mr. Henry said there would be a cost to prepare, review and record the deed at the county. Mr. Holmberg did not remember any discussion about the deed restriction to subdivide the property.

Vice Chair Kane asked the Board how they felt about listing the conditions in a resolution verses a deed restriction. Tom Dagger thought the deed restriction appropriate. Richard Sheola reminded the Board a resolution ran with the property and would be found in the Boroughs files; couldn't they just record the resolution. Peter Henry said the

resolution would be more pages than a *declaration of restrictions* and would cost more to record since the county charges by the page. Doug McWilliams wanted to make this simpler; could they just record a declaration of restriction that references the resolution on a single page. Peter Holmberg wanted to delete item d of condition #6. He felt it unnecessary since a deed restriction already existed and he did not remember discussing this at the hearing; anyone wishing to subdivide would have to appear before one of our Boards.

Tom Dagger made a motion to adopted the resolution with the following changes: the deed restriction for items listed under condition #6 would be removed, the reference in 6d to subdivision of the property would be remove, the reference in 6d to the *use of the property should be for non-commercial recreational purposes only* would be moved to item 6b, and a recordable document would be prepared to reference the resolution then recorded with the county. Mr. Dagger also suggested some small grammatical corrections. A second was provided by Martin Kane and the Board voted to adopt the resolution 4 to 0 with members Kane, Nachshen, Holmberg and DuTertre voting in favor.

Hess Retail Operations, LLC
62 Route 46E
Sign

Appl. #15-259
Blk: 5, Lot: 1
Zone B

Rich Sheola made a motion to adopt the resolution of approval; Doug McWilliams provided the second. The resolution was carried by a vote of 5 to 0 with members Kane, Nachshen, McWilliams, Sheola and Dagger voting in favor.

PUBLIC HEARING: none

Committee Reports – none

Other Matters – The Board Administrator will be emailing the Board to determine attendance at the July and August meetings.

Martin Kane adjourned the meeting at 8:21pm.

Respectfully submitted,

Cynthia Shaw, Secretary