

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

May 23, 2019

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 24, 2019: Adequate notice of this meeting was given to the Citizen and the Daily Record, posted with the Borough Clerk and on the Bulletin Board and made available to all those requesting individual notice and paying the required fee.

Start: 7:38PM

**ROLL CALL:**

Members Present: Kane, Barnett, Horan, Menard, Mirsky, Russo, Holliday, Berei and Leininger  
Absent: Stern and Coppola  
Also Present: Attorney, Peter Henry, Paul Phillips, Planner,  
Also Absent: William Ryden, Engineer

**PUBLIC COMMENT:** No members of the public were present.

**REVIEW OF MINUTES:** Arlene Mirsky made a motion to adopt the minutes of the April 25, 2019 meeting. Lauren Barnett provided the second; the minutes were approved by voice vote of all eligible voters.

**VICE CHAIR** – Lauren Barnett nominated Bethany Russo to replace Corey Nachshen as vice Chair of the Planning Board; Arlene Mirsky provided the second. Bethany Russo was elected by voice vote of all eligible voters.

**RESOLUTIONS:** none

**PUBLIC HEARING:** none

**COMMITTEE REPORTS:** none

**Other Matters**

Affordable Housing Ordinances - Martin Kane credited the Borough Planner and Affordable Housing Committee for reaching this point. He felt what they came up with was good for the town. Planner, Paul Phillips, added these Ordinance are what we are required to do as part of the settlement with Fair Share Housing. He felt all the Ordinances were consistent with the Master Plan. Lauren Barnett said the Council would be having a public hearing on these Ordinances on May 29<sup>th</sup>.

Ordinance 3-19 – Amending Chapter 245 of the Revised General Ordinances establishing Article VI, Affordable Housing

Ordinance 4 -19 - Amending Chapter 245 of the Revised General Ordinances amending

Ordinance 5-19 – Establish Affirmative Fair Housing Marketing Plan

Ordinance 6 -19- Amending Chapter 245 of the Revised General Ordinances establishing Article VII, Affordable Accessory Apartments

Ordinance 7-19 - Amending the Revised General Ordinances establishing Chapter 65, Affordable Housing Development Fees

Ordinance 8-19 – Borough of Mountain Lakes Affordable Housing Spending Plan for Third Round

Arlene Mirsky asked if someone could explain the development fees and marketing plan. Mr. Phillips said Ordinance 7-19 lets the Borough collect development fees. Municipalities are allowed to raise funds to do affordable housing if a developer doesn't actual build units for them. The marketing plan allows you to advertise the available affordable housing to the community. We would advertise in our region; Morris, Bergen, Union and Warren counties. Meghan Leininger asked what the bases for the \$400,000 spending plan was. Mr. Phillips said it was a projection based on our most recent development. The spending plan will be used to subsidize homeowners who wish to participate in the accessory apartments program. Jeff Berei said the Ordinances talk about an Administrator and Housing Liaison. Who will hold these new positions in town? Lauren Barnett said it will be the Manager.

Mr. Henry said there were a few clerical items the Board should recommend Council fix. They were:

1. The titles of the six (6) Ordinances are different and should be revised to be similar.
2. Ordinance 3-19 - page 11 §245-32 A. – insert "Borough of Mountain Lakes"
3. Ordinance 7-19 there are several numerical references that need to be remove. Page 1 §65-1 Purpose C. (last line), Page 3 §65-5 Nonresidential development fees A. (1) (last line), Page 4 B. (5) (fourth line), and the next two lines have repetitive language.

A motion was made by Bethany Russo finding the six Ordinances consistent with the Master Plan. They supported the implementation of the Fair Share Housing Plan. A second was provided by Jeff Berei. The Board voted 9 to 0 to find the Ordinances consistent with members Kane, Barnett, Horan, Menard, Mirsky, Russo, Holliday, Berei and Leininger voting in favor.

#### Review of Permitted Uses in Commercial Zone B -

Martin Kane said over the last few years we had several development projects go to Council for a zone change then to the Planning Board for site plan review. He was concerned the way our current Ordinances were written everyone would have to go to the Zoning Board for variance relief or through Council for a zone change. We need to revise our Ordinances since they are very dated. He thought the best place to start was with Route 46 going east bound also known as the B zone. Arlene Mirsky asked what type of development we wanted on Route 46. Martin Kane asked Paul Phillip to the meeting to tell us what we might be able to do with this area and what could be allowed in the zone.

Paul Phillips said he looked at the B zone. The sites are small and narrow with limited depth. The properties have diverse owners and it would be hard for anyone to assemble multiple sites to join together. Strong downtowns are struggling. The retail environment is difficult right now but the food, services and entertainment areas are driving the market. Currently zone A allows any type

of retail or personal services. The B zone is the same as zone A but adds banks, offices and financial institutions. We added hotels to zone B as a conditional use 5 years ago. Zone A excludes automobile services and dry cleaners.

Other communities are providing the following development options. Convenience stores with gas are driving the market on the highway. Most food and restaurant establishments must have a drive through. Panera, Duncan Donuts and Starbucks will not locate here without a drive through. You could permit health and fitness facilities in the zone. Instructional schools, studios and personal training services are also big. Educational play centers are hot. Bethany Russo asked about adding indoor recreation facilities. Mr. Phillips continued, family entertainment, indoor recreational centers, self-storage as well as pet care and grooming are popular. Showrooms for decorating, appliances, design or remodeling services are appropriate. You can also allow day spas.

Arlene Mirsky asked if we could do an overlay zone that would allow someone to assemble multiple properties and only allow a particular use if they could assemble a larger property. Paul Phillips said that would be great but it is all market driven. Lauren Barnett asked about changing the height limits. Jeff Berei answered if you do mixed use you would need at least 3 stories with one story retail and two stories of housing. Meghan Leininger was concerned about the aquifers under the B Zone. Marty Kane said if you look at other towns they seem to treat gas stations differently.

Can you limit the number of gas stations in a particular area? Peter Henry answered you could not. The Board felt Mr. Phillips suggests helpful. They decided it was best to wait for the EDC to report to the Council and then comment on their report.

Martin Kane adjourned the meeting at 9:53PM.

Respectfully submitted,

Cynthia Shaw, Secretary