

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**
May 28, 2015

Chair James Bailey 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: 7:34PM

ROLL CALL:

Members Present: Bailey, Kane, Nachshen (7:45PM), Horan, Dagger, Sheola (7:39PM), and McWilliams

Absent: Holmberg, DeVenezia, Russo and DuTertre

Also Present: Attorney Peter Henry, Engineer Bill Ryden

CHAIR STATEMENT: Chairman Jim Bailey had received a request from members of the Mountain Lakes community to move the public comment portion of the meeting to earlier on the agenda. Board members agreed it was a good idea and agreed to move it to the beginning of the agenda.

REVIEW OF MINUTES:

Martin Kane made a motion to adopt the minutes of the April 23rd meeting. John Horan provided the second; the minutes were approved by voice vote of all eligible members.

REVIEW OF EXECUTIVE MINUTES:

Tom Dagger made a motion to adopt the executive minutes of the April 23rd meeting. Martin Kane provided the second; the minutes were approved by voice vote of all eligible members.

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 was contacted by Bill Askin the Attorney for Park Lakes. The applicant objected to condition #6 of the resolution prepared by Mr. Henry. While the elements of condition 6 were agreed to Park Lakes felt they had not agreed to them being deed restrictions. The Board decided to hold off on voting on resolution until the next meeting so the tape recordings of the hearing could be heard.

PUBLIC HEARING:

Hess Retail Operations, LLC	Appl. #15-259
62 Route 46E	Blk: 5, Lot: 1
Sign	Zone B

Michael Droogan was the Attorney representing Hess Retail Operations. Last October

there was a formal sale of the Hess convenience stores to Speedway so all the properties needed to be rebranded. The structure of the store would not change just the signs on the property. In 2002 the signage on this property was granted a variance resulting in the current configuration.

Michael Droogan said the applicant needed to request numerous waivers from the check list to amend their site plan. The requested check list waivers were as follows: (A3) sealed site plan, (A5) scale of plat, (A11) streets within 200ft not on the plat, (A15) topography and slope delineation, (A16) right-of-way easements, (A17) location of storm drainage, water and sewer lines, (A18) location of trees, (A20) structures within 200 ft., (A25) building plans, (A26) Environmental Impact Statement, (A27) Soil Erosion, (A28) Surface Water Management, (A29) Groundwater Management, (A30) Landscape Plan and (W31) wetlands delineation. Martin Kane made a motion to accept the waivers requested and deem the application complete. Rich Sheola provided the second. The waivers were approved by voice vote of all the eligible members.

Jim Howard, of the Hess Corp., was in charge of the rebranding effort. They were just looking to do a logo swap. Michael Droogan explain the changes for the sign located along the highway. They would swap out the Hess sign for Speedway and the gas prices would be changed to LED lighting rather than cards that needed to be changed manually. Exhibit A-1, consisting of 4 photos of signs containing LED lighting for the gasoline pricing, were presented. They plan to only have 2 gas prices in LED lights; unleaded and diesel. Exhibit A-2, the 7 page packet already submitted with the square footage of each sign added, showed the road sign was 80 sq. ft.; there would be no change in the overall size of the sign. Speedway was looking to save money on electricity so they are eliminate some of the lights in the canopy. There will only be lighting were the Hess logo is currently located. Jim Bailey noted their team had already been working at the site. Jim Howard answered some of the painting work was done ahead. Exhibit A-3, consisting of two pages showing 5 photos of the site now and 5 photos of the site with the sign changes, were presented.

Theresa Freni, of the Philadelphia Sign Company, explained the canopy sign was internally illuminated. The Speedway letters would be back lit with no halo around the logo. The balance of the canopy would not be lit. Martin Kane asked if there would be equal or less light on the site. Jim Howard said there would be less light. Theresa Freni explained the LED lighting on the road sign would only apply to the prices. They would not flash or blink and the brightness would adjust depending on how dark it was outside. LED lighting is a crisper and a safer view of the pricing. Peter Henry asked if the lights were made up of small dots. Ms. Freni said they were small individual bulbs that appear as one line when seen from far away. Martin Kane confirmed the brighter it was outside the brighter the LED lights were. Ms. Freni presented exhibit A-4, "Lumens vs Watts" and exhibit A-5, "Everbrite Brightness Levels" to support her statement. Mr. Henry reminded the applicant the Board needed to know if the LED lights were less than 20 watts per sq. ft. Ms. Freni answered the LED lights were 13.8 watts per sq. ft. which is under the requirement. Tom Dagger asked why they did not use white lights as per the ordinance. Jim Howard said the industry standard was red and green. Theresa Freni said red and green lights are the most visible so the numbers could be smaller.

Martin Kane confirmed this would be an amendment to their site plan approval. Doug McWilliams was fine with the proposed sign changes.

No one was present from the public.

Doug McWilliams made a motion to amend the site plan to accept the changes in the signage and grant the variance for the use of colored LED lighting for the pricing. Rich Sheola provided the second. The application was approved by a vote of 7 to 0 with members Bailey, Kane, Nachshen, Horan, Dagger, Sheola, and McWilliams voting in favor.

Committee Reports – There were no reports to present tonight.

Other Matters

Ansell Litigation – On May 8th the court dismissed the Ansell’s appeal without prejudice. They have one year to reestablish their appeal if they are unsuccessful at the Zoning Board of Adjustment.

Public Comments – George Jackson, of 20 Sherwood Drive, told the Board he thought they should have two public comments periods similar to the Council.

Jim Bailey adjourned the meeting at 9:07 PM.

Respectfully submitted,

Cynthia Shaw, Secretary