

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

November 17, 2022

Chair Martin Kane 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: 7:34pm

ROLL CALL:

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

Absent: Berei, Lane, Horan, and Stern

Also, Present: Attorney, Steve Tombalakian, Engineer, Bill Ryden, Kate Keller, Planner, Rianna Kirchhof, Traffic Engineer, and Roy Messaros, Environmental Engineer

REVIEW OF MINUTES: The minutes of the October 27, 2022, Board meeting were held until our next meeting.

RESOLUTIONS: none

PUBLIC COMMENT: none

PUBLIC HEARING:

Carried Applications:

Blue 701, LLC	Appl.#21-275
333 U.S. Route 46W	Blk. 7, Lot 7
Major Site Plan	OL-1 Zone
Number of Parking Spaces, Parking Setbacks, Landscape Buffer	

Danielle Federico, the attorney for Blue 701, LLC, said the property owner wanted to redo their parking lot. They need variances for the number of parking spaces, the parking setback, and the landscape buffer. The property is in the OL- 1 zone and has an affordable housing overlay. No changes will be made to the building.

The Property Asset Manager, Joe Romano, of Accordia Reality, said the building was originally built as office space for Newsweek but is now a mixed-use facility with medical and light industrial making up 70% of the leased space. The site parking was limited based on the approvals previously granted and was a turn off to any prospective tenant. Martin Kane confirmed they were interested in renting to new tenants.

John Di Giacinto is a licensed engineer in the state of NJ. He shared exhibit A-1, the site plan overlaid on an aerial of the location. The site is 16.1 acres with access points off the Boulevard and Route 46. The two-story building has 71,000sqft on the ground floor and 46,000sqft on second floor. The use is permitted in the zone.

Mr. Ryden said the applicant asked for two check list waivers one for wetlands delineation and the other for building floor plans. Danielle Federico answered they didn't submit floor plans since no changes were made to the building. The wetlands delineation was provided on the new site plans submitted. W. Ryden and the Board deemed the application complete.

Mr. Di Giacinto said the applicant wished to restripe the parking lot to include 9 additional spaces on the east side of the building, 4 are ADA spaces. East of the main driveway they are adding 8 additional spaces and restriping the 5 current ADA spaces into 4 compliant spaces. They will have 298 regular spaces as well as several ADA spaces in front of the building. On the west side they want to add a new driveway connecting the east side of the building. Doing so will allow emergency vehicles access around the entire building. They want to add 40 spaces along the driveway aisle on the west side. There will be a 13ft tall retaining wall along the access road. The wall will face into the site so the neighbors will not be able to see it. On the back of the building, they are proposing 25 new spaces and 40 spaces to be built in the future. They have established a new location for their recycling. It will be 98.2ft from property line where a 100ft buffer is needed. There will be no tree removal in this area. The generator pad in the back of the building was for an old tenant. The generator has been removed but the approved pad remains at 88ft. The banked parking spaces would be 90.3ft from the property line at the northern most point. But the wall for the banked spaces would be 85.3ft from the property line. They need to provide 588 parking spaces and are proposing 538 spaces or 50 less than required. Of those 28 spaces will be ADA compliant and 40 will be banked.

Mr. Kane noted the number of parking spaces were never addressed as the use changed in the building. Steve Tombalakian asked if the ADA calculation was based on the total number of spaces proposed. J. Di Giacinto answered they only need 24 but are proposing 28. The professional review letters asked about EV parking. The owner will reach out to providers to supply the EV parking. There were questions about circulation. The new rear emergency access around the building will help the circulation. There are no proposed changes to deliveries. They are not relocating any mechanicals. The sheds and gazebo along the left side will be removed. The other two variances are for the required 100ft planted buffer and the 100ft parking setback requirement. J. Di Giacinto said they are asking for an 85.3ft rear setback to the wall. The rear buffer will be increased from 81ft. to 90.3ft. Their parking lot is located 10ft below the tennis club parking lot. The vegetation and grade plan changes will not change the view from the tennis courts. Their club parking lot is along the back property line.

They will be removing 119 trees inside the side yard setback to accommodate the new driveway. In addition, they will remove another 51 trees. The applicant will make the required contribution to the Shade Tree Trust Fund. As per the landscape plan they will be adding new plantings which includes 74 new trees of assorted varieties. They have 20ft of landscaping along Rt. 46 and plan to add additional vegetation there. For the wall they will be using a geogrid system. This requires them to back grade the area of installation. They will revegetate the area with plantings between 6 to 12 ft tall. They are planning new lights throughout the site. They are removing 30 light fixtures and replace them with 23 new LED fixtures. The 17 remaining fixtures will be upgraded to LED. They will be reducing light spillage since all the fixtures will point down. Mr.

DiGiacinto moved on to Storm Water Management. He referenced exhibit A-2, sheet SK-1, the drainage plan for the site. There are 11 water quality treatment devices on the storm basins. They

have 4 underground infiltration basins for water storage and groundwater recharge. They planned for a 2-, 10- and 100-year storm event. All stormwater ultimately goes into the drainage pond currently on the site.

Bethany Russo asked if they were reworking the building, moving any doors, or changing any elevations. Fredrick Hyatt, a commercial real estate agent, who has been leasing space in the building for the last 10 years responded, the doors exist and there are no plans to replace them. The new sidewalk would align with the existing building door. William Ryden asked Mr. Hyatt for clarification on the square footage of the building. He requested that this be a condition in the resolution. Roy Messaros asked what the drainage was now verse what it will be when they are finished with the proposed work. They will reduce the runoff rate by 50% for a 2 year, 25% for the 10 year and 20% for 100-year storm. Martin Kane asked what number of spaces could be added without a variance? They could build 498 spaces without a variance. W. Ryden asked a condition be added to the resolution requiring them to come back to the Board for grading plan approval for the banked spaces. Roy Messaros asked if they submitted their application for wetlands delineation to the DEP. They have not but will be submitting it.

Mr. Kane asked for public questions. Denna Muniz, of 7 Rainbow Trail, confirmed they did not need a variance for the driveway to the back. Mimi Kaplan, of 89 Lake Drive, asked if they would consider moving the banked spaces to the west side. Would they have a maintenance check list for the stormwater systems. J. Di Giacinto said that was a state requirement. Steve Tombalakian asked if they were required to comply with the new state EV make ready standard. D. Federico said they thought they wouldn't have to because this was not new development. Kate Keller thought they should add the state required percentage for the new spaces. Linda Hyson, of 2 Littlewood Ct., asked why they needed over 200 parking space for only 30% of the unoccupied building? M. Kane asked how they came up with the number of spaces needed? F. Hyatt answered, for a standard office you need 4 spaces per thousand square feet. This building has a ratio of 2.55 per 1000 so renters will not consider moving into the building. D. Federico asked if any tenants with leases had not moved in. Yes, they plan to take occupancy in Feb 2023. Kelly Holliday said at 4 spaces per thousand you would only need 400+ spaces, why are asking for over 500. Currently there are 3 medical tenants and per the Borough Ordinances medical offices require more spaces.

M. Kane asked how the wall looked from Route 46 and the site. J. Di Giacinto said you will not see it from Rt. 46 you will only see it when you drive around the back of the building. Jim Hyson, of 2 Littlewood Court, thought they should have to plant the same number of trees they were removing. Angela Tsai, of 9 Lakewood Drive, asked them to consider relocating the parking on the left side of the site somewhere else. Mr. DiGiacinto answered the west side of the building was a major access point and the driveway access was for fire safety. What would the residents see? They will see the 100ft buffer already there. The wall and the driveway are below the houses. They will still see the building. A. Tsai was also concerned about the lighting. Sandy Batty, of 15 Lockley Court, asked how far into the side yard did they need to go for the wall footings. They will need to go back 13 to 15 feet. Chris Ryan asked if there were currently any light fixtures in the area the wall will be built. There are only fixtures on the building. What was the height of the new light fixtures. They are 15 to 20ft tall. W. Ryden added all the lighting complies and does not spill into the neighborhoods.

The applicants Traffic Engineer, Alan Lothian, said here are three existing access points on the property and none of them are changing. They are improving the internal site circulation. They found no significant impact to the site since there are under 100 trips at any entrance. There are 35 trips at the Route 46 entrance, so they do not need a DOT access permit. D. Federico added the Mountain Lakes police had no objections. There were no Board or public questions for this witness.

The applicants Planner, Sean Moronski, reviewed our Ordinances and Master Plan. They are seeking C-2 variances for number of parking space, the parking setback and landscape buffer. They believe the benefits outweigh the detriments. Our Ordinance call for 5 spaces per 1000. They have increased the number of spaces to be more conforming. The industry standard is 4 per 1000. This plan would be for 4.2 spaces per 1000 without the banked spaces. This type of development is encouraged in the Master Plan. The banks spaces do encroach on the rear setback. The proposed retaining wall will not be seen by the tennis club and will block the vehicle headlights. The buffer would still be in place and will provide the necessary screening. The plan proposed does support purpose A, "*promote safety... and general welfare*", and purpose G, provide "*sufficient space in appropriate locations*". There is no substantial detriment to the public good or to the zoning plan. They have improved the circulation on the property and provided additional ADA spaces. The banked spaces, located in an area where they will have minimum impact, help them meet the Borough's parking requirements. They feel they are meeting objective 5 of the Master Plan Land Use Element to "*encourage development and redevelopment of commercial areas*". The proposed variances should be granted under the C-2 criteria.

Kelly Holliday asked when the need to build the 40 banked spaces would be triggered and how did that process work? B. Russo asked if this approval would expire? W. Ryden said if the project was approved, they would have to come back for Board approval before installing the spaces. Banked spaces are only used to show the site can support them. M. Kane thought the Board should follow the example in the previous resolution and have them install as few parking spaces as possible. Bethany Russo said there are also 40 spaces to the west, why not bank the ones to the left. D. Federico said they need the driveway for circulation and fire safety. They would come back to get the banked spaces approved if they were needed. Mr. Ryden added, Newsweek had different needs, over the years small changes were made to the building so the big picture was not looked at. K. Holliday said the banked spaces should be removed and the two variances eliminate. Mr. Ryden and the Board agreed.

The Chair opened the meeting to the public. Adam Strofski, of 8 Rainbow Tr, confirmed the applicant needed to make application to the DEP for the wetland delineation. Jim Hyson questioned the buffering. K. Holliday asked them to remove the generator pad. Dina Muniz asked, do you need to remove the trees within the 100ft on the left side? Is there another way to do this? No, they need to do so to install the wall. Sandy Batty was concerned about the trees not coming down near the wall. Mimi Kaplan asked how the building size changed 5000sqft. Jim Hyson thought a lot of trees were coming down. Linda Hyson thought the trees they planned to plant would not provide the same buffer. Dena Muniz thought the parking was increasing dramatically and there was no reason driving the number of spaces. The public portion of the meeting was closed.

Martin Kane did not like the banked spaces. T. Menard thought they should eliminate the retaining wall and spaces to the west and approve the banked spaces to the north. If the wall remained, would they consider a different type of wall and additional screening. Nick Coppola thought they should eliminate the 40 spaces to the north. C. Ryan agreed and thought they should add additional plantings. B. Russo wanted them to remove the 40 spaces on the north side. She understood the safety issues and the need for the circular drive. K. Holliday did not like eroding the setback. The Board's preference was to remove the 40 spaces to the north. Mr. Menard asked the applicant to consider a different wall system that did not require a 1 to 1 setback and to fill in the plantings a bit more. W. Ryden asked for a condition requiring the applicant to run a conduit for the EV lines. They would need to supply 4% of new spaces installed and 1 ADA EV ready space. Based on 198 new spaces they would need a total of 8 EV ready spaces. They would need to confirm the square footage of building, provide more screening by retaining wall, get their wetlands permit from the DEP, and remove the generator pad.

Danielle Federico said the applicant wished to amend the application to remove the 40 banked spaces and provide EV make ready parking spaces (7 EV and one EV ADA). They now need variances for number of spaces and rear setback for the new refuse pad at 98.2ft. They will confirm the actual square footage of the building, revise the Landscaping Plan to improve screening and get a wetland permit from the DEP. All plans will be revised.

Chris Ryan made a motion to approve the application with the changes outlined. A second was provided by Tom Menard. The Board voted 6 – 0 to approve the application with members Kane, Russo, Menard, Holiday, Coppola, and Ryan voting in favor.

Other Matters –

Committee Reports – The Master Plan and Ordinance Committee both met this month.

The Board was reminded the December meeting was canceled. Our next meeting will be January 26th

Martin Kane made a motion to close the meeting at 10:15PM.

Respectfully submitted,

Cynthia Shaw, Secretary