

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

November 19, 2020

Chair Martin Kane read the Open Public Remote Meeting Notice published in the Citizen on November 4, 2020 and the Daily Record on November 5, 2020: Adequate notice of this meeting was posted with the Borough Clerk and on the Front Door on November 9, 2020 and made available to all those requesting individual notice and paying the required fee.

Start: 7:35 PM

ROLL CALL:

Members Present: Kane, Horan, Holliday, Coppola, Shepherd, Stern, Berei, Menard, Russo and Leininger

Also, Present: Attorney, Peter Henry

Also, Absent: Engineer, Bill Ryden

PUBLIC COMMENT: Sheila Mansfield, of 127 Lakewood Dr, Denville wanted to confirm she was participating in the correct meeting. Chairmen Kane explained the meeting would not be the continuation of the Park Lakes application. That hearing would continue Monday, November 30, 2020.

REVIEW OF MINUTES: Bethany Russo made a motion to adopt the October 22nd minutes and a second was provided by Mitchell Stern. The minutes were approved by voice vote of all eligible members.

Mitchell Stern made a motion to adopt the October 29th minutes and a second was provided by Jeff Berei. The minutes were approved by voice vote of all eligible members.

RESOLUTIONS: none

PUBLIC HEARING:

Highview Commercial, LLC	Appl. # 20-273
372 Route 46E	Blk. 2, Lots 2, 5. 5.01
Major Site Plan & Minor Subdivision	Zone B
Setbacks: Front (2), Rear & Side, Pervious Buffer (2),	
Front Landscape Area (2), Parking Stalls,	
Signs: Area (2), Number, Height (2), Proximity to the Lot Line & Illumination,	
Accessory Structure Height, Improved Lot Coverage	

The Administrator said the applicant wished to have the application carried to the December 17th meeting. David Shepherd made a motion to carry the application to December 17th without further notice to the public. The application would be carried with the understanding that the approval clock had not started since the applicant was not ready to proceed. A second was provided by Tom Menard. The motion was approved by voice vote of all members present.

Other Matters –

Resolution of the Mountain Lakes Borough Planning Board Adopting Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings –

Peter Henry explained a local finance notice was issued by the DCA on September 24th requiring all municipal Boards/Councils establish virtual or hybrid procedures for their meetings. These administrative regulations must be adopted as a resolution. The directive was meant to establish standards so the public could attend a meeting virtually. The resolution also allows members of the public to submit in writing or by email, but not texting, any comments they would like to make during the public comment period of a meeting. Written letters, emails or petition cannot be submitted for an application being heard by the Board.

David Shepherd made a motion to adopt the resolution and Bethany Russo provided the second. The Board voted 10 -0 with members Kane, Horan, Holliday, Coppola, Shepherd, Stern, Berei, Menard, Russo and Leininger voting in favor.

PUBLIC COMMENT – Chairmen Kane decided to open the meeting to the public again. Andy Sadowski, of 29 Highview Road, Denville, asked if meetings would be virtual going forward. Mr. Kane said yes. Cathi Hadjiloucas, of 5 Lakewood Drive, asked that the public comment be moved to later in the meeting to give everyone more time to get on the call. She asked if a petition could be submitted for an application. Mr. Henry said a petition would never be allowed for a hearing. She thought the Board needed to wait to hear the application until the meeting could be held in person. Michael Hollick, 9 Lakewood Dr., thanked the Board for pushing back the meeting. He asked about the public comment resolution. He thought the Board should open every avenue to the community to participate, listening to any written comments on an application. Peter Henry explained comments on an application could be done by video but anything that was testimony must be done in person. This is a quasi-judicial Board, and you need to swear someone in for them to testify. Dena Muniz, of 7 Rainbow Trail, asked if there could be a clickable link in Borough Calendar for application documents. She had concerns with the Highview application, it should be heard once we can hear it in-person. She was looking for a list of witness names of both for the Borough and the applicant. She also questioned why there would be no additional notice. Jen Lynch, of 1 Fernwood Trail, was glad there was the Zoom option. She thought everyone was feeling their way through the process and urged the Board to wait to hear the application. Adam Verillo, of 76 Highwood Road, Rainbow Lakes/Parsippany felt there should still have an in-person and a remote option. Michael Hollick, 9 Lakewood Drive, asked if the Board have some legal recourse to extend the time to process an application. Do we check to see if an applicant's witnesses had a conflict of interest? Has the public missed their opportunity to take part in the process? Peter Henry explained the time limits are set statutorily. The state has not changed those time limits. He explained the neighbors could question all the professional at the hearing and can make comments at the end of the application. Bethany Russo explained the neighbors had not missed their opportunity to participate and encouraged the members of the public to come to the hearing, ask questions and make comments. Cathi Hadjiloucas confirmed the December 17th will be the 1st time the Board will

discuss the application. She was concerned the application has been nurtured through the EDC (Economic Development Committee). Andy Sadowski asked what the time clock was? The Board has 120 days for an application with variances. Kate Mc Ghee, of 9 Highwood Rd. Denville, confirmed the Board obtains their own experts. Jen Lynch asked why the Board did not get the 1st revision to the plans. The Administrator explained the Borough Engineer was the first to review all plan submitted. Sometimes he sees things that the applicant missed. The plans are revised to become more accurate and resubmitted before the Board gets their first look at the application. She also noted that all professionals for both the applicant and town are reviewed for conflicts at the time an application is submitted.

Committee Reports -

Martin Kane sits on several committees. The Borough Hall renovation committee has moved to the construction stage. He has asked Kelly Holliday if she would be willing to take his place. He felt she could offer more to the committee based on her professional background. He then asked Meghan Leininger to take Kelly's place on Affordable Housing Committee. Both Board members agreed to make the switch.

Martin Kane made a motion to close the meeting at 8:57PM.

Respectfully submitted,

Cynthia Shaw, Secretary