

**MINUTES OF A SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF MOUNTAIN LAKES  
November 9, 2022**

James Murphy called the remote special meeting to order and announced: Adequate notice of this remote meeting has been provided in accordance with the Open Public Meetings Act by publishing the remote meeting notice in The Citizen on October 27, 2022 and The Morris County Daily Record on October 25, 2022 and by filing the same with the Borough Clerk and posting it on the Front Door on October 21, 2022 and was made available to all those requesting individual notice and paying the required fee.

Start: 7: 32PM

**ROLL CALL:**

Present: Murphy, De Nooyer, Peters, Leininger, Caputo, Astrup and Paddock

Absent: Vecchione and McCormick

Also, Present: Attorney, Michael Sullivan, Engineer, William Ryden, Environmental Engineer, Peter Black, Joseph Fishinger, Traffic Engineer, Robyn Welsh, Planner

**REVIEW OF MINUTES:** none

**RESOLUTION:** none

**PUBLIC HEARINGS:**

New Application:

Highview Commercial, LLC	Appl. # 22-277
372 U. S. Route 46E	Blk. 2, Lot 2
Minor Subdivision, Major Site Plan	B Zone
No. Parking Spaces and Width	
Sign Height and Area, Minimum Pervious Buffer	

John Veteri, the attorney for Highview Commercial, said in 2021 the applicant appeared before the Mountain Lakes Planning Board seeking approvals for a Hilton hotel and Wawa gas station and convenience store. The Board approved both site plans. The contract purchaser for the hotel backed out and they couldn't find another hotel. Subsequently they went back to the Planning Board to redo the hotel site plan as a storage facility. The Board felt they did not have jurisdiction and the application belonged at the Zoning Board of Adjustment. They are seeking site plan approval and a lot line adjustment. The subdivision has slightly changed. Land was added to the property while getting their DOT approvals. This project creates less impervious coverage, improves the circulation, open space, and parking. They need to obtain a conditional use variance. Matt Sharo, a licensed engineer in the state of NJ, said they were requesting waivers for surface water management, well head protection compliance and wetland delineation. Neither are required because they are not issues with the site. William Ryden thought they were valid waiver requests. They are in the tier 3 area and there are no wetlands on the site. The same waivers were granted at the Planning Board. J. Murphy made a motion

to grant the waivers and Brett Paddock provided the second. The Board voted 7 - 0 with members Murphy, De Nooyer, Peters, Leininger, Caputo, Astrup and Paddock voting in favor.

Perry Petrillo, a licensed architect in NJ, gave an overview of the building plans using the site plan rendering, and colorized versions of sheets 5 and 9 already submitted. Under section 245- 11C of our Ordinances a storage unit has conditional use requirements.

(5)(a) states the building must look like a house or office building. They went with an office building design. The 1<sup>st</sup> floor has 32,885sqft, there are 3 floors totaling 98,655sqft. The upper levels are serviced by two elevators and there are approximately 760 units per floor. Page A-2.0 showed the building elevations. The front of the building has translucent glass that you can see out of, but not in. They are breaking up the elevation by using different brick colors, horizontal and vertical aluminum, and a building cap. On the left sides of the building, they have residential looking garage doors. There is a 4ft parapet to hide the mechanical units. The building is 35ft high and 3 stories.

The operations of facility will be done by a 3<sup>rd</sup> party. The office will be open from 9am to 6pm but renters can access their units between 6am to 10pm. They will have 2 to 3 employees. One employee during the week and two on the weekend. The building is fenced, gated, and has keycard access. The access points are located on the east and west elevation. The operator will shut down the site between 10pm and 6am. The refuse area is in the southwest corner of the lot. It is only for the operator of the building. The renters can't leave any trash behind. The entire site is covered with close circuit television. Your key card only gets you to the floor your unit is on and open your unit. Monitors are in the office and on the employee's smart phones. The emergency exits only operate as exits. You can't get in the building through those doors. The security lock on each unit can be manual or for an up change you can open your unit with your phone. There will be security patrols in the morning and evening. The building signage is made up of individual channel letter illuminated from the rear. Mr. Veteri said there were report questions about the types of material stored at the site. He said the applicator would comply with the Ordinance on material storage.

The Chair asked if any Board professional had any questions. Joe Fishinger, the Borough traffic engineer, asked if there were hand trucks or push carts available and where were they stored. P. Petrillo said there were, and they are kept in the lobby area, Robyn Welsh, the Borough planner asked what mechanical units were on the roof, what percentage of the roof did they cover and what was the height of the units. P. Petrillo answered the parapets are 4ft high and the units are not as high, but the actual installation could make them higher than the parapet. The percentage of roof covered is small. The units to the rear of the building are not behind the parapet. R. Welsh asked why the doors were different on the east and west sides. The applicant tried to upscale the doors on the east side because they were more visible. The purpose of the overhead doors was to give a tenant the ability to unload their vehicle directly into their unit without going inside. R. Welsh asked about the business activities on the site. The location is busier in the first two years. It usually is 80% to 100% full by year three. As they are there longer there is less traffic to the site. Homeowners come less than business owners. There are no business activities or living in the units.

Bill Ryden asked that the Zoning Board add a condition to the resolution stating the mechanicals could not exceed the height of the parapet. P. Petrillo & J. Veteri agreed to that condition. M. Sullivan confirmed the facility would be open 7 days a week. The chair asked if members of the Board had questions. Meghan Leininger was happy to see the nicer doors. How wide were the units, and could you store a car in them? P. Petrillo answered they were 9ft wide and car storage was not allowed. She asked if there was a lip between the garage doors and the sidewalk. This could cause a tripping hazard and drainage issues. It was a concern the applicant would address. What about the proposed signage? John Veteri responded the signage would be what was already approved. They would share the freestanding sign next door and have signage on the building. She asked if the applicant would change the brick and aluminum to stone and stucco. The architect was concerned the stucco would not be durable at the base of the building. Meghan Leininger asked if they would change the garage doors on the eastern side of the building to match the western side and install a white roof. P. Petrillo said they were open to considering having all the same garage doors and a white roof was standard. Brett Paddock asked if there were bollards by the front doors. No there were not. Are the colors accurate on the plans? The colors would be natural and the glass translucent. Can you see through the glass? The office windows use clear glass, and the others are translucent. Will they have something on the walls behind the glass? No there will not be any murals or advertisement of any kind. J Murphy about the security and what was the relationship between builder and operator. John Veteri responded Highview bought the property from Zeris and would put together a contract with an operator. What happens when no one is working at the site? If you have a unit your keycard will let you in. No one can stay in the building after hours; the cameras pick them up. Small units don't have lights so they can't be used improperly. How do you capture usage when the staff is not there. The gate would log someone in since they must have a card to get out of the gated area. Would they consider using the same garage doors everywhere. They agreed. The Chair opened the hearing to the public for questions. Michael Hollick, of 9 Lakewood Dr., noted the extremely large window facing Route 46. Are they needed for the operation of the business? The windows are decorative, breaking up the exterior design, adding character, and bringing some light into the building. The lights in hallways act on motion detectors. They are not a beacon to attract people to the building. Could they be shut off at 10pm? Yes, they would be. Matthew Sharo, a licensed engineer in the state of NJ, presented exhibit A-2, a colorized version of Sheet A-2. He said this lot is the parking lot for the original Zeris Inn. Using Exhibit A-1, he reviewed the entrances and exits onto the Wawa lot. There are cross easements for the driveway access. They propose 12 parking spaces where 23 are required. The spaces are 9' x 18' so they need a variance since 10' x 18' are required. There is crosswalk access to the Wawa. There is a gate at the back south corner which gives you access to the west side of the building. The garbage enclosure is in the southwest corner of the lot. There is a 30ft wide driveway that goes around the building. You can exit the site though the gate. There are sidewalks in front of the building. They need a variance for the 2.5ft pervious buffer at the property line. This is the result of the two Wawa access points on the easterly side of the property allowed. The lighting on the storage unit will be controlled by the facility. All the light fixtures and poles will match those at Wawa. There are no high mounted lights on the building.

They have 0 illumination at the property lines. There is landscaping around the borders of the entire property. It is heavier in the front to block the lights from persons using the driveway. The overall coverage has been reduced and several rain gardens were added to the site. When they changed the hotel to a storage facility, they reduced the ILC by 11,000sqft. The actual proposed rain garden is larger than the one originally approved due to land received from the DOT. In item #11 of William Ryden's review letter he requested they provide testimony about the new daily water usage. The hotel would have used 33,600 gal per day per DEP calculations now they will be using 78 gallons per day. The sewage usage also dropped from 8400 gallons to 62.4 gallons per day. Mr. Sharo moved on to a review of the site signage. They are seeking a variance for the building sign. The 36sqft sign on the north end of the building is 28ft high and only 18ft is allowed. The hotel sign was 8ft taller. They will also be using 25.63sqft of the previously approved freestanding sign on the Wawa site.

Michael Sullivan asked the applicant to testify about the lot line adjustment and respond to committee reports. Using the Minor Subdivision site plan Matt Sharo showed the original lot line along Route 46. The DOT had a strip of land that no one claimed. The land became part of this lot. They gained about 30ft along the full length of the front property line. He told the Board he did review the letters from all our committees and professional. He answered all the questions in his review letter of June 30, 2022. The applicant agreed that items #10, 11, 12, 13, 14B, 17, 18, 20, and 21 of Bill Ryden's October 17<sup>th</sup> letter could be conditions in the resolution. William Ryden asked about the lighting during hours of operation and at night. For security purposes the lights along the property line will always be on but could be dimmed after their closing of 10pm. This would become a condition in the resolution.

Michael Sullivan asked the other Board professionals about their reports. Planner R. Welsh said item #5 on page 10 of their November 2<sup>nd</sup> report should be a condition. She requested copies of the easement documents. Peter Black, the Borough Environmental Engineer, said all items on his report were satisfied in the newly revised plans. The applicant agreed with the need to meet the state sprinkler requirements as requested by the Fire Marshall. The applicant had no problem complying with the Shade Tree Commission letter dated 4/9/22. They were also willing to comply with comment #4 of the Environmental Commission letter dated 4/22/22.

The Chair asked if the Board had any questions for Mr. Sharo. Mark Caputo asked about roof solar panels in the future. J. Veteri said they would need to return to the Board for approval if they decided to add them. Meghan Leininger asked if they would add the specifications for the chop gate to the plans. She was concerned with dubious activities on the back side of the building. Could they investigate other lighting options back there. They would investigate it more. Currently 80% of the drainage is going onto the rail line property. Are you planning future dry wells? M. Sharo said they did some looking into that at the request of the Planning Board and reviewed it with Mr. Ryden. They didn't work so it was determined that under drains and rain gardens would work better. She asked when they finalized the signage would it be the same as proposed? Yes, it would. J. Murphy clarified the entrance into the self-storage was a two-way driveway. He asked for a review of the property drainage. He asked the species of the shade trees in the front. They are 8ft elm trees. He asked Mr. Sharo to review the lights in the front of the building. There was one at each corner and one pole at the front corner of the parking lot.

The Chair opened the meeting for public comment. Angela Tsai, of 9 Lakewood Drive, asked what would stop a person on foot from entering the back area after hours. Mr. Sharo said the units would be locked at 10pm so there would be no need to go back there. At 9:55pm the Board took a break. The hearing resumed at 10pm.

Pat Downey, a licensed Traffic Engineer in state of NJ, went back to exhibit A-1. He stated a storage facility has less traffic than hotel so the driveway would operate better. He reviewed the improvements planned on Route 46 and the site. None of the improvements to the site and the traffic light were being changed. 10 to 11 parking spaces would be the real-world demand for this project, 23 are required, and industry standard is 12. A variance is required. Some units have a garage door so the number of actual spaces needed would be less since you can park in front of your unit. The actual spaces width proposed is 9ft wide space and the Borough requires 10ft, so a variance is required. They already have DOT approval for the driveways. They will apply for a letter of no interest from the DOT due to the change of use.

Joseph Fishinger, the Borough Traffic Engineer asked what the biggest truck they would see on site. P. Downey said they designed for the largest U-Haul truck. There would be no tractor trailers or vehicles longer than 35ft. He asked that #9 of his October 17<sup>th</sup> report be a condition of approval and the letter of no interest from DOT be obtained.

The Chair asked for Board questions. Ryan Astrup asked how they got to 12 parking spaces when you need 23. P. Downey said when you use the industry standards you come up with 12. They use a rate per unit or square foot of the building. Plus you can park in front of your roll up garage door. The spaces are to accommodate the loading and unload of the interior units. Why reduce the parking stall size from 9ft to 10ft. 10ft is more comfortable but 9ft works when you aren't rushing to get in and out of your vehicle.

The Chair opened the hearing to the public and no one wished to ask questions.

John McDonough, a licensed Planner in the state of NJ, presented exhibit A-3 consisting of 6 pages of photos taken by a drone of the site from North, West, East, and South. No residential properties are next to the site. They are across Route 46. The self-storage facility is a conditional use in the B-zone. The bulk conditions are met and the ILC is reduced increasing the green space. They are seeking relief from conditional use 245-11 C (5)(h) for the garage doors, a sign installed at 28ft high rather than 18ft, the number of parking spaces and their width as well as a variance for the 2.5ft pervious buffer.

They required a D-3 variance and are looking to the Coventry Square case for relief. The use is not a question, it's the conditional use. The focus is "h" which asks that they not have a visual impact on the residential zone. By distance and orientation there is a filtered view for the residents. The storage facility is a positive use since it frees up living space and reduces clutter. This new use is less intense, they have reduced the lot coverage, they are on point with the Master Plan and is efficient use of land. This project supports the purposes of the land use law specifically: A - ... adequate light, air, and space, promote the general welfare; G - provide space for a variety of uses...; H - provide for the free flow of traffic..., I ... promote a desirable visual environment; M ... more efficient use of land. The garage doors are remote from the road, their use is a low intensity and would have a benign impact on the area. They are reviving a property that was in economic decline. When considering the C relief, the benefits outweigh the detriments. The parking spaces supplied meet the industry standard. The use is less intense at the facility, so a

narrower parking space is ok. The lot coverage is lower, and the buffer is broken at the entrances. The relief requested is minimal.

Robyn Welsh had no additional questions for Mr. McDonough. This is a conditional permitted use in B zone, and they are satisfying all the conditions but “h”. She agreed with testimony provided about the less intense use the garage doors and their visibility from the neighbors. The applicant had designed the building to be more in line with an office building, and they have agreed to the upgraded the garage doors.

There were no additional questions from the Board or public.

The Chair opened the hearing to the public for comments – Michael Hollick, of 9 Lakewood Dr, was concerned about the giant windows on north facing wall. Could they shut the lights off at 10pm. John Veteri had no issue with that. He also asked for additional evergreen screening on the north side of the property. The applicant agreed. Ellen Foppes, 29 Rainbow Trail, was worried about the water discharge going onto the railroad track property and the vernal pool designated in the state. J. Vetri responded your comments were considered last time and reviewed by the professionals. Matt Sharo added, currently the rainwater discharge goes to the railway property and there is no stormwater management. They are adding rain gardens and reducing coverage thereby reducing the discharge onto the railroad property.

The Chair closed the public comment portion of the hearing.

John Veteri felt they demonstrated this was a better conditional use than the hotel. They addressed the community concerns by changing to this use.

The Chair opened the hearing for Board deliberations. Meghan Leininger asked to add a condition about lower-level lighting on north and east side after closing. Mr. Ryden who was fine with the plan as proposed. J. Murphy thought this a less intense use for the property. M. Sullivan said this was a minor lot line adjustment and site plan. He listed the conditions for the resolution: all roof top equipment shall not exceed the parapets, no car storage, all the garage doors must match, the comply with W. Ryden letter 10/17, items 10,11,12,13,14b, 17, 18, 20 and 21, only security lighting after 10pm., #5 of the Planner report, comply with Fire Marshall’s report, the recommendations in Shade Tree and Environmental Commission reports, add the gate details to the site plans, the internal lights will go off at 10pm, a white roof be installed and compliance with item #9 of the J. Fishinger’s report.

James Murphy made a motion to approve the application with the conditions listed by Michael Sullivan and a second was provided by Jake De Nooyer. The Board voted 7 - 0 with members Murphy, De Nooyer, Peters, Leininger, Caputo, Astrup and Paddock voting in favor.

**Other Matters / Public Comment:**

Public Comment – No one wished to make a public comment.

Annie Peters made a motion to adjourn the meeting and Meghan Leininger provided the second. The meeting was adjourned at 10:55PM.

Respectfully submitted,

Cynthia Shaw