

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

November 20, 2014

Chair James Bailey read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 30, 2014: 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 03, 2014 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:34 PM

**ROLL CALL:**

Members Present: Bailey, Nachshen, Tovo, Lester, DeVenezia (7:40) and Horan

Absent: Kane, Dagger, Happer, Russo and DuTertre

Also Present: Attorney Peter Henry, Engineer Bill Ryden

**REVIEW OF MINUTES:**

Robert Tovo made a motion to adopt the minutes of the October 23<sup>rd</sup> meeting. John Lester provided the second; the minutes were approved by voice vote of all eligible voters.

**RESOLUTIONS:** none

**PUBLIC HEARING:**

New Application:

Zisis, Inc. t/a Paul's Diner	320 Route 46 East
Blk: 4 Lot: 15	App. #13-255
Major Site Plan Review	Zone B
Front Setback, Signs, Parking Spaces, Parking Stall Size and Parking Aisle	

Anthony Boyadjis, a licensed Attorney in the state of NJ, represented Paul's Diner at the hearing. The applicant, Zisis, Inc. (tenant), was seeking a major site plan approval to add an ADA handicap ramp to the front of the building. The two existing handicap spaces would become three and move to the right with the balance of the parking spaces in front of the building reconfigured. They need variances for the following: front and side setback, signs, number of parking spaces, parking stall size and aisle width.

The applicant was looking for the following three waivers; preparing an environmental impact statement, a surface water management plan and a ground water management plan. Jim Bailey asked Bill Ryden if he had any concerns with granting the waivers; he did not. Robert Tovo made a motion to grant the 3 waivers requested and John Lester provided the second. The Board granted the waivers by a vote of 5 to 0 with members Bailey, Nachshen, Tovo, Lester and Horan voting in favor deeming the application complete.

Peter Korzen, a licensed Land Survey and Engineer in the state of NJ, continued the application. The 1.2 acre property includes Paul's Diner and the Nail Salon. Most of the property is covered by pavement. There is a concrete covered landing and sidewalk in the front of the building. They plan to remove the concrete landing and awning and replace it with an enclosed entry and ramp. They will be adding one handicap space in the front of

the diner and one in front of the nail salon for a total of 4 ADA spaces. They will be reducing the parking spaces from 81 to 79; 99 are required. The current front setback is 47 ft. after construction it will be 43 ft. By ordinance parking spaces are 10' x 18'. Mr. Korzen testified that 9' x 18' is the general standard. The aisle width will be reduced to 22.4 ft. where 24 ft. is required. They are requesting two wall mounted signs where only one is allowed and a total of 119 sq. ft. of signage, including the road sign, when only 40 sq. ft. are allowed. All of the above require variances. They will add landscaping in the front of the vestibule.

Jim Bailey pointed out the parking spaces located over the front property line. Peter Korzen said the spaces were preexisting and were not being changed. John Lester asked the current dimension of the parking spaces; they are 9' x 18'. He then asked the current square footage of signage on the property; the free standing sign is 59 sq. ft. Jim Bailey asked if they looked at redesigning the layout of the parking lot. Mr. Korzen said they did not because the spaces are not really needed. Mr. Bailey asked if they could add 3 or 4 spaces parallel to the back of the property. Nick DeVenezia asked why they needed so many spaces. Peter Henry answered, you have 2 buildings to consider when calculating the number of spaces. Mr. DeVenezia was concerned the building was moving forward toward the highway, he felt it already too close. Peter Henry asked about obtaining a letter of no interest from the DOT. Mr. Korzen did not think they would be interested since they were not changing the front parking. Robert Tovo added all the properties on the east bound side west of the diner have the same problem.

Anthony Boyadjis introduced Kenneth Fox, a licensed Architect in the state of NJ, to explain the building improvements. The applicant was looking to improve the look and adequacy of the diner. They wanted to install the ADA ramp and stairs to the side of the restaurant but the property sloped too much. The extension of the vestibule does not allow for parking in front of it. Exhibit A-1 was the colorized version of sheet A-3 submitted. They will remove the front façade adding stone, stucco and colored trim. The proposed signs on either side of the entrance are in proportion to the building. Exhibit A-2 was sheet A-1 with color photos of the current building added. They would not be increasing the seating or capacity of the diner.

Jim Bailey asked about the illumination of the signs; they are internally illuminated. Robert Tovo asked if the vestibule would come out further than the canopy was now. Ken Fox said it would come out 1 to 2 feet more. Peter Henry asked if they could remove the road sign; doing so would not help highway traffic identify the diner. The Board was concerned the signage proposed was excessive when added to the current signage for Paul's and the nail salon. Ken Fox said the applicant could remove the signs on the building and redesign the road sign to coordinate with the building. Bill Ryden said he would prefer the sign design be brought back to the Board for approval. Exhibit A-3 was a website print out of the light fixtures planned for the front and both sides of the building. John Lester asked about the current lighting on the lot. The flood lights on the utility poles around the site will not be changing. Jim Bailey asked if the two spaces to the right of the building were included in the space count; no they were not. The Board asked the applicant to remove the striping for those two spaces.

Anthony Boyadjis introduced John Koletis the operator of the diner since 1998. He told the Board he was at the diner 10 to 14 hours a day. He continued, the parking spaces are never full and he hadn't witnessed any car accidents in the front of the building. He has never received any complaints about parking not being available or the stalls being too narrow.

No one from the public was present.

Jim Bailey asked if the Board had any questions or comments. Peter Henry asked the Board if they wanted to have the DOT look at the site plan and if the replacement sign should follow the sign ordinance or come back to the Board for approval. Bill Ryden did not think the applicant needed a letter from the DOT about the sign and parking in the right of way but he did think the Board should approve the sign design. Peter Henry thought the requested variances deminimis. John Lester thought they should remove the signs on the building and stripe spaces along the back of the property. Mr. Henry questioned if there was enough lighting for the rear spaces. Robert Tovo did not think the extra spaces were needed; he has not seen the lot full in 25 years.

Peter Henry summarized the motion to be made as follows: a variance for a 59 sq. ft. sign at the property line, a front setback for the vestibule and side yard setback for existing conditions, the ILC remains 82.36%, the number of parking spaces reduced to 79, a 22.4 ft. traffic aisle on the easterly side of the building, parking space size of 9' x 18', remove the striping of two spaces on the westerly side of the building, remove the proposed building signs from the design and come back to the Board by the March 2015 meeting with a new free standing sign design.

Robert Tovo made the motion to approve the application with the conditions laid out by Mr. Henry; Nick DeVenezia provided the second. The Board approved the application by a vote of 6 to 0 with members Bailey, Nachshen, Tovo, Lester, DeVenezia and Horan voting in favor.

**COMMITTEE REPORTS** – The Board Administrator proposed creating an Informal Application to be used by those wishing to present a concept plan for development. Minor changes were made to the form proposed. Currently an application fee is not charged for this type of review. The Board decided to continue this practice but added an escrow account be set up to cover the cost of professionals attending the review. The Board also set a 30 minute time limit for an informal presentation.

**EXECUTIVE SESSION** – Jim Bailey read a resolution pursuant to NJSA 10:4-12(b) 7 and NJSA 10:4-13 allowing the Board to go into executive session to discuss pending litigation. Robert Tovo made a motion to accept the resolution and John Horan provided the second. The Board approved the resolution by voice vote of all eligible members. At the conclusion of the executive session Robert Tovo made a motion to return to the public session; a second was provided by Corey Nachshen. The Board approved the motion by voice vote of all eligible members.

John Horan made a motion to allow the Board Attorney, Peter Henry, to accept Service of Process on behalf of the Board in the Ansell appeal and prepare a defense; a second was provided by Robert Tovo. The Board approved the motion by voice vote of all eligible members.

No one from the public was present during the public portion of the meeting. Jim Bailey made the motion to adjourn the meeting at 9:42 PM.

Respectfully submitted,

Cynthia Shaw, Secretary