

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

September 22, 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: 7:35pm

ROLL CALL:

Members Present: Kane, Stern, Ryan, Horan, Lane, Coppola, Menard, and Holliday

Absent: Berei, Russo

Also, Present: Attorney, Steve Tombalakian, Engineer, Bill Ryden, David Novak, Planner, Peter Black, Environmental Engineer and Joseph Fishinger, Traffic Engineer

REVIEW OF MINUTES: Nick Coppola made a motion to approve the minutes of the August 25, 2022, Board meeting and John Horan provided the second. The minutes were approved by all eligible members present.

RESOLUTIONS:

Blue 701, LLC Appl. #22-277

Nick Coppola made a motion to adopt the resolution of approval for the Blue 701, LLC minor site plan application and Audrey Lane provided the second. The Board voted 6 – 0 to memorialize the resolution with members Kane, Lane, Horan, Holliday, Coppola, and Ryan voting in favor.

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	

Blue 701, LLC requested their application be carried to October 27th without further notice. The October meeting will be held in the media center at the Mountain Lakes High School. The Planning Board agreed to carry the application without further notice.

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, attorney for Highview Commercial, stated there were stills questions about the jurisdiction of the application. Their pervious application was approved for a Wawa and hotel. The contract with the hotel fell through and there were no other hotel chains interested in the site. They identified a storage facility company who has an interest in locating in Mt. Lakes. This type of development would be a conditional use in this zone. They need to do a slight lot line adjustment and will require variances for parking and signs. Since this is a conditional use there are requirement that must be met as per 245-10C (5). Mr. Veteri reviewed the conditions listed in that section of the Ordinance. They meet items a-g and i. There is a question as to whether item h has been met. (h) *“All storage units above grade and all storage units visible from residential areas shall gain access from the interior of the building (s) only; no unit doors, loading bays or docks may face or be visible from any adjacent residential areas.”* The residential areas are not adjacent to this property.

Martin Kane asked the applicant to explain how the garage doors on the building were not “visible from residential areas”. Matt Sharo, the applicant’s licensed engineer, presented exhibit A-1, Residential Sight Line Exhibit dated 9/13/22. It showed three different site line triangles. They were suggesting a fence be installed to hide the western residential area. In addition to the fence, they added shrubs and trees to the 20ft wide island. The blue triangle on the exhibit represented the site lines for homes 225ft away from the exterior doors on the building. The red triangle showed homes 380ft away and the yellow triangle was from 325ft away. Mr. Kane asked if they were willing to remove the individual garage doors. Mr. Veteri answered his client was not willing to remove the 45 doors. Tom Menard asked if they could move the doors facing the Wawa to the rear of the building. Bill Ryden pointed out fences in the front yard would require another variance. Joe Fishinger asked if all the garage doors were behind the security gate. They were not but could be to meet the limited hours of operation, 6am to 10pm. David Novak questioned if the garage doors meet the definition of story above grade. Mr. Veteri responded the doors in question were at grade not above grade.

The applicant requested a break at 8:02pm to speak to his client. The hearing resumed at 8:08pm. Mr. Veteri returned and confirmed they would be willing to redesign the building to move 6 of the 12 garage doors facing Wawa to the rear of the building. That would remove all the fencing and additional landscaping proposed. They would adjust the security gate system so all the garage doors would be within the system.

Martin Kane said we still need to discuss the jurisdictional issue. John Veteri felt his applicant belonged at this Board especially with the changes just made. Steve Tombalakian responded this Board has no jurisdiction if the applicant has not met all the conditions use standards spelled out in the Borough Ordinances. If the design presented does not meet those conditions the application belongs at the Zoning Board. Kelly Holliday thought any unit above grade could not have a garage door. John Veteri questioned why they didn’t write the Ordinance to say no doors were permitted on the exterior of the building. They would not have further regulated them. Mr. Veteri felt at grade was not above grade. Martin Kane agreed with Mrs. Holliday. Mr.

Tombalakian said the Planning Board is limited in the way they can look at an Ordinance; they cannot interpret it. John Horan agreed the Board could not read into an Ordinance to interpret it. We are trampling the process. If we are in doubt the application needs to go to Zoning. Mitchell Stern asked if “above grade” was ground level and above.

John Horan made the following motion: the application was not consistent with the Borough Ordinance 245-10C (5) (h). A D-3 conditional use variance was required so this application should be dismissed without prejudice and should be sent to the Zoning Board of Adjustment. A second was provided by Kelly Holliday. The Board voted 8 – 0 to find the application inconsistent the application with members Kane, Stern, Ryan, Horan, Lane, Stern, Menard, and Holliday voting in favor.

Other Matters –

Committee Reports – Master Plan subcommittee will be meeting on September 29th 11:30pm.

Martin Kane made a motion to close the meeting at 8:31 PM.

Respectfully submitted,

Cynthia Shaw, Secretary