

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

June 28, 2018

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 25, 2018: Adequate notice of this meeting was given to the Citizen and the Daily Record, posted with the Borough Clerk and on the Bulletin Board and made available to all those requesting individual notice and paying the required fee.

Start: 7:47PM

ROLL CALL:

Members Present: Kane, Stern, Barnett, DuTertre, Russo
Absent: Mirsky, Nachshen, Horan, Shepherd and Coppola
Also Present: Attorney, Peter Henry, Engineer, Bill Ryden

PUBLIC COMMENT – No one wished to speak during the public comment portion of the meeting.

REVIEW OF MINUTES: Lauren Barnett made a motion to adopt the minutes of the May 24, 2018 meeting. Mitchell Stern provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING:

Pulte Homes of NJ, Limited Partnership
Sherwood Drive
Trailer Signage

Appl. # 18-265
Blk. 116, Lot 3.02
Zone – R-AH2

Jim Mullen, a licensed Attorney in state of NJ, would represent Pulte Homes. Marc Walker, an Engineer, and David Troast, a Planner, both licensed in the state of New Jersey, would be presenting the application. Mr. Mullen reviewed the recent history of the property and the passing of the resolution in September of 2017 memorializing the approved development application. Pulte Homes purchased the project from Kings Mountain Lakes, LLC. The applicant was requesting a variance to allow several identification signs on the site. They wished to do this for safety reasons and to facilitate the flow of traffic.

Marc Walker reviewed the site plan dated 5/31/18 for the Board. They were looking for a variance for temporary signage. They envisioned three 12ft tall feather flags on the road into the site and three more at the corner of Albie and Lakeland. He presented exhibit A-1, 5 sheets, with photos and renderings of the proposed signage. They intended to have 1 directional sign, 18” x 24” 4ft off the ground. A two sided sign 4’ x 3’ identifying the sales office on one side and thanking buyers for visiting on the other. There would be four small signs, 18” x 24”,

recognizing future homeowners at each visitor parking space and one space with a handicap parking sign. Lastly there would be two signs identifying the models.

Bethany Russo asked when the temporary signs would be installed. They would install them at the end of September with the sales trailer opening in October. Peter Henry questioned how they would handle the removal of sales trailer. Jim Mullen said they would remove it when they had contracts on all the units and once they had at least half of the contracts signed for building #8. Peter Henry pointed out the approved temporary ID sign installed outside the community had to be removed in 5.5 years, an outside date, or when all the units were sold. Mr. Mullen was willing to make this condition the same for all the temporary signs proposed since they hoped to be sold out in 2 to 2.5 years.

David Troast, the Planner, presented the proofs for the application. The signs were temporary in nature, they directed people to the sales trailer, identified models, were internal and would not be seen outside the site. He reviewed our sign ordinance which only permits temporary signs for 30 days. The proposed signage also exceeded the allowed 1 square foot area, the number of signs, the permitted height of signs and the number of sides as spelled out in section 245-17D (1) (c). He felt the directional signs assisted the public especially during construction. The Pulte signs have a message, they all coordinate and are part of a marketing package to promote sales. In reviewing the Borough's Master Plan he found the signage and project supported a few of the sections such as Element 1 "Community Character", Element VI the "Circulation Plan" and Element IV the "Housing Element and Fair Share Plan".

They needed to support the MLUL standard of proofs. C (1) "*the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional difficulties to,*" the owner. The safer the project was and the faster the project went the better it was for everyone. Under C (2) they must prove in granting the temporary signage variance "*the benefits of the deviation would substantially outweigh any detriment*" and it would enhance current zoning. Mr. Troast identified 2 positive criteria he felt fit. "A" - encourage "*the appropriate use of land ...promote the public health safety and welfare*". "I" - "*promote a desirable visual environment*" that fit the character of the neighborhood. This was good civic design which enhances the site during construction.

The negative criteria under the MLUL are signs are not permitted under the Ordinance but they are only temporary. They are coordinated and are better planning than having no signs at all so the benefits outweigh the detriments. It is in the interest of public health and safety to give walkers and drivers direction. It would be a hardship to developer not to have the signs and they would not be detrimental to the zone plan.

Chairman Kane asked if there were any Board questions. Nancy DeTertre confirmed the photo of the trailer and the signs were what would be on site. The Chair then asked for public comments and questions.

Byron Sugahara, of 40 Robinhood Drive, asked where the sight lines were on the plans for the signs and didn't the developer need to block off construction areas? Bill Ryden explained how the established industry standards kept a construction area safe.

James Mitchell, of 39 Sherwood Dr., asked which sign had already been approved. The Planner identified the entrance sign on the plan. George Jackson, of 20 Sherwood Dr., asked if they could see the signs from their homes. Marc Walker thought they could see the feather flags but it was

highly unlikely they could see the other signs. He then asked about seeing the trailer. Mr. Walker answered they would be able to see it and reminded everyone they would be able to see building #8 after it was built. Mr. Jackson then asked why they needed a sales trailer. He noted Legacy removed theirs once they built a model. Pulte homes did not operate that way. Mr. Mullen said the roadway in would be finished and landscaped before they open for sales in October. Lauren Barnett questioned the purpose of the flags along the road. Mr. Mullen answered they catch your eye to bring you into the sales trailer. Martin Kane said this was a dead end site and did not see their purpose. Bethany Russo thought the flags were unnecessary. Peter Henry pointed out our Ordinance expressly prohibits moving signs of any type. Martin Kane suggested they remove the feathered signs and Mr. Mullen agreed. Wilson Mitchell, of 39 Sherwood Drive, asked about the trailer visibility. Marc Walker reviewed the landscaping along the entrance road and the area around the trailer. You will see the end of the one story trailer through the landscaping. Building #8 will be 2.5 stories high when finished. Cathy Harvey, of 28 Sherwood Dr., asked when the sales trailer was added to the plan. Peter Henry replied it was part of the Developers Agreement not the site plan; a common practice. She asked who was monitoring the construction. Bill Ryden's office was monitoring it as well as handling all the calls from residents. Mr. Ryden added they were keeping track of the lost trees that Pulte Homes will be replacing. Jim Mellen said they were willing to remove the 6 feathered flags from their plans. Peter Henry said a condition should be added that the landscaping be finished in order to allow the signage. Lauren Barnett asked if the Board could set a different time limit for the directional signs. Mr. Henry answered you usually tie it to the final sale of the units. Bethany Russo didn't see the need for the future home owner signs at the parking spaces but was willing to let that go. A motion was made by Nancy DuTertre to approve the amended application as presented without the feathered flags and with a condition the landscaping being finished before the signs were installed. Bethany Russo provided the second. The Board voted 5 – 0 to approve that application with members Kane, Stern, Barnett, DuTertre and Russo voting in favor.

COMMITTEE REPORTS: none

Other Matters

Memo to Council - *Proposed Zone Change/Assisted Living* – The Board received the memo but would have no discussion on its contents. A public hearing on the proposed zone change is expecting at a September Council meeting.

SECOND PUBLIC COMMENT: George Jackson, of 20 Sherwood Dr., commented the (King of Kings) R-AH2 Ordinance was handled by the Council. Once complete very few decisions were left to be made by the Planning Board. He wanted to make sure zoning changes would not be done at the Council level. He preferred applicants obtain variances at either the Planning or Zoning Board. Pat Stanisci, of 4 Littlewood Court, thanked the Board for listening.

Martin Kane adjourned the meeting at 9:25PM.

Respectfully submitted,

Cynthia Shaw, Secretary