



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
 JUNE 10, 2019  
 HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

**CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT**

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 9, 2019 and posted in the municipal building.

Mayor Barnett called the meeting to order at 8:00 p.m. in the municipal building.

**ROLL CALL ATTENDANCE**

<b>Roll Call</b>	<b><u>Present</u></b>	<b><u>Absent</u></b>		<b><u>Present</u></b>	<b><u>Absent</u></b>
Happer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Menard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Horst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shepherd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Korman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barnett	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

**FLAG**

Mayor Barnett led the salute to the flag.

**COMMUNITY ANNOUNCEMENTS**

Mayor Barnett wanted to reflect on the community happenings that have occurred in Mountain Lakes during the last few weeks. Memorial Day was a wonderful community event to honor those who died in Service to our Nation. The event was followed by Mountain Lakes Day at the Esplanade which was a fun event to celebrate being part of this community and this was all organized by volunteers. Also, on Saturday June 1st was the second annual Art at the Esplanade, which was also organized by volunteers. At this event we had community members showcasing some fantastic local artistic talent. This past Saturday the Mountain Lakes High School Lacrosse Team won their Tournament of Champions after also winning the State Championship. Also, on Saturday was the annual fundraiser of The Medical Needs Foundation which raised \$43,000 for local medical needs. This was a great example of neighbors helping neighbors. Mayor Barnett also reported that the Board of Education will be meeting tonight, and they will be talking about the academic accomplishments of the graduating seniors. This is a very impressive showing by our young people. On Wednesday, June 12<sup>th</sup> will be the Jr. Firefighter Dinner. The seven graduating seniors will be honored and the incoming group will be recognized.

**PUBLIC COMMENT**

Mayor Barnett opened the meeting to the public

George Jackson, 20 Sherwood Drive, reminded the Borough Council that on Wednesday at 4:00 in Rockaway, there will be a memorial for Doug Wilkins. Mr. Jackson also noted that he agrees with a lot of what the Historic Preservation Committee has done with the Ordinance and he is big on historic preservation. He likes the idea of converting the Historic Preservation Committee into a weak form of commission as long as Borough Council understands that state law cannot override or change any of Borough Council's powers and that Borough Council always controls it. He also likes the idea of designating properties as historic landmarks because this can help people get grant money for historic preservation. He has concerns about some of the procedures and bureaucracy around this process. He is concerned about the properties that the Borough does not own and that the owners of these properties cannot do things that the Borough can do. He recommends waiving all fees that is related to preserving landmarks because it is expensive. He feels that to preserve historic property is much more expensive than regular renovation. If you put all these requirements in, how is this all going to be funded and who should have the final say.

Bill McKee, 215 Powerville Road, Boonton, asked Borough Council if they received information from Matt Abraham on the medical marijuana ordinance. He asked Borough Council to consider putting together an ordinance in the future to protect Mountain Lakes against medical and recreational marijuana. Manager Mitchell Stern spoke to the Township Engineer and there is no set plan to work from and without a formal plan we cannot make any kind of judgement. The Borough will continue to monitor the medical marijuana topic for any developments.



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**1) BOROUGH COUNCIL DISCUSSION ITEMS**

**a) Historic Landmark Ordinance Proposal**

Deputy Mayor Shepherd, Tom Dagger, Historic Preservation Committee Chairman and other members of the committee discussed with Borough Council a proposed Historic Preservation Ordinance. The Historic Preservation Committee would like to proceed with enactment of a historic preservation ordinance to protect historic landmarks with the Borough, implementing the recommendation of the 2010 update to the Borough's Master Plan Historic Preservation Element, which was reaffirmed with adoption of the 2013 Master Plan. The Council asked questions and made comments about the ordinance. They will email the questions and comments to Deputy Mayor Shepherd. After the Historic Preservation Committee reviews Borough Council's concerns they will send the ordinance to the professionals to review and then bring the ordinance back to the Borough Council for further discussion.

Mayor Barnett opened the meeting to the public:

George Jackson, 20 Sherwood Road, is concerned because the Planning Board and Borough Council have no authority to what happens at the schools. He says the State has control over the school and they will dictate historic preservation. Borough Attorney Oostdyk feels that the state will make exceptions for historic preservation.

**b) Council Meeting Start Time**

The Council discussed the pros and cons of changing the Council meeting start time to earlier than 8:00 p.m. and also changing Executive Session to the end of the meeting if Executive Session is called for.

A motion was made by Council Member Menard to change the Council meeting start time to 7:00 p.m. with executive session at the end of the meeting and seconded by Mayor Barnett.

Roll call was taken. Motion is not carried.

Yes Votes – 3 (Horst, Menard, Barnett)

No Votes – 4 (Happer, Korman, Lane, Shepherd)

Abstain – 0

A motion was made by Council Member Korman to change the Council meeting start time 7:30 p.m. with executive session at the end of the meeting and seconded by Council Member Horst.

Roll call was taken. Motion is carried.

Yes Votes – 6 (Horst, Korman, Lane, Menard, Shepherd, Barnett)

No Votes – 1 (Happer)

Abstain – 0

**MANAGER'S REPORT**

**Clean Communities Grant** – Borough Manager Mitchell Stern reported that the Borough has been notified that it will be receiving its distribution of the Clean Communities Grant in the amount of \$11,050.87. The program is funded by a legislated user-fee on manufacturers, wholesalers and distributors that produce litter-generating products. The nonprofit New Jersey Clean Communities Council oversees the reporting requirements for the program, and disbursements are based on housing units and miles of municipal owned roadways. Council Member Korman told the Council that the Whippany River Watershed's yearly dues of \$1200 can be paid for by the Clean Communities Grant.

**Cove Cleanup** – Mr. Stern reported that cleanup at the Cove is underway. The effort is being performed by our DPW team under the direction of Borough Volunteer Horticulturist Brian Marshall, owner of Garden Magic. Non-native plants, rocks, weeds and other debris are being removed and a mixture of grass and clover is being planted.

**Boulevard / Pocono / N. Pocono Intersection** – Mr. Stern reported that as he mentioned in his May 17<sup>th</sup> weekly update, he is seeking the Borough Council approval to notify Morris County's Engineering Department of the Borough's interest in having an engineering design created for traffic light upgrades and other intersection improvements. The County of Morris



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has a cost sharing program for this type of project and granting the County permission to move forward with the design will provide the Borough with a cost estimate for the project. Council Member Lane asked Mr. Stern if we can apply for grants to make the intersection ADA compliant. Mr. Stern will find out from the County if this is possible since this is a County road. The Council was in agreement that Mr. Stern should move forward with letting the County know that the Borough is interested in having an engineer design created for the upgrade and improvements of the intersection.

**Annual Audit** – Mr. Stern reported that a copy of the annual audit was given to Borough Council. A joint resolution required by the State of New Jersey will be on the agenda for the June 24<sup>th</sup> Borough Council meeting. The joint resolution serves to attest that all members of the Borough Council have reviewed, at a minimum, the sections of the annual audit entitled “General Comments” and “Recommendations”.

**New Police Vehicle** – In his original 2019 budget presentation, Mr. Stern requested \$50,000 for the funding of a replacement four-wheel drive police vehicle. Funds were located in an existing account for the purchase, and the request was removed from the budget with the understanding that the purchase would be paid with existing funds. Mr. Stern is working with Police Chief Bennett to begin the process of purchasing the vehicle. The funds are presently located in a Police Trust Account.

**Trash Bag Sales vs. Costs Data** – After a request during a previous Council Meeting, Mr. Stern reported the income and expenses of trash bag sales. He provided Borough Council with the figures pertaining to the sale of trash bags as well as the expenses involved to purchase the bags, tipping fees to dispose of the filled bags, host fees paid to MCMUCA and recycling fees required by the State of New Jersey. Mr. Stern also informed Borough Council that when the Birchwood project is complete, he would like to have the dumpster enclosed with a lock so the enclosure can be unlocked when needed. The Council asked for new and updated recycling information signs on the recycling dumpsters. They would also like to see the rejected recycling costs report from the CFO.

	2018	2017	2016
Revenue	186,450.75	190,975.00	198,845.50
Costs	145,873.51	151,010.41	143,269.08

**\*CONSENT AGENDA ITEMS**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

**\*RESOLUTIONS**

- a. *R106-19 Resolution Authorizing the Payment of Bills*
- b. *R107-19 Resolution Renewing Liquor Licenses for 2019-2020 Licensing Term*
- c. *R108-19 Loan Agreement Between Borough of Mountain Lakes and the State of New Jersey by and for the Department of Environmental Protection*

**\*APPROVAL OF MINUTES**

May 29, 2019 – Regular (Lane Not Eligible)

**\*Approval of the Consent Agenda**

Council member	M	2nd	Yes	No	Abstain	Absent
Happer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lane	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Menard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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Shepherd  
 Barnett

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COUNCIL REPORTS**

Council Member Happer reported that Lake Management Advisory discussed some of the nutrients found in the lakes. They also discussed the policies of permanent rafts on the lakes. Solitude Lakes Management would like to do some additional testing at Birchwood to see what is causing the drop in the oxygenation in the water during the summer. The committee also discussed private beaches because the Borough's ordinance says the shoreline cannot be changed. The committee would like to get a letter out to residents about fertilization and nutrients in the lakes. Council Member Happer asked about the Borough's ordinance to have landscapers using fertilizers register with the Borough. Borough Attorney Robert Oostdyk will draft an ordinance to repeal this since it is no longer a requirement. Council Member Happer gave an update on the Hydro Raking permits needed from the DEP. He has been in touch with Senator Bucco about this issue.

Council Member Happer reported that the Financial Advisory Committee reviewed the 2018 Annual Audit with the Auditor. He also reported that Denville is still trying to clean up the issue of some of the cash records in the Denville County with respect to our Court System. The expectation is that with the new Court Clerk things should get better with record keeping.

Mayor Barnett reported that the Affordable Housing Committee focused on the Developer Fee Ordinance and that ordinance will come back before Borough Council at the Borough Council meeting in July. They also spoke about the rules and regulations in the Accessory Apartments Ordinance.

Deputy Mayor Shepherd reported that the Economic Development Committee is in the process of recommending updates to the zoning ordinance for Route 46. That ordinance will come before the Council hopefully at the next meeting.

Council Member Korman reported that Boonton Kiwanis will be looking for more of an allocation in the future. They also just received equipment for pets. They can pick up a dog or a cat that has been hit by a car and transport the animal for treatment.

Council Member Korman also reported that the Whippany River Watershed is looking for a volunteer member. They are all about storm management and they provide grants to help with water quality.

Council Member Menard would like to choose a date for the ribbon cutting at Birchwood. Borough Council discussed possible dates for this event.

**PUBLIC COMMENT**

**Please state your name and address for the record.** Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor Barnett opened the meeting to the public. There was no one in the public wishing to speak.

**NEXT STEPS AND PRIORITIES**

Mayor Barnett reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Council to get any comments to Deputy Mayor Shepherd about the Historic Preservation Ordinance		ASAP



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Borough Clerk to notice for the new meeting time	Clerk	6/11/2019
Manager to supply to Council recycling contaminated loads	Manager	TBD
Update ordinance on Fertilizer	Borough Attorney	Next meeting
Manager to follow up on Whippany River Watershed and possible employee going to meetings	Mr. Stern	TBD
New updated posters at the recycling center	M. Stern	
Manager will let the County know of the Council's approval to move forward with the intersection	M. Stern	

**ADJOURNMENT at 10:30 P.M.**

Motion made by Council Member Happer, second by Council Member Shepherd to adjourn the meeting at 10:30 p.m., with all members in favor signifying by "Aye".

Respectfully Submitted

  
 Marcy Gianattasio, Borough Clerk

Letter to Historic Landmarks Property Owners

Re: Proposed Mountain Lakes Historic Landmarks Preservation Ordinance

Dear Property Owner:

The Borough Council of Mountain Lakes is considering a proposal to enact a historic preservation ordinance to protect certain historic landmarks within the Borough. The ordinance would implement an element of the Borough's Master Plan (the document that guides the use of lands within the Borough in a manner that protects public health and safety and promotes the general welfare) by establishing a list of "historic landmarks" consisting of various historic governmental, institutional, commercial and other structures in the Borough, and prohibiting demolition or the significant alteration of the exteriors of those historic landmarks. The proposed list of historic landmarks being considered by the Borough Council is attached to this letter, and includes a property for which you are listed as the property owner. Loss or significant change in the appearance of these structures would have a profound impact on the historic character of our community, including its character as a planned residential park community designed by developer Herbert Hapgood, and with it and a profound impact on the value of the real estate in Mountain Lakes.

Enclosed is a current working draft of the ordinance amending the Historic Preservation article of the Borough's land use ordinance to include "historic landmarks" protection. We understand you may have questions or comments regarding the proposed ordinance and we welcome your input. The Mountain Lakes Historic Preservation Committee is planning to hold a public forum to answer questions and receive feedback on the proposed ordinance at [DATE/TIME] in the basement of the Mountain Lakes Public Library. If you are unable to attend that meeting, please feel free to email any questions or comments regarding the proposed ordinance to \_\_\_\_\_ at \_\_\_\_\_ by [DATE/TIME].

Very truly yours,

Tom Dagger  
Subcommittee Chairman  
Mountain Lakes Historic Preservation Committee

**Borough of Mountain Lakes**  
**Discussion A**  
**Historic Landmarks Preservation Ordinance**  
\_\_\_\_\_, 2019  
Prepared by Historic Preservation Committee

- 1. Issue:** The Historic Preservation Committee (“HPC”) would like to proceed with enactment of a historic preservation ordinance to protect historic landmarks within the Borough, implementing the recommendation of the 2010 update to the Borough’s Master Plan Historic Preservation Element, which was reaffirmed with adoption of the 2013 Master Plan.
- 2. Current Status/Facts:** The HPC approached the Borough Council at its February 12, 2018 meeting with a recommendation to move forward with a historic landmarks preservation ordinance.

Background

In July 2010, the Mountain Lakes Planning Board adopted an updated Historic Preservation Element for the Borough’s Master Plan (“HP Element”), which included recommendations for a new historic preservation ordinance. One part of the proposed ordinance would provide incentives for preservation of historic homes; this recommendation was ultimately implemented by the Borough Council through adoption of a historic preservation incentives ordinance in 2012 (Ordinance 08-12), which was updated in 2017 (Ordinance 02-17).

The other part of the ordinance proposed in the HP Element would establish a list of “Key Landmarks” consisting of various historic governmental, institutional and commercial structures in the Borough, and would “[p]rohibit demolition or the significant alteration of the exteriors of Key Landmarks.” This Key Landmarks recommendation was reaffirmed by the Planning Board when it updated the Master Plan in October 2013. There is currently no protection, in the form of regulation or incentives, for the non-residential historic structures in the Borough. Loss of these structures would have a profound impact on the historic character of our community, including its character as a planned residential park community designed by developer Herbert Hapgood, and with it and a profound impact on the value of the real estate in Mountain Lakes.

Proposed Ordinance

The HPC has prepared a draft ordinance amending the Historic Preservation article of the Borough’s land use ordinance to include historic landmarks protection. This ordinance has not yet been reviewed by the public or the Borough’s professionals.

i. List of Historic Landmarks

The HP Element specifically lists the following structures as being included in the initial list of landmarks: “the entrance gates to the Borough at the Boonton Township border on the Boulevard and at Crane Road, the Train Station, Lake Drive School, Briarcliff School, the Community Church, St. Peter’s Episcopal Church, the Mountain Lakes Club, the original Midvale Stores building, the Mountain Lakes Garage, the Grimes House and the Esplanade.” However, the list could be expanded before or after the ordinance is adopted.

The HPC suggests the primary criteria for historic landmarks would be any structure that is listed as a “contributing building” in the 2005 Historic District nomination document, is not a residential property, and has not been demolished. However, these would not necessarily be the sole criteria – for example, there may be structures that are not “buildings” that should be protected (e.g., the entrance gates), and there may be historic buildings or structures outside the boundaries of the Mountain Lakes Historic District that should be protected, such as the Grimes House. The draft includes all of the structures listed in the HP Element, with the addition of the Masonic Logic Building.

ii. Historic Preservation Commission

Under the state Municipal Land Use Law, a regulatory landmarks preservation ordinance would require that the Borough Council reorganize the Historic Preservation Committee into a Commission. The draft ordinance converts the HPC to a “weak” form of Historic Preservation Commission, which is limited to making recommendations only, with ultimate decisions under the ordinance left to the Planning Board.

**3. Council Consideration: How should we move forward?**

Recommended next steps include:

- a. Borough Council review and comment on draft ordinance language.
- b. Review of draft ordinance language by Borough professionals (Borough Attorney, Planner).
- c. Provide an opportunity for public comment on the proposed ordinance including letters to property owners, public forum sponsored by HPC.
- d. Borough Council votes on proposed ordinance.
- e. Planning Board reviews for consistency with the Master Plan.

**4. Back up information:**

- a. Draft Historic Landmarks Preservation Ordinance
- b. 2013 Master Plan Historic Preservation Element (rev. 10-24-13)



**BOROUGH OF MOUNTAIN LAKES  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE 02-17 \_\_\_\_\_**

**“ORDINANCE AMENDING CHAPTER 40 OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF MOUNTAIN LAKES INCLUDING ESTABLISHING A  
HISTORIC PRESERVATION COMMITTEE AND ESTABLISHING SPECIAL ZONING  
REQUIREMENTS FOR CONTRIBUTING DWELLINGS”**

**BE IT ORDAINED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 40, Land Use Administration, Article VI, “Historic Preservation,” hereby amended to read in its entirety as follows:

**ARTICLE VI**

**Historic Preservation**

**§ 40-46 Intended purposes and objectives.**

The intention of this article is to effectuate and encourage the protection, enhancement and perpetuation of historic structures and historic landscapes within the Borough, to implement the historic preservation element of the Master Plan, and to advance the following public purposes:

- A. To foster civic pride in the history and architecture of Mountain Lakes and promote the heritage and community identity of Mountain Lakes;
- B. To promote appreciation of historic resources for the education, pleasure and welfare of the local population;
- C. To encourage beautification and private reinvestment in historic resources and surrounding properties;
- D. To discourage the unnecessary demolition of historic resources;
- E. To encourage the proper maintenance and preservation of historic resources.

**§ 40-47 Historic Preservation ~~Committee~~Commission.**

**A. Establishment.**

There is hereby established within the Borough a Historic Preservation ~~Committee~~Commission, hereinafter referred to as the "~~Committee~~Commission," whose members shall serve without compensation. The Commission shall be the successor to the Historic Preservation Committee previously established by ordinance within the Borough.

**B. Responsibilities.**

The ~~Committee~~Commission shall have the responsibility to:

- (1) Prepare a survey of historic sites of the Borough pursuant to criteria identified in the survey report;

~~(2) Recommend to the Council the designation of buildings, structures, sites, objects or improvements as historic landmarks;~~

~~(3) Evaluate historic sites included in the community-wide survey against the criteria for the New Jersey Register of Historic Places and the National Register of Historic Places and prepare nominations for consideration of the State Historical Preservation Officer.~~

~~(2)(4) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements and to the Council for the adoption of historic preservation provisions, standards and criteria in the land use ordinances;~~

~~(5) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;~~

~~(3)(6) Advise the Council on any features of the annual capital budget that have historic preservation implications;~~

~~(4)(7) Advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110;~~

~~(8) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the zoning ordinance provisions concerning historic preservation to proposed construction.~~

~~(5)(9) Provide guidance to the Zoning Board of Adjustment or Planning Board, as applicable, when applicants seek clarification concerning applicability and eligibility under the Bulk Incentives set forth in this ordinance and on appeals from any decision to deny eligibility for the Bulk Incentives.~~

~~(6)(10) Advise and assist applicants for construction permits, if requested by said applicants, in advance of a formal application concerning applicability and eligibility under the Bulk Incentives set forth in this ordinance article.~~

~~(11) Review and render determinations regarding applications for certificates of appropriateness as set forth in this article.~~

~~(7)(12) Carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough.~~

~~(8)(1) Evaluate historic sites included in the community-wide survey against the criteria for the New Jersey Register of Historic Places and the National Register of Historic Places and prepare nominations for consideration of the State Historical Preservation Officer.~~

~~C. Membership.~~

~~The Committee shall consist of seven members and two alternates who shall be appointed by the Borough Council.~~

~~D. Qualifications.~~

~~Members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or a related discipline, to the extent that such professionals are available in the Borough. Committee membership shall include other persons who have demonstrated special interest, knowledge or experience in building design and construction, history, architecture or a related discipline. Members may reside outside of the Borough, except that no more than two members of the Committee shall be nonresidents. Alternate members shall meet the qualifications of regular voting members and shall be designated as Alternate No. 1 and Alternate No. 2 at the time of appointment.~~

**C. Membership; Qualifications.**

The Commission shall consist of seven regular members and two alternate members, who shall be appointed by the Council. The Council shall appoint the full membership within 60 days from the effective date of this article. At the time of appointment, members shall be designated by the following classes:

- (1) Class A - A person who is knowledgeable in building design and construction or architectural history and who may reside outside the Borough; and,
- (2) Class B - A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the Borough; and
- (3) Class C - Citizens of the Borough who shall hold no other Borough office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field. Of the seven regular members, at least one member shall be appointed from each class, and a total of at least three members shall be of Classes A and B. Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2".

**DE. Terms.**

The initial terms of office of the first regular CommitteeCommission members shall be for one, two, three or four years, to be designated by the ~~Borough~~ Council in making such appointments in the following manner: one member shall be appointed for one year, two members shall be appointed for two years, two members shall be appointed for three years and two members shall be appointed for four years. The initial terms of office for the first alternate members of the CommitteeCommission shall be for one year and two years, respectively. The term of each member shall expire on December 31 of the last year of each member's term. ~~All members of the initial Committee shall be appointed within 90 days of the final passage of this article.~~ The terms of appointment of succeeding CommitteeCommission members shall be for four years each for regular voting members and two years each for alternate members, to expire on December 31 of the last year of such succeeding member's term. Notwithstanding any other provision herein, the term of any member common to the CommitteeCommission and the Planning Board or the Zoning Board of Adjustment shall be for that person's term of membership on the Planning Board or Zoning Board of Adjustment.

**F. ~~Organization.~~**

~~At its annual organization meeting, the Committee shall elect from its membership a Chairperson to serve as presiding officer of the Committee. The Committee shall also elect a Vice Chairperson from its membership and select a Secretary who may or may not be a member of the Committee. In lieu of a Chairperson and Vice Chairperson, the Committee may elect from its membership two Co-Chairpersons to serve as presiding officers of the Committee on a shared basis.~~

**G. ~~Training.~~**

~~A majority of Committee members shall attend a conference or training session in historic preservation or a related field. Failure to obtain adequate training may result in removal from the Committee.~~

**H. ~~Vacancies.~~**

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term only, and the appointment shall be made by the ~~Borough~~ Council.

**E. Role of Alternates.**

The alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

**F. Liaison Person.**

A member of the Council shall be designated as a liaison between the Commission and the Council. The role of such liaison person shall be informational only and such person shall possess no voting rights with regard to any action taken by the Commission.

**G. Officers.**

Commission shall elect from its membership a Chairperson to serve as presiding officer of the Commission. The Commission shall also elect a Vice Chairperson from its membership and shall select a Secretary who may or may not be a member of the Commission or a Borough employee.

**H. Personal or financial interest.**

No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic landmark or a nondesignated property shall not be deemed a personal or financial interest.

**I. Removal.**

A member of the ~~Committee~~Commission may be removed by the ~~Borough~~ Council for cause; provided, however, that such member shall be entitled to a public hearing if he or she requests it.

**J. Budget; Finances.**

(1) The Council shall make provision in its budget and appropriate funds for the expenses of the Commission. The Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Borough attorney at the rate of compensation determined by the Council, unless the Council by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Council for the Commission's use.

(2) The Council shall establish by ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of applications and development reviews. These fees are in addition to any other required under any portion of this or any other applicable Borough ordinance.

**J.K. Records and procedures.**

The ~~Committee~~Commission shall keep minutes and records of all meetings and proceedings, including but not limited to voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be matters of public record. All meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-7 et seq. The ~~Committee~~Commission shall adopt such other procedural rules for the conduct of its business as it deems necessary and advisable. No ~~Committee~~Commission member shall vote or participate in any meeting concerning any matter in which he or she has a direct or indirect personal interest, monetary or otherwise.

**KL. Quorum.**

A quorum for the transaction of business shall be four regular and/or alternate members.

**§ 40-48 Designation of historic landmarks and historic districts.**

The ~~Committee~~Commission shall maintain a comprehensive historic survey of the Borough to identify historic resources. The initial survey shall be the survey conducted in conjunction with, and included in, the nomination of the Mountain Lakes Historic District for listing on the New Jersey Register of Historic Places and the National Register of Historic Places in 2005.

**§ 40-49 Special zoning requirements for contributing dwellings.**

**A. Bulk Incentives.**

In order to provide an incentive for the preservation of contributing dwellings within historic districts, the bulk requirements in the Borough zoning ordinance have been enhanced for existing contributing dwellings in historic districts that satisfy the eligibility requirements set forth in § 40-49B. It is intended that properties containing contributing dwellings that satisfy the eligibility requirements will enjoy the full benefit of the Bulk Incentives, in lieu of the corresponding standard bulk requirements, for all purposes under the Borough zoning ordinance, including any improvements to the property unrelated to the contributing dwelling (including but not limited to accessory structures, garages, swimming pools, terraces and driveways) and for the purpose of determining the scope of any variances required by the property owner.

**B. Bulk Incentives eligibility requirements.**

Properties containing contributing dwellings will be eligible for the Bulk Incentives when all of the following conditions are satisfied with respect to any alterations (including proposed alterations) made to the contributing dwelling after the Bulk Incentives Effective Date:

- (1) *Street-facing facades.* The alterations to any street-facing facade must be compatible with the existing or original structure, and in particular with respect to the primary street-facing facade:
  - (a) The proportion between the width and height of the alterations must be compatible with the primary street-facing facade of the existing or original structure.
  - (b) The proportions and relationships between doors and windows in the primary street-facing facade must be compatible with the existing or original structure.
  - (c) Any alterations consisting of side additions to the primary street-facing facade must have a minimum setback of 12 inches from the plane of the existing primary street-facing facade, and any associated roofline must have a minimum setback of 12 inches from the existing roof line.
  - (d) The following exceptions to the foregoing minimum setback requirements will be permitted where there is, as of the Bulk Incentives Effective Date, an existing side addition or side porch to the primary street-facing facade:
    - [1] an existing open-air porch that does not comply with the 12-inch setback requirement may be enclosed within the existing plane of the porch,
    - [2] an existing side addition that does not comply with the 12-inch setback requirement may be extended a further five feet to the side of the same plane as the existing side addition.

All of the foregoing exceptions are subject to compliance with the overall modified bulk requirements.

- (2) *Height and roof shapes.* The height of the alterations must be compatible with the existing structure. The design of the roof and any dormers must be compatible with the existing roof and dormers. Any alterations must preserve the existing or original roof ridge, roof pitch and overhangs of the existing or original structure, and new or altered dormers must be compatible with the typical styles of dormers associated with the original structure.
- (3) *Architectural details.* Architectural details and materials must be incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the existing or original structure. Windows may be replaced as long as they contain real or simulated divided lights, grille patterns, sizes and shapes that are compatible with the typical style of windows associated with the original structure and otherwise comply with the requirements of this subparagraph (3).
- (4) *Retention of original structure.* After completion of the alterations:
  - (a) 100% of the existing primary street-facing facade width and height must be retained intact consistent with the other requirements of this § 40-49B.
  - (b) At least 75% of the floor area of the original structure as it existed on December 31, 1938 must remain. Interior renovations and any restoration to match the original will not be deducted in determining compliance with the 75% requirement.
- (5) *Approval of exceptions to bulk incentives eligibility requirements.* An owner of a contributing dwelling may seek approval for past or future alterations made after the Bulk Incentives Effective Date that do not strictly comply with the bulk incentives eligibility requirements, provided such alterations are compatible with the existing or original structure as determined by the Zoning Board of Adjustment, upon the recommendation of the CommitteeCommission, under its authority to decide special questions under N.J.S.A. 40:55D-70(b), provided that no special notice shall be required for such application. In connection with any application for approval under this § 40-49B(5), the CommitteeCommission may request that the applicant or its architect meet with the CommitteeCommission to review the alterations that are the subject of the application and submit such documentation as the CommitteeCommission reasonably requires in order to evaluate the application. Any proposed alterations that receive final approval under this § 40-49B(5) must be commenced within one year from the date of the final approval. Upon final approval of the application and completion of the alterations, the CommitteeCommission will update any photographic records maintained in connection with this ordinance to reflect the alterations as if they had been made prior to the Bulk Incentives Effective Date. Any alterations approved under this § 40-49B(5) shall be deemed for all purposes under this ordinance, including the checklists and certifications required under § 40-49D(2), to have been made prior to the Bulk Incentives Effective Date.

**C. Modified bulk requirements.**

The following modified bulk requirements will apply to properties containing contributing dwellings that satisfy the eligibility requirements set forth in § 40-49B:

- (1) Limit on FAR:

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	16%
R-A	21%

- (2) Limit on ILC:

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	24%
R-A	30%

- (3) Minimum side setback (each side and combined total both sides):

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	20 ft. minimum side setback; minimum total of 50 ft. both sides
R-A	20 ft. minimum side setback; minimum total of 50 ft. both sides

- (4) Grade Plane Calculations:

A height variance shall not be required for an addition to a contributing dwelling in the event that the addition causes a change in the grade plane calculation, provided that the addition is at least one story lower than the adjoining portion of the pre-existing structure.

- (5) Pre-existing nonconforming setbacks and height:

- (a) A property containing a contributing dwelling with a side setback of less than 20 feet as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming side setback, provided that (1) after the completion of the alteration or improvement, the property complies with the requirement that there be a minimum total side setback of 50 feet on both sides, and (2) the alteration does not result in an increase in the bulk of the portion of the contributing dwelling or any other structure or improvement within the existing nonconforming side setback.
- (b) A property containing a contributing dwelling with a front or rear setback of less than the applicable minimum setback set forth in the zoning ordinance as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming front and/or rear setback, provided that the alteration or improvement does not result in an increase in the bulk of the portion of the contributing dwelling or any other structure or improvement within the existing nonconforming front and/or rear setback.
- (c) A property containing a contributing dwelling with a height (in stories or feet) in excess of the applicable maximum height set forth in the zoning ordinance as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming height, provided that the alteration or improvement does not result in an increase in the portion of the contributing dwelling or any other structure or improvement that exceeds such maximum height.

**D. Documentation and approval of Bulk Incentives eligibility.**

- (1) Eligibility for Bulk Incentives will be determined by the Zoning Officer.
- (2) Whenever an applicant seeks Borough approval of a construction permit in reliance on the Bulk Incentives, or makes any other application to the Zoning Board of Adjustment or the Planning Board relying in whole or in part on eligibility for the Bulk Incentives, the applicant shall submit all of the following as part of the submission of the applicant's application:
  - (a) A fully completed checklist and certification in the form of Appendix A to this article from a New Jersey licensed professional architect that any alterations (including any proposed

alterations) made to the contributing dwelling after the Bulk Incentives Effective Date comply with all of the requirements of § 40-49B and that the architect is familiar with the publication entitled, "Historic Mountain Lakes – Restoration and Renovation Handbook." In order to enable access to the foregoing publication by certifying architects, the CommitteeCommission shall publish such publication on its website and make physical copies of such publication available upon written request.

- (b) In order to facilitate the Committee'sCommission's periodic review of certifications made under this § 40-49D pursuant to § 40-49F, at least one additional complete copy of the applicant's application, including the checklist and certification required under § 40-49D(2)(a), shall be delivered to the CommitteeCommission. The Borough shall modify all application checklists, including for construction permits or applications to the Zoning Board of Adjustment or the Planning Board, to include a requirement of confirmation and proof that this delivery requirement has been satisfied by the applicant.
- (3) If the Zoning Officer determines that, notwithstanding the submission of the checklist and certification required under § 40-49D(2), the applicant's application for a construction permit does not comply with the requirements of § 40-49B, the Zoning Officer shall deny the application and provide the applicant with a written statement of the grounds for such denial.
- (4) The applicant may appeal a denial of an application under § 40-49D(3) to the Zoning Board of Adjustment following the procedures under the zoning ordinance applicable to denials of zoning permits generally. The applicant may combine such appeal with an application to the Zoning Board of Adjustment for a variance with respect to the standard regulations as set forth in §§ 245-19 and 245-20.
- (5) The Planning Board or Zoning Board of Adjustment, as applicable, may also determine eligibility for Bulk Incentives in connection with any application for a subdivision involving a lot on which a contributing dwelling is located. Eligibility for Bulk Incentives shall be limited to the lot on which the contributing dwelling will be located after the subdivision and shall be determined using the procedures set forth in § 40-49D(2). Where the subject application for a subdivision does not involve any alterations to the contributing dwelling, eligibility for Bulk Incentives will be measured based on any alterations that have been made to the contributing dwelling after the Bulk Incentives Effective Date and prior to the date of the proposed subdivision.

**E. Requests for clarification.**

An applicant or architect may request clarification from the Zoning Board of Adjustment or Planning Board, as applicable, for a determination whether a given structure is eligible for the Bulk Incentives or whether a proposed alteration meets the eligibility requirements set forth in § 40-49B for the Bulk Incentives. The CommitteeCommission will act in an advisory capacity in such requests to the Zoning Board of Adjustment or Planning Board. The Zoning Board of Adjustment or Planning Board shall render its decision no later than 60 days after the date a request is submitted.

**F. Review of certifications.**

In order to evaluate the effectiveness of the certification process required under § 40-49D(2) in effectuating the purposes of this ordinance, the CommitteeCommission shall from time to time review applications that have been submitted in reliance on the Bulk Incentives and the accompanying checklists and certifications required under § 40-49D(2) and may make recommendations to the Planning Board and Borough Council regarding potential revisions to this article based on the results of such review.

**G. Records relating to alterations to contributing dwellings.**

- (1) Whenever a question arises, for purposes of this article, as to the condition of a contributing dwelling on the Bulk Incentives Effective Date, the applicant and the applicant's certifying



architect shall have the burden of establishing what the condition of the contributing dwelling was on the Bulk Incentives Effective Date.

- (2) In order to facilitate establishing what the condition of contributing dwellings was on the Bulk Incentives Effective Date, all applicable Borough departments will maintain copies, which may be in hard copy or digital format, of files relating to applications for construction permits relating to contributing dwellings and make such files available to prospective applicants and their certifying architects for inspection and copying upon request. In addition, the CommitteeCommission may create and maintain a photographic record of contributing dwellings to be used in documenting the condition of contributing dwellings.

**§ 40-50 Demolitions and relocations.**

**A. Demolition of a contributing dwelling.**

- (1) For any application for a demolition permit for a contributing dwelling, the Construction Official shall issue a demolition permit provided that all of the following requirements have been fully met:

(a) Demolition Notice.

[1] The applicant shall cause to be delivered to the CommitteeCommission a notice setting forth the following:

[A] The applicant's intent to demolish, including a description of the subject property (by block and lot as well as by physical location) and a description of the contributing dwelling to be demolished; and

[B] The anticipated time frame(s) associated with the demolition.

[2] The notice shall include proof of payment of a non-refundable fee of \$500 to the Borough of Mountain Lakes. This fee shall cover the costs incurred by the CommitteeCommission and the Borough for review under this Ordinance.

[3] The notice shall be delivered to the CommitteeCommission either in person at the Borough Hall or by certified mail.

(b) Notice Period. The "Notice Period" shall commence on the date the notice is delivered to the CommitteeCommission and shall run for a period of time of 90 days.

(c) Documentation. During the Notice Period, the applicant shall, on not less than 10 days' prior notice from the CommitteeCommission, [1] provide access for a period of four hours during the Notice Period to all interior and exterior areas of the contributing dwelling proposed for demolition to permit documentation of the contributing dwelling, or [2] provide documentation of the contributing dwelling to the CommitteeCommission in accordance with guidelines established by the CommitteeCommission. Such documentation may include photographs, floor plans, measured drawings, an archeological survey, and any other comparable form of documentation stipulated by the CommitteeCommission. Where the applicant elects to provide documentation of the contributing dwelling to the CommitteeCommission pursuant to § 40-50A(1)(c)[2], the CommitteeCommission shall send a letter to the applicant either confirming that the applicant has complied with the requirements of this § 40-50A(1)(c) or notifying the applicant of any deficiencies in the applicant's submission. If the CommitteeCommission does not send a letter to the Applicant within sixty (60) days of the submission, of the Applicant's documentation, the Applicant shall be deemed to have complied with the requirements of this § 40-50A(1)(c).

(d) Confirmation of Compliance. At the conclusion of the Notice Period, if the applicant still wishes to demolish the subject contributing dwelling, the applicant shall perform the following:

- [1] File an application for a demolition permit with the Construction Official; and
- [2] Provide the Construction Official with an affidavit of delivery relating to the notice to the ~~Committee~~Commission including a copy of the notice and proof of delivery in person at the Borough Hall or mailing by certified mail; and
- [3] Provide the Construction Official with a copy of a letter from the ~~Committee~~Commission confirming that the applicant has complied in all respects with its obligations pursuant to § 40-50A(1)(c).

(2) *Permit Fee.* The fee for an application for a demolition permit for a contributing dwelling set forth in Chapter 111 shall be increased by a defined amount over the otherwise applicable fee for non-contributing dwellings, which amount shall initially be \$500 as of the Bulk Incentives Effective Date and shall thereafter be adjusted from time to time. This increased fee shall be in addition to the non-refundable fee paid pursuant to § 40-50A(1)(a)[2].

(3) *Assignment.* No assignment of the rights granted by a demolition permit to demolish shall be permitted.

(4) *Expiration of Approval.* In cases where demolition is permitted, the demolition permit shall be valid for one year from the date of expiration of the Notice Period. The one-year period shall not be extended.

**B. Applicability of Bulk Incentives.**

(1) *Relocations.* A contributing dwelling will not be ineligible for Bulk Incentives solely because it has been relocated from its original site to another location within the boundaries of the historic district.

(2) *Replacement Dwellings.* The Bulk Incentives set forth herein will not be available for a building which replaces a demolished or relocated contributing dwelling.

**§ 40-51 Designation of historic landmarks.**

**A. Criteria for designation.**

The criteria for evaluating and designating historic landmarks shall be guided by the National Register Criteria. The Commission or any person may recommend designation of historic landmarks that are in accordance with the National Register Criteria or that possess one or more of the following attributes:

- (1) Character, interest, or value as part of the development, heritage or cultural characteristics of the Borough, State or Nation; or
- (2) Association with events that have made a significant contribution to the broad patterns of our history; or
- (3) Association with the lives of persons significant in our past; or
- (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
- (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Borough, State or Nation; or
- (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
- (7) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
- (8) Ability or potential ability to yield information important in prehistory or history.

**B. Historic landmarks designated.**

Based on the criteria set forth in § 40-51A, the following are designated as historic landmarks pursuant to this ordinance.

- (1) The Station, which is located at 99 Midvale Road (Block 128, Lot 22 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (2) The Lake Drive School, which is located at 10 Lake Drive (Block 100, Lot 5 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (3) Briarcliff School, which is located at 93 Briarcliff Road (Block 87, Lot 1 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (4) The Community Church, which is located at 48 Briarcliff Road (Block 82, Lot 7 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (5) St. Peter's Episcopal Church, which is located at 215 Boulevard (Block 55, Lot 58 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (6) The Mountain Lakes Club, which is located at 18 Lake Drive (Block 100, Lot 1 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- (7) The Midvale Stores Buildings (The Market), which are located at 44-50 Midvale Road (Block 106, Lots 6, 9 and 9 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.

- (8) The Mountain Lakes Garage Building, which is located at 12 Baldwin Lane (Block 107, Lot 2 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
  - (9) The Masonic Lodge Building, which is located at 280 Boulevard (Block 100, Lot 31.02 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
  - (10) The Grimes House, which is located at 4 Craven Road (Block 118, Lot 4.01 on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
  - (11) The entrance gates to the Borough at the Boonton Township border on the Boulevard and at Crane Road [(Block , Lot and Block , Lot on the Borough Tax Map)], shall be designated a historic landmark under this Ordinance.
  - (12) The Esplanade, which is located on Romaine Road across from the Station (Block , Lot on the Borough Tax Map), shall be designated a historic landmark under this Ordinance.
- C. Within 30 days of the effective date of any ordinance designating a historic landmark under this § 40-51, the Borough Clerk will send a notice of such designation to the property owner and the Construction Office, and shall cause such notice, in recordable form, to be recorded with the property records for such property in the Registry Department of the Morris County Clerk's Office. Any failure to record such notice shall not affect the validity of the designation or applicability of the requirements of this ordinance to any historic landmark.

**§ 40-52 Referral of applications involving historic landmarks.**

- A. Pursuant to N.J.S.A. 40:55D-110, the Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development or application for a certificate of appropriateness submitted to either board involving historic landmarks. This referral shall be made when the application is deemed complete or is scheduled for a hearing, whichever occurs sooner. The Planning Board or Zoning Board of Adjustment will forward to the Commission a complete set of all application materials. The Commission shall be allowed at least 45 days from the day it receives a complete application to prepare its recommendations to either the Planning Board or Zoning Board of Adjustment. Said recommendations shall be in the form of a written report which will be forwarded to the appropriate board, and may also be conveyed through its delegation of one of its members to testify orally at the hearing on the application.
- B. On all matters referred to the Commission which require approval by the Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only. In reviewing applications for development, the Commission may comment on any of the zoning and land use considerations which are relevant to the application. The Planning Board or Zoning Board of Adjustment, as applicable, shall consider the testimony and/or written report(s) presented and may disapprove or change any of the recommendations made by the Commission and shall record in its minutes the reasons for not following such recommendations.

**§ 40-53 Certificate of appropriateness.**

**A. When required.**

A certificate of appropriateness issued by the Planning Board shall be required before any work is commenced on any historic landmark, whether or not a permit is required for such work, including but not limited to the following:

- (1) Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the replacement of windows and doors, except for the activities described in § 40-53B below.

- (2) Demolition of any building, structure, site, object or improvement.
- (3) Relocation of a principal or accessory building, structure, site, object or improvement.
- (4) Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.

**B. When not required.**

A certificate of appropriateness shall not be required:

- (1) before a permit is issued by the Construction Official for changes to the interior of a structure.
- (2) for exterior or interior painting of existing structures.
- (3) for changing the exterior appearance of any building, structure, site, object or improvement solely if all of the changes to the exterior appearance are not visible from any street, or
- (4) if, in the opinion of the Planning Board, the work contemplated constitutes "ordinary maintenance and repair" as defined by this chapter. In such cases, and if a permit is required for the proposed work, the Planning Board shall promptly notify the Construction Official that a certificate of appropriateness is not required as a prerequisite to the issuance of the permit.

**C. Procedures.**

- (1) Except for the circumstances described in § 40-53B, no work shall be performed on any historic landmark until either a certificate of appropriateness has been issued by the Planning Board for such work or until a determination has been made by the Planning Board that no certificate of appropriateness is necessary for such work due to the fact that the proposed work constitutes "ordinary maintenance and repair" pursuant to § 40-53B(3) above.
- (2) All applicants for a certificate of appropriateness, or for a determination of nonnecessity pursuant to § 40-53B(3) above, shall complete an application form. Application forms shall be made available in the office of the Construction Official. Completed applications shall be filed with the Construction Official, who shall then forward the application package promptly to the Planning Board.
- (3) Each application for a certificate of appropriateness or for a determination of nonnecessity shall be accompanied by sketches, drawings, photographs, descriptions or other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and historical photographs of the interior and exterior of the building. The Planning Board may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision.
- (4) The Construction Official shall forward a copy of all permit applications dealing with historic landmarks to the Planning Board prior to issuance of the requested permit, except where the permit relates to the type(s) of work described in § 40-53B(1) and (2) above.
- (5) The Planning Board shall render a decision on each application for a certificate of appropriateness, or for a determination of non-necessity pursuant to § 40-53B(3) above, and submit its report to the Construction Official within 45 days of referral of same by the Construction Official. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Planning Board.

**D. Informational meetings.**

Persons considering action that requires a certificate of appropriateness are encouraged to request an informal informational meeting with the Planning Board and/or its chairman prior to submitting a formal application for a certificate of appropriateness or for a determination of non-necessity pursuant to § 40-53B(3) above. The Commission and/or its chairman may also participate in such meetings on request by the applicant or the Planning Board. Requests for such informational meetings can be made to the Planning Board secretary. The Planning Board and/or its chairman shall hold such informational meetings within 30 days of receipt of such request. The purpose of an informational meeting is to review the design issues and standards of appropriateness and the procedures for obtaining a certificate of appropriateness or a determination of non-necessity pursuant to § 40-53B(3) above.

**E. Application review.**

- (1) The Planning Board shall hold a public hearing on all applications for certificates of appropriateness. No public hearing shall be required in order for the Planning Board to render a determination of non-necessity pursuant to § 40-53B(3) above.
- (2) Prior to holding a public hearing on an application for a certificate of appropriateness, the Planning Board shall, in addition to complying with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., notify the applicant in writing at least 20 days prior to the hearing by personal service or certified mail setting forth the time, date and place of the hearing.
- (3) An applicant for a certificate of appropriateness shall not be required to appear or to be represented at the hearing in order for the Planning Board to consider the application for a certificate of appropriateness, and the Planning Board may take action in the absence of the applicant.
- (4) At the hearing, the Planning Board shall allow all persons the opportunity to be heard concerning the issuance of a certificate of appropriateness for the proposed work.
- (5) After conducting the public hearing, the Planning Board shall render a determination on the application. All determinations shall be in writing with an explanation of the reasons for the decision, and shall be delivered promptly to the Construction Official. The Planning Board shall grant a certificate of appropriateness to the applicant if it finds the application appropriate to the historic landmark and in conformity with the standards and criteria set forth in § 40-54. The Planning Board may issue a certificate of appropriateness subject to certain condition(s), which shall be set forth in detail in the Planning Board's written decision. The Planning Board shall deny the issuance of a certificate of appropriateness if it finds the application inappropriate to the historic landmark and/or not in conformity with the said standards and criteria. The Planning Board's denial of a certificate of appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for the said work by the Construction Official. Upon receipt of the Planning Board's written determination, the Construction Official shall notify the applicant of said determination in writing within five days thereof.
- (6) Failure of the Planning Board to render its written determination to the Construction Official within the 45 day period referenced above shall be deemed to constitute a determination in favor of the issuance of a certificate of appropriateness for the proposed work and without conditions. In the event that the applicant has consented to an extension of time to consider the application, the Construction Official shall be notified of said extension and no certificate of appropriateness or permit shall be issued for the proposed work until a determination has been rendered by the Planning Board during the extension period.
- (7) The owner shall post the certificate of appropriateness on a conspicuous spot on the exterior of the designated property visible to the public during the entire process of work.

- (8) When a certificate of appropriateness has been issued, the Construction Official or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Planning Board the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.
- (9) A certificate of appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Planning Board.
- (10) The performance of unauthorized activities shall be deemed to be a violation of this chapter and may subject the responsible parties to sanctions imposed hereunder.

**F. Minor applications.**

The chairman of the Planning Board, or other designated member(s) of the Planning Board acting on the chairman's behalf, may review applications for minor work (minor applications) without holding a public hearing. If the chairman finds the application appropriate, he/she may act in place of the full Planning Board without the necessity of a public hearing and is authorized to issue a certificate of appropriateness to the Construction Official for said minor work. The Construction Official shall then authorize the applicant to proceed and issue any required permit associated therewith. If the chairman does not find the application appropriate, the application shall be scheduled for a public hearing before the full Planning Board.

**G. Emergency procedures.**

- (1) When a historic landmark requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with applicable construction codes immediately upon approval of the Construction Official, who shall certify that a bona fide emergency of the type referenced herein exists, without first obtaining a certificate of appropriateness from the Planning Board. Under such circumstances, the repairs performed shall be only such as are necessary to preserve the continued habitability of the building or structure and/or the health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure.
- (2) Simultaneously with the commencement of the emergency work, the property owner shall make a request for a certificate of appropriateness from the Planning Board memorializing the approval for said emergency work. This request shall be made through the Construction Official pursuant to the procedures set forth in § 40-53C above.
- (3) It should be noted that the procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Construction Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Construction Official and Commission pursuant to the procedures set forth in § 40-53E above.

**H. Requirement of obtaining certificates of appropriateness for government actions.**

- (1) It is recognized that the intent and purposes of this chapter would not be fully served if the Borough and other governmental agencies were to control the actions of others but fail to apply similar constraints to itself. The Borough of Mountain Lakes, when it plans to undertake any work on any municipally owned historic landmark, may submit such plans to the Commission and shall receive an advisory report on the appropriateness of those plans before undertaking the work.
- (2) In those circumstances where the Borough cannot require compliance, as in certain cases involving the county, State and Federal governments, the Borough most strongly urges the voluntary cooperation of such agencies in seeking a certificate of appropriateness and hereby

authorizes the Planning Board to consider such requests and applications. This does not relieve the property owner from complying with applicable State and Federal regulations regarding historic preservation.

**§ 40-54 Standards and criteria.**

- A. The purpose of this section is to provide uniform standards and criteria for the regulation of historic landmarks for use by the Planning Board. All projects requiring a certificate of appropriateness and all applications for development on historic landmarks shall be governed by the principles of the Secretary of the Interior's Standards for Rehabilitation (as contained within the Secretary of the Interior's Standards) and by the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.
- B. In reviewing applications for certificates of appropriateness, the Planning Board may consider the siting, design, arrangement, texture, details, scale, shape, materials, finish and relationship to streetscape and/or landscape of the proposed work and the relationship of those characteristics to the historical significance of the historic landmark.
- C. *Criteria for Review.* In its review of historic landmarks, the Planning Board shall give consideration to certain criteria, including but not limited to the following:
- (1) The historical value of the landscape or streetscape.
  - (2) The historical value of a building, structure, site, object, improvement or district and its relationship to property of the surrounding area.
  - (3) The general compatibility of the proposed use to the historical value of the surrounding area.
  - (4) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its review under these guidelines, the following criteria shall be utilized:
    - (a) All exterior elevations, including the roof, must be maintained and new construction must be compatible with existing structures, districts and surrounding areas.
    - (b) Inkind or similarly compatible building materials must be utilized.



**§ 40-55**

**General.**

**A. Other requirements unaffected.**

The requirements of this article shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

**B. Powers of other boards and committees.**

No duties or powers of the CommitteeCommission shall supersede or infringe on the powers of other Borough boards and committees.

**Section 2.** Chapter 40, Land Use Administration, Section 40-3, entitled "Definitions", is hereby amended to include the following additional definitions:

ADDITION -- An extension or increase in the size, floor area or height of any building, structure, site, object or improvement.

**BULK INCENTIVES** – The modified bulk zoning requirements applicable to contributing dwellings satisfying the eligibility requirements set forth in § 40-49.

**BULK INCENTIVES EFFECTIVE DATE** – With respect to any contributing dwelling, shall mean, (a) for all contributing dwellings that are described as a "Haggood" or "Belhall" structure in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, August 11, 2012, and (b) for all other contributing dwellings, April 1, 2017.

CERTIFICATE OF APPROPRIATENESS – That document issued by the Planning Board which is required before any work may be commenced on any historic landmark.

COMMITTEECOMMISSION – The Historic Preservation CommitteeCommission established pursuant to the provisions of this article.

**COMPATIBLE** – When used in connection with a component of an alteration, shall mean the component is consistent or in keeping with the original structure or the existing structure. In order to be compatible, a component of an alteration is not required to be identical to components of the original structure or the existing structure. Being compatible includes both restoration and replacement of the original structural component.

**CONTRIBUTING DWELLING** – (1) One of the dwellings that (a) were constructed on or before December 31, 1938, (b) are listed as "contributing buildings" within the Mountain Lakes Historic District in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, and (c) have not been demolished; and (2) such other structures as are designated as "contributing dwellings" by ordinance upon the recommendation of the CommitteeCommission and the Planning Board.

The CommitteeCommission shall publish a listing of contributing dwellings on its website.

**DEMOLITION or DEMOLISH** – The razing, dismantling or destruction, whether entirely or in significant part, of any designated building, structure, site, object or improvement.

**EXISTING**– When used in connection with a structure or a component or feature of a structure, refers to such structure as it existed on the Bulk Incentives Effective Date, including alterations deemed to have been made prior to the Bulk Incentives Effective Date pursuant to an approval granted under § 40-49B(5).

HISTORIC – Having historical, cultural, architectural, archaeological, economic, social or other significance as defined by the provisions of this chapter.

HISTORICAL – Of, relating to, or having the character of history.

HISTORIC DISTRICT – The Mountain Lakes Historic District in the New Jersey Register of Historic Places and the National Register of Historic Places.

HISTORIC LANDMARK – Any building, structure, site, object or improvement which is designated as a historic landmark under § 40-51.

HISTORIC RESOURCE – Any buildings, structures, sites, objects, improvements or landscapes which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant.

IMPROVEMENT – A building or other structure, or any work constituting a man-made alteration of, or addition to, any building, structure, site or object.

LANDSCAPE – The visual character of the land, including but not limited to architecture, building setbacks and height, fences, hedgerows, plantings and views.

MINOR APPLICATION – Any application for a certificate of appropriateness which:

- a. Does not involve demolition, relocation or removal of a historic landmark;
- b. Does not involve an addition to a historic landmark;
- c. Is a request for approval of fences, signs, lighting, paving or streetscape work which, in the opinion of the chairman of the Planning Board, will not substantially affect the characteristics of the historic landmark;
- d. Is a request for a field change for a certificate of appropriateness which has already been issued and which meets the criteria of paragraph c. above.

NATIONAL REGISTER CRITERIA – The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R. 60.4, et seq.

ORDINARY MAINTENANCE AND REPAIR – The repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with inkind material and quality workmanship.

ORIGINAL– When used in connection with a structure or a component or feature of a structure, refers to such structure as it existed when originally constructed.

PRIMARY STREET-FACING FACADE – For a contributing dwelling that has only one street-facing façade, the primary street-facing façade is such street-facing façade. For a contributing dwelling that has more than one street-facing façade, the primary street-facing façade will be the street-facing façade of the contributing dwelling with the greatest width, with the following exceptions: (i) if the contributing dwelling has a formal (or “front”) entrance door in the street-facing façade facing the street that is also the street of the contributing dwelling’s street address, the primary street-facing façade is the street-facing façade containing such entrance door, and (ii) the owner of a contributing dwelling with multiple street facing facades may designate another street-facing façade as the primary street-facing façade for that contributing dwelling provided that the CommitteeCommission determines that such designation will better preserve the historic integrity of the contributing dwelling or the historic streetscape.

RECONSTRUCTION – The act or process of reproducing, by means of new construction, the form, features and detailing of a non-surviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and in its historic location when documentary and physical evidence is available.

REPLACE or REPLACEMENT – The act or process of replicating any exterior architectural feature that is used to substitute for a deteriorated or extensively damaged architectural feature.

RESTORATION – The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of later work or the replacement of missing earlier work.

SECRETARY OF THE INTERIOR'S STANDARDS – The publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties," 36 C.F.R. 68, issued in 1992 and revised and supplemented from time to time.

STREET-FACING FACADE – The principal facade of a contributing dwelling that (i) directly faces a street which abuts the property on which the contributing dwelling is located and which is actively used as a roadway for vehicular traffic by the public, and (ii) is at an angle of zero to 45 degrees to the portion of such street that abuts the property. Contributing dwellings located on corner lots and "through lots" shall typically be considered to have two street-facing facades.

STREETSCAPE – The visual character of the street including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, sidewalks, curbing and landscaping.

VIEW – The view by the public of a building, structure, site, object, improvement or landscape from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

**Section 3.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof. Each of the provisions of this Ordinance relating to Bulk Incentives are inseparable from the remainder or any portion thereof, and if any section or provision of this Ordinance relating to Bulk Incentives, including the limitations on eligibility for Bulk Incentives, shall be held invalid in any Court of competent jurisdiction, then all provisions of this Ordinance relating to Bulk Incentives shall be invalid.

**Section 4.** All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**APPENDIX A**  
**CHECKLIST AND CERTIFICATION FOR**  
**ELIGIBILITY FOR BULK INCENTIVES**

**This Checklist and Certification must be completed, sealed and certified by a licensed architect.**

**ELIGIBILITY FOR BULK INCENTIVES**

Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Owner \_\_\_\_\_  
Address \_\_\_\_\_  
Block Number \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Application Number \_\_\_\_\_

This Checklist and Certification is intended to assist the certifying architect in confirming that any **alterations** (including any proposed **alterations**) made to the **contributing dwelling** after the applicable **Bulk Incentives Effective Date** comply with all of the requirements of § 40-49B. The certifying architect remains fully responsible for ensuring the applicant is eligible for the **bulk incentives**. Certain terms are used as defined in the Mountain Lakes Land Use Administration Ordinance, including those in boldface type. For purposes of this Checklist and Certification, (1) all questions relating to "alterations" refer to all **alterations** (including any proposed **alterations**) made to the **contributing dwelling** after the **Bulk Incentives Effective Date**, and (2) any **alterations** approved under § 40-49B(5) shall be deemed for all purposes to have been made prior to the **Bulk Incentives Effective Date**. Eligibility for the **bulk incentives** is confirmed where all responses are checked to confirm the statement is correct, except where otherwise indicated:

1.  The principal **dwelling** located on the applicant's property is currently listed as a **contributing dwelling** on the Mountain Lakes Historic Preservation ~~Committee's~~Commission's historic preservation incentives website, is not a replacement constructed after 1938 for a **dwelling** that has been **demolished** on such property, and otherwise satisfies all of the requirements in the definition of **contributing dwelling** in the Mountain Lakes Land Use Administration Ordinance.
  
2.  The applicable **Bulk Incentives Effective Date** for the **contributing dwelling** on the property is:  

\_\_\_\_\_ August 11, 2012                      \_\_\_\_\_ April 1, 2017
  
3.  The **contributing dwelling** has more than one **street-facing façade**. If this is checked, please fill in the blank in the following statement: The **primary street-facing façade** of the **contributing dwelling** is located \_\_\_\_\_ (describe location).
  
- 4.1  Check here if the following statement is applicable. [If this item has been checked, you may skip all remaining questions except Questions 20 and 21.]
- 4.2  Check here if the following statement is not applicable, and continue with the next question.

No **alterations** have been (or are proposed to be) made to the **contributing dwelling** after the **Bulk Incentives Effective Date**. [This should only be checked where the application does not involve proposed **alterations** to the **contributing dwelling** -- for example, where the application only involves an improvement to the property unrelated to the **contributing dwelling** (including but not limited to accessory structures, garages, swimming pools, terraces and driveways) -- and there have been no **alterations** to the **contributing dwelling** since the **Bulk Incentives Effective Date**.]

- 5.1 \_\_\_\_\_ Check here if the following statement is applicable. [If this item has been checked, you may skip Questions 6 through 9 and continue with Question 10 below.]
- 5.2 \_\_\_\_\_ Check here if the following statement is not applicable, and continue with the following questions.

No **alterations** have been (or are proposed to be) made to any **street-facing facade** of the **contributing dwelling** (including side additions or enclosures or extensions of side porches) after the **Bulk Incentives Effective Date**.

6. \_\_\_\_\_ The **alterations** to any **street-facing facade** are **compatible** with the **existing** or **original structure**. (§ 40-49B(1))
7. \_\_\_\_\_ The proportion between the width and height of the **alterations** is **compatible** with the **primary street-facing facade** of the **existing** or **original structure**. (§ 40-49B(1)(a))
8. \_\_\_\_\_ The proportions and relationships between doors and windows in the **primary street-facing facade** are **compatible** with the **existing** or **original structure**. (§ 40-49B(1)(b))
9. \_\_\_\_\_ (If the following is applicable, check here and confirm below that one of the requirements below applies. If not applicable, please write "NA.")

The **alterations** include side additions to the **primary street-facing facade**.

- 9.1 \_\_\_\_\_ Any **alterations** consisting of side additions to the **primary street-facing facade** have a minimum setback of 12 inches from the plane of the **existing primary street-facing facade**, and any associated roofline will have a minimum setback of 12 inches from the **existing** roof line. (§ 40-49B(1)(c))

- 9.2 \_\_\_\_\_ (If the following is applicable, check here and confirm below that one of the requirements below applies. If not applicable, please write "NA.")

There was, on the **Bulk Incentives Effective Date**, an **existing** side addition or side porch to the **primary street-facing facade** (§ 40-49B(1)(d)):

- 9.2.1 \_\_\_\_\_ an open-air porch that existed on the **Bulk Incentives Effective Date** and does not comply with the 12-inch setback requirement has been (or will be) enclosed within the **existing** plane of the porch, and overall bulk requirements will be complied with. (§ 40-49B(1)(d)[1])

- 9.2.2 \_\_\_\_\_ a side addition that existed on the **Bulk Incentives Effective Date** and does not comply with the 12-inch setback requirement has been (or will be) extended no more than a further five feet to the side of the same plane as the **existing** side addition, and overall bulk requirements will be complied with. (§ 40-49B(1)(d)[2])

10. \_\_\_\_\_ The height of the **alterations** is **compatible** with the **existing structure**. (§ 40-49B(2))
11. \_\_\_\_\_ The design of the roof and any dormers will be **compatible** with the **existing** roof and dormers. (§ 40-49B(2))
12. \_\_\_\_\_ The **alterations** preserve the **existing** or **original** roof ridge, roof pitch and overhangs of the **existing** or **original structure**. (§ 40-49B(2))

13. \_\_\_\_\_ (If the following is applicable, check here and confirm that the requirement below applies. If not applicable, please write "NA.")

**Alterations** include new or altered dormers.

- 13.1 \_\_\_\_\_ Any new or altered dormers are **compatible** with the typical styles of dormers associated with the **original structure**. (§ 40-49B(2))

14. \_\_\_\_\_ Architectural details and materials are incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the **existing or original structure**. (§ 40-49B(3))

15. \_\_\_\_\_ (If the following is applicable, check here and confirm that the requirement below applies. If not applicable, please write "NA.")

Windows will be **replaced** or have been **replaced** since the **Bulk Incentives Effective Date**.

- 15.1 \_\_\_\_\_ The **replacement** windows contain real or simulated divided lights, grille patterns, sizes and shapes that are **compatible** with the typical styles of windows associated with the **original structure** and otherwise comply with the requirements of this subparagraph (3). (§ 40-49B(3))

16. \_\_\_\_\_ After completion of the **alterations**, 100% of the **existing primary street-facing facade** width and height is retained intact consistent with the other requirements of this Checklist and Certification. (§ 40-49B(4)(a))

17. \_\_\_\_\_ After completion of the **alterations**, at least 75% of the floor area of the **original structure** as it existed on December 31, 1938 remains. (Interior renovations and any **restoration** to match the **original** will not be deducted in determining compliance with the 75% requirement.) (§ 40-49B(4)(b))

18. \_\_\_\_\_ I have read and am familiar with the publication entitled, "Historic Mountain Lakes – Restoration and Renovation Handbook." (Available on the Mountain Lakes Historic Preservation [CommitteeCommission](#) website, or upon written request to the Mountain Lakes Historic Preservation [CommitteeCommission](#).)

19. \_\_\_\_\_ To the best my knowledge, any **alterations** to the **contributing dwelling** that were performed after the **Bulk Incentives Effective Date** and prior to the date of this Checklist and Certification, together with any proposed **alterations** (in each case excluding **alterations** that are deemed to have been made prior to the **Bulk Incentives Effective Date** pursuant to an approval granted under § 40-49B(5)), fully comply with the requirements of § 40-49B.

**MUST BE COMPLETED FOR ALL CERTIFICATIONS:**

20. \_\_\_\_\_ I have printed and submitted with each copy of this application (1) true and correct color copies of photographs of the **contributing dwelling** located on the property that are currently available on the Mountain Lakes Historic Preservation [Committee'sCommission's](#) historic preservation incentives website representing the condition of the property as of the **Bulk Incentives Effective Date**, and (2) color copies of photographs of the **contributing dwelling** located on the property that accurately represent corresponding views of the **contributing dwelling** as of the date of this certification.

21. \_\_\_\_\_

I have caused to be delivered to the Mountain Lakes Historic Preservation ~~Committee~~Commission, in care of the Mountain Lakes Borough Hall, at least one additional complete copy of the applicant's application, including this Checklist and Certification and the photographs required under Question 20.

Certified by: \_\_\_\_\_

Print Name: \_\_\_\_\_

License #: \_\_\_\_\_

Date: \_\_\_\_\_





# BOROUGH OF MOUNTAIN LAKES

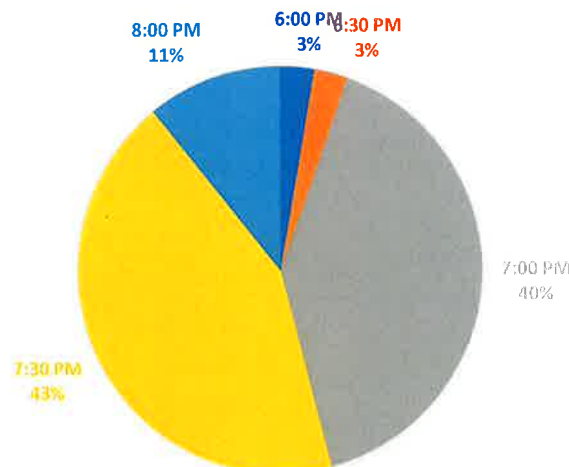
LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

## Discussion Item: Proposed Change to Borough Council Meeting Start Time

Prepared by: Tom Menard

1. Proposal: Change Borough Council meeting start time from 8:00 PM to 7:00 PM
2. Current Status/Facts: Some Council Members have expressed interest in moving to an earlier meeting start time. 89% of other Morris County municipalities have a Public Session start time earlier than 8 PM.
3. Questions for Council:
  - a. What are the pros & cons of an earlier start time?
    - Impact on Borough Council
    - Impact on the Public
    - Impact on Borough Professionals
  - b. If the meeting time is changed to 7 PM, should Executive Sessions be held before or after the regular public session?
    - Only 16% of other Morris County municipalities hold their Executive Sessions before their Public Session. 66% hold Executive Session after their Public Session. The remaining municipalities do not have a specific Executive Session start time or the information is unavailable.
  - c. Moving the meeting time to 7 PM would NOT be to allow for longer Council meetings. In addition to having an earlier meeting start, are there suggestions to help make meetings more efficient and reduce meeting duration?
4. Back-Up Information: Survey of other Morris County municipalities (summary chart below)

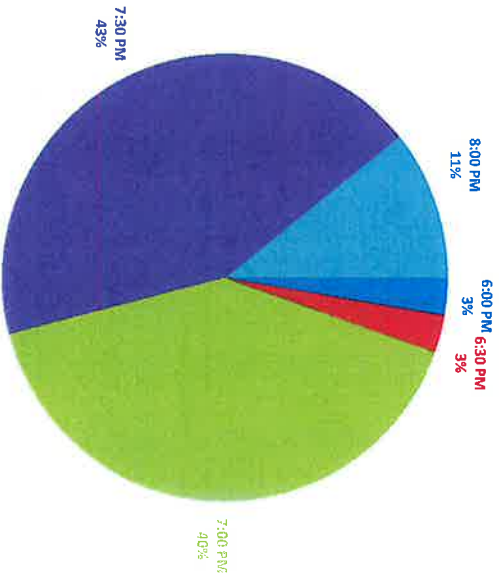
### PUBLIC SESSION START TIME



Municipality	Public Session Start Time	Executive Session Timing	Executive Session Start Time
Boonton	7:30 PM	End	
Boonton Twp.	7:00 PM	End	
Butler	7:00 PM	End	
Chatham Boro	7:30 PM	No Set Time	
Chatham Twp	7:30 PM	End	
Chester	7:00 PM	End	
Chester Twp	7:00 PM	End	
Denville	7:30 PM	End	
Dover	7:00 PM	End	
Florham Park	6:30 PM	End	
Hanover	7:00 PM	End	
Harding	7:30 PM	End	
Jefferson	7:00 PM	End	
Kinnelon	8:00 PM	Beginning	7:00 PM
Lincoln Park	7:30 PM	End	
Long Hill	7:30 PM	Beginning	6:45 PM
Madison	8:00 PM	Beginning	7:00 PM
Mendham Boro	8:00 PM	End	
Mendham Twp	7:30 PM	End	
Mine Hill	7:30 PM		
Montville	8:00 PM	Beginning	7:00 PM
Morris	7:00 PM	Beginning	5:00 PM
Morris Plains	7:30 PM	No Set Time	
Morristown	7:30 PM	Beginning	7:00 PM
Mt. Arlington	7:00 PM	End	
Mt. Olive	7:00 PM	End	
Netcong	7:30 PM	End	
Parsippany	7:00 PM	End	
Pegannock	7:00 PM	End	
Randolph	7:00 PM	End	
Rivervale	7:30 PM	End	
Rockaway Boro	7:30 PM		

6:00 PM	6:30 PM	7:00 PM	7:30 PM	8:00 PM
1	1	15	16	4

### PUBLIC SESSION START TIME



Rockaway Twp	7:30 PM	No Set Time	
Roxbury	7:30 PM	End	
Victory Gardens	6:00 PM	None	
Washington	7:00 PM	End	
Wharton	7:00 PM	End	



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Mitchell Stern**  
**Borough Manager**  
[mstern@mtnlakes.org](mailto:mstern@mtnlakes.org)

400 Boulevard  
Mountain Lakes, NJ 07046  
P -973-334-3131 ext.2006  
F -973-402-5595

TO: Honorable Mayor and Borough Council  
SUBJ: Manager's Report  
CC: Marcy Gianattasio, Borough Clerk  
Robert Oostdyk, Borough Attorney

The following represents the Manager's report for the Borough Council meeting of June 10, 2019.

**Clean Communities Grant** – The Borough has been notified that it will be receiving its distribution of the Clean Communities Grant in the amount of \$11,050.87. The program is funded by a legislated user-fee on manufacturers, wholesalers and distributors that produce litter-generating products. The nonprofit New Jersey Clean Communities Council oversees the reporting requirements for the program, and disbursements are based on housing units and miles of municipally owned roadways.

**Cove Cleanup** – Cleanup of the Cove is underway. Non-native river rocks, weeds and other debris is being removed and a mixture of grass and clover is being planted. The effort is being performed by our DPW team under the direction of Borough volunteer Brian Marshall. Mr. Marshall's expertise in riparian buffers has been instrumental in our efforts to beautify this area and remain in compliance with NJ DEP regulations.

**Boulevard / Pocono / N. Pocono Intersection** – As mentioned in my May 17<sup>th</sup> weekly update, I am seeking Borough Council's approval to notify Morris County's Engineering Department of our interest in having an engineering design created for traffic light upgrades and other intersection improvements. The County of Morris has a cost sharing program for this type of project and granting the County permission to move forward with the design will provide the Borough with a cost estimate for the project.

**Annual Audit** – A copy of the Borough's annual audit is included in your valise. A joint resolution required by the State of NJ will be on the agenda for the next meeting of BC. The joint resolution serves to attest that all members of Borough Council have reviewed, as a minimum, the sections of the annual audit entitled "General Comments" and "Recommendations."



# BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Mitchell Stern**  
**Borough Manager**  
[mstern@mtnlakes.org](mailto:mstern@mtnlakes.org)

400 Boulevard  
Mountain Lakes, NJ 07046  
P -973-334-3131 ext.2006  
F -973-402-5595

TO: Honorable Mayor and Borough Council  
Subj: Manager's Report for June 10, 2019  
Page 2 of 2

**New Police Vehicle** – In my original 2019 budget presentation, I requested \$50,000 for the funding of a replacement four-wheel drive police vehicle. Funds were located in an existing account for the purchase, and the request was removed from the budget with the understanding that the purchase would be paid with the existing funds. I am working with Chief Bennett to begin the process of purchasing the vehicle. Attached is a copy of the police department's vehicle fleet.

**Trash Bag Sales vs. Costs Data** – During a previous Borough Council meeting, a request was made to our CFO Monica Goscicki regarding income and expenses as related to the sale of trash bags. The below numbers represent revenue (sales of trash bags) as well as the expenses involved to purchase the bags, tipping fees to dispose of the filled bags, host fees paid to the MCMUCA and recycling fees required by the State of NJ.

	2018	2017	2016
Revenue	186,450.75	190,975.00	198,845.50
Costs	145,873.51	151,010.41	143,269.08

Please reach out with questions or concerns.

**Mitchell**

**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS, NJ**

**RESOLUTION 106-19**

**“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”**

**WHEREAS**, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and

**WHEREAS**, the Finance Office has certified that funds are available in the proper account; and

**WHEREAS**, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated **June 10, 2019** and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 10, 2019.

  
Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer		X	X			
Horst			X			
Korman			X			
Lane			X			
Menard			X			
Shepherd	X		X			
Barnett			X			

## List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 06/10/2019 For bills from 05/23/2019 to 06/05/2019

Check#	Vendor	Description	Payment	Check Total
15819	4032 - ACME ROLLING STEEL DOOR CO.	PO 20361 BIRCHWOOD BEACH PROJECT	6,894.00	6,894.00
15820	189 - ANCHOR ACE HARDWARE	PO 19946 BIRCHWOOD BEACH PROJECT - BLANKET 2	182.40	182.40
15821	189 - ANCHOR ACE HARDWARE	PO 20432 DPW - TOOLS/MATERIALS/SUPPLIES - BL	490.56	490.56
15822	3957 - ATLANTIC COAST FIBERS, LLC	PO 20486 RECYCLING CHARGE - BLANKET 2019	663.32	663.32
15823	2775 - CAPITOL SUPPLY CONSTRUC PROD, INC	PO 19978 WATER DEPARTMENT - EQUIPMENT & TOOL	326.08	326.08
15824	2196 - CHRISTINA WHITAKER	PO 20456 2019 HEALTH BENEFITS REIMBURSEMENT	472.82	472.82
15825	3184 - CONSTELLATION NEWENERGY, INC	PO 20681 MAR-MAY 2019 STREET LIGHTING: CUST#	1,183.40	1,183.40
15826	1481 - CORE & MAIN, LP	PO 19977 WATER DEPARTMENT - EQUIPMENT - BLAN	1,225.00	1,225.00
15827	3460 - CORE PROMOTIONS, LLC	PO 20607 POLICE: SUNGLASSES FOR BIKE RODEO	484.99	484.99
15828	431 - COUNTY CONCRETE CORP.	PO 20618 BIRCHWOOD BEACH RENOVATION	440.00	440.00
15829	2396 - COUNTY WELDING SUPPLY CO.	PO 20508 DPW - EQUIPMENT & TOOLS - BLANKET 2	210.06	210.06
15830	3923 - CUSTOM PATCHES, INC	PO 20641 RECREATION: SWIMMING	250.99	250.99
15831	653 - GANNET NEW JERSEY NEWSPAPERS	PO 20421 CLERK - 2019 ADVERTISING ACCT#31471	326.10	326.10
15832	3884 - DECOTIIS, FITZPATRICK, COLE & GIBLI	PO 20646 APRIL 2019 PROFESSIONAL SERVICES	87.50	87.50
15833	643 - DENVILLE LINE PAINTING, INC.	PO 20494 FIRE DEPARTMENT - BUILDING MAINTENA	350.00	350.00
15834	4042 - ELIFEGUARD, INC.	PO 20511 BIRCHWOOD BEACH RENOVATION	2,381.31	2,381.31
15835	4060 - FAIR SHARE HOUSING CENTER	PO 20660 2019 SETTLEMENT AGREEMENT	3,000.00	3,000.00
15836	769 - FOREST LUMBER	PO 19937 DPW - EQUIPMENT & TOOLS - BLANKET	39.80	
		PO 20509 BIRCHWOOD BEACH PROJECT - BLANKET 2	3,014.10	3,053.90
15837	815 - GATES FLAG & BANNER CO. INC	PO 20605 MEMORIAL DAY CELEBRATION	325.50	325.50
15838	503 - HERBERT J. COHRS	PO 20454 2019 HEALTH BENEFITS REIMBURSEMENT-	1,140.26	1,140.26
15839	3817 - IL TORRENTE PIZZA	PO 20538 DPW - MEALS - BLANKET	79.21	79.21
15840	3306 - INTERSTATE BATTERY OF NJ DIST #4573	PO 20041 DPW - VEHICLE REPAIRS & MAINTENANCE	27.10	27.10
15841	859 - JCP&L	PO 20677 ACCT#100 050 702 156 - BILL PRD: 4/	5.15	
		PO 20678 MAST ACCT#200 000 054 011/ BILL DAT	5.40	10.55
15842	4006 - JET VAC EQUIPMENT, LLC	PO 20012 WATER DEPARTMENT - EQUIPMENT - BLAN	79.00	79.00
15843	1062 - JOHNNY ON THE SPOT, LLC	PO 20624 MAY/JUNE 2019 - CUST ID# 014738 - P	160.00	
		PO 20633 MAY/JUNE 2019 - CUST ID# 014738 - P	160.00	320.00
15844	4033 - JUST THE BEST, INC.	PO 20614 BIRCHWOOD BEACH RENOVATION	7,600.00	7,600.00
15845	1090 - KENVIL POWER MOWER	PO 20152 DPW - EQUIPMENT REPAIR - BLANKET 20	233.63	
		PO 20540 DPW - EQUIPMENT REPAIR	3,287.13	3,520.76
15846	3588 - MCELROY, DEUTSCH, MULVANEY & CARPEN	PO 20676 APRIL 2019 PROFESSIONAL SERVICES -	1,109.95	1,109.95
15847	1455 - MICRO SYSTEMS-NJ.COM, L.L.C.	PO 20653 2019 PROFESSIONAL SERVICES FOR TAX	2,540.65	2,540.65
15848	3648 - MONMOUTH TELECOM	PO 20430 2019 TELEPHONE SERVICES / ACCT# 362	1,310.45	1,310.45
15849	1295 - MORRIS CTY MUNICIPAL UTILITIES	PO 20666 SOLID WASTE DISPOSAL - MARCH 2019	8,920.49	
		PO 20666 SOLID WASTE DISPOSAL - MARCH 2019	1,976.06	
		PO 20665 SOLID WASTE DISPOSAL - APRIL 2019	10,573.65	21,470.20
15850	1311 - MORRIS CTY TREASURER	PO 20448 2019 COMMUNICATIONS DISPATCH SERVIC	26,597.42	26,597.42
15851	1316 - MOST DEPENDABLE FOUNTAINS, INC	PO 20518 BIRCHWOOD BEACH PROJECT	3,415.00	3,415.00
15852	1371 - MTN. LAKES BOARD OF EDUCATION	PO 20670 JUNE 2019 MTN LAKES SCHOOL DISTRICT	1,739,372.20	1,739,372.20
15853	3915 - MUNCO OF NJ	PO 20673 2019 MUNCO MEMBERSHIP DUES	75.00	75.00
15854	3168 - MUNICIPAL CLERK'S ASSOC. OF MORRIS	PO 20667 CLERK: 2ND QUARTER MEETING	130.00	130.00
15855	1435 - NAZZARENO MOSCARINI	PO 20457 2019 HEALTH BENEFITS REIMBURSEMENT	570.12	570.12
15856	881 - NCK	PO 19879 BLANKET: 2019 DNS HOSTING / ACCT# G	21.95	21.95
15857	2968 - OPTIMUM	PO 19899 2019 DPW INTERNET SERVICES ACCT# 07	123.05	123.05
15858	3984 - PENTAIR AQUATIC SYSTEMS	PO 20497 PARKS & BEACHES - GENERAL MAINTENAN	1,020.54	1,020.54
15859	1714 - POWER PLACE, INC.	PO 20565 DPW - EQUIPMENT & TOOLS - BLANKET 2	255.96	255.96
15860	1822 - R.S. PHILLIPS STEEL, LLC	PO 20506 DPW - EQUIPMENT REPAIR - BLANKET 20	130.56	130.56
15861	2397 - ROCKAWAY AUTO RESOURCES, LLC	PO 20334 FIRE DEPT. VEHICLE REPAIRS - 2019 B	43.47	43.47
15862	114 - SOLITUDE LAKE MANAGEMENT	PO 20440 2019 LAKE MANAGEMENT - BLANKET - CU	5,805.00	5,805.00
15863	3944 - STEVEN M. GLUCK	PO 20672 CONSTRUCTION: 2019 NJ BUILDING SAFE	576.42	576.42
15864	3427 - THE FORNARA GROUP LLC	PO 20623 REFUND: MINOR SOIL MOVING PERMIT	400.00	400.00
15865	253 - THOMAS BARBATO	PO 20455 2019 HEALTH BENEFITS REIMBURSEMENT-	581.88	581.88
15866	1343 - TILCON NY, INC	PO 20581 DPW & WATER DEPARTMENT - BLANKET 20	1,084.31	
		PO 20581 DPW & WATER DEPARTMENT - BLANKET 20	1,077.76	2,162.07
15867	1536 - TREAS, STATE OF NJ - D.O.H.	PO 20682 MAY 2019 DOG LICENSING FEE	19.80	19.80
15868	2135 - VERIZON WIRELESS	PO 20591 ACCT# 882388054-00001 /APR 05 to MA	757.30	757.30
15869	2186 - W.E. TIMMERMAN CO., INC	PO 20553 DPW - SWEEPER REPAIR	2,894.47	
		PO 20553 DPW - SWEEPER REPAIR	3,987.08	6,881.55
15870	4031 - WAYNE ELECTRICAL SUPPLY CO.	PO 20375 BIRCHWOOD BEACH PROJECT - BLANKET	3,361.27	3,361.27
15871	2161 - WELDON ASPHALT, INC.	PO 20537 DPW - POTHOLE REPAIRS & MAINTENANCE	1,975.38	1,975.38
15872	2237 - ACUITY SPECIALITY PRODUCTS, INC.	PO 20524 DPW - BUILDING MAINTENANCE - BLANKE	426.99	426.99

TOTAL

1,856,258.99

**List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT**

Meeting Date: 06/10/2019 For bills from 05/23/2019 to 06/05/2019

Check#	Vendor	Description	Payment	Check Total	
<b>Summary By Account</b>					
ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-192-08-105-000	FEES & PERMITS			400.00	
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXP'S	456.10			
01-201-20-140-020	COMPUTER SERVICES	1,621.95			
01-201-20-150-020	TAX ASSESSOR - OTHER EXPENSES	940.65			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	87.50			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	1,109.95			
01-201-22-195-020	UNIFORM CONST - OTHER EXPENSES	651.42			
01-201-23-220-020	GROUP INSURANCE PLANS-EMPLOYEE	2,765.08			
01-201-25-241-020	TRAFFIC & SAFETY COMM. - OTHER EXPENSES	484.99			
01-201-25-250-020	INTERLOCAL SERVICES: MC DISPATCH - OE	26,597.42			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	12,400.37			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	20,157.46			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	337.37			
01-201-28-370-020	PARKS & PLAYGROUNDS OTHER EXP.	250.99			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	7,145.54			
01-201-30-420-020	CELEBRATION OF PUBLIC EVENTS - O/E	325.50			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	10.55			
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	1,183.40			
01-201-31-440-020	TELECOMMUNICATIONS	2,067.75			
01-207-55-000-000	LOCAL SCHOOL TAXES PAYABLE			1,739,372.20	
01-260-05-100	DUE TO CLEARING			0.00	1,818,366.19
<b>TOTALS FOR</b>	<b>Current Fund</b>	<b>78,593.99</b>	<b>0.00</b>	<b>1,739,772.20</b>	<b>1,818,366.19</b>
02-200-40-700-340	Clean Communities Grant			2,894.47	
02-260-05-100	DUE TO CLEARING			0.00	2,894.47
<b>TOTALS FOR</b>	<b>FEDERAL AND STATE GRANTS</b>	<b>0.00</b>	<b>0.00</b>	<b>2,894.47</b>	<b>2,894.47</b>
04-215-55-982-000	2016 CAPITAL ORDINANCE 06-16			29,264.14	
04-260-05-100	DUE TO CLEARING			0.00	29,264.14
<b>TOTALS FOR</b>	<b>General Capital</b>	<b>0.00</b>	<b>0.00</b>	<b>29,264.14</b>	<b>29,264.14</b>
05-201-55-520-520	Water Operating - Other Expenses	2,714.39			
05-260-05-100	DUE TO CLEARING			0.00	2,714.39
<b>TOTALS FOR</b>	<b>Water Operating</b>	<b>2,714.39</b>	<b>0.00</b>	<b>0.00</b>	<b>2,714.39</b>
13-260-05-100	DUE TO CLEARING			0.00	19.80
13-295-56-000-000	DOG LICENSE FEES-DUE STATE NJ			19.80	
<b>TOTALS FOR</b>	<b>Animal Trust</b>	<b>0.00</b>	<b>0.00</b>	<b>19.80</b>	<b>19.80</b>
20-260-05-100	Due to Clearing			0.00	3,000.00
20-300-60-000-000	RESERVE FOR AFFORDABLE HOUSING			3,000.00	
<b>TOTALS FOR</b>	<b>AFFORDABLE HOUSING</b>	<b>0.00</b>	<b>0.00</b>	<b>3,000.00</b>	<b>3,000.00</b>



Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
Total to be paid from Fund 01	Current Fund	1,810,366.19			
Total to be paid from Fund 02	FEDERAL AND STATE GRANTS	2,894.47			
Total to be paid from Fund 04	General Capital	29,264.14			
Total to be paid from Fund 05	Water Operating	2,714.39			
Total to be paid from Fund 13	Animal Trust	19.80			
Total to be paid from Fund 20	AFFORDABLE HOUSING	3,000.00			
		<hr/>			
		1,856,258.99			



**List of Bills - (1710101001002) Escrow - Developers - Checking  
Developer's Escrow**

Meeting Date: 06/10/2019 For bills from 05/23/2019 to 06/05/2019

Check#	Vendor	Description	Payment	Check Total
5153	3588 - MCELROY, DEUTSCH, MULVANEY & CARPEN PO 20675	APRIL 2019 PROFESSIONAL SERVICES -	2,187.50	2,187.50
TOTAL				2,187.50

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	2,187.50
17-500-00-050-231	Sunrise Senior Living Management			2,187.50	
<b>TOTALS FOR</b>	<b>Developer's Escrow</b>	<b>0.00</b>	<b>0.00</b>	<b>2,187.50</b>	<b>2,187.50</b>

Total to be paid from Fund 17 Developer's Escrow

2,187.50

2,187.50

**List of Bills - (3310101001001) CASH - RECREATION  
Recreation Trust**  
Meeting Date: 06/10/2019 For bills from 05/23/2019 to 06/05/2019

Check#	Vendor	Description	Payment	Check Total
5271	1219 - MFAC, LLC	PO 20463 TRACK: CUSTOMIZED TENT - QUOTE	2,003.00	2,003.00
	TOTAL			2,003.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
33-101-01-001-001	CASH - RECREATION			0.00	2,003.00
33-600-00-090-000	Recreation Trust Reserves			2,003.00	
<b>TOTALS FOR</b>	<b>Recreation Trust</b>	<b>0.00</b>	<b>0.00</b>	<b>2,003.00</b>	<b>2,003.00</b>

Total to be paid from Fund 33 Recreation Trust

2,003.00

2,003.00

Resolution 107-19

**BOROUGH OF MOUNTAIN LAKES RESOLUTION**

***Resolution Renewing Liquor Licenses for 2019-2020 Licensing Term***

BE IT RESOLVED, that the Borough Council of the Borough of Mountain Lakes, in the County of Morris, State of New Jersey, does hereby approve the renewal of the liquor licenses named below for the licensing term of July 1, 2017 through June 30, 2020:

**PLENARY RETAIL CONSUMPTION LICENSES**

<b><u>License #</u></b>	<b><u>Licensee &amp; Location</u></b>	<b><u>Trading As</u></b>
1425-33-003-006	The Mansion at Mountain Lakes	Mansion at ML, LLC
1425-33-005-002	Zeris Brothers Inc.	Zeris Inn

**PLENARY RETAIL DISTRIBUTION LICENSES**

1425-44-001-015	Mountain Lakes Wine & Liquor LLC	None on File
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**CLUB LICENSES**

1425-31-006-001	Mountain Lakes Club	Mountain Lakes Club
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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on June 10, 2019.

  
Marcy Gianattasio, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer		X	X			
Horst			X			
Korman			X			
Lane			X			
Menard			X			
Shepherd	X		X			
Barnett			X			

**R108-19  
LOAN AGREEMENT  
BETWEEN  
BOROUGH OF MOUNTAIN LAKES  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIROMENTAL PROTECTION**

BORROWERS RESOLUTION

The governing body of the Borough of Mountain Lakes desires to further the public interest by obtaining a loan from the State of New Jersey in the amount of Two Million One Hundred Thousand Dollars (\$2,100,000.00) to fund the rehabilitation of the Sunset Lake Dam.

Therefore, the governing body resolves that Mitchell Stern or the successor to the office of the Borough Manager is authorized (a) to execute a loan agreement with the State for a loan in an amount not more than Two Million One Hundred Thousand Dollars (\$2,100,000.00), and (b) to execute any amendments thereto.

The Council of the Borough of Mountain Lakes authorizes and hereby agrees to complete the dam restoration project and reimburse the State in accordance with the terms and conditions of the loan agreement.

The Borough of Mountain Lakes agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed June 10, 2019.

Ayes: 7

Nays: 0

Absent: 0

RESOLUTION APPROVED:



\_\_\_\_\_  
(signature of official necessary to validate, if any)

LAUREN BARNETT

(print name)

MAYOR

(print title)

CERTIFICATION

I, Marcy Gianattasio, Municipal Clerk of the Borough Mountain Lakes Council, certify that this resolution was duly adopted by the Borough of Mountain Lakes Council at a meeting duly held on the 10th day of June, 2019; that this resolution has not been amended or repealed: and that it remains in full force and effect on the date I have subscribed my signature\*.

Marcy Gianattasio  
(signature)

MARCY GIANATTASIO  
(print name)

BOROUGH CLERK  
(print title)

ATTEST:

\_\_\_\_\_  
(signature of another official Borrower)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print title)

\*This date must be no more than sixty (60) days prior to the Borrower's execution of the agreement. If the original certification expires prior to the Borrower's execution, Borrower must submit a currently certified copy of this resolution when it returns the executed agreement to the State.

Place seal here.

APPROVED AS TO FORM:

Robert H. Costoyk Jr.  
(signature of borrower's attorney)

Robert H. Costoyk Jr., Esq.  
(print name)

Date: 6/24/19