

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

April 25, 2024

Chair Martin Kane read the Regular Meeting Notice published in the Citizen and Daily Record on January 11, 2024: Adequate notice of this meeting was posted with the Borough Clerk and on the Bulletin Board on January 8, 2024 and made available to all those requesting individual notice and paying the required fee.

Start: 7:33 PM

**ROLL CALL:**

Members Present: Kane, Menard (8pm), Sheikh, Kaplan, Ryan, Berei, Horan, Stern, Coppola, and Holliday

Absent: Russo

Also Present: Attorney, Steven Tombalakian, Bill Ryden, Engineer, Kate Keller, Planner

**REVIEW OF MINUTES:** Chris Ryan made a motion to adopt the minutes of the March 28<sup>th</sup> meeting and John Horan provided the second. The minutes were approved by voice vote of all eligible members.

**RESOLUTIONS:**

Craig School

Appl. #23-285

Chris Ryan made a motion to adopt the resolution of approval for the Craig School application and John Horan provided the second. The resolution was adopted by a vote of 6 – 0 with members Kane, Sheikh, Horan, Kaplan, Berei and Ryan voting in favor.

Dusko & Jana Joldzic

Appl. #SM24-049

John Horan made a motion to adopt the resolution of approval for the Joldzic application and Jeff Berei provided the second. The resolution was adopted by a vote of 6 – 0 with members Kane, Sheikh, Horan, Kaplan, Berei and Ryan voting in favor.

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

**PUBLIC HEARING:**

New Application:

King of Kings Lutheran Church  
145 Route 46  
Minor Site Plan (sign)

Appl. #24-287  
Blk.116, Lot 3.01  
OL-2/R-1 Zone

Robert Lesko was the attorney for King of Kings Lutheran Church. Pastor Steve Vera would be presenting the application.

W. Ryden said the Board needed to determine completeness. In his letter dated March 12, 2024, he recommended waivers be granted for items A18, location of tree masses, A25 floor plans,

A26 EIS, A27 Soil Erosion and Sediment Control Plan, A28 Surface Water Management Plan, A29 Wellhead Protection Compliance and A30 Landscape Plan. The Board unanimously granted the waivers.

Steve Vera noted the condition of the sign in front of the church. They wanted to replace the current sign with a larger two-sided sign in the same location. The applicant wishes to install a 55sqft sign.

Steve Tombalakian asked about the wattage of the signs lighting. He wanted to make sure the sign would not be too bright. Steve Vera said the sign manufacturer said the wattage would be 3.1 watts per square ft. The sign will be on a timer and go off at 9pm. Martin Kane asked if the sign was dimmable. Yes, it is.

No one from the public wished to speak about the application.

A motion was made by Mitchell Stern to approve the application as presented. A second was provided by John Horan. The Board voted 9 to 0 to approve the application with members Kane, Sheikh, Kaplan, Ryan, Berei, Horan, Stern, Coppola, and Holliday voting in favor.

**COMMITTEE REPORTS:** There were no committee reports.

### **Other Matters**

#### *Ordinance 5-24 – Establishing Conditional Use Standards for Churches and Schools*

Martin Kane stated the lack of Conditional Use Standards for churches and school was an issue identified in the 2023 Master Plan Reexamination Report. The Ordinance Committee worked on an Ordinance to handle this, and the Council has reviewed the draft Ordinance and made their own adjustments. The Board's job was to determine if the Ordinance was not inconsistent with the Master Plan. Kate Keller, our Planner, has prepared a memo dated April 22, 2024, which give us some background and guidance on the Ordinance.

Mr. Kane opened the meeting to the public for comment. Susanne Platt, of 210 Laurel Hill Road, generally supported the ordinance. She did have an issue with bulk requirements, in particular the lot size and coverage. She was also concerned that following the state stormwater rules was not part of the conditional use requirements. Meghan Leininger, of 110 Kenilworth Road, was a former member of the Planning Board and a current member of the School Board and the Zoning Board of Adjustment. She was sorry to hear there had been no communication with the schools about the proposed Ordinance. Steve Tombalakian explained schools were exempt from conditional use standards. M. Leininger said the schools wanted to be involved. K. Sheikh said his understanding was the Board of Ed was notified in a memo by Borough Council, Bob Oostdyk. Abram Kirshenbaum, of 170 Laurel Hill Road, noted the goals of the town when it was formed and supported a lower ILC of 30%. Genny Ota, of 215 Laurel Hill Rd., preferred an ILC of 20%. Historically the Board has granted higher ILC to these types of facilities. Sarah Forman, a member of the Mt. Lakes School Board, said they never heard from anyone about the Ordinance. She was worried about their athletic fields and the Lake Drive School. Khizar Sheik said the Council has had this on their agenda since July. S. Tombalakian stated if the BOE wanted to build a concession stand, stadium or bathrooms facility this Ordinance would affect them. Chairmen Kane closed the meeting to the public.

Chairmen Kane asked Kate Keller to explain her April memo. K. Keller stated it is a statutory requirement for the Planning Board to do a reexamination report. The Ordinance proposed is in response to a recommendation in the report to establish conditional use standards for churches and schools. The council has the responsibility to create Zoning Ordinances. It is the Planning Boards responsibility to determine if it is consistent with the Master Plan. Currently all are permitted uses in the zone. The Ordinance was created for what exists in the residential zones now and any new uses that may be proposed. The difference is that these uses become conditional uses. RALUPA tells us all secular places of assembly, churches and schools must be treated the same. The lot size was set at 2 acres since that is much larger than what exists now. They separated these types of uses from residential homes by establishing larger setbacks and buffers. We also looked at nonresidential zones which currently have 80% coverage. That would not be appropriate for these types of uses in residential zones. The Borough has its own stormwater rules. These types of development would need to go through the site plan review process and stormwater issues would be handled at that time.

Martin Kane asked if the town had any 4 acres sites. K. Keller answered, not really, if you make the area that high you could be subject to litigation. S. Tombalakian said the details of an Ordinance is the prevue of the Council. The Planning Board looks at this much more broadly. Kate Keller said all these uses are principally permitted. The new Ordinance is making it harder for them to exist. Kelly Holliday added in the past we didn't have any rules for these types of uses. The new Ordinance is taking care of that. The Master Plan Committee was not looking to deny any of them. We were looking to create clear guidelines to develop these spaces.

Jeff Berei asked questions about the uses, such as daycare etc., listed in section 2C. Why they were not included in the conditional uses in Section 3D. Kate Keller responded they have a different set of conditional uses. Mimi Kaplan was concerned about stormwater management issues. Based on the Board conversation she would bring the Environmental Commission concerns and comments to the Council. John Horan thought 40% coverage was a zoning issue and under the prevue of the Council.

Kelly Holliday made a motion that the Planning Board did not find the ordinance inconsistent with the Master Plan. A second was provided by Mitchell Stern. The Board did recommend the Council review sections 2C and 3D to avoid any inconsistency and ambiguities. The Board voted 9 to 0 to determine the Ordinance was not inconsistent with the Master Plan with members Kane, Menard, Sheikh, Kaplan, Berei, Horan, Stern, Coppola, and Holliday voting in favor.

Martin Kane made a motion to close the meeting at 9:03PM.

Respectfully submitted,

Cynthia Shaw, Secretary