

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

April 28, 2016

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 28, 2016: Adequate notice of this meeting was given to the Citizen and the Daily Record, filed with the Borough Clerk, posted on the Bulletin Board in the Borough Hall on February 01, 2016 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:32PM

ROLL CALL:

Members Present: Kane, Nachshen, Sheola, Horan, DeVenezia, Russo and Mirsky

Absent: Dagger, Holmberg, DuTertre and Borin

Also Present: Attorney Peter Henry, Engineer Bill Ryden

PUBLIC COMMENT: none

REVIEW OF MINUTES: Rich Sheola made a motion to adopt the minutes of the March 24, 2016 meeting. Corey Nachshen provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING:

Ringo Supply Company
380 Route 46 East
Informal

Appl. #16-262
Blk. 2, Lot. 1
B Zone

Attorney Joseph O'Neill, of Garofalo & O'Neill, would be making the informal presentation. Mr. O'Neill referenced the conceptual site plan prepared by Peter Korzen dated January 14, 2016. He said 20% of the site was in Mountain Lakes and 80% was in Denville. The Borough portion of the lot provides the 35 ft. access easement to Route 46. This property was the old Lee and Company site. His client plans to keep the existing use the same and does not plan to expand it in anyway. The only planned improvements on the Mountain Lakes portion of the site are the addition of evergreens.

Peter Henry asked what was sold before and what will be done now. Peter Korzen said Lee and Co. sold water pipes and they would continue to do so. Peter Henry asked about truck parking at the site. Mr. Korzen said he did not know. Peter Henry said the applicant needed to find out if this was a continuation of a non-conforming use at the site. He continued, the garage location does not conform to our current zoning. The applicant said they were not doing anything with the garage. Arlene Mirsky questioned if this was a non-conforming use before. Mr. O'Neill said it was an approved preexisting use. Rich Sheola asked how long the other company was in existence; that was unknown.

Matthew Pennisi, was the new owner of the property. He bought the property and planned to continue the existing use but hoped to expand it at a later date. Mr. O'Neill asked Mr. Pennisi what was sold there in the past. He answered, water and sewer piping,

catch basins and valves. The previous owner had delivery trucks and trucks to load and unload material. Mr. Pennisi said he had photos showing the business existing since the 1950's. Peter Henry repeated we need to determine what business use was approved on the site in order to determine what Board Ringo Supply needed to appear before. If the use was permitted before you have to right to continue that business. Arlene Mirsky asked what Mr. Pennisi wanted to do on the site in the future. He answered he would like to continue doing what the previous owner was doing and expand it in the future. He felt it wasn't a good idea to rely on one business. Mr. Pennisi said the previous owners had a wholesale business, buying and selling material. He concluded over time the business evolved to what it was today. Nick DeVenezia asked if there were any asbestos products on the site. Mr. Pennisi said yes there were some but they have been cleaning up. Mr. DeVenezia said it looked like they were proposing a lot of truck and equipment parking. Was he going to park his landscaping equipment there? Mr. Pennisi did not do landscape work. Rich Sheola asked if he was going to park other people's equipment there; no he would not.

Martin Kane concluded it appears Ringo Supply needs to determine if they are allowed to continue the current use.

COMMITTEE REPORTS – The Planning Board decided to reinstate the Ordinance subcommittee. John Horan, Arlene Mirsky and Martin Kane will serve on the committee. The first topic they will handle will be signs in the Borough.

OTHER MATTERS – Peter Henry told the Board the Ansell's had applied to the Zoning Board of Adjustment to subdivide their property and were denied. The appeal of their earlier subdivision submission to the Planning Board was put on hold while they were heard at the Zoning Board. The Ansell's had until May 9th to refile the appeal of the denial of their subdivision by the Planning Board. Mr. Henry said the Ansell's had done so and he was asking the Board to authorize him to receive service and prepare a defense of the appeal on behalf of the Board.

A motion was made by Bethany Russo and a second provided by Rich Sheola. The Board voted 7 to 0 to allow Mr. Henry to receive service and prepare a defense.

Kings, Mountain Lakes, LLC has submitted their application. It is currently being reviewed for completeness by the town professional and committees. The Board Administrator will check to see if there is space at high school for our next meeting in order to accommodate those who may attend.

Martin Kane adjourned the meeting at 8:29PM.

Respectfully submitted,

Cynthia Shaw, Secretary