

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

August 22, 2024

Chair Martin Kane read the Open Public Meeting Notice was 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: 7:30 PM

ROLL CALL:

Members Present: Kane, Russo, Ryan, Horan, and Holliday

Absent: Sheikh, Berei, Menard, Kaplan, Coppola, and Stern

Also Present: Attorney, Steven Tombalakian, Bill Ryden, Engineer, Planner Paul, Phillips,
Traffic Engineer, John Jarr

REVIEW OF MINUTES: The July 25th minutes will be held until next month.

RESOLUTIONS: none

PUBLIC COMMENT: No one wished to speak during the public comment.

PUBLIC HEARING:

Carried Application:

Forty-Four Midvale Road, LLC, SDM Mt. Lakes, LLC, 60 Midvale Road	Appl. #24-287
44, 46, 48 Midvale Road	Blk.106, Lot 6 & 8 & 9
Major Site Plan	A zone
Parking	

Peter King, the applicant's attorney, continued application #24-287. Martin Kane said the Board had received the letter from S. Tombalakian confirming the applicant was not required to provide off site ADA parking.

Douglass Asral, an architect licensed in the state of NJ, prepared the plans for the applicant. The building at 46 Midvale Road will be renovated to change the hair salon into a bar with seating. This area will become part of the existing restaurant. The garage at 9 Baldwin, located behind the restaurant, will become an event space with a second-floor office and breakroom. The basement of 46 Midvale now houses the hair salon. Sheet Z-4 showed the floor plan for the bar. The exterior elevations, including the windows and doors, will remain the same. The applicant wishes to keep the historical façade as is. The carriage house will have the same exterior as Hapgoods. The roof ridge of the carriage house will remain, and new dormers will be added to each side. They will be adding a covered exterior staircase to get to the 2nd floor. The 1st floor event area will have 34 seats. Both the 1st and 2nd floor will have bathrooms.

K. Holliday asked about the materials being used for the stairs. It will be a wood frame with

composite decking. Paul Phillips said the height of the accessory structure is 21.6ft and only 20ft is allowed. They will need a C variance for height since the dormers run up to the peak of the structure. Peter King said the applicant wished to amend the application to include a C variance for height.

The hearing was opened to the public. Leon Halford, of 5 Pollard Road, was concerned the space only had one bathroom. D. Asral responded bathroom needs are based on the plumbing code. B. Russo asked that the maximum number of seats (34) be a condition of the resolution.

William Masters Jr., a licensed Planner in NJ, reviewed the 2013 Master Plan and the 2023 Reexamination Report. The applicant was seeking variance relief from the parking requirements and the height of the accessory structure. Off site parking and street parking are permitted per the ordinances. 68% of the parking within the proximity of the restaurant was not used during the traffic study so they did not need all the spaces required by Ordinance. This is a C-1 hardship application. The inadequate parking situation has worked for years. There is no substantial detriment to the Borough zoning ordinances. It can also be a C-2 application. The benefits outweigh the detriments. The three lots will be consolidated. Lot 6 and 8 will be eliminated so that helps the variance relief. In the 2013 Master Plan the Borough states the Midvale area is the closest thing to a town center and any future land use policies should enhance the downtown center. The increase in the carriage building height is de minimis and does not exceed the current roof line. The additional space would not be usable since it is so small.

Paul Phillips asked W. Masters his thoughts on the employees currently parking on lot 9. Mr. Masters did not think it was a problem. Martin Kane added since you are asking for variance relief shouldn't you try to improve the employee parking. Is it better to provide more coverage to create formal parking? Peter King clarified the lot would be the garbage area and not have any formal parking. S. Tombalakian said the applicant wanted the lot to remain flexible and did not want to pave it for parking. Bill Ryden said the planned parking spaces on lot 9 were eliminated in the later versions of the plans. Kelly Holliday said there should be a sign that says public parking is prohibited. Bill Ryden answered we could limit parking on lot 9 to "employee parking only" as a condition of the resolution. P. King was fine with that. Mr. Kane asked how they envisioned outdoor dining with this application since they only have approval for 15 seats from Council. The sidewalk was not their property. J. Horan added this was outside the Board's jurisdiction so they would need permission for the tables from Council.

Leon Halford asked why the applicant was not making some attempt to add parking on the lot. It was because they did not want to increase the coverage. The Board decided to add a condition prohibiting overnight parking on lot 9. Kelly Holliday asked about the hours of operation. The Board requested a condition be added to the resolution stating the restaurant would close by 10pm since it was in a residential area.

The chair opened the hearing to the public for comments. Leon Halford, of 5 Pollard Road, was concerned about the parking. Parking in that area is heavily used by all the business during the week. The Council should make the parking spaces formal. The site distance out of Pollard Road is difficult when people are at the restaurant. Could no parking signs be added between the corner of Pollard Rd and Baldwin Lane. The traffic study was done on weekend not during the week. They are making no attempt to provide parking. If the employee lot was defined rather than gravel it would look better.

The applicant was seeking a C variance for parking and height of an accessory structure. S. Tombalakian listed the potential resolution conditions. The lots will be merged, they will pay a sewer connect fee, they will add a materials ledger to the plans, the gravel area on lot 9 will be for the employees and 1 current resident, the carriage house will have a 34 person occupancy, they will not be open past 10pm and they can rebuilt the carriage house on the same footprint if foundation cannot support the new dormers. John Horan made a motion to approve the application as presented with conditions listed by Mr. Tombalakian. A second was provided by Kelly Holliday. The Board voted 5 – 0 to approve the application with members Kane, Russo, Ryan, Horan, and Holliday voting in favor.

COMMITTEE REPORTS: There were no committee reports.

Other Matters - none

Martin Kane made a motion to close the meeting at 8:50PM.

Respectfully submitted,

Cynthia Shaw, Secretary