

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

December 17, 2020

Chair Martin Kane read the Open Public Remote Meeting Notice published in the Citizen on December 9, 2020 and Daily Record on December 8, 2020: Adequate notice of this meeting was posted with the Borough Clerk and on the Front Door on December 7, 2020 and made available to all those requesting individual notice and paying the required fee.

Start: 7:30 PM

ROLL CALL:

Members Present: Kane, Horan, Holliday, Coppola, Shepherd, Stern, Berei, Menard, Russo and Leininger (7:34PM)

Also, Present: Attorney, Glenn Kienz, Engineer, Bill Ryden, Environmental Engineer, Peter Black, Traffic Engineer, John Jahr, Planner, David Novak

REVIEW OF MINUTES: David Shepherd made a motion to approve the minutes of the November 19th Board meeting and Bethany Russo provided the second. The minutes were approved by all eligible members present.

David Shepherd made a motion to approve the minutes of the November 30th Board meeting and Jeff Berei provided the second. The minutes were approved by all eligible members present.

RESOLUTIONS: none

PUBLIC COMMENT: Cathy Hadjiloucas, of 5 Lakewood Dr, questioned how the comments she made at a previous meeting were recorded. Martin Kane said if she had an issue, she could send a letter to the Board with her concerns. Michael Hollick, of 9 Lakewood Dr, asked when the public would know who the new Board members would be. Mr. Kane said they would be appointed at the Council reorganization meeting on January 4th.

PUBLIC HEARING:

Highview Commercial, LLC	Appl. # 20-273
372 Route 46E	Blk. 2, Lots 2, 5. 5.01
Major Site Plan & Minor Subdivision	Zone B
Setbacks: Front (2), Rear & Side, Pervious Buffer (2), Front Landscape Area (2), Parking Stalls,	
Signs: Area (2), Number, Height (2), Proximity to the Lot Line & Illumination, Accessory Structure Height, Improved Lot Coverage	

The attorney for Highview Commercial, LLC, John Verteri, stated their development application was for the property better known as the Zeris site located at 372 Route 46E. This would be a 3-part application. They propose to subdivide the property, build a Wawa on one lot and a Hilton

hotel on the other. This was a conditional use application. Matthew Sharo was a licensed engineer in the state of New Jersey would be giving testimony on the engineering for both site plans.

Bill Ryden, the Borough Engineer, said the applicant has requested a Waiver from item A31 - Wetland Delineation. The waiver is needed for administrative completeness. Mr. Sharo said there were no wetland on the site. The town's Environmental Engineer, Peter Black, agreed, he felt the waiver could be granted. The Board wished to reserve the right to request information pertaining to the wetlands delineation. Kelly Holliday made a motion to grant the waiver and a second was provided by Mitchell Stern. The Board voted 9 to 0 to approve the waiver with members Kane, Russo, Shepard, Menard, Stern, Horan, Coppola, Berei and Holliday voting in favor.

Matthew Sharo referenced sheet 2, last revised 9/01/20, an aerial photo of the property already submitted. The B-Zone site consists of block 2, lots 2, 5 & 5.01 totaling 4.34 acres. Its located in Mt. Lakes close to the towns of Parsippany and Denville. There is an easement providing driveway access to the Ringo Supply property. That easement will remain. He presented exhibit A-1, a colorized site plan rendering, dated 10/29/20, showing a three story, 112 room, hotel on the west side and a Wawa convenience/food market, with a canopy over fueling dispensers, on the east side. The property will be subdivided into two parcels with the hotel, lot 2, on 2.5 acres and the Wawa, lot 2.01, on 1.8 acres. There will be cross access and maintenance easements between the two properties. They propose a new driveway in the middle of the site. The site can be accessed from Route 46 and Fox Hill Road. They removed the ability to make a left out of one of the Fox Hill Road exits as requested by the Borough Traffic Engineer. The drive aisles meet the driveway aisle requirements. There are 48 parking spaces for Wawa and the hotel has 112 spaces, both meet our Ordinance requirements. The parking spaces are 9' x18' on the hotel side so they require a variance since they are not 10ft wide. The Wawa site meets all the parking requirements. There are bollards around the Wawa building to keep vehicles from jumping the curb onto the walkway. They also propose sidewalks along Rt 46 and Fox Hill Rd.

The lighting on both sites will be the same but each site will control their own lighting. The landscape plan contains different species of low shrubs and ornamental trees. They are reducing the impervious coverage on both lots and are maintaining the drainage standards, so they meet the Mt. Lakes water quality standards and the state standards for stormwater management. They added hoods to the inlets in the fueling operation areas. These cast iron hoods are installed over the pipe that leaves the catch basins keeping anything from going into the water system. The basins will be cleaned out periodically.

Mr. Sharo moved onto signage. The hotel is proposing 2 signs totaling 101sqft. Due to the large right of way the Wawa identification sign is 5ft off the property line along Route 46. The Wawa identification sign on Fox Hill Rd will be 20ft from property line as per the Ordinance. There are numerous signs on the building and on fueling canopies. They propose 7 signs at the Wawa for a total of 378sqft. The sign details were presented on exhibit A-2, dated 10/29/20. The colorized sheet showed the Wawa identification signs, 2 façade signs, the canopy spanner signs, and the signs found under the canopy.

Matthew Sharo introduced the Wawa floor plan and it's four elevations. The tower element of the building is 33ft high. It has stone veneer below the sill and on the columns, the walls above

the sill are tan efface, and the roof is metal. The right side of the building faces the hotel and the left side faces Fox Hill Rd. The Wawa loading zone is on the west side of the building. They have 4 types of deliveries: fresh produce and groceries arrive 4 to 5x per week, dairy arrives 3x per week, vendors come 6x per week, and fresh baked goods come 7x per week. They have 10 to 12 employees per shift and there are three shifts per day. They propose an outdoor ice chest on the south side of the building. It will not be used by the public. To the south of the building is the self-closing trash enclosure containing a compactor, a recycling dumpster, and a shed to hold rakes, salt, shovels, etc. Trash pickup will be 3x per week and cardboard pickup will be 2x per week.

Mr. Sharo moved on to the elevations of the canopy. Under the canopy are 16 fueling positions and 4 kiosks. They will sell 4 types of fuel. North of the canopy are the fuel tanks. There are two 22 thousand-gallon and one 20 thousand-gallon, double walled fiberglass tanks. There are 2 air stalls. The EIS and Wellhead Protection plans were approved by the Borough Engineer.

Martin Kane asked if the Board professionals had any questions. Bill Ryden asked Mr. Sharo to provide testimony on the subdivision. The subdivision plan, dated 7/8/20, showed the existing 3 lots and the proposed two lots. They propose one lot for the hotel (lot 2) containing 2.536 acres and one for the Wawa, (lot 2.01) containing 1.796 acres. Mr. Ryden said the applicant could record the subdivision by deed. Mr. Sharo agreed to comply with items 2 – 4 from section B of Bill Ryden's letter.

David Novak, of Burgis Associates, was sitting in for Steve Lydon, the Boards substitute Planner. He referenced the October 16th memo, prepared by Mr. Lydon, and the use of sustainable building practices especially charging stations. Mr. Sharo answered the Wawa did not have any plans to install charging stations. Mr. Novak asked about the use of emergency generators. Wawa uses a generator provider and does not install permanent units. They install an electrical transfer switch along the building to connect to the portable generator. Mr. Novak said the Wawa site has three additional spaces that could be eliminated to reduce coverage. Mr. Sharo answered the Wawa experience determined the number of parking spaces. When the two sites are considered together, they are under the ILC. Will there be any shared parking between the two uses? There is no need to share spaces. They have a pedestrian walkway to access the Wawa from the hotel. Why did they need a 19ft tall free-standing sign for the Wawa? Matthew Sharo said it is a function of visibility. There is a curve in the road as you come eastbound. On the west bound side the height is needed so they don't miss the Fox Hill Rd turn.

Peter Black the Boards substitute Environmental Engineer asked if the applicant had received a Soil Erosion Permit from County. The permit is handled by the Borough. Mr. Black confirmed there was no need get any approvals from the Conrail property. Mr. Kienz suggested Wawa consider install the wiring for electrical charging stations and determine their location now. The units can be installed later. Matthew Sharo said Tesla has a contract with Wawa to install the charging stations. They would have to want to put them in.

Bill Ryden asked about project phasing, will they build both sites at the same time? Mr. Sharo said they had not talked about phasing. What about the site demolition? He would ask the client. Mr. Ryden was concerned about safety issues if one location was ready before the other. He referenced item #11 of his letter pertaining to the movement of soil. Mr. Sharo answered they would be bringing in 18,000cy of fill. The Borough will need a trucking schedule, a trucking

map and clean fill verification. How do they plan to remove the demolition materials? Mr. Sharo thought they will be removing everything ASAP. Bill Ryden requested all these items be stipulated prior to the approval of the application.

Chairmen Kane moved on to questions from the Board. He asked about the traffic plan for Fox Hill Road. Mr. Sharo said Fox Hill Rd would be widened but their Traffic Engineer would present that testimony. David Shepherd asked if Mr. Sharo could provide any testimony on the fuel tanks particularly the safety measures that would be in play. Mr. Sharo answered there are electronic alarms monitoring the delivery of the fuel. The tanks do not have to be double walled, but Wawa installs that type. All the piping is double walled as well. The dispensers have bollards to protect them and they have a shear valve to shut them down. A shear valve would come into play if someone left the nozzle in their car and drove away. Wawa employees go through an extension training program and they have periodic retraining on dispensing fuel. Tom Menard asked Mr. Sharo to explain the Stormwater Management Plan. Mr. Sharo responded they are reducing the impervious coverage, so they are not required to do a plan. They collect the stormwater and recharge it to the existing catch basins. Mr. Menard asked who would own the additional lane proposed on Fox Hill Road. They are planning a 10ft easement for the road. He agreed they should consider electric car charging stations at the Wawa site. Meghan Leininger questioned how the hoods for the runoff would work if there was a drought? Mr. Sharo said there was a sump pump in the basin installed higher than the bottom. The bottom of the basin is cleaned regularly to keep any potential contamination out of the water system. Mrs. Leininger asked if the trash compound had a roof, she was concerned about bears. Mr. Sharo answered a roof would make it difficult for the trash to be picked up by a garbage truck since the trucks are front loaded. They have employees on site 24 hours a day plus the trash compactor and recycling dumpster are completely sealed. M. Leininger asked the applicant to consider white roofs on the building. She asked what would happen if someone over filled the fuel tanks. Mr. Sharo said there are alarms to prevent them from being overfilled. Wawa fueling standards exceed what is required by law.

Jeff Berei said he understood the sign on Rt 46 being 19ft tall for visibility but did not understand why the one on Fox Hill Rd needed to be that tall. Mr. Sharo answered it was so the people traveling west on Rt 46 would not miss the turn onto Fox Hill Rd. What was the height of the fuel canopy signage.? The lower end of the canopy is 14ft 10 1/2” in the air so the signage is 3 to 4ft lower. The signs under the canopy are not illuminated because the whole canopy is lit. The illumination is standard across the site and does not change throughout the day. There are 2.2-foot candles at the hotel pavement and 3.19-foot candles at the Wawa. The foot candles at the canopy are brighter, the average is 32-foot candles for safety. J. Berei asked if they could install solar panels on the canopy. Mr. Sharo said they are not proposing any, but they have been allowing third parties to install solar panels. The swoop of the canopy is facing the wrong direction.

Nick Coppola confirmed Wawa had no spill containment mechanism under the fuel tanks. Mr. Sharo responded that was what the second wall tanks were for. If the tank leaks it will trip an alarm that goes to the store and headquarters. How do the trucks come in to fill the tanks? They would enter the site from Rt 46E, go between the building and the canopy, then pull forward along the front curb line and park over the fuel tank pad. Mr. Sharo agreed to come back with the

protocol for a fuel spill. David Shepherd asked what amount of fluid would set off the alarm. Mr. Sharo said there is a pressurized space between the double tanks walls even air would set off the alarm. Mr. Shepherd asked do we have an expert on the gas tanks. Bill Ryden was not an expert, but the applicant does meet the state and federal standards. Peter Black confirmed this was part of the operation procedure for wellhead protection (NJAC7:14B for underground storage tank guidelines). The state inspectors will determine if the tanks are installed correctly and their leak detection is set up right. The state will enforce these requirements.

Bethany Russo questioned the need for a 19ft sign on Fox Hill Rd for those heading westbound on Rt 46. She requested the applicant show the Board a visual exhibit, such as a sight line drawing, so they could understand the need for it. She didn't think the sign was serving any purpose and it was imposing for the neighborhood. John Veteri said they would review that sign with their team. Kelly Holliday said the Board understood the applicant meet the Borough requirements pertaining to lighting. She requested they explain their lighting spillage for the benefit of the public. Mr. Sharo said the signage will give off less light than the light poles. There will be light spillage at the entrance. DOT requires 2-foot candles at the curb they are at .1 spillage onto Route 46. On Fox Hill Rd they are .2 at the entrance and .1 along the property line. None of the residential properties will experience light spillage. She was also concerned about the sign on Fox Hill. Their renderings do not include the bollards. Mr. Sharo said the curb line becomes a tripping hazard, so they put in bollards to protect the pedestrians and the building. The Shade Tree Commission asked for you to saving the 4 oak trees on the property. They also asked you to change out the non-native species for native ones. Mr. Sharo said they did switch out some of the plantings for native ones. They did look at the trees and they wanted to save them but could not. They planned to install 913 new trees and shrubs on the site. Meghan Leininger asked about water usage. Bill Ryden responded he did not look at the water usage yet. He was waiting for documentation from the applicant. David Shepherd said the Council had asked for off-site laundry. M. Leininger questioned their ADA parking spaces. She thought it hard for someone handicapped to enter the Wawa without going into the road. M. Sharo said they could shift some of the spaces if needed they will look at that again. Matin Kane asked if the catch basins had a regular scheduled maintenance plan. Yes, there was a regular stormwater system operations and maintenance plan that includes the basins.

Mr. Kane asked if any of our professional had any additional questions. John Jahr, of Brightview Engineering agreed they needed to plan for electric charging stations. He then asked how a pedestrian was getting from the hotel to the Wawa. Mr. Kienz mentioned the pedestrian was seeing the back side of the building. Mr. Sharo said they would use the crosswalk. They moved the crosswalk to the front of the hotel building so it lines up with the front of the Wawa. J. Jahr asked for him to explain the pedestrian traffic around the hotel building and Wawa. M. Sharo said there are crosswalks available along Fox Hill, there are sidewalks around the entire Wawa and hotel. J. Jahr was not sure who has jurisdiction at the corner at Fox Hill Road and Rt 46; NJ DOT or Mt. Lakes. N. Coppola questioned the rendering of the hotel, was it going to be updated? Jeff Berei asked about the delivery trucks used for scheduled deliveries. It was mostly done by tractor trailers with the balance of the deliveries made in box trucks.

Chairmen Kane opened the hearing to the public for questions. Walter Nieczko, of 101 Rainbow Trail in Rainbow Lakes, shared the only way a driver could see the sign on Fox Hill Rd was if

they were stopped at the light. Cathy Hajiloucas, of 5 Lakewood Drive, asked if the rumbling from the Conrail trains would affect the fuel tanks. Mr. Sharo responded no. She asked how often the tanks would be inspected. Mr. Sharo answered a third party does an annual compliance inspection and 3x per year does a physical inspection. What about the escape of vapor? Mr. Sharo said at delivery 98% of any vapor that escapes from the truck or nozzle was recaptured. When fueling vehicles, the car itself as well as the nozzle on the pump capture the vapor. Did Mr. Sharo know about the vernal pond found on the Highlands map. He would have to look at the map. She asked him to explain the removal of trash and how noisy the compactor was? The staff brings the garbage out between shifts. If you stood 3ft from the compactor it would be as loud as a fax machine. When do they pick up the garbage? During regular off-peak business hours. Do they have different building designs? Wawa does have different façade treatments. Has there been a hydrology study done? Could someone explain why Soil Erosion was “home rule”. Bill Ryden answered the Borough has retained jurisdiction for Soil Erosion plans. They review the plans for Morris County Soil Conservation and must apply all their rules to any review. Who handles the demolition and what about asbestos? Mr. Sharo said the developer will handle the demolition of the existing building. What about foot traffic accessing the Wawa? Mr. Sharo responded there will be a crosswalk on Route 46E and Fox Hill Rd. There are no sidewalks planned for Rt 46W. Mrs. Hadjiloucas was concern about potential run off. If issues arose is there someone to contact at Wawa. Someone could reach out to Wawa through the call-in center or the internet. Michael Hollick, of 9 Lakewood Drive, asked if there was a wetland walk through of the site? The Conrail property has been identified as a wood turtle habitat by the DEP. The Zeris property is 150ft from that site. M. Sharo said there wasn't a wetland walk through done at the site since the property was entirely paved. Peter Black agreed, we are already within the disturbed paved envelope. The 150ft buffer would not apply because the area has already been disturbed. Mr. Hollick felt the study should be done. Could the applicant use LEED lights for the outdoor lighting? They are providing LED lights. Could they provide a landscape buffer in the Rt 46 right of way? Bill Ryden answered we will most likely not get permission from the DOT for that. Could the Board come to the effected neighborhoods to see the light spillage? Board members can visit the site individually. Mr. Hollick said the trees on Rt 46 are deciduous and there is a lot of light spillage. Would the applicant consider more landscape screening? G. Kienz said the Board and applicant can review that. Can the Board require additional safety measures for the tanks and storm drains? Mr. Sharo answered the applicant is already doing more than is required.

John Veteri interjected the applicant will follow the law on asbestos removal. The applicant would work with the Board to add more evergreens on the south side of the property. Dena Muniz, of 7 Rainbow Trail, requested a list of variances. They can be found on the Borough web site with the application materials. How many trees will be removed from site? They are removing 76 trees and will plant 56 new trees and 32 evergreens. Will there be any signs on the interstate directing traffic to the Wawa? Not to his knowledge. If there is any ground contamination what happens after the alarm sounds. Mr. Sharo will look into the actual procedure for the Board but does know Wawa has 24-hour service in these types of situations. Ellen Foppes, of 29 Rainbow Tr, was confused about the impervious coverage. The applicant was requesting a variance for coverage on the proposed Wawa site but since this was acting as

one site the combined lots are under the 80% ILC allowed. Have you considered using dark sky light fixtures? The lights they are using are all LED and will point downward. Victoria Branchini, of 7 Pinewood Lane, asked does a pedestrian on Rt 46E have to walk all the way around to Fox Hill Road to get to the Wawa. Mr. Sharo said they will investigate adding a sidewalk on the westside of the driveway entrance for pedestrians. Will the new sidewalks be lit? No, they will use the light from the highway. Can customers use the back entrance of the Wawa? Yes, you can use that entrance. For safety reasons would you consider moving the back entrance to the side. They consider this is a safe site. The rear of the building is active with 17 parking spaces and two driveway entrances. Will they be fueling 18 wheelers? No, not at this site. Dr. Green Ford, of 5 Crestview Rd, asked if the hotel shutters, is there a contingency plan? Mr. Sharo did not know. How often will fuel be delivered to the station? Delivery is on demand, every day or two a truck will fill the tank that is empty. Are there any omissions or smells? No, due to federal laws put in place in 2000. Where does the garbage go? Is there a fee paid to the town? The town is not involved in the garbage pickup, they use a private hauler. Joseph Sarnoski, of 4 Ironwood Trail Denville, had a question about stormwater. Lake Arrowhead and Rainbow Lakes have a problem with nitrification. How do you guaranteed there will be no runoff into the lakes? Mr. Sharo said they meet the stormwater requirements, they are planting new trees, and they have less ILC. John Veteri added they are complying with the law in this area. The mitigation of fuel sites is difficult, what if this site is no longer a Wawa? John Veteri said you are speaking about old mom & pop sites before all these laws were put in place. Wawa is working under the new DEP regulations. Adam Verillo, of 76 Highwood Rd Rainbow Lakes, asked can you make a left at the southern driveway on Fox Hill Rd. Yes, you can. Why did they eliminate the left at the northern driveway? That is a question for the Traffic Engineer. Ryan Gorman, of 37 Rainbow Tr, asked when the applicant would have information on water usage and make it available to the public. John Veteri said they have some information, and we will make sure that information is distributed. Mr. Kane said the Board did not have jurisdiction over water. Andy Sadowski, of 29 Highview Rd Denville, asked if the pump island was 35ft off the property line. The canopy will be 50ft from Fox Hill Rd. There are no sidewalks from the train tracks to the site. Mr. Sharo said they could look at adding additional sidewalk. Would the proposed signs block the signage along Rt 46 for other businesses? Mr. Sharo did not believe so. When was the food delivered? Early in the morning during off peak hours. Briana Ostrosky, of 8 Rainbow Tr, asked about the sewer system. They will connect to the water and sewer system on Route 46. What was the combined flow for the site? Is there adequate capacity? Mr. Sharo said all the pipes are adequate to handle the flow. Can you define off peak hours for garbage pickup? Mr. Sharo answered daytime hours but not during the morning or lunch rush. Martin Kane said the resolution should have a condition that there will be no garbage pickup after 9pm. Would Wawa consider adding motion detectors to the lights? What about black out lights or shades for the buildings. Wawa uses tinted windows to control the indoor lights. Kristin Vandermere, of 10 Maywood Denville, asked how they were lighting of the Wawa sign. There is no external illumination on the sign. All signs will be lit from within. There will be red & green LED light for the fuel pricing. What about the lights on the building? Mr. Sharo explained their locations and height on the building, the lamp posts in the parking lot and entrances. Sandy Batty, of 15 Lockley Court, asked is this not a major development of more than 1 acre. Yes, it is but we are

reducing the impervious area, so that reduces the peak discharge rate off site. Since you are changing the grading the flow is going in the same direction. Yes, it is we must maintain the drainage patterns. Could the signs be dimmed after 10pm. G. Kienz agreed they should investigate that. The lighting does dim with ambient lighting as it gets darker, they will be the brightest during the day. Angela Tsai, of 9 Lakewood Dr, confirmed the downward lighting was for the entire site. Is there a Wawa property the public could visit? Mr. Kane answered the was new site at the corner of Passaic Ave and Fairfield Rd in Fairfield. If there is a spill how are the area residents protected? M. Sharo we will follow the Wellhead Protection Plan plus and the site is curbed. The residents will not be impacted over land. The signage variances are excessive, would the Board consider denying them? G. Kienz said the Board will consider what is presented and deliberate. Would the applicant consider putting into use the new state green infrastructure stormwater management rules that come into effect in March 2021? Sharo said they will investigate that, but they do not have to meet them. Jennifer Lynch, of 1 Fernwood Tr, confirmed emergency generators were not permanently in use even for the tank leak system. Wouldn't there be a delay while the generators were brought in? Mr. Sharo said a generator would not help with a leak. Did the Wawa sell alcohol? No, they do not. For your information, the EPA.gov labels the vernal pond as #13062. Mark Oldenwelder, of 6 Pinewood Lane, asked about vermin control. The trash is stored in sealed compactor. Outdoor employees clean up trash in the parking lots during their shift. What about pedestrian safety how are we going to keep people from getting killed in these sidewalks. The crosswalks are regulation size. Michael Hadjiloucas, of 5 Lakewood Drive, asked why the 1st order of business was a wetlands waiver. G. Kienz said it was a check list requirement and the state require all check list items to be provided or a waiver granted to deem the applicant complete. The Wawa signs will be lit 24 hours and are 19ft tall. Will any of the new trees grow larger than the sign? Mr. Sharo will get that information. He asked the dimensions of the signs. How come the lighting requirements for the restaurant and the gas station are the same. Mr. Kienz answered the Board has Ordinances that they give them direction on signage. Rich Olson, of 60 Highwood Rd Rainbow Lakes, noted the high side of the canopy faces the store. Could it be changed so the high side faces the highway reducing the light spillage for Rainbow Lakes. Mr. Sharo said the building would block the canopy from the Rainbow Lakes residents. The foot candles were .01 in that area. Could they add baffles to the lights on the canopy. The lights already point down. Could they add the trees along the south side? J. Vertri said they would look at adding trees there. Why are there two entrances onto Fox Hill Rd? Mr. Sharo will differ to the Traffic Engineer on that. The Highview application was carried to Tuesday, January 26th at 7PM.

Other Matters –

Committee Reports – There were no committee reports.

Martin Kane made a motion to close the meeting at 11:30PM.

Respectfully submitted,

Cynthia Shaw, Secretary