

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

February 18, 2021

Chair Martin Kane read the Open Public Remote Meeting Notice published in the Citizen on February 4, 2021 and Daily Record on January 31, 2021: Adequate notice of this meeting was posted with the Borough Clerk and on the Front Door on February 8, 2021 and made available to all those requesting individual notice and paying the required fee.

Start: 7:00 PM

ROLL CALL:

Members Present: Kane, Horan (7:06PM), Holliday, Coppola, Shepherd, Stern, Berei, Menard, Russo, Lane and Leininger

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

REVIEW OF MINUTES: David Shepherd made a motion to approve the minutes of the January 26th Board meeting and Bethany Russo provided the second. The minutes were approved by all eligible members present.

RESOLUTIONS: none

PUBLIC COMMENT: Cathi Hadjiloucas, of 5 Lakewood Dr, asked why photos were permitted now and could the public recall witnesses? Mr. Kane said witnesses could not be recalled. Mr. Kienz answered you can submit a photo when you ask questions or when you give testimony. Angela Tsai, of 9 Lakewood Dr, asked how neighbors who were not comfortable with technology could participate. Mitchell Stern said they could call in and raise their hand by following the prompts. Bob Grant, of 114 Ridgewood Parkway Denville, asked why everyone on the call was not visible. Mitchell Stern explained this was a webinar which is different than the usual zoom meetings people were used to. Dena Muniz, 7 Rainbow Trail, asked if the Board could disclose the number of attendees and did Board members fill out financial disclosure forms. Martin Kane said there were 35 members of the public on the webinar. The state requires the Board to fill out disclosure statements. What if the public has unanswered questions? There would be other opportunities to answer questions. Ryan Gorman of 37 Rainbow Trail, noted there have been many changes made by the applicant during the hearing. How does the town keep a record? Board members and our professionals maintain their own lists during the hearing. Michael Hadjiloucas, of 5 Lakewood Dr, asked how the Board make zoning changes. Mr. Kane said they were made by the governing body. Joseph Sanoski, of 4 Iron Tr Denville, asked if the Board could update the remote meeting system so the community could know who was in attendance. Mr. Stern replied this platform was the one the town has been using and will be using going forward. Michael Hollack, of 9 Lakewood Drive, asked if the Board was required to have a tally of attendees at a meeting. No, it is not a requirement. If someone wanted to be part of the Planning Board how do they do that? Glenn Kienz replied you can send a letter to the Council

that you are interested. Mr. Kane added the Borough makes requests for new committee members in the town eblast.

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	

John Veteri continued the application. He recalled Matthew Sharo, their Engineer, to respond to the questions the Board and public had at the last meeting. Mr. Sharo repeated the site would have 8 pumps and each one has 2 fueling positions. They will not be changing that plan. There was a request for an environmental report card. There are no such reports. Wawa does the required testing, and those results are available at headquarters and on site. The results are used by the DEP when they visit a site. All testing is done by a 3rd party. Wawa does a daily walk through by a certified employee to check all operations visible to the public. Spill prevention equipment must be tested once every three years, but Wawa inspects the equipment multiple times per year. They do a sump and dispenser visual inspection every 6 months. Wawa has its own facility spill and prevention response plan that they are willing to share. A condition of the approval can be they submit these reports to the Borough. Mr. Sharo addressed the green infrastructure questions. The hotel & Wawa will have white roofs. Wawa's building and canopy roof run off will be infiltrated into the soil if the conditions are favorable even though they are not required. They will be adding vegetative swales or 12" deep rain gardens to the site. Mr. Sharo shared exhibit A-5, dated 2-17-21, new elevations of the Wawa building. They changed the tan efface to brick but the stone on the building will remained the same. They added fake windows on the side of the building that faces the hotel. They changed the door color, so the doors blend in. Exhibit A-6, dated 2-17-21, was the canopy elevation and trash enclosure renderings. Again, they added brick and changed the doors to tan.

Nick Verderese, the applicants Traffic Engineer, reported they made changes based on the feedback at the last meeting. The northerly driveway on Fox Hill Rd was a concern. They worked with Joe Fishinger after the last meeting and will be modifying the north entrance to ingress only.

Mr. Kane asked if Board members had any questions on the changes presented by both witnesses. Mrs. Russo thanked the applicant for the changes. Martin Kane said Wawa was proposing 8 pumps and 16 fueling stations. What drives the number of pumps at a particular site? Nick Verderese answered it was not always driven by the traffic by rather the size of the site. It alleviates the waiting time during rush hour. Tom Menard asked Mr. Sharo to explain the stormwater plans in more detail. Specifically, the reduction in run off required for a 2-, 10- and 100-year storm. He asked to hear more about the charging stations and the hotel water usage. Was the laundry being done off site. David Shephard asked if there would be a pool on site. Matthew Sharo said they prepared a water usage report they will share it with the Board. The

report shows a slight increase in usage for both facilities, so they do not need any other water permits from the DEP. The laundry and pool in the hotel will be covered by others. Since they were reducing the coverage on site, they do not have to meet the new standards. By reducing coverage and adding rain gardens and swales they were improving water infiltration on the site. A 2yr storm reduces the CFS (cubic feet per second) from 9.73 to 9.56cfs. A 10-year storm the CFS goes from 14 to 14.81 and a 100-year storm it goes from 24.74 to 24.51. How will the water quality improve? By reducing coverage and adding hoods they are improving water quality. M. Kane asked how they could reduce the coverage to remove the ILC variance. The 3% they are over would be about 5000sqft, the size of the building. If it were only a few parking spots they would have never asked for the variance. John Veteri added the entire site was under the current coverage. Mr. Menard asked if the roof water from hotel was going to be infiltrated. No, it was not. He asked them to please consider doing so. Meghan Leininger asked if they would consider capturing the gray water for irrigation. Matt Sharo said they usually do that for larger buildings. John Horan asked if the water usage would be reviewed by the town or the Board. Mr. Kane said the Board did not have jurisdiction. Bill Ryden agreed, once the report was submitted, he would review it. They will need a water extension permit from DEP. Matt Sharo disagreed because they are under the threshold. Kelly Holliday thought the efface stucco and stone façade on the building would be more appropriate for the community. Wawa was willing to finish the building exterior either way.

Chairmen Kane opened the hearing to the public for questions. Sara Chedishev, of 3 Lakeside Drive, Parsippany, asked Mr. Verderese to explain the traffic pattern for the northern driveway. She asked if the time for the left-hand U-turn/turn at 46W onto Fox Hill was going to be longer? Yes, the time will be longer. Martin Kane confirmed they did a traffic analysis on that turn. The lane is long enough to accommodate any additional traffic generated by the Wawa. Adam Verillo, of 76 Highwood, provided two photos of the traffic back up on Fox Hill Rd during Co-vid. The 2 photos submitted became public exhibits 1 and 2. He took P-1, (traffic 1) on January 12th at 7:30am and P-2, (traffic 2) on January 13th at 7:50am. The last vehicle in the photo was on the bridge. Why would you not have both exits ingress only? Mr. Verillo said currently the light is green for 10 seconds. N Verderese said the que length will be shortened by the creation of two lanes. The lane extends almost to the bridge. You should always have two egress options from a property. With the new timing there is 25 seconds of green time allotted to the Fox Hill Rd approach and the traffic should clear the driveway. Mr. Verillo mentioned the number of hotels along Rt 46 that only have one entrance/exit. Why do they even have exits onto Fox Hill? Mr. Verderese said it is best to have multiple exits to disburse the site traffic evenly. Walter Nieczkowski, of 101 Rainbow Trail Rainbow Lakes, requested they do traffic surveys (non-co-vid) when the Morris County Vo-Tec School was in session. Mr. Verderese said the survey was done pre-co-vid in April of 2019 when Mountain Lakes and the surrounding municipalities were in session. W. Nieczkowski said Vo-Tec was not in session during that week. Can Wawa limit the number of people exiting and entering onto Fox Hill Rd? No, it is a public road. The bridge is scheduled to getting replaced, it will be staying two lanes. Martin Kane asked will the bridge replacement change anything if it stays two lanes. N. Verderese answered it will not change anything.

Mr. Kane asked for comments from the Borough Traffic Engineer, Joseph Fishinger. He responded he agreed with Nick Verderese's testimony. He pointed out the state was going to start requiring a second egress out of highway properties.

Ryan Gorman, of 37 Rainbow Trail, asked if the Wawa portion of the property was large enough to justify 33% more pumps than neighboring Wawas? Mr. Verderese answered you cannot make that comparison. Mr. Kane asked do more pumps lessen the traffic on site? Yes, you accommodate more cars without creating a traffic backup. Bethany Russo confirmed Wawa decides the number of pumps based on convenience. It was not tied to a traffic study or other type of report. Nick Verderese said they designed the Wawa 1st then put the hotel on the balance of the property. Kelly Holliday asked why the number of fueling stations was a concern?

Bethany Russo said it was not a fueling safety concern but rather a visual thing. Mr. Kane said he thought it was a lot of pumps compared to other sites. John Veteri added the applicant thought it helped the flow of the site. There are no variances associated with the number of pumps. Meghan Leininger asked if they reduced the number of pumps do you reduce the size or number of fuel tanks? No, the fuel tanks remain the same size. Cathi Hadjiloucas, 5 Lakewood Drive, asked if the hotel failed could the Wawa expand to the other part of the property? She asked the dates of the traffic study be clarified. Did the study consider a potential new traffic pattern through Lake Arrowhead in Mountain Lakes? Nick Verderese said most of the traffic will come from Route 46, they do not expect any traffic pattern changes. She said the crosswalk goes over Route 46 but there are no sidewalks on the other side. Mr. Verderese said the crosswalk and bus stop on Route 46E are already in existence they were just updating them. Many times, the municipality improve the infrastructure around our sites. Glenn Kienz said the hotel property will be a separate lot.

Anyone wishing to change the development would have to file an application to the Board. Dena Muniz, of 7 Rainbow Trail, asked in the traffic study, what amount of traffic would be traveling between Fox Hill and Mt Tabor Rd. Nick Verderese said about 15% of the primary traffic would originate from this area or 5% of the total traffic. She went on to seek clarification on the DOT Access Lot Permit and the Lot Consolidation Permit. The Consolidation Permit is a companion permit to the Access Permit. It only relates to subdividing the property. The Access Permit relates to the traffic. How much traffic will come from the hotel? They project only 23 entrances & 28 total trip generations from the hotel during the peak AM hours. The permit says the peak hour volume in the morning is 247 uses is that new uses or the overall volume in the morning. Nick Verderese said it was the total traffic volume on the state highway driveway. The trip generation shows a current use of 60 trips in the AM peak hour and the proposed use jumps to 515. Does that mean the trips are going to increase over 800%? That was correct. Were the population estimates based on census data? Yes, they were. Can we confirm the traffic data was not during spring break for Vo-Tec. Mr. Verderese said they always make sure the public schools are in session whenever they do a traffic study.

The Board took at break until 9:15PM.

Cathi Hadjiloucas, of 5 Lakewood Dr, asked what happens when there is a breach at the site. Matt Sharo answered if a spill is detected Wawa contacts Lewis Environmental, a company who does this type of work, to access the situation. How soon is everyone notified of a spill? Spills of 100 gallons or more are required to be reported to the DEP. Any small fuel leaks from the pump handles are cleaned up daily. Nick Verderese interjected the traffic count was taken when Morris

County Vo-Tec was open. Seth Johnston, of 49 Lakewood Dr Denville, was following up on the collection of groundwater being absorbed on site. Where would the runoff drain to? Mr. Sharo answered it would drain into the bio-retention system. Underwater drains would collect the water and discharge it into inlets near it. The vegetative swales would provide some water quality and some infiltration prior to discharging into local spots. Mr. Johnston thought that someone was going to investigate stormwater runoff into the Great Bay. Mr. Sharo said they have not been able to do so. Stormwater leaving to the north goes into the Rt 46 system and from the south will go into the swale on the Conrail site just like today. M. Kane confirmed they were treating the runoff in raingardens which would lessen the runoff leaving the property. Paul Oldenwelder, of 6 Pinewood Lane, said the Borough's Traffic and Safety Committee would like to review the plans. He asked since we are moving toward electric vehicles why does the applicant need so many pumps? John Veteri responded as things changes so will the company. Jen Lynch, of 1 Fernwood Trail, pointed out the traffic volume noted in the reports do not match each other. Nick Verderese said the volumes listed in the permit are the proposed volume for the property the other volumes are the existing traffic counts on the roadways. How long will Fox Hill Rd be out of service when it is rebuilt? The road will stay open during normal peek hours. When will the Water Usage report be given to Environmental Commission? Their water report is ready and will be provided. She felt the Borough should look at the lack of sidewalks on Lakewood and Rainbow Trail. Mr. Menard thought the applicant should investigate that. John Veteri said they will investigate it but mentioned many times the municipality would do such offsite improvements. Joy Squillace, of 58 Foxcroft Rd Parsippany, said the Parsippany school system was closed for spring break from April 15th & 16th in 2019. When can we expect a decision on the number of pumps? John Veteri said we are going with 8 pumps. Nick Verderese said the number of pumps does not factor into a traffic study, but the size of the building does. Rich Olson, of 60 Highwood Rd in Rainbow Lakes, said the applicant mentioned this site was 10ft wider than the Parsippany site. Is that enough room for another row of pumps? N. Verderese said he miss spoke the property in Mt. Lakes is 20ft wider than Parsippany. The less pumps they have the longer the wait and the line to obtain fuel will block the aisle. Brian Lynch, of 1 Fernwood Trail, was following up on the trip generation studies. He thought adding 60 additional trips to the area was too much. Mr. Verderese said as per table 1 of the traffic study 99 trips will be added in the morning traffic, 26 in the evening and 136 trips on Saturday the balance of the trips was already on the highway. Briana Ostrosky, of 8 Rainbow Trail, mentioned the rain gardens, she wanted to know if they would filter out VOC's and benzene. Mr. Sharo said they were not required to add the rain gardens, he prefers not to put the stormwater from fueling area into a rain garden. He prefers to add the water runoff from other areas go into the gardens. What do you mean when you talk about the treatment of the water? He could not answer her question because the rain gardens were not designed yet. He will work with the town professionals to design something that meets state standards. Why were no hydrology studies done? There we no need for such studies because they are reducing coverage and flows. Why was an Environmental waiver granted? Martin Kane answered there was no environmental waiver. The waiver was a check list waiver for not providing a wetland delineation for the property. Any Sadowski, 29 Highview Rd Denville, said traffic coming from the south and entering the 1st entrance on Fox Hill would stop the traffic behind them. Would that cause a backup on the bridge? Yes, but it

would but only temporarily. What days of the week was the traffic study done? They collected data for a full week and used the data from April 10th and 11th, which is standard practice. Ellen Foppes, of 29 Rainbow Trail, noticed a “No U-turns” allowed sign on the plans. Will there no longer be a U-turn. That sign was for the people heading east bound on Route 46. Joseph Sarnoski, of 4 Ironwood Tr in Denville, has concerns about nutrification issues. What is the grade of this property and what will be the grade of the swale? What percentage of property will be a swale? The grade of the property varies. The swales are not designed yet but can be designed & graded to serve their purpose. Mr. Sarnoski said we currently dredge the bay and how do we know the dredged material will not be contaminated? We will have the Borough Engineer approve the swale design. Michael Hollick, 9 Lakewood Dr, said Lakewood Dr exits onto Rt 46, with the increased development, what would be done to mitigate the danger of the pull out on to Rt 46 from that intersection? That was not part of the traffic analysis since it is off site. Michael Hadjiloucas, of 5 Lakewood Dr, asked if there would be a real estate abatement? No, there will not be one. The drainage from Lakewood Dr and the Zeris property go into the Great Bay. What are you going to do to stop that? They are not required to do anything because they are reducing coverage. Mark Odenwelder, of 6 Pinewood Lane, thought the 24-hour site would attract drunk drivers, what are you going to do to control that? John Veteri, the site is a permitted use in the zone. Will you consider reduced the number of pumps? No, they will not. Angela Tsai, of 9 Lakewood Dr, asked if the additional traffic generated by the project would make any of the surrounding intersections a level of service “D” designation. Mr. Verderese responded they are only required to look at Fox Hill Rd and Rt 46 for their study. The surrounding intersections have less than 100 new peak hour trips which is considered insignificant. Brian Lynch said the light at Fox Hill Road will have a button for pedestrians. If they hit the button how does that effect the traffic? N. Verderese said that was part of the traffic counts. The button only extends the traffic light time on Fox Hill and it only stops the traffic on Rt 46.

Due to the late hour the Board decided to continue the hearing on March 18th without further notice.

Other Matters –

Committee Reports – none

The Board will add an additional meeting to review the revised Stormwater Ordinance for consistency with the Master Plan. The Board will meet on Thursday, March 11th at 7:30PM.

Martin Kane made a motion to close the meeting at 10:43PM.

Respectfully submitted,

Cynthia Shaw, Secretary