

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

May 20, 2021

Chair Martin Kane read the Open Public Remote Meeting Notice published in the Citizen and Daily Record on March 24, 2021: Adequate notice of this meeting was posted with the Borough Clerk on March 25, 2021 and on the Front Door on March 22, 2021 and made available to all those requesting individual notice and paying the required fee.

Start: 7: 05 PM

ROLL CALL:

Members Present: Kane, Holliday (7:08pm), Coppola, Shepherd, Stern, Berei, Menard, Russo, Lane, Horan and Leininger

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

REVIEW OF MINUTES: Audrey Lane made a motion to approve the minutes of the April 15th Board meeting and Mitchell Stern provided the second. The minutes were approved by all eligible members present.

RESOLUTIONS: none

PUBLIC COMMENT: none

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	

Chairman Kane asked the Highview Attorney, John Veteri, if the applicant had anything else to add to their testimony before moving on to public comment. Mr. Veteri responded the applicant has listened to the Board, its professionals, and the public. They left with three questions to consider. Could they reduce the sign size on Rt 46 and make them more coordinated, reduce the number of signs and lower the height of the canopy? In response they have eliminated one pylon sign resulting in a combined sign for both sites. The spanner signs have been eliminated, the canopy roof design is now an a-frame, and the height of the canopy has been lowered. All the design changes have been provided to the Board and available on the Borough website.

Mr. Kane opened the hearing to the public for comments on the application. Those wishing to speak can do so for 5 minutes. He asked the public to please not repeat comments already made.

Dena Muniz, of 7 Rainbow Trail, comments focused on the Wawa. She was against the project and did not think the benefits outweighed the detriments. The site needed to be redeveloped but not with a gas station. She did not think the ratables justified the development. She thought there should be less pumps and the Wawa open less hours. Bob Grant, of 114 Ridgewood Parkway East, Denville, was disappointed there was no environmental study done. He felt the development should not be approved without a generator plan. The development would only result in a slight reduction in taxes. The Board should consider the future consequences of this development. Glenn Buie, of 15 Fraise Road Denville, thought the applicant was requesting too many variances. He suggested the applicant be required to go above the requirements for stormwater management and light spillage. Beth Byszewski, of 300 Morris Ave, said a gas station was not needed in Mt Lakes. The Board should consider the traffic the development would generate. Ed Stroh, of 4 Maple Lane Parsippany, said when making their decision the Board should consider the character of the surrounding neighborhood, the increase in traffic and response time for the fire department. The Wawa could become a cut through to avoid the light. He was worried about stormwater management and the property being in the wellhead protection area. Sarita Finnie, of 155 Boulevard, agreed with all the previous speakers. If the application was approved the 24/7 gas station would create a strain on the police department. She did not like the fact that the hotel had no in house security. The Wawa hours should be reduced. Jennifer McWilliams Ellison, of 2 Lakewood Drive, agreed with the previous comments and thought the development challenge the integrity of the community. She was worried about potential pollution, increase in traffic and criminal activity. Ryan Gorman, of 37 Rainbow Trail, thanked the applicant for the changes made to the development plan. He was still concerned with the water usage at the hotel, the 24-hour operation at the Wawa, potential crime, and the number of gas pumps. He mentioned someone would need to travel 8.7 miles to the west or 13 miles east to find another station with 16 pumps. Ellen Foppes, of 29 Rainbow Trail, said she was opposed to this project because it had too many variances. Planning is successful when we consider the entire community. Mountain is in the NJ Highlands planning area and part of the Whippany Watershed. Mountain Lakes needs to protect the drinking water for everyone in the region. She was concerned the Planning Board, Council and EDAC were not thoughtfully planning for the redevelopment of the Route 46 corridor. Joseph Sarnoski, of 4 Ironwood Trail Denville, was concern about the Great Bay specifically, the slope and vegetative swale. He felt there were too many pumps especially with manufacturing moving toward electric cars. Travel was declining, virtual meetings were eliminating a lot of business travel so why the need for the hotel. If they install 16 filling stations, there should be a more extensive environmental impact study done. Laura McCluskey, of 136 Lakeshore Dr in Lake Hiawatha, was a member of the Environmental Advisory Committee in Parsippany, she was speaking on their behalf. She listed the nearby waterways and the well in the area. She referenced the Borough's Master Plan and our desire to maintain and increase ground water recharge, minimize pollutants in our stormwater and protect the wildlife. She found it hard to explain the need for 16 pumps, a smaller fueling area would be better for monitoring. Seth Johnson, of 49 Lakewood Drive Denville, thanked the applicant for the modifications made to the development. There will be an environmental impact on the three towns, and they should be required to meet the new Stormwater requirements for a 100-year storm. The site will be busier which will bring in more pollutants to the property. He thanked the

applicant for using the Hydro International First Defense High-Capacity Treatment Device. He asked that it be maintained. Michael Hollick, of 9 Lakewood Drive, said he welcomes the redevelopment of this property, but he wished the planned redevelopment were different. A gas station was not needed. Our town has limited areas for rateables and did not believe this would increase them. Jen Lynch, of 1 Fernwood Trail, urge the Board to follow your heart and think hard about their vote. This type of development was not in keeping with Mountain Lakes history. Brian Lynch, of 1 Fernwood Trail, said there was nothing in town like this. Most large gas stations he visited in the area were at larger intersections. He was concerned with the fire departments response time, children walking to the Wawa and crime. Steve Monetti, of 14 Crestwood Drive, was worried about the traffic. All members of the Rainbow Lakes community have a Fair Share clause in their deeds. He thinks that Zeris Inn also has that clause in their deed. He was nervous the community could personally be exposed if there were any leaks from the gas station.

Board took a 10-minute break and resumed the hearing at 8:38pm

Mimi Kaplan, of 89 Lake Drive, was also concerned about environmental and water issues. She asked the applicant to consider a reduction in the number of pumps. Could the applicant be forward thinking and make the station only for electric vehicle charging. She requested the strictest safeguards be put in place. Jeff Benish, of 26 Lakewood Drive, strongly agree with all those who have spoken already. He was concerned property values would go down and it will hurt the beauty of the neighborhood. Lydia Petronion, of 255 Morris Ave, said the project was one for the interstate highway. She thought there was not enough community input. Angela Tsai, of 9 Lakewood Drive, was against the application. She referenced the Borough Profile located on the town website. She was not against progress and growth, but this development did not match the description in the Profile. She was concerned that other intersections along Rt 46 would be affected. Briana Ostrosky, of 8 Rainbow Trail, opposed to this development. She was afraid the town aquifer would be affected, and hazardous pollutants would be introduced to our lakes. There were too many variances. Nationally gas stations were decreasing. She was concerned with traffic, crime, and the number of pumps. Ayodele Green Forde, of 5 Crestview Road, said medical issues that could result from gas leaks and fumes. This was an opportunity to move toward electric fueling not gas fueling. There will be a strain on the police. Would Mt. Lakes need to service the children who live at the hotel. Eric Lee, of 6 Laurelwood Drive, had nothing to add to what his neighbors have said. None of the members of the Planning Board were residents of the Lake Arrowhead section of town. The Board should consider the neighbors opinions. Megan Chesin, of 71 Kenilworth Road, was concerns with the traffic flow in the development and pedestrian safety. She thought they should reduce the number of fueling stations and revisit the traffic design to discourage pass through traffic as much as possible. Steve Bendo, of 40 Lakewood Drive Denville, was afraid what might go on in the hotel on the weekends. Specifically, what clientele will the hotel attract. He thought there were too many hotels in the area. Jen Scarpati, of 77 Briarcliff Road, said she did not think the environmental concerns of the community had been answered. Mt. Lakes does not have a need for another gas station. They should consider reducing the number of pumps. Eric Krupa, of 92 North Pocono, agree with what had been said. He was concerned this could become a derelict gas station and the town would have to clean the site up. Jim Hyson, of 2 Littlewood Court, had been concerned

about the height of the roof over the gas pumps. He was glad to hear the canopy was getting reduced but it still needed a variance. What was the benefit of the a-frame design? Uday Deore, of 4 Crestwood Drive, agree with what the other speakers had said. He did not see the tax benefits and was concerned about the drain on services. He was against the development. Mark Oldenwelder, of 6 Pinewood Lane, was in opposition to the project. Why do we want a 24- hour station with 16 pumps when Speedway was unsuccessful operating 24 hours a day with multiple pumps? Joi Squillace, of 58 Foxcroft Road Denville, she opposes the project and agreed with the neighbors who had spoken. She was worried about the environmental impact. She asked the Board to please put yourselves in their position when making their decisions. Michael Kostak, of 18 Rainbow Trail and 4 Park Lane, felt we already had a lot of gas stations on Rt 46, and the trend was moving away from petroleum. We also have numerous hotels along the highway. Kate McGhee, of 9 Pinewood Lane, agreed with her neighbors. She read from the Borough website Mt. Lakes was an “unspoiled pocket of tranquility”. How was this project blending into Mt. Lakes? Krista Ellison, of 44 Pocono Road, grew up here and understand the magic of a small community. She was against the project and ask the Board not to approve the development project. She was worried about people crossing the highway to go to the Wawa and the effects it would have on the police and fire department. Adam Verillo, of 76 Highwood Rd Parsippany, agreed with the previous callers. He was against the project. He was worried about contaminates going into the ground water, the traffic, and the number of hotels in the vicinity. Yvoone Ferise, of 75 Highwood Road Parsippany, was concerned with traffic, environmental issues, and quality of life. She was against the project.

Martin Kane thanked the public for their input. Mitchell Stern made a motion to close the public portion of the meeting and a second was provided by Tom Menard. A voice vote closed the public portion of the meeting.

The Board carried the hearing to Tuesday, June 22nd at 7:30PM without further notice. The Planning Board needed an extension of time. Highview agreed to grant the extension.

Other Matters –

Committee Reports – none

The Board will have a special meeting on Thursday, June 10th 7:30PM to review Ordinance 11-21 for consistency with the Master Plan.

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

Respectfully submitted,

Cynthia Shaw, Secretary