

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

November 21, 2024

Chairman Marty 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: 7:35 PM

ROLL CALL:

Members Present: Kane, Ryan, Kaplan, Coppola, Menard, and Holliday

Absent: Stern, Russo, Sheikh, Horan and Berei

Also Present: Attorney, Steven Tombalakian, Bill Ryden, Engineer, Aaron Schragar, Traffic Engineer, Peter Black, Environmental Engineer, Steve Lydon, Planner

REVIEW OF MINUTES: Mimi Kaplan made a motion to adopt the minutes of the October 24th meeting. Tom Menard provided the second; the minutes were approved by voice vote of all eligible members.

RESOLUTIONS: none

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

PUBLIC HEARING:

TFJ Mountain Lakes, LLC
62 NJSH 46
Major Site Plan
Signage Area
Parking Stall Size

Appl. #24-289
Blk. 5, Lot 1
Zone B

John Wyciskala, the attorney for TFJ Mountain Lakes, LLC, presented the application. TFJ Mountain Lakes LLC is a subsidiary of Tulfer, a firm that specializes in redevelopment of brown field sites. The property was formerly used for a gas station. All the original structures have been removed. The 2 acres parcel is in zone B. An application to build a self-storage facility was previously approved by the Board. TFJ has decided to come back and replace the original project with a drive through Starbucks. They meet all the conditional use standards.

Steve Tombalakian asked Bill Ryden if there were any completeness issues, there were none.

Micheal Dipple, a licensed engineer in the state of NJ and NY shared Exhibit A-1 an ariel view of the property dated 11/21/24 downloaded from Google Earth. There are freshwater wetlands at the rear of the lot. The property is vacant on the front. They have 317.48ft along Route 46. There are two driveways on the site. There are monitoring wells on the site, and they will remain. Sheet RO-1, exhibit A-2 dated 11/21/24, was a colorized site plan rendering of a drive through Starbucks. The 2,238sqft building will be setback 80ft from the front property line. They will use

the same driveway setup – one entrance in and one out. The development will include a parking lot, patio, trash enclosure, and double drive-through lanes. This will give them more room to queue about 17 vehicles. The trash enclosure sits 79ft from the property line. They will move it back 1ft to maintain an 80ft setback and eliminate the front setback variance. They have the required 30 parking spaces. They are well below the permitted bulk requirements for the zone. The zone allows 40sqft of signage. They propose 58.75ft. of signage on the building when added together. John Wyciskala noted the store will be open from 5am -9pm. All the lit signage would go off 1 hour after they close. They plan to have landscaping along the front of the parking spaces. The four EV chargers encroach into the required landscape area. They need a variance for their location and wish to request that. In Mr. Lydon's report he noted the minimal landscaping along Route 46. They will increase the landscaping to shield the car lights onto the highway. His report also noted the size of the parking stalls. The applicant was asking the Board to approve 9ft wide parking stalls.

TFJ proposed the installation of 2 stormwater retention basins. The utilities will enter the site from Route 46. There will be lights around the building and 3 lights along Route 46. When the store is closed the building lights will dim to 30%. The building's soffit lights would stay on for security reasons. Starbucks loads the store every night. All the trucks are from Starbuck. Daily, between 9pm -2am, the dairy items are delivered daily. Dry goods are delivered 2x per week. The trash is picked up every day but not during peak hours. As to the choice of plantings, they will change the species of grass the Shade Tree Commission did not care for. They were not willing to install a bypass lane as proposed by the traffic engineer, fire department and police. A firetruck would most likely position themselves in front of the store and not going around the back where the drive-through lanes were.

John Wyciskala noted this store would create 30 to 40 new jobs, 5 to 6 people during the busy hours and 3-4 people during the off-peak. There will be 1-2 people taking orders at the drive-through window. The store only has warming ovens, there will be no cooking at the site. The smells from the building are that of warm coffee. Barka Restaurant has several parking spaces that encroach onto the back of the property, so they entered into an agreement to allow them to stay until such time that they use the back of the property. They will revise the plans to include the Barka spaces and missing light fixtures. They agree to address all of Mr. Ryden's comments. Bill Ryden asked Mr. Dipple to address the monitoring wells. John Wyciskala answered, Originally Hess Corporation owned the property. Speedway purchased the property and removed the station in 2020. Speedway was bought by 7-11, they are now responsible for the site remediation. The soil remediation has been done but they still have a ground water issue. The numbers are going down. They expect it to all end by May of 2027. The remediation wells should not have to be moved for this project.

TFJ will address all the comments in the report prepared by Dewberry, our Environmental Engineer. They do not usually install bypass lanes. It would create a lot of additional pavement that most likely would not be used. The Environmental Commission requested no idling signs be installed. They were willing to do that and add additional trees to the landscaping plan. They received approval from Morris County, and they will provide a copy of their letter. The trash enclosure, painted mocha and green, will look like all their other Starbucks. Mr. Ryden told the Board there were 11 signs totaling 101.9sqft in the proposal, not the 58.75sqft noted.

Mimi Kaplan asked if they could line the drive through with additional shrubs to help with the pollution. They were willing to work with the Shade Tree Commission on that. Who decides if a monitoring well needs to be moved. It will be decided by the LSRP. Martin Kane asked them to consider not using Hawthorne trees. Nick Coppola confirmed the 30 parking spaces were for both patrons and staff. M. Kane asked if Starbucks thought the 17-car queue would be sufficient. They did not see any issues. Kelly Holliday asked what the total limit of disturbance was? It was 1.2 acres. The site is already graded, they will only be removing the remaining concrete. Chris Ryan questioned the lack of the bypass lane requested by all our professionals. Michael Dipple said getting a fire truck in the back would be hard, but an ambulance could get back there without the bypass. Tom Menard asked them to add another shade tree near the egress driveway. Could the property support additional development? J. Wyciskala answered the lot could. Mr. Menard asked if the EV chargers were level 3. No, they are level 2 from Change Point, the most used EV charger. M. Kaplan asked if they would be used after hours. No, they are shut down. The Borough Traffic Engineer, Aaron Schrager, said the additional landscaping should not block the signage. He supports a bypass lane. Could they amend the driveway design so someone leaving the drive-through could make a left to park in front of the building. They were willing to make that change. What car size did they use in their design? They used a 22ft long vehicle. Steve Lydon thought they had a lot of signage. Were they comfortable saying there would be no signage creep. They were. He did not feel there were enough bollards to protect the building and patrons. The applicant was willing to add 2 more for a total of 9.

No one from the public wished to ask questions.

M. Kane asked if 9ft parking spaces were acceptable. W. Ryden thought it was fine.

The applicant's Traffic Engineer, Eric Vioria, was licensed in the state of NJ. They did the traffic study generation. They submitted their DOT permit, including all the development that could potentially happen on the site. The driveways need to be brought up to DOT standards. Their application was deemed complete in October. Their study was done midday in the AM, PM, and Saturday using the national codes for a coffee shop. They also added the trips needed for any development behind Starbucks. The driveway will operate efficiently based on their analysis. Aaron Schrager asked if the frontage improvements for the DOT were on the plan. The curbing is and the shoulder is on the latest version. Steve Lydon noted the study was done in August; September would have been a better time. Kelly Holliday questioned their calculations since the queue at the Parsippany site was always back up.

No one from the public wished to ask questions.

Charles Dietz, a licensed architect in the state of NJ, spoke about the building. It will be sprinklered and built of non-combustible materials. The interior fixture plan is done by the store planning department not the architect. Mr. Dietz gave an overview of the interior layout plus the store entrances and exits. Starbucks has 4 exterior prototypes for their stores. The face is aluminum decorative panels on top, including the sign. The vertical areas around the doors are wood. The mechanicals are on the roof behind a 4ft high screening. The total height of the building is 22ft to the parapet. The sign for the "drive-thru" and the mermaid total 15.2sqft. The "Starbucks" sign on the front is 13.2sqft. We have 3 signs on the front of the building, and the town allows 2. They will also have directional signage and menu boards. The building is internally illuminated. They will resubmit sheet A-3 to remove some stray incorrect

measurements. He then shared exhibit A-3, a colored rendering of the proposed store front. The building will be gray and wood.

S. Lydon asked if the concrete patio could be scored. Will the parking spaces be a different color? M. Dipple answered they will use light-colored pavers for the parking spaces and asphalt for the drive aisle. T. Menard asked if they could use pavers in the patio area. They prefer not to. W. Ryden asked if the trash enclosure would coordinate with the building. It will. C. Ryan asked about the rear man door. C. Dietz responded that was for workmen.

No one from the public was present to ask questions.

Martin Kane asked if they would be willing to look at something more aesthetically pleasing for the patio? Yes, they would. S. Lydon suggested they use colored or stamped concrete.

The applicant's Planner, Matthew Flynn, was licensed in NJ. The property is over 4x the area needed for the proposed use. Their EV pads encroach into the required 10ft buffer along the right-of-way, so they need a variance. They will bolster that area with landscaping and eliminate the variance for parking lot screening. There is 28sqft of signage on the building and the 73.5sqft balance increase in signage goes to the nature of the use proposed. The 9' x 18' parking spaces can be approved by the Board. This is a C-2 variance request, the benefits outweigh the detriments. The project is permitted in the zone, and they will improve the stormwater management. The meet the purpose of the MLUL. Purpose A – "*promote the general welfare*", G – "*appropriate locations for... commercial use*", I - "*desirable visual environment*" and M – "*more efficient use of land*". This project is surrounded by other industrial uses, not over-developed and Starbucks is a national brand. The negative criteria: there is no detriment to the public, the building front setback is double what is required, the building coverage is on 2%, the other setbacks are well under the allowed. The necessary signage is a tasteful package. The 3 building signs visually look like 2. This variance is technical in nature.

There were no questions or comments from the Board or public.

Steve Tombalakian said the application meets the conditional use standards. They agreed to tweak the plans to clean up minor items. They will work with the Borough Engineer to determine the patio surface and will update the site plan to include Barka licensing agreement. They are looking for several variances. They will comply with all the letters submitted by our professionals. The only open item was the bypass lane. Martin Kane did not think the bypass lane was needed. K. Holliday and rest of the members agreed.

A motion was made by Tom Menard to approve the application with the conditions listed by Mr. Tombalakian and a second was provided by Chris Ryan. The Board voted 6 -0 to approve the application with members Kane, Menard, Kaplan, Holliday, Coppola and Ryan voting in favor.

COMMITTEE REPORTS: none

Other Matters - none

Marty Kane made a motion to close the meeting at 9:36PM.

Respectfully submitted,

Cynthia Shaw, Secretary