

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

September 24, 2015

Chair Jim Bailey read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 29, 2015: Adequate notice of this meeting was given to the Citizen and the Daily Record, filed with the Borough Clerk, posted on the Bulletin Board in the Borough Hall on February 02, 2015 and made available to all those requesting individual notice and paying the required fee.

Meeting start: 7:31PM

ROLL CALL:

Members Present: Bailey, Kane, Horan, DeVenezia, Holmberg, Nachshen

Absent: Sheola, Dagger, McWilliams, Russo, DuTertre

Also Present: Attorney Peter Henry

Also Absent: Engineer Bill Ryden

PUBLIC COMMENT: Chairman Bailey opened the meeting for public comment. Chris Sullivan, of 4 Sherwood Drive, has attended several of the recent Planning Board meetings and was impressed with the Board's service and there professionalism. He felt the Master Plan should not be a political issue and reminded everyone a lot of work had gone into it over the years. Peter Herrera, of 31 Sherwood Drive, asked the Planning Board if Hornrock had filed a Habitat Conservation Report with Fish and Wildlife Services. He was concerned about the bog turtle which is on the endangered species list. Jack Knox, of 26 Sherwood Drive, said the property in question has a lot of steep slopes and he was concerned about the density proposed. He continued Mountain Lakes was mostly developed and the housing development pattern should be continued. George Jackson, of 20 Sherwood Drive, said he had looked at the proposed change to the land use element. He felt it would have been helpful for the Board to have had the planned zone change to look at when considering the change to the big picture. The new ordinance change requires a 15% affordable housing component and the Borough already has an overlay zone of 20% for affordable housing. He is concerned with the slopes on the property and the height of the proposed buildings. Jeff Leman, of 32 Sherwood Drive, referenced the land use element objectives. He agreed the Borough should continue the established development patterns and he was worried about developing this steeply sloped property. He also highlighted the features of 115 unit townhome development known as Pine and Spruce Edge. Ellen Emr, owner of 19 Sherwood Drive, was upset with the proposed amendment. She specifically mentioned the characteristics of the property and the aquifer below. She felt it would be the most densely populated section of the town. She was upset with the 15% COAH requirements when the Borough already requires 20%. She felt the Borough could take 3 small houses in town and make them two families achieving the same six units and not develop this sensitive property. Jim Hyson, of 23 Ronarm Drive, said there was no notice for this amendment to the plan. He referenced the existing land use element section titled "Land Use Policies for Residential Areas" highlighting the second paragraph referencing the acquisition of land where feasible. Steve Arnold, of 4 Craven Road, highlighted one prerequisite for any new development. It states steep slopes in excess of 15% shall not be allowed in the building

envelope. The ordinances does not say anything about new roads and steep slopes. He questioned why this property was not part of the RC-3 zone. He would like to see a topographical map added to the Master Plan. Cathy Harvey, of 28 Robinhood Drive, asked the Board to remember that the Master Plan was a product of many people in the community and we should not let a developer determine our Master Plan. Sandy Batty, of 15 Lockley Court, said it was too bad the Board did not have the proposed ordinance and felt the process was being done backwards. The Master Plan is well written and strong, the amendment is contrary to the plan. She referenced Bill Ryden's 2012 report for the Borough's submission for an Open Space Plan. In it he said 45% of this property is constrained by slopes of 15% or greater. The Planning Board has always done the plan writing and has had it reviewed by the Planner. She suggested we should keep it that way. Jackie Bay, of 430 Morris Avenue, was concerned the density was doubling from 20 to 40 units. When the hotel project was being considered the Environmental Commission was concerned with water. The Planning Board placed good water restrictions on the hotel and they should do the same for this project. She added we should be working on our own affordable housing plan. Wilson Mitchell, 44 Hillcrest Road and 39 Sherwood Drive, questioned the absence of the Planner at this meeting and suggested he be there at the next one. He asked why the affordable housing plan was not completed.

REVIEW OF MINUTES: Martin Kane made a motion to adopt the minutes of the August 27th meeting. John Horan provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS:

Menard Construction Company, Inc.

Appl. #15-260

Peter Holmberg made a motion to adopt the resolution of approval and Martin Kane provided the second. The resolution was adopted by a vote of 5 to 0 with members Bailey, Kane, Horan, Holmberg and Nachshen voting in favor.

PUBLIC HEARING: none

COMMITTEE REPORTS – none

OTHER MATTERS –

Ordinance 11-15 – The purpose of this ordinance was to match the zoning map in our Ordinances with the one in the Master Plan. Peter Holmberg made a motion that changing the zoning map in our Ordinances would be consistent with the Master Plan and Corey Nachshen provided the second. The Board voted 6 to 0 with members Bailey, Kane, Horan, Holmberg, DeVenezia and Nachshen voting in favor.

Amendment to the Master Plan- Land Use Element – Jim Bailey stated the current version of the Master Plan was adopted in October of 2013. Before the hearing to adopt it every chapter was discussed and reviewed by the Board. The only element that is not complete is the Housing Element due to litigation going on in the state. A committee has been formed to review the housing element. All the chapters were reviewed by the Planner. Our Planner, Paul Philips, actually did chapters XI. *Relationship to Other Plans*

and XII. *Summary of Major Findings and Recommendations*. Bill Ryden, our Engineer, prepared chapter XIII. *Stormwater Management Plan*. This plan had input from many people in the community.

Jim Bailey said he went to several Council meetings and asked them to forward any information on affordable housing they had to the Planning Board so the Board could work on the housing element. At the February 23rd Council meeting it was said they would ask the Planning Board to review the RC-1 zone (King of Kings) and determine if the property should be developed. He has not received any formal request for this review and did not know where the amendment came from. Jim Bailey said since there was no formal request to have the Master Plan amended, there is no back up information provided and since there are discussions about the property going on in executive session at the Council he did not want to discuss the amendment. He was afraid decisions made at the Planning Board could hurt the negotiations going on in executive session and wanted to table the discussion on the amendment.

Vice Chair Martin Kane objected to tabling the amendment. He said a lot of people came out this evening expecting it to be discussed and the Board should have that discussion. Peter Holmberg assured everyone there were no negotiations going in executive session concerning the property. The only thing being discussed pertains to litigation.

Jim Bailey asked Peter Henry what his prerogatives were as chair. Mr. Henry said there was an anticipation by the public this would be discussed. It is no secret there is discussion going on about the property at the Council. This amendment comes from the Planner whom he assumed recognized the need to amend the Master Plan Land Use Element before you can pass an Ordinance. It is your prerogative as the chair to remove something from the agenda.

Chairman Bailey asked the Board to comment on his decision to table the amendment. John Horan and Peter Holmberg thought the Board should have the discussion. Corey Nachshen said everyone speaks about prior changes to the plan, he has been involved in many committees charged with updating the Master Plan. This Board is experienced and will look at everything when they receive the proposed development plan. Peter Holmberg said this was the 1st step in the process to amend the Master Plan followed by updating the housing element. We should be concerned with the specific language in the amendment. He felt there were a lot of inconsistency with the proposal. Martin Kane was concerned with the concept of introducing a new zone; this is a big change to a plan that is only two years old. It is all being driven by the threat of litigation and that should not be the driving force when planning. John Horan found the amendment to be facially inconsistent with the Master Plan especially the 2nd paragraph. On page one of the Land Use Element "Overview", bullet point #2, it states we should foster development compatible with the traditional plan and protect natural resources. He is the Environmental Commission representative on the Board, as part of Municipal Land Use Law he is required to have a seat, which in itself says how important the role of the environment is in these decisions. Nick DeVenezia inquired who asked the Board to review the amendment. Peter Henry answered it was prepared by the Planner at the request of the Council. They recognized the amendment should precede the Ordinance. This Board could adopt the change or throw it out. Mr. DeVenezia continued we have it zoned for development but this is a departure from what we have planned. There has been some discussion about preserving this property and it should be explored. Corey Nachshen said from a historical point of view the land is privately held. We have tried twice in the last seven years to preserve it and the private owner was not interested. Mr.

Kane stated the zone is planned for development and they can come before the Board with a development plan for the zone that already exists.

Jim Bailey said this Board does not appear to want to proceed with this amendment to the Master Plan. Mr. Horan added we need to look at all the environmental issues including water allocation which is truly a concern.

Jim Bailey adjourned the meeting 8:57 PM.

Respectfully submitted,

Cynthia Shaw, Secretary