

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

September 26, 2024

Temporary Chair Mitchell Stern 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: 7:30 PM

ROLL CALL:

Members Present: Ryan, Holliday, Sheikh, Berei, Menard, Kaplan, Coppola, and Stern

Absent: Kane, Russo and Horan

Also Present: Attorney, Steven Tombalakian, Bill Ryden, Engineer

REVIEW OF MINUTES: Jeff Berei made a motion to adopt the minutes of the July 25th meeting. Tom Menard provided the second; the minutes were approved by voice vote of all eligible members.

Kelly Holliday made a motion to adopt the minutes of the August 22nd meeting. Chris Ryan provided the second; the minutes were approved by voice vote of all eligible members.

Tom Menard made a motion to adopt the minutes of the July 25th executive meeting. Mimi Kaplan provided the second; the minutes were approved by voice vote of all eligible members.

RESOLUTIONS:

Forty-Four Midvale Road, LLC, SDM Mt. Lakes, LLC, 60 Midvale Road Appl. #24-287

Kelly Holliday made a motion to adopt the resolution of approval of the major site plan application and Chris Ryan provided the second. The Board voted 2 – 0 to memorialize the resolution with members Holliday and Ryan voting in favor.

PUBLIC COMMENT: No one wished to speak during the public comment portion of the meeting.

PUBLIC HEARING:

Carried Application:

Park Lakes Tennis Club, LLC	Appl. #24-288
20 Rainbow Trail	Blk.18, Lot 19
Major Site Plan	R-1 & R-A zone
Number of Parking Spaces	
Parking Stall Size	

Tom Menard recused himself from voting on the application since he is a member of Park Lakes.

Daniel Benkendorf, the attorney for the applicant, Bob Engdahl, the Club President and Marc Walker a licensed Engineer would present the application. The 6 acres property is in zones R-1 and R-A. They are seeking major site plan approval with variances for parking space width and number of spaces. They wish to add 3 pickleball courts and a padel court.

William Ryden said the applicant needed the Board to grant several waivers. They include A5 – the scale on the plans, A25 - elevations of the proposed building where none are suggested, A26 – an Environmental Impact Statement where the applicant has filed for DEP permits, A29 - a Wellhead Protection Plan where the property sits in outer zone and there are no major or minor pollutions related to this project, and A30 – provide a landscape plan where none is proposed. Mr. Ryden recommended the Board approve the waivers but reserved the Boroughs right to ask for any of them if an issue arose. Mimi Kaplan said the Environmental Commission felt the wellhead would not be affected by the development. Kelly Holliday made a motion to grant the waivers and Nick Coppola provided the second. The Board voted in favor of granting all the waivers.

Marc Walker presented the current survey dated 3/25/2020. In 2023 the applicant returned to the board to rearrange the paddle court layout, add one more court, more decking and bleachers. They have 5 courts now and have one more to build. Exhibit A-1 was their new proposal colorized. Court #4 is under construction. The decking and bleachers have yet to be installed. They would like to carry those approvals forward if the application is approved. They are looking to add a padel court and 3 pickleball courts. These courts sit 10 ft below the existing courts. The walkway along court #5 connects with a new elevated walkway by the padel court and a new elevated viewing area. Their proposal meets all the bulk standards except for those related to the preexisting tennis courts. They met all the conditional use standards. The new courts will be 136ft from the church property. The closest residential zone is 180ft. away. The closest home is 275ft away. The lighting proposed will be like the one selected for the paddle courts. The fixtures will point downward and be 10ft lower than the current courts. They have minimized the lighting glare by adding the screens to the courts. For the new courts they plan to add an 8ft fence to screen the northly side. They meet the lighting requirements without the added screens. They also added 4ft chain link fence to capture the balls. They are increasing their improved lot coverage 10220sqft. This changes the ILC from 20.9% to 24.8% which is under the permitted 25%.

They need a soil moving permit to export 389cy of soil to the site. At the time of the soil removal, they will contact the town to let them know the truck routes. They will grade the lot towards the back end of the new courts. They will add four 7ft wide grass swales to capture the runoff from the courts. This is a minor stormwater project that has met the Boroughs regulations. There are wetlands at the back of the site. Those wetlands have a 50ft buffer. They received a LOI from the DEP in 2020 accepting their current plan. This approval runs through 2025. The new walkway and viewing area encroach into the wetland transition area. The large olive-green area on exhibit A-1 is the transition compensation area. They are looking to have DEP approve the transition area closer to the church as a replacement for the current approved transition area. Under this scenario they would need to file a deed restriction with the state establishing a 2-acre conservation easement. The club has filed the transition application with the DEP.

They need two parking variances for the parking space width and the number of spaces. Right

now, they have 48 but they need 118 parking spaces. Eight spaces are for the clubhouse. If all 15 courts were full (4 people on each) they would need only 60 spaces not 118. They will have 34 paved spaces once you add the 4 new spaces. Also have 14 spaces on the lawn that are used in the summer. This area was the old parking lot for the club. They have an agreement with St. Catherine's to use the back of their lot for parking. There are warm weather courts and cool weather courts so not all the courts would be needed at the same time. No one plays tennis or pickleball in the winter.

The temporary chair asked for any Board member questions. Khizar Sheikh asked about church parking access. Marc Walker said there was a Borough maintained trolley path to the parking lot. Nick Coppola asked if the area was lit. Bob Engdahl added that the community uses the gravel path as well. The church allows them to use 14 spaces. No parking happens on the neighborhood streets. D. Benkendorf said they could go back to the church and ask for more parking spaces as a condition of approval. Kelly Holliday asked if they would have reservations for the pickleball. There could be lines to play. Bob said they do not plan to have one. If it doesn't work, they will implement one. This could be a condition of approval. Mitchell Stern asked, with the addition of the Pickleball courts you could get new members. Are you planning to limit the number of memberships? They have 180 members now and do not plan on limiting that number in the future. Nick Coppola noticed they had a hitting wall in the parking lot. Mr. Walker said if they need the parking spaces the hitting wall does not get used.

The hearing was opened to the public for questions. There were none. Kelly Holliday said noise is a big problem with pickleball. Marc Walker said that was why we have a 10ft barrier between us and the neighbors. N. Coppola asked if they heard from the neighbors about the project. The club had a gathering to share their plans with the neighbors.

The hearing was opened for comments. Ronnie Kostak, of 18 Rainbow Trail, was concerned there would be an increase in membership when the new courts became available. Currently people are using the grass area for parking in the summer and exit out of the lot rather than the driveway. This acts as a hidden driveway. Mitchell Stern said the road should have a sign that states the grass area is a hidden driveway, and it needs to be visible from both directions. Angie Delo has been on the Park Lakes Board for 4 years. The Board has not received any complaints about people leaving the lot or noise. Their lights go out at 10:30pm

William Ryden said he needed detailed plans/drawings for all the new courts. The plans must include dimensions and the construction materials to be used. The applicant responded that the viewing deck would be wooden without railing, the padel court back walls are Plexi-glass and other sides are fencing. The pickleball courts design is like the paddle courts. Mr. Stern asked if he would get complaints about noise. Steve Tombalakian said this is mandated by the state. The noise levels cannot exceed those standards. If it does, they will need to mitigate it. Jeff Berei asked how many new lights would be added. There will be 7 in all. One for each pickleball court and four for the padel court. The fixtures will be the same size as the other courts but will sit 10ft lower.

Stephen Tombalakian listed the conditions the applicant agreed to as part of this application. They were seeking major site plan approval with variances for the parking stall width, and number of spaces. Additional conditions included: trucking information shall be provided to Mr. Ryden when the movement of the soil commences, they need to provide him with detailed plans

for the courts before applying for any construction permits, they need to reach out to the Borough Council for additional driveway signage needed on Rainbow Trail, 10:30 lights off, their prior approvals be carried, and they need to provide proof of the deed restriction for wetlands transition area. Khizar Sheikh said they also needed to approach the church and ask them to increase the number of parking spaces to 25. Mimi Kaplan added Shade Tree Commission should be contacted about any tree removal.

Mimi Kaplan made a motion to approve the application with the conditions listed above. A second was provided by Jeff Berei. The Board voted 7 – 0 with members Ryan, Holliday, Sheikh, Berei, Kaplan, Coppola, and Stern in favor of the application.

COMMITTEE REPORTS:

There were no committee reports.

Other Matters

Environmental Engineer – Tom Menard made a motion to appoint Peter Black, of Dewberry, the Boards Environmental Engineer. A second was provided by Kelly Holliday. The Board voted 8 – 0 in favor of the appointment.

Mitchell Stern made a motion to close the meeting at 8:44PM.

Respectfully submitted,

Cynthia Shaw, Secretary