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For Notice Under Sunshine Law

MOUNTAIN LAKES PLANNING BOARD

AGENDA

September 24, 2020

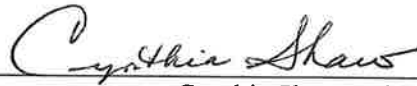
NOTICE: Please take notice that a special meeting of the Planning Board of the Borough of Mountain Lakes will be held on September 24, 2020 at 7:30 p.m. **as a remote meeting.** Formal action may be taken.

To Participate via computer please use the following link: <https://zoom.us/j/185478511> or iPhone one-tap : US: +19292056099,,185478511# or +13126266799,,185478511#

Or **Telephone:** Dial (for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 312 626 6799 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 6833 or +1 253 215 8782 Webinar ID: 185 478 511

1. CALL TO ORDER
2. STATEMENT OF CHAIRMAN
3. ROLL CALL
4. PUBLIC COMMENTS
5. REVIEW OF MINUTES: July 23, 2020
6. RESOLUTIONS: none
7. PUBLIC HEARING: none
8. COMMITTEE REPORTS
9. OTHER MATTERS:
Ordinance 3-20 – Amending Chapters 40 and 245 of the Revised General Ordinances of the Borough of Mountain Lakes (§40-3 (Definitions”, §245-11 “Business Zone B”)
10. ADJOURNMENT



Cynthia Shaw, Administrative Office

Dated: September 10, 2020

Distribution:

Board Chairman and Members
Board Attorney

Borough Engineer
Borough Clerk

Bulletin Board
Citizen & Daily Record

Town Web Site
Applicant

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

July 23, 2020

Chair Martin Kane read the Open Public Remote Meeting Notice published in the Citizen and the Daily Record on July 8, 2020: Adequate notice of this meeting was posted with the Borough Clerk and on the Bulletin Board on July 9, 2020 and made available to all those requesting individual notice and paying the required fee.

Start: 7:30PM

ROLL CALL:

Members Present: Kane, Horan, Holliday, Coppola, Shepherd, Russo and Leininger

Members Absent: Stern, Berei and Menard

Also, Present: Attorney, Peter Henry, Engineer, Bill Ryden(7:38PM)

PUBLIC COMMENT: none

REVIEW OF MINUTES: David Shepard made a motion to adopt the minutes of the June 25th meeting. Meghan Leininger provided the second; the minutes were approved by voice vote of all eligible voters.

RESOLUTIONS: none

PUBLIC HEARING: none

Other Matters –

Committee Reports - none

Substitute Planner – Martin Kane explained due to conflicts we could not use Paul Phillips as our Borough Planner for the Highview application. He said Bill Ryden had recommended we use Burgis Associates for the hearing. John Szabo would be the lead person on the application. Bethany Russo made a motion to prepare a resolution hiring Burgis Associates, Inc. as our Substitute Planner and Nick Coppola seconded the motion. The Board voted 7 to 0 to appoint Burgis Associates with members Kane, Horan, Holliday, Coppola, Shepherd, Russo and Leininger voting in favor.

In-Person Hearing – The Board would like to start having in-person hearings again. They discussed social distancing and the wearing of masks at the meeting. The meeting would be a combination of Zoom and in-person attendance. All the members present were fine attending an in-person meeting.

Martin Kane made a motion to close the meeting at 8PM

Respectfully submitted,

Cynthia Shaw, Secretary

DRAFT

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 3-20

**“AN ORDINANCE AMENDING CHAPTERS 40 AND 245 OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MOUNTAIN LAKES”**

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 40, “Land Use Administration,” Section 40-3, “Definitions,” of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended by the inclusion of the following additional definitions:

ADULT DAY CARE FACILITY

A nonresidential facility typically operating several hours per day, providing meals, social and recreational activities, transportation, personal care and counseling under general supervision for elderly persons and/or persons with disabilities.

EDUCATIONAL PLAY CENTER

A multipurpose children’s activity space devoted to learning, recreation and entertainment, which may offer classes and organized events such as birthday parties, and which may include accessory retail sales.

HEALTH AND FITNESS FACILITY

An establishment open to the public on a membership basis which provides facilities for personal training, aerobic exercise, running and jogging, weight training and strength conditioning, game courts, swimming facilities and exercise equipment and which may include accessory sauna/steam rooms, showers, lockers, spa treatments including massage, snack/juice bars and accessory retail sales of related sports apparel and equipment.

INDOOR COMMERCIAL RECREATION USE

An establishment where entertainment or recreation services are provided to the general public, and for which user fees are charged. Uses include, but are not limited to roller and ice skating rink, indoor climbing gyms, gymnastics centers, bowling alleys, arcades, escape rooms, billiards and virtual experience centers.

INSTRUCTIONAL SCHOOLS AND STUDIOS

Establishments which provide classes and workshops for dance, yoga, pilates, culinary arts and crafts, music, martial arts, academics and athletics.

PET CARE AND GROOMING FACILITY

An establishment that provides temporary boarding, training, grooming and care for dogs, cats or other domestic animals or household pets. This shall not include overnight boarding of pets, the breeding or sale of animals or veterinary services customarily offered at an animal clinic or hospital.

SATELLITE DRY CLEANING ESTABLISHMENT

An establishment where clothes and other types of fabrics are dropped off and picked up before and after dry cleaning, which process is conducted entirely off-premises.

SELF-STORAGE FACILITY

A building or group of buildings containing individual and private storage spaces of varying sizes available for lease or rent for varying periods of time and where the occupants have access to the facility only to store and remove their personal property.

Section 2. Chapter 245, "Zoning," Section 245-11, "Business Zone B," of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended to read in its entirety as follows:

- A.** Permitted principal uses are the same as in § **245-10A** ("Business Zone A") except that automobile service stations, dry cleaning establishments, motels, hotels and businesses using hazardous substances shall be excluded. In addition, the following principal uses shall be permitted:
- (1) Adult day care facility
 - (2) Educational play center
 - (3) Health and fitness facility
 - (4) Indoor commercial recreation use
 - (5) Instructional schools and studios
 - (6) Pet care and grooming facility
 - (7) Satellite dry cleaning establishment
- B.** Permitted accessory uses. Same as § **245-10B**. In addition, electric car charging stations shall be permitted as an accessory use.
- C.** Conditional uses.
- (1) Sexually oriented establishments in accordance with the following standards:
 - (a) The establishment shall be located at least 500 feet from the boundary of any residential zone within the Borough of Mountain Lakes and from any existing and/or approved but not yet existing house of worship, day-care center and school.
 - (b) In order to avoid a concentration of sexually oriented establishments, such establishment shall be located at least 1,000 feet from any other existing and/or approved but not yet existing sexually oriented establishment.
 - (c) The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan.

- (d) The building housing the sexually oriented establishment shall have a minimum front setback of 75 feet and a minimum side or rear setback of 25 feet. The building and associated parking area shall be surrounded by a perimeter landscape buffer of at least 20 feet in width, consisting of landscape plantings designed and installed to the satisfaction of the Planning Board.
 - (e) Every sexually oriented establishment shall be located in a single-occupant, freestanding building.
 - (f) No sexually oriented establishment shall be permitted in a building having a capacity to accommodate 50 or more occupants.
 - (g) Off-street parking requirements for a sexually oriented establishment are one space for every 200 square feet of gross floor area or portion thereof, plus one space for each employee, provided that a minimum of 10 parking spaces shall be provided.
 - (h) All other requirements of the Land Use Ordinance, including but not limited to the business zone requirements, shall be met.
- (2) Hotels in accordance with the following standards:
- (a) The minimum lot size shall be 2.5 acres.
 - (b) The maximum building height shall be three stories/40 feet for a flat-roof building and three stories/45 feet for pitched roof building.
 - (c) The minimum lot frontage along Route 46 shall be 200 feet.
 - (d) Ancillary facilities/amenities, including a restaurant/lounge, meeting facilities and ballroom space(s), shall be permitted.
 - (e) The architectural design shall incorporate the following: vertical and horizontal articulation of the building facades; changes in façade plane, size and rhythm of window spacing and surface material and pattern; and a contrasting roofline.
- (3) Automobile service stations in accordance with the following standards:
- (a) No painting repair work on cars shall be permitted or other work of the type usually conducted by and at automobile body shops in repairing damaged motor vehicles.
 - (b) A gasoline service station may also include a retail business in which case the minimum lot size shall be 1.5 acres.
 - (c) A minimum of one off-street parking space shall be provided for every 125 square feet of building floor area.
 - (d) All pumps, islands and canopies serving to protect customers while fueling shall be located a minimum of 40 feet from any street line and a minimum of 30 feet from any

other lot line. Canopies, pumps and islands shall be considered accessory structures and not a second principal structure.

- (e) All lifts, greasing racks and other similar equipment shall be within the building. The underground storage of petroleum products shall meet federal and state codes, as applicable, to protect the Borough's groundwater.
 - (f) The minimum lot frontage requirement shall be 200 feet.
 - (g) Motor vehicles may be parked upon the lot but only insofar as reasonably incident and accessory to the operation of an automotive service station and only in such a manner and location which neither interferes with ingress and egress to the premises nor creates any hazardous condition. No storage of motor vehicles, and no unsightly accumulation of vehicles or parts thereof, shall be permitted.
 - (h) A gasoline service station shall comply with Chapter 102, Environmental Factors; Soil Water and Trees, Article VI. Wellhead Protection Area Regulations, of the Revised General Ordinances of the Borough of Mountain Lakes.
- (4) Drive-in restaurants or restaurants with drive-through facilities where food or drink is served to customers in vehicles at a drive-through window in accordance with the following standards:
- (a) The pick-up window shall be located on the side or rear of the building to limit visibility from the primary road frontage.
 - (b) No driveway shall open upon a public street within 150 feet of an intersecting public street, measured from the intersection of the tangents of the adjacent curblines.
 - (c) One off-street parking space shall be provided for every two-seats.
- (5) Self-storage facilities in accordance with the following standards:
- (a) Self-storage facilities shall be at least 2 stories in height and no more than 3 stories in height and shall be designed architecturally to incorporate features typical of new multi-family residential or office building construction, including but not limited to façade articulation and materials treatment. The maximum height of a self-storage facility shall be 35 feet for a flat-roof building and 40 feet for a pitched roof building.
 - (b) The minimum frontage requirement shall be 200 feet.
 - (c) The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for the following activities:
 - [1] Residences, offices, workshops, studios, or hobby or rehearsal areas.
 - [2] Manufacturing, fabrication, or processing of goods; service or repair of vehicles, engines, appliances or other electrical equipment; or any other similar activities.

- [3] Conducting retail sales of any kind, including garage or estate sales or auctions, or any other commercial activity; provided that the operator of the self-storage unit may conduct a sale or otherwise liquidate the contents of any storage unit to satisfy and settle an account of unpaid rent or other charges, through public or private sales, in a manner provided by law.
- [4] Storage of flammable, perishable or hazardous materials or the keeping of animals.
- (d) The rental of trucks, trailers or moving equipment, as well as the installation of trailer hitches, shall be prohibited.
 - (e) Sale of boxes or packing materials shall be permitted, but only if accessory to the self-storage facility.
 - (f) Self-storage facilities shall not operate or allow tenant access between the hours of 12:00 midnight and 6:00a.m.
 - (g) All goods and property in a self-storage facility shall be stored in an enclosed building. No outdoor storage of any kind, including but not limited to storage of boats, RVs, vehicles, trailers or similar vehicles, or storage in outdoor storage pods or shipping containers, shall be permitted.
 - (h) All storage units above grade and all storage units visible from residential areas shall gain access from the interior of the building(s) only; no unit doors, loading bays, or docks may face or be visible from any adjacent residential areas.
 - (i) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping such fixtures for other purposes.

Section 3. Chapter 245, "Zoning," Attachment 3, Schedule III, of the Revised General Ordinances of the Borough of Mountain Lakes, shall be amended to include the following additional parking requirements:

Land Use	Requirement
Adult care facility	1 space per 200 square feet of floor area
Education play center	1 space per 200 square feet of floor area
Health and fitness facility	1 space per 200 square feet of floor area
Indoor commercial recreation use	1 space per 200 square feet of floor area
Instructional schools and studios	1 space per 100 square feet of floor area
Pet care and grooming facility	1 space per 200 square feet of floor area
Self-storage facility	1 space per 200 square feet of office area, plus 1 space per 5,000 square feet of storage/warehouse area.

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Mitchell Stern, Acting Borough Clerk

Introduced: September 14, 2020

Adopted:

Name	Motion	Second	Aye	Nay	Absent	Abstain	Motion	Second	Aye	Nay	Absent	Abstain
Barnett												
Happer												
Horst												
Korman												
Lane												
Menard												
Shepherd												