

Borough of Kinnelon

Planning Board

October 6, 2016

The regular meeting of the Kinnelon Planning Board was called to order by Chairperson Mrs. Roselius 7:35 p.m., Thursday, October 6, 2016 in the Municipal Building.

It was reported that adequate notice of this meeting had been given in accordance with the Sunshine Law by posting a notice on the municipal bulletin board, by publication of a legal notice in the Suburban Trends in January 2016 and by sending the meeting date to the Daily Record and Herald News.

Mrs. Roselius stated that Mayor & Council has accepted with regrets Ms. Barish's resignation at the Town Council Meeting.

Present and answering roll call in addition to Mrs. Roselius were Mayor Collins, Councilman Yago, Mr. Sisco, Mr. Kline and Mr. Gadhavi, Mr. Carpenter and Mr. Savino. Mr. Larson was absent for this meeting. Mr. Boorady and Mr. Bacchetta were present at this meeting.

A motion to approve the May 5, 2016 minutes was offered by Mr. Savino, second by Mr. Sisco with the affirmative "yes" vote of all on roll call. Mr. Carpenter abstained.

A motion to approve June 2, 2016 minutes was offered by Mr. Sisco, second Mr. Savino with the affirmative "yes" vote of all on roll call. Mr. Carpenter, Mr. Kline and Mr. Gadhavi abstained.

A motion to approve the September 1, 2016 minutes was offered by Mr. Sisco, second by Mr. Kline with the affirmative "yes" vote of all on roll call. Mr. Carpenter and Mr. Savino abstained.

Mayor Collins stated that he spoke with Mr. Buzak and there was a meeting September 20th which had no outcome. The Fair Share Housing number-units are being argued that would allow a transfer of development rights of Municipalities that are in the Planning Preservation area and that number is 193. The attorney stated that number is not obtainable and I think we are down to less than 21 units. Mayor Collins stated that Mr. Burgis has some work to do and the court has decided to adjourn the hearings until October 27th.

Mr. Carpenter spoke about the Board of Adjustment meeting and that nothing out of the ordinary happened. Mr. Carpenter stated that there were a few sheds, an addition and the board gave one applicant the opportunity to be reheard next month because the setbacks that were asking were too small.

Mr. Kline spoke on the Environmental. Mr. Kline stated that Sustainable Jersey had received a 10 thousand dollar grant for a Community Garden and discussion was under way for a place. Mr. Kline mentioned to Avary Hart that maybe she could invest in an extension or repurpose the grant. We could use the grant to exchange the gym lights to LED lights for reduce energy consumption cost.

Mr. Kline reported on Open Space. Mr. Kline stated that the Mayor & Council are discussing acquiring 4 parcels from Grandview Home Owners Associates of 110 acres. One of the lots is about 80 acres that surrounds New Pond. Mr. Kline said that the Trust of Public Land has filed an application with Morris County Historic Preservation Trust Committee for a grant to purchase 180 acres on the East side of town currently owned by Badanco. This application will be heard at the end of October and the Open Space Committee for Morris County will make recommendations to the Freeholders sometime in November. Hopefully by the end of November we will know if the application is moving forward. The Borough is just a contributor to the process and the Trust of Public Land is the applicant. The purchase price is 2.7 million and the Borough will contribute 100 thousand. The ultimate goal is to turn the property over to the Borough.

Mrs. Roselius stated that regarding L'Ecole Museum since nothing was changing in the configuration of the building in any way and they were only replacing the roof and siding materials it wasn't necessary for Planning Board to review and comment on their plans. This was according to the Construction Official Dan Hagberg.

Application #814 Meadtown Cleaners, 1483 Route 23 South. Applicant would like to replace existing sign with a new one.

Mr. Bacchetta swore in Annie Kim who is the Operations Partner for Klean Tech Corporation.

Ms. Kim testified that she would like to change the color of the sign and that the sign that is up has been there for ages. Ms. Kim said that she wants to update the sign to look more modern according to the new establishments that have moved in. The sign will be 3x12 feet, royal blue and will say Meadtown Cleaners. The light box sign and the stickers in the window will be the only signage at this property. Ms. Kim stated that she will get a letter from the Landlord granting Klean Tech Corp. permission to change the sign. Ms. Kim also stated that the light goes off before midnight.

Mr. Savino stated that she might have to come back before the Board if the type of lighting is changed.

Mrs. Roselius opened the meeting to the public and hearing no one from the public opened it back up to the Board.

A motion to approve the application subject to the letter from the Landlord was offered by Mr. Sisco, second by Mr. Savino with the affirmative "yes" vote of all on roll call.

Mr. Roselius stated that the next thing on the agenda was the Ordinance Amending the Land Use Ordinance.

Mr. Boorady stated that the Planning Board and Board of Adjustment Checklist would be modified and this would only apply to new applications and to commercial developments not to single family homes.

A motion to have the Mayor & Council adopt this resolution was offered by Mr. Kline, second by Mr. Sisco with affirmative "yes" vote of all on roll call.

Mrs. Roselius stated that at the beginning of the year the Zoning and Ordinance Committee was asked to look at the zones in town and give the comments to the Town Council. The three things that were looked at were zones, regulations and accessory structures.

Borough of Kinnelon

Chapter 207. Zoning

Article III. Zones and Zoning Map

SS 207-5 Designation of zones.

The Planning Board and the Planning Board Ordinance Committee (PBC) propose the following changes to the Kinnelon Borough Zones:

R Residential Zone

HWC Highway Commercial Zone

RC Restricted Commercial Zone - (Commercial lots not on Route 23 Corridor)

RR Restricted Recreation Zone

CZ Conservation Zone

AH Affordable Housing Zone

- The PBC recommends adding the Conservation Zone for open space properties that have development deed restrictions.
- The PBC is not reviewing the Affordable Housing Zone.
- The PBC recommends eliminating the Senior Residential Zone and the Zone Map's purple zone markings on the two lots between Maple Lake Road and Silas Park.
- The PBC recommends eliminating the Limited Industrial Zones. Is there a legal reason for retaining this zone?
- The PBC would like the Council's opinion regarding the RR -Restricted Recreation Zone. Currently none in town. Should we retain the zone in case Lake Rickabear is considered for a recreation complex? Or should this zone be eliminated since the Highlands Preservation restrictions prohibit the development of this lot.

The PBC reviewed the existing Commercial and Restricted Commercial Zone lots in town:

- To encourage businesses to locate in Kinnelon and increase our tax base.
 - Evaluate Route 23 Corridor lots
 - Evaluate potential business use of lots contiguous to Route 23 Corridor lots.
 - Establish restricted commercial zone strips in town on county roads where businesses have already been established with use variances.
- Does the commercial/restricted commercial lot's current use match the existing zone?
- If the lot is not being used for commercial purposes and the likelihood that commercial development would not happen due to wetlands, steep slopes or other topographical concerns, consider changing zone to residential zone.
- Consider adding High Crest Bridge Lot A and B as cell tower location.
- Recognize the changing of the zone may not encourage business to locate in Kinnelon due to Highland Preservation, water and sewer, wetland and topographical issues. Changing the zone will let an applicant know that we want to encourage businesses in our town.

A motion to eliminate Limited Industrial and Restricted Recreational was offered by Mr. Sisco, second by Mr. Kline with the affirmative "yes" vote of all on roll call.

A motion to remove Senior Residential was offered by Mr. Kline, second by Mr. Sisco with the affirmative "yes" vote of all on roll call.

Mr. Roselius stated that a lot by lot analysis was done and a walking tour was done on all these lots.

Iden letter	Desc. Of Location	Block/Lot*	Current Owner*	Current Zone	Recommended Zone	Issues
Highway Corridor Lots:						
Lot A	Route 23 Southbound by High Crest Bridge		Mark W. Wahrman	Residential	Highway Commercial	Narrow lot, steep slopes, water aqueduct easement brook from Maple Lake Billboard and two bldgs.
Lot B	Route 23 Northbound by High Crest Bridge		Paul A. Wahrman, Jr.	Commercial	Highway Commercial	DOT grant access? Maple Lake brook Land fill, steep drop to WM Billboard
Lot B-1	Paterson Hamburg Tpke		Carol Shenise	Commercial	Residential	part of lot between train

					track and Pequannock River off Pat Ham Tpke.
Lot C	Lincoln Rd lot 102	Dell Landscaping	Commercial	Highway Commercial	Building and improved site Shrub nursery to rear
Lot D	Lincoln Rd lot 103	Dell Kinnelon	Commercial	Highway Commercial	Some debris stored on lot.
Lot E	Kinnelon Road lot 104	Dell Kinnelon	Commercial	Highway Commercial	Access to water and sewer
Lot F	D'Angelo Kinnelon Rd		Residential	Highway Commercial	Consider changing to inc. business use. County rd ingress/egress issues
Lot G	Kinnelon Mall		Restricted Com.	Highway Commercial	Fully developed
Lot H	Columbia Bank		Commercial	Highway Commercial	Fully developed
Lot I	Paterno Building		Commercial	Highway Commercial	Fully developed
Lot J	Old Medical Bldg Kiel Ave		Commercial	Highway Commercial	Fully developed multiple tenants
Lot K	Middle Med Bldg Kiel Ave	Condos	Commercial	Highway Commercial	Fully developed
Lot L	Corner Rohrer Kiel Ave		Commercial	Highway Commercial	Fully developed multiple tenants
Lot M	Meadtown		Restricted Com.	Highway Commercial	Fully developed multiple tenants
Lot N	Meadtown Theatre		Restricted Com.	Highway Commercial	vacant
Lot O	Vacant land on Kakeout		Restricted Com.	Highway Commercial	undeveloped land possibly access thru Butler Route 23 Corridor
Lot P	Belmont Family		Residential	Highway Commercial	undeveloped land

	7 undersized residential lots off unimproved Wagda Avenue				possibly access thru Butler Route 23 Corridor
Lot Q	Cliff lot next to Lowes turn-around		Commercial	Highway Commercial	undeveloped land steep slopes
Lot R	Autocar mall		Commercial	Highway Commercial	Fully developed
Lot S	Sleepys Dunkin Donuts		Commercial	Highway Commercial	Fully developed
Lot T	Luk Oil		Commercial	Highway Commercial	Fully developed
Lot U	Harley Davidson		Commercial	Highway Commercial	Fully developed steep slopes wetlands
Lot V	Various homes behind Route 23 off Carl Place		Commercial	Residential	Residential homes on these lots
Lot W	Bed Bath Northbound 23	Inland Butler Kinnelon LLC	Commercial	Highway Commercial	fully developed
Lot X	Rosernes North 23	Natasita Ekta Jr. LLC	Commercial	Highway Commercial	fully developed
Lot Y	Lowes Northbound 23	Inland Butler Kinnelon LLC	Commercial	Highway Commercial	fully developed potential access to Lot Z residence behind BBB
Lot Z	residence off Lead Mine Rd	C Zopinski	Commercial	Highway Commercial	level lot behind BBB adjacent to Lowes pkg lot
Lot Z-1	vacant land	Giancaterino	Commercial	Highway Commercial	vacant land off barely accessible to Lead Mine Rd most of road is vacated.
Lot Z-2	residence off Mathews Ave	Arthur Richard	Commercial	Highway Commercial	house?

Commercial zones in town not on Highway Corridor:

Lot aa	Badaan's strip Boonton Ave		Restricted Com.	Restricted Commercial	Recently renovated fully developed including house? how is house zoned?
Lot bb	three lots between Badaan and Famularos		Residential	Restricted Commercial	Consider changing this section of Boonton Ave to increase ratables.
Lot cc	Famularos strip Boonton Ave		Commercial	Restricted Commercial	strip mall fully developed
Lot dd	vacant lot Twin Lakes Dr Boonton Ave		Commercial	residential	vacant land next to firehouse
lot ee	vacant land Fayson Rd to Kiel Ave, across from Stone House Rd		Restricted Com.	residential	not buildable, wet
lot ff	Cypress restaurant		Restricted Com.	Restricted Commercial	fully developed
lot gg	Tennis Courts Kinnelon Rd	condos	Restricted Com.	Restricted Commercial	fully developed
lot hh	Kinnelon Road between Stone House Rd and Boro Hall	various residences	residential	Restricted Commercial	consider creating a restricted commercial strip on Kinnelon Road water, sewer and Highlands issues for development

* Block/Lot #s and owners information needed if Town Council agrees to move forward with changing the zone and we need to contact the owner.

Mrs. Roselius stated that Meadtown/Meadtown Theatre would change to Highway Commercial.

Mr. Boorady stated that he didn't think that was realistic because of the residential properties and wetlands. Mr. Boorady said that you can't build a house there let alone put up a commercial building.

Mrs. Roselius asked Mr. Boorady if he would look at that property with her before the next Zoning and Ordinance meeting.

Mrs. Roselius stated the following:

There are a couple lots by Lowes and Bed Bath & Beyond area that are going to stay commercial, across the street at Karl Place this has to be changed to residential and all Route 23 lots would be Highway Commercial. On Boonton Ave Badann's strip including the house should be restricted commercial and Famularo's should be changed to restricted commercial.

Mrs. Roselius said that they were trying to set up a restricted commercial area and to take from Famularo's to Badann's that side and make it restricted commercial. There are about 3 homes that are in the middle.

Mr. Gadhavi asked how this would impact the home owners there.

Mr. Boorady stated that they would have to come to the Board of Adjustment for a variance for anything they do.

Mr. Carpenter stated that there was a lot of input from the people across the street and the Fayson lakes Community regarding lighting when the Badann strip went up.

Mr. Bacchetta stated that they might have to come before the Board of Adjustment even if it stayed residential if their lot is undersized to begin with.

Mrs. Roselius asked if she could see a raise of hands in favor and 5 were in favor and 3 abstained.

Mrs. Roselius stated that the vacant lot by Boonton Ave/ Twin Lakes Drive to change to residential and to change Borough owned property to conservation zones.

Mrs. Roselius stated that on Kinnelon Road between Stone House Road and the Borough to change to restricted commercial.

Mr. Boorady said that the likelihood of Highlands approving a major development is very slim and this also goes for the Boonton Ave area. Mr. Boorady also stated that DEP is not that easy to get approval from. Mr. Boorady said that rezoning the area on Boonton Ave and Kinnelon Road will only hurt the home owners.

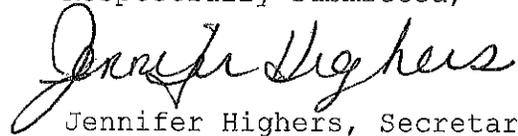
Mrs. Roselius stated that this was the first part going lot by lot looking at the zones and the next part is the regulations. Mrs. Roselius said that we are looking at reducing the restrictions to build on the highways and that we have pulled laws from the local towns.

Mrs. Roselius stated that before any of this work is done we will wait to get feedback from the Mayor and Council about what zones they would like.

Mrs. Roselius opened the meeting to the public and hearing no one opened the meeting back up to the board.

A motion to approve the bills and adjourn at 8:57 was offered by Mr. Kline, second by Mr. Sisco with the affirmative "yes" vote with all on roll call.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Highers". The signature is written in black ink and is positioned above the typed name.

Jennifer Highers, Secretary

cc: Planning Board Members
Planning Board Attorney
Planning Board Engineer
Borough Clerk
Board of Health
Fire Prevention Bureau
Zoning Official
Construction Official
Environmental Commission
Tax Collector
Assessor
Department of Public Works
Police Department
Morris County Planning Board