PLANNING BOARD
March 14, 2013

The Mountainside Planning Board met on Thursday, March 14, 2013, at the Mountainside Municipal Building, 1385 Route 22, Mountainside, NJ 07092.

In compliance with Chapter 231 OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice had been given to all members of the Planning Board and the newspaper that had been designated to receive notice, The Local Source.

PRESENT: Messrs. Disko, Garran, Matlin, Parker, Tomaine, Wyvratt, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli, Councilman Mortimer and Mr. Amalfe

Mr. Tomaine announced that the Shehady application had been postponed to the April meeting and they would not have to notice unless there were any new and/or additional variances.

MEMORIALIZATIONS:

Padin, 1437 Dunn Parkway, Block 10.E, Lot 17 – Applicant proposed an addition to a single-family dwelling on a non-conforming lot. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

ASC Mountainside Realty LLC, 1450 Route 22, Block 3.C, Lot 9 & 12 – Applicant proposed a Change of Tenancy and Change of Use for medical offices. Mr. Zawislak made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

NEW BUSINSS:

<u>NBD Zone/Carrier</u>, 191 Glen Route and 1055 Route 22, Block 24.A, Lot 21 – Applicants proposed a personal training center or "No Body Denied". Existing variances included front yard under 30 feet where 20.6 feet exists, lot width under 200 feet where 151+/- feet exists, and lot coverage over 75 percent where 90.2 percent exists. New variances include a use variance for the fitness cent4er and insufficient parking, 36 parking spaces where 40 parking spaces are required.

Mr. Joseph Murray, Esq. of Scotch Plains represented the applicants for the proposed personal training facility.

Attorney Loughlin duly swore in Mr. Louis Cortese of New York City, NY as the financial advisor for the building owners, 2009 Caiola Family Trust. Mr. Cortese is the sole trustee of the Trust. He is familiar with the operations and tenants in the building.

Mr. Cortese reviewed the history of the building and parking lot since it was purchased by the Caiola family in 1981,

There are a total of 38 parking spaces.

Mr. Disko expressed his concern in his report, the width of the existing entrance driveway on Glen Road.

The Caiola family use the 191 Glen Road entrance. The new tenant would use the 1055 Route 22 entrance. There are separate entrances for each one. There are also emergency entrances at both the front and rear of the building.

Members of the Caiola Family Trust, consisting of 4-5 separate entities, currently occupy the left portion of the building of approximately of total of 6200 square feet. There are a total of seven employees.

Mr. Cortese informed the board that prior uses of building had been manufacturing, warehouse, office space, professional use and most recently two fitness centers. With all the prior uses, there had never been a parking problem.

The board discussed the required number of parking spaces. The required number of parking spaces for Caiola would be 24 spaces and if you count the Limited Industrial Zone the number of parking spaces for the entire building would be 40 spaces.

There are existing awnings on the building. One has been replaced recently and the other will be replaced for the new tenant. The proposed tenant wants to change the color to black.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Attorney Loughlin advised the board regarding the Change of Tenancy and parking requirements.

Attorney Loughlin duly swore in Mr. Kenneth Carrier of Freehold NJ as the principle of the proposed personal training facility. Mr. Carrier gave his credentials to the board.

Mr. Carrier stated that NBD has many locations and the one in Springfield NJ is the first one that he owns which has 4500 members. The proposed facility will be his second.

The proposed facility would be a personal training studio, for women only and by appointment only.

Mr. Carrier described what the trainers would do. There would be a spin studio, one on one training area, and small group training that would have six women and a personal trainer. The personal training would be in one/half hour sessions and the group sessions would be 40 minutes.

There would be a very small staff. There may be a total of eight employees and a total of sixteen people and any one time. Mr. Zawislak reviewed the proposed personnel and existing parking spaces.

The hours of operations may be from 6:00 a.m. to 10:00 p.m.

Mr. Carrier described the type of equipment and training that would be in the facility. There would not be many pieces of equipment due to the fact that it is mostly personal training.

Mr. Disko inquired about the juice bar. There would not be juice bar. There would be a cooler for water and protein drinks.

They would sell tee shirts for the members only.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Mr. Chadwick inquired if there would be any Birthday parties. No.

No retail sales, except for tee-shirts.

All the personal trainers must be certified.

The board reviewed the proposed signs.

- The NBD wall signs would be illuminated
- LED illumination would be allowed. It would show up at night and it would not be very bright.
- No flashing signs would be permitted
- The proposed ground sign would conform to the ordinance
- The proposed wall sign would conform to the ordinance if it was only three-feet high
- The signs on the awnings are prohibited. No lettering would be permitted on awnings
- Mr. Disko believed that zoning approval was never given nor permits were issued for the awning signs
- Applicant may have to come back to the board for the proposed awning signs due to the fact that they were not noticed and the awning signs would be considered a variance
- Mr. Disko stated that the awnings and the signs on the awnings were two different issues
- Attorney Loughlin stated that the awnings would not be addressed at this meeting

There is an existing Dumpster on the site that is already enclosed. Trash has been picked up once a week. Mr. Cortese informed the board that he may have to contract for a larger container.

CONDITIONS:

- There would be no new connections
- There would be no changes in the existing driveways
- They would need to re-stripe the new, additional handicap parking space
- Due to the new handicap parking space, there may be a loss of one parking space
- Currently, there are no directional arrows for traffic circulation. The Route 22 and the Glen Road driveways are both two-way traffic circulation
- The ground sign would be 10’ x 4’ and the wall sign would be 3’ high
- The facility would be for personal training only, no physical therapy would be allowed
- No juice bars
- Hours of operation would be 6:00 am to 10:00 pm
- It would not be a sports facility or gym
- The awnings would be removed from the application
- There would be one additional handicap parking space

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

The board members gave their comments regarding the application. They felt that the parking would be adequate for the two tenants.

Having no further discussion, Mr. Zawislak made a motion to approve the application with the above-mentioned conditions and Mr. Younghans seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Wyvratt
Mr. Younghans
Mr. Parker

AYES: 0

MOTION: Carried

Barone, 345 Edgewood Court, Block 22.A, Lot 19 – Applicant proposed to install a generator in the side yard setback. New variance included the accessory structure (generator), located 7.5 feet off the property line where 10 feet was required.

Attorney Loughlin duly swore in Michael and Magaly Barone as the homeowners.

Mr. Barone informed the board that he would like to construct a family room addition and second floor addition onto a single-family dwelling. They would be adding three feet in the rear of the house. It is currently a one-story ranch-style house.

Mr. Barone reviewed the variances. Mr. Disko advised the board regarding the variance for the garage. There is an existing one car garage and variance relief is required for failure to provide a second bay in conformance with the ordinance.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

Having no further discussion, Mr. Zawislak made a motion to approve the application and Mr. Younghans seconded the motion.

Due to the lack of a second garage, Attorney Loughlin advised the board that the application would be considered a use variance and that five affirmative votes would be required for approval.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Wyvratt
Mr. Younghans
Mr. Parker

AYES: 0

MOTION: Carried

Royzman, 8 Little Court, Block 22.A, Lot 19 – Applicant proposed to install a generator in the side yard setback. New variance was for the generator which was considered an accessory structure and would be located 7.5 feet off the property line where 10 feet was required.

Attorney Loughlin duly swore in Ms. Marina Royzman, the homeowner and Mr. Mario Herendez of 554 Woodland Avenue, her neighbor.

The house is located on a through street and therefore, is has two front yards.

Ms. Royzman stated that she would like to locate the proposed generator in the side yard so that the generator would not be located right next to her neighbor's house. If she located the generator in the side yard, it would be in compliance with the ordinance and it would not have to go before the board.

Mr. Herendez explained that the generator would be located between the two houses and he would prefer if the proposed generator would be located in the side yard. The proposed generator would then be located near the air conditioning units.

Ms. Royzman explained that she had contacted both the contractor and the manufacturer to make sure that the generator could be located in the proposed area.

Mr. Tomaine opened the floor to the audience for questions or comments. There were none.

Having no further discussion, Mr. Zawislak made a motion to approve the application and Mr. Younghans seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Wyvratt
Mr. Younghans
Mr. Parker

AYES: 0

MOTION: Carried

Wojtkunski/Palchik, 1144 Maple Court, Block 5.P, Lot 8 – Applicant proposed to extend their roof line over a patio on a non-conforming lot. Existing variances included foundation area over 15 percent where 16 percent exists, lot coverage over 30 percent where 35 percent exists, and an existing pool and patio which were considered accessory structures in the required six-foot setback. New variances included lot area under 15,000 square feet where 14,374 were proposed, and ground projections over 3.75 percent where 4.4 percent was proposed.

Attorney Loughlin duly swore in Ms. Janice Wojtkunski as the homeowner.

Ms. Wojtkunski requested that she be allowed to construct a metal roof over her patio because of the sun makes the patio very hot.

The roof extension would be the full length of the patio and would be the same color as the existing roof.

Ms. Wojtkunski explained how the overhang would be attached to the existing roof.

The members were concerned regarding snow load, however, Mr. Disko stated that it would be addressed by the Building Department. The pitch of the proposed overhang would be along the same lines as the existing roof.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

Having no further discussion, Mr. Garran made a motion to approve the application and Mr. Wyvratt seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Wyvratt
Mr. Younghans
Mr. Parker

NAYS: 0

MOTION: Carried

Having no further business, the meeting was duly adjourned at 9:45 pm.

Respectfully submitted,

Ruth M. Rees
Secretary