

PLANNING BOARD
April 11, 2013

The Mountainside Planning Board met on Thursday, April 11, 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, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli, Councilman Mortimer, Messrs. Amalfe, Garran and Wyvratt.

The minutes of the March 14, 2013 meeting were approved as amended. All were in favor.

MEMORIALIZATIONS:

NBD Women LLC, 191 Glen Road/1055 Route 22, Block 24.A, Lot 21 – Change of Tenancy for a personal fitness center. Mr. Zawislak made a motion to approve the resolution and Mr. Younghans seconded the motion. All were in favor.

Barone, 345 Edgewood Court, Block 16.N, Lot 11 – Addition and renovations. Mr. Zawislak made a motion to approve the resolution and Mr. Parker seconded the motion. All were in favor.

Wojtkunski/Palchik, 1144 Maple Court, Block 5.P, Lot 8 – Extension of the roofline. Mr. Zawislak made a motion to approve the resolution and it was seconded. All were in favor.

Royzman, 8 Little Court, Block 24.A, Lot 19 - One correction had to be made in the resolution. Mr. Zawislak made a motion to approve the resolution, as amended, and Mr. Parker seconded the motion. All were in favor.

NEW BUSINSS:

ARC of Union County, 1137 Globe Avenue, Block 23.C, Lot 8.Q – Applicant proposed to install an outdoor awning and umbrella. Granted variances include front yard under 36 feet where 30.05 feet existed, foundation area over 15 percent where 22.4 percent existed and lot coverage over 40 percent where 62.4 percent existed.

Ms. Amy Gasiorowski, Esq. of Frieri and Conroy represented the applicants for the proposed awning and umbrella.

The applicants would like to install a 15' x 40' freestanding outdoor awning as well as an outdoor umbrella on the westerly side of the building. Mr. Zawislak stated that it should be considered a shade sail.

The applicants received an approval in 2011 for another awning for the play area.

The board was assured that the play area had been inspected and approved by the state.

Attorney Loughlin asked Mr. Disko if he was satisfied with the report that had been submitted to the board. Mr. Disko stated that he was satisfied.

Attorney Loughlin duly swore in Mr. Frank Caragher of Springfield, NJ

Mr. Caragher described the play area and activity area. The reason for the proposed shade sail and umbrella is to provide shade for the children during their play time. They would be installed toward the center of the playground. There would be a seating arrangement under the two structures. The framework would be permanent, however, the fabric would be removed during the winter months.

Exhibit A-1: Manufacturing specifications for the shade sail and umbrella.

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

Mr. Disko reviewed his memo.

Attorney Loughlin duly swore in Mr. Stephen Fiske of Middlesex, NJ. He did not have to give his credentials.

Exhibit A-2: Photographs. They were reviewed by the board.

Exhibit A-3: Site plan for the location of the proposed shade sail and umbrella.

Mr. Fiske stated that No. 10 of Mr. Disko's reviewed had been addressed. The top of the fabric would only be approximately 12 feet.

No. 15 of Mr. Disko's review had also been addressed.

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

ROLL CALL VOTE:

AYES: Mr. Disko	NAYS: 0
Mr. Tomaine	
Mr. Zawislak	
Mr. Younghans	
Mr. Parker	
Mr. Matlin	

MOTION: Approved

Flynn, 370 Forest Hill Way, block 3.J, Lot 26 – Applicant proposed to install a generator in the side setback of a single-family dwelling. New variances included the generator which was considered an accessory structure that would be located 7.5 feet from the side yard property line where 10 feet was required.

Attorney Loughlin duly swore in Mr. Robert Flynn as the homeowner.

Mr. Flynn informed the board that he would like to install an emergency natural gas generator on the side of the house. It would not be running all the time.

The next door neighbor did not have any objections. There would be driveway that would be located between the two properties.

The board discussed proposed required noise levels. Mr. Disko stated that this type of generator would be in line. The generator would have to be run approximately once a week.

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

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

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Younghans
Mr. Parker
Mr. Matlin

NAYS: 0

MOTION: Approved

Thomas, 1189 Ridge Drive, Block 5.B, Lot 18 – Applicant proposed to install rooftop solar panels on single-family dwelling. New variance included the solar panels which were considered an accessory structure.

Attorney Loughlin duly swore in Mrs. Laurie Thomas as the homeowner.

Mr. Tomaine stated that although he was a neighbor, he was not within 200 feet of the property.

Mr. Matlin recused himself from hearing the application due to a conflict.

Mrs. Thomas stated that she would like to install six black on black solar panels onto the roof of her house.

They would be located on the south side, front of the roof. Mrs. Thomas stated that she had understood that the panels would be located in the rear of the roof, not the front. Mrs. Thomas revised her testimony to indicate that the panels would be located on the front of the roof.

Attorney Loughlin duly swore in Mr. Schnetz as the contractor/installer. Mr. Schnetz stated that trees may have to be removed if necessary.

Mrs. Thomas stated that the six panels would provide approximately fifty percent of the electricity.

Mr. Disko discussed the proposed location of the panels, based upon plans that were submitted to the board. Mr. Disko stated that they would be located on the highest levels of the house.

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

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Aguilar, 1361 Stony Brook Road, Block 15.B, Lot 18 – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming. New variances included lot areas under 15,000 square feet where 10,085 square feet existed, lot width under 100 feet where 75 feet existed, foundation area over 15 percent where 22 percent

was proposed, lot coverage over 30 percent where 31.2 percent was proposed, and required lot area within 150 feet.

Attorney Loughlin duly swore in Mr. Salvino Aguiar as the homeowner. He currently resides in Kearny, NJ.

Mr. Tomaine reviewed the variances.

Mr. Aguiar informed the board that he would like to fill in several gaps or voids in the existing house. It would make the house more functional. They would be enlarging the kitchen and family room areas.

It would remain a one-story ranch-style house.

The patio pavers and deck would be removed and become grassy areas.

Mr. Zawislak reviewed the proposed increase in the areas of the house, however, they would be removing the patio pavers and deck, which would reduce lot coverage.

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

Mr. Zawislak made a motion to approve the application and Mr. Younghans seconded the motion.

CONDITION:

The patio pavers and deck would be removed and not replaced.

ROLL CALL VOTE:

AYES: Mr. Disko

Mr. Tomaine

Mr. Zawislak

Mr. Younghans

Mr. Parker

Mr. Matlin

NAYS: 0

MOTION: Approved

Shehady, 373 Short Drive, Block 5.C, Lot 23 – Applicant proposed a three-story addition onto a single-family dwelling on a corner lot. New variances included height over 30 feet (three stories) where 32.91 feet was proposed, front yard under 30 feet where 26.50 feet was proposed, side yard under 8 feet or 10 percent width where 8.41 feet was proposed, and front yard coverage along Short Drive where 34 percent was proposed.

Mr. John DeMassi, Esq. of Scotch Plains, NJ represented Mr. Shehady for the addition.

Attorney Loughlin duly swore in Mr. Randy Shehady as the homeowner. He currently resides in Hoboken, NJ.

Exhibits A1-6: Photographs of the existing property

The variances were reviewed.

Mr. Sheshady described the ranch-style house on the corner of Short Drive and Central Avenue.

Exhibit A-7: Trees in front of the existing house would be removed.

Exhibit A-8: 375 Short Drive

Exhibit A-9: Another house on the street

Exhibit A-10: Rear of 375 Short Drive

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

Attorney Loughlin duly swore in Mr. James Watson of EKA Associates in Scotch Plains, NJ. He did not have to give his credentials to the board.

The rear existing driveway would be removed in order to reduce impervious surface.

Mr. Watson described the existing irregularly-shaped lot.

The existing garages would be enlarged and relocated to the front of the proposed addition.

They would be keeping the foundation and the first floor.

Mr. Watson explained the proposed height of the house and the fact that it would not be three stories but only two stories. They would be re-grading the rear and side of the property so that the house would not appear so high or so large.

There would be a front yard variance due to the proposed addition. The proposed "bump-out" would be only two feet.

Building height: The ordinance for building height goes by average grade. The average grade comes to 99.65. The basement ceiling has to be less than 4 feet above the grade to not be considered a story. They would be raising the grade substantially to 100.35. The proposed height of the house would be 31.91 feet high based on the average grade to the peak of the roof.

There would be a proposed deck and a retaining wall.

The back yard would be more functional if it were filled in.

The existing planter would be removed.

The existing side door would be removed.

Due to the re-grading of the property, the basement would no longer be considered a story. Therefore, the house would only be two stories high.

Mr. Watson stated that the proposed house should fit in very nicely with the neighborhood.

Due to the irregular-shaped lot, meeting the setback requirements would be difficult and would be considered a hardship.

Mr. Watson stated that if they remove a portion of the proposed garage, they could comply with the side yard setback.

Mr. Tomaine inquired if the proposed house could conform to the ordinance, including the height of the house. Mr. Tomaine questioned if a house could be designed without any variances. Mr. Watson stated that there would be problems in that a two-car garage was required and that would require a variance. There would also be topographical issues associated with any design. If the house was realigned, variances would be created on Central Avenue, not on Short Drive.

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

Attorney Loughlin duly swore in Mr. Nassir Almkhtar as the architect for the project. He gave his credentials to the board.

Mr. Almkhtar testified that the existing ranch-style house would be converted to a colonial-style house. The bedrooms would be relocated to the second floor, the first floor would be the living area and the basement would become a playroom.

If the length of the garage were reduced, it would create a jog. The width of the garage would also have to be reduced so that a jog was not created.

The height of the front of the house on Short Drive would be between 29 to 30 feet high. The north side would be 31 feet and the rear of the house would be higher at approximately 38 feet. However, the board was reminded that the rear property would be re-graded so that it would change the height of the house slightly.

Mr. Zawislak discussed the side yard setbacks and front yard coverage of the proposed house. Mr. Tomaine would still like the side yard setback to comply with the ordinance.

Mr. Zawislak inquired about the proposed dormers that were depicted on the plans. The area would be used for storage and ductwork. He was assured that the area would not be used for living space. They would not be able to reduce the height of the house without reducing the pitch of the roof.

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

Mr. Tomaine opened up the floor to the audience for comments.

AUDIENCE PARTICIPATION:

Mr. Stephen Agey of 382 Short Drive expressed his concern regarding the proposed height of the house and the impact it would have on his house as well as the neighborhood. It seems very large for the size of the lot and it would be very high.

Mr. Disko informed him that the proposed house would be 30 feet in the front and could be as high as 38 feet on the Central Avenue side. If the roof was changed to a Hippi roof, it would not seem as high.

Attorney DeMassi gave his summation.

Mr. Tomaine did not agree that the proposal qualified as a c-1 variance, however, the applicant was willing to make some revisions, including eliminating one of the variances.

Conditions:

- The additional garage would be in conformance with the side yard requirement
- Revised plans for a Hippi roof would be presented on the right side of the house
- Mr. Disko still questioned whether or not the house would be considered a three-story or a two-story house, depending on the definition of the proposed grading
- As built plans must be submitted to the Borough engineer and the Construction Department that would also include the height of the house as well as the grading around the entire site to ensure compliance
- Applicant revised plans to remove front yard coverage variance and will comply with the 30 percent restriction in the ordinance

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

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Youngmans

NAYS: 0

Mr. Parker
Mr. Matlin

MOTION: Approved

deRoberts, 363 Summit Road, Block 5.I, Lot 21 – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming lot. New variances include lot area under 15,00 square feet where 13,588 square feet existed, lot width under 100 feet where 85 feet existed, foundation area over 15 percent where 21 percent was proposed, lot area within 150 feet and front yard coverage over 30 percent where 31.7 percent was proposed.

Attorney Loughlin duly swore in Mr. Michael deRoberts of Union, NJ. Mr. deRoberts is a deacon at Our Lady of Lourdes.

Mr. Tomaine reviewed the variances.

Mr. deRoberts purchased the house last June and it needs a lot of work. The house would remain a ranch-style house.

Mr. deRoberts would like to add onto the house in order to enlarge several rooms, add a bedroom and bathroom, mudroom and a second garage. He would also create a turn-around in the driveway due to the fact that Summit Road is very busy and it would be much safer to be able to face out onto the street.

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

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Younghans
Mr. Parker
Mr. Matlin

NAYS: 0

MOTION: Approved

Having no further business, the meeting was duly adjourned.

Respectfully submitted,

Ruth M. Rees
Secretary

Having no further business, the meeting was duly adjourned at 11:10 p.m.

Respectfully submitted,

Ruth M. Rees
Secretary