

**PLANNING BOARD**  
**May 9, 2013**

The Mountainside Planning Board met on Thursday, May 9, 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, Younghans, Zawislak, Mayor Mirabelli, Councilman Mortimer, Attorney Loughlin and Secretary Rees.

ABSENT: Messrs. Amalfe, and Wyvratt.

The minutes of the April 11, 2013 meeting were approved as amended. All were in favor.

MEMORIALIZATIONS:

Salvino Aguiar, 1361 Stony Brook Road, Block 15.B, Lot 18 – Applicant proposed an addition. Mr. Parker made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

ARC of Union County/Kohler School, 1137 Globe Avenue, Block 23.C, Lot 8.Q Applicants proposed to install an awning and umbrella over the school's playground area. Mr. Younghans made a motion to approve the resolution and Mr. Parker seconded the motion. All were in favor.

Robert Flynn, 370 Forest Hill Way, Block 3.J, Lot 26 – Applicant proposed to install a generator in the side yard setback. Mr. Younghans made a motion to approve the resolution and Mr. Parker seconded the motion. All were in favor.

Patrick and Laurie Thomas, 1189 Ridge Drive, Block 5.B, Lot 18 – Applicants proposed to install rooftop solar panels. Mr. Younghans made a motion to approve the resolution and Mr. Pasrker seconded the motion. All were in favor. Mr. Matlin recused.

Randy Shehady, 373 Short Drive, Block 5.C, Lot 23 – Applicant proposed an addition and renovations. Mr. Parker made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

Michael deRoberts, 363 Summit Road, Block 5.I, Lot 2 – Applicant proposed to construct an addition. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

NEW BUSINSS:

Don Don Realty LLC, 90 New Providence Road, and 903 Mountain Avenue, Block 14, Lots 15.A and 15.C. Site Plan and Development of a new commercial building for possible retail sales and drive-through. New variances included a retaining wall over eight feet, insufficient parking space size of 9' x 18', lack of trash/refuse location, lack of loading spaces, and insufficient visibility/sight triangle.

Mayor Mirabelli recused himself from hearing the application and left the courtroom.

Mr. Peter Wolfson, Esq. of Morristown, NJ represented the applicants for the proposed site plan and development of a new commercial building.

Attorney Wolfson informed the board that, to date, his clients had no tenants for the proposed building.

The applicants had received all the reports from the board's experts and that they were prepared to address all of them.

Attorney Loughlin duly swore in Mr. Victor Vinegra of Harbor Consultants, as the applicant's professional planner. He gave his credentials to the board.

Exhibits A-1: Landscaping plan

A-2: Photographs of a structure in Summit, NJ that is similar to the proposed building and the suggestion of Mr. Chadwick

A-3: Proposed floor plan

A-4: Aerial photographs – Google Earth

A-6: From the Conceptual Review, coloring rendering of the proposed building

Mr. Vinegra stated that the proposed building will be located approximately 10-15 feet from the property line.

Mr. Vinegra proposed a one-way traffic circulation from Mountain Avenue to New Providence Road. There would be a queuing and by-pass lane. There would be a flexible design for a small drive-through for approximately six vehicles for a possible bank or coffee establishment. Mr. Vinegra described the proposed traffic circulation in the parking lot from Mountain Avenue as well as New Providence Road.

The sidewalk in the front of the proposed building would be replaced with brick pavers.

The parking ordinance for retail use had been met. There would be insufficient parking if the proposed building became a bank.

There would be landscaping along Mountain Avenue and on top of a new retaining wall that would run around most of the property.

The entire lot would be re-graded.

Attorney Loughlin expressed his concern that the applicants were seeking preliminary and final site plan approval and that the tenant, when they have a tenant, would make any cosmetic changes to the building. Attorney Loughlin also expressed his concern as to whether or not the Summit, NJ building would look exactly like the proposed building. Mr. Vinegra informed him that it would be the same building,

Mr. Zawislak inquired about the driveway. Would the driveway onto Mountain Avenue be a right-turn only? It would be a right-turn only.

Mr. Matlin inquired how the design would change if you do not attract a tenant that would need a drive-through lane. The applicants would have been going back to the board with an amended application. Attorney Loughlin agreed.

Attorney Wolfson stated that they would like to get approval for a generic retail establishment so that they would be able to market the site. They have been told by the brokers that there would be no interest until the site is approved. Attorney Loughlin advised the board that they would have to consider the specific plan and location that was presented to them. There are no other options. He emphasized that the application was not a conceptual review, but a site plan.

The proposed building would be a single story building, approximately eighteen feet high, including a copula around the top of the building. The applicants were hoping to have two tenants in the building.

If the building would become a bank, there would be parking issues, due to the fact that there would be insufficient parking.

Per review of all the reports, the Mountain Avenue exit would be a right-turn only and the curb line would be created to force a right-turn only. Mr. Disko inquired if there should be a prohibition of a left turn from Mountain Avenue into the site, however, Mr. Vinegra did not agree with him.

Mr. Vinegra addressed the parking circulation onto New Providence Road. Cars exiting onto New Providence Road would have to alternate. New Providence Road driveway should be kept for both right and left hand turns.

There would be two parking spaces for employee parking.  
There would be one pass-through lane  
There would be twelve spaces in the front lot and eight spaces in the back lot  
The proposed parking spaces would be 9' x 18' with one handicapped parking spaces

Attorney Loughlin expressed his concern that the applicants did not submit a traffic study. Attorney Wolfson informed him that they would be coming before the board again when they have a tenant.

Exhibit B-1: Mr. Disko's review. Mr. Vinegra reviewed the report.

The trash and refuse area would be stored inside the building.

Exhibit A-3: Mr. Vinegra described the proposed interior design for the two tenants.

An eight-foot fence would be installed and it would comply with the ordinance. A screening and safety fence would be placed on top of the proposed wall.

Trees and shrubs would be planted around the property.

The applicants would submit an amended EIS report.

Signs: There would be no variances. Applicants would comply with the ordinance. The applicants would discuss the appropriate directional signs with the Police Department and the Borough Engineer. There could be one wall sign per tenant/one sign per side. There could be one ground sign.

A variance would be required for the proposed tiered wall.

Mr. Vinegra described the proposed exterior lighting for the building as well as the parking lot.

The existing house, currently located on the property, would be relocated to Constitution Plaza. The target date for this move would be approximately September 2013. However, the utility costs would be very costly. There is an agreement between all parties involved regarding moving the house. Attorney Loughlin advised that the agreement should be made available to the board.

Attorney Loughlin advised the board regarding a possible parking variance and he expressed his concern regarding a possible drive-through.

Mr. Disko stated that the county may restrict turning onto the county road. However, the applicants have not yet submitted their plans to the county for their review

and approval. Mr. Disko stated that he was comfortable with moving ahead even though the board has not heard from the county.

The board's traffic consulting expert: Due to the fact that Mr. Harold Maltz had not yet been sworn in for the year 2013, Attorney Loughlin duly swore in Mr. Harold Maltz of Hamal Associates.

Mr. Maltz reviewed his report. Mr. Maltz indicated that the plans lacked directional signs, handicapped signs, markings, etc. Attorney Wolfson stated that they would be submitted at a later date.

Parking spaces: There would be 22 parking spaces for retail use. Parking variances would not be needed. If the building became a bank, three more parking spaces would be required. Mr. Maltz stated that the board should carefully look at whether the structure was going to be generic retail use or a bank due to the fact that it would affect the parking calculations.

Attorney Loughlin advised the board regarding the application that was submitted to them for generic retail use and that they were not seeking a parking variance. He expressed his concern that a drive-through was being proposed and not connected with the use. The board should not feel constrained as to whether that impacts the property And approval of the site plan that is before them. They must consider traffic circulations, etc.

Mr. Maltz discussed the proposed curbs cuts. The driveway would be 24 feet and that would provide two driveways side-by-side. They would conform to the ordinance. Mr. Maltz agreed with the Police Department that there would be a no left turn out of the drive onto Mountain Avenue. He also recommended that there would be no left turn into the drive from Mountain Avenue. This was also agreed to by both Mr. Disko and the Police Department. Mr. Maltz stated that he did not agree with the Police Department regarding the left turn restriction onto New Providence Road. New Providence Road should be both ways.

The proposed island should be pulled back several feet at both ends.

The proposed curb-return is tight and should be reconsidered.

Mr. Maltz agreed to the proposed 9' x 18' parking space size.

Parking Lot: The left lane would be designated a drive-through and the right lane would be the by-pass lane. The left lane would provide additional stacking for queuing. He cautioned that the board would be considering a parking layout for retail use but there may be a different parking requirement if the tenants were not of retail use. Attorney Loughlin stated that there should be revised plans that are more specific as to the proposed use of the building,

At this point, Attorney Wolfson stated that there would not be a bank in the proposed building.

Having no further discussion, the application was adjourned until the June 2013 meeting. No further notification would be required.

APPLICATION: ADJOURNED

Ford, Myriam and Michael, 285 Timberline Road, Block 16.H, Lot 33 – Applicant proposed an addition in the rear of a single-family dwelling on a non-conforming lot. Existing variances included lot width under 100 feet where 98 feet exists, lot area within 150 feet and driveway in the side yard.

Mr. Garran recused himself from hearing the application and left the courtroom.

Attorney Loughlin duly swore in Mr. Daniel Falcone as the architect and Mrs. Myriam Ford as the homeowner. Mr. Falcone did not have to give his credentials to the board.

Mr. Falcone prepared the plans for the addition in the rear of the house.

One of the dormers in front of the house would be enlarged.

The kitchen and family room on the first floor would be enlarged and a master bedroom suite would be added on the second floor.

Exhibits: A-1: Photographs of the property

The entire house would be re-sided once the addition is completed.

Mr. Falcone reviewed the calculation sheet.

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. Younghans  
Mr. Parker  
Mr. Matlin

NAYS: 0

MOTION: Approved

deZagon, 1363 Birch Hill Road, Block 15.A, Lot 1 - Applicant proposed an addition in the rear of a single-family dwelling on a non-conforming lot. Variances included lot area under 15,000 square feet where 8,990 square feet exists, lot width under 100 feet where 72+/- feet existed, lot area within 150 feet. A new variance included foundation area over 15 percent where 20.3 percent was proposed.

Attorney Loughlin duly swore in Ms. Blair deZagon as the homeowner.

Ms. deZagon informed the board that she would be removing the existing patio/wooden deck and planter in order to reduce lot coverage and enable her to increase living space.

The existing kitchen, dining room and bedrooms would be enlarged.

Mr. Zawislak indicated that even though it would be a large addition, you would not be able to see the addition from any street.

Attorney Loughlin duly swore in Mr. James Ruban as the architect. He did not have to give his credentials to the board.

Mr. Ruban stated that the height of the house would be maintained. The size of the proposed addition would be 562.5 square feet. The addition would be added to the rear of the house. Mr. Zawislak stated that it really would become a two-story house.

The lot coverage would be reduced by approximately 4 percent and the footprint would increase. The lot is undersized.

Mr. Tomaine inquired if the height of the addition exceeds the height of the existing dwelling. Mr. Ruban stated that he did not think so. He said that it would be

difficult to do. It would be difficult to extend the addition above the existing peak. He again stated that he would maintain the height of the dwelling.

Mr. Disko stated that as-built plans may be required, depending on the height of the proposed addition.

Mr. Disko also informed Mr. Ruban that there were drainage problems on the site. Ms. deZagon stated that gutters, etc. have already been installed. Mr. Ruban stated that additional retention/detention plans would be submitted. He would meet with the Borough Engineer regarding this matter.

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. Garran seconded the motion.

CONDITIONS:

- Remove the existing patio and deck to reduce lot coverage
- Submit "As-Built" plans
- Submit retention/detention plans.

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Having no further business, the meeting was duly adjourned at 10:00 p.m.

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

