

**PLANNING BOARD  
AUGUST 8, 2013**

The Mountainside Planning Board met on Thursday, August 8, 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, Tomaine, Wyvratt, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli, Councilman Mortimer, Messrs. Amalfie, Younghans, Matlin, and Parker.

The minutes of the June 13, 2013 meeting were approved as presented. All were in favor.

MEMORIALIZATIONS:

From the June Meeting:

Iloglu, 122 Mill Lane, Block 24.D, Lot 2.02 – Expansion of an existing patio. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

Jakositz, 1470 Woodacres Drives, Block 3.A, Lot 21.A – Addition. Mr. Garran made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

Renner, 737 Hillside Avenue, Block 11, Lot 3.B – Addition and renovations. Mr. Garran made a motion to approve the resolution and it was seconded. All were in favor.

Lott, 232 Evergreen Court, Block 15.I, Lot 9 – Addition. Mr. Garran made a motion to approve the resolution and it was seconded. All were in favor.

Mountain Restoration Committee, 903 Mountain Avenue, Block 14, Lot 15.A – Relocating the Levi-Cory House to Constitution Plaza. The board acted as an advisory committee. All were in favor.

From the July Meeting:

2009 Caiola Family Trust, 191 Glen Road Block 24.A, Lot 21 – Applicant proposed to install two awnings onto an existing commercial building. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor

Don Don Realty, LLC, 90 New Providence Road and 903 Mountain Avenue, Block 14, Lots 15.A, and 15.C – Applicants proposed a site plan and development for a new commercial building for possible retail use. This application was denied. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

NEW BUSINESS:

Montagna, Kenneth, 332 Timberline Road, Block 16.J, Lot 13 – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming lot. Existing variances included a shed which is considered an accessory structure within the

required side yard setback and a new variance for rear yard under 30 feet where 14 were proposed.

Attorney Loughlin duly swore in Mrs. Veronica Montagna as the homeowner.

Mrs. Montagna informed the board that their house was situated on the curve of a cul-de-sac so that their front yard is curved. The house is off-set on the lot.

She would like to add a fourth bedroom by creating a master bedroom suite which would include a master bathroom. The proposed master suite would be located over the garage.

There would be no increase in the footprint due to the fact that the addition would be on the top floor.

Mr. Montagna stated that there was a vacant lot behind them.

The addition would change the height of the house over the garage. Mr. Disko stated that the proposed addition would not go any higher than the existing structure of twenty-six feet.

There was a temporary structure in the rear yard. The board inquired as to when it would be removed. Mrs. Montagna requested that she be allowed to keep it until the addition was completed. The board would give her until February 2014.

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. Wyvratt seconded the motion.

CONDITION:

- The temporary structure must be removed by February 2014

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Wilches, 1277 Knollwood Road, Block 16.AK, Lot 87 – Applicant proposed the construction of a new single-family dwelling on a non-conforming lot. Existing variances included lot area under 15,000 square feet where 14,371 square feet existed, lot width under 100 feet where 80 feet existed and shed within six feet of property line. New variances included foundation area over 15 percent where 16.e percent was proposed and lot coverage over 30 percent where 31.9 percent was proposed.

Attorney Loughlin swore in Edwin and Fatima Wilches as the property owners.

Mr. Wilches stated that they would like to demolish the existing home and construct a new house on the property.

The proposed house would be a four-bedroom home with a master bedroom on the first floor and a proposed in-ground pool. They would like to have approval for the pool so that it would be built at the same time as the house.

The proposed house would be approximately 3600 square feet.

Mr. Zawislak informed the applicants that there did not seem to have any hardships. He stated that the house would be brand new and, therefore, the house should conform to the ordinance.

Mrs. Wilches stated that they were not aware of the R-2 Zone requiring 15,000 square feet. Mr. Zawislak stated that they could not change the lot size but they could change the size of the proposed house.

Mr. Wilches stated that their builder stated that it would have been more expensive to add onto an existing house.

Mr. Zawislak stated that it would be very difficult for him to approve a proposed new house with variances. He would like to see the new house built without any variances.

Mr. Wilches stated that the proposed new house would not be a detriment to the neighborhood and it would make the neighborhood look nicer.

Mr. Garran inquired if there had been any attempt to reduce either the foundation or lot coverage. Mr. Wilches stated that lot coverage was due to the inclusion of the in-ground pool.

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

Several members gave their comments to the applicants.

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

ROLL CALL VOTE:

AYES: Mr. Disko	NAYS: 0
Mr. Tomaine	
Mr. Zawislak	
Mr. Garran	
Mr. Wyvratt	

MOTION: Denied

Shahid, 318 Old Tote Road, Block 16.H, Lot 15 – Applicant proposed the construction of a new single-family dwelling on a non-conforming lot. Existing variances include lot area under 15,000 square feet where 13,387 square feet exists, and lot width under 100 feet where 81.7 feet exists. New variances include height over 30 feet where 31 feet was proposed, foundation area over 15 percent where 16.5 percent was proposed and lot coverage over 30 percent where 34.3 percent was proposed.

Attorney Loughlin duly swore in Christina Shahid and John Shahid of 318 Old Tote Road.

The existing house would be demolished.

Mr. Shahid explained that his application would be very similar to the Wilches application.

The two proposed houses would be very similar in size and variances. There would also be an in-ground pool that would put them over lot coverage.

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

AUDIENCE PARTICIPATION:

Mrs. Sandy Burdge of 312 Old Tote Road inquired if the house could be built within the required footprint so that there would not be any variances. Mr. Shahid stated that the house could probably be designed without variances, however, he would like a porch and in-ground pool to meet the current and future needs of the family.

When Mrs. Burdge expressed her concern regarding water run-off, Mr. Shahid stated that there were no indications that there had been water problems or moisture in the basement and their engineer would design drainage plans so that there would be no water run-off onto adjacent property owners.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Michelle Brugger, 322 Old Tote Road also expressed her concern regarding water run-off. In a heavy rainstorm, there was water in the basement. The proposed house would be much larger than the existing house.

She also expressed her concern regarding the proposed height of the house.

Mr. Harold Burdge of 312 Old Tote Road believed that there was no hardship expressed by the applicant.

Mr. Burdge stated that the new proposed house would be a different design and size than the existing houses on Old Tote Road.

Mr. Burdge stated that the variances should not be granted.

Mr. Burdge is also concerned about water run-off.

End participation:

Mr. Shahid stated that their engineer reviewed the detention/retention drainage on the property. It would mitigate any drainage problems. They would be willing to add inlets in the front and rear of the property and/or increase or add a drywell.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Ms. Susan Driscoll of 311 Old Tote Road who also expressed her concern about future run-off. She questioned where the water would go. She stated that the water currently goes down Birch Hill Road.

End participation:

Mr. Zawislak stated that his feeling was the same as the previous applicant. He felt there should be open space and that when there is a brand-new house, it should be built without variances. The new house should start off with a "clean slate" and that the building should conform to the ordinance. He believed that there were no hardships.

Mr. Tomaine reviewed the c-variance. Mr. Tomaine stated that the applicants should show that there would be no detriment to the neighborhood or substantial impairment to the zoning plan or ordinance.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION; Denied

DISCUSSION:

Ferraro application: It was not placed on the agenda due to the fact that the applicants would not be able to appear at the August meeting, therefore, the applicants must re-notice.

C.F.G.R. Attorney Loughlin reminded the board regarding final subdivision for 151 Wild Hedge Lane. The applicants were to have submitted a written response to satisfy all the conditions. Attorney Loughlin brought the board up-to-date as to what has transpired between the applicant's attorney and himself. Attorney Loughlin stated that the C.F.G.R. would not be placed on the agenda until the Borough Engineer has given his approval to go ahead. Mr. Disko has not received DEP permits as of this date. With the board's approval, Attorney Loughlin would correspond with Attorney Bernstein, the applicant's attorney as to the status of this case.

Having no further business, the meeting was duly adjourned at 9:00 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary

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

