

**PLANNING BOARD
OCTOBER 10, 2013**

The Mountainside Planning Board met on Thursday, October 10, 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: Mayor Mirabelli, Messrs. Disko, Garran, Tomaine, Wyvratt, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Councilman Mortimer, Messr. Amalfie, Parker, Matlin, Younghans.

The minutes of the September 12, 2013 meeting were approved as presented. All were in favor.

MEMORIALIZATIONS:

Dinic, 1052 Elston Drive, Block 7.H, Lot 22 – Addition. Mr. Disko made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

Ferraro, 1171 Foothill Way, Block 5.G, Lot 6 – New single-family dwelling. Mr. Garran made a motion to approve the resolution. Mr. Garran made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Bonner, 18 Rodman Lane, Block 22.B, Lot 19.A – Addition. Mr. Zawislak made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Reardon, 1444 Deer Path, Block 3.J, Lot 6 – Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

Tower Homes, LLC. 371 Forest Hill Way, Block 3.K, Lot 47 – New single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

NEW BUSINESS:

C.F.G.R., 151 Wild Hedge Lane, Block 11. Lots 1 & 2.B – Applicant proposed a continuation of final major subdivision approval for a two-lot subdivision with off-tract sanitary sewer improvements.

Mr. Daniel Bernstein, Esq. again represented the applicant for final subdivision approval.

Mr. Bernstein reviewed all the exhibits from the February 2013 meeting.

Attorney Bernstein stated that all the conditions from the preliminary subdivision approval had been met.

Mr. Zawislak inquired if any oil tanks and/or septic tank had been found. Mr. Bernstein stated that they had hired a company and the company had not found any indication that there was an oil tank on the premises.

Attorney Loughlin duly swore in Mr. Edward Dec of Kenilworth, NJ. He did not have to give his credentials to the board.

Mr. Dec stated that they had received approval from the N.J.D.E.P as well as the Rahway Valley Sewerage Authority. He stated that one of the conditions that were required is the length of the pipe. He explained what type of pipe would be used.

They received approval from the Somerset-Union Conservation District.

Exhibit BO-1: Mr. Disko's report was reviewed.

The applicant met with the fire chief regarding a fire hydrant.

No. 8: The applicant would post a bond

No. 9: Regarding any septic system. It would be made a condition that the tank would have to be removed.

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

Attorney Loughlin duly swore in Mr. Ralph Rapuano of Westfield, NJ as the property owner and applicant.

Upon questing from Mr. Zawislak, Mr. Rapuano also stated that the company that was hired could not find any septic system or oil tank on the property.

Exhibit AO-2: A document was submitted regarding the fact that a company had conducted an examination of the property for an oil tank or septic system.

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. There were none.

Attorney Bernstein stated that the subdivision would be located on a private street.

Attorney Loughlin reviewed the conditions:

Signed agreements be obtained and executed

Monuments should be set upon construction of the proposed houses

Notice of contract and deed that they are responsible of the sewer easement

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

ROLL CALL VOTE:

AYES: Mayor Mirabelli

Mr. Disko

Mr. Tomaine

Mr. Zawislak

Mr. Garran

Mr. Wyvratt

NAYS: 0

MOTION: Approved

Jormar Development, LLC., 1115 Globe Avenue, Block 23.C, Lot 8.G – Applicants proposed a Change of Tenancy and Change of Use for a sports training facility. Existing variances include side yard under 15 feet, and rear yard under 30 feet, foundation area over 35 percent, lot coverage over 75 percent, parking space size, off street parking abutting a residential zone, loading spaces. New variances include a use variance for the sports training, and insufficient parking.

Mr. Matthew Sontz, Esq. represented the applicants. There would be no changes to the exterior of the building, no changes in parking, and there would be no variances for the signs.

Mr. John Chadwick, the board's planner, was reminded that he was still under oath from the reorganization meeting in January 2013.

Attorney Loughlin duly swore in Mr. David Martin of Westfield as the principal of the company. He gave his credentials to the board.

The proposed training facility would be called BH Sports

Mr. Martin testified that the new tenant would be a sports training facility with specific types of sports training, such as wrestling, boxing, mixed martial arts, biometrics, yoga, motivational development, cross-fitness, etc.

Everyone taking classes must be a member. There would be approximately five staff members and approximately 20-24 students at any one time. Most of the members would be from third grade through high school, as well as adults.

The facility would operate from Monday through Sunday from 6:30 a.m. to 10:00 p.m. Sundays would be allocated for special needs students, veterans, and the disabled.

The principals would be on-site during the hours of operation.

Mr. Martin stated that he would comply with all performance standards.

All staff members would be screened have background checking and must be licensed.

The sports facility would be ADA compliant.

There would be no physical therapy.

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

Attorney Loughlin duly swore in Mr. Chris Jordan in Westfield. He gave his credentials to the board.

Mr. Jordan stated that they chose this site due to the fact that the building had been completely renovated several years ago.

Signs: Exhibit A-1: There would be one wall sign "BH Sports Training".

There would be no food served or selling of any equipment on site. They may sell equipment on-line or special order for the student.

The staff would be trained in first aid.

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

AUDIENCE PARTICIPATION:

Mr. Arlindo of 237 South Fork Road inquired about the mixed martial arts or competition. There would be no competition on-site.

Attorney Loughlin duly swore in Mr. Eric Keller of Cedars Knolls as the parking consultant. He gave his credentials to the board.

Exhibit A-2: Site Plan and tenant layout.

There would be 127 parking spaces.

Mr. Keller reviewed the current tenants already in the building.

Approximately 35 parking spaces are used on a daily basis. Mr. Disko concurred with Mr. Keller regarding the number of parking spaces that are being used.

There is adequate parking on the site.

Attorney Loughlin duly swore in Mr. Charles Benanti of Brooklyn, NY, the building owner.

Mr. Benanti testified as to what tenants are currently in the building.

Mr. Benanti also stated that there would be plenty of parking on site for this use. Their peak parking would be for different hours than the rest of the building.

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

Attorney Loughlin duly swore in Mr. William Hamilton of Cedar Knolls as a Professional Planner. He gave his credentials to the board.

Exhibit A-3: Arial view of the site in 2012. Mr. Hamilton described the area of Globe Avenue and Mill Lane. He described the businesses in that area.

Mr. Hamilton stated that there were no sports training facilities in the area. There would be either minimal truck traffic or no truck traffic. The facility would have no impact to the area.

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

Mr. Chadwick, the board's planner, reviewed the re-examination report of the Master Plan regarding this type of use.

Mr. Chadwick had no objections to the proposed use.

Sign: The proposed wall sign would be internally site. It would be on until 10:00 p.m.

Upon questioning from Attorney Loughlin, Mr. Disko stated that the applicants had satisfied all his requested stipulated in his report.

Mr. Zawislak gave comments to the board regarding the application.

CONDITIONS:

- No competitions
- No retail sales
- No programs open to the public
- Sign lighting to be off by 10:00 p.m.
- Sanitary sewer fees must be paid

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Almeida, 237 South Fork Road, Block 3.C, Lot 20 – Applicant proposed to install solar panels onto the roof of a single-family dwelling. Existing variances include side yard under 8 feet or 10 percent width, rear yard under 30 feet, lot width under 100 feet, lot area within 150 feet and driveway in the side yard. New variance includes the solar panels which are considered an accessory structure.

Attorney Loughlin duly swore in Ms. Almeida as the homeowner and Mr. Fabian Wyka, the operations manager of First Light Energy in South Plainfield. NJ.

Mr. Wyka stated that there would be 39 panels that would be approximately five inches high. They would be located in the rear roof of the house. Approximately ninety percent of the roof would be covered by panels

There would be a twenty-five year warrantee.

They would be blue with a silver frame.

No trees would have to be removed.

Some of the roof would have new supports in order to hold the panels.

Mr. Wyka described how the system would work and how much money would be saved each year.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Having no additional applications, the board went into executive sessions at 9:35 p.m.

The board came back into public session at 9:45 p.m. and immediately 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

