

**PLANNING BOARD
DECEMBER 12, 2013**

The Mountainside Planning Board met on Thursday, December 12, 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, Youngmans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Councilman Mortimer, and Mayor Mirabelli.

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

MEMORIALIZATIONS:

Glenn, 208 Evergreen Court, Block 15.I, Lot 3 – Applicant proposed an addition onto a single-family dwelling on a non-conforming lot. Mr. Garran made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

Murphy, 1123 Mountain Avenue, Block 18, Lot 3.A – Applicant proposed to construct a building for a farmer's market in an R-2 Zone. This application was denied. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. Mr. Disko, Mr. Tomaine, Mr. Zawislak and Mr. Parker were in favor of the resolution to deny the application.

NEW BUSINESS:

Thrilos Realty LLC, 1079 Route 22, Block 24.A, Lot 1 – Applicant proposed a letter of amendment to a previously approved site plan for a revised access driveway.

Attorney Brian Jakulevicius of Hehl and Hehl represented the applicant the relocation of the proposed driveway.

Attorney Jakulevicius explained that the previously approved driveway must be reconfigured and relocated to the entrance off Mill Lane due to the fact that an Elizabethtown Gas Co. gas vent covers and equipment, that is currently located where the proposed driveway should be, cannot be relocated.

The footprint of the proposed restaurant as well as the general parking configuration would remain the same.

Access doors and structures are located where low pressure and high press gas mains intersect. Regulator valves are located between the grates, which are not designed to handle traffic. Elizabethtown Gas Co. did not want them in the driveway, therefore, the driveway needed to be changed.

Attorney Loughlin duly swore in Mr. Michael Dipple of L2A Land Design LLC.

Exhibit A-1: Revised entrance plan of a previous approved site plan

Mr. Dipple explained that the restaurant was currently under construction. He is requesting to be allowed to move the access driveway north off of Mill Lane. The traffic

pattern would essentially remain the same. The number of proposed parking spaces would not be decreased.

The utility poles have already been relocated.

Mr. Harold Maltz, the board's traffic expert, prepared a report of the proposed plan and had no objections to the proposed plan.

The number of parking spaces would remain the same.

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

Attorney Loughlin inquired if there were any comments regarding Mr. Disko's report. There were none.

Having no further discussion, Mr. Zawislak made a motion to approve the relocation of the proposed driveway and Mr. Younghans seconded the motion, subject to conditions indicated in Mr. Disko's and Mr. Maltz's reports.

ROLL CALL VOTE:

AYES: Mr. Disko	NAYS: 0
Mr. Tomaine	
Mr. Zawislak	
Mr. Garran	
Mr. Wyvratt	
Mr. Younghans	
Mr. Parker	
Mr. Matlin – 2 nd alternate	

MOTION: Approved

Daas/367 Forest Hill Way, LLC, 367 Forest Hill Way, Block 3.K, Lot 44 – Applicant proposed to install an air conditioning unit in the side yard setback of a single-family dwelling. Existing variances included side yard under 8 feet or 10 percent width, and driveway in the side yard. New variance included the air conditioning unit which would be located five feet from the property line.

Attorney Loughlin duly swore in Mr. Henry Daas as the homeowner.

Attorney Loughlin brought up the fact that although Mr. Daas and his sister were the sole owners of 367 Forest Hill Way, the house was under an LLC. Mr. Daas wrote a letter to the board requesting that the requirement to have an attorney present be waived. Mr. Daas lives in the house and they plan for the house to remain within the family.

Attorney Loughlin required that the board vote as to whether Mr. Daas could proceed without an attorney.

Mr. Younghans made a motion to allow the application to proceed and Mr. Zawislak seconded the motion. All were in favor.

Mr. Daas explained that a previous air conditioning unit broke and had to be replaced. The previous unit was located in the rear within the patio area. The concrete was collapsing.

Mr. Daas stated that he would like to eventually remodel his house and he would like to relocate the proposed air conditioning unit to the side of the house.

Exhibit A-1: Property survey that was submitted to the board

Mr. Matlin inquired if there had been any objections from the neighbors. Mr. Daas testified that he had asked one of his neighbors and she did not have any objections.

Mr. Tomaine expressed his concern regarding noise. Mr. Daas said there would be only one Carrier-type unit so there should not be too much noise.

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.

ROLL CALL VOTE:

AYES: Mr. Disko	AYES: 0
Mr. Tomaine	
Mr. Zawislak	
Mr. Garran	
Mr. Wyvratt	
Mr. Younghans	
Mr. Parker	
Mr. Matlin – 2 nd alternate	

MOTION: Approved

Ventrella, 5 Endor Lane, Block 22.B, Lot 28 – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming lot. Existing variances included front yard under 30 feet where 28.8 feet existed, rear yard under 30 feet where 15 feet existed, lot area under 15,000 square feet where 10, 419 square feet existed, lot width under 100 feet where 80 feet existed, lot area within 150 feet, and driveway in the side yard. New variances included height over 2-1/2 stories (3 stories), lot coverage over 30 percent where 35.6 percent was proposed, and floor area ratio over .225 where .319 was proposed.

Attorney Loughlin duly swore in Mr. Peter Ventrella as the homeowner and Mr. David Bailey as the architect. Mr. Bailey did not have to give his credentials.

Mr. Ventrella testified that they have lived in the house for many years and they would like to continue living there but they would have to construct an addition, including an elevator, and make renovations to the house. The elevator was required due to Mrs. Ventrella's health conditions.

Mr. Bailey stated that the house was located at an angle to the property, which triggered many of the variances.

The house basically has three stories due to the fact that the garage is located at the same level as the basement. Mr. Disko explained the definition of a basement and why it was considered one story. The front of the house was only two and one-half stories.

Due to medical reasons, the homeowners would like to install an elevator. The addition would be located in the rear of the house. It would not be seen from the front of the house.

Mr. Tomaine reminded Mr. Bailey that, although the height of the house was in conformance, there were seven variances. The Floor Area Ratio was being increased. The basement is not considered into the FAR. The board discussed the new FAR ordinance.

There would be a handicapped bathroom as well as other renovations and alterations.

The homeowners do not want to move the master bedroom to the first floor.

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

Mr. Disko inquired if the driveway could be reduced, however, Mr. Bailey stated that the driveway was existing and there were no plans to reduce it. Also, they need the driveway as a turn-around.

Mr. Younghans inquired about other houses in the area. Mr. Bailey informed him that he had just designed a house near this house and the houses would be comparable.

Mr. Bailey reminded the board that the addition would be in the rear of the house and no seen from the street. Mr. Zawislak stated that he thought the house would not look oversized compared to the rest of the neighborhood, however, the house would look the same due to the fact that the addition would not be seen in the front.

The board members gave their comments regarding the proposed addition.

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. Zawislak
Mr. Garran
Mr. Wyvratt
Mr. Younghans
Mr. Parker
Mr. Matlin – 2nd alternate

NAYS: 0

MOTION: Approved

DISCUSSION:

Attorney Loughlin discussed current litigation with the board.

Having no further business, the meeting was duly adjourned at 8:30 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

