

PLANNING BOARD
MAY 27, 2014

The Mountainside Planning Board met on Tuesday, May 27, 2014, 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: Co. Mortimer, Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine, Wyvratt, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Mayor Mirabelli

The minutes of the April 2014 meeting were approved as presented.

MEMORIALIZATIONS:

Czapek, Christopher and Christine, 1138 Maple Court, Block 5.P, Lot 7 – Applicants proposed to construct a two-story addition onto a single-family dwelling. Mr. Wyvratt made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

Amendments to the Master Plan on the House Element Plan and Land Use Element – Mr. Zawislak made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

NEW BUSINESS:

Mr. John Chadwick presented amendments to the Master Plan on the Housing Element and Fair Share Plan, Development Fee Ordinance, and Limited Industrial District with additional uses. The board discussed the variances changes to the Master Plan, including additional recreational uses in the Limited Industrial Zone. The mayor and council introduced the three ordinances on May 22, 2014 and expect to adopt these ordinances at the next regularly scheduled public meeting on June 17, 2014.

The board discussed several sections in the Limited Industrial Zone proposed ordinance, however, Mr. Chadwick noted that if the board or mayor and council wished to make any changes to the proposed ordinances, they would have to be re-noticed. Therefore, Mr. Chadwick informed the board that the ordinances should remain as drafted.

The board would recommend to the mayor and council the proposed ordinances would be consistent with the Master Plan.

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 ordinance recommendations and Mr. Younghans seconded the motion. All were in favor.

A resolution on the recommendations would be send to Mayor and Council.

ANNOUNCEMENT:

Mr. Tomaine announced that the application for Don Don Realty at 90 New Providence Road and 903 Mountain Avenue had been postponed until the June 24, 2014 meeting.

NEW BUSINESS:

Bromberg, 339 Linda Drive, Block 7.I, Lot 4 – Applicant was seeking approval for an 11' x 11' shed that had already been constructed and placed in the side yard of a single-family dwelling. Existing variances included side yard under 8 feet or 10 percent width where 10.95 feet existed and 11.43 feet was required, ground projections over 3.75 percent where 6.9 percent existed, and foundation area over 15 percent where 20.9 percent existed. New variances included lot coverage over 30 percent where 34.1 percent was proposed, and the shed which was considered an accessory structure and was located four feet off the property line.

Attorney Loughlin duly swore in Mrs. Arlette Bromberg as the homeowner.

Mrs. Bromberg stated that the shed had been placed in the side yard setback and did not realize that a permit was required.

Mrs. Bromberg testified that the shed had been there for approximately ten years. Mrs. Bromberg informed the board that there had been a complaint regarding an on-going construction project, and when the enforcement officer came to inspect the property, he found that the shed was in violation of the side yard setback. It was noted that no one had complained about the shed, just the patio that is currently under construction.

There is electricity running into the shed. Although a building permit had already been submitted, she was informed that an electrical permit would also be required. Attorney Loughlin cautioned her that since there was electricity in the shed, that no business could be conducted in the shed. Mr. Bromberg agreed to this.

Mrs. Bromberg assured the board that the construction of the patio would be completed this year.

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

Mr. Disko informed the board that many years ago, permits may not have been required for sheds under a certain size. The ordinance has since changed. All sheds now require permits.

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

CONDITION:

No business can be conducted in the shed.

ROLL CALL VOTE:

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

NAYs: 0

MOTION: Approved

Green, 1062 Ledgewood Road, Block 7.C, Lot 31 - Applicant proposed to extend a 12'x 12' deck in the rear of a single-family dwelling. Existing variances included side

yard under 8 feet or 10 percent width where 9.8 feet existed, front yard coverage where 31.1 percent existed, and driveway in the side yard. New variance included ground projections over 3.75 percent where 5.1 percent was proposed.

Attorney Loughlin duly swore in Mr. Philip Green as the homeowner.

Exhibit A-1: Photographs of the existing deck, the hot tub.

The area near the hot tub is where the proposed deck expansion would be located. The deck is against the house and the proposed expansion would create a wrap-a-round deck in the rear of the property for an eating area. The proposed expansion would be the same height as the existing deck.

The ground projection would increase from 3.75 percent to 5.1 percent.

Mr. Green informed the board that a patio had been removed.

There would be no changes to the house.

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

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

AYES: Mr. Disko

Mr. Tomaine

Mr. Zawislak

Mr. Garran

Mr. Parker

Mr. Wyvratt

Mr. Younghans

NAYS: 0

MOTION: Approved

POP Realty/RPG LLC/Westfield Veterinary Group, 1042, 1046, 1050 Springfield Avenue, Block 24.D, Lots 7, 7.A, 8.A and 8.B – Applicant proposed a new veterinary hospital, kennels, and wellness center. New variances included a use variance, rear yard under 50 feet where 30.5 feet was proposed, foundation area over 25 percent where 32.1 percent was proposed, lot coverage over 65 percent, front yard parking, side yard parking and pavement, insufficient parking, accessory structure, access to property ground and wall signs.

Mr. Erwin Schnitzer, Esq. of Warren, NJ represented the applicants for a new veterinary hospital, boarding kennels and wellness center.

Attorney Schnitzer informed the board that the new, single-story building would be approximately 25,683 square feet.

The veterinary practice is currently located across the street in Westfield, NJ. They have already received approval by the Westfield Board of Adjustment for a three-story hospital, however, the veterinary group felt that this property would be much more suitable for a new hospital. Dr. Maus realized that building a three-story animal hospital would be problematic.

It was noted that the applicants had received all the reports that were submitted by the board's experts and that they were prepared to address all the areas of concern noted by the experts.

Attorney Loughlin duly swore in Dr. Richard Maus, the owner of the Westfield Veterinary Group, LLC. He gave his credentials to the board. Dr. Maus described the current practice, which is located in Westfield.

There are currently thirteen veterinarians, with a total of fifty-two staff employees, who treat small animals only. The practice is open seven days and week, twenty-four hours a day, every day.

The animals would be housed in the facility all day. There would be indoor areas for day to day care of the dogs, including walking and exercise areas. There would be no outdoor facilities.

Parking: They are proposing 103 combined parking spaces; 83 of which would be located on the new facility.

Emergency services: People would be allowed to bring their pets in all day every day for emergency medical care.

There may be a transport service available to those owners who would not be able to drive to the facility.

Mr. Zawislak indicated that Dr. Maus had previously testified regarding combined parking. Dr. Maus stated that there would be shared parking between Primrose Day School and the hospital for a combined total of 103 parking spaces. They would share parking lots with the day school.

Mr. Tomaine addressed an issue to Attorney Schnitzer. Mr. Tomaine stated there the site plan would have to be amended to include Primrose Day School, due to the proposed shared parking with the Westfield Veterinary Group. Attorney Schnitzer stated that the lots would not be consolidated there would only be shared parking between the two properties.

Mr. Tomaine stated that due to the fact that parking was an issue with Primrose Day School, this application could not continue. Attorney Schnitzer then stated that the two parking lots would be separate. Primrose Day School would have their own parking lot and the Westfield Group would also have their own parking lot. Mr. Tomaine stated that that would require an amended application for the Westfield Veterinary Group.

Attorney Loughlin noted that this situation created a notice issue, a site plan application, evaluating the reviews, amending the applications, and shared parking is not a permitted use, and property owners' notification.

At this time, Attorney Loughlin informed the applicants that the application could not continue.

APPLICATION: Adjourned until the June 24th meeting

DISCUSSION:

Thomas Murphy, 1123 Mountain Avenue, Block 18, Lot 3.A: Mr. Stephen Hell of Hehl and Hehl submitted a letter on April 24, 2014 to mayor and council, requesting that the mayor and council as well as the planning board consider re-zoning the above-mentioned property to an OB zone instead of a residential zone and to include a farmer's market as a permitted use.

Mr. Murphy has also indicated that he may come back to the board with a revised application.

Mr. Chadwick indicated that to shift a zone line to extend an existing OB zone to include Mr. Murphy's property would be considered spot zoning.

Attorney Loughlin informed the board that Attorney Hehl would have to pursue any re-zoning request to the Mayor and Council and Mr. Chadwick agreed with Attorney Loughlin.

Having no further business, the meeting was duly adjourned at 9:10 p.m.

Respectfully submitted,

Ruth M. Rees
Secretary

