

**PLANNING BOARD
NOVEMBER 14, 2013**

The Mountainside Planning Board met on Thursday, November 14, 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, Attorney Loughlin and Secretary Rees.

ABSENT: Councilman Mortimer, and Mayor Mirabelli, and Mr. Wyratt.

The minutes of the October 10, 2013 meeting were approved as presented. All were in favor.

MEMORIALIZATIONS:

C.F.G.R., 151 Wild Hedge Lane, Block 11, Lots 1 & 2.B – Final major two-lot subdivision. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. Attorney Loughlin informed the board that he spoke to the applicant's attorney, Daniel Bernstein that there are conditions in the agreement and that there would be subsequent conditions. Mr. Butler, the neighbors' attorney was also aware of it. The settlement was fully implemented. The board agreed to accept the resolution.

Jormar Development LLC, 1115 Glove Avenue, Block 23.C, Lot 8.G – Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

Almeida, 237 South Fork Road, Block 3.C, Lot 20 – Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

NEW BUSINESS:

Glenn, 208 Evergreen Court, Block 15.I, Lot 3 – Applicant proposed an addition onto a single-family dwelling on a non-conforming lot. Existing variances include side yard under 8 feet or 10 percent width, lot area under 15,000 square feet, lot width under 100 feet, lot area within 150 feet. New variances include height over 30 feet where 34.5 feet was proposed, front yard under 30 feet where 19.9 feet existed, ground projections over 3.75 percent where 5.76 percent was proposed, lot coverage over 30 percent where 32.5 percent was proposed, and driveway in the side yard.

Attorney Loughlin duly swore in Mr. Ronald Glenn as the homeowner and Mr. David Bailey of Westfield as the architect. Mr. Bailey gave his credentials to the board.

Mr. Glenn would like to expand his house to add a garage, bedroom bathroom and great room, deck, and enlarge the living room, dining room.

Mr. Bailey explained that the existing house is small and would like to enlarge the entire house. Mr. Bailey explained the proposed additions. They would like to square off the rear and side of the house. The addition would not be any closer to the street.

The height of the proposed addition and house would be 34.5 feet. Mr. Disko explained the new ordinance and how it would involve this application.

Mr. Disko inquired if they could cut back on the driveway in order to reduce lot coverage. Mr. Bailey informed him that he could reduce the turn-around in the driveway. The driveway could be moved closer to the house.

Conditions:

- Shift the driveway and make it more narrow
- Mr. Bailey would submit plans to the engineer regarding the driveway
- Drainage plans must be submitted to the engineer

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

AYES: Mr. Disko

NAYS: 0

Mr. Tomaine

Mr. Garran

Mr. Zawislak

Mr. Younghans

Mr. Parker

Mr. Matlin

MOTION: Approved

Thomas Murphy (Farmer's Market), 1123 Mountain Avenue, Block 18, Lot 3.A. Applicant proposed to construct a farmer's market in a residential zone. New variances include a use variance, lot area under 15,000 square feet where 14,741 square feet existed, lot width under 100 feet where 75 feet existed, ground projections over 3.75 percent where 5.4 percent was proposed, lot coverage over 30 percent where 47.7 percent was proposed, existing lot area within 150 feet, front yard coverage where 59.3 percent was proposed, existing driveway in the side yard, proposed front yard parking , proposed six-foot fence in the front yard, lack of a loading area and gravel parking lot.

Attorney Loughlin duly swore in Mr. Thomas Murphy as the applicant and property owner.

Mr. Murphy informed the board that he purchased the property approximately one year ago. Hr purchased it for the purpose of constructing a structure for a farmer's market.

There is already a small garage/shed on the property.

During the year, he had cleaned up the property.

Mr. Murphy explained how he would like to run the business. The market would be open from April through December.

Attorney Loughlin duly swore in Mrs. Heather Murphy. Mrs. Murphy stated that she had helped run her family's farm her entire life, which was why she would like to continue in the business by opening up a farmer's market.

Mr. Zawislak inquired about adjacent properties and whether there were houses on those lots. There are homes on the adjacent properties. The property never had a house on it.

Mrs. Murphy stated that they would sell products such as spring, summer and fall vegetables, flowers, plants, cider, applies and possibly honey. During the holidays, they were planning to run a holiday boutique consisting of holiday gifts, crafts, wreaths, grave blankets, garland, decorations, etc. The store would be closed for the winter after the holidays. The second floor would be used for storage for those items that did not sell.

Mr. Murphy stated that he would pick up the produce several times a week so that they would not have to depend on delivery trucks.

There would be no cooking or preparing food on the premises. There would be no vending machines on the premises. They would sell fresh produce only.

There would be approximately two to three employees.

There would be no other businesses on the site.

Mr. Tomaine inquired if they had investigated other sites that would be suitable for a farmer's market. Mr. Murphy stated that they had been looking for quite some time and they felt that this would be an ideal location due to the proximity of Route 22 and Echo Lake Park, which was located across the street.

Mr. Murphy had talked to the neighbors and they did not seem to have any objections to the proposed business.

There would be a trash service for the produce that would need to be thrown away. There would be no composting on the property.

Exhibit B-1: Letter from Mr. Murphy explaining how the business would be run and the hours of operation.

Attorney Loughlin duly swore in Mr. Michael Jurist of Millburn, NJ as the engineer. He gave his credentials to the board.

Mr. Jurist described the driveway that runs from front to the rear of the property. The eight-foot wide driveway would be re-configured in order to gain access to the rear of the property. There would be a new curb-cut and would be approximately 35 feet wide and would have to be approved by the County. A new fence would be installed in the front of the property in order to screen the parking lot from the neighbors.

The existing garage would remain and would be used for storage.

The proposed building would be 50' x 40'.

There would be front yard parking. There would be nine parking spaces and one handicapped parking space. The parking lot would be constructed of gravel, not paved. Mr. Jurist felt that the proposed number of parking spaces would be adequate. The spaces would be 9' x 18'.

Lighting: There would be two light poles approximately sixteen feet high, shielded and placed on timers.

Landscaping: Evergreen trees would be planted around the perimeter of the property along with junipers and flowering plants.

Although there have been no drainage problems, drainage plans would be submitted to the engineer.

Mr. Jurist described the proposed structure. It was designed to look like a barn.

Mr. Jurist reviewed all the variances.

Mr. Zawislak inquired about having the parking in the rear of the building instead of front yard parking. Mr. Jurist explained that he would have to move the building forward.

Attorney Loughlin duly swore in the Mr. Gary Szlez of Casey and Keller as the applicant's planner. He gave his credentials to the board.

Mr. Szelz described the neighborhood, including Vine Republic. Most of the surrounding properties are made up of many different uses. Mr. Szelz stated that he felt that the proposed business would be a good transition between the two zones. Mr. Szelz stated that it should be considered a low impact use due to the fact that the business would be seasonal, not year round. Mr. Szelz stated that the proposed market would be of beneficial use to the community.

Overhangs: Mr. Szelz stated that the overhangs were necessary to protect not only the patrons but the produce. The produce would be brought into the store at night.

Mr. Szelz described the traffic patterns for Mountain Avenue as well as Route 22 and Echo Lake Park.

Mr. Murphy stated that he would bring supplies and produce to the store with his own vehicle, however, there may come a time when he would have to have the produce delivered.

Mr. Disko inquired if a farmer's market would be better use than a residential home. Mr. Szelz stated that a farmer's market would not be a detriment to the neighborhood.

Mr. Murphy summarized his testimony by stating that the project would be what the town would like to do to Mountain Avenue. There are many retail establishments in the center of Mountain Avenue. In this particular section of Mountain Avenue, there are mixed uses. He believed that due to the location, it would not be a good location or lot to build a house on. He believed the market would not jeopardize the area. It would benefit the community.

Attorney Loughlin advised the board regarding the application and the proposed use of the site as well as the future use of the property and what the suitability of the use of the property would be.

Signs: He had not yet submitted a sign application. He would submit wall sign(s) in the future.

Mr. Matlin inquired about the buffer regulations for the proposed site. Mr. Disko explained the buffer regulations for the O-B and residential zones. They would require plantings and fencing for that zone.

Having no further questions by the board members, the members offered their comments to the applicant:

- Concern was expressed that the proposed use and activity would be more intensive than what was testified.
- Testimony was vague as to what exactly would be sold.
- The proposed use would not be suitable for this particular lot.
- What would happen to the structure and the site if the business was not successful.
- There would be more deliveries of the products than what was testified.
- This particular lot would not be unsuitable for the proposed business.
- Constructing the structure with parking in the front would minimize the impact to the house next door.
- A house could be constructed on the site, however, to date, there has never been a house on that site.

Attorney Loughlin again advised the board regarding the appropriate use of the property and the intended use of the property.

Conditions:

- Easement of the driveway needs to be finalized
- County must approve the application
- Telephone pole would be relocated
- Sign must conform to the ordinance
- Drainage plans must be submitted to the engineer
- No kitchen would be allowed
- No livestock would be allowed on the premises
- There would be an additional one foot landscaping added to the buffer area.
- Sewer application fees must be paid

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

AYES: Mr. Garran
Mr. Younghans
Mr. Matlin

NAYS: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Parker

MOTION: Denied

Having no further business, the meeting was adjourned at 10:30 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