

**PLANNING BOARD
OCTOBER 28, 2014**

The Mountainside Planning Board met on Tuesday, October 28, 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: Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine, Wyvratt, Zawislak, Co. Mortimer, Attorney Loughlin, and Secretary Rees.

ABSENT: Mayor Mirabelli and Mr. Younghans

The minutes of the September 23, 2014 meeting were approved as presented.

MEMORIALIZATION:

Joseph DeCosta, 350 Greenbrier Court, Block 4.A, Lot 6.A – Applicant requested permission to maintain a shed in the front yard. Mr. Zawislak did not hear the application due to a conflict. A motion was made and seconded to approve the resolution.

Frank Kelly Jr., 1160 Ridge Drive, Block 5.D, Lot 29 – Applicant proposed to construct a sixteen foot high retaining wall. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

Ganga LLC, 1160 Route 22, Block 5.T, Lots 24.E and 39 – Applicant proposed the expansion the existing parking lot and the merging of two lots in the rear of a commercial building. Mr. Disko made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

NEW BUSINESS:

Don Don Realty LLC, 90 New Providence Road and 903 Mountain Avenue, Block 14, Lots 15.A and 15.C – Applicants proposed preliminary site plan and development approvals for a new commercial building for retail sales. New variances included a retaining wall over eight feet, parking in the front yard along New Providence Road, insufficient parking space size of 9' x 18', and insufficient visibility sight triangle.

Mr. Stephen Hehl, Esq. of Hehl and Hehl again represented the applicants for a preliminary site plan and development of a new commercial building. This application had previously been denied and the decision was appealed. The board would hear a modified application. This application is now a permitted use and is consistent with the Borough's ordinance.

At the time Mr. Reginald Jenkins, Jr. Esq. informed the board that he was representing Timothy and Diane Drew, adjacent property owners, who were objecting to the application.

Attorney Loughlin duly swore in Mr. Victor Vinegra, the applicants' site engineer from Harbor Consultants. He did not have to give his credentials.

Exhibit A-1: Existing conditions of the site, including the old foundation

A-2: Site plan aerial view (Google)

A-3: Aerial photograph of former structure (Google)

Mr. Vinegra described the existing lots. He also stated that the new parking lot would be where the old parking lot was many years ago. The proposed building would be located in the same area as the previous building. That house was moved to another area in Mountainside. Brick pavers would be placed along the entire frontage of the site. There would be a streetscape-type feature. The existing grass area would be replaced with brick pavers and would improve the sight triangle.

Changes: The proposed building had been moved back in order to improve the visibility at the intersection.

Driveways: The driveways had been modified based upon comments from the Borough's experts. There would be an island that would allow right-hand turns only. The other driveway would be a two-way driveway on New Providence Road. Both driveways would be located on New Providence Road. There would be no driveway on Mountain Avenue.

Handicapped parking spaces would also be added.

Retaining wall: A new retaining wall would replace the old foundation, due to the topography of the site. Exhibit A-4: Mr. Vinegra showed the board what the new wall would consist of. A five to six foot safety fence would be placed on top of the retaining wall. Due to the grading of the area, the proposed height of the wall would range from approximately two feet to fourteen feet. The proposed wall would be reinforced with steel and concrete. Heavy landscaping would be planted between the two walls.

Mr. Zawislak inquired about the buffer zone would be approximately ten to twelve feet. It is in compliance with the ordinance.

Parking spaces: The proposed parking spaces would be 9' x 18' with an overhang. It is the common size in the State of New Jersey. Our ordinance requires 9' x 20' so a variance was required.

Sight triangle: The driveways would meet the ordinance requirements. The site is located on two county roads.

Refuse/recycling: The area would be located in the rear of the property, would be fenced in and have a sidewalk leading up to the area. The refuse area would be 10' x 10'.

Lighting: No changes had been made from previous applications. There would be two light poles. There would be no spillover onto adjacent properties. The poles would be twelve feet high, including a concrete base. The lights would be placed on timers.

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

Landscaping: Landscaping would be planted all along the property, including flowering trees, maple trees, shrubbery, non-invasive bamboo, arborvitae. Mr. Chadwick suggested a sprinkler system at the retaining wall to prevent the landscaping from dying.

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

Attorney Jenkins inquired about the proposed parking spaces. The applicants proposed 9' x 18' and would not change them to 9' x 20'.

Attorney Jenkins stated that Mr. and Mrs. Drew do not want the non-invasive bamboo. The applicants agreed to this.

Attorney Jenkins inquired about the proposed retaining wall. Mr. Vinegra stated that due to the topography of the property, the wall could not be built according to the ordinance. He stated that the Drews would not see the wall because they were located

above the site. Mr. Vinegra stated that the retaining wall and the proposed site would be adequately screened by landscaping.

Attorney Jenkins stated that the loading area was not listed as a variance, however Mr. Disko stated that it was a design waiver not a variance.

Mr. Jenkins inquired about the sight triangle. The intersection was controlled by the County, not Mountainside and, therefore, it must be approved by the County.

Mr. Tomaine expressed his concern regarding the proposed size of the parking spaces. Mr. Vinegra stated that almost all parking space sizes were now 9' x 18' and 9' x 16' for compact cars. That was the standard sizes used by the State of New Jersey.

Attorney Loughlin duly swore in Mr. Daniel Falcone of 135 New Providence Road, as the architect. He did not have to give his credentials to the board.

Changes: Mr. Falcone stated that he reduced the size of the proposed glass windows and added a brick bulkhead wall. The area of brick pavers was increased. The proposed building was reduced slightly to 5,905 square feet. The parapet wall was extended. The two doors would remain as is unless there would be additional tenants that would necessitate additional doors. The doors may or may not be used by the public.

Exhibit A-6: Door design leading out the parking lot.

The basement would be for storage and mechanicals only in order to minimize the amount of equipment on the roof.

The sign would be illuminated by goose-neck type lighting that would not be visible to the public.

Exhibit A-7 and A-8: Brick and cream-colored stucco samples that would be used on the building.

Mr. Chadwick and Mr. Disko inquired about the existing conditions at the site. There was currently a hole where the former house used to be with fencing around it. Mr. Disko inquired as to their time-frame to fill in the hole and remove the fence.

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

Attorney Jenkins inquired about the layout for the proposed building. Right now, the building is designed for two tenants, however, there could be more. If there were more tenants, there would be a possibility that the building would have to be re-configured.

Mrs. Francine Chesler of 870 Standish Avenue inquired if the building could be designed as a restaurant. Mr. Falcone stated that there may not be enough parking for a restaurant. Mrs. Chesler stated that if it were a restaurant, that the parking lot, refuse area, etc. may have to be changed.

At 9:10 pm the board took a break and resumed the public portion of the meeting at 9:25 pm.

Attorney Loughlin duly swore in Mr. Joseph Staigar of Chester, NJ as the applicants' traffic expert. He gave his credentials to the board.

Mr. Staigar designed the egress and ingress, parking lot and loading zone of the site.

Mr. Staigar discussed the sight triangle. It was designed to exceed all county and state guidelines.

Exhibit A-3: Mr. Maltz's report was reviewed. The applicants complied with all his suggestions.

Parking spaces: The size of the proposed building requires 24 parking spaces and 26 parking spaces are proposed. He also discussed the size of the proposed parking spaces. He emphasized that although the spaces would only be 9' x 18' there would be a two foot overhang.

Mr. Staigar discussed the loading area. A tractor trailer would not fit into the proposed parking lot. The proposed tenants would have to use single-unit trucks approximately 22-28 feet long, such as a UPS size truck. The proposed loading space was designed for this site. The aisle would be 24' wide which was the standard width.

Mr. Tomaine opened up the audience for questions.

Mrs. Francine Chesler of 870 Standish Avenue inquired about the proposed loading zone and whether the size would be adequate for the use. Mr. Falcone stated that a loading area was always based on the square footage of the building, not on how many tenants there were. There could be multiple uses and tenants just work it out among themselves.

Mrs. Leigh MacDonald of 864 and 876 Standish Avenue in both Westfield and Mountainside. Mrs. MacDonald inquired about tractor trailers parking along New Providence Road. Mr. Staigar stated that tractor trailers would not legally be allowed to park along that road or on Mountain Avenue.

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

Attorney Loughlin duly swore in Mrs. Diane Drew of 27 New Providence Road informed the board that she lived next door to the site.

Exhibit O-1, 2, 3: Photographs for her property line and the site. Attorney Loughlin advised the board regarding the photographs that were submitted to the board.

Mrs. Drew objected to the proposed retaining wall and the elimination of trees. She wanted assurance that the site would be adequately screened and did not want any non-invasive bamboo.

Having no other comments, Attorney Hehl gave his summation to the board.

Conditions:

- Basement would be for storage and mechanicals only
- That an irrigation system be installed in the buffer area
- Lights would be on timers
- Must obtain County approval for the sight triangle
- Must comply with all items listed in the experts' reports
- No non-invasive bamboo
- No light spillage onto adjacent properties
- Site hole must be filled in within 90 days and the fence must be removed
- No storage of vehicles on the site

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

ROLL CALL VOTE:

AYES: Co. Mortimer
Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Wyvratt
Mr. Matlin
Mr. Jakositz

NAYS: 0

MOTION: Approved

Due to the late hour, the Pannacchione and Minks applications were postponed until November 24, 2014.

Board of Adjustment:

Miskewitz, 19 Tanglewood Lane, Bock 22.B, Lot 9 – Applicant proposed to construct a one-story addition onto a single-family dwelling. A new variance included foundation area over 15 percent where 19.5 percent was proposed.

Attorney Loughlin duly swore in Mr. Richard Miskewitz as the homeowner and Mr. James Ruban as the architect.

Mr. Miskewitz testified that he would like to construct a one-story addition on the left side of the house. The 700 square foot addition would be for a new master bedroom suite and a larger kitchen.

The patio would be removed to meeting the floor area ratio.

The house would become a three bedroom, two-one/half bathroom house.

Conditions:

- The drainage system must be approved by the Borough Engineer
- The addition must be one-story only
- The exterior of the addition must match the existing house
- No new kitchen, only enlarge the kitchen
- Must remain a single-family dwelling only

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Having no further business the meeting was duly adjourned after 11:00 p.m.

Respectfully submitted,

Ruth M. Rees
Secretary

