

**PLANNING BOARD
SEPTEMBER 12, 2013**

The Mountainside Planning Board met on Thursday, September 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, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

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

The minutes of the August 8, 2013 meeting were approved as presented. All were in favor.

MEMORIALIZATIONS:

Montagna, 332 Timberline Road, Block 16.J, Lot 13 – Addition to a single-family dwelling on a non-conforming lot. Mr. Disko made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Shahid, 318 Old Tote Road, Block 16.H, Lot 15 – Construction of a new single-family dwelling. This application was denied. Mr. Garran made a motion to approve the resolution and it was seconded. All were in favor.

Wilches, 1277 Knollwood Road, Block 16.AK, Lot 87 – Mr. Garran made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

Mr. Tomaine announced that the application for C.F.G.R. of 151 Wild Hedge Lane for final subdivision approval, would not be heard at this meeting but would be heard at the October 10, 2013 meeting.

NEW BUSINESS:

Ferraro, 1171 Foothill Way, Block 5.G, Lot 6 – Applicant proposed to construct a new single-family dwelling with a two-car garage. New variances included height over 30 feet, where 33 feet was proposed, foundation area over 15 percent where 18.84 percent was proposed, ground projection over 3.75 percent where 8.44 percent was proposed, lot coverage over 30 percent where 32.41 percent was proposed, and driveway in the side yard.

Attorney Loughlin duly swore in Mr. Vincent Ferraro and Mrs. Lauren Ferraro as the homeowners and Mr. Daniel Falcone as the architect. Mr. Falcone did not have to give his credentials to the board.

Mr. Tomaine reviewed the variances for ground projection and foundation area. Mr. Tomaine stated that the ground projection would be almost 130 percent over what the ordinance permitted and the foundation area would be 25 percent over what the ordinance permitted.

Mr. Falcone explained that several of the variances were existing, non-conforming. There were several proposed overhangs to make the proposed house more attractive. These overhangs could be cut back. They are looking for approval for building size. The proposed house would cover no more area than the existing house. It

would be no higher than the existing house. There would be only a one-half percent increase in total ground coverage than the existing house.

If the existing house were to be renovated, it would need many more variances.

Mr. Zawislak stated that a new house should be constructed without variances and should conform to the ordinance.

Several members stated that if the existing house were demolished, the new house should be in compliance.

Mr. Falcone stated that the existing house, porch, deck, etc. would cover the same footprint as the proposed house. The proposed house would only be three feet wider than the existing house. Mr. Falcone stressed that the proposed structure would cover the same footprint as the existing structure. There would be more floor area.

Mr. Falcone stated that the proposed structure would be a more energy efficient, stronger and safer structure. There would be no more of an impact to the neighborhood than the existing house.

Mr. Tomaine stated that when new houses were built, it would be an opportunity to bring those houses into compliance. Mr. Falcone stated that the applicants have lived in the Mountainside for many years and would like to remain in Mountainside.

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

AUDIENCE PARTICIPATION:

Mr. John Perrin of 1164 Foothill Way inquired as to how high the new house would be. Mr. Falcone stated that it would be thirty-three feet high. The existing house is also thirty-three feet high.

Exhibit A-1: Photograph of the existing house.

Attorney Loughlin duly swore in Ms. Loren Ferraro of 1171 Foothill Way.

Mr. Ferraro stated that they have lived at the above address for many years, however, they now need a larger house. They would like to remain in Mountainside.

Several members gave their comments to the board regarding the proposed house with variances and upholding the ordinance.

Mr. Younghans inquired if the proposed house could be brought into compliance. Mr. Disko stated that the proposed overhangs could be reduced. Mr. Falcone stated that the overall footprint would not take any more space than the existing structure.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. John Perrin stated that there were many variances associated with the proposed house. He felt that the new house would not fit into the neighborhood.

End participation.

Several members made comments regarding the application.

Mr. Disko informed the applicants that they have outstanding retention/detention plans from 2004 that have never been approved or inspected. He would like to make it a

condition that it is closed out before any new permits were issued. Mr. Ferraro stated that he aware not aware of that

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Application Denied

Dinic, 1052 Elston Drive, Block 7.H, Lot 22 – Applicant proposed an addition onto a single-family dwelling. Existing variances include driveway in the side yard New variances include side yard under 10 percent lot width of 11 feet where 9.7 feet was proposed, balcony in the front yard and height over 16 feet where 18 feet was proposed.

Attorney Loughlin duly swore in Mr. Anthony Dinic, the homeowner and Mr. Thomas DiGiorgio, the architect for the project. He gave his credentials to the board.

The applicants proposed to construct a master bedroom, a new covered porch, two balconies and addition to make the front of the house flush with the rest of the house.

There would be no furniture on the proposed balconies.

There would be no increase in the height of the house.

The architect reviewed the variances.

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.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Bonner, 18 Rodman Lane, Block 22.B, Lot 19.A – Applicant proposed the construction of a rear addition to a single-family dwelling on a non-conforming lot. Existing variances included lot area under 15,000 square feet where 13,952 square feet existed, lot width under 100 feet where 91+/- existed, lot area within 150 feet and front yard coverage where 31 percent existed. New variances included foundation area over 15 percent where 15.4 percent was proposed.

Attorney Loughlin duly swore in Ms. Helen Bonner as the homeowner and Mr. Alexander Bol, the architect in Berkeley Heights. He gave his credentials to the board.

Exhibit A-1: Present conditions and exterior elevations floor plan, first floor plan, and expansion of the kitchen, dining room out of the rear of the house.

Exhibit A-2: Site plan of the property.

The variances were reviewed.

Mr. Bol informed the board that due where the house was situated, it would not be seen from the street. The addition would be for an expansion for the dining room and kitchen. The house sits on a hill and there is a very steep driveway.

Exhibit A-3: Photographs of the property.

There would not be changes to the height of the building.

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

AUDIENCE PARTICIPTION:

Ms. Eleanor Carris of 23 (22) Tanglewood Lane stated that the applicants have moved the fence and her markers several times. She wanted assurance that the addition would not be constructed on her property. Although the property was surveyed in 2004, she would like the property to be re-surveyed. Attorney Loughlin informed her that the board could not address it.

Mr. Bols stated that the addition would not be built anywhere near her property.

Mrs. Bonner explained why she needed the addition for her kitchen and dining room.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Steven Rose of 14 Rodman Lane. He spoke in favor of the addition.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Reardon, 1444 Deer Path, Block 3.J, Lot 6 – Applicant proposed the installation of solar panels onto the roof of a single-family dwelling. New variances included the solar panels which were considered an accessory. Existing variances included side yard under 8 feet, lot area under 15,000 square feet, lot width under 100 feet, and driveway in the side yard.

Attorney Loughlin duly swore in Mrs. Arlene Reardon as the homeowner and Mr. Hurtado of Solar City.

Exhibit A-1: Borchure of advertising the company

Mr. Hurtado stated that there would be 15 panels installed on the roof of the house.

The color of the panels would be dark blue with black trim. The panels would be approximately 5' x 5" tall.

The transfer switch would be on the southeast side of the house.

The solar panels would supply approximately 30 percent of electricity and would be leased for 25 years.

No trees would need to be removed for the proposed solar panels.

Mr. Hurtado explained how the solar panels would be installed on the roof.

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

Mr. Zawislak cautioned the homeowner that the solar panels would supply only 30 percent of her electricity and she would have to buy the rest.

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

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

NAYS: 0

MOTION: Approved

Tower Homes LLC, 371 Forest Hill Way, Block 3.K, Lot 47 – Applicant proposed the construction of a new single-family dwelling on a non-conforming lot. New variances included lot area within 150 feet where 14,994 feet existed and 15,00 square feet was required and height over 30 feet where 32.2 feet was proposed.

Mr. Joseph Paparo, Esq. of Hehl and Hehl represented Tower Homes for the new single-family dwelling.

Attorney Loughlin discussed the notification of the application regarding the proposed height of the house. Attorney Paparo stated that he had re-published the notice in the newspaper and also the property owners within 200 feet with the revised proposed height. The proposed height of the house was changed from 30.2 feet to 32.2 feet high.

Attorney Loughlin duly swore in Mrs. Lauren Latoya as the property owner.

The existing house would be demolished.

Mr. Paparo reviewed the variances. In addition to the height of the proposed house, there is a six square foot deficiency from the 15,000 square feet for lot size. That is why the lot is non-conforming.

Attorney Loughlin advised the board regarding the former vs. new ordinances. Therefore, floor area ratio (FAR) would not apply.

Attorney Loughlin duly swore in Mr. Roger Winkle in Plainfield as the architect for the proposed house. He gave his credentials to the board.

- Exhibit A-1: First floor
- Exhibit A-2: Second floor
- Exhibit A-3: Front and rear elevations
- Exhibit A-4: Left and right side elevations

Mr. Winkle described the floor plan. It would become a four-bedroom center hall colonial with a covered front porch and two-car garage. He described the proposed first and second floors. It would have a total of 1,919 square foot living space, not including the garage.

The total height of the house would be 32'2". Mr. Winkle described the pitch of the proposed roof. The proposed house would be approximately 4,300 square feet with approximately 460 square feet for the garages. The house would be constructed of stone and hardy plank instead of vinyl siding. Attorney Loughlin inquired if that change could be by resolution instead of revised plans and Mr. Disko stated that it would be acceptable.

Mr. Younghans inquired if the attic or storage space could be lowered. The roofline would look small.

Mr. Winkle stated that many of the homes in the neighborhood were large homes if not larger than the proposed home.

Mr. Winkle described the conditions of the existing house.

Mr. Disko inquired if the pitch of the roof could be altered so that the height would be lower. Lowering the grade of the property was also discussed. Mr. Disko discussed the elevations of the proposed house. He stated that the grade difference could be lowered.

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

AUDIENCE PARTICIPATION:

Mr. Henry Daas of 367 Forest Hill Way inquired about the height of the existing house. It was currently 30 feet.

Attorney Loughlin duly swore in Mrs. Carmen Santiago of 361 Forest Hill Way inquired about the proposed height and size of the new house. She stated that most of the houses in the neighborhood were ranch-style houses. The proposed house would be much higher.

Attorney Loughlin duly swore in Mr. Henry Daas inquired about a basement. There would be a full basement, except for underneath the garage.

There would be a retaining wall that would conform to the ordinance. If necessary, the retaining wall could be re-located. Mr. Winkle explained why the retaining wall needed to be built.

Mr. George Stummer of 366 Forest Hill Way inquired if the proposed house could be built without variances and conforms to the ordinance. Mr. Winkler stated the pitched could be dropped.

A resident of 365 Forest Hill Way inquired about roof drains. Mr. Disko explained the proposed retention/detention system to her. The resident explained that there are currently water problems in the house. She was assured that the drainage system would be better with the new house.

End participation:

Attorney Loughlin duly swore in Mr. John Leoncavallo of Sayreville NJ as the Professional Planner.

He described the houses in the area. It has changed over the years.

He stated that the most of the requirements for the proposed house have been met, except for the proposed height and the non-conforming lot.

Mr. Leoncavallo explained how the pitch of the roof would look if they changed the height of the house.

Exhibits A-5: Photographs of another new home at 285 Bridle Path

A-6: 390 Foothill Way

A-7: 378 Foothill Way

A-8: Opposite side doe 381 Foothill Way

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

Mr. Wyvratt discussed c-variances and d-variances with Mr. Leoncavallo.

Attorney Hehl stated that the applicant was not aware that the landscaping was going to be removed due to the retaining wall. The applicant agreed to either move the retaining wall to preserve the tree line or add trees. They would prefer not to disturb the trees.

Mr. Tomaine opened up the floor for comments.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Henry Daas of 367 Forest Hill Way gave a history of the street and the existing houses in the area. He stated that the existing house may be located on a river bed. He expressed his concern regarding proposed drainage for the new house.

Attorney Hehl gave the summation for the application.

Several board members gave their comments regarding the proposed house.

Mr. Disko informed the board that there would be no wasted height from above the second floor. There is a three foot difference from the house to the rear. The lot is not level.

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

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

NAYS: Mr. Disko
Mr. Younghans
Mr. Parker

MOTION: Denied

Due to the late hour the application for Jormar Development at 1115 Globe Avenue would be carried over to the October meeting. They would not have to re-notice.

At 11:00 p.m. the board went into executive session.

At 11:30 the board resumed the public portion of the meeting.

Having no further business, the board was duly adjourned at 11:30 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

