

**PLANNING BOARD  
FEBRUARY 24, 2015**

The Mountainside Planning Board met on Tuesday, February 24, 2015, 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.

The Minutes of the January 29, 2015 meeting were approved as presented.

**MEMORIALIZATIONS:**

First Choice Executive Suites LLC, 1199 Route 22, Block 23.C, Lot 5 – Applicant proposed to install an emergency generator on commercial property which is located in the Limited Industrial Zone. Mr. Garran made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

Bear Mountainside Realty LLC, 200 Sheffield Street and 1018 Mountain Avenue, Block 7.M, Lots 29 & 30 – Applicant proposed to convert an existing residential structure to office use which is located the Limited Industrial Zone. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

Luna/Glory, 1028 Summit Lane, Block 6.A, Lot 14 – Applicants proposed to construct an addition on the side of an existing single-family dwelling. Mr. Zawislak made a motion to approve the application and Mr. Garran seconded the motion.

The board adopted Resolution 01-2015 to enable the Borough of Mountainside to pay the Planning Board attorney for his professional services, not to exceed \$30,000.

**NEW BUSINESS:**

McDonald, 217 Evergreen Court, Block 15.K, Lot 6 – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming lot. Existing variances included lot area under 15,000 square feet where 5,625 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet and an existing one car garage. New variances included front yard under 30 feet where 19.77 feet was proposed, rear yard under 30 feet where 20.62 feet was proposed, foundation area over 15 percent where 26.8 percent was proposed, ground projections over 3.75 percent where 6.6 percent was proposed, lot coverage over 30 percent where 41.8 percent was proposed,

floor area ratio over 22.5 percent where 41.9 percent was proposed, and front yard coverage over 30 percent where 33.8 percent was proposed.

Attorney Loughlin duly swore in Maria and Adam Kois of WengerKois in Fanwood, NJ as the architects. They gave their credentials to the board.

Mr. and Mrs. Lois presented three exhibits:

- A-1: Photographs of the existing house
- A-2: Proposed plan setbacks
- A-3: Proposed elevations

There are ten variances associated with this application; seven new variances and three existing variances.

The applicant proposed to enlarge the kitchen in the rear of the house, and add two new bedrooms above the first floor.

Mr. Kois explained that the lot was undersized. The lot width was non-conforming. The height would remain the same.

The applicant would like to expand the driveway to a two-car driveway in order to keep the cars off the street overnight.

Exhibit A-4: Zoning requirements were handed out to the board members.

The first floor plan would consist of the rear addition for the kitchen by approximately eight feet, and expansion of the driveway and the second floor plan would be over the existing footprint. The existing FAR (floor area ratio) is 24.6 percent and the proposed FAR would be 33.8 percent.

The architects would like to create dormers to make the house more pleasing. Mrs. Kois described the existing and proposed roof line and the proposed dormers. It would give the homeowners approximately 377 square feet of additional space.

Mrs. Kois stated that they tried to minimize the impact of the expansion. Additional bedrooms were needed. The kitchen needed to be enlarged in the rear of the house, and the driveway needed to be widened in order to meet the needs of the family.

Mrs. Kois stated that it was not a large house and the owners needed to be able to expand.

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

Mr. Disko inquired about the hallway that has a desk in it. Mr. Kois stated that it would be used as a study area. Mr. Kois stated that a proposed bedroom could be shifted

over. The master bedroom would remain the same. There would be a total of three bedrooms.

The existing second story bathroom remain and shared by all of the bedrooms, except the master bedroom.

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

The board members gave their comments on the application.

Exhibit B-1: Tax Map 7.A showing Evergreen Court, which was submitted by Mr. Disko.

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

ROLL CALL VOTE: To deny the application

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

NAYS: Mr. Wyvratt  
Mr. Younghans

MOTION: Denied

Comber Company (Verizon Wireless), 1130 Route 22, Block 5.T, Lot 30 – Applicant proposed to install a wireless antenna and cabinets on the rooftop of an existing commercial building. Existing variances included side yard under 15 feet where 12 feet existed, lot coverage over 75 percent where 94 percent existed, and insufficient parking spaces. New variances included a use variance for the antenna and accessory structure height over principal structure totaling 39 feet.

Mr. Richard Schkolnick, Esq. of Brown Moskowitz and Kallen in Summit, NJ represented Verizon Wireless.

Attorney Schkolnick explained that the application for one antenna and equipment that would be located on the roof of the Comber Company. The antenna would be 24 inches x 12 inches and the related equipment would be located on a 48 square foot platform. The total height of the building with the proposed antenna would be 39 feet high.

Attorney Loughlin inquired if Attorney Schkolnick had received Mr. Chadwick's report that was dated February 24<sup>th</sup> and Attorney Schkolnick stated that he had received

it. Attorney Schkolnick stated that he would discuss that possibility of screening the antenna later in the presentation.

Attorney Loughlin duly swore in Mr. David Stern of Cranberry, NJ who was the radio frequency engineer for Verizon Wireless. He gave his credentials to the board.

He explained that Verizon Wireless was the contract leasee. Verizon Wireless holds four licenses.

Mr. Stern explained that by putting up an antenna on the roof of the Comber Company on Route 22, it would free up capacity from the cell towers in the surrounding area. The cells towers in the area are almost at capacity and installing more antennas would not create any more capacity.

Mr. Stern explained that Verizon is working to upgrading their 4G network. Mr. Stern described how the 4G network voice data works.

Exhibit A-1: Server Map

Exhibit A-2: Server Map with the new site (map of the area that Verizon serves)

Exhibit A-3: Traffic history and projections

Mr. Stern stated that these new antennas are much less intrusive than putting up cell towers.

Mr. Stern stated that he felt that the Comber Company was the best place to install the proposed antenna.

Attorney Loughlin duly swore in Mr. John Chawick as the Board's planner for this application and for the year 2015.

Mr. Chadwick inquired if the antenna was in compliance with FCC regulations. Attorney Schkolnick stated that Verizon was in compliance and, in fact, held four FCC licenses.

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

Attorney Loughlin duly swore in Mr. K. Kolandeivelu as Verizon's Civil Engineer. He gave his credentials to the board.

The size of the antenna would be 24.2" high and 15.1" wide.

The proposed antenna and cabinets would be located on the roof of the building. A floodlight would be at the top of the antenna and have a timer on it.

Most of the maintenance of the antenna would be conducted remotely. A technician may come by approximately once a month to check the equipment. A ladder

with handrails would be installed in order to get to the antenna. Although a generator would not be installed at this time, a connection would be installed in the event of a power failure.

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

Attorney Loughlin duly swore in Ms. Adar as the Professional Planner. She gave her credentials to the board.

Exhibit A-4: Photographs of the building, both existing and what the building would look like with the proposed antenna.

When the possibility of screening the antenna was discussed, Ms. Adar stated that she did not believe it was necessary to screen the antenna but they would if the board required it.

Ms. Adar gave the positive and negative criteria for the application. The variances were again reviewed. She believed that there would be no negative impact to the surrounding area.

When inquired about the terms of the lease with Comber Company, Attorney Schkolnick stated that there would be a five year lease with an extension of up to twenty-five years.

The colors of the antenna should match the building. The cabinets would be a light gray. Screening should not be necessary. Mr. Chadwick stated he did not want a dark color or white. A floodlight would be on top of the antenna.

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

#### CONDITIONS:

- The cabinets would be gray and the antenna would be the least intrusive/objectionable.
- The antenna and equipment would be removed at the end of the lease or the lease is terminated.
- The report by the radio frequency expert would be submitted to Attorney Loughlin.

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

NAYS: 0

Mr. Zawislak  
Mr. Garran  
Mr. Parker  
Mr. Wyvratt  
Mr. Younghans

MOTION: Approved

At 9:50 p.m. the board took a short break. At 9:55 p.m. the board resumed the meeting.

Donald Rinaldo, 228 Evergreen Court, Block 15.I, Lot 8 – Applicant proposed a new single-family dwelling on a non-conforming lot. Existing variances included lot area under 15,000 square feet where 10,125 square feet existed, lot width under 200 feet where 75 feet existed, and lot area within 150 feet. A new variance included the foundation area over 15 percent where 17.06 percent was proposed.

Ms. Donna Rinaldo, Esq. in Somerville, NJ represented the applicant.

Attorney Loughlin duly swore in Mr. Donald Rinaldo as the applicant and property owner.

Exhibit A-1: Plans that were submitted to the members

Mr. Rinaldo described the existing house and the house was in poor condition and would be demolished.

Mr. Disko informed the board on the one variance and the fact that the FAR variance was no longer required. The FAR ordinance had been amended so that the proposed FAR was no longer a problem.

The proposed house would exceed lot coverage from 15 percent to 17.06 percent.

The proposed single-family dwelling would be a four bedroom, two and one-half bathroom house with a two-car garage. The driveway would be in the side-yard setback.

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. Younghans seconded the motion.

CONDITIONS:

- Retention/Detention plans must be approved by the Borough Engineer

- As-Built foundation and height surveys must be submitted and approved by the Borough Engineer

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Domingues, 336 Darby Lane, Block 7.I, Lot 16 – Applicant proposed to construct an addition onto a single-family dwelling. Existing variances included lot area under 15,000 square feet where 13,535 square feet existed, lot width under 100 feet where 90.2 feet existed, and lot area within 150 feet. A new variance included foundation area over 15 percent where 15.7 percent was proposed.

Attorney Loughlin duly swore in Sandra Domingues as the homeowner.

Mrs. Domingues explained that she would like to construct an addition onto a single-family dwelling by closing off an existing porch and extending it to left of the house and making it a room.

Exhibit B-1: Tax map showing the lot on Evergreen Court.

Having no further discussion, Mr. Garran 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. Parker  
Mr. Wyvratt  
Mr. Younghans

NAYS: 0\

MOTION: Approved

DISCUSSION:

Don Don Realty LLC, 90 New Providenc Road and 903 Mountain Avenue –

Attorney Loughlin informed the board that he received a letter from Attorney Wolfson regarding the fact that the hole had not yet been filled in nor had the fence been removed.

Attorney Wolfson stated that the work had not been done due to the winter weather and that work would be completed by April 15, 2015 as long as the snow has melted and the ground has thawed.

Mr. Sisto stated a backhoe and operator would be required in order to backfill the site.

The board considered several options, one of them being that the applicants would have to return to the board.

Mr. Tomaine made a motion to allow Attorney Loughlin to write a letter to Don Don Realty that they must return to the board at the March 24<sup>th</sup> meeting unless Don Don submits plans to the Borough Engineer prior to the meeting. Mr. Zawislak seconded the motion. All were in favor.

Having no further business, the meeting was duly adjourned at 10:30 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary





