

**PLANNING BOARD  
JANUARY 29, 2015**

The Mountainside Planning Board met on Thursday, January 29, 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.

**REORGANIZATION MEETING:**

**OLD BUSINESS – 2014:**

**PRESENT:** Messrs. Disko, Garran, Jackositz, Matlin, Parker, Tomaine, Wyvratt, Youngmans, Zawislak, Councilman Mortimer, Attorney Loughlin and Secretary Rees.

**ABSENT:** Mayor Mirabelli.

The Minutes of the December 23, 2014 meeting were approved as presented.

**MEMORIALIZATIONS:**

Children’s Specialized Hospital, 150 New Providence Road, Block 14, Lot 19 – Applicant proposed to install a stand-by generator on hospital property. Mr. Zawislak made a motion to approve the resolution and it was seconded. All were in favor.

Smith, Alan and Nancy, 141 Greenwood Road, Block 10.C, Lot 4 – Applicants proposed to construction an addition onto a single-family dwelling. A motion was made and seconded to approve the resolution and all were in favor.

Pereira, Antonio, 229 Friar Lane, Block 3.A, Lot 97 – Applicant proposed to construct a shed in the rear yard of a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and it was seconded. All were in favor.

**OATH OF OFFICE – 2015:**

Attorney Loughlin duly swore in the following members:

John Tomaine – Regular Member  
Steven Matlin – Alternate #1  
Thomas Jakositz – Alternate #2

ROLL CALL VOTE FOR 2014:

PRESENT: Messrs. Disko, Garran, Jakositz, Matlin, Co. Mortimer, Parker, Tomaine, Wyvratt, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli.

ELECTION OF OFFICERS:

Chairperson: Mr. Zawislak made a motion to nominate Mr. John Tomaine and Mr. Garran seconded the motion. All were in favor. Mr. Tomaine will again serve as chairperson for 2015.

Vice-Chairperson: Mr. Younghans made a motion to nominate Mr. Theodore Zawislak and it was seconded. All were in favor. Mr. Zawislak will again serve as vice-chairperson for 2015.

Board Attorney: Attorney Loughlin was re-appointed as board attorney for 2015.

That concluded the 2014/2015 reorganization meeting.

NEW BUSINESS – 2015:

A moment of silence was observed by the board in honor of our Chief of Police, Richard Osieja, who passed away on January 25, 2015.

Mr. Tomaine announced that the application for McDonald at 217 Evergreen Court was postponed. No new noticed would be required.

First Choice Executive Suites LLC, 1199 Route 22, Block 23.C, Lot 5 – Applicant proposed to install a generator, necessitating site plan review. Existing variances included front yard under 50 feet where 49.15 feet exists, side yard under 15 where 4.76 feet exists, lot area under 26,000 square feet where 16,455 square feet exists, lot width under 125 feet where 106.3 feet exists, and lot coverage over 75 percent where 80.5 percent exists. A new variance is required for an accessory structure of the principal structure/use.

Attorney Loughlin duly swore in Ms. Joy Fickett as the property owner and owner of First Choice Executive Suites LLC.

Ms. Fickett explained that she would like to install a generator for her building in the event there would be another power outage. The generator would power the heating system, lights and computers.

The transfer switch had already been installed. Although the generator had been purchased, it had not yet been installed.

The generator would be located in the front yard, near the wall. No one would be able to see the generator.

The generator would have to be maintained once a month for approximately five minutes.

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

#### AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Robert Caldwell of Kenilworth, who was a member of the Elks Lodge, located next door. Mr. Caldwell stated that he had no problems or objections to the installation of the generator.

#### CONDITION:

Mr. Disko stated that the maintenance of the generator should be between the hours of 9:00 a.m. to 7:00 p.m. during the week.

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

#### ROLL CALL VOTE:

AYES: Co. Mortimer  
Mr. Disko  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Parker  
Mr. Wyvratt  
Mr. Matlin – Alternate 1  
Mr. Jakositz – Alternate 2

NAYS: 0

MOTION: Approved

Luna, 1028 Summit Lane, Block 6.A, Lot 14 – Applicant proposed to construct an addition to the side of an existing single-family dwelling. Existing variances included side yard under ten percent, lot width of 10.5 feet where 10.16 existed, and an existing detached garage. New variances included lot coverage over 30 percent where 42.9 percent was proposed.

Mr. Kevin Glory, Esq. represented the homeowner as well as residing in the home.

Mr. Glory stated that he would like to add an addition to both first floor and second floor.

Mr. Glory stated that the lot was undersized and the property sloped so that the proposed addition was the only place that rooms could be added. There is also a detached garage. The property gradually slopes down.

The board inquired about the 30 percent lot coverage that currently existed. Mr. Glory stated that there were a retaining wall, patio and a driveway. Mr. Glory stated that there were also pavers in the back yard. The patio was there when they purchased the house, however, they expanded on the patio since then.

Mr. Disko expressed his concern regarding the fact that lot coverage had expanded since the last survey in 2006 to the present, which was why lot coverage became an issue. Mr. Glory explained that they added a front patio.

Mr. Matlin inquired if the homeowners could reduce lot coverage by possibly removing the pavers that run the length of the house. Mr. Glory stated that he had no objections to doing that. Mr. Zawislak stated that if the pavers were removed, it could cause an erosion problem. Mr. Glory suggested that the concrete/flagstone patio could be removed. That would reduce lot coverage.

Exhibit B-1: Copy of the survey

It was discussed what could be removed in order to reduce lot coverage. Mr. Disko suggested that the slate patio to the west and pavers to the north could be removed. Mr. Disko did not want the deck to be removed, however, the addition is going to be located in that area, and so a portion of the deck would have to be removed.

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

Mr. Zawislak inquired if the homeowner would have to remove a percentage of lot coverage or square footage. Mr. Disko did not have an opinion on it.

Mr. Zawislak stated that the homeowner had agreed to remove a substantial amount of coverage from the patio on the left side and pavers in the front of the house.

CONDITIONS:

The homeowner must reduce lot coverage to 37.5 percent or 810 square feet of impervious surface.

Plans showing the reduction of lot coverage must be submitted to the Borough Engineer.

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

Bear Mountain Realty LLC, 1018 Mountain Avenue and 200 Sheffield Street, Block 7.M, Lots 29 and 30 – Applicant proposed site plan and development of parking at a former residential property and to convert a residential structure to a business/administration office. Applicant also proposed awnings onto a non-conforming structure. Existing variances included front yard under 30 feet-50 ft. on Route 22 where 29.88 exists, side yard under 15 feet where 8.08 feet exists, lot area under 26,000 square feet where 8,250 square feet exists, lot width under 125 feet – 200 feet on Route 22 where 75 feet exists. New variances included a use variance for front yard parking, ground floor under 4,000 square feet where 1,487 square feet was proposed, parking in the side yard, parking in the rear yard and driveway access.

Mr. Richard Schkolnick, Esq. of Brown, Moskowitz and Kallen in Summit, NJ represented the applicant for site plan and development approval.

Attorney Schkolnick stated that there would be no exterior changes or footprint changes to the existing building.

This building was once used as a residence and was non-conforming to the ordinance. The applicant would like to turn it into a commercial building for office use and, thereby, make it a conforming to the ordinance.

Attorney Loughlin duly swore in Mr. James Ruban, Jr. of Mountainside as the architect. He did not have to give his credentials.

Exhibits: P.B. 1: Existing conditions  
P. B. 2 Proposed conditions

Mr. Ruban testified that the lot was currently surrounded by a fence and that a portion of the fence would have to be removed in order gain access onto the lot and to the seven proposed parking spaces in the rear of the building.

Formerly you would have to turn into Lot 29 (the Diamondhead Building) to get on Lot 30. Mr. Ruban stated that it would not be easier to get to the proposed site by way of Mountain Avenue.

The fence would provide a good buffer for the building from headlights at the Diamondhead parking lot. The applicant would be in agreement if the board wished to lower the proposed fence.

The existing awnings would remain on the building.

Drainage would be approved by the Borough Engineer.

There would be no changes to the front driveway.

Walkways and patios would be removed. Access to the building would be from the rear.

Security lighting could be on timers. No other lighting would be on the site due to the fact that there was currently lighting from the Diamondhead parking lot. There would be no pole lights.

The landscaping would remain the same.

There would not be any Dumpsters.

There are currently open permits for the site that would be closed out before a Certificate of Occupancy could be issued.

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

Attorney Loughlin duly swore in Mr. Andrew Zecca of Mountainside, NJ as the future tenant and contract purchaser of the building.

Mr. Zecca has a home improvement business. He described his business. The building would consist of offices only. He has his equipment at another location. There

would be no retail sales at the site. He would meet clients by appointment only. There would be no loading dock.

Mr. Zecca would like the existing driveway to remain due to the fact that it provides access onto the site.

There would be no overnight parking. There would not be any type of garage. No construction equipment would be stored on the site.

At this time, there would not be any signs for the business, however, he may consider having a sign in the future

Attorney Loughlin duly swore in Mr. John McDonough of Morris Plains, NJ as the applicant's professional planner. He did not have to give his credentials.

Exhibit A-1 -3: Photographs of the site. He described each photograph.

Mr. McDonough stated that the proposed use would be low impact with a minimal number of employees.

The site is located in the Limited Industrial Zone.

The building would be a continuation of an existing condition.

Mr. McDonough felt that the proposed business would not be a detriment to the neighborhood and/or zone.

There would be parking in the front and rear of the site.

Mr. Younghans inquired about the proposed easement. Access relief would be required through Lot 29. The easement would not be able to be modified. The easement would have to be approved by Attorney Loughlin and the board.

The board discussed conditions:

#### CONDITIONS:

- Applicant must obtain the required permits
- Proposed easement language must be approved by Attorney Loughlin
- Any future signs must be conforming to the ordinance
- No retail use would be permitted
- No storage of outdoor materials or equipment would be permitted
- Fence revisions at the rear must be approved by the Borough Engineer
- There must be one handicapped parking space
- The proposed parking/curb/sidewalk detail must conform to Borough standards
- Drainage plans must be submitted and approved by the Borough Engineer

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. Parker  
Mr. Wyvratt  
Mr. Younghans

NAYS: 0

MOTION: Approved

DISCUSSION:

Don Don Realty, 90 New Providence Road and 903 Mountain Avenue.

The board discussed the fact that Don Don Realty had not yet filled in the hole or taken down the construction fence at the corner of New Providence Road and Mountain Avenue, in conformance to their 2014 resolution. Attorney Loughlin informed the board that he would contact the owners.

Having no further business, the meeting was duly adjourned at 9:45 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary



