

PLANNING BOARD
MAY 26, 2015

The Mountainside Planning Board met on Tuesday, May 26, 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.

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

ABSENT: Mayor Mirabelli

The Minutes of the April 28, 2015 meeting were approved as presented.

MEMORIALIZATIONS:

Semler, 310 Indian Trail, Block 15.N, Lot 30 – Applicant proposed to construct a one-story addition in the side yard setback of a single-family dwelling. Mr. Garran made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Heather Lynn, 1501 Force Drive, Block 3.A, Lot 54 – Applicant proposed to install solar panels onto the roof of a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Bezerra, 1399 Wood Valley Road, Block 15.F, Lot 2 – Applicant proposed to construct and install an above-ground pool in the rear yard of a single-family dwelling. Mr. Matlin made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Glenn, 579 Hillside Avenue, Block 11, Lot 6 – Applicant proposed to construct and in-ground pool in the front yard of a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

NEW BUSINESS:

Mainsail Corporation/Landover Cooling Tower Service, 177 and 183 Mill Lane, Block 23.C, Lot 8.B and 8.R – Applicant proposed to make changes to a commercial building, including the installation of new bay doors. Parking and circulation patterns would change. Existing variances include side yard under 15 feet where 12.69 existed, lot area under 26,000 square feet where 25,969 square feet existed, lot coverage over 75 percent where 84.4 percent existed. A new variance included insufficient parking where six spaces were proposed and 46 spaces were required.

Mr. Stephen Hehl, Esq., of Hehl and Hehl represented the company for the application.

Attorney Hehl stated that the applicants purchased 183 Mill Lane and would like to install bay/garage doors.

Permits were obtained for renovations to 183 Mill Lane. The applicants were also changing the façade and adding landscaping.

The parking situation was discussed. Most of the employees park on the street and take company cars to the site that they are working. The company has four office employees and twelve employees that go out to different sites.

Mr. Zawislak inquired about how many parking spaces were required for each of the buildings, 177 Mill Lane and 183 Mill Lane. Attorney Hehl said that even though they are separate properties, the employees would be using both buildings and, therefore, cross parking between the buildings. Mr. Zawislak expressed his concern that if one of the properties were sold, what would happen to the required number of parking spaces. An additional six parking spaces are proposed. Mr. Zawislak indicated that there would be plenty of parking if the owners did not have as many dumpsters as they currently have.

Attorney Loughlin duly swore in Mr. Victor Vinegra from Cranford as the professional planner and professional engineer. He did not have to give his credentials.

Mr. Vinegra testified that 183 Mill Lane, Lot 8.R required 20 parking spaces and 177 Mill Lane, Lot 8.B required 25-26 parking spaces. There are twelve workers and four office employees.

Mr. Vinegra proceeded to describe the existing conditions of both properties.

Exhibit A-1: Aerial view – Google Earth

Exhibit A-2: Coloring rendered of the site plan that was submitted to the Board

Mr. Vinegra reviewed the Borough's parking ordinance.

Mr. Vinegra stated that additional parking spaces could be added but there was no need to do add them yet. Employees park both in the parking lot and on the street. Several employees prefer to park on the street. A cross-access agreement would have to be drawn up so that parking could be utilized between the two properties. Both lots would share the parking lots.

The sites were surrounded by a chain link fence, with slats and there were no plans to make any changes to the fence.

Mr. Vinegra reviewed Mr. Disko's report.

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

Attorney Loughlin duly swore in Mr. David Robinson of Aberdeen as the architect for the proposed changes. He gave his credentials to the board.

Mr. Robinson described the proposed changes to 183 Mill Lane.

Exhibit A-3: Demolition plan. Existing windows and doors on one end of the building would be removed and replaced with the proposed overhead doors. The electrical and plumbing systems would be replaced.

Exhibit A-4: Architectural floor plan consisting of the overhead doors, utility room, bathrooms, ceilings, floors, etc.

Exhibit A-5: Ceiling and lighting plans, fans, outlets, office areas, and plumbing diagram.

Exhibit A-6: Elevation of exterior building. Four overhead doors, access doors and new windows. The office area would also be used as a locker space.

Parking spaces: There would be an additional 14 spaces at 183 Mill Lane and 9 additional spaces at 177 Mill Lane.

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

Attorney Loughlin duly swore in Mr. John Slifer of 177 Mill Lane, Mountainside, NJ as the owner and operator of both properties and companies.

Mr. Slifer described what his company does to the board. The company works on cooling towers that cools the water down for air conditioning units that are located on top of hospitals, skyscrapers and other buildings in New Jersey and New York. No manufacturing would be done at the Mill Lane site. Mr. Slifer also described the personnel who worked for his companies. 183 Mill Lane would be used for the crews to change and hold meetings.

Mr. Slifer stated that once the bay doors have been installed, all the material and equipment would be stored inside the building. Much of the equipment was stored at another site.

Additional landscaping would be planted and the existing fence and gates would be upgraded.

Exhibit A-7: Recycling report. They recycle aluminum, iron, cardboard, etc. in four separate dumpsters.

They currently have eleven trucks.

There would be a total of thirteen bays.

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

AUDIENCE PARTICIPATION:

Mrs. Lorraine Forcus of 1086 Globe Avenue inquired as to how many employees the company had. Again, there are four office workers and twelve crew members. On some days there would be fifteen crew members. Vehicles would still park on the street and were allowed to do so. The cars were parked on the street now due to the fact that the building was currently under construction. Outside storage of the equipment would be eliminated once construction is finished.

Mr. Slifer explained that the dumpster would be located along the back of the properties.

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

Mr. Hehl gave his summation to the board on the application.

Three parking spaces would straddle the line

Six additional parking spaces would be located at the rear of 177 Mill La.

Ten additional parking spaces would be at the rear of 183 Mill Lane

Four new parking spaces at 183 Mill Lane

There would be shared and utilized parking between the two properties

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

CONDITIONS:

- Provide permanent cross-access easement agreement for both properties
- Submit location of handicapped parking space and or spaces for approval by the Borough Engineer
- Provide new landscaping plan for approval of the Borough Engineer
- No outdoor storage of materials or equipment of any kind at both 177 Mill Lane and 183 Mill Lane
- Provide plan showing the location of three dumpsters at 183 Mill Lane

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

AT 9:00 the board took at break and resumed the public hearing at 9:10 p.m.

Thomas Murphy/Farmers' Market, 1123 Mountain Avenue, Block 18, Lot 3.A – Applicant proposed to construct a farmers' market in a residential zone. Existing variances included lot area under 15,000 square feet where 14,741 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet. New variances included a use variance, ground projections over 3.75 percent where 6.0 percent was proposed, lot coverage over 30 percent where 54.0 percent was proposed, front yard coverage over 30 percent where 72.2 percent was proposed, front yard parking, and a six-foot fence in the front yard.

Mr. Stephen Hehl, Esq. of Hehl and Hehl represented the applicant for the proposed farmers' market.

This application was previously heard by the Board of Adjustment and denied. Due to the fact that significant changes had been made from the previous application, it was determined that res judicata did not apply and the board could move forward and hear the new application.

The proposed boutique had been eliminated.
The number of proposed parking spaces had been added.
There would now be a loading area.
The proposed barn would be moved further back in the rear of the property.
The proposed gravel parking lot would remain the same.
Certain portions of the proposed fencing would be eliminated.
Due to the seasonal business, it would be considered a low intensity use.

Having heard the changes that were made from the previous application, Mr. Tomaine made a motion to hear the new and revised application and Mr. Wyvratt seconded the motion. All were in favor.

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

Exhibit A-1: Existing conditions. The property was 14,741 square feet and 75 feet wide and a little less than 200 square feet deep. There were neither steep slopes nor wetlands.

Mr. Jurist described the surrounding area as well as the applicant's property.

There was a floating easement which would be reconfigured so that the neighbor would be able to get into the existing detached garage. There would now be an access driveway from the farmer's market to the next door neighbor's property.

The proposed barn would be a two-story, pre-fab structure and would be approximately 31 feet high which would include a proposed copula. The barn would be set back 101 feet. The setbacks would conform to our ordinance.

Parking: There would be thirteen parking spaces in the gravel parking lot. There would be front yard parking with one handicapped parking space. The parking space size would be 9' x 20'. The aisle width would be 27.5 feet. The driveway opening would be 25 to 30 feet wide. The parking lot would be lined-stripped.

Fence: There would be no fence in the front yard. The rest of the lot would have a six-foot stockade fence. The color of the fence would match that of Vine Republic's fence.

Landscaping: Shrubs and trees would surround the property to shield the business from the neighbors.

Dumpster: Would be located on the north side of the property

Lights: There would be two sixteen foot high shielded lights with a timer. The lights would be turned off after business hours.

No commercial vehicles would be stored outside.

The thickness of the sidewalk would meet the Borough's standards.

The existing building in the rear of the property would be used for storage purposes only.

Mr. Zawislak inquired about the buffering zone. There would be a fence from the barn to the rear of the property and remove the existing stockade in the front of the property. Mr. Zawislak inquired about buffering requirement between a business zone and residential zone. He inquired if the buffering requirements had been met. Mr. Zawislak stated that there should be adequate buffering between the farmers' market and the residential homes next door. Mr. Zawislak expressed his concern regarding removing the fence. Mr. Disko stated that there was an existing six-foot fence that was owned by Vince Republic. Mr. Chadwick explained that it was not a commercial zone, the zone would not change. Only a small portion of the six-foot fence would be removed. The board discussed the ordinance regarding buffering requirements between business and residential zones. There would be no fencing from the driveway to the street. The fence associated with Vine Republic would remain.

The barn: It would be a two-story building. The second floor would be used for storage and would not be open to the public and would be secured to prevent the public from gaining access to the second floor. There would be a proposed large overhang on the barn. Although it would reduce ground projections, Mr. Murphy thought that an overhang would look very nice on the barn.

Aisle access and parking lot: The aisle access would be 31.5 feet, although it could be reduced. Mr. Disko had no objection, however, the parking spaces could be 18 feet instead of 20 feet depth. The re-stripping of the parking lot may have to be done every season.

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

Attorney Loughlin duly swore in Mr. Thomas Murphy of Mountainside, NJ as the owner and applicant of the property.

Mr. Murphy described the proposed business. He and Mrs. Murphy would run the business. They would sell Jersey produce such as vegetables, flowers, plants. He informed the board as to what would be sold each month. The store would be closed from the end of December to April 1st each year.

Mr. Murphy would have a vegetable garden in the rear of the property where there would be no public access.

There would be two employees. It would be open seven days a week. There would be deliveries approximately three times a week. The lights would be turned off after hours. Only a security light would remain on.

Attorney Hehl asked Mr. Murphy if he had any objections to reduce the proposed aisle width. Mr. Murphy stated that he would like to have the same width as Vine Republic.

Mr. Tomaine inquired if Mr. Murphy was aware that the property was in a residential zone. Mr. Murphy was aware of that and had not approached mayor and council to change the zoning of that property.

Mr. Zawislak again inquired about the proposed fencing. The fence along the northern corner would be continued to be the same as Vine Republic. The westerly portion and the rest of the fencing would be a six-foot high stockade fence.

Mr. Chadwick inquired about the proposed driveway width. He expressed his concern that the driveway may be too width at 27.5 feet. He could make it less stone and more grass.

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

Attorney Loughlin duly swore in Mr. John McDonough of Morris Plains, NJ He did not have to give his credentials to the board.

Mr. McDonough reviewed the variances.

A-2: Photographs of the area including aerial and ground views

Mr. McDonough pointed out that the proposed use of the property would be good planning and the best use and most efficient use of the property based on the fact that except for an existing shed, the property has remained vacant and has had no residential use on it. He felt that the proposed use of the property would not be a detriment to the area.

Mr. McDonough also testified to:

- The applicant was not seeking any changes in the present zoning.
- The applicant would preserve the existing access driveway/"floating easement".
- Hours of operation would be 8:30 a.m. to 6:00 p.m.
- The overhangs on the proposed building would enhance the structure.
- Landscaping would be added to the entire rear of the property.
- Front yard parking would be a more safety feature for customers than behind the building.
- There should be no traffic safety concerns
- The wall system would be preserved
- The drainage system would be maintained
- The farmers' market would sell seasonal produce and other items
- There would be a total thirteen parking spaces
- There would be landscaping on three sides of the property
- Applicants were seeking a use variance

Mr. Zawislak inquired regarding the proposed front yard setback and the overhangs (total lot coverage). Mr. McDonough stated that there were existing conditions.

Mr. Tomaine inquired about re-zoning the property. Mr. McDonough stated that the proposed use of the property should not be re-zoned and that seeking a use variance would be more appropriate.

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.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Ms. Norma Huber of 1035 Mountain Avenue, Ms. Sandra Wilson of 138 Parkway and Mr. Richard Benninger of 277 Timberline Road all spoke in favor of the application and the proposed farmers' market.

Attorney Hehl gave his summation to the board.

Attorney Loughlin inquired if Mr. Murphy would agree to amend the application to reduce the aisle width to 27.5 feet. Mr. Murphy agreed to this.

Exhibit B-1: Mr. Chadwick addressed a letter from Mr. Murphy regarding existing and proposed property.

Several members gave their comments in support of the application.

CONDITIONS:

- Applicant must obtain approval by the County Planning Board
- Easement for the driveway must be submitted as well as a title search
- Signage would be placed at the adjoining neighbor's driveway to prevent access by customers
- Second story of the barn would be used for storage only and must be secured
- No separate use of the garage
- No other business would be allowed to operate on the premises
- No other use of the rear portion of the property other than a vegetable garden
- Drainage plans must be approved by the Borough Engineer
- Landscaping plan must be approved by the Borough Engineer
- Applicant must pay any and all sewer connection fees
- Revised fence plan must be submitted
- Aisle width would be reduced to 27.5 feet
- No outside storage except for plants and flowers around the barn
- All lights would be on a timer
- Dumpster would be placed along the front – right
- The use of the property must be limited to as to what was agreed to by the applicant

Having no further discussion Mr. Garran made a motion to approve the application and Mr. Wyvratt 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

DISCUSSION:

Redevelopment of the Barnes Tract:

Mr. Chadwick spoke to the board regarding Local Redevelopment and Housing Law to assist local governments in an effort to promote programs of redevelopment. The Borough would need procedures to declare areas in need of redevelopment.

Resolution 60-2015 would authorize the planning board to undertake a preliminary investigation to determine whether a proposed area would be a redevelopment area. To date this area has been identified as Block 14, Lot 14, also known as the Barnes Tract.

Mr. Chadwick would prepare the preliminary investigation in order to recommend to the Mayor and Council whether the area was an area in need of Non-Condensation Redevelopment.

Having no further business, the meeting was duly adjourned at 11:30 p.m.

Respectfully submitted,

Ruth M. Rees
Secretary

Having no further business, the meeting was duly adjourned at 11:30 p.m.

Respectfully submitted,

Ruth M. Rees
Secretary

