

## **PLANNING BOARD**

APRIL 26, 2016

The Mountainside Planning Board met on Tuesday, April 26, 2016 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, Ford, Garran, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Mr. Jakositz

The minutes of the March meeting were approved as amended.

### MEMORIALIZATIONS:

New York SMSA LP/Verizon Wireless, One Cornell Parkway, Block 24.1, Lot 4.02 – Applicants proposed to install a generator on the side of a commercial building. Mr. Younghans made a motion to approve the resolution and Mr. Disko seconded the motion. All were in favor.

Donald Rinaldo, 28 Evergreen, Block 15.09, Lot 8 – Applicant proposed to install an air conditioning compressor in the side yard of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

### CONTINUATION:

Alpine at Mountainside LLC, 1490 and 1496 Route 22, Block 3, Lots 17 & 18 – Applicants were proposing an inclusionary multi-family residential site plan with six buildings containing 30 age-restricted units, including six affordable housing units. Proposed variances included the following: Density over six dwelling unit per acres (where 6.01 dwelling units per acre were proposed, insufficient buffer area under 25 feet where 22 feet were proposed and retaining walls over six feet where fourteen feet were proposed.

Ms. Donna Jennings, Esq. of Wilentz in Woodbridge, NJ represented the applicants.

Mr. Thomas McGrath continued to answer questions from members of the audience regarding the proposed development.

Mrs. Nick Barbera of 1466 Force Drive inquired about the proposed easement and the proposed retention/detention basin. He also expressed his concerns regarding clear-cutting the area around the detention basin as well as the wildlife; such as fish, frogs, etc. that would be displaced once the existing pond is drained and construction commences. The future maintenance of the detention basin would be under the jurisdiction of the homeowner's association.

Mr. McGrath testified that the affordable housing units would be located along Route 22 and the basin would be located behind that building.

Exhibit A-1 (from the March meeting): When Mr. Barbera inquired about the depth of the existing pond, Attorney Jennings stated that it was not relevant due to the fact that the pond was going to be drained and filled in and that the applicants had a permit from the DEP to fill in the pond.

Exhibit A-4: Photo Study panels taken on April 18, 2015, which described the surrounding properties.

All the old, existing trees would be removed and new trees would be planted along the perimeter of the property. The applicants would also add shrubbery and vegetation in order to increase the buffer area. Mr. McGrath stated that most of the old trees had already reached their maturity and, therefore, there would be a possibility that they would die and/or fall anyway.

Mr. Zawislak inquired if the encroachment of the deck at 237 South Fork Road had been rectified. According to both the homeowners and Attorney Jennings, there had been no resolution to date. Attorney Loughlin stated that the property line dispute should be between the homeowner and the applicants.

Mr. Ronald Haymovitz of 241 South Fork Road wanted assurances as to where the property line would be and where the new trees would be planted. He also expressed his concern regarding the property line.

Mr. McGrath continued by testifying to the fact that there would be thirty units with 113 proposed parking spaces throughout the development. It may take over a year or two for construction to be completed.

The ordinance stated that had to be a twenty-five foot setback and the applicants were proposing a thirty-one foot setback.

There would be a four-foot chain-link fence to separate the development from the properties on South Fork and Force Drive. Mr. Haymovitz inquired if the applicants would be willing to install an eight-foot high solid vinyl fence. Attorney Jennings stated that there would be a chain link fence with a solid line of trees and she also stated that an eight-foot high solid fence would not be necessary. Mr. Haymovitz stated that he would like more protection from the development than what was being proposed. He would also like an increase in the buffer area.

At this point the board took a break at 8:50 p.m. and resumed the public portion of the meeting at approximately 9:10 p.m.

Mr. Haymovitz expressed his concern regarding the power grid for the new development and whether it would affect the homes behind it and possibly leading to power failures.

A resident inquired if there would be any recourse if there would be flooding and/or run-off from the development and what would be provided.

Attorney Loughlin duly swore in Mr. Scott Kline of 242 South Fork. Mr. Kline informed the board that he believed the water source in the pond came from the Nomahegan Brook and indicated that it should be on the Borough's flood map. Mr. Disko stated that our flood map was very old and that pipes had been installed. The board discussed what could be feeding the pond. It was again mentioned that the pond was going to be drained, cleaned out, and then filled in. The soil would be tested, if necessary.

Mrs. Ernestina Almeida of 237 South Fork Road inquired about the proposed 25-foot buffer area and if the buffer area met with the Borough's requirements. Attorney Jennings stated that the buildings would be 31 feet from the property line and that the patios would be six feet wide, therefore, they would meet the 25-foot buffer area. The proposed buffer area was discussed in-depth.

When the proposed air conditioning units were discussed, Mr. Disko stated that they would be considered part of lot coverage and setbacks.

Trash pick-up: The trash would be picked up by a private hauler, contracted by the homeowners association. The cans would probably be stored in the individual garages and set out in front of each unit.

The pond: Mr. Tomaine expressed his concern that the pond may eventually fill up again and that the water may run into the units some day. Mr. Disko reviewed the test borings of the site. Mr. McGrath stated that the pond would be drained and backfilled to keep the water from coming back up to the surface.

Mr. Disko discussed the existing pipes that currently run from the pond to the inlet. He did not believe the pond was spring fed due to the fact that the water did not go to the overflow pipe. The ground water table changes constantly. Due to this situation, no plumbing fixtures would be installed in the basement.

Mr. Nicholas Barbera of 1466 Force Drive stated that he believed the pond was man-made and that the DEP denied the pond to be filled in 2004, 2005, 2009 and 2011. However, the DEP approved the filling of the pond in 2015.

Mr. A. Samchenko of 1500 Route 22 inquired about the proposed heating system. When he was informed it would be gas heating, he expressed his concern about any safeguard to the surrounding neighbors.

Attorney Loughlin duly swore in Mr. Nicholas Ververese as the applicants' traffic expert. He did not have to give his credentials to the board.

Mr. Ververese explained that they had received an access permit. It was considered a minor access permit due to the size of the development and there would be very low generation of traffic in and out of the development on a daily basis.

Mr. Ververese reviewed the proposed sight triangle at the entrance of the development. He testified that an acceleration lane was not necessary due to the fact that residents could use the shoulder of Route 22. The shoulder was ten-feet wide.

Mr. Meth, the board's traffic expert, referred to his report of March 17, 2016.

Mr. Barbera of 1466 Force Drive entered exhibits in evidence:

Exhibit B-1: Aerial view of Route 22

Exhibit B-2: Photograph of Route 22 taken by drone

Mr. Barbera expressed his concern that cars would be coming out of the development and proceed to go into residential neighborhoods, therefore, there would be an increase in the amount of traffic on side streets.

Exhibit B-3: Photograph taken by APP

Exhibit B-4: More photographs

Attorney Loughlin duly swore in Mr. John McDonough of Parsippany, NJ as the applicants' planner. He did not have to give his credentials to the board.

Mr. McDonough reviewed the variances.

Mr. McDonough explained that the density variance was considered diminutive. Instead of five acres, the site was only slightly less than that at 4.98 acres.

The proposed retaining wall was discussed.

Look-a-like houses: Mr. McDonough stated that due to the high density housing development, the facades would look similar.

Mr. McDonough described the existing property and conditions.

Exhibit A-5: Aerial views of the surrounding properties

Mr. McDonough explained that the development would consist of 30 age-restricted units for ages 55 and over, and the six affordable housing units would be for ages 62 and over. No one under the age of 18 would be permitted to live there.

Exhibit A-6: Visual Architectural elevations

Mr. McDonough described the first floor living areas, the type of materials that would be constructed in the units, and the HVAC systems.

Exhibit A-7: Affordable housing units. The affordable housing units would have the same materials as the market-rate unit, however, there would be slight differences in the design of the affordable housing units.

Exhibit A-8: Floor plans

There would be no walk-out doors from the basement. The units would be two to two and one-half stories and thirty-two feet high.

Two air conditioning compressors would be located at the back of each unit; one for each floor. Mr. Chadwick stated that the air conditioning compressors would have to be located on the side of the patio, due to the fact that the A/C units cannot be located in the buffer area.

Mr. Parker inquired if there would be wainscoting around the back of the buildings. Mr. McDonough stated that there would be wainscoting constructed around the lower level windows and the siding above it. There would be a stone base along the back of the buildings and the chimneys.

Mr. Chadwick requested that the applicants provide renderings of the rear of the buildings as well as revised landscaping plans for the board members and audience participants to review.

At 11:00 p.m. Mr. Tomaine informed the audience that the application would be continued at the May 24, 2016 meeting.

Having no further business, the meeting was duly adjourned at 11:15 p.m.

Ruth M. Rees  
Secretary





















