

PLANNING BOARD
JULY 26, 2016

The Mountainside Planning Board met on Tuesday, July 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, Jakositz, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Messrs. Garran and Matlin.

The minutes of the April meeting were approved as presented.

MEMORIALIZATIONS:

David and Jamie Quinn, 2 High Point Drive, Block 7.01, Lot 1.02 – Applicants proposed to install a six-foot high vinyl fence in the front yard of a single-family dwelling. This application was denied. A motion was made and seconded to approve the resolution. All were in favor.

Mr. Alan Kane, 1267 Virginia Avenue, Block 16.09, Lot 19 – Applicant proposed to construct a patio with drainage improvements in the rear of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Robert and Mary Hilongos, 235 Old Tote Road, Block 15.09, Lot 46 – Applicants proposed to construct an in-ground swimming pool with decking in the rear of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

Mr. Tomaine announced that the Aranjo, Klimas, and McClosky subdivision application would be postponed to the August meeting. No new notice would be required.

Western Pest Control/SignArama, 1048 Route 22, Block 24.07, Lot 1- Roof sign application was also postponed.

Meltzer, 1000 Mary Allen Lane, Block 7.02, Lot 7 – Applicant proposed to install a 54 inch open rail fence in the front yard of a single-family dwelling. Existing variance included front yard under 30 feet where 26.9 feet existed. New variance included the proposed fence in the front yard at 54 inches high.

Attorney Loughlin duly swore in Mr. David Meltzer, as the homeowner.

Mr. Meltzer wanted to connect his proposed fence with those of his two neighbors. The fences would all match.

Mr. Meltzer submitted letter of authorization from the neighbors allowing him to connect to their fences.

Exhibit A-1 from Mr. and Mrs. R. Berkowitz of 16 Fern Hill Road in Springfield
Exhibit A-2 from Ms. Geza Eckert of 474 Mary Allen Lane in Mountainside

Mr. Meltzer described where the neighbors' properties were located.

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. Parker seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Parker
Mr. Jakositz
Mr. Ford

NAYS: 0

MOTION: Approved

Mountainside Real Estate Associates LLC, 1191 Route 22 Block 23, Lot 4 – Applicants proposed to construct a fabric indoor tennis structure in the rear yard of the existing indoor tennis courts. Existing variances include lot width under 125 feet-200 feet on Route 22 where 25 feet existed, and parking in the front yard. New variances included height over 35 feet where 38 feet was proposed, side yard under 15 feet where 14.3 feet was proposed, rear yard under 30 feet where 4.2 feet was proposed, foundation area over 35 percent where 43.1 percent was proposed, second principal building, open space reduction, retaining wall over eight feet where 9.4 feet was proposed, insufficient parking spaces and parking space size.

Mr. James Foerst of Spector-Foerst and Associates, Millburn, NJ represented the tennis courts

Attorney Foerst informed the board that his clients were withdrawing the height variance, due to the fact that the fabric structure could be built within the 35 foot height ordinance.

Attorney Foerst discussed the parking variance and that he believed that they would be in compliance, however Mr. Disko stated that it fell under a duel standard.

The existing structure holds six courts with a clubhouse in the middle.

Attorney Loughlin duly swore in Mr. Steve Kantor of New York as one of the owners of the tennis club.

Mr. Kantor informed the board that he and his business partner recently purchased the tennis club due to the fact that many indoor tennis clubs have closed in the area.

The club was very popular and many times all the courts were filled. There can be as many as 24 to 32 people playing at the same time.

Mountainside Real Estate Associates would like to add an accessory fabric structure to accommodate two additional courts so that at least eight more people could play.

The owners decided on constructing a fabric structure over another hard structure so that the sides of the fabric structure could be rolled up in the summer for ventilation. The support would not be seasonally removed. The size of the structure would be 56' x 120'.

Pictures of different types of fabric structures and colors were submitted to the board.

Exhibit A-1: Dome structure

Exhibit A-2: Color (green)

The fabric would go over a lightweight stainless steel frame and anchored down with stakes.

Mr. Kantor stated that he would be willing to construct the structure with any color and any size and number of doors the board preferred.

Mr. Kantor discussed the proposed location of the accessory structure. He felt that any other location of the site would eliminate some parking spaces.

A retaining wall would be required due to the topography of the site.

Mr. Kantor described how the structure with a metal frame and metal stakes would be built and tied to the ground. The material would be made of canvas and the tennis courts would be made of clay.

Exhibit A-3: Showed how the sides of the structure could be rolled up. The roof would remain and the fabric sides could be rolled up.

There would be a breezeway from the main tennis court building to the accessory courts.

Per Mr. Chadwick's report, there would be no additional signage for the accessory structure.

Renovations: Interior renovations would be made to the interior of the main building, such as upgrading the locker rooms, doors, and the rest of the building. No exterior changes are planned at this time.

Mr. Zawislak inquired if there would be a fence between the tennis courts and Echo Lake Park. Mr. Zawislak expressed his concern that there would not be a fence installed in that area. Mr. Kantor stated that the park has many trees to screen the property.

The board inquired if emergency vehicles could get to the tennis courts. The doors could be made to enable an ambulance to drive into the structure.

There would be safety lights located outside the structure.

Tournaments would be held both in the main building but would not be held in the accessory structure.

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

Mr. Tomaine noted that the Dumpster area was not enclosed and that area needed to be cleaned up. Mr. Kantor assured Mr. Tomaine that they would enclose the Dumpster area and they were planning to relocate the Dumpster.

Mr. Disko's report was reviewed.

Item #4: Mr. Kantor stated that he would upgrade and improve the drainage system.

Attorney Loughlin duly swore in Mr. Peter Korzen of Whippany, NJ as the engineer. He gave his credentials to the board.

Mr. Korzen described the existing conditions, the driveway, the existing drainage system, and the surrounding area. The plans had been previously submitted to the board.

There were 48 parking spaces where 109 parking spaces may be required.

There are currently six courts in the main building and two courts for the proposed structure.

Mr. Korzen reviewed all the variances.

Retaining walls from three feet to nine feet high would have to be built in order to keep the topography flat to accommodate the proposed tennis courts.

Mr. Korzen described the proposed drainage system.

The utilities would be relocated to underground lines. The flood lights would be relocated.

A total of twenty trees may have to be removed.

Exhibit A-2: Echo Lake Park buffer: The buffer area goes all the way to the maintenance building; approximately 500-600 feet. There is also the dog park in the area.

Mr. Tomaine inquired if the Dumpster area could be relocated to the northeast corner of the parking lot so that a garbage truck could drive to that area. However, there is already a retaining wall in that area. It was then suggested that the Dumpster area could be relocated closer to the Uncle Bob Self-Storage site. The board agreed to this. Attorney Foerst stated that they would submit a plan to Mr. Disko for his review and approval.

Mr. Korzen testified that EMT vehicles would be able to get to the back of the property; however, fire trucks would have difficulty in getting back to the proposed structure.

Mr. Disko expressed his concern regarding the height of the proposed retaining walls and inquired if Mr. Korzen could reduce the court elevation in order to reduce the height of the wall. Mr. Korzen stated that it would not be good idea.

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

AUDIENCE PARTICIPATION:

The Exulted Ruler of the Mountainside Elks Lodge inquired about the lot width and the driveway that they share. The driveway is twenty-five feet wide.

He also inquired about the existing ground sign. He stated that the location of the sign sometimes makes it a little difficult to see traffic on Route 22.

Mr. Younghans stated that in previous testimony that there would be no need for a loading area. Deliveries are by FEDEX trucks only. Even for the delivery of the clay courts and to periodically refresh the clay courts would not involve tractor trailers.

Upon questioning regarding whether clay courts were necessary, Mr. Kantor informed the board about teaching children to play tennis on clay courts vs. hard-surface courts. Mr. Kantor described the differences between playing on hard surface courts vs. clay surface courts.

Mr. Younghans inquired whether the additional clay courts would change their business. Mr. Kantor stated that they would be able to teach many more children to play tennis on the new clay courts.

Mr. Disko inquired if they would improve the stone driveway and the access driveway for emergency access. Mr. Kantor agreed to do this.

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

Attorney Foerst gave his summation to the board on the application.

Attorney Loughlin advised the board regarding two principal buildings on the same lot. Consideration and discussion had to be made by the board in order to prevent the owners of tennis club from leasing or renting out the accessory structure or to rent out the buildings to another company. Also that the two buildings have to be used as tennis courts and not to change the use of either of the two buildings.

CONDITIONS:

- Restrictions that would prevent any other use other than a single tennis club facility
- That there would be no conversion of the second structure to a permanent structure
- If the tennis courts ceases operation and is not longer a tennis club, that the second structure should be removed
- Dumpster area must be enclosed and relocated to the westerly side of the property, near Uncle Bob's Self Storage
- Deed restrictions should be set in place in order to prevent any other use of the building other than tennis courts
- Color (forest green) of the accessory structure should blend into the environment
- Safety fencing should surround the construction area
- Door and location of the structure should be of the size to allow ambulances into the building
- Additional doors may be required at the request of the Police or Fire Departments
- Fence should be placed on top of the retaining wall
- Stone should be added to the driveway as required by the police department

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

NAYS: 0

Mr. Tomaine

Mr. Zawislak

Mr. Parker

Mr. Younghans

Mr. Jakositz

Mr. Ford

MOTION: Approved

Having no further business, the meeting was duly adjourned at 9:25 p.m.

Ruth M. Rees