

**PLANNING BOARD**  
**MAY 24, 2016**

The Mountainside Planning Board met on Tuesday, May 24, 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: Councilwoman Fesch-Caccamo, Messrs. Disko, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

The minutes of the April meeting were approved as presented.

**NEW BUSINESS:**

C.F.G.R. LLC, 151 Wild Hedge Lane, Block 11, Lots 1 & 2.02 – Applicant was seeking final subdivision approval for a two-lot subdivision to construct a single-family dwelling on each lot. Applicant received final subdivision approval in November 2013, but did not file the deed to perfect the subdivision. Preliminary subdivision approval was obtained in 2007.

Mr. Bruce Bergen, Esq. of Krevsky, Silber and Bergen in Cranford, NJ represented the applicant to finalize the subdivision.

Attorney Bergman informed the board that final major subdivision had been approved in 2013 but never filed an application with the county. No changes had been made to the property or to the final plan.

Mr. Disko informed the board that the two lots were oversized. There would be no need to come back to the board. He is also compliant with the retention/detention system.

Attorney Bergman stated that the applicant would comply with all conditions and work with the homeowners association when construction on the houses commences.

The issue of affordable housing came up and Mr. Chadwick advised the board regarding the one percent assessed value and that there may have to contribute to affordable housing.

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. Matlin seconded the motion.

Conditions:

- Affordable housing contribution
- All conditions previously made in 2013

AYES: Co. Fech-Caccamo  
Mr. Disko  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Parker  
Mr. Younghans  
Mr. Jakositz

NAYS: 0

MOTION: Approved

CONTINUATION:

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

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

Mr. John McDonough, the applicants' planner and landscape architect was reminded that he was still under oath.

(From last month's meeting)

Exhibit A-6: Front elevation rendering of the market-rate units  
Exhibit A-7: Another rendering of the affordable housing units

These showed the proposed materials that would be used on all the buildings, including the faux dormers on the affordable housing units.

Exhibit A-9: Rear elevations – showing the stone base, colors on the fronts, roofs and chimneys and stone on the market-rate units.

Exhibit A-10: Affordable housing units – Will have the same type of materials with the stone, roof, front, etc. Will be similar in appearance as with the market-rate units.

Each unit would have an option of either gas or wood-burning fireplace.

Mr. McDonough described the typical market-rate unit as well as the typical affordable housing unit.

Again the market-rate units would have three bedrooms and affordable housing units would have two bedrooms.

The buffer would no longer be an issue. The applicants would comply.

Variances:

- Housing density – 6.01 per acre
- Wall height at two locations. The detention basin wall would be ten feet high, and the two back walls would be in two tiers for a total of twelve feet high
- The look-alike units. Since these are multi-family housing, there would be no break-up for the façade. The COAH units would blend in with the market-rate units.

Since this development would be an age-restricted community, the age must be at least 55 and over for the market-rate units, and the 62 and over for the affordable housing units.

If this proposed development was approved, the Borough would have met one of their court-ordered COAH obligations. The applicants have hired a liaison to handle the affordable housing criteria.

Mr. Younghans inquired about the rear elevation of the affordable housing building. The affordable housing building will be close to Route 22. The rear of the building will face Route 22. Landscaping will be planted not only along Route 22 but also in front of the No. 6 (the affordable housing units).

The board reviewed the number of bedrooms for the development:

There would be 24-three bedroom units and 6-two bedroom units, for a total of 30 units. The six two bedroom units would comprise the affordable housing units.

Mr. Chadwick advised the board and Attorney Jennings that certification was required for the affordable housing units and the applicants must comply with Item 4 of his report. Mr. Matlin also inquired about the requirements for the affordable housing units. Mr. Chadwick advised regarding the requirements, and rules and regulations of those people who would qualify.

Mr. McDonough testified that the market-rate units would be approximately 2,500 square feet each in size, and the affordable housing units would be approximately 1,500 square feet each in size. The affordable housing units would not have fireplaces.

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

#### AUDIENCE PARTICIPATION:

Mr. Robert Simon, Esq. represented John and Dorothy Unchester of 1467 Force Drive, who are objecting to the application.

Attorney Simon inquired about the proposed air conditioning. The compressors may be placed in the rear of the buildings.

Attorney Simon inquired about the patios: Mr. McDonough did not know if the patios were going to be raised, with steps.

Attorney Simon inquired if the each lot would be subdivided: The lots would not be subdivided for each individual unit. The buyers would purchase each unit and the grounds would be under common ownership. Attorney Simon questioned if the owner of each unit would be allowed to use the back yard of his unit.

Attorney Simon inquired about the retaining walls. Mr. McDonough described not only where the walls would be located but how high they were going to be.

Attorney Simon inquired about the property line: Mr. McDonough stated that it would be thirty-one feet from the back of the building to the property line.

Attorney Simon inquired about any propose berms: Mr. McDonough stated that, to his knowledge, there would not be any berms on the property.

Attorney Simon inquired about walking trails: There may not be any walking trails around the perimeter of the property.

Attorney Simon inquired if a double-row of evergreen trees could be planted around the rear of the property. The trees would be at least eight feet high and would grow about one foot a year. Mr. McDonough stated that there would be a solid green wall around the entire perimeter of the property so that the proposed single row of evergreen trees would be a “nice balance”.

Attorney Simon indicated that he would like any and all landscaping to be planted before construction commences so that the Unchesters would not have to look at the construction site. Mr. McDonough stated that he would not know when the trees would be planted.

Attorney Simon inquired if there would be any floodlights on the buildings. There would be no floodlights along the back of the buildings.

Mr. Nicholas Barbera of 1466 Force Drive inquired if pets would be allowed and Mr. McDonough stated that pets would be allowed.

Mr. Bela Schmidt of 275 Pembroke Road inquired if building #3 would be visible to the residents on the opposite side. The residents would be able to see some of building #3. Mr., Schmidt expressed his concern that the neighbors would be able to hear sounds from building #3 due to the topography of the property.

Mr. Schmidt also inquired about the property height of the retaining walls. Mr. McDonough stated that the proposed walls would relate to elevations.

Mr. Scott Kline of 242 South Fork Road inquired about fees for the market-rate units and the affordable housing units. The fees would be determined by the Association.

The board reviewed Mr. Disko’s report regarding noise levels. Mr. McDonough did not have an answer regarding the noise levels for the proposed air conditioning compressors. The must comply with the state and local noise ordinances.

End participation.

Mr. Thomas McGrath, the project engineer was reminded that he was still under oath.

A revised landscaping plan had been submitted to the board. The property owners on Lots 20 and 21 came to an agreement with the applicants.

Exhibit A-11: Revised landscaping plan for Lots 20 and 21. More trees would be added near the two lots.

An easement would be created for the Almeidas in order to accommodate their existing deck.

It was discussed what trees would be saved and what trees would be removed.

The board also inquired about draining the pond. The applicants are anticipating draining the pond immediately.

At 9:30 p.m. the board took a short recess and at 9:40 p.m., the board resumed the public meeting.

Mr. Younghans inquired about the timeline for completing the project. Mr. McGrath stated that could take approximately 18-24 months.

Attorney Simon inquired about the proposed retaining wall based on the revised plans that were submitted to the board. There would be one major retaining wall and three smaller retaining walls. Mr. McGrath described the walls and their locations as well as the fences that would be placed on top of the retaining walls.

Attorney Simon inquired about the proposed drainage system. Mr. McGrath described where the drainage system would be located on the property.

Patios: The distance between the patios and retaining wall would be approximately seven to eight feet.

End audience questions.

#### COMMENTS:

The following residents voiced their objections to the application:

- Attorney Simon, representing Mr. and Mrs. Unchester of 1467 Force Drive
- Mr. Nick Barbera of 1466 Force Drive
- Mr. John Unchester
- Mrs. Dorothy Unchester
- Mr. Joseph Kaluzny of 1463 Force Drive

After comments had been made by members of the audience, Attorney Jennings gave her summation to the board.

Mr. Chadwick informed the board as to the history of the lawsuit regarding the Borough's affordable housing obligation.

Several board members gave their opinions and comments regarding the application.

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

CONDITIONS:

- 24 three-bedroom units and 6 two-bedroom units
- Must submit revised landscaping plans, showing the irrigation system
- Confirm the affordable provisions and requirements, including marketing and Item no. 4 of Mr. Chadwick's report, and developer's agreement
- Engineer's estimate for bonding for off-tract improvements
- Two-year maintenance guaranty for landscaping
- Submission of HOA documents, condo master deed, including the affordability section, and developer's agreement
- No spotlights on the rear of the buildings
- Payment of all sanitary sewer fees and payments of all building permits
- Increased radiuses off Route 22 and the first right turn.

ROLL CALL VOTE:

AYES: Mr. Disko

Mr. Tomaine

Mr. Zawislak

Mr. Garran

Mr. Matlin

Mr. Parker

NO: Mr. Younghans

MOTION: Approved

Having no further business, the meeting was adjourned at 11:10 p.m.

Ruth M. Rees































