PLANNING BOARD
MAY 23, 2017

The Mountainside Planning Board met on Tuesday, May 23, 2017 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: Mayor Mirabelli, Messrs. Disko, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Councilwoman Fetch-Caccomo

The minutes of the April 25, 2017, meeting were approved as presented.

MEMORIZATIONS:

NJ Precision Technologies Inc., 1065 and 1081 Bristol Road, Block 7.04, Lots 39 and 40 – Applicant requested to retain the pedestrian awning and fabric canopy between the two buildings. A motion was made a seconded to approve the resolution. All were in favor.

Dent, 217 Evergreen Court, Block 15.11, Lot 6 – Applicants proposed to expand their driveway in the front and side yard setback. A motion was made and seconded to approve the resolution. All were in favor.

Esteves, 176 Mill Lane, Block 24.02, Lot 8 – Applicant proposed a dormer addition. A motion was made and seconded to approve the resolution. All were in favor.

Becker, 269 Apple Tree Lane, Block 3.04, Lot 19 – Applicant proposed a second floor and side yard addition. This application was denied. A motion was made a seconded to approve the resolution. Those who were eligible to vote, approved the resolution

NEW BUSINESS:

Mazzilli/Taeschler, 362 Darby Lane, and 1056 Elston Drive, Block 7.08. Lots 20 and 21 – Applicant proposed a major two-lot subdivision in order to create a distinct building lot, Lot 21. Undersized Lots 20 and 21 are currently merged. New variances included Lot 20 – front yard under 30 feet where 25.7 feet was proposed, lot area under 15,000 square feet where 11,456 square feet was proposed, lot area within 150 feet of lot depth. Lot 21- lot area under 15,000 square feet where 11,240 square feet was proposed, lot width under 100 feet where 80 feet was proposed, and lot area within 150 feet of lot depth.

Mr. Walter Abrams, Esq. of South Plainfield, NJ, represented the applicants.

Attorney Loughlin duly swore in Mr. James Watson of EKA Associates in Scotch Plains, NJ as the land surveyor and planner. He did not have to give his credentials to the board.

Mr. Watson gave an overview of the existing two lots; 20 and 21.

Mr. Watson testified that due to the fact that the two lots were in common ownership, they were merged many years ago. Mr. Watson explained that they would like approval to re-subdivide the two lots.

Attorney Loughlin duly swore in Mr. Paul Taeschler of 1049 Sunny Slope Drive in Mountainside, NJ. Mr. Taeschler testified that he purchased both lots in 2004. The two lots were already combined when he purchased the lots on Darby Lane and Elston Drive. They are two separate lots on the old tax maps, but there was only one tax bill. Mr. Taeschler would remain the owner of the main lot (the lot with the existing house).

Mr. Taeschler testified that one lot had a house on it, but no one lives in the house, and the other lot is vacant. Mr. Taeschler stated that Mr. Mazzilli was a developer and would build a house on the vacant lot. Mazzilli would build the proposed house, however, he would not live in the house.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Sean Herrighty of 358 Darby Lane inquired as to who would live there. Mr. Taeschler explained that he would build a house for his daughter.

Attorney Loughlin duly swore in Mrs. Jennifer Duca of 366 Darby Lane. She stated that there was a drain pipe that ran between the two lots and inquired as to how would it be maintained. Mrs. Duca also informed the board that the existing house has been vacant for at least 13 years and that there were animals currently living in the house. She questioned how the developer would remove the animals so as not to allow the animas to scatter to adjacent properties. Mr. Mazzilli stated that he would bait the house before it was demolished. Mr. Disko also informed her that pest removal is a condition set forth by the building department.

End participation.

Mr. Watson explained that the existing enclosed porch would be removed, and therefore, the old house would be torn down. The existing foundation would remain and Mr. Mazilli would build a new two-story house. Due to the fact that the enclosed porch would be removed, the new house would be located further in off the north property line.

If the subdivision were approved, the lots would be approximately 11,300 square feet and 11,500 square feet with an 80 foot width on Lot 21.

Mr. Watson reviewed the proposed grading plan for Lot 21 as well as the proposed drainage plan.

Regarding the pipe that currently runs along the two properties, the pipe is located on the property line. Mr. Watson stated that the pipe is partially buried. Mr. Disko explained that the storm sewer line runs along Lots 21 and 22 and then goes off in two different directions. Mayor Mirabelli inquired if the pipe does run along the property, would the applicant agree to an easement. Mr. Watson stated that they would agree to an easement.

Attorney Abrams reviewed Mr. Disko's report.

When board members inquired about tree removal, Mr. Watson stated that tree removal could not be avoided due to the fact that new houses would be built on the two lots. Mayor Mirabelli requested a tree removal plan and a tree replacement plan as well as replacement of street trees. The applicant agreed to this.

At the request of Mr. Disko, the applicant stated that he would not have a problem with providing a conservation easement in the rear yard of Lot 21.

Wetlands: Mr. Disko felt that one lot may have a wetlands area in the rear of the property due to the fact that the ground is always wet in that area. Mr. Watson stated that they would obtain a letter from the NJDEP to be able to fill in that area.

Exhibit A-1: Copy of a 200 foot area map showing properties that were less than 15,000 square feet.

Exhibit A-2: Showing the proposed house for Lot 20.

Again Mr. Watson stated that the applicant would like to re-subdivide the two lots that were originally created in 1955.

Mr. Watson discussed the negative and positive criteria. Mr. Watson stated that the utilities were already in place. The new lots would fit into the neighborhood. Many of the lots in the area were less than 15,000 square feet. Mr. Watson stated that if the subdivision was denied, the applicant could build a very large house on the lots. Mr. Younghans stated that there were larger lots in the neighborhood and that the Borough created 15,000 square foot minimum in that zone to prevent small lots.

Exhibit A-3: County map showing Darby Lane.

Attorney Abrams discussed in great detail, the two proposed lots and why they were merged many years ago. They may have been merged due to the fact that the two lots came under common ownership. Attorney Loughlin agreed with Attorney Abrams account of what may have happened.

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

AUDIENCE PARTICIPATION:

Mr. Sean Herrighty of 358 Darby Lane was reminded that he was still under oath. He again inquired about the size of the proposed lots. One lot would be 11,456 square feet and the other lot would be 11,240 square feet.

Mrs. Jennifer Duca of 366 Darby Lane was reminded that she was still under oath. She again inquired as to why the pipe that runs along the property line should not be an issue. When she came before the board several years ago for a subdivision, the pipe was an issue with the board. Mr. Disko described the easement and that the easement should be afforded the Borough. If the pipe breaks, the borough would maintain the pipe.

Attorney Loughlin duly swore in Mr. John Mazzilli of Chatham, NJ and the proposed developer,

Exhibit A-4: Proposed house plans for Lot 21, 1056 Elston Drive. The house would conform to our ordinance and that there would be no variances on the house. The new house would be approximately 2,640 square feet and the existing house would be approximately 2,700 square feet. Mr. Mazzilli felt that the design of both houses would appeal to the neighborhood. Mr. Mazzilli described the proposed two-story colonial houses.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mrs. Maryann Herrighty of 358 Darby Lane. She expressed her concern regarding the wildlife that lives in the back of the property. She was informed that if and when the houses were built, the wildlife would probably scatter and leave. If the existing house was demolished, the house would have to be baited prior to demolition.

Wetlands: Mr. Disko stated that there were no wetlands area on Darby Lane, however, there was a possibility that there was a wetlands area on Elston Drive. Mr. Disko stated that the new house would be required to have retention/detention pits to collect, and then discharge the water.

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

AUDIENCE PARTICIPATION:

Mr. Sean Herrighty asked the board to enforce the ordinance and the master plan.

Having no other comments, Mr. Tomaine asked the board for their comments.

Several board members gave their views on the application.

CONDITIONS:

- If the drainage pipe was found to be on Lot 21, an easement would be created for the Borough
- No bonding would be required
- Applicant would pay any sewer connection fees and affordable housing fees
- No monuments would be required
- A conservation easement would be set up
- The applicant would replace any street trees that would have to be removed for construction. Tree planting plan would be submitted to the Borough Engineer for approval
- Subdivision would be filed by deed
- Applicant would repair any curb damage due to construction
- Houses would conform to the Borough ordinance
- Borough would require a letter from a qualified contractor regarding any wetlands on the Elston Drive property
- A conservation easement would be created

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

ROLL CALL VOTE:

AYES: 0

NAYS: Mayor Mirabelli
Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans
Mr. Jakositz

MOTION: Denied

Caruvana, 1143 Maple Court, Block 5.17, Lot 12 – Applicants proposed a patio addition. Existing variances included side yard under 10 feet or 10 percent width where 9.9 feet existed, lot area under 15,000 square feet where 14,374 square feet existed, F.A.R. over 22.5 percent where 28.2 percent existed, and lot area within 150 feet. Foundation area over 15 percent at 16.8 percent was previously granted. New variance included lot coverage over 30 percent where 31 percent was proposed.

Attorney Loughlin duly swore in Mr. Salvatore Caruvana as the homeowner.

Mr. Caruvana informed the board that the patio was already in construction. He did not realize that zoning approval would be required and permits would need to be obtained.

The patio addition was approximately 1,122 square feet.

Mr. Caruvana stated that he would reduce the size of the patio, if the board required it.

Exhibit A-1 and B-1: Pictures of the property

Mr. Caruvana agreed to reduce the size of the patio by 100 square feet in order to reduce lot coverage.

CONDITIONS:

- Mr. Caruvana must submit a revised plan to the Borough Engineer for his approval.
- A retention/detention plan must be submitted to the Borough Engineer for approval

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

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans
Mr. Jakositz
Mr. Ford

NAYS: 0

MOTION: Approved

Having no further business, the meeting was duly adjourned at 9:30 p.m.

Ruth M. Rees