

PLANNING BOARD
APRIL 24, 2018

The Mountainside Planning Board met on Tuesday, April 24, 2018 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, Jakositz, Matlin, Parker, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Tomaine

The minutes of the March 27, 2018 meeting were approved as presented.

MEMORIALIZATIONS:

Miskewitz, 19 Tanglewood Lane, Block 22.02, Lot 9 – Applicant proposed to construct an addition onto a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Enterprise Home Builders LLC, 383 Summit Road, Block 5.15, Lots 1.01 and 1.02 – Applicant proposed a major two-lot subdivision. This application was denied. A motion was made and seconded to approve the resolution. All were in favor.

Vice-Chairperson Theodore Zawislak chaired the meeting in Mr. Tomaine's absence.

Mr. Zawislak announced to the members of the audience that he would change the order of the agenda in order to hear the resident applications first.

NEW BUSINESS:

Alison Griggs, 323 Partridge Run, Block 3.09, Lot 2 – Applicant proposed to construct an addition onto a single-family dwelling. Existing variances included side yard under 10 feet or 10 percent width where 9.4 feet existed, lot area under 15,000 square feet where 8,946 square feet existed, lot width under 100 feet where 70 feet existed, lot area within 150 feet, and driveway in the side yard. New variances included foundation area over 15 percent where 17.24 percent was proposed, lot coverage over 30 percent where 37.8 percent was proposed (reduced) and floor area ratio over 22.5 percent where 24.9 percent was proposed.

Mr. Steve Hehl, Esq. of Hehl and Hehl, represented the applicant for the proposed addition.

Attorney Hehl stated that a previous application had been denied by the board in November 2017 and that this revised addition was substantially different than what was previously submitted.

Attorney Loughlin explained to the board and members of the audience that the board had to decide whether res judicata applied to the new application.

Attorney Hehl explained the differences:

- Reduced in the ground projection
- Reduction in lot coverage

- Reduction in impervious surface
- Reduction in the floor area ratio
- Smaller second floor addition
- Addition had been redesigned to minimize the variances and to eliminate one variance

Mr. Chadwick, the board's planner, stated that the new application met the threshold of res judicata.

Having no further discussion regarding the fact that it was not res judicata, Mr. Youngmans made a motion to continue hearing the application and Mr. Ford seconded the motion. All were in favor.

Mr. Hehl continued the application by stating that this would be a modest addition to an existing house. It would remain a three bedroom house, however, it needed an additional larger bathroom and to redesign a portion of the first floor.

Attorney Loughlin duly swore in Ms. Alison Griggs of Westfield, NJ, the homeowner.

Ms. Griggs described the existing conditions of the house. Due to the fact that the house backed up to woods and a church, the addition would not be seen from the street. Ms. Griggs stated that the proposed addition would be much smaller than the addition that was originally submitted and denied.

Ms. Griggs stated that there was now only one small bathroom in the house and that she would like an additional, larger bathroom. She would also like to construct a small addition onto the rear of the house in order to have the first floor flow a little better.

Attorney Loughlin duly swore in Mr. David Bailey, the architect, of Westfield, NJ. He did not have to give his credentials to the board.

First floor: Mr. Bailey testified that the kitchen and sunroom would be enlarged in the rear of the house, an entranceway would be added from the first floor into the garage, the garage would be squared off in the back, and the existing patio would be reduced.

Second floor: A master bedroom and bathroom would be added. The bedroom would be located over the garage. Mr. Bailey described the elevations.

There would be no increase to the basement area.

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

Attorney Loughlin duly swore in Mr. Paul Ricci, of Clark, NJ as the applicant's professional planner.

Exhibit A-1: Aerial photographs that shows the subject property and adjoining properties showing the floor area ratio of each lot.

Mr. Ricci described both the applicant's property as well as the surrounding properties.

Mr. Ricci explained the positive and negative criteria of the floor area ratio. He mentioned that the lot was the smallest lot in the area. The addition would not be out of character to the neighborhood.

Mr. Ricci gave his summation.

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

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Marjory Bradshaw at 320 Partridge Run. The applicant's house had been there for many, many years. All the lots were undersized. The house had been maintained and the integrity of the neighborhood had been maintained.

Attorney Loughlin duly swore in Mr. William Clark of 324 Partridge Run agreed with Mrs. Bradshaw and believed the changes that would be made would enhance the aesthetics of the house.

Attorney Loughlin duly swore in Mr. Damian Finio of 313 Partridge Run, also believed that the addition would enhance the house as well as the neighborhood.

End participation.

The board gave their comments.

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

ROLL CALL VOTE:

AYES: Mr. Disko	NAYS: 0
Mr. Zawislak	
Mr. Garran	
Mr. Matlin	
Mr. Parker	
Mr. Younghans	
Mr. Jakositz	

MOTION: Approved

Jennifer and Ricardo Costa, 1266 Knollwood Road, Block 16.09, Lot 10 – Applicants proposed to demolish an existing single-family dwelling and constructing a new single-family dwelling on a non-conforming lot. Existing variances included lot area under 15,000 square feet where 13,509 square feet existed, lot width under 100 feet where 74 feet existed, and lot area within 150 feet. A new variance included side yard under 10 feet or 10 percent width where 7.22 feet was proposed.

Attorney Loughlin duly swore in Jennifer and Ricardo Costa, the homeowners.

Mr. Costs stated that they would like to demolish the existing house and build a new house for the purpose of residing in the new house. The existing house is a cape cod and the homeowners would like to build a two-story house.

They would be keeping at least fifty percent or more of the foundation, and possibly one wall of the existing house.

Mr. Costa assured the board that the new house would blend into the neighborhood.

Exhibit A-1 and A-2: Plan of the proposed first and second floors.

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

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Edward Dickert of 1256 Knollwood Road.

Mr. Dickert stated that he objected to the application due to the fact that the existing home and the footprint of the home now fit in the lot. The houses in the neighborhood were already close together. He felt that denying the application would not present a hardship to the homeowner. By denying the application it would protect the integrity, character, and quality of life in the neighborhood.

Attorney Loughlin inquired if drainage was required. Mr. Disko stated that it was required; however, the soil conservation district and sewer connection may not be required.

If Mr. Costa determined that the existing foundation had to be replaced, Attorney Loughlin informed him that he would have to go back before the Board of Adjustment.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Maxwell Family Court, LLC, 876 Mountain Avenue, Block 21, Lot 25 – Applicant proposed a walkway and wall at 876 Mountain Avenue and an addition and apartments at 872 Mountain Avenue. Improvements in the B Zone with multi-family use. Existing variances included side yard under 10 feet where 2.3 feet existed, and rear yard under 30 feet where 2.7 feet existed. New variances included a use variance for expansion of a non-conforming use, insufficient parking, two principal buildings, rear yard setback of 11.3 feet, and a proposed retaining wall within six inches of a property line.

Mr. James Foerst, Esq. of Spector, Foerst and Associates in Millburn, NJ represented the applicant for the multi-family use application.

Attorney Foerst reviewed the variances.

Attorney Loughlin duly swore in Mr. Donald Maxwell, the owner of 876 Mountain Avenue. Mr. Maxwell described the history of the house. The house had been owned by the Maxwell family since 1909. Maxwell family members had lived in the house for many years.

Exhibit A-1: Photographs of the house.

Mr. Maxwell testified that he had considered several options as to what to do with 876 Mountain Avenue. After consideration, he stated that he would like approval to add a bedroom onto 876 Mountain Avenue.

There are currently three units in 876 Mountain Avenue. Until just recently, Mr. Maxwell did not know that the house was listed as a single-family dwelling.

Mr. Maxwell described the photographs and the conditions in the house and to Mr. Maxwell's knowledge; it had always been a three-family home. However, Mr. Maxwell admitted that he has never lived in the house. Attorney Loughlin cautioned that since Mr. Maxwell never lived in the house he would not have knowledge as to what the conditions were in the house. Mr. Maxwell then described exactly what was in the house and who lived in the house on the first and second floors. There were three different apartments with different entrances in the house.

Mr. Maxwell recorded the house with the Department of Community Affairs as a multi-family house and the DCA had inspections on the house every five years. He also stated that every time there was a change of tenancy, he applied to the Borough for a change of tenancy. He stated that there has not been a great deal of turnover during the past several years.

Exhibit A-2: Inspection report from the DCA in 2017. There were corrections that had to be made, that were made, and Mr. Maxwell was waiting for the DCA to come back for a re-inspection. Attorney Loughlin inquired if there were any other documents from the DCA indicating approval that Mr. Maxwell was allowed to have a multi-use house. Attorney Loughlin inquired as to when the first application was submitted. Mr. Maxwell stated that it would have been in 2007. Upon reviewing the document, Attorney Loughlin stated that the application was not approved by the DCA due to violations.

Mr. Matlin inquired if the application included the three-car garage in the rear of the property. Mr. Maxwell stated that he would like to build an apartment above the garages.

Mr. Chadwick inquired about a basement and utilities. Mr. Maxwell stated that the basement has only a washer and dryer. There was only one thermostat and one furnace for the entire house. There are no dishwashers in any of the units.

Exhibit A-3: Floor plan. Mr. Maxwell reviewed the floor plan.

Mr. Chadwick expressed his concern that the house was very old and if the house was structurally sound. He also informed Mr. Maxwell and what permits were ever taken out. Mr. Maxwell felt that the house was in excellent shape.

Attorney Loughlin also expressed his concern regarding violations that were issued by the DCA and if inspections had been made by the state. Mr. Disko stated that if a change of tenancy had been requested, there would have been records indicating that inspection had been conducted by the Borough.

Due to the fact that the board as well as Mr. Chadwick required documentation regarding the house and whether it is a permitted use with the DCA, it was suggested that the applications be adjourned to the following meeting or until these documents could be submitted. This was agreed to by the applicant. Both applications were adjourned.

At this point the board took a break at 9:25 p.m. and resumed the public portion of the meeting at 9:35 p.m.

SarahCare at Watchung Square LLC, 1115 Globe Avenue, Block 23, Lot 8.07 – Applicant proposed a Change of Tenancy for adult day care use. Existing variances included side yard under 15 feet where 14 feet existed, rear yard under 30 feet where 21.5 feet existed, foundation area over 35 percent where 37.3 percent existed, and lot coverage over 75 percent where 79.7 percent existed. New variances included a use variance, walkway in the rear yard, and insufficient parking.

Mr. David Brady, Esq. of Brady and Correale in Cedar Knolls, NJ, represented SarahCare LLC.

SarahCare LLC was seeking approval for a use variance in order to occupy approximately 9500 square feet in the building. The building is located in the Limited

Industrial Zone. SarahCare was currently located in North Plainfield but would like to relocate to Mountainside. Dr Grana felt that the Mountainside location would be much safer than North Plainfield, where they were currently located.

The applicant would also like to install a canopy in the rear of the building for the adults and staff.

If approved, the company would be able to service 140 seniors, increase the number of staff members to 23, and increase the number of vans to 14.

Two parking spaces would be eliminated for a total of 125 spaces.

Attorney Loughlin duly swore in Dr. Juan Grana as the owner and administrator of SarahCare at Watchung LLC. He gave his credentials to the board. Dr. Grana reviewed all the applications to see if the person was eligible.

Dr. Grana explained what SarahCare does and who they service. They are a medical day care service who helped senior adults with various disabilities, including but not limited to memory loss and autism. They pick the adults up in a van, feeds them breakfast and lunch, sets up an exercise program, does other activities, and then takes them home. No cooking would be done on the premises. Meals would be catered.

Dr. Grana described the existing North Plainfield site and who they currently serve.

They currently operate Monday through Friday 8:00 a.m. to 4:00 p.m. If they move to Mountainside, they will operate from 8:00 a.m. to 5:00 p.m. No nights or weekends.

SarahCare would like to install a fence and canopy in order for the adults to be able to go outside.

Exhibit A-5, 5 and 7: Photograph the vans.

Some of the vans would be taken home by the drivers so that they can pick up the people the next morning. Dr. Grana described the transportation services to and from the facility.

Mr. Garran inquired about the need for ambulatory services. Dr. Grana testified that sometimes there would be a need for emergency services.

Mr. Chadwick inquired about licensing with the DCA and if transportation was required. Dr. Grana stated that although they provide transportation, it was not required. Attorney Loughlin informed Dr. Grana that he would like to see the proof of license for an adult day care center.

Mr. Zawislak inquired if there was no one home when the client was dropped off, what happens. Dr. Grana stated that the van would have to wait. However, many of the clients come from group homes so there would be someone home.

Mr. Chadwick inquired if medications were given to the clients during the day. There would be a nurse and Dr. Grana himself to administer any medication to the clients.

Parking: Although there is another tenant in the building, the board was assured that there would be plenty of parking to accommodate staff and van parking.

Sign: Exhibit A-8 and A-9 Proposed sign and logo for SarahCare

There would be no outdoor storage for this facility.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mrs. Lorraine Forgus who has a business at 1086 Globe Avenue.

Mrs. Forgus addressed the parking situation. She inquired as to how many parking spaces they would need. Dr. Grana stated that would need approximately 24 parking spaces and they were allotted 32 parking spaces. There were 127 parking spaces on site.

Outside area: There would be a designated outdoor area for the employees and clients for smoking, etc. The outdoor area would be maintained and cleaned up every day.

Mrs. Forgus informed the board that Globe Avenue was very congested due to the ARC Kohler School and other companies. It would seem that the ARC Kohler School and SarahCare would have the same hours so that there would be a lot of traffic on the street at the same time.

End participation.

Attorney Loughlin duly swore in Mr. Rocco Campanella of Raritan as the architect. He gave his credentials to the board.

The board again reviewed Exhibit A-3, the floor plan. Mr. Campanella described the proposed floor plan for SarahCare. The floor plan included a dining area, nurse's area, activity area and offices.

Mr. Campanella also described the proposed canopy for the clients and employees. An open chain-link type fence would be installed for the protection of the clients and employees to have a view of the park.

Exhibit A-10: Main entrance and wall sign

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

Attorney Loughlin duly swore in Mr. William Hamilton of Bowman Consulting Group in Cedar Knolls, NJ as the professional planner. He gave his credential to the board.

The board again reviewed Exhibit A-1 and A-2:

Exhibit A-1: He described the aerial views of the surrounding area, showing the neighborhood, the mixed use area, the Limited Industrial area and Echo Lake Park.

Exhibit A-2: Site Plan rendering

- No trees would be removed
- Two parking spaces would be eliminated
- An open chain-link fence would be installed
- A canopy would be constructed 30 feet from the property line
- The sidewalk would be expanded
- A wall sign would be installed
- There would be plenty of parking. 150 is required and they proposed 123 parking spaces
- There would be no impact to the neighborhood due to the fact that the clients would be transported by vans

Mr. Campanella noted the positive and negative criteria for the change of tenancy and felt that the change of tenancy would be inherently beneficial. Mr. Chadwick agreed, due to the fact that it filled a gap between a caregiver and a nursing home.

Mr. Younghans inquired about overnight parking for the vans. Variances relief would be required to park the vans overnight. They anticipate parking approximately ten vans overnight. Mr. Zawislak informed the applicant that overnight parking in the Limited Industrial Zone was prohibited. The board would have to consider whether to allow overnight parking.

Mr. Disko inquired about a buffer area in the rear of the property. There was a wooded buffer area, soccer field and path to the park.

Mr. Zawislak opened up the floor to the audience for comments. There were none.

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

Attorney Loughlin reviewed Mr. Disko's report with Attorney Brady regarding a condition that would require continuing maintenance of the building and property. Dr. Grana had reached out to the building owner to make sure that there would be proper maintenance of the site. A manual would also be provided to the Borough regarding the maintenance.

Attorney Loughlin also inquired about the parking on the left side of the building. Attorney Brady would reach out to the building owner on that.

CONDITIONS:

- No weekend or evening use; Monday through Friday only
- No fundraising on site
- No special events on site
- Any future tenants should go before the board
- The majority of the clients would be transported by van
- The fence nearest the park should be open; a fencing plan would be submitted to the Engineer
- Vans should park in the rear of the building, adjacent to the park
- Only nine vans would be allowed to be park overnight at the site
- SarahCare should consider using an independent or private EMT, such as Atlantic Service, instead of the Borough's volunteer rescue squad. The applicant had used On-Time Transport Service in the past

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

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

Ruth. M. Rees

