

PLANNING BOARD
MARCH 28, 2017

The Mountainside Planning Board met on Tuesday, March 28, 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: Messrs. Disko, Ford, Garran, Jakositz, Matlin, Tomaine, Youngmans, Zawislak, Attorney Loughlin and Pat Gilstrap (filling in for Secretary Ruth Rees).

ABSENT: Mr. Parker

The minutes of the February 28, 2017 meeting were approved as presented.

MEMORIZATION:
Board of Adjustment:

Menaker, 1595 Brookside Road, Block 8.02, Lot 9—Applicant proposed an addition and replacing a deck and pool. A motion was made and seconded to approve the resolution. All who were eligible to vote approved the resolution.

Rodriguez, 1128 Corrinne Terrace, Block 5.19, Lot 12—Applicant proposed a second story addition and renovations to an existing single-family dwelling. A motion was made and seconded to approve the resolution. All who were eligible to vote approved the resolution. This application was denied.

Whalen/Trentacoste, 12 Rodman Lane, Block 22.02, Lot 21.01—Applicants proposed the construction of an addition and alterations onto a single-family dwelling. A motion was made and seconded to approve the resolution. All who were eligible to vote approved the resolution.

Lombardi, 1090 Prospect Avenue, Block 6.02, Lot 14—Applicant proposed to construct a driveway enlargement in the side yard setback and a garage addition. A motion was made and seconded to approve the resolution. All who were eligible to vote approved the resolution.

NEW BUSINESS:

DeMarco, 331 Rolling Rock Road, Block 7.11, Lot 6 – Applicant has constructed a patio addition in the rear yard of a single-family dwelling. Existing variances include side yard under 10 feet or 10 percent width where 9'8" exists, and driveway in the side yard where 3 feet exists. New variances include lot coverage over 30 percent where 43.7 percent is proposed, and patio in the rear yard setback where 6' is required and 0' is proposed.

Attorney Loughlin duly swore in Mr. DeMarco, the homeowner since 2001.

Mr. Tomaine asked the applicant if there was a patio and a pool already on the property.

The applicant stated he extended the patio already and did not know the size of the original patio but the new one was 392 square feet. The applicant stated he just wanted to do the patio to keep the gravel out of the pool area. He had gravel in the same location where the patio is now. He stated grass would never grow there.

Mr. Tomaine stated the maximum lot coverage is 30%. Do you know what it was before the new patio.

Mr. DeMarco said it's at 43.7% now.

Mr. Disko stated the submitted survey didn't show additional lot coverage elements, such as a shed and additional walkway and the lot coverage is actually over 47%, and the new patio adds 2.6%. So lot coverage was 44.6% prior to construction of the new patio of 2.6%, which equals 47.2%.

Mr. Disko also stated the patio encroaches into the rear yard setback, so there are 2 new variances. In 2007, the applicant was cited for doing work without approvals.

Mr. Younghans asked if new patio is larger than old patio.
Mr. DeMarco said yes.

Mr. Zawislak indicated there is too much coverage on this property.

John Tomaine asked if there were any further comments.

Mr. DeMarco said no. Audience members were provided an opportunity to ask questions and offer comment.

Attorney Loughlin duly swore in Mr. Fred Sierakowski, 327 Rolling Rock Road, the neighbor south of Mr. DeMarco.

Mr. Sierakowski is on the down side of Mr. DeMarco, when it rains, water runs across his patio and claims it has gotten worse over time. Light rain doesn't affect him, but a heavy rain, like tonight, it is going on right now (the rain is running across his patio).

Mr. Disko commented that Mr. DeMarco's patio is close to the fence, less than 1'. Upon inquiry from Mr. Zawislak, Mr. Disko indicated a perforated pipe could be installed between the fence and the new patio and discharge to a drywell. This could rectify some of the water running onto Mr. Sierakowski's patio.

John Tomaine said the lot coverage is significantly over what is permitted and doesn't see how this is not a detriment to the zoning ordinance. It becomes a very significant issue toward the South.

Ted Zawislak questioned Mr. DeMarco about removing some pavement/lot coverages.
Mr. DeMarco indicated all of the coverages were desirable.

Mr. Tomaine preferred to deal with the application before us, keeping in mind the substantial non-conformity on lot coverage which existed prior.

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

ROLL CALL VOTE:

AYES; 0

NAYS: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Younghans
Mr. Jakositz
Mr. Ford

MOTION: DENIED

Attorney Loughlin informed the applicant, that he would have to meet with the Building Department and Zoning to get into compliance with the Zoning Ordinance.

Having no further business the meeting was adjourned at 8:15 p.m.

Patricia Gilstrap
Secretary