

**PLANNING BOARD
MARCH 27, 2018**

The Mountainside Planning Board met on Tuesday, March 27, 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: Mayor Mirabelli and Councilman Dierkiss, Messrs. Disko, Garran, Jakositz, Matlin, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Ford and Mr. Parker

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

MEMORIALIZATIONS:

Fontaine Gatti, 1365 Wood Valley Road, Block 15.12, Lot 28 – Applicant proposed a sunroom in the side yard setback of a single-family dwelling. A motion was made a seconded to approve the resolution. All were in favor.

Jason Williams, 999 Chimney Ridge Drive, Block 7.14, Lot 1 – Applicant proposed to install solar panels onto the roof of a single-family dwelling. A motion was made a seconded to approve the resolution. All were in favor.

Vito and Patricia Gagliardi, 1026 Ledgewood Road, Block 7.14, Lot 5 – Applicants proposed to construction an in-ground pool and patio in the rear yard of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Chairman Tomaine advised the members of the audience that both the Maxwell Court applications and Yasinski/Current applications were postponed.

NEW BUSINESS:

Richard Miskewitz, 19 Tanglewood Lane, Block 22.02, Lot 9 – Applicant proposed to construct an addition onto a single-family dwelling. New variance included foundation area over 15 percent where 19.5 percent was proposed.

Attorney Loughlin duly swore in Mr. Richard Miskewitz, the homeowner and Mr. Douglass Asral, the architect. Mr. Asral did not have to give his credentials to the board.

Mr. Miskewitz explained that he appeared before the board in 2014 for approval to construct an addition onto his house. He received the approval, however, he never built the addition. He proceeded to describe the proposed 2014 addition and the reasons he never built it.

The house is currently a 2 bedroom, 1-1/2 bathroom one-story ranch house.

With this new proposal, the applicant would still like to expand the house to a 3 bedroom, 2-1/2 bathroom ranch house, but have a different floor plan, that would be more aesthetically pleasing. The board then reviewed the former proposed addition and the new proposed addition.

Mr. Miskewitz also noted that although the height of the roof would remain under the 35-foot ordinance, the roofline would change to make it higher so that it would not be

dwarfed by the new house that was being constructed next door. It would give the house more light and air.

Mr. Miskewitz stated that in order to keep the number of variances down, the existing walkway, patio, a porch and shed would be removed.

CONDITIONS:

- The house would remain a one-story ranch-style house
- The proposed mezzanine would not be converted to living space
- The open attic area would remain an attic area
- RVSA for approval to convert a 1-2 bedroom house to a 3 bedroom house
- Retention/detention approval by the Borough Engineer

Mr. Miskewitz agreed to these restrictions.

Exhibit A-1: Photographs of the existing property and house

A-2: Photographs taken by the Borough Engineer

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

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Enterprise Home Builders LLC, 383 Summit Road, Block 5.15, Lot 1.02 and 1.02 Applicant proposed a major two-lot subdivision. Lot 1.01 – New variances included height over 1-1/2 stories where 3 stories were proposed, lot area under 15,000 square feet where 12,122 square feet were proposed, lot width under 100 feet where 97.1 feet +/- was proposed, lot area within 150 feet, lot coverage over 30 percent where 31 percent was proposed, driveway in the side yard where 7 feet was proposed, and retaining wall location less than six inches from the property line. Lot 1.02 – New variances included height over 2-1/2 stories where 3 stories were proposed, lot area under 15,000 square feet where 12,611 square feet was proposed, lot width under 100 feet where 95.2 feet +/- was proposed, lot coverage over 30 percent where 31.4 percent was proposed, lot area within 150 feet, driveway in the side yard where 3 feet was proposed, and wall location less than 6 inches from the property line.

Mr. Steve Hehl, Esq. of Hehl and Hehl represented the applicant for the major subdivision.

Attorney Hehl stated that the application was for a major two-lot subdivision that would be located at the corner of Summit Road and Heckle Drive.

Attorney Hehl informed Attorney Loughlin that he had received all the reports from the experts.

Attorney Hehl reviewed the variances. He noted that there would be no Floor Area Ratio variance in either one of the proposed new homes.

Attorney Loughlin duly swore in Mr. Donald Rinaldo of Mountainside, NJ, as the developer. Mr. Rinaldo gave his credentials to the board.

Mr. Rinaldo gave an overview of the proposed subdivision and proposed homes. The lot would be subdivided from one lot into two lots. The homes would be colonial-style with a stone front, 2-1/2 stories with a two-car garage and walk-out basement. He felt that the homes would be consistent with the neighborhood. One house would be 3,200 square feet and the other would be 3,400 square feet. The height of the homes would be conforming. The garages would be located on the side of the houses and would probably have K-turns in the driveways.

Exhibit A-1: Plans for Lot 1.01

Exhibit A-2: Plans for Lot 1.02

Mr. Disko informed Mr. Rinaldo that he could not violate the look-alike ordinance. Mr. Rinaldo was aware of the ordinance.

Mr. Rinaldo described the proposed retaining walls. The walls were necessary in order to keep the proper grading conditions.

Exhibit A-2: Lot 1.02 – Described page 1. The proposed house would be 3400 square feet. Mr. Rinaldo described what the house would look like, including the kitchen, family room, study, 4 bedrooms, 3-1/2 bathrooms, master bedroom suite, two-car garage, etc.

Exhibit A-1: Lot 1.01, corner lot. The proposed house would be similar to that of Lot 1.02.

Mr. Rinaldo described the proposed floor plans.

Mr. Rinaldo discussed the steep slopes that were located on each of the properties. He informed the board how the steep slopes were created many years ago by the original developer and how he intended to mitigate the steep slopes and to make them more gently graded. The properties would be re-graded on Heckel Drive. The steep slopes were discussed at length by both the board and the applicant.

Mr. Garran expressed his concern that with such a large proposed home on each lot, homeowners would not be able to build a deck, pool, etc. Several board members inquired if Mr. Rinaldo would consider reducing the size of the houses. Mr. Rinaldo stated that he may consider reducing the size of the houses a little.

Tree removal: Mr. Tomaine inquired as to how many trees would be removed. Mr. Rinaldo stated that approximately 22 trees would be removed, however, he would replace the trees with extensive landscaping. He also informed the board that he would plant a buffer area if the board requested it.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Louis Najdzin of 1100 Heckel Drive. He inquired as to high the retaining wall would be. The retaining wall would go from four feet to five and one-half feet high. If it were any higher than six feet, it would trigger a variance. The retaining wall would be on one lot 1.01 only. Mr. Zawislak indicated that the retaining wall was going to run parallel along Heckel Drive. Mr. Rinaldo stated that the retaining wall would go from one property to another.

End participation.

Attorney Loughlin duly swore in Mr. Anthony Gallerano of Harbor Consultants in Cranford NJ, as the applicant's professional engineer and planner. He gave his credentials to the board.

Exhibit A-3: Google aerial view
Exhibit A-4: Colorized rendering of the proposed subdivision
Exhibit A-5: Tax map of the area
Exhibit A-6: Copy of the Borough's topography map

Exhibit A-3: Mr. Gallerano described the existing conditions on the lot. The size of the lot was 34,582 square feet. The applicant was seeking approval to subdivide the lot from one lot into two buildable lots in order to construct two single-family dwellings.

Lot 1.01: Would be 17,590 square feet, 97.32 feet wide
Lot 1.02: Would be 16,992 square feet, 97.31 feet wide

Mr. Gallerano listed the negative and positive criteria regarding the application. He felt that there would be no substantial detriment to the public good.

He indicated that all the lots on Heckel Drive were non-conforming and substandard.

Mr. Gallerano described the proposed storm water drainage system.

Mr. Matlin inquired if there should be more tree covers on the corner of Summit Road. Mr. Galleran stated that it would not be necessary. However, landscaping and screening could be planted along Summit Road.

Mr. Zawislak inquired about lot widths on Heckel Drive as well as the square footages along Heckel Drive. Lot 23 is 97.31 feet and 17,984 square feet. Mr. Disko gave out a copy of the tax map of Heckel Drive which gave the dimensions of the properties on Heckel Drive.

Exhibit B-1: Tax map
Exhibit B-2: Topographical map

The board proceeded to discuss the property sizes on Heckel Drive.

Exhibit B-3: Table of critical slopes. Mr. Disko stated that the 1995 Land Use Ordinance described critical slopes.

Mr. Disko referred to the 1995 Land Use Ordinance regarding critical slopes, in that the Borough would like to prevent development where critical slopes were involved. The board discussed the critical slopes ordinance.

Mr. Younghans inquired as to how many trees would be removed and if they would be replaced. There would be approximately 20 to 22 trees removed. Mr. Rinaldo stated that he would replace some of the trees and that he would meet with Mr. Disko regarding landscaping and tree replacement. He would submit a tree replacement plan for Mr. Disko's approval.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mrs. Anne Russell of 379 Summit Road. Mrs. Russell inquired about several issues and Mr. Rinaldo responded

- What were the hardships. Mr. Rinaldo cited c-1 and c-2 variances
- How large the retention/detentions pits would be. There would be two large seepage pits. Mr. Rinaldo explained what determined the size of the drainage pits. She expressed her concern regarding drainage onto her property.

Exhibit R-1: Photographs of the applicant's property, Mrs. Russell's property and Heckel Drive

- Mrs. Russell expressed her concern regarding debris clean-up, a maintenance schedule, and a chain-link fence around the property.
- Mrs. Russell inquired if a percolation test had been conducted. It had not yet been done.
- Mr. Disko requested that the roof drains be connected to the drainage system so that rain would not splash onto other properties
- Retaining walls: Must have the approval of both the Borough Engineer as well as the Building Inspector
- Mrs. Russell inquired about the proposed height of the houses. The houses would not be higher than 35 feet.

Attorney Loughlin duly swore in Mr. Jay Russell of 379 Summit Road. Mr. Russell inquired about the proposed drainage system. Mr. Galleran explained how the drainage system would work.

Attorney Loughlin duly swore in Mr. Louis Najdzin of 1100 Heckel Drive. Mr. Najdzin stated that the property on Summit Road was larger than the subject property. Mr. Najdzin inquired about the proposed driveways for the two houses. The driveways would be located on Heckel Drive, due to the fact that it would be safer to pull into and out of the driveways instead of pulling out onto Summit Road.

Mrs. Anne Russell of 379 Summit Road again inquired about the drainage system. Mr. Galleran stated that the Somerset Union Soil District would be notified to make sure the property was stabilized when the project was completed. A silt fence would be installed around the property during construction.

Attorney Loughlin duly swore in Mr. C. Hays of 1120 Heckel Drive. He stated that there was enough traffic already in that area and that there were many children on Heckel Drive. He also did not want large house on small lots to be built on that street.

Attorney Loughlin duly swore in Mrs. Natalie Zuzovsky of 1107 Heckel Drive. She inquired as to how many trees would be removed and where the trees were. Mr. Galleran stated that trees in the front and side of the property would be removed.

End participation.

Mr. Disko inquired about the driveways that would be located on the side of the houses. He asked if the driveways could be shortened and would somewhat reduce the severity of the variance as well as saving some of the trees. It was suggested that the house could be shifted to the right. Mr. Rinaldo agreed to this. Sliding the house over would not create any negative impact. Mr. Younghans suggested that a row of trees could be planted along the property line.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin again swore in Mr. Louis Najdgin of 1100 Heckel Drive. Mr. Najdgin commented that two new houses would be too intensive for the neighborhood, too many trees would have to be removed, did not want two new driveways on the street due to safety reasons, two new houses would take away space on the street if someone one the street had a party.

Attorney Loughlin again swore in Mr. Jay Russell of 379 Central Avenue. He stated that Heckel Drive was a rustic area and new houses would take away the rustic look of the street.

End Participation.

Attorney Hehl gave his summation to the board.

Several board members gave their views on the application.

CONDITIONS:

- Somerset Union Conservation District approval
- Shifting of the house on Lot 1.02
- Tree replacement to be submitted to the Engineer for approval
- Affordable housing contribution
- Submit an amended drainage storm water retention plan to the Engineer
- Bonding would not be required
- Revised landscaping plan to be submitted to the Engineer for approval
- Applicant must provide a maintenance manual for the drywell system
- There must be a staging plan for the construction site
- Applicant to provide a storm water volume analysis
- Common wall to be turned 90 degrees

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

ROLL CALL VOTE:

AYES: 0

NAYS: Mayor Mirabelli
Co. Dierkes
Mr. Disko
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Younghans
Mr. Jakositz

MOTION: Denied

Having no further business, the meeting was duly adjourned at 11:00 p.m.

Ruth M. Rees

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