

**PLANNING BOARD
AUGUST 28, 2018**

The Mountainside Planning Board met on Tuesday, August 28, 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 Dierkes, Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine. Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Ford

The minutes of the July 24, 2018 meeting were approved as presented.

MEMORIALIZATION:

Downey General Contracting (The Sheffield Group), 269 Sheffield Street, Block 7.04, Lot 1 – Applicant proposed a Change of Tenancy for office and warehouse use, with overhead door construction to an existing commercial building. Existing variance included lot coverage over 75 percent. Mr. Disko made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

NEW BUSINESS:

Matiss Inc. 1148 Route 22, Block 5.20, Lot 35 – Applicant proposed a Change of Tenancy for a window shade assembly facility as well as wall and ground signs. Existing variances included front yard under 50 feet where 47 feet existed, side yard under 15 feet where 4.1 feet existed, lot width under 200 feet where 91 feet existed, ground floor under 4,000 square feet where 3,731 square feet existed, and lot coverage over 75 percent where 95 percent existed.

Mr. James Foerst, Esq. of Spector Foerst and Associates in Millburn, NJ represented Matiss Inc. for the Change of Tenancy.

Attorney Loughlin duly swore in Mr. Girts Kainins of Hamilton, NJ as the owner of the company.

Mr. Kainins described what the company did and how the window shades were made. They make approximately 700 shades per week, mostly for commercial building. He assured the board that there would be no retail sales involved.

He would be relocating his company to Mountainside.

There are currently 12 employees and he would like to increase the number of employees to 20.

There are 50 parking spaces.

Mr. Kainins stated that there would be approximately one delivery per day. There would be adequate areas for the trucks to maneuver getting in and out of the loading dock area that is located in the rear of the building. Mr. Kainins described the traffic circulation.

There was front yard parking that included handicap parking that Mr. Kainins would like to remain.

Mr. Disko stated that the building department may have to review the plans for ADA accessibility, since no ramps currently exists.

Lighting: Mr. Kainins described the lighting around the building and parking lot. He believed that the lighting was adequate.

The hours of operations would be Monday through Friday with some Saturdays.

Mr. Kainins informed the board that his parking lot interconnected with another parking lot. The property owner of the other parking lot would like to close off the access in order to prevent vehicles going from one street to another. Mr. Disko stated that it allowed vehicles going from Spruce Drive to Route 22 in order to avoid Summit Road. They used it as a cut-through.

No hazardous materials or chemicals would be used in the production of the window shades.

Signs: Both the wall sign and the ground sign conformed to the ordinance. In order for the wall sign to conform, Mr. Kainins removed the company's logo.

Mayor Mirabelli inquired if there would be any visitors to the building. Mr. Kainins stated that there would be mostly dealers and architects.

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

Attorney Foerst gave his summation to the board.

Exhibit A-1: Sign. Mr. Younghans inquired about the logo. He believed that the logo would look very nice on the sign. The board reviewed A-1:

CONDITIONS:

- Building to be reviewed for ADA access
- Sign: Plan A-1 Logo to remain
- Interconnection between the two parking lots to be closed by either a barrier or a chain that would be acceptable to the engineer
- Dumpster location to be approved by the engineer. Dumpster area to be enclosed

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

ROLL CALL VOTE:

AYES: Mayor Mirabelli
Co. Dierkes
Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans

NAYS: 0

MOTION: Approved

Maxwell Court LLC, 614 Sherwood Parkway, Block 21, Lot 26 – Applicant proposed an addition and apartments at 614 Sherwood Parkway. New variances included side yard setback of 8.45 where 10 feet was required, insufficient parking in the B-Zone,

A use variance for expansion/introduction of a non-conforming use, 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 a change of use.

Attorney Foerst explained that the applicant would like to convert a single-family home into a multi-family; two apartments. One apartment would be one bedroom and one apartment would be two bedrooms.

Attorney Loughlin duly swore in Mr. Greg Blasi of Westfield, NJ He gave his credential to the board.

Mr. Blasi testified that the house is an existing single-family dwelling with a four-car garage. Mr. Maxwell would like to add two apartments above the existing four-car garage.

Mr. Blasi indicated that there would not only be parking in the garages but also parking in the driveways leading into the garages. Attorney Loughlin expressed his concern that no commercial vehicles are allowed to park in the driveways and that the four bays would only be used for the two apartments.

No exterior changes would be made to the structure. Mr. Maxwell would put vinyl siding on the garage and put in new windows.

The basement would be used for storage only. Attorney Loughlin stated that the storage space would be used for the tenants only and not to be rented to anyone else.

One proposed apartment would have access to the terrace but the other apartment would not have access to the terrace.

Mr. Disko reviewed the variances. Mr. Disko described the side yard setback that would remain.

Retaining wall: The proposed retaining wall could be relocated if required.

Exhibit A-1: Sherwood Parkway side – looking at the Sherwood Parkway façade garage doors.

Mr. Zawislak inquired if the vehicles would extend over the sidewalk. Mr. Blasi stated that they would not. Mr. Disko stated that there was a van that was parked there and it looked like it went right to the curb line. Concerns were made regarding the blocking of the sidewalk.

Mr. Zawislak inquired if the sidewalk would be replaced. No.

Mr. Blasi explained the new materials that would be used on the garages.

There would be no affordable house units, only market-rate.

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

Attorney Loughlin duly swore in Mr. Keenan Hughes of Hoboken, NJ as the professional planner. He gave his credentials to the board.

Mr. Hughes testified that the house was located in a mixed use area that included the post office, businesses and stores.

Mr. Hughes stated that the positive and negative criteria were satisfied.

It would be an appropriate use.

The house was located within walking distance of the downtown business area.

The number of bedrooms would not change. The house was already a three-bedroom house.

Mr. Matlin stated that there would be a more intense change to the property and that there would be more people in the apartments than the existing three-bedroom house. Mr. Blasi stated that there may not be substantial changes to the population.

Mr. Tomaine informed Mr. Blasi that the application was considered a use variance due to the fact that our Land Use Ordinance had omitted that type of use from any zone. He inquired how Mr. Blasi could justify converting the house into a multi-family use. Mr. Zawislak agreed with Mr. Tomaine.

Mr. Younghans inquired as to why the applicant would want to convert the house from a three-bedroom single-family home into two apartments.

Several members expressed their concern regarding the large storage area and wanted to be assured that the space would not be converted into another apartment.

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

Attorney Loughlin duly swore in Mr. Donald Maxwell of Berkeley Heights, the property owner.

Mr. Maxwell informed the board that his father had always owned the house and had always been a single-family dwelling.

Storage: The storage would be located in the rear of the basement. There was a washer/dryer. There would be storage for each apartment. Therefore, the proposed storage area could be divided for each apartment.

Mr. Blasi described the existing house as well as the existing storage area.

Mr. Disko inquired about the four garage bays. He expressed his concern regarding the fact that additional vehicles could be parked outside. He did not want outside parking. Mr. Maxwell stated that there should not be outside parking. It should be used only as an access driveway into the garages.

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

Several board members discussed the application. The density of the proposed application exceeds six dwelling units per acre. Mr. Chadwick's planning letter was reviewed.

Attorney Foerst gave his summation to the board.

CONDITIONS:

- Parking would be for the tenants only
- Two apartments only
- Affordable housing for contribution
- No business use would be allowed
- Lower level would be used for the tenants storage only
- Storage area would be divided so that each tenant would have their own space

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

ROLL CALL VOTE:

AYES: Mr. Matlin
Mr. Parker
Younghans

NAYS: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran

MOTION: DENIED

At this time, the board took a recess at 9:25 pm. and resumed the public portion of the meeting at 9:35 pm

CONTINUATION:

Bento, 1246 Knollwood Road, Block 16.09, Lot 4 – Applicant proposes second story and rear yard additions onto a single-family dwelling. Existing variances included lot area under 15,000 square feet where 10,914 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet, and driveway in the side yard setback. New variances included side yard under 10 feet or 10 percent width where 7.9 feet was proposed, and floor area ratio over 24.7 percent where 27.5 percent was proposed.

Mr. Steve Hehl of Hehl and Hehl represented the applicant for an addition.

Attorney Hehl gave a summation of the original application that was previously heard. Attorney Hehl explained the revisions from the original plans and the revised plans.

Attorney Hehl explained that although the lot was deep, the lot was undersized which triggered several variances. He reviewed the variances.

Attorney Loughlin duly swore in Mr. Christopher Zehner of Woodcliff, NJ. He gave his credentials to the board.

Mr. Zehner stated that the existing house was a cape cod with an attached garage and the applicants would like to construct a second story addition as well as an addition on the first floor in the rear of the house.

Mr. Zehner stated that they would like to add bedrooms, master bathroom and Jack and Jill bathroom on the second floor, and enlarge the kitchen, family room, dining room and living room on the first floor.

The garage would remain the same and the basement and original foundation would remain the same. They were only going to put an addition onto the rear of the house.

Mr. Zehner described the proposed additions. In order to reduce the floor area ratio, the architect removed four feet from the rear addition. He described what materials would be used on the additions.

Mr. Zaawislak inquired as to what the hardship was. Mr. Zehner stated that the applicant would like to have a four bedroom house.

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

Attorney Hehl called up Mr. Helio Bento, the homeowner. He was reminded that he was still under oath.

Mr. Bento explained that he reduced the square footage of the second story and rear additions in order to reduce the FAR. He would like to make the house a four bedroom house.

Attorney Loughlin duly swore in Mr. Paul Ricci the planner. He gave his credentials to the board.

Exhibit A-1: Aerial view of the subject property and neighboring homes.

Mr. Ricci reviewed portions of the Master Plan. He felt that that the additions would have no detrimental impact to the neighborhood. He described adjacent properties.

Mr. Ricci discussed the proposed F.A.R. and the F.A.R. requirements. He also discussed other properties that have similar lot sizes in the neighborhood.

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

Attorney Hehl gave his summation to the board.

Mr. Disko expressed his concern regarding the proposed F.A.R. The house would more than double in size. Not justified for the F.A.R. Mr. Disko informed the applicant that the F.A.R. ordinance was fairly new and lot size was irrelevant. Other members also gave their views on the application.

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

ROLL CALL VOTE:

AYES: Mr. Matlin
Mr. Parker
Mr. Younghans

NAYS: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran

MOTION: DENIED

Miller, 266 Bridle Path, Block 15.03, Lot 8 – Applicant proposes front and rear additions onto a single-family dwelling. Existing variances include lot area under 15,000 square feet where 12,533 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet, driveway in the side yard under 10 feet where 3 feet existed, play yard equipment in the rear yard under 6 feet where 5.5 feet existed. New variances included foundation area over 15 percent where 15.4 percent was proposed, lot coverage over 30 percent where 34.4 percent was proposed and front yard coverage over 30 percent where 34.3 percent was proposed.

Attorney Loughlin duly swore in James and Megan Miller, the homeowners.

Mr. Tomaine reviewed the variances.

Mr. Miller testified that he would like to construct a second floor addition in order to add on another bedroom, a sunroom in the rear of the house, and an entranceway in the front of the house.

Mrs. Miller described the front of the house.

Mr. Garran inquired if the driveway, which goes past the house, was necessary and could it be removed. Mr. Miller said that they need that extension of the driveway. It had always been there.

There would be no difference in the footprint.

The walkway was lengthened due to the shift in the front door.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: APPROVED

Having no further business, the meeting was duly adjourned at 10:50 p.m.

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