

**PLANNING BOARD
MAY 22, 2018**

The Mountainside Planning Board met on Tuesday, May 22, 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, Tomaine. Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Younghans

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

Mr. Tomaine announced to the audience that the two applications for Maxwell Court were postponed until the July 2018 meeting.

MEMORIALIZATIONS:

Alison Griggs, 323 Partridge Run, Block 3.09, Lot 2 – 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.

Jennifer and Ricardo Costa, 1266 Knollwood Road, Block 16.09, Lot 10 – Applicants proposed to demolish a single-family dwelling and construct a new single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

SarahCare at Watchung Square LLC, 1115 Globe Avenue, Block 23, Lot 8.07 – Applicant proposed a site plan and development for a change of tenancy in a portion of the building for an adult day care facility for seniors and adults over the age of 21 with developmental disabilities. A motion was made and seconded to approve the resolution. All who were eligible to vote were in favor.

NEW BUSINESS:

Herttua/Spencer, 23 Tanglewood Lane, Block 22.02, Lot 8 – Applicant was seeking approval to continue to keep an existing detached garage on a newly constructed single-family dwelling. New variances included the driveway in the side yard and an existing detached garage.

Attorney Loughlin duly swore in Mr. Jon Herttua and Ms. Patricia Spencer, the homeowners.

Mr. Tomaine reviewed the variances.

Mr. Herttua informed the board that the house that is currently under construction was in compliance and would have a two-car garage. He would like to keep the existing detached stone garage for storage, instead of putting up a shed.

Exhibit A1-5: Photographs of the existing detached garage as well as surrounding properties that also have detached garages.

Mr. Herttua testified that people could not see the detached garage from the street.

Mr. Matlin inquired about keeping the detached garage. Mr. Herttua stated that he would like to keep the garage to store lawn mower, other lawn equipment, etc. Although there is electricity in the garage, there are no other utilities in the garage. There was also a loft in the garage with a pull-down staircase. Mr. Zawislak expressed concern regarding the garage being converted to living space, and if approved, he would make that a condition that the garage could not be converted to living space. This was agreed to by Mr. Herttua.

Exhibit A-6: Façade of the front of the new house, which when completed, would be similar to other houses in the neighborhood.

The detached garage encroaches into the side yard setback, however, the garage is very old and there was a possibility that many years ago it conformed to the side yard setback.

Mr. Matlin inquired if the garage would be sided with the same materials as the new house. Mr. Herttua stated that the roof and garage doors would match the new house but that they would like to keep the stone.

Mr. Disko informed the board that the detached garage was a two-car garage and the new house would also have a two-car garage. Four garages were not allowed on the same lot; you could only have a maximum of a three-car garage.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Stephen Smith of 24 Tanglewood Lane stated that the applicants agreed to remove the detached garage when constructing the new house. Mr. Herttua testified that he did say that he would remove the garage, however, he would now like to keep the garage for supplies. Mr. Smith stated that he could put a shed on the property.

End participation.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Robert Hanson of 15 Tanglewood Lane.

Mr. Hanson informed the board that the houses on Tanglewood Lane were not all the same. They were all different. There was a lot of property between the houses; however, the garages on 23 and 24 Tanglewood Lane were close together. The detached garage on 24 Tanglewood Lane does not fit in and is out of character to the neighborhood. There was also a water problem on Tanglewood Lane due to the fact that several trees had been removed. Mr. Hanson suggested that if the garage was removed and replaced by several trees, perhaps the water problem would be alleviated. Mr. Zawislak inquired as to why this garage was offensive while the other detached garage was not. Mr. Hanson stated that the stone garage would now stand out more due to the fact that there was now a new house on the property.

Mr. Steve Smith of 24 Tanglewood Lane gave a history of his house and garage. He admitted that his house was non-conforming and that his house encroaches onto Mr. Herttua's property.

Mr. Smith stated why he objected to the application; one of which was the fact that there was construction and the applicants had stated they would remove the detached garage. He also stated that areas of the properties were congested as compared to the rest of the street. He would like to see a shed rather than the garage due to the fact that he felt the garage was unattractive.

Mr. Disko informed the board that keeping the detached garage would entail multiple variances. It would allow the homeowner to have a four-car garage, which is not allowed by ordinance, the location of the detached garage, which is located too close to the property line, and a detached garage which is also not allowed by ordinance.

Attorney Loughlin advised the board regarding the fact that the application is a use variance in that it is a non-conforming structure that is not permitted, and the applicant had agreed to remove the detached garage when he was approved for a new single-family dwelling. The garage was not in the original plans for the new house. It is now being proposed as a new structure.

Mr. Hanson stated that many years ago the original house was like a stone cottage and smaller than the one that was being built now. Therefore, the new house and the stone garage appear to be closer together.

Mr. Herttua stated that Mr. Smith's house was for sale and he could not understand why Mr. Smith was objecting to the application. Mr. Smith stated that the detached garage would impact the value of his house and property.

End participation.

Exhibit A-7: Copy of the original survey

Mr. Herttua assured the board that he would comply with whatever the board wanted; he would remove the stone and put up vinyl siding to match the house, and he would remove the two doors on the garage and put on only one door, to make the house a three-car garage, if the board wanted that.

Mr. Herttua gave a summary of his testimony.

Several board members gave their comments regarding the application.

Due to proposed conditions the board voted to re-open the discussion with the applicant. All were in favor.

Mr. Herttua agreed to:

CONDITIONS:

- Detention/retention system would be required
- No living space in the garage
- Convert the two-car garage into a one-car garage
- Remove the stone and put on siding to match the house
- The structure and the size of the structure would remain the same

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

ROLL CALL VOTE:

AYES: Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Jakositz

NAYS: Mr. Disko
Mr. Tomaine
Mr. Matlin

MOTION: DENIED

Ricciardi, 340 Darby Lane, Block 7.09, Lot 17 – Applicant proposed to construct an addition onto a single-family dwelling. Existing variances included lot area under

15,000 square feet where 12,000 square feet existed, lot width under 100 feet where 80 feet existed, and lot area within 150 feet. New variances included side yard under 10 feet or 10 percent width where 8.6 feet was proposed, foundation area over 15 percent where 19.1 percent was proposed, driveway in the side yard where 0 feet was proposed, and a generator in the side yard where 5 feet was proposed.

Attorney Loughlin duly swore in Mr. Jose Gennaro, the architect and Mr. Gregory Ricciardi, the homeowner. Mr. Gennaro did not have to give his credentials to the board.

Mr. Tomaine reviewed the variances.

Mr. Ricciardi testified that he would like to construct an addition onto the rear of the house in order to enlarge the family room, dining room, garage and porch.

Mr. Gennaro testified that approximately 415 square feet would be added to the family room, 176 square feet would be added to the garage and 111 square feet would be added to the porch.

Mr. Gennaro described the proposed floor plan. The proposed addition would be one story so that it would not be seen from the front of the house. The proposed porch would be open, not screened-in. A proposed generator would be located on the side of the house next to the air conditioning unit.

Mr. Matlin inquired as to how much the existing and proposed paving could be cut back in order to reduce lot coverage. Mr. Gennaro stated that the homeowners are adding a garage in order to make it into a two-car garage, thus the need for additional paving for the driveway.

Mr. Ricciardi also stated that he would like to keep the pavers/patio in the back.

Mr. Tomaine inquired that since there would be approximately a 40 percent increase in lot coverage, could the lot coverage be reduced.

Mr. Gennaro assured the board that he would put in a detention/retention system.

Mr. Matlin inquired if the patio, pavers or driveway could be reduced.

Mr. Ricciardi informed the board that he had one of the smallest houses in the neighborhood.

He admitted that he could eliminate the patio; however, he would like to keep it, if possible.

The board discussed several different alternatives to reduce lot coverage.

Mr. Ricciardi stated that the wide driveway was necessary. However, Mr. Matlin suggested that the driveway could be reduced near the street and then widened at the garage.

Mr. Disko discussed not only the proposed turning radius in the driveway but also the size of the proposed patio and how the applicant could reduce his lot coverage.

Mr. Ricciardi agreed to eliminate some of the driveway instead of the patio in order to reduce lot coverage. Mr. Jakositz stated that the driveway was huge and that the driveway could be reduced in the beginning of the driveway and keep the width of the driveway at the garage. This could be reduced by one-third.

The board discussed many options as to how the driveway could be reduced as well as the area behind the garage.

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

After a lengthy discussion, the board determined that in order to reduce lot coverage, Mr. Ricciardi would have to make changes to the driveway by:

- Eliminate paving extension of approximately 75 square feet at the rear of the existing driveway.
- Reduce the driveway width to 12 feet between the front of the house (south corner) to the right-of-way.

CONDITIONS:

- Detention/retention to be submitted to the Borough Engineer, if required
- The porch was to remain an open porch
- The patio is to remain

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Having no further business the meeting was duly adjourned at 9:40 p.m.

Ruth M. Rees

