

PLANNING BOARD
JULY 23, 2019

The Mountainside Planning Board met on Tuesday, July 23, 2019 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. Garran, Jakositz, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Disko and Mr. Matlin

The minutes of the June 25, 2019 meeting were approved as presented.

MEMORIALIZATIONS:

Cantagallo, 1333 Hidden Circle, Block 25.05, Lot 25 – Applicant proposed soil moving activities in the rear yard of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Joshua Mandel/SPT Group LLC, 1100 Globe Avenue, Block 23.03, Lot 11 – Applicant proposed a change of tenancy for a gym fitness cross fit use. A motion was made and seconded to approve the resolution. All were in favor.

Hine/Shann, 247 New Providence Road, Block 3.02, Lot 8 – Applicants proposed a four-car garage and re-configuring of the driveway. This application was denied. A motion was made and seconded to approve the resolution. All those who were eligible to vote approved the resolution.

Tyson/Salmond, 1575 Brookside Road, Block 8.02, Lot 14 – Applicants proposed to install solar panels onto the roof of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

Ferraro, 1171 Foothill Way, Block 5.07, Lot 6 – Applicant proposed to construct an in-ground pool in the rear yard of a single-family dwelling. Existing variances included a driveway in the side yard. New variance included lot coverage over 30 percent where 41.8 percent was proposed.

Mr. Steve Hehl, Esq. of Javerbaum Wurgaft, offices of Hehl and Hehl, represented the applicant.

Attorney Loughlin duly swore in Mr. Vincent Ferraro as the homeowner.

The variance was for lot coverage only.

Buffering and landscaping would be added to provide privacy around the pool. A drainage system would be installed to prevent run-off in the event of overflow from the pool.

Attorney Loughlin and Mr. Tomaine reviewed Mr. Disko's report. Attorney Hehl stated that Mr. Ferraro would conform to whatever Mr. Disko required.

There was already a fence that surrounds the property that Mr. Ferraro would make sure that it was to code.

When the board discussed lot coverage, Mr. Ferraro stated that they used to have a very large deck, however, the deck has since been removed in order to add onto the kitchen.

Mr. Ferraro informed the board that would remove a 5' x 22' portion in the back of the driveway and plant grass, and also remove the semi-circular pool sun deck in order to reduce lot coverage.

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. Jakositz seconded the motion.

CONDITIONS:

- Drainage plan would be submitted for approval by the Borough Engineer
- Eliminate the sun deck
- Eliminate approximately 5' x 22' of driveway
- Lot coverage is related to this application of pool and not for anything else in the future

ROLL CALL VOTE:

AYES: Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Younghans
Mr. Jakositz
Mr. Ford

NAYS: 0

MOTION: Approved

Lafferty/Vega, 387 Creek Bed Road, Block 16.13, Lot 3 – Applicant proposed to construct a solid fence in the front yard of a single-family dwelling. New variance included a solid fence in the front Yes where six feet was proposed and four feet and open fences are required.

Attorney Loughlin duly swore in Ms. Lenore Lafferty as the homeowner.

Ms. Lafferty explained that she did not realize that permits were required, so that the fence was constructed without permits.

Ms. Lafferty explained her property was located in a very busy area of Central Avenue and that a fence was required for safety reasons.

Ms. Lafferty also pointed out tht her property is situated below grade of Central Avenue and by moving the fence in would cut down on the useable area of their property.

Mr. Zawislak informed her that the fence blocks the view on Central Avenue which poses a safety hazard. Mr. Zawislak suggested that the fence be moved to the end of the house on Central Avenue and extend it to the end of the yard.

Mr. Tomaine informed Ms. Lafferty that the fence is currently located in the Borough's right-of-way and it must be moved back at least four feet. Also the placement of the fence along the curb on Central Avenue obstructs the views of on-coming vehicles.

Mr. Tomaine also noted that views were obstructed at her driveway due to the fence. Ms. Lafferty disagreed, stating that she did not have any problems backing out of her driveway. Mr. Tomaine stated that the sight line was limited by the fence.

Mr. Tomaine again stated that the fence had to be moved due to the location of the fence was located in the Borough's right of way and must be an open-style fence. Mr. Garran stated that slats could be removed.

Mr. Younghans suggested that shrubbery and landscaping could be added.

Members made several suggestions as to how she could keep the fence.

Attorney Loughlin duly swore in Mr. Paul Lafferty of Andover, New Hampshire as Ms. Lafferty's brother.

Mr. Zawislak again explained the two front yards and several members advised him as to what options done with the fence.

Attorney Loughlin advised the applicant as to what she had to do to comply with the ordinance and that the board was going to vote on the application as presented.

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

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

ROLL CALL VOTE: (To deny)

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

NAYS: 0

MOTION: Application denied

Perkins, 1131 Ridge Drive, Block 5.02, Lot 6 – Applicants proposed to construct a retaining wall and patio and undertook soil moving activities at a single-family dwelling. Existing variance included an air conditioning unit in the side yard. New variances included lot coverage over 30 percent where 30.8 percent.

Attorney Loughlin duly swore in Mr. Raymond Perkins as the homeowner, and Mr. Ken Scherer of Hillsborough as the contractor.

The retaining walls and patio have already been constructed. Mr. Perkins stated that there were retaining walls under six feet that Mr. Disko combined and said that they would be eight feet.

Mr. Scherer stated that he was hired to do re-landscape, replace and expand the patio, re-grade the property and replace the retaining walls.

A tree removal permit was obtained.

The homeowner was under the impression that approval was granted for the retaining walls and patio, however, approval was never given. It was also pointed out that permits were not required for the height of the retaining walls, but due to the fact that the two walls were combined, a building permit may have been required.

Mr. Scherer felt that the improvements should be considered pre-existing, non-conforming situation. He just replaced the retaining walls and increased the patio slightly. The retaining walls were old and needed to be replaced.

Vegetable garden: The box for the vegetable garden was conserved a accessory structure and has to be six feet from the property line. It may be considered a variance.

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

A truck load of soil was brought in. A soil moving permit was applied for but not yet approved.

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

CONDITIONS:

- Soil moving permit must be obtained and approved by Borough Engineer
- Retention/detention plans must be submitted and approved by Borough Engineer
- File with Somerset-union Conservation District

ROLL CALL VOTE:

AYES: Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Younghans
Mr. Jakositz
Mr. Ford

NAYS: 0

MOTION: Approved

Fabio, 341 Short Drive, Block 5.03, Lot 8 – Applicants constructed a shed in the rear of a single-family dwelling. New variance included a shed in the rear yard with a setback of 4.5 feet where 8 feet was required.

Mr. Tomaine recused himself from hearing the application. Mr. Zawislak, the vice-chairman, acted as chairman.

Attorney Loughlin duly swore in Joseph and Lisa Fabio, the homeowners.

Mr. Fabio stated that he knew he had to be six feet off the property line and tht he thought he went seven feet off the property line. However, a new survey that they got showed that the shed was only 4.5 feet off the property line.

The zoning permit was submitted and approved to the put the shed six feet off the property line.

The shed is four years old and is on a concrete pad.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Carried

Having no further business, the meeting was duly adjourned at 9:15 p.m.

Ruth M. Rees
Secretary

