

PLANNING BOARD
APRIL 25, 2017

The Mountainside Planning Board met on Tuesday, April 25, 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: Councilwoman Fech-Caccamo, Messrs. Disko, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli

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

MEMORIZATION:

DeMarco, 331 Rolling Rock Road, Block 7.11, Lot 6 – Applicant constructed a paver patio addition in the rear of a single-family dwelling without zoning approval or the required permits. This application was denied. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

NJ Precision Technologies LLC, 1065 and 1081 Bristol Road, Block 7.04, Lots 39 and 40 - Applicant installed a pedestrian awning in the side yard of two manufacturing/office structures on Lots 39 and 40. Applicant had installed a fabric canopy in the rear yard of Lot 40. Existing variances included foundation area on Lot 39 over 30 percent where 37 percent existed, insufficient number of parking spaces to remain unchanged, existing side yard on Lot 40 under 15 feet where 13.4 feet existed, and existing foundation area on Lot 40 over 35 percent where 39 percent existed. New variances included lot coverage on Lot 39 over 75 percent where 81.4 percent was proposed (81 percent existed), pedestrian awning in the side yard setback, and accessory structure located with 10 feet of a principal building, and accessory structure canopy in the rear yard setback.

Mr. Stephen Hehl, Esq. of Hehl and Hehl in Union, NJ, represented the applicants for the canopies.

Attorney Hehl informed the board that Mr. Tarantino, owner of NJ Precision Technologies, owns the building at 1081 Bristol Road, and leases a portion of the building from A.K. Stamping at 1065 Bristol Road.

Attorney Hehl stated that the canopy was installed between the two buildings. Mr. Tarantino was unaware that he required zoning approval or permits.

NJ Precision Technologies came before the board several years ago for a change of tenancy and site plan approval.

Attorney Hehl stated that the canopy was installed between the two buildings for the safety of employees who walk back and forth between the two buildings all day long. It protects the employees during bad weather when there would be a danger of slipping on ice or snow, and equipment that would be moved from one building to another.

The fabric canopy was installed, at the request of the DEP, in order to protect the barrels that were stored outside.

Attorney Hehl noted that if the company closed or relocated, the canopies would be removed.

Attorney Hehl also noted that buffering would be installed for the rear canopy, if required by the board.

The variances were reviewed.

There would be no advertising on either of the canopies.

Attorney Loughlin duly swore in Mr. Robert Tarantino as the owner of NJ Precision Technologies. He gave his credentials to the board.

Mr. Tarantino described what his company manufactures. He employees over fifty employees. Even though he had hired several more employees since he was first heard by the board, parking has never been a problem.

Breezeway canopy: Mr. Tarantino testified that the breezeway canopy that was installed between the two buildings protected the employees, during inclement weather, who walk between the buildings all day, every day. All the employees as well as equipment, travel back and forth between the two buildings all the time. Mr. Tarantino would like to provide a better work and safer work environment for the employees.

Rear canopy: Mr. Tarantino testified that barrels holding certain metals and metal chips were stored outside the building. The DEP expressed their concern regarding the fact that the barrels were outside and ordered the barrel be protected from the elements. There was no room in the building to store the barrels. The canopy was installed less than a year ago.

Mr. Tarantino decided that the canopies and walkway would become permanent, not just temporary, during the winter.

The walkway has been up less than a year.

Mr. Tarantino stated that the structures could be removed in the event the companies either closed or moved to another location.

Access: To comply with the police department's request regarding access, Mr. Tarantino stated that he immediately put up the sides of the canopy.

Mr. Matlin inquired about the durability of the canopies, especially during high winds and snow. Mr. Disko stated that structural calculations were reviewed by the building department and they were approved.

Shed: The shed had been there approximately seven to eight years. The shed was located in the rear of 1081 Bristol Road. There were no utilities going into the shed. A concrete pad was located underneath the shed. Mr. Disko inquired if the shed could be shifted in order to eliminate a variance. Mr. Tarantino stated that it could not be moved. Mr. Tarantino would provide landscaping around the shed, if required. With proper screening, it would not be seen at adjoining properties. There was no increase in traffic.

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

Attorney Loughlin duly swore in Mr. Paul Ricci of Clark, NJ as the applicant's professional planner. He gave his credentials to the board.

Exhibit A-1: Aerial photographs
Photographs of the properties
Subject property
Adjoining properties

Mr. Ricci described the two properties. There were some wooded wetlands on the property that could not be built on.

Mr. Ricci believed that there would be no negative impact to the neighborhood.

Due to an increase in the impervious surface, Mr. Ricci stated that he would review a storm water impact program with Mr. Disko, Borough Engineer.

The board discussed Police Chief's Attenasio's report inquiring access between the two buildings due to the installation of the canopies and walkway. Chief Attenasio inquired how access to the building would be provided. Chief Attenasio may want the gate to be widened. The applicant did not object to that.

Exhibit A-2 and A-3: Showing the fence and front gate between the buildings. The sides of the canopy can be lifted to allow the gate to be opened for vehicle access to the rear of the building.

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

Mr. Garran inquired if consideration had been given to separating the applications into two different applications; one for the vestibule and one for the shed. Attorney Hehl stated that the applications were amended so that the applications would be heard as one application.

Outdoor storage barrels: Mr. Tarantino stated that the barrels were picked up once a week and new ones are brought in. The metals are then recycled.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Ms. Kurz, Vice President of A.K. Stamping, 1159 Route 22 in Mountainside, NJ. Ms. Kurz spoke on behalf their tenant N.J. Precision Technologies.

End participation.

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

Attorney Loughlin reviewed the conditions:

- The canopies and walkway would be removed if the company were to vacate the premises.
- Storm water management would be required
- Request for safe access for emergency services and personnel
- The shed is to be limited to the type that was testified to by the applicant
- Conditions must be met of any prior approvals

ROLL CALL VOTE:

AYES: Councilwoman Fech-Caccamo

NAYS: 0

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

Mr. Jakositz

MOTION: Approved

Dent, 217 Evergreen Court, Block 15.11, Lot 6 – Applicants proposed to expand their driveway in the front and side yards to a single-family dwelling. Existing variances included front yard under 30 feet where 19.29 feet existed, side yard under 10 feet or 10 percent width where 9.28 feet existed, rear yard under 30 feet where 28.92 feet existed, foundation area over 15 percent, floor area ratio over 22.5 percent where 24.6 percent existed, lot area within 150 feet and an insufficient garage size. New variances included lot coverage over 30 percent where 37.9 percent was proposed, front yard coverage over 30 percent where 34.3 percent was proposed, and driveway in the side yard setback.

Attorney Loughlin duly swore in John and Lisa Dent, the homeowners.

Mr. Tomaine reviewed the variances.

Mr. Dent testified that they would like to enlarge their driveway due to the fact that they cannot fit their cars in the driveway side by side.

They were expanding the driveway at the side of the house, not the front of the house. Their house was located on an incline. It would be safer if the driveway was widened and would go to the rear of the house. The expanded driveway would create access to a level parking area.

If they removed a portion of the driveway (9' x 15'), it would reduce approximately 2.4 percent of lot coverage. Mr. Dent stated that the lot was very small and that they needed the additional driveway.

It was suggested that the applicants remove one of the walkways, however, the Dents stated that they needed the walkways in the event that they had visitors.

At the suggestion of Mr. Disko Mr. Dent would install curbing in order to prevent run-off.

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 with the condition that the 9' x 15' area in the side yard be removed. However, Mr. Zawislak stated that the portion of the driveway should remain.

The board voted to re-open testimony.

The board inquired if the Dents would be willing to remove that portion of the driveway in the side yard, or to leave the application as was submitted. The Dents stated that they would remove the 9'x 15' area in the side yard.

Attorney Loughlin advised the Dents that the driveway would stop in front of the house. Mr. Disko stated that the additional curbing was no longer required.

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

Attorney Loughlin advised the board that due to the F.A.R. variance, five affirmative votes were required.

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Becker, 269 Apple Tree Lane, Block 3.04, Lot 19 – Applicant proposed to construct a second story addition onto a single-family dwelling. Existing variances included lot area under 15,000 square feet where 11,012 square feet existed, lot width under 100 feet where 70 feet existed, lot coverage over 30 percent where 48.3 percent existed, lot area within 150 feet, and driveway in the side yard where only one foot existed. New variance included side yard under 10 feet or 10 percent width where 6.1 percent was proposed.

Attorney Loughlin duly swore in Mr. Stephen Becker, the homeowner.

Mr. Tomaine reviewed the variances.

Mr. Becker testified that they would like to construct an addition for a master bedroom and bathroom, and two additional bedrooms and bathrooms.

Mr. Matlin inquired what the setback was on the neighbor's property. Mr. Becker stated that they would be going up to only 29 feet and he did not think that the neighbor had a bedroom on that side of the house.

The addition would be above the garage and the breezeway would be closed off. If approved, there would be a total of six bedrooms.

Mr. Disko described the existing and additional encroachments.

Mr. Becker testified that there would be no new lot coverage.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mrs. Rochelle Beckler-Modi of 265 Apple Tree Lane.

Mrs. Beckler-Modi stated that her bedroom did face the Becker's house. Mrs. Beckler-Modi expressed her concerns that the Becker's house sits on a hill so that the proposed addition would seem a lot higher and it would feel very "closed in", not open. She also stated that the addition would only be approximately 8.5 feet from the property line.

Mr. Becker explained that there would not be any additional changes to the height than what was already there.

Mrs. Beckler-Modi expressed her concerns and reservations regarding the proposed addition due to the fact that the addition would be close to her house, the slope and potential water run-off.

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

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

ROLL CALL VOTE:

AYES: Mr. Zawislak
Mr. Parker
Mr. Younghans

NAYS: Mr. Disko
Mr. Tomaine
Mr. Garran
Mr. Matlin

MOTION: Denied

Esteves, 176 Mill Lane, Block 24.02, Lot 8 – Applicant proposed to construct a dormer addition onto a single-family dwelling. Existing variances included front yard under 30 feet where 23.4 feet existed, side yard under 10 feet or 10 percent width where 4.4 feet existed, lot area under 15,000 square feet where 5,000 square feet existed, lot width under 100 feet where 50 feet existed, foundation area over 15 percent where 22.1 percent existed, and lot area within 150 feet. New variances included front yard under 30 feet where 28.2 feet was proposed, side yard under 10 feet where 5 feet was proposed, lot coverage over 30 percent where 36.6 percent was proposed, floor area ratio over 22.5 percent where 38.8 percent was proposed, front yard coverage over 30 percent where 41.8 percent was proposed, and a walkway in the side yard setback where one foot was proposed.

Attorney Loughlin duly swore in Mr. Robert Hernandez of Metuchen, NJ, as the architect, and Ms. Valerie Estevez as the homeowner. Mr. Hernandez gave his credentials to the board.

Ms. Estevez testified that the rooms in the house were very small and the lot was undersized.

The existing dormer was located in the middle of the house, and they would be adding two additional dormers.

They would be adding approximately 200 square feet.

Mr. Tomaine reviewed the existing variances. Mr. Tomaine asked Mr. Disko if the existing variances were intensified by the proposed addition. Mr. Disko explained that the non-conformity would be intensified; however, it would not be as much as with the previous application, due to the fact that they would be going up, not to the side. There would be no change in elevation.

Mr. Hernandez testified that they would be adding two dormers in the front of the roof, and the addition would be in the rear of the house. Therefore, you would not be able to see the addition from the house, except for the two small dormers.

Mr. Hernandez testified that they would not be adding to the footprint of the house. The increase to the Floor Area Ratio would be minimal.

Mr. Disko inquired about the walkway. Mr. Esteves testified that the walkway had already been removed.

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. Parker
Mr. Younghans

NAYS: 0

MOTION: Approved

DISCUSSION:

Mr. DeMarco inquired about the resolution and what he needed to do in order to comply with the board's decision.

Mr. Disko stated that he needed to meet with the construction official in the building department.

Mr. Disko also informed Mr. DeMarco that he needed to either remove the shed or move the shed as well as to remove the patio.

Mr. DeMarco would need to remove something in order to get into compliance with lot coverage.

Mr. DeMarco stated that he needed the shed to store his pool supplies. Attorney Loughlin informed him that he needed to make an appointment with the zoning official and the building inspector as soon as possible. Attorney Loughlin also advised him to bring his survey and plans with him when he met with the two officials.

Having no further business, the meeting was duly adjourned at 10:00 p.m.

Ruth M. Rees

