

**PLANNING BOARD
SEPTEMBER 25, 2018**

The Mountainside Planning Board met on Tuesday, September 25, 2018, 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, Garran, Jakositz, Parker, Tomaine. Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Messrs. Younghans, Matlin and Ford.

The minutes of the August 28, 2018 meeting were approved as presented.

MEMORIALIZATION:

Matiss Inc., 1148 Route 22, Block 5.20, Lot 35 – Applicant proposed a change of tenancy for a window shade assembly facility. Wall and ground replacements were included. 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. A motion was made and seconded to approve the resolution. All were in favor.

Maxwell Court LLC, 614 Sherwood Parkway, Block 21, Lot 26 – Applicant proposed a walkway and wall at 876 Mountain Avenue and 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 and a Use variance for expansion/introduction of a non-conform use, and a proposed retaining wall within six inches of a property line. A motion was made and seconded to approve the resolution. All were in favor.

Bento, 1246 Knollwood Road, Block 16.09, Lot 4 – Applicant proposed 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 a floor area ratio over 24.7 percent where 27.5 percent was proposed. A motion was made and seconded to approve the resolution. All were in favor.

Miller, 266 Bridle Path, Block 15.03, Lot 8 – Applicant proposed front and rear additions onto a single-family dwelling. Existing variances included 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 setback 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 foundations 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. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

Ganga LLC, 240 Sheffield Street, Block 7.13, Lot 28.01 – Applicant proposed parking lot revisions with ramp construction for a new tenant. Existing variances included front under 30 feet where 29.3 feet existed, lot width under 125 feet where 124.95 feet existed, and lot coverage over 75 percent where 81 percent existed.

Mr. Rafael Betancourt, Esq. of Triarsi, Betancourt, Wukovits and Dugan in Cranford NJ represented the applicant for change of tenancy and parking lot improvements.

Attorney Betancourt informed the board that the applicant owned several buildings in Mountainside; one of them being 1170 Route 22. The tenant, FACT would like to relocate his business to 240 Sheffield Street due to the fact that they needed more room.

The applicant was seeking approval to construct an outdoor ramp, re-stripe and repave the parking lot and add four handicap parking spaces in order to make the building ADA accessible.

The new tenant would occupy a portion of the first floor and the entire second floor for offices and storage space. Right now, FACT would be the only tenant in the building.

Attorney Loughlin duly swore in Mr. Kevin Page of Warren, NJ as the engineer. He gave his credentials to the board.

Most of the improvements would be inside the building. There would be no expansion to the building.

A new handicap ramp would be constructed, to replace the steps in front of the building, offices would be created on the first floor, and a portion of the building would be used for storage for Fine Painting.

Mr. Page reviewed Mr. Disko's report.

Mr. Page described the type of operation of FACT.

The tenant would hope to increase the number of employees from 32 to 60 employees.

There would be no hazardous materials stored in the building, no noise, glare, radioactivity, discharge or vibration, etc. associated with the business.

There would be no detriment to the neighborhood or public safety.

The sign would be replaced in compliance with our ordinance.

Mr. Page described the traffic circulation in the parking lot.

The existing load dock in the rear of the building would be used only occasionally.

The parking space sizes would be 9' x 18' and there would be six compact parking spaces that would be located in the northwest corner of the parking lot.

The Dumpster and recycle area would be enclosed.

There would be no overnight parking.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Howard Alexander of 128 Briar Hill Circle in Springfield, NJ asked if the lighting in the parking lot could be shielded to prevent glare into the bedrooms on Briar Hill Circle. Mr. Page stated that the lights were not from their property. They were too far away.

Mr. Alexander also inquired if the trash pick-up could be pick up later than the 4:00 a.m. pick up there was now on Sheffield Street. The applicant would adhere to the by-laws.

End participation.

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

Exhibit A-1: The plan that was submitted to the board.

Attorney Betancourt gave his summation to the board.

CONDITIONS:

- The parking lot would be re-milled, repaved and re-stripped, including the access driveways
- No overnight parking
- Site would become handicapped accessible
- Dumpster and recyclables would 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. Parker
Mr. Younghans
Mr. Jakositz

NAYS: 0

MOTION: Approved

Regency International, 1112 Bristol Road, and 253 Sheffield Street, Block 7.04, Lot 3 – Applicant seeks amended site plan and Change of Tenancy approval for additional warehouse space.

Mr. Steve Hehl of Javerbaum Wurgaft in Union, NJ represented the applicant for additional warehouse space.

The applicant received approval several months ago for a change of tenancy. Now they are seeking approval for occupy an additional 2500 square feet of warehouse space.

There would be no impact as to the usage of the company. There would be no changes to the operation of the company. The application would be just warehouse to warehouse.

The original application would remain the same. This would be just a minor amendment.

No increase in the number of employees.

Attorney Loughlin duly swore in Mr. Thomas Ignosia.

Mr. Ignosia described the additional warehouse space.

Mr. Disko informed the board that the applicant satisfied condition No. 1 of his original review regarding the repair and repaving of the parking lot.

Mr. Tomaine opened up the audience for questions or 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: Mayor Mirabelli
Co. Dierkes
Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Younghans
Mr. Jakositz

NAYS: 0

MOTION: Approved

Kulish, 1084 Sylvan Lane, Block 2, Lot 1.01 – Applicant proposed front yard parking, and rear deck and patio revisions to a single-family dwelling. Existing variances included lot area under 15,000 square feet where 11,000 square feet existed, foundation area over 15 percent where 16.6 percent existed, ground projections over 3.75 percent where 7 percent existed, lot area within 150 feet, and driveway in the side yard where 2 feet existed. New variance included lot coverage over 30 percent where 43.6 percent was proposed.

Mr. Steve Hehl of Javerbaum Wurgaft in Union NJ represented the applicant for front yard parking.

Attorney Loughlin duly swore in Mr. John Kulish and Mrs. Theodora Kulish as the homeowners.

The applicants were seeking approval to be allowed to have a parking space in the front of the property due to the fact that the driveway was very steep and the garage was in the rear of the house. Therefore, it was very difficult to gain access to the main floor of the house.

In order to reduce lot coverage, they removed a portion of their walkway to the front steps.

Mrs. Kulish informed the board that they purchased the house in February 2018 and realized that the driveway was very steep, and there are many steps from the lower level to the upper level of the property, so that it was difficult getting to the house.

Mr. Zawislak inquired about front yard parking in residential areas. Mr. Disko stated there was front yard parking restrictions in all zones except residential; however, there was a 30 percent lot coverage ordinance. The issue was that the applicants were over lot coverage even though they removed a walkway.

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

AUDIENCE PARTICIPATION:

Mr. A. Edward Dudick of 1085 Sylvan Lane inquired if the applicants were aware that the lot was undersized when they purchased it. Mrs. Kulish stated that they did not know. The realtor never mentioned it.

End participation.

Attorney Loughlin duly swore in Mr. Jose Tangious as the professional planner and engineer. He gave his credentials to the board.

Exhibit A-2: Photographs of the house and property

Mr. Tangious described the walkway that had been removed and the newly created walkway and parking area.

Mr. Tangious said that he tried to eliminate the steps so that a ramp was installed.

The applicants wanted a parking space in the front yard due to the fact that they were not allowed to park on the street overnight.

Exhibit A-3: Aerial view. Google map of the neighborhoods of Sylvan Lane and Pheasant Hill.

Mr. Tangious stated why it would be beneficial for Mr. and Mrs. Kulish to parking on the front yard.

Mr. Jakositz inquired if there were steps that lead up to the covered porch and did the new driveway and walkway acted as a ramp in order to eliminate additional steps.

Exhibit A-4: Photographs of the front steps

Exhibit A-5: Walkway and steps to the house. However the steps would be eliminated

Exhibit A-6: Photographs of the pavers for the new parking space as well as a portion of the driveway

Mr. Disko inquired if the length of the parking space could be reduced. Due to the length of their cars, the parking space should not be shortened.

The board discussed how the paver area could be reduced and the homeowners would still be able to get into the house.

Mr. Disko also inquired if lot coverage could be reduced elsewhere on the property. Mr. Youngmans added that the owners were already 70 percent over lot coverage and now the homeowners want to add another 5 percent of lot coverage.

Attorney Hehl stated that the walkway in front of the driveway could be eliminated.

There are currently two decks. The homeowners agreed that the lower deck could be removed.

Mr. Zawislak and Mr. Garran inquired if the homeowners would agree to temporary improvements and restore the property to its original condition upon the sale of the house.

The board again discussed what should be removed and how much should be removed.

Attorney Loughlin asked Attorney Hehl if the applicants agreed to a deed restriction to remove a portion of the front yard driveway and convert it to a walkway. The homeowners agreed to it.

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

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in:

Mr. M. Edward Dudick of 1085 Sylvan Lane and Mr. Gary Bregman of 1080 Sylvan Lane. Both objected to the application by saying that previous owners never had a problem with the property and that the parking space and expansion of the driveway were an eyesore. Mr. Bregman also complained about run-off since the applicants constructed the parking space, driveway and pavers there has been run-off onto his property,

Attorney Hehl gave his summation to the board.

Several board members gave their comments.

Mr. Disko commented that a zoning application was applied for but never issued due to the fact that he had requested additional information but never received that information. He emphasized that all the work was done without approvals or permits.

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

CONDITIONS:

- Removal of the rear patio
- Deed restrictions
- The walkway could remain
- The proposed ramp could remain

ROLL CALL VOTE:

AYES: Mr. Garran

NAYS: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Parker
Mr. Youngmans
Mr. Jakositz

MOTION: Denied

Fragoso, 208 Glen Road, Block 24.06, Lot 24 – Applicant proposed an addition onto a single-family dwelling. Existing variance included lot area within 150 feet. New variance included side yard under 10 feet or 10 percent width.

Attorney Loughlin duly swore in Luis and Elisa as the homeowners.

Although there is no addition, the homeowners would like to convert one of their garages into living space, due to the fact that they would like their relatives to move into their house.

That would convert their existing two-car garage into a one-car garage.

Attorney Loughlin inquired if the board should continue to hear the application due to the fact that the application was for an addition. The applicants discussed the notice.

Attorney Loughlin expressed his concern regarding the plan that had been submitted and whether the board should move forward and hear the case. Mr. Disko informed the board as to what plan his reviews were based on. It was determined that the board received different plans than Mr. Disko.

Mr. Disko explained what had been submitted to him. He also explained that the homeowners wanted to take a two-car garage and convert one of the garages into usable floor area living space that would consist of a family room, wet bar, closet, interior door. There would be no exterior door.

Attorney Loughlin informed the applicants that due to the fact that the property would now become non-conforming and the application would now involve a use variance, the homeowners would have to re-notice the application. Therefore the application was adjourned.

Application adjourned

Bove, 1111 Heckel Drive Block 5.14, Lot 2.03 – Applicants proposed an addition onto a single-family dwelling. Existing variances included side yard under 10 feet or 10 percent width where 9.8 feet existed, lot width under 100 feet where 99 feet existed, and lot area within 150 feet. New variances included foundation area over 15 percent where 16.4 percent was proposed, and ground projections over 3.75 percent where 4.6 percent was proposed.

Attorney Loughlin duly swore in Christine Bove, the homeowner, and Mr. Brian Siegal and Mr. Daniel Valvano of Morristown as the architects. They gave their credentials to the board.

The homeowners would like to add a front porch in order to create additional space as well as to construct a deck in the rear of the house.

Exhibit A-1: Existing house and proposed changes that included the front porch

Mrs. Bove described the existing house and what the proposed changes would mean for their family.

Mr. Valvano explained that they would take the existing front porch and extend it in order to make it a part of the house.

Mr. Valvano described the proposed deck, the first floor and the entryway to the deck from the rear of the house.

The walkway and driveway would remain the same.

There will be no tree removal.

The board was assured that the neighbors could not be seen from the second story deck due to the fact that the neighbors are very far away from the homeowner's rear property line.

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

Having no further discussion, Mr. Zawislak 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. Parker
Mr. Younghans
Mr. Jakositz

NAYS: 0

MOTION: Approved

DISCUSSION:

Letter from Mr. Peter McSharry of 1088 Willow Road, requested that the resolution from 2012 be revised.

A paragraph stipulates that any work done at the property, no improvements could be added or expansion or increase in the use of the property such as an addition, modification or other improvements can be made without the homeowner applying for permission from the planning board.

Mr. McSharry stated that this poses an unnecessary hardship by having to appear before the board and notifying all his neighbors of such changes and would like to be released from this condition.

The board unanimously approved this change.

Having no further business, the meeting was duly adjourned at 10:20 p.m.

Ruth M. Rees
Secretary

