

**PLANNING BOARD  
MARCH 13, 2014**

The Mountainside Planning Board met on Thursday, March 13, 2014, 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, Matlin, Parker, Wyvratt, Younghans, Zawislak, Attorney Loughlin, Secretary Rees.

ABSENT: Mayor Mirabelli, Co. Mortimer and Mr. Tomaine

The minutes of the January 2014 meeting were approved as presented.

Vice Chairperson Zawislak conducted the meeting in Mr. Tomaine's absence.

It was announced that Cornerstone Day School would be postponed until the May meeting.

MEMORIALIZATIONS:

United Partners, 1243-47 Route 22, Block 23.A, Lot 1 – Applicant proposed to make alterations, including dormers, to an existing office building. Mr. Younghans made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Ferrullo, 324 Briar Patch, Block 15.N, Lot 37 – Applicant proposed to install a generator in the side yard setback. Mr. Younghans made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

Hagey, 287 Central Avenue, Block 16.K, Lot 3 – Applicant proposed to construct and addition to a single-family dwelling on a non-conforming lot. Mr. Garran made a motion to approve the resolution and Mr. Wyvratt seconded the motion. All were in favor.

Karant/West, 395 Park Slope, Block 4.D, Lot 25.B – Applicant proposed to construct an addition onto a single-family dwelling on a non-conforming lot. Mr. Wyvratt made a motion to approve the resolution and Mr. Parker seconded the motion. Mr. Younghans abstained from voting on the resolution. All other members were in favor.

NEW BUSINESS:

Thienvanich, 1214 Route 22, Block 16.A, Lot 39 – Applicant requested a certificate of non-conformity for a residential use in the L.I. Zone. New variances included a use variance for an existing single-family dwelling. Existing variances included front yard under 50 feet on Route 22, side yard under 15 feet, lot area under 26,000 square feet, lot width under 200 feet on Route 22, ground floor under 4,000 square feet.

Mr. Michael Panagos, Esq. of Westfield NJ represented the applicant.

Attorney Panagos explained that the applicant would like to continue the use of the property as a residential establishment. The use of the structure as a residence has never changed since it was built in the 1930's.

Attorney Loughlin duly swore in Mr. Paul Thienvanich as the new property owner, and Mr. Peter Hogaboom of Westfield NJ as the realtor.

Due to the fact that this house had been vacant for some time, the use of the house reverted back to the original Limited Industrial Zone.

Exhibit B-1: Mr. Disko's report regarding the history of the property

Attorney Loughlin inquired if the structure would remain as a residence and not used for any commercial purposes. Mr. Thienvanich assured the board that it would remain as a residence and he would make extensive renovations to the house. He also stated that he had no plans to construct an addition onto the house at this time.

Mr. Zawislak 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. Wyvratt seconded the motion.

ROLL CALL VOTE:

AYES: Mr.Disko	NAYS: 0
Mr. Zawislak	
Mr. Garran	
Mr. Parker	
Mr. Wyvratt	
Mr. Younghans	
Mr. Matlin – 1 <sup>st</sup> alternate	
Mr. Jakositz – 2 <sup>nd</sup> alternate	

MOTION: Approved

DeRoberts, 363 Summit Road, Block 5.I, Lot 21 – Applicant proposed to construct a circular driveway in the front yard along Summit Road. Existing variances included lot area under 15,000 square feet where 13,599 square feet existed, lot width under 100 feet where 85 feet existed, foundation area over 15 percent where 21 percent was granted in 2013 and lot area within 150 feet. New variances included lot coverage over 30 percent where 37.3 percent was proposed and front yard coverage where 46.6 percent was proposed.

Attorney Loughlin duly swore in Mr. Michael DeRoberts as the homeowner.

Mr. DeRoberts stated that he came before the board last year for an addition and received approval for a cut-out for the driveway, however, after being in the house during the year, he realized that a circular driveway was necessary to create more distance between the curve on Summit Road and coming out of the driveway.

The circular driveway would be safer for cars going out the driveway and further from the cars coming around the curve at a high rate of speed.

Mr. Zawislak expressed his concern regarding the variances and the proposed front yard coverage.

Exhibit A-1: Letter from the architect regarding the issue of front yard coverage. Mr. Disko stated that variances were still involved.

Mr. Zawislak inquired if there were additional drainage systems required. Mr. Disko stated that the existing retention/detention system that was built last year may adequately cover the proposed circular driveway since it exceeded what was required at that time.

Mr. Matlin inquired about whether or not a circular driveway was necessary and if it would solve the problem. Mr. DeRoberts stated that it would move the driveway another 60 feet. Mr. DeRoberts also said that there was a telephone pole that also hinders sight distance.

Mr. Younghans inquired if the driveway could be constructed any smaller. Mr. Disko stated that it could be smaller. He stated that where the house was located worked against the homeowner.

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

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

Condition:

Mr. Disko would review the drainage system to be sure that it was adequate to hold the circular driveway.

ROLL CALL VOTE:

AYES: Mr. Disko  
Mr. Zawislak  
Mr. Garran  
Mr. Parker  
Mr. Wyvratt  
Mr. Younghans  
Mr. Matlin – 1<sup>st</sup> alternate  
Mr. Jakositz – 2<sup>nd</sup> alternate

NAYS: 0

MOTION: Approved

Slepoi, 1121 Sylvan Lane, Block 6.A, Lot 6 – Applicant proposed to install solar panels onto the roof of a single-family dwelling. Existing variance included the driveway in the side yard. A new variance included the solar panels which were considered an accessory use.

Attorney Loughlin duly swore in Mr. Jeffrey Slepoi as the homeowner and Mr. Thomas Pollack from Trinity Solar as the contractor.

Mr. Slepoi stated he would like to install solar panels onto the roof of his home to save utility costs and help the environment.

The panels would be installed on the rear roof of the house, which faces south.

The panels would be black and would be approximately 4” off the roof. The size would be 3-1/2’ x 5-1/2’. The panels would be parallel to the roof.

Mr. Pollack described how the panels would work and what the incentives would be to the homeowner.

The homeowner would own the system. There would be approximately a six year payback.

No trees would be removed.

Mr. Zawislak opened up the floor to 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: Mr. Disko

Mr. Zawislak

Mr. Garran

Mr. Parker

Mr. Wyvratt

Mr. Younghans

Mr. Matlin – 1<sup>st</sup> alternate

Mr. Jakositz – 2<sup>nd</sup> alternate

NAYS: 0

MOTION: Approved

JMK Auto Sales, 152 Glen Road and 1011 Route 22, Block 24.J, Lots 2 & 3 – Applicant proposed to construct a gravel parking area for outdoor storage of new motor vehicles by a car dealership. Existing variances included side yard parking. New variances included expansion of a non-conforming use and outdoor use of vehicle storage, undersized parking space dimensions, shared parking with adjoining lot, gravel parking lot surface, and inadequate parking space ingress and egress.

Ms. Marsha Moore, Esq. of Pitman Mindas Grossman Lee and Moore represented the applicant for the project.

Attorney Loughlin duly swore in Mr. Roger Kosempel of Gillette as the president and operations manager of the company.

Attorney Loughlin inquired about the existing parking lot for new vehicles. Attorney Moore stated that they are currently being stored off-site and if this application were approved, the lease at the current site would be terminated.

The 1011 Route 22 site has several tenants as well as being used by JMK Auto Sales.

The dealership currently has employees that drive approximately 1.5 miles to store their new vehicles and the proposed location would allow the dealership to consolidate their used and new vehicles. The proposed site would store new vehicles only, no loaner cars.

Approximately 100-175 vehicles would be stored at the proposed site. Only JMK employees would be allowed on the site. There would be no servicing of the vehicles at the proposed site.

Their loaner vehicles and vehicles that require servicing are stored on the roof of JMK Auto Sales.

The proposed site at 152 Glen Road would be leased by JMK. The site is currently owned by G and A Commercial Seating Company.

There would be security lighting, cameras and motion detectors around the perimeter of the proposed site.

Attorney Moore emphasized that the building on Lot 3 would remain, just a lot on that site would be created for the new vehicles.

Attorney Loughlin duly swore in Mr. Richard Keller of Casey and Keller in Millburn, NJ. He did not have to give his credentials to the board due to the fact that he had testified at other meetings regarding JMK Auto Sales.

Exhibit A-1, A-1-A: Site plans showing the two properties. Mr. Keller described the aerial and satellite views of the property as well as surrounding properties.

The new lot was designed to limit visibility from the surrounding areas.

There would be approximately 186 parking spaces. The spaces would not be striped. There would be single space parking as well as double and triple tandem parking. There would be no vertical stacking of vehicles.

Lighting: The lot would not be used at night or by JMK clients. Lights would be placed on the proposed fence posts and around the perimeter. Every other fixture would remain on through the night. There would be some pole-mounted LED fixtures that would be turned off at night. Mr. Chadwick wanted assurance that there would be no spillover onto other properties. PSE&G lights would remain on. There would also be some recessed lighting.

There would not be any addition or extension onto the existing building. JMK would be creating a new parking lot for JMK vehicles only. There would be no shared parking.

Mr. Keller discussed the positive and negative criteria. The positive criteria would be the fact that all the new vehicles would now be kept off Route 22 and would save time of their employees by not driving the cars off-site.

The proposed parking lot would not be paved, but would be made of gravel with no run-off.

Although the existing parking lot of Lot 3 is underutilized, the building owner would not allow JMK to use the existing parking spaces, therefore a new lot would have to be built. Mr. Keller stated that due to the topography of the proposed lot, surrounding properties such as on Rutgers Road or Robbie Lane would not be able to see the stored vehicles.

The gate for the proposed fence would be locked at all times.

Mr. Disko reminded Mr. Kosempel that he had appeared before the board several times with applications regarding the storage of vehicles and inquired if JMK would be expanding their business again in the near future. Mr. Kosempel stated that he did not believe that they would be any additional property for vehicles storage.

Mr. Disko reviewed his report:

Attorney Loughlin duly swore in Mr. Joe Lipson, the property owner at 152 Glen Road, G and A Commercial Seating Co. Mr. Lipson informed the board that he would not allow JMK to parking any vehicles in his parking lot in the event that additional parking may be required in the future.

There are currently four loading docks on the site.

Mr. Keller discussed the proposed security gates that would surround the parking lot for emergency personnel.

Mr. Disko expressed his concern that JMK would again come before the board in the future for additional storage of vehicles on or near their dealership. Mr. Kosempel stated that the amount of vehicles may remain the same in the future.

Mr. Keller described the proposed drainage system.

A minimum amount of trees as possible would be removed.

Construction: All vehicles would gain access to the proposed lot from Lot 3.

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

Mr. Matlin inquired about any police report for the application. Mr. Disko stated that a written report was not provided, however, the police department did not have any objections to the proposed project.

Attorney Moore gave her summation on the application.

CONDITIONS:

- There would be a security fence and gates, and keys would be supplied to emergency personnel
- There would be security cameras surrounding the proposed lot
- Drainage system would be approved by the Borough Engineer
- No mounting of vehicles
- The current site for new vehicles would be vacated
- There would be no movement of vehicles during evening hours
- Lights, except for security lights would be turned off at night

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

ROLL CALL VOTE:

AYES: Mr. Disko  
Mr. Zawislak  
Mr. Garran  
Mr. Parker  
Mr. Wyvratt  
Mr. Younghans  
Mr. Matlin – 1<sup>st</sup> alternate  
Mr. Jakositz – 2<sup>ns</sup> alternate

NAYS: 0

MOTION: Approved

DISCUSSION:

At 9:35 the board voted to go into executive session.

The board resumed public hearing at 10:20 p.m.

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

Respectfully submitted,

Ruth M. Rees  
Secretary



