

**PLANNING BOARD**  
**JULY 22, 2014**

The Mountainside Planning Board met on Tuesday, July 22, 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. Garran, Jakositz, Matlin, Parker, Tomaine Younghans, Wyvratt, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Mayor Mirabelli. Co. Mortimer and Mr. Disko

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

CONTINUATION:

POP Realty Corporation/RPG LLC and Primrose Day School – 1038, 1042, 1046 and 1050 Springfield Avenue, Block 24.D, Lot 7, 7.A, 8.A, 8.B and 16.

Applicant proposed preliminary and final site plan and development approval for a new veterinary office, hospital and wellness center for the Westfield Veterinary Group. New variances included a use variance, rear yard under 50 feet where 30.5 feet was proposed, foundation area over 25 percent where 32.1 percent was proposed, lot coverage over 65 percent where 72 percent was proposed, front yard parking, side yard parking and pavement, insufficient parking, accessory structure within 10 feet of principal building, access to multiple uses over three where six were proposed, ground and wall signs, and buffer areas. The application included parking lot changes to the Primrose Day School and necessitating an amended site plan. New variances for insufficient parking and driveway access to multiple uses were required.

Attorney Erwin Schnitzer again represented the applicant.

Revised plans were submitted to the board, based upon concerns that the board raised during the June meeting.

The Dumpster would be relocated from the northerly side of the property to the southerly side of the property.

The rear property variance was eliminated due to the fact that the proposed building was reduced.

Mr. W. Leland Titus was reminded that he was still under oath.

Exhibit A-11: Revised landscaping plan.

Mr. Titus testified that they reduced the sidewalk area in the front from ten feet to eight feet.

They reduced to fifty feet the rear property line.

They reduced the size of the building to 25,000 square feet.

Two large parking spaces for vans were added for both Primrose Day School and an animal transport van for Westfield Veterinary Hospital.

Mr. Tomaine inquired if the generator would be enclosed. Mr. Weimer was reminded that he was still under oath. He stated that there were no plans to enclose the generator. It was not required to be enclosed, it was optional. If it was to be enclosed, they would enclose it with the same concrete materials as the building. The generator would be relocated to the westerly side of the building. Mr. Chadwick suggested that the generator be tested during the week and during the day. This was agreed to by Mr. Weimer.

Twelve parking spaces would be dedicated to Primrose School.

The dog walk area would be relocated to the westerly side of the building.

Exhibit A-13: Rendered color copy of the revised floor.

Again the dog walk area would be relocated and out of the fifty-foot setback. There would be a roof and would be open on either two or three sides. It would not be completely enclosed.

Mr. Zawislak inquired as to the amount of square footage that was removed. 672 square feet would be eliminated. The allowable amount of the footprint was twenty-five percent and the proposed would be thirty-one percent – approximately twenty percent over the allowable amount.

The total lot coverage allowed is sixty-five percent and the proposed would be sixty-nine and one-half percent.

Mr. Weimer described the revised proposed interior layout of the animal hospital.

Mr. Weimer also described the proposed number of kennels.

Parking spaces were added between the two sites.

Mr. Chadwick inquired about the revised landscaping plan. Mr. Chadwick suggested that evergreen, spruce or Cyprus trees be planted because they are very fast-growing trees and the deer do not like them. It was also suggested that “green giants” be planted.

The mechanicals would be placed on the roof and screened.

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

#### AUDIENCE PARTICIPATION:

Ms. Faustino Quintanilla of 8 Robbie Lane inquired about the dog walk. She was assured that the dogs would not be left outside. They would only be exercised and then brought in.

End

Attorney Loughlin duly swore in Mr. Gary Dean of Martinsville as the applicant’s traffic expert. He did not have to give his credentials.

Mr. Dean reviewed Mr. Maltz’s report.

Mr. Dean noted that the hospital was going to be moved from one side of Springfield Avenue to the other side of Springfield Avenue, so the traffic on the road would remain the same.

Mr. Dean stated that he was in agreement regarding the shared parking between the two businesses, rather than having two separate parking lots. Mr. Dean agreed with all Mr. Maltz’s suggestions and would comply. Mr. Dean reviewed his traffic study. He believed that each of the businesses would have a low traffic impact.

Mr. Tomaine inquired about the number of proposed parking spaces. The total number of proposed parking spaces would be 103 spaces plus the two van spaces = 105 spaces.

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

Mr. Tomaine discussed the variance on shared parking. Mr. Tomaine again reviewed as to what was testified regarding the hospital's peak hours, the number of proposed parking spaces for the animal hospital and the total number of proposed parking spaces. Mr. Tomaine expressed his concern regarding the shared parking proposal due to the fact that there were currently no problems with the Primrose School's parking lot. It was testified by Ms. Gray from Primrose that she would prefer a shared parking lot because she could put her employee parking on the hospital site. Mr. Tomaine questioned if the applicant could meet its burden of proof for the variances.

At this time the board took a break at 9:05 p.m.

At 9:20 p.m. the board resumed its public meeting.

Attorney Loughlin duly swore in Mr. David Zimmerman of Morristown, the applicant's planner. He did not have to give his credentials.

Mr. Zimmerman reviewed all the variances.

Mr. Zimmerman discussed impervious surface and lot coverage. The reason there are those variances are due to the fact that the applicant would like to build a one-story animal hospital instead of the three-story hospital. Mr. Zimmerman also stated that a one-story building would be better for the residents due to the fact that they would not have to look at a two-story office building.

Monument sign: The ground sign would be the same size and design as the Primrose School monument sign.

Sidewalk: Sidewalks would be located around the perimeter of the building.

Outdoor storage: It is prohibited in non-residential zones. The Dumpster will be enclosed.

The van parking spaces would be located in the side yard setback and would be the logical spot on the site and the most appropriate location.

Mr. Zimmerman stated that the proposed animal hospital would be a beneficial use and the area is in need of redevelopment. He believed it would not be a detriment to the neighborhood.

Front yard parking: Due to the shared parking, front yard parking was required.

Wall signs: The proposed wall signs were reviewed. They would be placed in front of the building as would consist of the logos and ID signs. They would contribute with the functioning of the business.

Mr. Chapman inquired if there would be any outdoor storage. There would be no outdoor storage.

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

Mr. Zawislak inquired that if all the mechanicals were to be placed on the roof how would it affect the residents on Robbie Lane. The mechanicals would be placed approximately ten feet from the edge of the roof. Due to the elevation of the proposed building and the placement of the residents in the rear, there should not be a problem. Also the mechanicals would be screened.

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

#### AUDIENCE PARTICIPATION:

Residents from Robbie Lane expressed their concerns regarding noise, toxic chemicals, decrease in their home values, and traffic on Springfield Avenue, the noise from the emergency room, possible contamination and infectious diseases.

End

Attorney Schnitzer gave his summation to the board.

The board members gave their comments to the applicant.

Some of the comments were:

- The revised plans were much improved than the original plans
- Lower degree of intensity than what was previously proposed
- The use is zoned for business
- The business would be a nice fit in the area
- The existing practice has been there for many decades without any problem
- The generator should be as quiet as possible
- Mechanicals should be screened
- The merged parking lot was not permitted in the zone. The merged parking lots may or may not be compatible. The two institutions may not always be there and therefore the shared parking could become a problem

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

#### CONDITIONS:

- Revised plans were heard and considered
- Cross-parking access in a permanent cross access and parking easement that would be approved by John Post, Esq., Vincent Loughlin and Michael Disko, prepared at the expense by the applicant to protect the Borough and the public, for both the veterinary hospital and the modification of the Primrose Day School parking. This would not be modifiable.
- No outside kennels for overnight uses
- Exercise and dog walking areas in designated places only
- Van parking for both Primrose and the animal hospital in designated spaces only
- All licenses must be obtained from the state, county, DEP, Union County Planning Board
- Sewer connection fees must be paid to the Borough
- Improvement bond to be paid to the Borough
- Two-year guarantee for the landscaping
- Green giant trees to be planted
- Rooftop mechanicals to be screened
- Lighting plan to be submitted to the Engineer
- Drainage plan to be submitted to the Engineer
- Security and emergency lighting to be installed subject to the Engineer
- Possible enclosure of the generator to be approved by the Engineer
- Testing of the generator to be conducted during the day and during the week only
- Sign modifications that were discussed for "Primrose School parking only" signs
- HVAC would be on the roof

Having no further conditions:

ROLL CALL VOTE:

AYES: Mr. Zawislak  
Mr. Garran  
Mr. Parker  
Mr. Wyvratt  
Mr. Younghans  
Mr. Matlin

NAYS: Mr. Tomaine

MOTION: Approved

Having no further business the meeting was duly adjourned at 10:50 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary

The meeting was duly adjourned at 10:50 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary



