

**PLANNING BOARD  
SEPTEMBER 23, 2014**

The Mountainside Planning Board met on Tuesday, September 23, 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, Parker, Tomaine, Wyvratt, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Mayor Mirabelli. Co. Mortimer, Mr. Younghans and Mr. Matlin.

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

**MEMORIALIZATION:**

Safeguard Self Storage, 1096 Route 22, Block 7.D, Lot 16 – Applicant proposed solar panels on the roof of an existing commercial building. Solar panels are considered an accessory structure. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

**NEW BUSINESS:**

Ganga, LLC, 1160 Route 22, Block 5.T, Lots 24.E and 39 – Applicant proposed a site plan and development to construct and expand a parking lot and the merging of two lots at a commercial building. Existing variances included front yard under 30 feet-50 ft. on Route 22, side yard under 15 feet, lot width under 125 feet – 200 feet on Route 22. New variance included construction of the parking lot in the rear yard and side yard setback.

Mr. Rafael Betancourt, Esq. of Cranford, NJ, represented the applicant for the merging and expansion of two parking lots.

Attorney Betancourt reviewed the above-mentioned variances.

Attorney Betancourt informed the board that the applicant would like to expand, merge two lots and create one parking lot in order to be able to add an additional sixty off-street parking spaces.

There would be no changes in the existing commercial building nor would there any changes in the floor plan.

A fifty-foot buffer area was added several years ago.

There would be a 24-foot access easement that would provide access to Spruce Drive. The merging of the two lots and adding parking spaces would allow the applicant to expand his business by adding warehouse and office space.

Attorney Loughlin duly swore Mr. Tony Singh who is a member of Ganga LLC, is the owner of Fine Painting as well as a tenant in the building. The applicants are hoping that in the future, all their office space would be leased and that is why they are requesting additional parking spaces. They may want to add onto the building in the future.

Ganga LLC also owns 1170 Route 22.

Mr. Tomaine inquired about the conditions of Lot 24.E. It is a vacant piece of property and consists of grass, shrubs, trees, etc. . The lot is landlocked. There is an access easement that would connect the lots 24 and 24.E as a result of a subdivision. If the proposed parking lot were to be paved, cars could drive out onto Spruce Drive.

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

Attorney Loughlin duly swore in Mr. Kevin Page of Page Engineering Consultants as the applicant's professional engineer. He gave his credentials to the board.

Exhibit A-1: Aerial photograph of the two lots.

Mr. Page was the engineer for Ganga LLC when they appeared before the board in 2003 and also worked on the drainage system during that time.

The proposed parking lot would be located at the end of an access easement. The driveway would be extended to accommodate the additional parking lot.

With the addition of Lot 24.E, variances on the property would be reduced.

Mr. Page reviewed previously granted variances.

The proposed parking spaces would be 9' x 18'.

Lighting: They would be installing five light poles.

Sign: They would like to replace the existing sign. The new sign would be illuminated, on a timer to be set at 10:00 pm. They assured the board that the sign would conform to the ordinance.

Having access from Spruce Drive and Summit Road would allow drivers to be able to gain entrance to 1160 Route 22 without going onto Route 22.

Fence: The proposed fence would be a vinyl-coated black chain link fence with green slats.

The proposed parking would be located in the side and rear yard setbacks due to the fact the existing parking is already located in the side yard of the rear yard. So the parking is just an extension of current parking spaces. The parking would be increased from 96 parking spaces to 150 parking spaces. There would also be additional handicapped parking spaces.

The outdoor storage of ladders, etc. would be eliminated.

The proposed drainage system must be approved by the Borough Engineer.

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

Conditions:

- Merging of the two lots
- Outdoor storage would not be allowed
- The proposed lighting plan, sign and drainage system are subject to the engineer's approval
- The proposed parking lot must have approve from the County of Union
- Parking spaces would be 9' x 18'
- Proposed sign must comply to the Municipal ordinance
- Timer for the illuminated sign must be turned off by 10:00 pm

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

NAYS: 0

Mr. Tomaine

Mr. Zawislak

Mr. Garran

Mr. Parker

Mr. Wyvratt

Mr. Jakositz

MOTION: Approved

Kelly, 1160 Ridge Drive, Block 5.D, Lot 29 – Applicant proposed to replace a retaining wall. Existing variances included front yard under 30 feet, Ground projections over 3.75 percent and front yard coverage. New variances included the retaining over six feet high where a sixteen-foot high wall was proposed.

Attorney Loughlin duly swore in Mr. Frank Kelly, Jr., the homeowner and Mr. Alan Klein, the engineer who designed the proposed wall. Mr. Klein did not have to give his credentials to the board.

Mr. Klein explained that the existing railroad tie retaining wall was failing and coming down and taking all the boulders that are located near the wall with it.

The new proposed wall would be built in front of the railroad ties. The railroad tie wall would not be removed and would stay in place. If the railroad wall was to be removed, it would affect the driveway and the homeowner would lose some of his driveway. The existing wall would be buried to make way for the new wall. The proposed wall would be located on the southern corner of the property. It would be sloped down to meet the grade. The wall would consist of geo-tech materials.

The existing patio would remain the same.

Mr. Klein described how the new wall would be built with new geo-block materials.

The existing wall is ten feet high and the new wall would be sixteen feet high. Mr. Klein stated that due to the grading of the property, the location of the new wall and the existing wall, they would have to build the wall that high.

A new drainage system would be installed.

Mr. Disko inquired if the tree that was located near the existing wall could be saved. Mr. Kelly stated that several trees had to be removed when he constructed the first wall several years ago. Mr. Kelly was hoping to be able to save the tree and he would be planting additional landscaping.

Mr. Disko inquired if the wall could be moved to match the rubble wall. Mr. Disko stated that he would like to see the proposed wall lowered by at least two feet. Mr. Disko stated that the wall could be lowered, if they “step” the wall.

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

AUDIENCE PARTICIPATION:

Mr. Thomas Schranck of 1156 Ridge Drive inquired if the proposed plan was the only way to build the wall. Mr. Klein stated that the proposed way would make the wall very stable and cost effective.

Mr. Schranck inquired about the trees that were mentioned during a previous application testimony. Mr. Kelly stated that trees had to be removed at the suggestion of the Borough engineer. Mr. Kelly then planted five Blue Spruce trees,

Attorney Loughlin duly swore in Mr. Schranck so that he could submit photographs into evidence.

Exhibit O-1: Photographs of the first retaining wall that was constructed in 2010.

Exhibit O-2: Photographs of the existing wall.

Exhibit O-3: Google Earth satellite view of Mr. Kelly's house.

Mr. Schranck expressed his concern regarding children being able to get on top of the wall and jumping off the wall. Mr. Kelly stated that there would be appropriate fencing and shrubbery around the retaining wall.

Mr. Patrick Thomas of 1189 Ridge Drive also expressed his concern regarding the wall and if there would be a suitable barrier on the wall to prevent children from getting onto the wall.

Mr. Disko informed the board that a fence on top of the wall may not be required unless the Building Inspector requires a fence. Mr. Klein stated that a fence may not be required if shrubbery was planted of a certain height and distance from the drop-off. The code does not specify any type of plant or density.

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

#### AUDIENCE PARTICIPATION:

Attorney Loughlin reminded Mr. Schranck of 1156 Ridge Drive that he was still under oath.

Mr. Schranck asked that the board consider his previous photographs and what Mr. Kelly had presented and what trees had been removed. The removal of trees and the planting of new trees have completely changed the character of the neighborhood. Mr. Schranck expressed his concern that removal of any more trees would create run-off from Ridge Drive onto Puddingstone Road. Mr. Schranck felt that there could be different ways to build the wall, other than what was presented.

Mr. Garran inquired if the trees that had been removed, were replaced. Mr. Kelly did plant shrubbery and other plantings.

Mr. Zawislak stated that the shrubbery and trees were replaced. Mr. Schranck stated that the proposed wall would affect the value of the neighborhood and, therefore, would affect the value of his property.

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

Several board members gave their comments, summarizing the application.

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

Additional conditions:

- Proposed drainage plan must be approved by the Borough Engineer
- Safety precautions must be taken for the top of the wall

ROLL CALL VOTE:

AYES; Mr. Disko  
 Mr. Tomaine  
 Mr. Zawislak  
 Mr. Garran  
 Mr. Parker  
 Mr. Wyvratt  
 Mr. Jakositz

NAYS: 0

MOTION: Carried

DeCosta, 350 Greenbrier Court, Block 4.A, Lot 6.A – Applicant constructed a shed in the front yard of a corner lot. Existing variances included front yard under 30 feet and driveway in the side yard. New variance included the shed which was considered an accessory structure in the front yard.

Due to a conflict, Mr. Zawislak recused himself and left the courtroom.

Attorney Loughlin duly swore in Mr. Joseph DeCosta as the homeowner.

Mr. DeCosta stated that the 8' x 10' shed had been put up eighteen years ago. He did not realize that permits and zoning approval were required.

Mr. DeCosta planted shrubbery around the shed to make it look nice.

Mr. DeCosta informed the board that it was very important that he be allowed to keep the shed where it was and not have to relocate it. Mr. DeCosta stated that there was no other place on his property to move the shed.

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

CONDITION: Homeowner must obtain a building permit

ROLL CALL VOTE:

AYES: Mr. Disko  
 Mr. Tomaine  
 Mr. Garran  
 Mr. Parker  
 Mr. Wyvratt  
 Mr. Jakositz

AYES: 0

MOTION: Approved

Having no additional applications, the board went into executive session at 10:00 p.m.

At 10:40 pm the board resumed the public hearing and immediately adjourned.

Having no further business, the board adjourned the meeting at 10:40 pm.

Respectfully submitted,

Ruth M. Rees  
Secretary

Having no further discussion, the application was adjourned and the meeting ended at 10:40 p.m.

Respectfully submitted,

Ruth M. Rees  
Secretary

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



