

PLANNING BOARD
MARCH 26, 2019

The Mountainside Planning Board met on Tuesday, March 26, 2019 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, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

The minutes of the February 26, 2019 meeting were approved as presented.

MEMORIALIZATIONS:

1235 Mountainside Associates/Peak Sports Academy, 1235 Route 22, Block 23, Lots 2.01 and 2.02 – Applicant proposed preliminary and final site plan and development for an indoor athletic facility with indoor basketball courts. A motion was made and seconded to approve the resolution. All were in favor.

Levi-Cory House, Watchung Avenue/Constitution Plaza, Block 15.08, Lots 2 & 3 – Applicant proposed a courtesy review to construct a new porch on the side of the Levi-Cory house. This is a Borough-owned building. A motion was made and seconded to approve the resolution. All were in favor.

Golden Carriers, 1120 Globe Avenue, Block 23.03, Lot 8.10 – Applicant proposed a change of tenancy and loading dock construction for warehouse and trucking use. A motion was made and seconded to approve the resolution. All were in favor.

DISCUSSION:

1235 Mountainside Associates LLC/Peak Sports Academy: Resolution

Mr. James Foerst, Esq. requested an amendment to the resolution on paragraph No. 9 under “Conditions”, which read: That there is to be no outside rental or usage of this facility at any time by any other business, program, or other individuals, businesses or third parties other than the applicant in this case.”

Attorney Foerst felt that the sentence was too restrictive and that the applicant might want to rent out the building to an outside organization and expressed his concern that the applicant would never be able to rent it to other recreational clubs or organizations.

Attorney Foerst request that the resolution be amended to allow more flexibility for renting out the facility.

Attorney Loughlin advised the board. He stated that the resolution was correct in that the building could not be rented out to anyone else other than the applicant. This would enable the applicant to have more control over parking, scheduled use over high-volume times, tournaments and leagues, and the number of courts that would be in use at the same time, and the nature of the activities. Attorney Loughlin also expressed his concern over the use of the building during summer camp. Therefore, Attorney Loughlin did not agree with Attorney Foerst over the wording of Paragraph No. 9 in the resolution and Attorney Foerst’s request to modify the resolution.

Mr. Younghans stated that the building could be rented out under the applicant’s domain.

Attorney Foerst stated that it was the word “rental” . Attorney Loughlin said that in the resolution, it would be prohibited for anyone else, except the applicant, to rent the building or a portion of the building.

Attorney Foerst clarified the statement by saying that as long as the applicant remained the operational manager and managed the facility, the building could be rented out.

Attorney Loughlin stated the language in the resolution would also prohibit the ability to sublease the facility to another outside party, entity, or business. The applicant must be in charge.

Attorney Loughlin advised the board that the resolution should not be modified.

Attorney Foerst stated that the language in the resolution may be questioned in the future.

Attorney Foerst requested a copy of the transcript of this meeting.

NEW BUSINESS:

Cafiero and Cafiero, 1130 Globe Avenue, Block 23.03, Lot 8.14 – Applicants proposed a change of tenancy for property that would be utilized for office, warehouse space and manufacturing use. Applicants also proposed one ground sign. Existing variances included front yard under 30 feet where 29.9 feet existed, side yard under 15 feet where 12.1 feet existed, lot width under 125 feet where 123 .06 feet existed and lot coverage over 75 percent.

Mr. John Frieri, Esq. of Frieri Law Group in Cranford, represented the applicants for a Change of Tenancy.

Attorney Loughlin duly swore in Mr. Stephen Cafiero, the applicant.

Mr. Cafiero was the applicant and one of the operators of the business that both he and his brother own.

Mr. Cafiero described the sheet metal business. They do commercial retrofits for HVAC jobs.

He explained that the building they owned in Clark was sold and they had to relocate their business.

The business would consist of office and warehouse space.

They proposed the construction of a loading dock for deliveries.

There would be no hazardous materials stored at the site nor would they be using any solvents, chemical, radioactive or fire hazard materials, liquids or vibrating machines.

There would be an air filtering system and a dust collection system so that there would be no air contaminants and the air would remain clean. A Hepa filter would be used as a back-up.

They will have a small truck and van to transport the fabricators to the job site. The van would at 1130 Globe Avenue overnight. They plan to park the trucks at the loading dock at night.

Board members expressed their concern regarding parking along the easterly side of the building as well as cars from their neighbors, Rocket Baseball, also known as D-Bat, are parking in the Cafiero parking lot. Mr. Cafiero explained that he was aware that

vehicles were parking from the building next door but since they have not yet occupied the building, he had not done anything about the off-site parking from the building next door. Mr. Tomaine inquired if Mr. Cafiero was going to allow it. Mr. Cafiero stated that if it was a problem he would put up "No Parking - Tow-Away Zone" signs. Mr. Cafiero stated that he had no intention of renting parking spaces to D-Bat. He would abide by the ordinance. Mr. Zawislak inform Mr. Cafiero that if they wanted shared parking, he would have to come back before the board requesting shared parking. Attorney Frieri stated that they would need the additional parking spaces for a future tenant. The building was currently set up for two tenants.

Mr. Disko informed the board that D-Bat was not in compliance. They installed a fence in their parking lot so that cars are parking on the side of D-Bat's building and also in the applicant's parking lot. D-Bat was aware of the problem and they must rectify the situation.

Exhibit A-1: From 1962. Approved parking along the side of the building. Seven parking spaces on the side of the building and forty-three spaces in the rear. The plan shows 84 parking spaces; 77 spaces in the rear. Mr. Cafiero would like to keep those seven spaces for visitors and vendors. Attorney Frieri stated that it was a pre-existing approved item. Attorney Loughlin advised the board and stated that since the use of the building was not abandoned, the approved parking spaces were still in effect.

Mr. Disko gave the board the number of parking spaces the site has had from 1963 to the present.

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

Attorney Loughlin duly swore in Mr. David Bilow of Ridgefield Park, NJ as the architect. He gave his credentials to the board.

Mr. Bilow stated that the inside of the building was in the process of being completely gutted. The interior building is going to be state-of-the art energy efficient building. The building is in the process of being subdivided for two tenants. The interior will be set up for very nice offices.

There would be no changes to the site except for a new sidewalk in the front of the building for a future tenant. There are already two entrances in the rear of the building.

There would be no changes to the lighting.

In order to put in a new loading door, several parking spaces may have to be eliminated. When constructed, there would be two doors/two docks.

The parking space size of 9' x 18' would remain the same.

Sign: There would be no wall sign, a replacement ground sign that would be in the same location. It would be illuminated by LED lighting and placed on a timer. The ground sign would conform to our ordinance.

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

Mr. Tomaine informed the applicant that the future tenant may or may not have to go before the board, depending on what the business does.

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

Attorney Loughlin brought up the issue of off-site parking by D-Bat. Mr. Zawislak stated that it was his understanding that the situation was going to be handled by the Borough.

If there would be any off-site parking by D-Bat, it would be considered a shared parking agreement between the two companies. The applicant would have to monitor the parking to prevent D-Bat customers from parking at 1130 Globe Avenue.

CONDITIONS:

- No shared parking would be allowed unless approved by the Board. No shared parking agreement or arrangement would be allowed unless approved by the Board.
- The ground sign to be restored and conform to the ordinance.

ROLL CALL VOTE:

AYES: Mr. Disko

NAYS: 0

Mr. Tomaine

Mr. Zawislak

Mr. Garran

Mr. Matlin

Mr. Parker

Mr. Younghans

Mr. Jakositz

Mr. Ford

MOTION: Approved

Eric Couper, 260 Apple Tree Lane, Block 3.02, Lot 21 - Applicant proposed to construct a retaining wall and fence as well as soil moving improvements. Existing variances include driveway in the side yard and rear yard. Site plan review is required for soil moving activities.

Attorney Loughlin duly swore in Mr. Eric Couper, the homeowner.

Mr. Couper testified that he would like to level out his back yard due to the fact that there was an eleven foot drop and could not be used. By filling in the rear yard and making it higher, he would be able to use that portion of the yard.

He would like to construct a 3 foot retaining wall on the left side and move the soil over to the right side.

He would install a new drainage system to prevent run-off along the right and rear walls and have the water discharge to his driveway.

Trees: Mr. Couper may remove seven trees. He would also remove approximately eight trees that are already dead. He may replace the trees with new trees and landscaping. At least five trees would remain. Mr. Disko inquired as to which trees would be removed. Mr. Couper showed him which trees on the property would be removed.

Soil moving: He would keep the soil that was already on his property, but just move it around and make the property more level. Again, he would use the existing soil to make the property more level.

Retaining wall: The proposed wall would be six feet high. It would be a modular block wall, possibly gray stone in color.

Fence: The fence would be constructed behind the wall on one side and in front of the wall on the other side.

Board members inquired why would need both a retaining and a fence. The proposed wall would not be six feet all the way around but the proposed fence would be six feet.

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

AUDIENCE PARTICIPATION:

Mr. Peter Sibilski of 258 Apple Tree Lane inquired about the proposed drainage system and also expressed his concern regarding run-off onto his property and if the proposed piping would be sufficient volume to handle the water. Mr. Couper described the proposed drainage system and that there would be underground leaders that would go to the driveway. Mr. Disko advised Mr. Couper as to how he would like to see the drainage system designed in order to reduce run-off.

Mr. Sibilski also expressed his concern that if there was a heavy rain, the water would push against the wall onto his property. Mr. Disko informed Mr. Sibilski that if the wall was over four feet high, a building permit would be required and the architect would have to provide structural designs for the wall.

Mr. Sibilski also inquired about the area between the wall and his property. Mr. Couper said he would plant grass.

Mr. Couper said that he would not be bringing in any additional dirt or top soil.

When discussing the proposed fence, Mr. Sibilski said he would like to see the fence look more like wood than the proposed white vinyl fence.

Mr. Couper stated that he would look into camouflaging the wall and plant landscaping along and on top of the wall.

Attorney Loughlin duly swore in Mr. Fred Filler, Jr. of 254 Apple Tree Lane. Mr. Filler also expressed his concern regarding run-off onto other properties. Mr. Disko explained that there should be an improvement with the proposed drainage system due to the fact that water would be intercepted from going onto other properties. Mr. Disko again explained how the proposed drainage system would work.

Mr. Disko informed Mr. Couper that he would like to see a proposed landscaping plan and that Mr. Couper should meet with his neighbors regarding any landscaping he would be planting.

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

CONDITIONS:

- Applicant to obtain required permits
- Applicant to submit a landscaping plan for approval by the Borough Engineer
- Applicant to submit a tree removal plan for approval by the Borough Engineer
- Applicant to submit a drainage plan for approval by the Borough Engineer
- There must be 4 foot plantings behind the wall

ROLL CALL VOTE:

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

NAYS: 0

MOTIOJN: Approved

Sobel, 335 Darby Lane, Block 7.07, Lot 4 – Applicant proposed a pool, shed and fence. Existing variances included side yard under 10 feet or 10 percent width where 9.1 feet existed, foundation are over 15 percent where 18.7 percent existed, and driveway in the side yard. New variance included lot coverage over 30 percent where 44.7 percent was proposed.

Attorney Loughlin duly swore in Mr. Jeffrey Sobel as the homeowner, Mr. Thomas Biro as the landscape architect and Mr. Steve Jara as the contractor.

Mr. Sobel requested permission to construct a pool, patio, shed, and fence in the rear yard in order to enhance the back yard and make it more usable.

Mr. Tomaine reviewed the variances.

Mr. Biro, the landscape architect gave his credentials to the board.

Exhibit A-1: Colorized version of the patio. The proposed patio would be 36' x 15'.

There is an easement in the corner of the property but they would not be doing any work anywhere near the easement.

The fence would be installed in the rear of the property and new landscaping would be planted around the perimeter of the property.

Mr. Tomaine expressed his concern regarding the proposed lot coverage and the fact that they would be 50 percent over lot coverage.

Mr. Younghans suggested that the pool and patio could be reduced. Mr. Solbel stated that adjacent property owners have similar size pools and patios. Mr. Sobel stated that the patio could be reduced by 500 square feet. Mr. Sobel indicated that the shed could be smaller.

The board discussed at length how much the proposed lot coverage could be reduced. They would like to get the lot coverage down to 40 percent. They discussed how much the pool and patio could be reduced. Mr. Disko informed the board that in order to take the lot coverage down to 40 percent, they would have to reduce the pool and patio by 700 square feet. Mr. Biro suggested that the proposed patio could be eliminated.

Mr. Younghans stated that the house sits far back from the street which impacted the lot coverage, such as the driveway. Mr. Solbel indicated that when they purchased the house, they constructed an addition onto the house.

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

The board discussed, with the applicant, several options to reduce lot coverage.

Attorney Loughlin inquired as to whether the applicant wanted the board to consider the application was submitted, or if he wished to amend the application showing reduced lot coverage to 40 percent. Mr. Sobel informed Attorney Loughlin that he wished to amend the application.

Several board members gave their views regarding the application.

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

ROLL CALL VOTE: (To deny the application)

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Parker

NAYS: Mr. Matlin
Mr. Younghans

MOTION: Denied the application

Santos, 279 Ravens Wood, Block 3.14, Lot 8.10 – Applicant proposed to construct a second story addition of a single-family dwelling on a corner lot. Existing variances included lot coverage over 30 percent where 31.3 percent existed, and driveway in the side yard where 0 feet existed. New variances included front yard under 30 feet where 25 feet was proposed.

Attorney Loughlin duly swore in Jennifer Santos as the homeowner.

Ms. Santos testified that she would like to construction a second story addition onto a single-family dwelling on a corner lot. The house is currently a bi-level.

There would be no new variances for lot coverage, nor would there be any changes to the footprint of the house. There would be a front yard variance.

Mr. Tomaine 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. 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

White, 307 Timberline Road, Block 16.08, Lot 27 – Applicant proposed front porch and stairs addition. Existing variances included lot width under 100 feet where 89.7 feet existed, and lot area within 150 feet. New variances included front yard coverage over 30 percent where 36.5 percent was proposed and ground projections over 3.75 percent where 4.8 percent was proposed.

Attorney Loughlin duly swore in Maria and Robert White, the homeowners and Thomas DiGiorgio of Westfield, the architect.

Mr. and Mrs. White would like to construct a front porch and bay window, and replace the stairs in order to enhance the front of their house.

Mr. DiGiorgio stated that the porch and railings would be open and have a roof over it. The roofline would be raised.

The proposed porch would extend the width of the house. Mr. DiGiorgio described the front of the house and why the porch should be extended past the house.

Mr. White said that they just wanted to make the front of the house nicer.

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

NAYS: 0

MOTION: Approved

DISCUSSION:

The board voted to allow the chairman to sign a letter of support for a green acres grant application. This was a requirement for the application process.

Having no further business, the meeting was duly adjourned at 10:30 p.m.

Ruth M. Rees
Secretary

