

PLANNING BOARD
April 30, 2019

The Mountainside Planning Board met on Tuesday, April 30, 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: Mayor Mirabelli, Councilman Dierkes, Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

Absent: Mr. Ford

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

MEMORIALIZATIONS:

Cafiero and Cafiero, 1130 Globe Avenue, Block 23.03, Lot 8.14 – Change of Tenancy for office and warehouse space and manufacturing use. A motion was made and seconded to approve the resolution. All were in favor.

Couper, 260 Apple Tree Lane, Block 3.02, Lot 21 – Retaining wall and fence as well as soil moving improvements. A motion was made a seconded to approve the resolution. All were in favor.

Sobel, 335 Darby Lane, Block 7.07, Lot 4 – Pool, Shed and fence. This application was denied. A motion was made and seconded to approve the resolution. Those who were eligible to vote were in favor.

Santos, 279 Ravens Wood, Block 3.14, Lot 8.10 – Construction of a second story addition. A motion was made and seconded to approve the resolution. All were in favor.

White, 307 Timberline Road, Block 16.08, Lot 27 – Construction of a front porch and stairs addition. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

Yu, 1084 Prospect Avenue, Block 6.02, Lot 13 – Applicant proposed to install solar panels onto the roof of a single-family dwelling. Existing variances include front yard under 30 feet where 27 feet exists, and driveway in the side yard. New variance includes the solar panels which were considered accessory structure and use.

Attorney Loughlin duly swore in Mrs. Sharon Yu, the homeowner and Mr. George Meyer, a representative of Sunrun, the solar panel company.

Mr. Meyer stated that the panels would be installed on the south, north and west side of the roof. There would be eighteen panels and would be black with white trim.

There would be no panels on the front of the roof.

No trees would have to be removed.

Mr. Meyer described the proposed system and also discussed the age of the roof. He stated that the roof had already been inspected and that panels would not be installed on a roof unless the roof was structurally sound.

Mr. Tomaine reviewed the variances.

Mr. Matlin inquired if there would be any glare from the panels onto her neighbor's side of the roof and if there would be any impact on her neighbors. Mr. Meyer did not know. Mrs. Yu did not speak to her neighbors regarding the proposed solar panels.

Mr. Tomaine 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. Younghans seconded the motion.

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Clemco II LLC (formerly Timothy Shea), 1460 Dunn Parkway, Block 10.06, Lot 3 – Applicant proposed a three lot major subdivision for three conforming single-family lots.

Mr. Jay Bohn, Esq. represented the applicants for the major subdivision.

Attorney Loughlin duly swore in Mr. Thomas Quinn of EKA Associates in Scotch Plains as the applicant's engineer. He did not have to give his credentials.

Prior approval for the three lot subdivision was received in 2008.

Mr. Quinn informed the board that they received and obtained a flood hazard permit. Due to the fact that the former applicant did not act in a timely manner, the first flood hazard permit became inactive.

The 2.8 acres wooded piece of property is currently vacant. There is a stream which runs along the northerly side of the property. Mr. Quinn described the location of the property, which also borders Westfield, NJ.

There would be a 50-foot buffer. The buffer area was increased in order to be able to obtain the DEP permit.

The property would be subdivided into three conforming lots and would have three conforming single-family dwellings, with side entrance garages. The lots would range from 19,000 square feet to 26,000 square feet.

Mr. Quinn described the proposed drainage system that would eventually flow into the stream. A culvert would be constructed that would go from the existing drainage ditch, to under the new roadway, to the stream. Mr. Quinn then described the proposed swale that would run along the rear of the properties.

Mr. Tomaine expressed his concern that one of the driveways would be subject to flooding and if that issue could be resolved. Mr. Quinn stated that the system was designed for a 10 year storm but could not be designed for a 100 year storm. Mr. Disko expressed his concern as to whether or not emergency vehicles could get through if the road flooded.

Mr. Disko's report was reviewed.

Mr. Tomaine inquired about the 42 inch by-pass pipe that had been mentioned in the minutes. That pipe would no longer be necessary; the proposed culvert would replace it and be in the same location.

Attorney Bohn stated that the applicant would agree to build a maximum of 3,000 square foot, two-story house.

Fence: the fence would be installed to protect the riparian area; however, Mr. Chadwick stated that the DEP may not require it. The applicant does not really care whether there is a fence or not. The fence could be approved administratively. Mayor Mirabelli inquired as to how it would be maintained and who would maintain it. Mr. Matlin inquired as to who would own the riparian area. Mr. Disko stated that it would be the property owner. The deed restriction would be overseen by the State.

Lighting: Three lights had been approved at the previous application. The new applicant felt that they were unnecessary. Mr. Youngmans stated that they seemed excessive. Mr. Quinn said that they would like to remove them from the application. Mr. Disko said that there was no requirement for lights for subdivisions. Mr. Zawislak suggested that there should be one light at the end of the cul-de-sac so that cars would not go over the culvert and into the creek and it would be very dark without a light. Mayor Mirabelli informed Mr. Quinn that the homeowners would have to approach Mayor and Council to request a street light before Council would consider it.

A homeowners' association would be created in order to maintain the basin. All three homeowners would share in the expense.

Mr. Disko noted that he noticed an erosion hole on the vacant property that just showed up recently. It was not there in 2015. Mr. Quinn stated that the property may have to be re-surveyed. The impact would be in the mitigation area. The stream had pulled back. Mr. Quinn would have to go back to the DEP.

Tree removal: Approximately 120 trees may have to be removed and 40 trees may be planted. Mr. Chadwick recommended additional trees be planted.

Mr. Chadwick's report was reviewed.

- Revised plans would be submitted to show elimination of the lot lines
- The homeowners' association would maintain the underground detention pit
- The existing berm would be extended
- A conservation area would be required
- The rear of the properties would be landscaped
- The erosion area would be reviewed by the DEP

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

AUDIENCE PARTICIPATION:

Mrs. Gail Friedman of 159 Mountainview Drive inquired about clear cutting the lots and whether the houses and the road were going to be built at the same time. She expressed her concern regarding the heavy construction equipment that would be going past her house. Mr. Quinn did not have the answers to the questions. Mr. Disko stated that the road would have to be substantially finished before CO's would be issued for the houses.

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

Several board members gave their comments. Mr. Tomaine expressed his concern that the access road may be subject to flooding and may not be accessible to the houses when roadway is flooded. Mr. Tomaine felt that that the State was concerned about it. Mr. Zawislak stated that a DEP permit would not have been issued they felt it would be a problem. Mayor Mirabelli suggested that the property owners should be informed regarding the possibility of flooding. Mr. Chadwick stated that the roadway would flood, not the houses. The possibility of obtaining flood insurance was discussed. Mr. Tomaine argued as to whether or not development was suitable due to flooding conditions. Mr. Disko stated that the roads in Mountainside were generally not subject to flooding due to the elevation of the roads. Mr. Tomaine stated that this issue should be addressed before it becomes a problem. Mr. Matlin questioned whether it was a suitability issue or a notice issue. Mr. Tomaine stated that board should be guided by the requirements or conditions set forth in the subdivision ordinance when rendering its decision. The board then referred to the DEP permit. Mr. Disko advised the board regarding DEP requirements in flood zones.

Attorney Loughlin inquired if monuments would be required. Mr. Disko stated that they would be required and guarantees must be posted.

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

CONDITIONS:

- Obtaining all government permits or approvals, such as any DEP permits and amendments
- Submit revised subdivision plan for approval by Borough Engineer
- Submit a revised landscaping plan for approval by Borough Engineer
- New lots to be created to be restricted to a maximum of 3,000 square feet
- Prepare a proposed organizational document for homeowner's association which will be incorporate the operations and maintenance manuals and procedures
- Provide an amended subdivision plan to show monuments for the subdivision
- Applicant to comply with terms, conditions, and requirements of the Review Memoranda from John Chadwick and Mike Disko
- Provide a staging plan for construction work for approval by Borough Engineer
- Applicant shall pay all payment and escrow fees that are required, sewer connection fees and affordable housing fees.
- Lighting to be approved by Borough Engineer
- Construction work to be approved by Borough Engineer
- Fencing required by NJDEP to be approved by Borough Engineer
- Applicant must provide performance guarantees for on-site improvements and inspection escrow fees
- Provide DEP permits for Borough Engineer
- Record subdivision plat and provide copies to Tax Assessor, Borough Engineer and Secretary

ROLL CALL VOTE:

AYES: Mayor Mirabelli
Co. Dierkes
Mr. Disko
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans

NAYS: Mr. Tomaine

MOTION: Approved

Moore, 1121 Wychwood Road, Block 22.02, Lot 40 – Applicant proposed an addition on a corner lot in multiple municipalities. Existing variances included lot area under 15,000 square feet where 8,414 square feet exists, lot width under 100 feet where 85 feet exists, and lot area within 150 feet. New variances included front yard under 30 feet where 19.8 feet was proposed, side yard under 10 feet or 10 percent width where 9.06 feet was proposed, foundation area over 15 percent where 23.4 percent was proposed, lot coverage over 30 percent where 41.5 percent was proposed, floor area ratio over 22.5 percent where 30.5 percent was proposed. This application was approved by the Town of Westfield.

Attorney Loughlin duly swore in Mr. Thomas Moore, the homeowner and Mr. Robert Algarin, the architect. Mr. Algarin did not have to give his credentials.

It was noted that Mr. Moore received approval for the addition from the Town of Westfield. Copies of the resolution were submitted to the board. The house is located in Westfield and the garage is located in Mountainside. The property is located at the corner of Wychwood Road and Endor Lane.

Exhibits A-1: Photographs of the existing house
Exhibits A-2: Google map of the intersection

The house is currently a one-story house. The applicant would like to raise the roof and make it a two-story house, and add onto the garage on the Endor Lane side to make it a two-car garage.

Mr. Moore testified that he has the smallest house and smallest lot in the neighborhood. If the variances were granted, the house would still be the smallest house in the neighborhood.

Mr. Algarin discussed the variances between the Town of Westfield and Mountainside.

Mr. Disko advised the board regarding the applicant having to go before two boards. Mr. Disko explained that the footprint was not increasing and that it was just a garage addition on the Mountainside side. The garage would go from a one-car to a two-car garage. The variances were due to the fact that the house was located on a corner lot. Mr. Zawislak discussed the floor area ratio variance.

Mr. Disko advised the applicant that the Borough would be paving Endor Lane shortly and that it would be subject to a five-year moratorium. The utilities must go in before he paves and the utilities should be located off Wychwood Road.

Having no further discussion, Mr. Zawislak made a motion to approve the application subject to the utilities coming off Wychwood Road, and Mr. Younghans seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans

NAYS: Mr. Tomaine
Mr. Zawislak

MOTION: Approved

Having no further business, the meeting was duly adjourned at 10:15 p.m.

Ruth M. Rees

