

**PLANNING BOARD
FEBRUARY 26, 2019**

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

ABSENT: Messrs. Ford and Garran.

The minutes of the special meeting on January 17, 2019 and January 29, 2019 were approved as presented.

MEMORIALIZATIONS:

Anthony Davis Agency, Inc., 864 Mountain Avenue, Block 13, Lot 5 for a change of tenancy. A motion was made and seconded to approve the resolution. All were in favor.

John Herttua and Patricia Spencer, 23 Tanglewood Lane, Block 22.02, Lot 8 for a driveway expansion. A motion was made and seconded to approve the resolution. All were in favor.

Michael Goodwin, 1253 Deerfield Court, Block 16.09, Lot 30 for a new rear yard deck. A motion was made and seconded to approve the resolution. All were in favor.

DISCUSSION:

The Garnico Group: Attorney Lehrer, who represented the Garnico Group, discussed language in the resolution regarding finished basements and the use of the basements.

Garnico requested that they be allowed to provide finished basements as long as the basements would not be allowed to provide sleeping quarters.

The board would allow Garnico to provide a half-bathroom in the basement, but not a full bathroom in the basement. They would be allowed to have a shower, but not a tub. Mr. Chadwick also stipulated that they would not be allowed to have a bedroom in the basement. Mr. Matlin indicated that there was a lot of discussion concerning bedrooms and separate entrances from the basement. Mr. Zawislak recalled those family rooms, theaters, bathrooms without tubs; but no sleeping quarters. Mr. Chadwick stated that an association would oversee this issue.

Mr. Zawislak made a motion to amend the resolution that basements could be used for anything but a fourth bedroom and that bathrooms with showers would be allowed, but no tubs.

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Attorney Loughlin will amend the resolution.

Note: The applications of Cafiero and Cafiero, 1130 Globe Avenue, Block 23.03, Lot 8.04 for a change of tenancy, and Sobel at 335 Darby Lane, Block 7.07, Lot 4 for a pool, shed and fence were postponed. They will be heard at the March 26, 2019 meeting.

CONTINUATION:

1235 Mountainside Associates LLC/Peak Sports Academy, 1235 Route 22, Block 23, Lot 2.01, and 2.02 – Applicants proposed preliminary and final site plan and development for an indoor athletic facility for indoor basketball courts. New variances included lot width under 200 feet where 198+/- feet was proposed, driveway in the side yard where 6.5 feet if proposed, parking in the rear yard where 8 feet was proposed, installation of a digital ground sign, and insufficient number of parking spaces.

Mr. James Foerst Esq. again represented the applicant for a new indoor basketball facility.

Attorney Foerst informed the board that revised plans had been submitted. The proposed drainage system was removed from the side yard. The sidewalk was removed. The size of the building was reduced and also shifted more towards Route 22, thereby eliminating the parking variance.

The board again discussed all the reports that were submitted by the experts.

Mr. Disko's memo: The party rooms, fitness rooms, and meeting rooms would be related to the sports facility and the sports team. People would not be allowed to come and rent out those rooms for private parties. Mr. Zawislak stated that he was concerned about the fact that rooms would be used for other than basketball etc. Basketball should be the primary purpose of the facility. Ancillary retail use would be for teams and leagues only.

Signs: The applicant would comply with the sign ordinance. If, by chance, they would not be able to comply, they would come back before the board for signage approval. A digital sign is no longer requested.

Attorney Loughlin reminded Mr. McGuire that he was still under oath from the previous meeting. Mr. McGuire agreed that only three courts would be in use during tournament play for a total of 60 children (plus or minus). The start time for each game would be staggered. People would then leave the facility due to the fact that there would be no reason for people to stay around. If it turned out to be a problem, they would have to come back before the board.

Mr. Zawislak inquired about basketball camp during the summer. They would like to have approximately 30 children as long as there are enough staff members. It may run the entire summer.

Mr. Tomaine inquired about ownership of the proposed facility. Mr. McGuire is the principal of the LLC. Peak Sports Academy would be the name of the building and the operating entity, however, 1235 Mountainside Associates LLC is the name of the company.

Mezzanine: Staff members would be able to view the games from the mezzanine. It would not be for the general public. There would be a three-layer bleacher. The bleachers may accommodate approximately 24 people.

Activities: Practice would be during week days with tournaments and/or league play during the weekends. Then there would be summer camp. Eventually, they hope to be able to offer soccer and volleyball.

Ages: Pre-K through 12th grade. Volleyball would be for both children and adults.

Mr. McGuire discussed away games and how the children would get to those games.

There would be a proposed TV area and concession stand. There would be no food preparation on the site.

Mr. Disko again discussed tournament games vs. leagues games and the times they would be playing. Mr. Disko expressed his concern regarding how many courts would be used at any one time because of possible parking problems. Mr. McGuire stated that he would start with two courts than use three courts in the future.

Attorney Loughlin reminded Mr. Robert Gazzale of Middlesex, NJ that he was still under oath.

Changes made from the previous meeting:

- The building was moved closer to Route 22 by 21-1/2 feet so that two more parking spaces could be added, for a total of 125 parking spaces. Parking would now be in compliance to the ordinance.
- The storm water management system was redesigned.
- There would be a six-foot solid vinyl fence along the back of the property.
- They increased the size of the plantings.
- Eliminated the sidewalk.
- The building height would now be in compliance.
- The drop-off area was widened.
- Additional landscaping was added around the property
- An emergency access was added

Mayor Mirabelli inquired about the trees near residential homes and the proposed fence that would be installed along the parking lot. He wanted assurance that the neighbors would see landscaping, not the fence. Additional landscaping would be planted.

Mr. Gazzale described the proposed underground detention basin in the parking lot.

A fence and gate would be installed for maintenance of the landscaping.

Mr. Chadwick agreed with Mr. Gazzale's testimony.

Mr. Meth stated that the site triangle was addressed. Staggering of the tournaments and leaving one court free should resolve some of the parking and traffic

issues. Mayor Mirabelli also inquired as to why the league games should not also be staggered. Mr. Meth stated that the owner would work through any issues that may occur during league games.

Mr. Tomaine expressed his concern regarding traffic circulation. Mr. Meth also stated that there should be no problem with drivers coming to the site, however, there may be problems exiting the site due to the fact that people would be leaving the site at the same time. That is why it would be important to stagger the tournament times as well as to design the parking lot to accommodate double the number of participants, unless there is staggering.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Christopher Steitz of 144 Locust Avenue. Mr. Steitz inquired about the proposed drainage system for run-off. Mr. Gazzale explained the new system to him.

Mr. Steitz also inquired about the turning radius for emergency vehicles. He believed that the turning radius may be too short for Mountainside emergency vehicles and the surrounding towns. Mr. Gazzale explained that only 35 feet was required. Mr. Gazzale stated that adjustments could be made. Mr. Steitz explained that the design of the driveway should be able to accommodate emergency vehicles.

Mr. Steitz inquired what the occupancy rate would be. Mr. Gazzale did not know.

Mr. Steitz inquired that if a fire hydrant was installed in the rear lot, would a parking space have to be eliminated. That would have to be determined.

Mr. Steitz inquired about proposed lighting. Lights would be turned off at 10:30 p.m. He expressed his concern regarding headlight shining into his property. There would be a six-foot fence that would prevent that.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Spano of 170 Locust Avenue.

Mr. Spano inquired if there would be give-a-ways, such as shoes. He was concerned regarding traffic during those times. There would be no give-a-ways.

End participation.

Mr. Meth addressed emergency vehicles. There must 20 foot aisles and 15 foot radius curbs.

Attorney Loughlin duly swore in Mr. Weinstein of Hastings-On-Hudson, NY, as the architect. He was reminded that he was still under oath.

Mr. Weinstein stated that the floor area was reduced; therefore, parking would now be in compliance.

The multi-purpose room would be for team meetings. The party room was eliminated.

Mr. Chadwick suggested that there should be communication with Mr. McGuire as to programs how and when programs would be set up. Mr. Ronald Romak, the enforcement officer, should be advised as to how they would be advertised. Attorney Loughlin advised the board regarding tournament manuals.

Shared parking: Due to the fact that the tournaments would now be staggered, shared parking would not be necessary.

Mr. Disko informed the board regarding the traffic circulation at the self-storage facility. Tractor trailers were able to get around the facility if they were familiar with the self-storage's parking lot.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Thomas Biel of 148 Locust Avenue. Mr. Biel stated that it was always very difficult to pull onto Route 22 due to the fact that there was no traffic light and there were the restaurants in the immediate area. Attorney Loughlin duly swore in Mr. Gary Dean, a partner of Dolan and Dean of Somerville, NJ as the traffic expert. Mr. Dean stated that he agreed with Mr. Biel, however, the recreational use would be on off-peak hours. The proposed use would be on the lower end of traffic congestion.

Mr. Biel commented that right now, the property is vacant and in a park-like setting.

Mr. Steitz inquired about DOT access permits. There would be no changes. The amount of traffic coming off and entering Route 22 was discussed at length,

End participation:

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

AUDIENCE PARTICIPATION:

Attorney Loughlin reminded Mr. Christopher Steitz of 144 Locust Avenue that he was still under oath. He expressed his concern regarding the fact that Locust Avenue is a very small street and there would now be a lot of traffic on the street, the lighting in the parking lot would not be turned off until 10:30 p.m. and there may be glare from the lights into his house, if trash and recycling collection would be picked up in the early morning hours, noises from the tournament and league games, ingress and egress to the parking lot and the common driveway, turning radius in the parking lot, and tractor trailers would block the street in both directions.

Attorney Loughlin duly swore in Mrs. Ernestina Almeida of 237 South Fork Road. She expressed her concern regarding all the traffic on Route 22 due to all the new developments along Route 22.

Attorney Loughlin reminded Mr. Spano of 170 Locust that he was still under oath. Mr. Spano expressed his concern regarding security in the parking lot.

Attorney Loughlin duly swore in a resident from Cranford who has three children in the program and spoke in favor of the proposed academy, both in education and development of children.

Attorney Loughlin duly swore in Mr. Yevgeniy Kravchenko of 160 Locust Avenue objected to the application due to the fact that it has become very difficult to get onto Route 22 because of the new building under construction for Life Storage and now the new facility would also take a long time to construct.

End participation.

Several members gave their comments regarding the application.

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

CONDITIONS:

- Developers are to submit an operator's manual
- Signs are to conforming to the ordinance and approval by the Borough engineer
- Tournaments and league games are to be staggered
- Developers are to submit a operations maintenance manual and soil testing report
- Sales of clothing and equipment are to be for teams only, not for outside sales
- No food will be prepared on premises, although they would be allowed a small concession stand
- Developers are to submit a modified site plan showing curb ratio access for approval by the Borough engineer and the board's traffic expert
- All lights are to be on timers and turned off by 10:30 p.m.
- No bonding by the developer would be required
- Landscaping plantings to be guaranteed for a minimum of two years
- Developers are to submit at staging plan for construction to the Borough engineer
- Site plan is to be submitted for approval by the Borough engineer
- Hours of operation, from 7:00 a.m. to 10:00 p.m., are to included in the operations manual for approval by the Borough engineer
- Volleyball and indoor soccer may be permitted in the future
- Developers are to obtain all the required permits and pay all the required fees before construction of the facility

ROLL CALLVOTE:

AYES: Mayor Mirabelli
Co. Dierkes
Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Parker
Mr. Jakositz

NAYS: 0

MOTION: Approved

At 9:55 p.m. to the board a break and resumed in public portion of the meeting at 10:10 p.m.

NEW BUSINESS:

Levi-Cory House, Watchung Avenue, Constitution Plaza, Block 15.08, Lot 2 & 3 Applicant proposed a courtesy review to construct a new porch on the side of the Levi-Cory historical house. This is a Borough-owned building. Existing variance included a use variance that was previously approved by Borough Council for an historic house in the R-2 Zone. This would be an advisory presentation only.

Attorney Loughlin duly swore in Mr. Scott Daniels of 1375 Stony Brook Lane as the chairman of the historical society.

Mr. Daniels explained that the house was moved from New Providence Road to Constitution Plaza in 2013.

He would like to construct a porch onto the side of the historical house, facing the library. They would be using original materials so that it would be similar to when the house was built in 1818. The size of the open-like porch would be 5' x 23'.

The board members commented that Mr. Daniels has done a great job and house looks great.

Upon questioning from Mr. Zawislak regarding an educational center, Mr. Daniels stated that they already use the house as a children's educational center.

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

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Carried

CONTINUATION:

Golden Carriers Inc., 1120 Globe Avenue, Block 23.03, Lot 8.10 – Applicants proposed a change of tenancy and loading dock construction for warehouse and trucking use. Existing variances included lot coverage over 75 percent where 87.3 percent existed, parking in the front yard, parking in rear yard setback, and insufficient driveway aisle width under 24 feet where 19.5 feet existed. New variances included a use variance for overnight exterior truck parking, outdoor storage. Insufficient number of parking spaces and parking space size of 9' x 18'.

Attorney Steve Hehl again represented the applicant for a change of tenancy. He commented on Mr. Disko's latest report.

Attorney Loughlin advised the board as to whether this application was considered a use variance. After Mr. Bader testified what his company did, the board could determine whether it would be a use variance.

Attorney Loughlin duly swore in Mr. Jeffrey Bader of Woodcliff Lake, NJ in the event that the application would be considered a new application, due to the use variance.

Mr. Bader described the nature of his business, how it operated, and what vehicles are used.

Mr. Bader testified that the company is an inter-local trucking company that does business at the ports of New York and New Jersey. Containers are put on chassis and taken to all areas of the United States and New Jersey, or could be taken to a warehouse where the materials would be off-loaded and stored in the warehouse, or transferred to other trucks.

They handle products that come in from overseas. Although there are some haz-mats, they are in the form of consumer products and they are licensed and certified to handle these products. They have obtained all the licenses that are required to transport products to their customers.

Having heard the testimony so far, Mr. Chadwick felt that it was a permitted use. Attorney Loughlin inquired if a use variance would be required. Mr. Chadwick said that it would not be a use variance due to the fact that truck vehicles were always associated with warehousing and that trucks were always parked outside the building. It would not be considered prohibited outdoor storage. Regarding the containers, Mr. Bader stated that they do not ground the containers or take them off the trailers. The containers would always be on wheels. Therefore they should not be considered outdoor storage. Mr. Bader was also aware that he would be limited to 15 trailers.

Per Mr. Matlin inquiry, Mr. Bader described the day to day operations of the trucking business.

Mr. Zawislak inquired about trucks entering and exiting the site. Mr. Bader was going to recommend to their drivers that all the trucks come and go from Route 22 onto Globe Avenue, not Mill Lane, however, he did point out that he had seen many trucks using Mill Lane from their company. Mr. Tomaine stated that trucks should not be using Echo Lake Park. Mr. Zawislak suggested that it be made a condition. Mr. Bader agreed to that.

Having concluded the discussion regarding a use variance was not required for the parking of the trucks, Mr. Zawislak made a motion based upon Mr. Chadwick's recommendation, and Mr. Tomaine seconded the motion to approve the elimination of a use variance.

ROLL CALL VOTE:

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

NAY: 0

MOTION: Approved

Continued as a planning board application:

Mr. Disko informed Mr. Bader that drivers should not drive in residential areas and that they should take either Route 22 or Globe Avenue. Mayor Mirabelli expressed his concern regarding increased truck traffic on Route 22 on a daily basis and also being able to make the U-turn. Locust Avenue residents were already complaining that they were not able to get onto Route 22 because of the traffic. Mr. Younghans stated that maybe trucks could leave during off-peak hours.

Mayor Mirabelli also expressed his concern regarding truck running all night. Mr. Bader stated that the truck would not be running during the night. They would be shut down. Also what about refrigerated products? They do not have too much business that required refrigerated units; mostly pharmaceutical products.

Mr. Matlin inquired as to what haz-mat materials they transport. They deliver flammables, corrosives, aerosols, and pharmaceuticals. They do not do explosives, radioactive materials, fireworks, ammunition, or pesticides.

Mr. Zawislak asked Mr. Disko if he was satisfied with all the issues that were addressed in his memo.

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

There were 48 parking spaces. There will be 15 trailer parking spaces in the rear of the property. The driver's cars would use the same parking space as the tractor trailer.

Two new loading doors would be added. Ten parking spaces would have to be eliminated in the northeast portion of the parking lot and an additional 26 parking spaces in the rear of the parking lot. One ADA parking space would be added.

The board was assured that there would be no outside storage of materials or supplies.

Attorney Loughlin duly swore in Mr. James Watson of EKA Associates in Scotch Plains as the applicant's planner. He reviewed the variances, specifically the parking variance.

Mr. Disko inquired as to whether or not the company would be open on weekends. Mr. Bader stated that it was very rare that the company was open on weekends and there would be any deliveries on weekends.

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

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mrs. Ernestina Almeida of 237 South Fork Road.

Mrs. Almeida expressed her disappointment regarding testimony on trucks coming off Route 22 and pulling onto Route 22 and where the trucks would go once they pull out of the site.

Attorney Loughlin duly swore in Mr. Arlindo Almeida of 237 South Fork Road inquired if the trucks would block Route 22 when leaving the site. Mr. Bader stated that when he considered leasing the property, he felt that there would not be a problem either coming off Route 22 or going onto Route 22. Mr. Tomaine advised Mr. Almeida that the board did not have any authority on determining off-site traffic conditions on a site plan application.

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

CONDITIONS:

- Applicant is to submit an operator's manual for the truck driver route
- Amended site plan that was submitted
- Conditions set forth in Mr. Chadwick's report
- Containers must be on trailers or on wheels at all times

ROLL CALL VOTE:

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

NAYS: Mayor Mirabelli
Co. Dierkes
Mr. Jakositz

MOTION: Approved

Having no further business, the meeting was duly adjourned at 11:30 p.m.

Ruth M. Rees
Secretary

