

**PLANNING BOARD  
JANUARY 29, 2019**

The Mountainside Planning Board met on Tuesday, January 29, 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.

OATH OF OFFICE FOR 2019:

Chairperson John Tomaine

CONTINUATION:

Granico Group LLC/Barnes Tract Redevelopment, 937 and 961 Mountain Avenue, Block 14, Lots 13 and 14 – Applicants proposed site plan and development for a 32-unit townhouse and apartment complex, which included affordable housing units. New variances included height over 36 feet where 39.5 feet was proposed and front yard under 30 feet where 26.4 feet was proposed.

Attorney Jeffrey Lehrer again represented the developer.

Attorney Lehrer informed the board that the developer came to an agreement with Scott and Alyssa Kim of 108 New Providence Road. Exhibit A-9: A copy of the agreement was submitted regarding the right of way from Mountain Avenue and allowing Mr. and Mrs. Kim to continue the right-of-way. The right-of-way would be re-graded.

Mr. Lee Titus continued his presentation. He remained under oath.

Exhibit A-10: Extent of the easement. Maintenance of the access and adding a buffer. Supplemental sheet for questions raised by board members.

1. Adding a handicap parking space
2. Removed one parking space to access the driveway
3. Trash and recyclables would be enclosed by a four-foot stockade fence. The trash enclosure would be at the end of the affordable units. Units 27-32 would be the affordable units.
4. Access from the affordable housing unit
5. More room for landscaping

Exhibit A-11: Additional landscaping along the northerly side

Mr. Zawislak inquired about the proposed path. There would be no changes.

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

Audience participation:

Mr. Tertia Moore, 981 Mountain Avenue Inquired if there were any changes to the footpath. The footpath would end at her property and that people and dog-walkers would cross on her property. Attorney Lehrer stated that there was no other place to put it. The county park between the path and her property was approximately 25 feet. Mr. Chadwick stated that it would be more functional to keep pedestrians on the sidewalk along Mountain Avenue and not through the development. It was suggested to eliminate the path and put in a sidewalk. Attorney Lehrer stated that he did not know if the County would agree to that. It would have to be made into a condition.

Attorney Loughlin duly swore in Ms. Elizabeth Dolan of Dolan and Dean in Somerville, NJ as the applicant's traffic expert. She did not have to give her credentials.

Ms. Dolan received the report from NV5. She also prepared a traffic report and conducted a traffic count.

Ms. Dolan testified that the access driveway would be safe as well as the internal roadway in the complex would be safe and sufficient.

Mr. Meth stated that the morning traffic would not be too bad, however, the evening traffic would be backed up and residents may turn right instead of waiting.

Mr. Meth expressed his concern about the proposed access driveway and discussed the two-way driveway and if a two-way driveway was necessary. If school buses enter the complex and make a right turn, they would not be able to make that turn if someone was going out and making a left. Mr. Meth suggested one lane. Mr. Titus stated that they designed the driveway based on Mr. Disko's suggestion. It was suggested that the driveway to two lanes going out. Mr. Meth stated that there would be no need for two lanes. The roadway width would remain the same, however, the striping would change.

Curb returns: 90 degree right angle curbs return instead of a radius. Mr. Meth would like to see a radius curb. The County may agree.

Sign: Mr. Meth suggested signage at the driveway; "Do Not Block Driveway".

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

#### AUDIENCE PARTICIPATION:

Mrs. Tertia Moore, 981 Mountain Avenue, raised her concerns regarding getting onto her property in late afternoon.

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

Attorney Lehrer gave his summer to the board.

Board's comments:

The board discussed the matter of egress from the site; Mr. Meth's suggestion that there would be only one lane instead of two. The board agreed and voted to have only a single lane instead of two lanes. Attorney Loughlin stated that if there was a problem in the future it could be amended.

Discussion was closed.

Mr. Zawislak again raised the issue if the sidewalk in front would be included.

The board voted to re-open the meeting.

Mr. Chadwick discussed the proposed turrets.

Mr. Younghans discussed the proposed 32 street lanterns and wanted it a condition that the developer would work the Borough engineer to make sure the neighbors were protected from any light from the lanterns and they would be on timers. It was suggested that this stipulation be in the homeowners' association contract that the lights be turned off at 10:00 p.m. The board also discussed the

proposed carriage lights that would be over the garage doors. After conferring with the applicant, Mr. Lehrer stated that there would be no lights over the garage doors.

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

CONDITIONS:

- Revised plans to include the revised exit driveway plan
- Revised lighting plan with timers to be approved by the Borough engineer. Lights to be turned off at 10:00 p.m.
- Provide a maintenance manual for the proposed drainage facilities
- Conclusion and discharge of the easement with Mr. and Mrs. Kim
- Applicant to pay all sewer fees set by the Borough engineer
- All drainage work to be approved by the Borough engineer as well as storm water controls
- Developer to pay all bonds set by the Borough engineer
- All signs to be approved by the Borough engineer
- Developer to add an additional handicap parking space
- Developer is to comply with the Borough attorney regarding the affordable housing obligation
- All conditions regarding the redevelopment plans are to remain in full force
- Developer will maintain the fences on the north side of the site
- Developer will make any effort to relocate the proposed path
- Staging plan for all construction work
- Construction work subject to approval by the Borough engineer
- Protective barriers to be installed
- Landscaping to be finalized subject to the clearing of the site
- If the relocation of the path cannot be resolved with the County, perhaps it could be resolved administratively

ROLL CALL VOTE:

AYES: Mayor Mirabelli  
Co. Dierkes  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Younghans  
Mr. Jakositz  
Mr. Ford

NAYS: 0

MOTION: Approved

Anthony R. Davis Agency Inc., 865 Mountain Avenue, Block 13, Lot 5 – Applicant proposed a change of tenancy and sign replacements for an insurance agency using common parking with Lots 4 and 4.01. Existing variance includes front yard under 5 feet where 0 feet exists. New variance includes insufficient number of parking spaces.

Mr. Richard Schkolnick, Esq. represented the applicant for a change of tenancy.

Attorney Schkolnick noted the location of the unit on Mountain Avenue. The unit was vacant. There would be no changes to the site plan.

Exhibit A-1: site plan for office space.

Attorney Loughlin duly swore in Mr. Robert A. Davis of Westfield as president of the insurance agency. The unit would be occupied for office space. The agency would relocate from Westfield, NJ to Mountainside.

There would be six employees. The agents would go to the customer's homes. The customers would rarely go to the office.

Exhibit A-2: The proposed new signs would replace the previous tenant's signs.

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

CONDITION:

- Any sign must conform to the Borough's ordinance and must be approved by the Borough engineer

ROLL CALL VOTE:

AYES: Mayor Mirabelli  
Co. Dierkes  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Younghans  
Mr. Jakositz  
Mr. Ford

NAYS: 0

MOTION: Approved

Golden Carriers Inc., 1120 Globe Avenue, Block 23.03, Lot 8.10 – Applicant proposed a change of tenancy and loading dock construction for warehouse and trucking use. Existing variances include 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 insufficient number of parking spaces, and parking space size of 9' x 18'.

Mr. Steve Hehl, Esq. of Javerbaum Wurgaft in Union NJ represented the applicant for the change of tenancy.

The building is currently vacant. There would be no changes to the size of the building or the parking lot. The only addition to the building would be the construction of a loading dock.

The company would be relocating from Hillside to Mountainside. The company would occupy the building for warehouse and office space.

The variances were reviewed.

Mr. Tomaine inquired about the location and address of the building. There used to be two buildings but years ago the buildings were merged to create one building.

Attorney Loughlin duly swore in Mr. Jeffrey Bader of Woodcliff Lakes as the owner and managing partner of the company.

Mr. Bader described what the company does and the day-to-day operation of the company. His trucks go from ports-of-call in New York and New Jersey to all over New Jersey.

He would like to relocate his company to Mountainside due to the central location for the ports as well as major highways.

There are currently two loading doors and they would require an addition loading door.

There would be a total of 23 employees.

Each truck driver would assign a parking space, both for his car and truck. Mr. Bader described the size of the trucks that would be used by the drivers. Mr. Zawislak noted that our ordinance did not allow overnight truck parking in the Limited Industrial Zone. Attorney Loughlin and Mr. Younghans agreed.

Mr. Bader stated that the trucks would be parked behind the building and not be seen from the front of the building. Attorney Loughlin informed the applicant that overnight truck parking would be considered a variance and would have to be noticed. Attorney Loughlin stated that it was not covered in the notice.

Attorney Loughlin advised the board that it was not a permitted use. The board reviewed Mr. Disko's report. After a lengthy discussion regarding overnight truck parking, the members put in a call to Mr. Disko, who was attending a conference. He concurred with the board that it was not a permitted use. However, he did state that the board had the authority to waive the variance and treat it as a design waiver.

Mr. Bader explained the types of tractor trailers and chassis they use. There would be no box trucks, only tractor trailers. The trucks and cabs would be parked overnight. The containers would have already been delivered.

Due to improper notice, Attorney Loughlin informed the applicant that they would not be able to continue the application. The application must be re-noticed.

Due to time constraints with the applicant having to relocate from Hillside, NJ, Attorney Hehl requested a special meeting. The board to have a special meeting for the applicant on February 12, 2019 at 7:30 p.m. The application would be re-noticed.

Application adjourned.

At 9:40 p.m. the board took a break and return to the public portion of the meeting at 9:50 p.m.

Goodwin, 1253 Deerfield Court, Block 16.09, Lot 30 – Applicants proposed a rear yard deck. New variance included ground projection over 3.75 percent where 5.3 percent was proposed.

Attorney Loughlin duly swore in Mr. Michael Goodwin, the homeowner and Mr. Scott Goodwin his brother.

The proposed deck would be built over the existing patio.

The variance was reviewed.

Mr. Goodwin described the house as well as the overhangs. Mr. Goodwin explained that when he moved into the house, the pool that was shown on the survey had already been removed.

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

ROLL CALL VOTE:

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

NAYS: Mr. Tomaine

MOTION: Approved

Herttua/Spencer, 23 Tanglewood Lane, Block 22.02, Lot 8 – Applicants proposed a driveway expansion into the side yard setback. New variance includes driveway in the side yard where 12.7 feet was required and 5.2 feet was proposed.

Attorney Loughlin duly swore in Ms. Patricia Spencer and Mr. Jon Herttua as the homeowners.

Mr. Herttua gave a history of both the old house and the new house that was just completed. He explained where the house is now situated. They are on a cul-de-sac. The original stone detached garage was demolished.

The driveway is now at the edge of the property line. There is a variance for the side yard setback.

Exhibit A-1: Property survey

Mr. Herttua would like to change the location and configuration of the driveway in order to pull the cars into the garage much easier. Right now, they would have to do K-turns in order to get into the bays. They proposed to reduce the square footage of the driveway.

Under the existing driveway, vehicles would be shining into their neighbors' house.

Mr. Tomaine inquired about the utility pole. Mr. Herttua stated that the utility pole would remain.

Exhibit A-2: Survey of overlay landscaping plan. Landscaping would be planted along the property line. Mr. Herttua felt that landscaping would look much nicer than a fence.

Exhibit A-3: Plan showing the neighbors' driveway and applicant's driveway.

Ms. Spencer stated that the proposed driveway would be much safer than the existing driveway. Right now, you cannot see children, etc. when backing out of the driveway.

Exhibit 4: 7 Tanglewood Lane  
Exhibit 5: 12 Tanglewood Lane  
Showing driveways in the side yard

Mr. Herttua stated that although two neighbors, Mr. Miskewitz of 19 Tanglewood Lane and Mr. Camaro of 20 Tanglewood Lane could not attend the meeting, they had no objections to the application.

Mr. Ford expressed his concern that there was no hardship to reconfigure the driveway. Mr. Herttua explained that it was very difficult to turn the cars into the garage bays, and also having headlights shine into their neighbor's family room. The new driveway would not be seen from the street.

He is going to make the driveway wider. He will plant nice landscaping so that the neighbors would not see them going into and out of the driveway.

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

CONDITIONS:

- Landscaping plan to be submitted for approval by the Borough Engineer
- Subject to Exhibits A2 and A-3

ROLL CALL VOTE:

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

NAYS: Mr. Garran  
Mr. Ford

MOTION: Approved

Having no further business the meeting was duly adjourned at 10:35 p.m.

Ruth M. Rees  
Secretary























