

PLANNING BOARD
JUNE 23, 2019

The Mountainside Planning Board met on Tuesday, June 23, 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.

The minutes of the May 28, 2019 meeting were approved as presented.

MEMORIALIZATIONS:

Aguiar, Salvino and Melim, Marylene, 1361 Stony Brook Lane, Block 15.02, Lot 18 – Construction of deck onto a single-family dwelling. A motion was made and seconded to approve the resolution. All those who were eligible to vote, approved the resolution.

Herits, Adam and Jennifer, 1294 Wood Valley Road, Block 16.13, Lot 18 – Construction of an addition onto a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Mistretta, 513, Woodland Avenue, Block 21, Lots 1 and 5 – Construction of a family room addition onto a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

NEW BUSINESS:

Gary Cantagallo, 133 Hidden Circle, 15.05, Lot 25 – Applicant proposed soil moving activities in the rear yard of a new single-family dwelling, and requiring site plan review.

Mr. Tomaine and Mr. Garran recused themselves from hearing the application. Mr. Zawislak acted as chairperson.

Attorney Loughlin duly swore in Mr. Gary Cantagallo, the homeowner and applicant.

Mr. Cantagallo explained that the rear yard property needed to be leveled out and a new drainage system needed to be installed.

He had several truckloads of soil were delivered that was estimated to be over 5,000 square feet and over 13 cubic yards and did not know that he needed permission from the zoning officer and that that much soil required board approval. Mr. Cantagallo explained that approximately 200 yard and 10 truckloads were delivered. Mr. Disko informed the board that site plan review was required.

Mr. Zawislak inquired as to whether the property would not be higher than the neighbors and Mr. Cantagallo stated that it would bring the property level to all the neighbors.

Mr. Matlin inquired if it impacted the neighbors and Mr. Cantagallo said that it would not because he installed a new drainage system in order to collect the water coming from his neighbor's.

Mr. Cantagallo stated that drains and inlets would be installed in the middle of the property that would eventually drain into the municipal drains.

Mr. Disko explained that there was an easement on the eastern side of the property and there are municipal drains that exits onto Mr. Cantagallo's property. Mr. Disko further explained the proposed drainage system on Mr. Cantagallo's property.

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

AUDIENCE PARTICIPATION:

Mr. Arthur Mezza of 1338 Hidden Circle inquired how the water was going to affect Stony Brook Lane. Mr. Cantagallo stated that there would be no affect on that street.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Michael Burke of 1337 Hidden Circle.

Exhibit B-1: Binder that was submitted showing Mr. Cantagallo's property; rear yard.

Mr. Burke testified that problems started when Mr. Cantagallo started constructed. Mr. Cantagallo had approached Mr. Burke to the fact that water was running from Mr. Burke's property onto Mr. Cantagallo's property. Mr. Burke then described the existing drainage system.

Mr. Burke stated that now, due to the fact that Mr. Cantagallo's property was now higher than Mr. Burke's property, the water was now pooling. Mr. Burke offered to pay for any connection from one drainage system to another. Mr. Cantagallo installed his own drainage system

Mr. Burke said that Mr. Cantagallo had multiple truckloads of soil delivered. Mr. Burke expressed his concern as to whether the soil had been tested and how much soil was delivered. Mr. Cantagallo informed the board that at the time that the soil was delivered, he was not aware that there was a soil moving ordinance. He also stated that he used the soil from the construction of the house to level off his property. As soon as the Borough was notified, he stopped bringing in any more soil.

At the same time, he stated that he met the Borough's ordinance for the grading plan.

Mr. Cantagallo stated that once the drains have been installed all the water would be directed to those drains. Mr. Disko explained the soil moving and drainage plans that were submitted to him. Due to run-off from Mr. Burke's property, Mr. Cantagallo stated he would like to capture the water at the property line and direct it to the drain and cover the drain with soil. Mr. Cantagallo stated that once the drywells on Mr. Burke's property have reached their capacity, the water runs off and onto his property.

Mr. Zawislak inquired about the stairway. Mr. Cantagallo stated that the garage was underneath the house. The driveway pitches down and is level to the basement. The ground around the basement needed to be raised up. The proposed steps would be connected to a paver walkway around the garage. The walkway should be level to the rear yard.

Mr. Disko explained the existing and proposed property conditions as well as the location of the two catch basins located on Hidden Circle.

Mayor Mirabelli inquired as to the elevations when all the soil has been distributed. Mr. Disko stated that the elevations should be alright. Mr. Disko gave the board a summation of the soil moving ordinance. Mr. Disko informed the board that a soil moving permit had not yet been issued until approval by the board.

When talking about clean fill being brought onto the site, Mr. Cantagallo stated that the soil was already tested and the Somerset-Union Conservation District had already been notified. A letter was submitted to the board.

Mayor Mirabelli requested an “as built” plan be submitted from the homeowner. Mr. Disko agreed. EKA Associates, who prepared the grading plan, would probably provide the Borough with an “as built” plan.

Mr. Disko advised the board regarding exactly what the homeowner was planning to do and what he must do with his property.

Mr. Burke expressed his concern regarding the long-term effects of water run-off on his property.

Attorney Loughlin duly swore in Mr. Alan Goldstein of 1328 Stony Brook. His property is located behind Mr. Cantagallo’s property. He stated that he has been impacted by the number of trees that have been removed from Mr. Cantagallo’s property and that have been getting water onto his property. He would like to see the proposed drainage system. Mr. Zawislak explained that Mr. Cantagallo added soil to his property to lessen the amount of water from Mr. Burke’s property, and a drainage system in order to remove the water from his property. Mr. Younghans said that the proposed plan would improve run-off on the site.

Mr. Cantagallo also informed the board that landscaping would be added in the rear of the property.

Attorney Loughlin duly swore in Mr. Corey Woodring of 1341 Hidden Circle objected to the fact that work was done without permission and Mr. Cantagallo was going before the board requesting permission to do what had already been done.

Attorney Loughlin duly swore in Mrs. Patricia Burke of 1368 Upland Road. Mrs. Burke also objected to the fact that work was done without permits or approvals.

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

CONDITIONS:

- Applicant must comply with all the conditions set forth in the Borough Engineer’s memo.
- Applicant is to submit an “As-Built” survey from EKA Associates once the work has been completed in order for the engineer to compare the plans that were submitted to him with as “As-Built” plans.

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Joshua Mandel/SPT Group LLC, 1100 Globe Avenue, Block 15.05, Lot 25 – Applicant proposed a Change of Tenancy for a gym/fitness/cross fit use. Existing variances include side yard under 15 feet where 11.7 feet exists, lot width under 125 feet where 121.38 feet exists, lot coverage over 75 percent where 87 percent exists. New variance includes insufficient parking per the L>I> Zone, use standards, and lot coverage over 75 percent where 87.2 percent is proposed.

Mr. John Frieri, Esq. represented the applicant for a Change of Tenancy.

Attorney Loughlin duly swore in Mr. Joshua Mandel of Cranford, NJ as the owner of SPT Group LLC,

Mr. Mandel is the owner of a cross/fit gym that is currently located in Cranford, NJ. and, if approved, would be relocating to Mountainside.

There would have small group classes that consist of 8-10 people. Mr. Mandel teaches the majority of the classes. No classes would be held outside the building. There would be no outdoor activities at this location. If an outdoor class were held, the people may meet at Echo Lake Park, in advance.

Music would be played during the classes, however, it would not be too loud.

Exhibit A-1: Floor plan, office and warehouse areas

All the equipment that would be used during the classes will be on a stand, on wheels so that they could be moved around.

Other rooms would be used for storage, lockers, etc.

Mr. Mandel described how a person can join the gym. The open warehouse space would be used for the classes. Only one class would run at a time.

They would not have a juice bar, however There may be a vending machine.

It is a membership club only. There is no individual teaching, only group classes.

At this time Attorney Frieri reviewed Mr. Disko's report and Mr. Chadwick's report as well as the existing variances. Mr. Chadwick suggested that the proposed sign be relocated. Mr. Mandel preferred that the proposed sign be located on the side of the building where the clients would enter. The name of the gym would be placed on the door.

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

Attorney Loughlin duly swore in Mr. Michael Torstrup the building owner. The owner owns two buildings and the area is paved between the two buildings. In order to

reduce lot coverage, the area from the overhead door to the front of the building could be converted back to grass.

The number of parking spaces was reviewed. There would be 27 9' x 18' parking spaces and two van handicapped parking spaces. 36 parking spaces would be required.

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

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

CONDITIONS:

- Parking lot area to be re-paved
- Area from the overhead door to the front door to be converted to grass
- No outdoor activities to be permitted
- Parking spaces to be re-stripped

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Hine/Shann, 247 New Providence Road. Block 3.02, Lot 8 – Applicants proposed an addition onto a single-family dwelling. Existing variance included side yard under 10 percent width where 10.6 feet exists. New variances included driveway in the side yard where 6 feet is proposed, and a use variance for garage parking for four cars.

Attorney Loughlin duly swore in Mr. David Bailey of Westfield, the architect.

Attorney Loughlin expressed his concern regarding the accuracy of the application, if the proper notice had been given and the variances.

Mr. Chadwick, the board's planner reviewed the application.

Attorney Loughlin inquired if the house should be considered a multi-family dwelling, due to the fact that non-family members would be moving into the house.

Permits were issued the addition of the house. The applicants were coming before the board for the driveway as well as a four-car garage.

Mr. Bailey assured the board that this would remain a single-family dwelling and would not have a separate entranceway. There would not be a separate apartment. Mr. Chadwick stated that since there would not be an additional kitchen, it would not be considered a two-family house.

At this time, the board took a recess at 9:50 p.m. and returned to the public portion of the meeting at 10:00 p.m.

Exhibit A-1: Photographs of the property and the construction of the addition. The addition was almost complete.

Due to the addition, the driveway had to be reconfigured. There was already a two-car garage and the homeowner would like to add an additional two-car garage. One two-car garage would be in the basement with a side entry, and the existing two-car garage would be on the first floor with the door facing the street. Therefore there would be two, two-car garages on different levels of the house. One garage would be for Mrs. Hine and the other would be for the caregivers. Mr. Bailey stated that he was willing to close off one of the bays in order to make it a three-car garage.

Attorney Loughlin duly swore in Dennis and Denise Shann, and Maria Hine, the homeowner.

Mr. Disko advised the board regarding front yard setbacks in relation to the new addition.

The board discussed the proposed four-car garage application, the board's concern as to whether this house would still be considered a single-family dwelling, and the suitability of the proposal. Attorney Loughlin also advised the board regarding "deconstructing" this single-family dwelling and also expressed his concern that this house would be converted to a multi-family dwelling without the Borough's knowledge.

Mrs. Shann spoke regarding their relationship with the homeowner and their reasons for wanting to add onto the garage.

Mrs. Shann assured the board that they would not be tenants in the house; they would live in the house. It would remain a single-family dwelling. She explained that there are currently only three bedrooms and one bathroom in the house.

The reason they would like to add additional bays to the garage was due to the fact that Mrs. Hine's garage should only be considered a one-car garage. The second bay had built-in shelves that prevented a car being driven in. Also, there was no parking on New Providence Road.

They would be living in Mountainside full-time. They would have two cars in a garage, if approved.

Mr. Matlin inquired as to why the addition was not designed to accommodate two cars. Mr. Shann stated that Mrs. Hine still had her car in the existing garage. Mrs. Shann stated that there was not enough room to park two cars in the driveway.

Exhibit A-2: Photograph of the existing garage

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

Mr. Disko stated that the existing garage could be converted back to a two-car garage by taking out the shelves. Mr. Bailey said that the original concept was to conform to a three-car garage. However, now Mr. and Mrs. Shann wanted to have a four-car garage. He stated that the proposed four-car garage would not be seen from the street.

Attorney Loughlin advised the board regarding the suitability of the proposed use of the property, and the proposed four-car garage.

Mrs. Shann informed the board that based upon the number of people that maintain the property, it would be better to keep the cars in the garage.

The members gave their comments to the applicant.

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

ROLL CALL VOTE:

AYES (to deny) Mr. Disko
Mr. Tomaine
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Jakositz

NAYS: Mr. Zawislak

MOTION: Application denied

Due to the late hour, the applications of Vincent Ferraro of 1171 Foothill Way, and Lafferty/Vega of 387 Creek Bed Road were postponed until the July 23, 2019 meeting.

Tyson/Salmond, 1575 Brookside Road, Block 8.02, Lot 14 – Applicant proposed to install solar panels onto a single-family dwelling. Existing variances included foundation area over 15 percent where 15.2 percent exists, and walkway in the side yard where 1.5 feet exists. New variance included the solar panels which are considered an accessory structure and use.

Attorney Loughlin duly swore in Mr. Tyson, the homeowner and Mr. Luis Sagastume, a representative of Green Power Energy LLC.

Mr. Sagastume informed the board that the panels would be installed on the rear of the roof. There would be 39 panels. The panels would be black with white trim. The rails would be black.

No trees would have to be removed.

Mr. Sagastume described the proposed system.

The roof would be able to support the solar panels.

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

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

NAYS: 0

MOTION: Approved

Having no further business, the meeting was adjourned at 11:15 pm.

Ruth M. Rees

