

**PLANNING BOARD
MAY 28, 2019**

The Mountainside Planning Board met on Tuesday, May 28, 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, Parker, Tomaine, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Messrs. Matlin and Younghans

The minutes of the April 30, 2019 meeting were approved as presented.

MEMORIALIZATIONS:

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. Mr. Zawislak made a motion to approve the resolution and Mr. Parker seconded the motion. All were in favor.

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. Zawislak made a motion to approve the resolution and Mr. Parker seconded the motion. All who were eligible to vote voted in favor of the resolution.

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. Mr. Garran made a motion to approve the resolution and Mr. Parker seconded the motion. All those who were eligible to vote, voted in favor of the resolution.

NEW BUSINESS:

Aguiar, Salvino and Melim, Marylene, 1361 Stony Brook Lane, Block 15.02, Lot 18 – Applicants proposed to construct a deck onto a single-family dwelling. Existing variances included lot area under 15,000 square feet where 10,085 square feet existed, lot width under 100 feet where 75 feet existed, foundation area over 15 percent where 22 percent was granted, floor area ratio over 22.5 percent, lot area within 150 feet. New variance included lot coverage over 30 percent where 34.5 percent was proposed.

Attorney Loughlin duly swore in Mr. Salvino Aguiar, the homeowner.

Mr. Aguiar testified that he would like to construct a new 14' x 27' deck that would be attached to the house.

Upon questioning from Mr. Tomaine. Mr. Aguiar stated that he wanted to construct only a deck, not a patio.

Attorney Loughlin inquired as to why the plans were so old; from 2013. Mr. Aguiar stated that they needed to clear up some variances, so they had to wait before coming before the board. The application was approved when they appeared before the board in 2013. Mr. Disko advised the board regarding the original variances. He pointed out that lot coverage was reduced. Mr. Disko stated that the proposed deck was considered a “walk-out deck”.

The steps leading to the basement were going to be closed. There would be two sets of stairs: one to the landing and one to ground level.

The board discussed whether the basement would be considered useable space. Me. Disko stated that the floor area ratio was exempt. The board then discussed the proposed stairs and access to the basement.

The service door to the garage was no longer there.

Exhibits presented by Mr. Disko:

B-1: Minutes of the meeting from 2013

B-2: Review from 2013

B-3: Resolution from 2013, highlighting several sections of the resolution.

Photographs of the back yard showing debris and a hole near the basement were submitted with the application. Mr. Aguiar explained that they dug the hole in order to gain access to the basement. However, Mr. Tomaine stated that the hole was not near the house, it was on the opposite side of the property. Mr. Aguiar assured the board that he would clean up the property.

Attorney Loughlin informed Mr. Aguiar that it was a condition in the 2013 resolution that he would remove two patios and a deck and that they would not be replaced. Now, Mr. Aguiar would like the board to allow him to construct a deck. Attorney Loughlin wanted Mr. Aguiar to explain why the board should not honor that condition. Mr. Aguiar would only explain that the patio was removed.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Dunlap of 1357 Stony Brook Road. Mr. Dunlap expressed his concern regarding run-off and the conditions of the property. He was afraid of the affect on the properties. Mr. Aguiar assured Mr. Dunlap that he would clean up the property and add landscaping once the deck is completed. When Mr. Dunlap inquired about a time-line for completion, Mr. Aguiar stated that it would take approximately one year to complete the project and clean everything up. Mr. Zawislak informed Mr. Aguiar that the conditions of the property have nothing to do with the construction of the deck. He wanted Mr. Aguiar to clean up the property.

Retaining wall: Disko stated that there was going to be a retaining wall and he wanted to see plans of the wall for his review and approval. It would then go to the Building Department.

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

CONDITIONS:

- The deck is not to be enclosed nor have a roof
- A drainage plan is to be submitted to the Borough Engineer for his approval
- A landscape plan is to be submitted to the Borough Engineer for his approval
- Debris to be removed and property to be clean up

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Jakositz
Mr. Ford

NAYS: Mr. Tomaine

MOTION: Approved

Herits, Adam and Jennifer, 1294 Wood Valley Road, Block 16.13, Lot 18 – Applicants proposed to construct an addition onto a single-family dwelling. Existing variances included lot area under 15,000 square feet where 13,601 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet. New variance included side yard under 10 feet or 10 percent width where 8.9 feet was proposed.

Attorney Loughlin duly swore in Mr. Adam Herits and Mr. Donald Rinaldo of Enterprise Builders, as the contractor.

Mr. Rinaldo explained that several years ago, the ordinance regarding side yard setback changed from 8 feet to 10 feet so this proposal triggered a variance.

Mr. Rinaldo reviewed the pre-existing conditions.

The applicant would like to construct a second story addition – add a level. Mr. Rinaldo stated that he would like to go straight up. The master bedroom and closet would be over the garage

The addition would also allow the garage to be extended by 4 feet to be able to put in a car and also allow the homeowners to go into the house without going outside. The garage addition would be constructed in the front yard and would not violate the front yard setback, rear yard setback, or 30 percent coverage.

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

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

ROLL CALL VOTE:

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

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 existed. New variances included driveway in the side yard where 6 feet was proposed, and garage parking for four cars.

Attorney Loughlin duly swore in Mrs. Marie Hine, the homeowner and Dennis and Denise Shann, family friends. Mrs. Shann testified that she and her husband would reside with Mrs. Hine if the addition was approved.

Upon questioning from Attorney Loughlin, Mrs. Shann indicated that her architect was not present for the hearing. In Mr. Disko's report, he raised questions that only the architect could answer. Mr. Disko also informed Mrs. Shann that he had questions regarding the addition that only Mr. Bailey could answer. Mrs. Shann stated that she did not think that Mr. Bailey, the architect would have to be at the hearing.

Attorney Loughlin informed Mrs. Shann that there were several issues that needed to be resolved:

- The accuracy of the application
- The accuracy of the notice
- If the house is now a single-family dwelling, whether or not a proposed separate entrance and access to the house would make it a multi-family dwelling
- If the proposed four-car garage would trigger a use variance

Due to the above issues, Attorney Loughlin expressed his concern as to whether the board should proceed with hearing the application. If the proper variances were not listed, the notice would not be accurate. Therefore, Attorney Loughlin advised the board not to hear the application.

At this point, Attorney Loughlin advised the applicants that this application could not continue and that it would have to be postponed.

The board agreed and the application was postponed.

APPLICATION: Postponed

Mistretta, 513 Woodland Avenue, Block 21, Lot 1 and 5 – Applicants proposed a family room addition onto a single-family dwelling. Existing variances included front yard under 30 feet where 2 feet existed, side yard under 10 feet or 10 percent width where 7 feet existed, lot area under 15,000 square feet where 9,815 square feet existed, lot area within 150 feet, and driveway in the side yard. New variances included front yard under 30 feet where 10 feet was proposed, ground projection over 3.75 percent where 4.1 percent was proposed, and rear yard under 30 feet where 22 feet was proposed.

Attorney Loughlin duly swore in Luke and Tarra Mistretta, the homeowners and Mr. Daniel Falcone, the architect. Mr. Falcone did not have to give his credentials.

Mr. Falcone reviewed the variances.

Mr. Falcone explained that the house was very small and on a very small irregularly-shaped. The front and rear yard setbacks overlap each other.

The applicants would like to construct a one-story addition. The addition would be further back and set back from the front of the house.

Mr. Falcone proposed to the board a one room, one story addition.

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. Zawislak seconded the motion.

CONDITION:

- The addition is to remain a one-story addition

ROLL CALL VOTE:

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

NAYS: 0

MOTION: Approved

Having no further business, the meeting was duly adjourned at 8:50 p.m.

Ruth M. Rees
Secretary

