

BOROUGH OF MOUNTAINSIDE
Planning Board Meeting **MINUTES**
February 25, 2020

FLAG SALUTE & CALL TO ORDER

The meeting was called to order at 7:30 p.m. in the Mountainside Municipal Building. Chairman Tomaine read the Open Public Meetings statement in accordance with the law. No new witnesses beyond 11PM.

ROLL CALL

Present

Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Parker, Mr. Matlin, Mr. Jakositz, Ms. Dillon

Absent

Mayor Mirabelli
Councilman Dierkes
Mr. Kostin

Also Present

Vince Loughlin, Board Attorney
John Chadwick, Board Planner

Chairman Tomaine announced that Alpine and Doherty applications that were originally scheduled for tonight, have been adjourned to next month, March 24, 2020 as per applicants' request, and No New Notice is required.

PLANNING BOARD

APPLICATIONS:

COUPER - Block 3.02, Lot 21 (260 Apple Tree Lane)

Pool with Patio in rear yard and Land Grading

Attorney Vince Loughlin swore in applicant and homeowner, Eric Couper of 260 Apple Tree Ln. Chairman Tomaine stated that that planning board has reviewed this case due to the movement of soil; in accordance with Article 9.11 the board has the authority to review. Mr Loughlin stated, for the record, that Mr Couper did appear before the board last year. The board enacted a resolution dated April 30, 2019 regarding that hearing and Attorney Loughlin directed to mark that resolution for record as part of this hearing.

Mr Couper stated that his application proposes an added pool, patio, and grading to his property. The plan is to maintain the existing characteristics of the yard with addition of retaining walls around the pool to support the structure. Also taken into consideration was the drainage with addition of an overflow tank and a fence will be installed surrounding the pool. Chairman Tomaine stated the property slopes South, toward the rear of the property and asked Mr Disko if the Soil Conservation District has to be notified, which is confirmed. Removal of more than 5000 square feet of disturbance will need to be reviewed by the Somerset/Union Soil Conservation District. Mr Couper has already spoken to them and confirmed he will apply

for an application. Any additional soil that cannot be contained at the sight will be removed by the excavator and taken to a non-disclosed location decided by the excavator company. Mr Disko explained drainage and soil moving have 2 main thrusts of the ordinance. First, any imported fill has to be hazardous free, so applicant needs to indicate if he's bringing in any outside fill or using fill from the site. Second, minimize impact to off-sight areas. An engineer has been retained by the applicant and a seepage system has been designed to collect roof drain areas and gutter areas from rear of the house. The rain is directed to a seepage pit and there is an area drain. Also, a yard inlet which will act as the overflow device which is located immediately adjacent to the driveway. The driveway is curved so any overflow will be directed to the street on Apple Tree Lane, which has catch basins that are designed for a 100 year flood for the net increase in run-off. The applicant's system has been sized properly and the applicant has met requirements for drainage. Applicant confirmed no new dirt will be brought in for this project.

Mr Disko confirmed no other new variances will be needed. Grading changes will be minimal, will need to manipulate 2-3 feet of the slope to accommodate the leveling as coping needs to be level. Drainage patterns remain the same unless the rain brings the water higher than the coping to produce run-off, but other than that circumstance, there will be no other run off. Sizing of the underground system, with the overflow, is appropriate.

Mr Loughlin addressed that the prior resolution had a requirement for the applicant to present a landscaping plan. Mr Disko stated the prior plan had a substantial landscaping condition to mask large retaining walls, this plan is different with much smaller walls and will not require the amount of landscaping as was included with the April 2019 plan.

Fence will be black aluminum and will up to code.

Public Comments: No public question or comments.

Motion for board to close and vote on variance made by Mr. Zawislak, seconded by Mr. Jakositz.

Roll Call:

Aye: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Parker, Mr. Matlin, Mr. Jakositz

Nay:

Abstain:

Result: APPROVED

BOARD OF ADJUSTMENT

Basile - Block 22.01, Lot 8.05 (7 Little Court)

Outdoor Kitchen with Roof. Rear Covered porch, proposed ground projections at 5.2% with 3.75% allowed.

Attorney Loughlin swore in Donald Rinaldo of 228 Evergreen Ct, Mountainside, owner of Enterprise Homebuilders, and applicant Anthony Basile of 7 Little Court. Mr Basile authorized Mr Rinaldo to speak for him.

Chairman Tomaine stated that the only relief sought for this case is ground coverage. Mr Rinaldo summarized that the coverage projections variance is a plan is to build a covered, raised patio/porch with an outdoor kitchenette center and a fireplace at the rear to be used for

outdoor recreation. The ordinance allows for 3.75% coverage and the project would bring them to 5.1% coverage.

Attorney Loughlin swore in Architect Andrew Adronato, with USA architect, at 20 North Doughty Ave, Somerville, NJ. First time before this board and Mr Adronato provided his educational and registration information.

Mr Adronato stated the project does not include any lot coverage/building footprint addition, but does include a covered patio that brings the variance before the board. Current lot coverage is 21.3%, the allowable is 30% and proposed is 21.7%, so increase is .4% lot coverage with is about 110 square feet. There is an existing open paved patio on site, it will be replaced by a covered outdoor living space. Shingles, roofing and stone veneer for the new structure will match the existing house. Exhibit A-1 is submitted and specific details discussed. The design is for an outdoor area with amenities of a modern house including an outdoor kitchen with a grill, a seating area and a living room area with a fireplace for family to gather around the television. The foundation will match the existing foundation with a concrete foundation, the pavers will be limestone to match the existing. Roof is asphalt shingles.

Mr Matlin stated it is an oversized lot to begin with and although, the proposed outdoor area is substantial, it is still not a large amount over on lot coverage, Mr Adronato confirms. Mr Zawislak inquired about the roof and the new roof will be flashed into the existing roof. It is a one story with a ground level patio with 2 steps down to grade, so without the roof it would not need a variance. The roof attachment to the house makes it more esthetically pleasing to the eye. The structure will be open on 3 sides and attached to the house on the fourth side. Mr Adronato explained the structure has a continuous footing foundation and will be tied into the existing foundation unlike a covered porch with a post and beam foundation. The height from ground to roof is 16 feet with a ridge roof.

Mr Disko asked about the conservation easement and if there is vegetation, applicant responded that the easement is open and no trees have been taken down.

Attorney Loughlin suggested that if the board is inclined to approve this application, to note that the structure cannot be enclosed and used for living space at any future point in time before re-appearing before the board.

Public Comments:

No public question or comments

Motion for board to close and vote on variance made by Mr. Matlin, seconded by Mr. Zawislak.

Roll Call:

Aye: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Parker, Mr. Matlin, Mr. Jakositz

Nay:

Abstain:

Result: APPROVED

Mr Garran recused himself from any further discussion at 8:02PM.

Drive Auto Works - Block 23, Lot 20 (1167 Route 22)

Change of tenancy use. New Space for Garage in previous office space.

Stephen Hehl, attorney representing Drive Auto Works application addressed the situation that there are 2 separate applications for this applicant (1167 and 204 Summit Rd) and Mr Hehl requested to present the 1167 Route 22 application first and no objections.

Mr Hehl stated the application purposed to repurpose the building at 1167 Route 22 that has been vacant for a while. Re-purposing of this building would not include any footprint change to the building. Applicant is a Mountainside resident and currently has an auto repair business in Mountainside (204 Summit Rd) and looking to move that business to the 1167 Route 22 building. The applicant has purposed to create a state-of-the-art facility at this new location and Mr Hehl stated that this would be a great use of the space in the L-I zone. Chairman Tomaine asked about the relation to the applicant in regards to the building. Mr Hehl indicated the applicant is a contract purchaser of the property and the acquisition of the property would be subject to this board approval.

Attorney Loughlin swore in Daniel Falcone of 135 New Providence Rd, Mountainside NJ, the architect representing the applicant. Mr Falcone reiterated that the property is not to be changed in any way as far as the footprint goes and there are existing non-conforming conditions that will remain. Parking is proposed for 24 cars which is based on the requirement of 4 cars for each bay, 6 bays are proposed for servicing vehicles. There are 29 spaces existing on the property and will remain as is, except the handicap parking space is relocated closer to the entrance of the building. The existing interior of the building will remain except for the areas that are currently warehouse and storage areas. The plan shows the area currently designated as 3 offices, storage and a walk-in refrigerator will come down and be replaced with open spaces and auto lifts as shown on the plan. Existing 2 car garage will be used for parking of vehicles and the bays will be indoors. The entire building will be used by the applicant, the front area will include a few offices, a room for the staff and a waiting area for customers; the second floor will be used for business use and currently has offices.

Mr Falcone distributed photos of the proposed signage, Exhibit A-1 signage plan. Signage dimensions 3ft by 14 ft (42 sq ft) which is conforming, each element of the sign is a separate section and is proposed for the front of the building. The sign would be lit with LED lighting. Wall signs would be replaced with the same logo as a painted sign to replace the current sign and is also compliant. The ground sign is also compliant and Mr Disko confirms. Mr Falcone indicated that the outdoor lighting and landscaping is intended to remain as is.

Second witness is the applicant and sworn in by Attorney Loughlin, Deniso Malet, 204 Summit Rd, Mountainside. Mr Malet has been in the car business 24 years and has had his business in Mountainside at the 204 Summit Rd location for 7 years. He is looking to move his business because the new space would be larger and the day-to-day operation would be in the rear of the building. His intention is to do only interior changes to the building including epoxy floors, lifts and equipment, also modernize the interior space for better layout for his business. Hours of operation 8AM-5PM Monday thru Friday and 8AM-1PM Saturday with 6 employees. Deliveries would include parts (car parts, tires, etc) and customers will pick up and drop off their vehicles to be serviced. The new location would help alleviate a parking situation currently at the 204 Summit Rd location and handle the number of vehicles they service now.

The applicant is the owner and the day-to-day operation of the business is handled by him. Vehicles are dropped off and picked up by the customers, most customers drop off the vehicle for service and then pick it up when ready.

Chairman Tomaine inquired about a Drive Auto Works trailer parked in the parking lot adjacent to 1167 Route 22. Mr Malet is the owner of that trailer and has a verbal agreement with the owner of that building to have it parked since approximately 9/2019 and will be moved on 3/1/2020. The applicant is made aware by Chairman Tomaine that there is an ordinance in Mountainside that requires an approval to engage in shared parking.

Vehicles that need auto body work, which will be done at the 204 Summit Rd location, will be moved by Drive Auto Works to that location. Therefore, cars will not be housed at 1167 Route 22 that will be serviced at 204 Summit Rd, they will be moved to that location. The new location would help with the situation right now at 204 Summit Rd where cars sit in the parking lot waiting to be worked on, there will be 6 bays in the new location allowing more cars to be moved out quickly. The expansion is not necessarily to increase the number of customers/services but will help move the cars quicker from drop off to pick up. More employees can be working on the cars at the same time and anticipation would be the cars would be moved quicker.

Stacked parking is not allowed in Mountainside and it is not anticipated that with 29 parking spots, it would not be necessary at the 1167 Route 22 property. The Auto body repair process for storing vehicles and insurance claims is discussed in length. The existing dumpster at the property will be utilized by the applicant.

Mr Disko asked for comments regarding the performance standards. Mr Hehl indicated that all performance standards will be adhered to and there will be no deviations. Noise will be minimal as all work will be done indoors and the building has AC so anticipation is the doors will be closed.

Attorney Loughlin swore in a new witness, Corey Chase from 245 Main St, Chester, NJ. Professional Engineer in NJ and a principal with the firm Dynamic Traffic.

Mr Chase evaluated the overall traffic impacts on the adjacent roadway network for 1167 Route 22, as well as, parking and onsite circulation. Trip generation comparison was discussed in length and summarized that the increase in the level of traffic would be a low level of significance. Approval from NJDOT for change in use would result in a letter of no interest since level is of low significance. The access from route 22 is currently un-striped and the driveway would need to be striped as well as add a stripe stop line and a stop sign.

Chairman Tomaine asked about the ingress and egress. The angle that the driveway intersects with Route 22 is due to the property line and can not be adjusted for a gradual entrance or exit to the building. Mr Chase recommended stripes on the driveway to delineate between the ingress and the egress. Mr Disko questioned the width of the driveway and discussed further, later confirmed the width of the driveway is 34 feet.

Attorney Loughlin swore in Keith O'Brien, professional planner from Madison House, 866 Madison Ave, Rahway, NJ. Mr O'Brien summarized the applicants proposed use and explained the benefits of the change in use at the 1167 Route 22 location in length. Reviewed Master plans from prior years and how this new use adheres to the plans. Mr O'Brien believes the application could be granted without substantial detriment to the public good or the zone plan.

Mr Disko questioned the vacancy rate in the L-I zone in Mountainside. 2014 Master plan was referenced by Mr O'Brien and an enactment was made in that plan that retail sales or service establishments are prohibited in the L-I zone.

Public Comments:

Attorney Loughlin swore in and received testimony from the following residents:

- John Lobes of 155 Sunrise Parkway expressed his support for the proposal of moving the auto repair shop to Mountainside.
- Ken Clemenco of 192 Chipmunk Hill stated he is a resident and client of Mr Malet and very complimentary of the business and approves of the application.
- Randy Shehady of 373 Short Dr supported the application, knows the applicant and believes the business is a benefit to the community.
- Claudio Shehady of 373 Short Dr also supported the application. The applicant and his wife are very active in the community and they support many local organizations.
- Meredith Hanson of 16 Tanglewood Lane supported the proposal, stated the applicant is a wonderful asset to the community.
- Brandy Conover of 1441 Force Dr, expressed her approval of the application. Stated the applicant is a family person and would like to see another great business stay in Mountainside.
- Adrienne Matejek of 312 Partridge Run supported the application.
- Christine Pfeiffer of 339 Central Ave is a lifetime resident of the town and supported the application.
- Caroline Klimas of 1257 Poplar Ave re-iterated what others have said, she is also head of the Education foundation and applicants have supported the school system and sponsored the Mountainside Education foundation and would like to keep the business in town to continue to support that foundation.
- Mr Marwaha of 1072 Saddle Brook Rd is in approval of keeping this auto body shop in town. He stated the business is very well liked and has many outstanding reviews.
- Genevieve Cooper of 125 Knightsbridge Rd spoke on behalf of the business and stated that the applicant has volunteered and been involved with many activities and parades in town.
- Michael Margello of 615 Sherwood Parkway, attorney at law representing the seller of the property at 1167 Route 22. Advised the board that prior use of building was used for packaging and merchandising of biomedical diagnostic kits. Mr Margello stated that delivery trucks and customers have used the driveway and there weren't any issues in the past.
- Paul Taeschler of 1049 Sunnyslope Drive and owner of 204 Summit Rd where DriveAuto Works is located right now. Supported the application and expressed he had only good things to say about Mr Malet and his business.
- Andrew Zecca of 1257 Cedar Ave is in approval of the application and supports the business staying in Mountainside.

- Rob Catchinsky of 1163 Route 22, owner of the building next to the property in question. Stated he would like to see a tenant in the vacant building and improvements made and in approval of this application.
- Harol Cespedes of 1600 Grouse Lane approved of the application and believed it would be a good thing for the town.

Mr Hehl summarized and thanked the board and comments from all the public who came to the meeting. Mr Hehl stated the adaptive reuse, although not a current permitted use, would be a good thing for this property with no other variances requested.

Chairman Tomaine closed the meeting with no further testimony or questions. Opened it up for board discussion.

Mr Disko read the ordinance from 2014 which stated retail sales or service establishments are prohibited in the L-I zone. There are also circumstances at the current business of 204 Summit Ave that are prohibited and nothing is being done to rectify the situations at that property. There were conditions to resolutions in the past that have not been complied with. Mr Matlin discussed that having the business in the new location may alleviate many of those circumstances at the current property and discussed in length. Chairman Tomaine does not believe that the applicant has met its burden to establish entitlement to a use variance in this occasion and Mr Disko concurred.

Motion for board to close and vote on variance made by Mr. Zawislak, seconded by Mr. Matlin.

Roll Call:

Aye: Mr. Zawislak, Mr. Matlin, Mr. Jakositz, Ms. Dillon

Nay: Mr. Disko, Chairman Tomaine, Mr. Parker

Abstain:

Result: DENIED

Recess taken at 10:19PM

Returned at 10:26PM

Drive Auto Works - Block 7.04, Lot 19 (204 Summit Rd)

Installation of Spray Booth

Carried to March 24, 2020 meeting due to time limitations. No New Notice required.

MINUTES

A **Motion** to approve the Minutes of January 28, 2020 was made by Mr Zawislak and **seconded** by Mr Matlin.

ROLL CALL VOTE:

Aye: Mr Disko, Chairman Tomaine, Mr Zawislak, Mr Parker, Mr Matlin, Mr Jakositz, Ms Dillon.

Nay:

Abstain:

RESOLUTIONS

Ramesh / Gulati

Block 7.03, Lot 18 (450 Summit Rd)

Installation of Solar Panels

Motion by Mr. Zawislak, **seconded** by Mr. Matlin and unanimously carried to approve the Resolution, as presented.

Roll Call:

Aye: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Parker, Mr. Matlin, Mr. Jakositz, Ms Dillon

Nay:

Abstain:

Aranjo

Block 15.12, Lot 10 (250 Hickory Lane)

Bulk Variances for new roof over porch

Motion by Mr. Zawislak, **seconded** by Ms Dillon and unanimously carried to approve the Resolution, as presented.

Roll Call:

Aye: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Parker, Mr. Matlin, Mr. Jakositz, Ms Dillon

Nay:

Abstain:

Discussion on Alpine memo from John Post for Bond Reduction. **Motion** by Mr. Zawislak, **seconded** by Mr Parker and unanimously carried to approve. All Ayes, voice vote.

A **Motion** to adjourn made by Chairman Tomaine. All Ayes.

PUBLIC COMMENT - None

ADJOURNMENT

The meeting was adjourned at 10:35 PM

Respectfully submitted,



Nicole Halleran

APPROVED 6/3/20