

**BOROUGH OF MOUNTAINSIDE  
PLANNING BOARD  
JOHN TOMAINE, CHAIRMAN**

**Regular Meeting**  
February 28, 2023

The regular meeting was called to order at 7:30 pm. Board members and members of the public saluted the American flag.

Notice of this meeting was given pursuant to the Open Public Meetings Act N.J.S.A. 10:4-6 et. seq. Notice was posted on the Borough website, at Borough hall, and was given to *The Courier News*, *The Star Ledger*, *The Westfield Leader*, and *The Local Source*.

OATHS OF OFFICE

Mr. Loughlin administered the oath of office for Mark Gioioso.

ROLL CALL

Mike Disko, P.E.	Thomas Jakositz
John Tomaine, Chairman	Karen Dillon
Steve Matlin, Vice-Chairman (absent)	Victor Kostin, Alt. #1 (absent)
Mayor Mirabelli (absent)	Mark Gioioso, Alt. #2
Councilman Matejek	Vincent K. Loughlin, Esq.,
Ted Zawislak	John T. Chadwick, IV, PP (absent)
Todd Garran	Theresa M. Snyder, Board Clerk

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Jakositz, the Reorganizational and Regular Meeting Minutes for January 24, 2023, were adopted based on the following roll call vote:

Roll Call:

Roll Call:

Ayes:	Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Jakositz, and Ms. Dillon
Nays:	
Not Eligible:	Mr. Gioioso
Abstain:	
Absent:	Mr. Matlin and Mr. Kostin

## RESOLUTIONS

Resolution PB 23-R10  
CASE NO.: 22-20; Djabirov  
232 Pembroke Road  
BK: 3.23 LT: 40  
R-2 ZONE  
Approved: 1/24/23

On motion by Mr. Zawislak, seconded by Ms. Dillon, the resolution was memorialized based on the following roll call vote:

### Roll Call:

#### Roll Call:

Ayes:	Mr. Zawislak, Mr. Jakositz, and Ms. Dillon
Nays:	
Not Eligible:	Mr. Disko, Chairman Tomaine, Mr. Garran, Mr. Gioioso
Abstain:	
Absent:	Mr. Matlin and Mr. Kostin

## APPLICATIONS

### PLANNING BOARD

CASE NO.: 22-24; Cobo  
268-270 Summit Rd.  
BK: 7.04 LTs: 27 & 28  
Represented By: Stephen F. Hehl, Esq.  
R-2 ZONE

Mr. Hehl, Esq. entered his appearance on behalf of the Applicant. The content of the notice was sufficient and served in a timely manner giving the Board jurisdiction to act. Mr. Hehl, in his opening statement, explained that the Applicant was before the Board for a soil moving permit in connection with construction of a new home on the property. The Applicant's worked with Mr. Disko to ensure the house complied with the Ordinance. There were no variances associated with the application. Mr. Hehl entered Exhibit A-1, Somerset-Union Soil Conservation Letter, dated 11/15/22, into evidence.

Mr. Disko explained that technically the Ordinance sends the application as a site plan due to the amount of soil being removed from the Site. There would be a deed of consolidation for the two (2) lots bringing the lot size into conformance with the requirement in the zone.

Michael J. Monroe, having a business address of 788 Shrewsbury Ave., Tinton Falls, NJ, was sworn in to give testimony. He gave his credentials and was accepted by the Board as an expert in architecture. Mr. Monroe testified that the 6,000 sq. ft. single-family dwelling would be a modern Mediterranean style home with a finished basement. The backyard would contain a pool

and other associated improvements. The upstairs of the home would have four (4) bedrooms and three (3) bathrooms.

Mr. Disko inquired on behalf of John Chadwick whether there would be only one (1) kitchen in the home, to which Mr. Monroe confirmed that the Applicant would only have one (1) kitchen in the home.

There were no questions from the public.

Edward S. Dec, having a business address of 131 N. Michigan Ave., was sworn in to give testimony. He gave his credentials and was accepted by the Board as an expert in engineering. Mr. Dec using the site plans submitted to the Board, testified to the existing conditions on the Property. He testified that Lot 27 and Lot 28 both front on Summit Road. The consolidated Lots would be 27.01. There was an existing structure on Lot 28 that would be demolished along with a circular driveway. He testified that there would be grading done on the property and the Applicant would install two (2) under ground detention basins to collect run-off. He gave the dimension of the proposed setbacks for the two-story framed building, pool, and other associated improvements. He also testified that there is not anticipated to be any fill coming on to the Property. He opined that 2/3 of the Property would be disturbed, and the Applicant was not proposing any soil testing.

The Applicant stipulated to obtaining a tree removal permit and compliance with soil erosion measures.

The meeting was opened to the public. There were no comments from the public.

On motion by Mr. Zawislak, seconded by Mr. Jakositz, the Board approved the application with conditions based on the following roll call vote:

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Councilman Matejek,  
Mr. Zawislak, Mr. Garran, Mr. Jakositz, Ms. Dillon, and  
Mr. Gioioso

Nays:

Not Eligible:

Abstain:

Absent: Mr. Matlin and Mr. Kostin

#### BOARD OF ADJUSTMENT

CASE NO.: 22-25; Gartshein  
1577 Grouse Lane  
BK: 3.15 LT: 34  
R-2 ZONE

Mr. Loughlin informed the Applicants that they remained under oath. Mr. and Mrs. Gartshein read statements that explained how they took the suggestions of the Board from the last meeting and reduced the overall amount of lot coverage on their Property. They proposed to remove the gravel sitting area in the front of the house, the paver patio, and a patio along the side of the pool.

On motion by Mr. Garran, seconded by Mr. Zawislak, the Board approved the application with conditions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Jakositz, Ms. Dillon, and Mr. Gioioso
Nays:	
Not Eligible:	
Abstain:	
Absent:	Mr. Matlin and Mr. Kostin

CASE NO.: 22-23; Grzyb  
259 Central Avenue  
BK: 16 LT: 52  
R-2 ZONE

Mr. and Mrs. Grzyb were sworn in to give testimony. The content of the notice was sufficient and served in a timely manner giving the Board jurisdiction to act.

Mr. Grzyb testified that they bought the house in 2021. It was a small cape cod. After re-designing the house, they realized that they needed more room to do a k-turn into their side-load garage. They removed an existing detached garage and incorporated the gravel area underneath the garage to expand the driveway.

Mr. Disko informed the Board that at the time of the building plan submission, the house and associated improvements were compliant.

Mr. Gryzb entered into evidence Exhibit A-1, pictures, dated 2/28/23. He confirmed that he took the pictures, and the pictures were not altered in any way. The original plans submitted kept the existing driveway as it was. The Applicant was seeking variance for a driveway setback of 2 ft. Although the gravel area was existing under the garage, the incorporation of the coverage into the driveway triggered the expansion of a non-conforming use.

Sandra Wilson, 138 Park Way, spoke on behalf of her mother for whom she had power of attorney. Ms. Wilson questioned why the plans deviated from the compliant plans that were originally submitted.

The Board deliberated.

The motion by Mr. Zawislak to approve the application and seconded by Mr. Jakositz, was denied by the Board based on the following roll call vote:

Roll Call:

Ayes:	Mr. Zawislak, Mr. Jakositz, and Mr. Gioioso
Nays:	Mr. Disko, Chairman Tomaine, Mr. Garran, and Ms. Dillon
Not Eligible:	
Abstain:	
Absent:	Mr. Matlin and Mr. Kostin

The meeting was opened to the public.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,



Theresa Snyder  
Board Clerk

Thank you

It has been a pleasure to work with each Board Member, Professional, and Members of the Public. I wish each of you the best of everything- always!