

PLANNING BOARD
January 24, 2017

The Mountainside Planning Board met on Tuesday, January 24, 2017 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.

REORGANIZATIONS MEETING:

PRESENT for 2016: Mayor Mirabelli, Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

The minutes of the December 27, 2016 meeting were approved as presented.

MEMORIALIZATIONS – 2016:

Pombal Builders LLC, 1244 Virginia Avenue and 311 Central Avenue, Block 16.10, Lot 1 – Applicant proposed a three-lot minor subdivision for the purpose of constructing three single-family dwellings on the new lots. A motion was made and seconded to approve the resolution. All were in favor.

End 2016:

Mr. Tomaine reviewed his year-end report.

OATH OF OFFICE:

Secretary Rees issued to Oath of Office to the following members:

Todd Garran – Regular Member
Theodore Zawislak – Regular Member
Thomas Jakositz – 1st. Alternate
Will Ford – 2nd Alternate

ELECTION OF OFFICERS:

Mr. John Tomaine was re-elected as Chairman of the Planning Board and Mr. Theodore Zawislak was re-elected as Vice-Chairman of the Planning Board.

Attorney Vincent Loughlin was again appointed as Board attorney.

The board approved Resolution 01-2017 for Board attorney.

PRESENT 2017: Mayor Mirabelli, Councilwoman Fech-Caccamo, Messrs. Disko, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary.

Mayor Mirabelli thanked the members for their hard work and service to the board.

The applications for Menaker, 1595 Brookside Road, and Rodriguez of 1128 Corrinne Terrace were postponed until the February 28, 2017 meeting.

CONTINUATION:

Stage House Tavern 3, 1099 Route 22, Block 23, Lot 12 – Applicant proposed and site plan and development for an expansion of a new restaurant, including outdoor seating and bar area. New variances include a use variance for the restaurant, retail sales, front yard-50 feet on Route 22 where 43.8 feet was proposed, lot coverage over 75 percent where 90.2 percent was proposed, front yard parking, insufficient parking, and trash enclosure in the rear yard setback. Existing variances include insufficient parking space size, and insufficient parking lot aisle width.

Attorney Steve Hehl again represented the applicant for proposed outdoor seating and bar area.

Attorney Hehl informed the board that they met with Fire Chief Gary Cantagallo and Mr. Disko, Borough Engineer, and revised the plans in accordance to their recommendations.

Mr. Joseph Staigar of Chester, NJ was reminded that he was still under oath. He testified as the applicant's traffic engineer. He gave his credentials to the board.

Before he testified as the traffic expert, he summarized his testimony at the last meeting as a sound expert.

Mr. Staigar reviewed the ambient sound measurements that were taken in the evening from 7:00-10:00 p.m., when the traffic volume was fairly constant. He described the decibels that were read on Mill Lane, Route, 22 and Summit Road, which is located off the westbound lane of Route 22. Mr. Tomaine indicated that there was a lack of information regarding noise levels under actual circumstances when music was being played. Due to the fact that Mr. Britt, the owner of Stage House, does not have outside music in December, Mr. Staigar used published data and what music generates. Attorney

Loughlin expressed his concern regarding how Mr. Staiger obtained his data. There would only be live music three days a week. There would be no live music after 10:00 p.m. There would be no “DJ” type of music. It would be “dinner” type music only, Friday nights and Saturdays nights and a steel band one day a week, possibly on Tuesday.

Mr. Chadwick wanted assurance from the applicant that there would be no live music after 10:00 p.m. Mr. Staiger stated that music would be played from 6:30 – 9:30 p.m. and absolutely no later than 10:00 p.m.

Mr. Matlin sought confirmation of “dinner” music decibels. Mr. Staiger stated that it could be limited to 80 decibels, three feet from the speakers and it could even drop further to 54 decibels. Mr. Staiger also stated that the building and proposed wall would act as barriers and the residents would not be able to hear the music. Mr. Staiger testified that there would not be in violation of the state code as long as they do not exceed 60 decibels at the residential property line.

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

Seating: 536 restaurant seats and 116 bar seats with a total of 652 seats (indoor and outdoor). Mr. Disko stated that due to the fact that the number of seats has been reduced, the applicant was in compliance with the number of parking spaces.

Mr. Staiger then reviewed his traffic study. Mr. Staiger took traffic counts on Route 22 as well as Mill Lane, during a week day, Saturday and in the evening. Although Mr. Staiger stated that there would be no impact on Route 22, he indicated that there may be a slight delay in getting onto Route 22 from the restaurant or from Mill Lane.

Revised site plan: New changes from the previous site plan

The driveways would remain as they exist; two driveways. Cars would enter in the westerly driveway from Route 22 and leave from the easterly driveway onto Route 22. The Mill Lane driveway will also remain as it currently exists. The easterly driveway would be one way only – out.

The revised traffic circulation will be revised from a counterclockwise direction around the building, to a clockwise direction so that there would not be a crossing between the ingress and egress.

The parking space requirements now conform to the ordinance. 285 parking spaces are required and the applicants are providing 286 parking spaces.

A DOT permit should not be required due to the fact that they within the threshold. If a permit was required, they would obtain one.

The proposed deck area would be reduced.

Mr. Meth informed Mr. Staigar that the egress corner was extremely tight and that striping would be required. Mr. Staigar agreed to that.

Mr. Chadwick suggested that direction signs be installed at the driveways and that “Enter” driveway. Mr. Staigar stated that an “Exit” sign should not be necessary.

The board discussed the proposed configurations of the driveways.

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

Mr. Thomas Quinn, site engineer, of Scotch Plains, NJ was reminded that he was still under oath.

Mr. Quinn reviewed Mr. Disko’s revised report regarding the driveways and whether there would be enough room to maneuver a fire truck coming into the driveway and going out of the other driveway. Mr. Disko stated that his main concern was to the intersection of the egress driveway. Mr. Quinn informed him that it should not be a problem. Mr. Quinn stated that he received a copy of the fire truck’s specifications to make sure that the driveways would accommodate the fire truck.

In his report, Mr. Disko expressed his concern regarding the possible speed of the cars coming into the site as well as cars that were going around the building and then exiting the parking lot. He suggested a stop or yield sign, and a no left turn sign for cars going out onto Route 22.

Attorney Loughlin duly swore in Mr. Alan Klein of Mountainside, NJ as the structural engineer. He did not have to give his credentials to the board.

Wall: Mr. Klein certified the proposed wall that was designed by Mrs. Carol Hewitt and that the wall would protect patrons sitting on the outside deck from different size trucks due to the fact that the wall would be reinforced with steel rebar. Exhibit A10.

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

Attorney Loughlin duly swore in Mr. James Watson of Scotch Plains, NJ as the professional planner. He did not have to give his credentials to the board.

Exhibit A-11: Overall view of the site

Mr. Watson described the surrounding properties.

Exhibit A12/13: Outdoor patio and bar areas from 1998, however Attorney Loughlin informed him that this could not be entered as an exhibit.

Mr. Watson reviewed the variances:

- Parking variance (eliminated)
- Sign
- Accessory structure, Dumpster enclosure
- Primary use – use variance
- Front yard parking

Exhibit A-14: Easement. Deed between Residents of 253 Holly Hill and the Borough of Mountainside in 1967, creating a “jog” along Route 22 in front of the restaurant. That will remain the same.

Mr. Watson explained the positive and negative criteria for the application.

Mr. Watson described the storm water management system.

Mr. Tomaine discussed the “c” and “d” variances and whether they fulfill the purpose of the proposed outdoor seating. Mr. Watson stated that the proposed use fit in with the neighborhood and other restaurants in the area. Mr. Watson stated that the building has been a restaurant for many years and that there has never been a problem.

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

AUDIENCE PARTICIPATION:

Mrs. Lorraine Forgas, who has a business on Globe Avenue, inquired about trash pick-up. There would be a pick-up three times a week, before 11:00 a.m. The Dumpster area would be enclosed.

Mrs. Forgas also stated that there was a cat problem at the restaurant. The applicants are in the process of removing the cats.

End:

Mr. Disko inquired of the proposed Dumpster area could be relocated so that it would be further away from Mrs. Forgas’ business. Mr. Quinn stated that they could be it closer to Mill Lane.

At 10:05 p.m. the board to a break and at 10:18 p.m. the board resumed the public meeting.

Mr. Tomaine inquired if there were any comments from the audience. There were none.

Having no comments, Attorney Hehl gave his summation of the application to the board.

Having no further discussion, Mr. Garran made a motion to approve the application and Mr. Younghans seconded the motion, with the following conditions:

CONDITIONS:

1. Obtain a DOT Access Permit and shared with engineer and traffic expert
2. Hours of operation for the live music would be from 6:30 p...m to 10:00 p.m.
3. Live music would be three days, including Friday and Saturday
4. Noise not to exceed 80 decibels , three feet from the speaker
5. Containers to be removed
6. Televisions cannot be visible from Route 22
7. Projectors would not be allowed
8. Seating: 108 seats and 20 bar seats
9. Outdoor area cannot be enclosed, no tents, umbrellas or canopies.
10. Trash/Dumpster area to be relocated and enclosed. Trash pick-up to be between the hours of 7:00 a.m. to 11:00 a.m.
11. Enter sign to be installed
12. Striping of the parking lot
13. Front yard parking for employees only and an additional three parking spaces on the side for employees only. Four handicapped parking spaces
14. The western access driveway to be shortened. Stop signs to be installed
15. Storm water and drainage system are subject to approval

Having no further conditions, the board gave their comments to the applicant.

Having no further discussion:

ROLL CALL VOTE:

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

NAYS: Mr. Disko
Mr. Tomaine
Mr. Garran

MOTION: DENIED

Having no further business, the board was duly adjourned at 11:00 p.m.

Ruth M. Rees

