

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

Regular Meeting

July 27, 2021

OFFICIAL MINUTES

Adopted 8/24/21

Chairman Tomaine called the regular meeting to order at 7:30 pm.

ROLL CALL

Mike Disko, P.E.	Steve Matlin
John Tomaine, Chairman	Thomas Jakositz (Absent)
Mayor Paul Mirabelli (Absent)	Karen Dillon Alt. #1
Councilman Steven Matejek (Absent)	Victor Kostin, Alt. #2 (Arrived 7:33)
Ted Zawislak, Vice-Chairman	Vincent K. Loughlin, Esq., Board Attorney
Todd Garran	John T. Chadwick, PP, Board Planner
Thomas Parker (Absent)	Theresa Snyder, Board Clerk

Chairman Tomaine read the statement indicating the meeting was being conducted according to the Sunshine Law and the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. He then led the flag salute to the American flag and board members identified themselves for the record.

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Garran, the minutes for the Regular Meeting of June 22, 2021, were adopted based on the following roll call vote:

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran,
Mr. Matlin, and Ms. Dillon

Nays:

Not Eligible:

Abstain:

Absent: Mr. Parker, Mr. Jakositz, and Mr. Kostin

RESOLUTIONS

RESOLUTION PB 21-R19

CASE NO.: 21-17; David Realty

1429 RT. 22 E

BK: 10.06 LT: 3.01

Represented By: Stephen F. Hehl, Esq.

O-B ZONE

Approved: 6/22/21

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

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran,
Mr. Matlin, Ms. Dillon, and Mr. Kostin

Nays:

Not Eligible:

Abstain:

Absent: Mr. Parker and Mr. Jakositz

RESOLUTION PB 21-R20

Case No. 21-13; Rolo

1272 Virginia Ave.

Bk: 16.10 Lt: 7

Represented By: Stephen F. Hehl, Esq.

R-2 Zone

Approved: 6/22/21

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

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran,
Mr. Matlin, Ms. Dillon, and Mr. Kostin

Nays:

Not Eligible:

Abstain:

Absent: Mr. Parker and Mr. Jakositz

BOARD OF ADJUSTMENT

Case No. 21-14; Las Medulas
1239 Rt. 22
Bk: 23.02 Lt: 1 & 4
Represented By: Stephen F. Hehl, Esq.
L-I Zone
Expiration Date: August 27, 2021

Simone Sebastian, Esq. entered her appearance on behalf of the applicant. She requested the application be adjourned to the August 24, 2021, meeting without further notice. Ms. Sebastian agreed if the revised plans triggered any additional variances, re-notice of the application would be required.

Case No.: 21-15; Grunberg
1563 Coles Avenue
Bk: 3.11 Lt: 1.02
R-2 Zone

Mr. Norman Grunberg and Ms. Hildie Lazar, AIA, were sworn in to give testimony.

Mr. Grunberg thanked the board for their time. He testified that for 34 years he and his wife spent their money raising three kids. They put their children through college paying student loans and were currently looking to make improvements to make their home a place in which they would like to live. He testified that they planned to add 27 sq. ft. for the installation of a powder room. The addition would not pass the existing roof line.

Ms. Hildie Lazar, AIA, having a business address of 328 Park Ave., Scotch Plains, NJ, gave her credentials as an architect and was accepted by the Board as a witness. Ms. Lazar displayed Exhibit A-1-Photos which she testified she took about a year ago. The photos were not altered. Ms. Lazar testified the Grunberg residence was a one-story ranch with no attic space. She explained that the addition would be tucked under the existing roof line. Ms. Lazar then displayed Exhibit A-2-dated 4/29/21-Existing Footprint. Ms. Lazar testified the plans called for renovating the existing bathroom and master suite. Ms. Lazar displayed Exhibit A-3-dated 4/29/21. Ms. Lazar testified to the lot being undersized. The applicant was seeking variance for 18.1% building coverage whereas 15% was allowed. She opined the applicant could add a second story and still meet the F.A.R requirements. Ms. Lazar asked the Board for a little more space.

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

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

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran,
Mr. Matlin, Ms. Dillon, and Mr. Kostin

Nays:

Not Eligible:

Abstain:

Absent: Mr. Parker and Mr. Jakositz

Case No.: 21-12; Abdelshahed
1450 Dunn Parkway
Bk: 10.06 Lt: 13
Represented By: Brian J. Aloia, Esq.
R-2 Zone

Mr. Brian Aloia, Esq. entered his appearance on behalf of the applicant. Mr. Aloia informed the Board the applicant was seeking bulk variances in connection with the installation of an inground pool. Mr. Aloia contended the stream that runs through the lot prompted the position of the pool.

Dr. Mina Abdelshahed testified that he lived in the home since April, 2020. He gave a brief description of the property. Dr. Abdelshahed explained there was a brook in the back of the property. He contacted DEP concerning any restrictions to installing an inground pool. DEP required a distance of 25 ft. from the top of the bank of the brook to the pool. Dr. Abdelshahed planned the placement of the pool with the DEP requirements. He wanted to keep the patio in the center. He opined safety was the main reason for the position of the pool.

Mr. Aloia showed A-1-Application to NJDEP- to evaluate the flood hazard zone. NJDEP required the pool to be placed at least 25 ft. from the brook. He then showed A-2-Environmental Document- they took the fence back 25 ft. to mitigate for water issues. Mr. Aloia also showed A-3- Google Maps- which showed a picture of the street and neighbors. The picture showed the neighbor's house slightly angled. There were a few neighbors who also had pools. He contended the plan worked in harmony with the surrounding area and the neighbors did not object to the application.

On question of Chairman Tomaine concerning fencing around the pool, Mr. Aloia responded there would be a fence installed with a locking gate.

Mr. Matlin raised a concern with the setback to the neighbor's property.

Dr. Abdelshahed spoke with his neighbors. Their patio was far away with no trees or fence in between. He testified the neighbors did not object to the placement of the pool.

Mr. Zawislak raised a concern that the proposed lot coverage was 39.6% and the existing lot coverage was already 34.7%.

Mr. Disko raised a concern that the proposed setback for the pool was only 5 ft.

Mr. Garran suggested the pool be moved.

Mr. Disko informed the Board that the house was re-done in 2007 with no permits for the patio. The coverage at that time was 25.2%. In response to Ms. Dillon's question about the DEP, Mr. Disko said DEP did allow for inground pools at grade.

Mr. Loughlin asked Mr. Aloia if the applicant would like to adjourn to consider the comments made by the Board concerning coverage amounts and setback distances along with variances that were not previously approved. Mr. Loughlin informed the applicant that re-notice would be required if the revised plans triggered additional variances not included in the present application.

The applicant asked to adjourn the hearing to another date with the possibility of re-notice.

ADJOURNMENT

The Board unanimously voted to adjourn the meeting at 8:20 p.m.

Respectfully Submitted,



Theresa Snyder
Board Clerk