



Borough of Mountainside
1385 Route 22 Mountainside NJ 07092

BOROUGH OF MOUNTAINSIDE
PLANNING BOARD
OFFICIAL
Regular Meeting Minutes
April 29, 2025

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

ROLL CALL

Mike Disko, P.E.	Thomas Jakositz
John Tomaine	Karen Dillon
Steve Matlin	Mark Gioioso, Alt. #1
Mayor Mirabelli - Late	Cody Brown, Alt. #2
Councilwoman Wass	Vincent K. Loughlin, Esq.
Ted Zawislak	John T. Chadwick, IV, PP
Todd Garran	Kristine Moran, Recording Clerk

OATH OF OFFICE

Swearing in Alternate #2 Cody Brown

MINUTES

On motion by Ms. Dillon, seconded by Mr. Zawislak, the Regular Meeting Minutes for March 25, 2025, were adopted. All in favor none opposed.

RESOLUTIONS

RESOLUTION 25-R14
CASE NO.:25-03; PANDEY
1301 CEDAR AVENUE
BK: 16.06 L:2
ZONE: R2
Approved 3/25/2025

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. Gioioso

Nays:

Not Eligible: Councilwoman Wass, Mr. Jakositz
Abstain:
Absent: Mayor Mirabelli

RESOLUTION 25-R15
CASE NO.: 24-24; PATEL
6 FAR VIEW DRIVE
BK: 3.14 L: 3 and 4
ZONE: R1
Approved 3/25/25

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, Councilwoman Wass, Mr. Zawislak, Mr. Garran, Mr. Matlin,
Ms. Dillon and Mr. Gioioso
Nays:
Not Eligible: Chairman Tomaine, Mr. Jakositz
Abstain:
Absent: Mayor Mirabelli

RESOLUTION 25-R16
CASE NO.: 25-04; DOYLE
1175 WYCHWOOD ROAD
BK: 22.02 L: 33
ZONE: R2
Approved 3/25/2025

On motion by Mr. Matlin 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. Gioioso
Nays:
Not Eligible: Mr. Jakositz
Abstain:
Absent:

PLANNING BOARD

CASE NO.: 25-01; SMW HOLDINGS, LLC
1051 & 1061 Prospect Ave, 461 Summit Rd
BK: 5.01 L: 7,8 & 12
ZONE: R2

SUMMARY: The applicant seeks approval for Preliminary and Final Major Subdivision to rearrange the lot lines in order to subdivide the property into three (3) separate lots (Proposed lots 7.01, 7.02, and 7.03), which is permitted in the R-2 Zone.

Steven Hehl, Esq. representing the application gave an opening statement.

Wayne Applegate, EKA Assoc 328 Park Ave, Scotch Plains, NJ was sworn in to testify. Mr. Applegate gave his credentials and was accepted as a professional surveyor.

Mayor Mirabelli arrived at meeting

Mr. Applegate gave an overview of the current conditions of the property and what is being proposed.

Chairman Tomaine opened the floor to questions from the Board.

Mr. Chadwick had questions regarding the calculations of the contour intervals.

Mr. Applegate advised of the process.

Chairman Tomaine opened the floor to questions to this witness testimony

Mr. Jay Bohm, attorney representing Mr. Robert Venturo, an adjacent land owner questioned Mr. Applegate on the division of the property.

Kenneth Wigg 1023 Prospect Avenue was sworn in to testify – entered Exhibit W1- a drawing he prepared - into the record. Mr. Wigg advised he is a licensed engineer in NJ.

Mr. Wigg advised he found 2 additional non-conformities. He is entering Exhibit W2 into the record which is another drawing he prepared.

Ken Starkey, 1060 Prospect Avenue, questioned if the new ordinance that was just passed requiring 20,000 sq. ft per lot would be in effect for this case. Mr. Hehl advised that it would not.

Mr. Wigg returned to ask another question – have you worked on any other additional plans to sub-divide Lot 7.03. Mr. Applegate advised he has not.

Mr. Garran asked if a wetlands survey would need to be done before the sub division. Mr. Applegate advised he has no knowledge as he is the surveyor. Mr. Chadwick advised the wetlands survey or an expert to testify that there are no wetlands would be needed.

No further questions of this witness.

Joseph Bachi, PE with EKA Assoc. with a business address of 328 Park Ave, Scotch Plains was sworn in to testify. Mr. Bachi advised the first place to go is the NJ GOM website advised that no wetlands exist on the site.

Mr. Disko advised that since the measurement of the critical area was so close to the threshold, wetlands survey would be advised. Mr. Chadwick advised it is a good tool, but

Mr. Hehl asked if the wetlands survey is something that would be needed before we continue on. Since that is the case, Mr. Hehl has asked that this matter be carried to the next meeting on May 27, 2025. Board approved with no additional notice.

Mr. Chadwick gave an update on the affordable housing mediation with the DCA.

Mayor Mirabelli, Councilwoman Wass and Mr. Chadwick left the meeting.

****BOARD OF ADJUSTMENT****

CASE NO.: 25-05; SPINELLI
243 OAK TREE ROAD/
BK: 15.0 L: 33
ZONE: R2

SUMMARY: The applicant seeks approval for the for 'C' variance to allow the construction of a proposed 12' x 20' deck in the rear yard, as well as to allow improvements previously constructed on site that were not approved by the Board during a prior application (walkways, steps; patio) on premises identified as B:15.01, Lot 5. The applicant further seeks relief from any and all variances, waivers, or other relief required to approve this application.

Richard Shkolnik, Esq representing the applicant gave an overview of the application

Phillip Spinelli owner of 243 Oak Tree Road was sworn in to testify. Mr. Spinelli gave a statement on his application.

Chairman Tomaine opened the floor to the Board questions.

Mr. Zawislak asked about the retaining wall

Mr. Shkolnik discussed the walls which have been built in the right of way and this now has to either remove the wall or has the option approach mayor and council to allow the wall in the right away.

This Board will not be voting on this wall tonight.

James Ruban, architect with a business address of 457 Bayberry Lane, Mountainside was sworn in to testify.

Mr. Ruban gave on overview of the current plans and the proposed plans previously submitted.

Chairman Tomaine opened the floor to questions of the architect from the Board.

Mr. Ruban entered Exhibit A1 into the record which is a photo of the home taken by Mr. Ruban on 4/29/2025.

Exhibit A2 is a house photo pre-construction taken by Mr. Ruban in 2022

Mr. Shkolnik advised they would like to carry this until the next meeting. Board approved with no additional notice.

ADJOURNMENT

ADJOURN: The Board unanimously voted to adjourn the meeting at 9:40 pm.

Next meeting is scheduled for the **Tuesday of May 27, 2025 at 7:30 PM.**

Respectfully Submitted,

Kristine Moran

Recording Secretary