

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

**Regular Meeting
May 23, 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*.

ROLL CALL

Mike Disko, P.E.
John Tomaine, Chairman
Steve Matlin, Vice-Chairman
Mayor Mirabelli
Councilman Matejek
Ted Zawislak
Todd Garran

Thomas Jakositz
Karen Dillon (absent)
Victor Kostin, Alt. #1
Mark Gioioso, Alt. #2
Vincent K. Loughlin, Esq.,
John T. Chadwick, IV, PP (absent)
Paulette Beck, Board Clerk
Kristine Moran, Recording Clerk

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Kostin, Regular Meeting Minutes for April 25, 2023, were adopted based on the following roll call vote:

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Matlin,
Mr. Jakositz, and Mr. Kostin

Nays:

Not Eligible: Mr. Gioioso
Abstain: Mr. Garran
Absent: Ms. Dillon

RESOLUTIONS

RESOLUTION PB-23.02 PIJANOWSKI
CASE NO: 23-02
357 Forest Hill Way
BK: 3.11, Lot 31.01
R-2 Zone
Approved: 04/25/2023

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

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Matlin,
Mr. Jakositz, and Mr. Kosten
Nays:
Not Eligible: Mr. Gioioso
Abstain: Mayor Mirabelli, Councilman Matejak, Mr. Garran,
Absent: Ms. Dillon

APPLICATIONS

PLANNING BOARD

CASE NO. 23-01; 1012 Springfield Avenue LLC
1012 Springfield Avenue
BK: 24.04 Lots 10.02/10.05
LI Zone ZONING REVIEW 6073
Represented By: Rosemary Stone-Dougherty Esq

Ms. Stone-Dougherty, Esq. entered her 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. Ms. Dougherty informed the Board that the applicant was seeking approval for a partial second floor addition to the existing building as well as some C2 variances and C1 variances.

Chairman Tomaine asked for specifics on the variances requested. Ms Dougherty advised they are going to need a total of 4 variances: 1) The number of parking spaces under ordinance 914B2. The Ordinance requires a total of 31 parking spaces, the site currently has 21 parking spaces. However we are going to provide EV spaces. With the credit for the EV parking spaces will have a total of 24 on site, therefore we are 7 parking spaces short. Testimony will advise why we are seeking this variance. 2) For minimum side yard setback. 15 feet is required, we are currently at 14.8. Last 2 variances are for items already pre-existing at the site. We are coming before the Board to ask for new preliminary and final site plan. Have existing accessory structure and also

have existing projections which come off the building that the architect will explain that are part of the design.

Gregory Ralph, having a business address of 1924 Route 22 East, Bound Brook, NJ, was sworn in to give testimony. He gave his credentials as an architect and was accepted by the Board as an expert architect. Referring to drawings dated 2/27/23, Mr. Ralph testified that the existing building is a one-story structure with gross square footage of 6,750 sq. ft. The building is currently occupied for office purposes. Site is fully developed with 21 parking spaces in the front; a patio area is in the back and the stream is in front of the parking lot between Springfield Avenue and the building. Also noted that there is ingress and egress through one drive aisle 2-way traffic can traverse from Springfield Ave.

Mr. Ralph explained that in planning the addition and in considering the requirement for parking, they had put consideration into additional paving on the site and the implications with the stream buffers and the DEP review and have found that it is impractical in terms of site development.

Mr. Ralph referred to site plans previously submitted regarding the second floor addition. One of the architectural goals was to maintain that exterior aesthetic and an appealing design from the street. Second objective was to make a more impressive entry area. The design includes the stairway up to the second floor and a 2 story outside area that will not function as office space so it does not add to the parking demand but will be part of the aesthetic. The third objective is for the President of the company to have an office on the second floor. Office #2 on plan would include a sitting area for meetings with clients, private bathroom and then on the floor, Office #1 and three huddle rooms to be used as offices. Additionally, there would be a large conference room in the upper left for meetings with clients and staff as well as accessory space used for waiting area and additional bathrooms. The area on the right of the renderings submitted would be an occupiable roof terrace off of Office #2. The second floor addition would be 2,547 sq. ft. It would be around 30% of the size of the first floor. Only seeking to add what was needed. The second floor space would be accessible for all employees.

Regarding Mr. Disko's review letter dated May 19, 2023, comment #5 mentions existing ground sign located on front yard. Mr. Ralph confirmed that there are no changes to signage in this application. Comment #6 deals with ADA parking, Mr. Ralph stated that when the final plan is submitted the ADA space would be van accessible and of the appropriate dimension to meet that requirement. I agree with statement 7, while we have 21 striped spaces, we are seeking to make 3 EV parking and so they would count twice, giving us 24 parking spaces.

Mr. Ralph also confirmed all proposed lighting would be fully compliant with local ordinance.

Mr. Ralph entered into evidence Exhibit-A1, 6 pages of colorized renderings of the proposed condition to show compatibility of the second floor with the first floor.

On question from Mr. Zawislak, Mr. Disko explained that in 2021 the Governor had his Edict on EV parking spaces, the regulations say that every EV or make ready space counts as 2 parking spaces. It was a means to encourage the electric vehicle spaces to actually get constructed and the apparatus get installed.

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

Robert Munro, having a business address of 1012 Springfield Avenue, Mountainside, NJ was sworn in to give testimony. Mr. Munro is the Chief Operating officer and Chief Financial Officer of Yorkville Advisors which had occupied the structure for about a decade. Mr. Munro gave testimony as to the operation of Yorkville Advisors, a hedge fund company, and the daily configuration of employee and client time in and out of the office. He also testified to the vision for the company and structure addition. Mr. Munro testified that parking has never been an issue due to the makeup of the staff.

Regarding Mr. Disko's review letter dated May 19, 2023, Mr. Munro confirmed that no type of retail sales is done at this company. He also confirmed that there are no signage changes. Mr. Munro testified that the minimal deliveries to the building are office supplies and Fed Ex document deliveries.

There was a discussion around the number of people parking, if there are seminars/meeting that there would cause parking issues. Mr. Munro testified that there have never been parking issues and bigger meetings are held off site. There are 21 full time employees, 6 live out of state or country. They all have the ability to work remotely. Regarding adding additional employees, Mr. Munro advise they are at fairly full capacity. There are no walk-in clients – all appointment based.

On question of Chairman Tomaine, Mr. Munro advised that they do have meetings once or twice a week and generally consist of 3 internal people and 2-3 clients.

On question from Mr. Matlin regarding pre-covid operations, Mr. Munro testified that he is not aware of any times that there was an issue with parking. No seminars/large parties are held on site.

On question of Councilman Matejek Mr. Munro clarified that Yorkville Advisors is the Investment Manager which sits above the hedge fund and Mr. Mark Angelo, the President, owns 1012 Springfield Avenue individually.

The meeting was open to the public. There were no questions or comments from the public.

Alexander Dougherty, having a business address of 54 Main Street, Chatham, NJ. He gave his credentials as a licensed Professional Planner was accepted by the Board as an expert witness.

Mr. Dougherty entered Exhibit A-2, 6 pages consisting of a map and photographs taken by a drone on May 21, 2023 into evidence.

Mr. Dougherty discussed the building footprint of the existing structure. He also discussed the brook with regard to opting not to go over the brook for parking.

Ms. Dougherty pointed out that the side yard setback of 14.8, Mr. Disko's review letter states that this was previously granted and approved by this Board.

In response to Chairman Tomaine asking that if you were compelled to add the additional parking spaces, how would that be accomplished, Mr. Dougherty advised he is not an engineer, but I don't know if from a circulation stand point that the patio in the back would work. A realistic opportunity would be to go over the brook, which is again engineering and that is out of my scope. As a land use planner, I would advise not going near the brook. I don't know if we could physically accommodate those without going over the brook.

Mr. Dougherty advised that the way the back property is sloped it would not accommodate the parking.

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

On question of Chairman Tomaine regarding the use of the existing shed, Mr. Munro indicated that the structure is a storage shed used for landscape and snow removal equipment. It is not outfitted as an office.

Ms. Dougherty gave a summation and the Board deliberated.

Chairman Tomaine concluded the presentation of the application and any opportunity for members of the public to ask any questions or make any comments.

Mayor Mirabelli commented that it was a great looking plan and enhances the whole site.

Mr. Loughlin stated the following conditions to approval:

1. Subject to other governmental approvals, regulations, permits etc.
2. The approval of the board is issued for the plans submitted, the elevations, all details of construction including the exhibits that have been marked.
3. The plans are to be amended to provide as was discussed an ADA van parking space on the property
4. The applicant is to submit a Storm Water Mitigation Plan for reasonable review requirements by our Board engineer.
5. The applicant is to present a staging plan for all construction work on the property.
6. The applicant is to contribute and satisfy all charges, escrows etc. including any applicable development review fee or similar assessment required by the affordable housing plans and ordinances of the Borough.
7. Typical of all construction work at all times subject to the reasonable review requirements and supervision of our Board and Borough Engineer
8. The applicant is to obtain appropriate permits prior to any work at the site
9. Our Engineer to provide certification of all of his requirements as set forth in the conditions of the resolution have been satisfied before building permit is issued and before the site plan drawings for the amended site plan approve is in fact finalized.

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

Roll Call:

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

Mayor Mirabelli and Councilman Matejak departed meeting at 8:32 pm.

BOARD OF ADJUSTMENT

CASE NO.: 22-18; Costalos
1400 Orchard Road
BK: 3.05 LT: 2
R-2 Zone Zoning Review 6044

The Applicants Steven Costalos and Alison Costalos residing at 1400 Orchard Road 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.

Chairman Tomaine summarized the applicant is requesting variances with respect to side yard setback in two regards, one with respects to a basketball pole and the driveway itself. A variance with respects to a side yard under the required amount of footage and a shed in the front yard and an A/C unit in the front yard on the New Providence Road.

Mr. Costalos stated that they moved into the house in 2021 and lived in Westfield for 17 years prior to moving. They have three kids in high school and was raised in Mountainside. They are seeking approval for work that was already completed. He apologized for completing the work before it was approved.

Mr. Loughlin advised that the Board of Adjustment is required that you establish 1) what is on the property now, usually what you propose, but since it's there explain to the Board what is there and variances you are seeking. 2) the reasons why you believe that the variance should be allowed.

Mr. Costalos has photographs of what is on the property now with some measurements to give a feel for the aesthetic and for talking points of the different variances. The one page of photographs has been entered into evidence as Exhibit A-1.

The first variance is the basketball pole hoop which is bolted down to a cement footing which is approximately 3 feet from the property line and two feet from a 6 foot tall fence. The hoop is

placed in that location because the hoop does lower and would create a head bumping hazard and interfere with vehicles parking in the driveway. The hoop is stainless steel with a glass back board. We feel the hoop is minimal impact to the neighboring properties. We want to keep the basketball playing in the driveway and not in the street. The purpose and intent of putting this hoop in this location is to make things safe for the kids to play.

In response to Mr. Zawislak's question, Mr. Costalos advised he considered mounting it on the garage, but that this is a different type of hoop than could go on the garage. This hoop is adjustable, and we wanted to get a three-point arch in which wouldn't have laid out by putting it on the garage.

Mr. Zawislak asked if they are trying to make a legitimate basketball court? Mr. Costalos advise that no not a full court but what they have is good practice for the kids as three point shots are a big part of the game now.

Mr. Costalos moved to the next issue which is the six foot fence that is near the basketball post. He testified that the end of the fence is going past the front of the house and exceeds that by about four feet. He stated that he wanted end the fence with the shrubbery as he thought it was a better look. He stated that he asked the neighbors if that was ok with them and they thought it was ok. He just wanted to improve the barrier between them.

The driveway on Orchard is about 64 inches away from the property line. It's supposed to be 10 feet. The purpose for that is to get a car in on the side and be able to get the other cars out near the garage. Mr. Costalos advised that he was not aware that these setbacks were in existence. He does a lot of work in Westfield as a landscape contractor and these rules don't exist there.

Mr. Loughlin wanted to note on the record, while not challenging your words sir, but many years I was the attorney for the Board of Adjustment and whether those rules would apply to your property, I can't allow that, as legal officer of the Board, to have you make that statement as fact. Mr. Costalos acknowledged the statement.

Referring to Exhibit A-1, Mr. Costalos advised the photo labeled Ranch Orchard, is a ranch style fencing he placed about 55 inches off the curb. He was looking for an aesthetic there and to contain balls, dog and kids in the front yard. Putting the fence further back into the lawn would look a little random. He also advised he wrapped the fencing around the corner leaving the side triangle open and wrapping it around to New Providence Road to the existing fencing on that side. Regarding the stockade fencing, he advised that he replaced three sections at the end of the stockade fencing that were falling apart. He advised the fencing was there when they moved into the house. They wanted to keep the fence there for privacy, containment.

Regarding the Shed and the A/C unit, they are not visible from the street. There is a lot of shrubbery in that area so it is heavily wooded. Even walking you would not be able to see the Shed or A/C Unit.

Mr. Costalos was asked to point out where the shed and A/C unit are located. He advised they are on the New Providence Road side towards the arching lawn area. Also the shed is dark brown and located behind the stockade fence.

On question of the Board, Mr. Costalos advised the position and extension of the stockade fence are the same as when he moved in. He also advised the neighbor behind him has the same stockade fence.

Mr. Costalos concluded by advising that the purpose of all of these moves was to make the house accommodating to the family and provide comfortable use for the family.

Chairman Tomaine asked for questions from the Board

Mr. Matlin stated I feel you did a good job explaining why you expanded the driveway and established the basketball court. The setback requirement is to provide additional privacy to the neighbor. Could you explain why in your view this doesn't have any negative impact on your neighbor with where the driveway and the basketball pole are located? Mr. Costalos stated, I believe the basketball playing will happen in the driveway anyway. With the design of the hoop location, I also put in three large trees behind the hoop to screen that. There were shrubs there previously which were taken down, so I put the large trees and fencing there. For that reason, I don't believe that the relocation of the hoop by about 5 or 7 feet would not impact the neighboring property at all. Considering an echo off the hoop if put n the opposite side of the driveway or switch to a portable hoop the noise would be louder.

On a question from the Board, Mr. Costalos advised that there was an incident that the ball had gone over the fence once, but they put an end to that.

Mr. Disko advised that the ranch fence as it is identified, is in the municipal right of way on Orchard so it is an act of trespassing, built it on someone else's property. The Board does not have the jurisdiction to grant the relief of the 4 foot open fence. Even though we requested this it has to be redirected a minimum of 6 inches behind the property line.

Mr. Disko was asked about the New Providence Road fence. He advised that the survey provided shows the fence is almost coincident with the property line, but it is acceptable in that it is an existing fence where that is now on the right of way line of New Providence and the existing stockade fence was not replaced, not fully. The survey, shows offsets to the bold right of way line 2.6 foot clear, 1.0 foot clear, 07 feet clear and then further r down 0.3 feet clear. So that fence is not an issue at this time on New Providence Road.

Chairman Tomaine asked about the solid fence between the subject property and the property next to the west. Mr. Disko advised that solid fences are not permitted in the front yard which is defined as forward of the closest point of the house. Testimony I believe was that it encroaches in by about 4 feet.

Mr. Loughlin clarified that the fence in the municipal right of way that must be removed is what is shown on the exhibit A-1 as the Ranch-Orchard. He asked if the applicant understood that this fence must be removed as the Board does not have authority to allow that or set back within the requirements of the ordinance.

Mrs. Costalos commented that when they lived in Westfield for 17 years, they had the same exact hoop in their backyard, so when they moved they didn't think anything of trying to put something similar in. It was never an intention to have a court, to have kids over who play basketball on a court as opposed to going to a public court.

Chairman Tomaine advised that they cannot take into consideration what the applicants experience was in another town.

Chairman Tomaine opened the meeting to the public for questions.

Mr. Robert Naulty and Mrs. Betsy Naulty, of 1406 Orchard Road, Mountainside have been sworn in.

Mrs. Naulty asked Mr. Costalos when did he ask them if he could extend the 6-foot fence along the side of their house. Mr. Costalos advised that the fence was custom made and when they were putting the fence up he asked the Naulty's if he could extend the fence into the shrubs. Mrs. Naulty disagrees with Mr. Costalos' statement.

Mrs. Naulty advised that when they put their fence up, they got a permit and made sure all was good with the neighbor. When they saw the workmen putting the fence together, they asked the workmen to get Mr. Costalos who asked the Naulty's to see their survey. They produced the survey and suggested to Mr. Costalos that he should go down to town hall because permits and surveys are required. Mr. Costalos took a picture of the survey and advised the he was not going to go down to town hall and not getting a permit.

Mrs. Naulty asked Mr. Costalos why he didn't follow the recommendations of the company to contact the town regarding any ordinance and permit requirements prior to installation. Mr. Costalos advised that the company recommendations are always found with swing sets and basketball hoops. We put them in all the time and I thought we were in conformance with where the hoop can be located.

Mr. Costalos advised that all of the interactions with the neighbors have turned angry and into conflict so I think I may have just asked if the fence was on the property line or one foot in, but no means as it any kind of contentious or putting up a hand. We are trying to work with our neighbors. He advised nothing was done maliciously.

Mrs. Naulty asked what precautions were taken to prevent the basketball from continuing to hit our house. She advised the ball has hit her house at least three times while they are home and it could possibly cause damage to the house shrubs and property, trespassing of the basketball and noise levels. Mr. Costalos advised the basketball pole is three feet from the property line. The hoop overhangs about 5 feet in front of that. We spoke to the children about horsing around with the basketball and put up the trees behind the basketball backboard. The only thing I could think about would be placing netting above the fence.

Mrs. Naulty entered into evidence Exhibit Naulty-1. Referring to the Exhibit, Mrs. Naulty disagrees with Mr. Costalos that the trees are placed behind the hoop.

Mr. Naulty asked why the basketball hoop was placed facing their house and not on the garage or other side of the hoop. Mr. Costalos advised the hoops going on the garage are not adjustable and the hoop going on the other side of the house he felt it would be more intrusive with the noise echoing. It would also be in the way of entering the house because the hoop is lower and being in the way of the van. He really feels that the way it is positioned is the best way for the neighbor.

Chairman Tomaine opened the floor for public testimony concerning this application.

Mr. Naulty entered into evidence photographs labeled Exhibit Naulty-2 and Exhibit Naulty-3.

The photographs were shown to the Costalos'. Referring to Exhibit Naulty 2, Mr. Naulty advised the photo is what they look at from their porch. The photo does not show any trees behind the hoop, as indicated by Mr. Costalos. Mr. Naulty testified as to why they oppose the application, namely the noise and potential damage to their house and property.

Mr. Costalos clarified that when he refers to the trees, when I say behind the basketball, he means behind the plane of the hoop. The basketball post is located 3 feet off the property line and 2 feet off the fence. The trees are upward branching trees placed right next to the fence. Two of them are bordering the post and the third one is further t the right. The trees will grow – they are large cherry trees.

Mr. Zawislak asked if they also widened the driveway. Mr. Costalos answered yes, about four feet up towards the driveway and took over a gravel area and asphalted that toward the street.

Mr. Garran asked Mr. Loughlin – when we are voting on this, there are 4 different variances. Are we voting on this as one application or on each element? Mr. Loughlin advised this is up to the Board. The separate variances would be:

- The shed in the front yard
- The A/C unit in the front yard
- Basketball pole in side yard
- Driveway in side yard
- Solid fence extending into the front yard

Chairman Tomaine advised the Board has authority to bifurcate the variance requests, for the purpose of being efficient and clear as a board. I propose that there be a voice vote in order to decide if the issues should be bifurcated for the purpose of enabling the board to consider these issues. I so move, Mr. Garran seconds, all in favor Aye, none opposed. That is how we will proceed.

The presentation of the application has been concluded. No further opportunity for questions or comments will be taken.

Board deliberated.

On motion by Mr. Garran, seconded by Mr. Zawislak, to approve the shed where it stands subject to obtaining municipal permits was denied by the Board based on the following roll call vote:

Roll Call:

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

On motion by Mr. Garran, seconded by Mr. Matlin, to approve the AC unit where it stands subject to obtaining municipal permits was approved by the Board based on the following roll call vote:

Roll Call:

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

On motion by Mr. Zawislak, seconded by Mr. Gioioso, to approve the solid fence extending into the front yard subject to obtaining municipal permits was denied by the Board based on the following roll call vote:

Roll Call:

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

On motion by Mr. Zawislak, seconded by Mr. Gioioso, to approve the basketball pole on the side yard subject to obtaining municipal permits was denied by the Board based on the following roll call vote:

Roll Call:

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

Absent: Ms. Dillon

On motion by Mr. Garran, seconded by Mr. Kostin, to approve the driveway in the application extending into the front yard subject to obtaining municipal permits was denied by the Board based on the following roll call vote:

Roll Call:

Ayes:

Nays: Mr. Disko, Chairman Tomaine, Mr. Zawislak, Mr. Garran, Mr. Matlin, Mr. Jakositz, Mr. Kostin

Not Eligible: Mr. Gioioso

Abstain:

Absent: Ms. Dillon

Chairman Tomaine concluded this case.

CASE NO.: 23-04, Haley

1360 Mohawk Drive

BK: 15.04 LT: 11

R-2 ZONE ZONING REVIEW 6109

Drew Haley, 1360 Mohawk Drive was sworn in to give testimony. Peter Anderson of Anderson Construction Management, having a business address of 1704 Park Place, Springfield, NJ was 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. Haley testified that they bought the house in December 2021 and worked with an architect to help me design the house. One of the issues with the house is that there is a back family room with a shed roof on it which has structural issues. The architect came up with the design to change it from a shed roof to a gable roof. When the house was built the setback, ordinance required 8 feet and that has been changed to 10 feet. I'm here because that triggered a variance. We are not changing the diameter of the room, we are just changing the roof line. We are taking a door out and two windows out replacing it with two separate windows.

Mr. Anderson testified that there is no change to the front or side of the house. We are mimicking the cable that are on the front of the house. We are not increasing any usable space, using the same foundation. We are not vaulting the ceiling.

Mr. Anderson entered into evidence Exhibit A-11, architect drawings. Mr. Disko advised that this is an existing non-conformity, there is a slight massing for the new roof which triggered the new variance.

Mr. Anderson testified that they are removing an existing rear deck which falls over the side yard setback. This will remove 240 sq. ft of coverage. Regarding the roof over the family room which exasperates the side yard setback, we are not changing the footprint of the room. The roof is

currently undersized and falling in. The low knee wall on the exterior wall in the back room creates limited usage of space. We'd like to better optimize the volume of the room by removing the undersized roof and replacing it with a more structurally sound gable roof.

Chairman Tomaine opened the meeting to the public for questions and comments.

Paul Trayman, 1366 Mohawk Drive was sworn in. He questioned if the applicant was going up at all, adding a second story. Mr. Healy stated they are not going up at all. The proposed roof does not go above the current roof line.

Chairman Tomaine concluded the presentation of the application.

Mr. Loughlin stated the following conditions to the application:

1. Subject to plans produced and entered into evidence with this testimony by the applicant and the contract representative.
2. The applicant is to obtaining the required permits together with any fees or assessments due in accordance with the ordinances of the Borough

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

Roll Call:

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

CASE 23-05 LOMBARDO
1125 Sawmill Road
BK: 5.16 Lot 14
R2 Zone ZONING REVIEW 6090

Mr. Hehl, Esq., entered his appearance on behalf of the applicant. In his opening statement, Mr. Hehl informed the Board the applicants are seeking a coverage variance. Mr. Hehl advised the applicants have lived in Mountainside for 10 years. They are committed to beautifying their home and would like the pool for an amenity for the family. The original application was as submitted was seeking coverage of 38%. I had a discussion prior to the hearing with Mr. Disko and our engineer has modified the plan to eliminate a portion of the patio to reduce the coverage to 36%. It's a nice size yard, patio is not that large – a fairly modest pool and feel the reduction in the coverage and also hat they are doing is providing subsurface detention to address any increase in

the impervious. The lot is slightly undersized, but that is an existing condition and not being impacted by this application. Present for application was an engineer and the applicants.

Christopher Lombardo and Tara Callori, of 1125 Sawmill Road have been sworn in to testify.

Ms. Callori testified that they purchased the house 10 years ago. After their son was born, they realized the house was too small so they decided to do some renovation on the home. They engaged a contractor who turned out to be a bad guy, stole some money left the house in disarray and put us in a tough financial position. The smarter decision would be to sell the home. Because they loved the town, schools and neighbors, they decided to see it thru. They want to stay in the town for the rest of their lives and would like to build a home with a backyard that could really make that possible and make it safe for some family members that need some assistance to get around.

Mr. Lombardo testified the steps they took to reduce the coverage from the original application. They were originally looking to have a larger patio as some family members have mobility issues so walking on flat property would make it easier for them to move around. They removed the side walkway from the driveway to the side yard and shortened the right side of the patio.

Mr. Lombardo testified that they will take every option to make sure they do not encroach on the neighbors. They are putting in a retention/detention system. They have a previously approved drainage system in the rear of the yard to prevent the flow of any water going to the neighbors. I am dedicated to making sure none of the neighbors are negatively impacted.

On a question by the Board regarding fencing, Mr. Lombardo advised that since they have small children, they would like to put a pool safe fence directly around the pool. They currently have a 4-foot fence around the yard now. The fence would be see-thru.

Joseph Bachi, with a business address of 328 Park Avenue, Scotch Plains was sworn in to testify. He gave his credentials as an engineer and was accepted by the Board as an expert engineer. Mr. Bachi advised the they have an existing 1 ½ story brick front dwelling that is currently under construction which brings lot coverage to 23%. They cut the driveway back a little bit and removed some walkways. The site is relatively flat with storm water drainage in the rear which was installed under zone direction. The proposed improvement is to increase the impervious to 36%. The pool is about 30 feet from the house and a nice paved patio around it with an area to entertain. Modest grading changes to direct water away from the patio

The original submittal approval for the addition, they had proposed an oversized drainage system anticipating that they might want to put in a patio. We may have to size it up a bit to three dry wells which are not shown on the plans, but will provide that to Mr. Disko. This may make the excavation a little bigger and count a bit more of the gravel area. At the 36% coverage will take the whole roof area that will satisfy the requirements and get the whole volume requirements in accordance with the storm water management ordinance of the town.

Mr. Bachi testified that the pool itself from a zoning perspective counted as impervious, but it actually provides a small amount of water detention which is opposite of what an impervious surface typically does.

Mr. Laughlin – provide a revised plan showing the reduction in coverage with the removal of improvements to 36%. Consult with our engineer and the storm water management ordinance. Provide for a conforming pool fence in accordance with the ordinance and code.

On question of the Board, Mr. Bachi advised the patio is oddly shaped, the size of the pool is 15 x 35. The patio and pool are a total of 1924 sq. ft. Lot coverage for all improvements without the pool is 23%.

On a question of the Board regarding other areas to cut back, Mr. Bachi indicated that they wanted to have patio access from all rear doors and could possibly cut some areas there.

Mr. Hehl proposed to carry the matter without further notice to the June 27, 2023 meeting.

CASE 23-03 REDI-FARMS, LLC
855 Mountain Avenue
BK: 13 Lot 6/7
B Zone ZONING REVIEW 6108

This matter was carried without further notice to the June 27, 2023 meeting.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,



Kristine Moran
Recording Clerk