



Borough of Mountainside
1385 Route 22 Mountainside NJ 07092

**BOROUGH OF MOUNTAINSIDE
PLANNING BOARD**

**Regular Meeting Minutes
December 19, 2024**

The regular meeting was called to order at 7:32 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*. The following is the agenda to the extent known:

ROLL CALL

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

MINUTES

On motion by Mr. Matlin, seconded by Mr. Zawislak and all in favor, the Regular Meeting Minutes for November 25, 2024, were adopted.

Announcements: Chairman Tomaine advised that there will be no new witnesses after 11:00 pm. Any cases that remain undecided will be carried over to either next month's meeting or the following month. Also, anyone interested in the DiBella application, that has been adjourned until the January 28, 2025

Mr. Loughlin gave a statement regarding the concerns Mr. Hehl presented at the November meeting regarding a township ordinance.

Mr. Loughlin placed on the record that the litigation the case and the decision seems to be factually and legally distinguishable from both the Gmyrek and the DiBella cases. This Board is obligated to enforce the ordinances as they are in effect at the time of the hearing. The applicant's attorney has stipulated continuing jurisdiction on the part of the Board on both those cases.

PLANNING BOARD

CASE NO.: 24-16, GMYREK
1541 COLES AVE
BK: 3.11 Lt: 13
ZONE: R1

SUMMARY: Applicant is seeking approval to amended soil disturbance from 22,995 SF to 26,536 SF (3,531 SF net increase in disturbed area).

Mr. Hehl, attorney for the application gave an opening statement regarding the application.

Stephen Parker of Parker Engineering and Surveying of Somerville, NJ, was sworn in to testify. Mr. Parker gave his credentials and was accepted as a professional engineer.

Mr. Parker gave a presentation of the grounds and the conditions. He addressed the issues Mr. Disko raised in his Memorandum of December 17, 2024. He expanded on the improvements made in the backyard to help with the run-off.

Mr. Disko is still looking for answers regarding the water in the back yard which is causing damage to the property below. Why is the water downstream so damaging if these controls are in place.

Councilwoman Wass asked if there is still an issue with the water run-off.

Chairman Tomaine opened the floor for public questions to this witness based on his testimony.

Jane Kachmar-Desonne, 1548 Deer Path was sworn in. She asked how they came about their calculations that the run-off has decreased, as she is getting excessive water run-off causing significant damage to her property.

Gregory Spadaro, owner of Land Identity of Westfield, NJ was sworn in to testify. He gave his credentials and was accepted as a licensed landscape architect. Mr. Spadaro went over the landscape surveys previously submitted.

Mr. Disko's contention is that under the pre-existing conditions, the water is running to the S & SW and now it is running SE which is a change in direction of the water flow.

Mr. Hehl is requesting a site visit with Mr. Disko and their professional to discuss resolutions to the water runoff issue to the neighbors. If that is acceptable, we would like to carry this over to the next meeting.

Mr. Disko and the Board have agreed to carry this to the next meeting without further notice.

CASE NO.: 24-22, BEK
1607 SKY TOP DRIVE
BK: 3.13 Lt: 1.04
ZONE: R1

SUMMARY: Applicant is seeking approval for soil disturbance greater than 5,000 SF.

Giovanni Manilio with Mantera Design the site Engineer on the project of Somerville, NJ, was sworn in to testify. Mr. Manilio gave his credentials and was accepted as a professional engineer.

Mr. Manilio gave an overview of the application and plans.

Chairman Tomaine opened the floor to questions from the public.

Emmanuelle Costa of 1611 Skytop was sworn in to testify. She voiced concerns about flooding with the changes. Mr. Manilio advised that he can testify that there would be less water drain off.

Floor opened to the Board for questions and then discussion

On a motion by Mr. Matlin, seconded by Ms. Dillon the Board approved the application with conditions based on the following roll call:

Roll Call:

Ayes: Mr. Disko, Chairman Tomaine, Councilwoman Wass, Mr. Zawislak, Mr. Matlin,
Mr. Jakositz, Ms. Dillon, Mr. Kostin

Nays:

Not Eligible:

Absent: Mr. Garran, Mayor Mirabelli

BOARD OF ADJUSTMENT

CASE NO.: 24-19, MURPHY
1123 MOUNTAIN AVE
BK: 18 Lt: 3.01
ZONE: R2

SUMMARY: Applicant is seeking approval for an amended site plan and use variance to permit year-round continuous operation of an existing retail space, specifically a seasonal farm stand. Applicant seeks approval to permit the expansion of the pre-existing and non-conforming seasonal farm stand in the R-2 zone where not permitted, and all other variances or waivers deemed necessary by the board.

Michael Piromalli of Gaccione Pomaco, 1 Bowland Drive, West Orange, NJ, representing the applicant. Mr. Piromalli gave an opening statement of the application. He will be calling 2 witnesses, HTomas Murphy, operator of the farms stand and project planner John McDonough.

Mr. Chadwick believes that the original resolution needs to be tightened up as it is quite broad pertaining to the items that are being sold. The list of items to be sold jumps from a traditional farmer's market to a cross between a deli and a farmer's market. This may go over into a D1 use variance

Counselor asked for a brief recess to discuss with clients and planner to discuss how they would like to proceed, whether a D1 or D2 use variance.

After a short recess, Mr. Piromalli advised they are ready to go forward with the application as is.

Mr. Piromalli called his first witness, Thomas Murphy, operator of farm stand. Mr. Murphy was sworn in to testify. He testified to the operations of the stand.

He desires, due to customer demand, to operate the farm stand year round.

Chairman Tomaine opened the floor to Board questions.

Heather Murphy, owner of the farm stand was sworn in to testify. She testified to the items sold at the stand. Less than 10% of her store is the freezer section. Everything sold at the stand is made local to New Jersey. Prepared meals are not being sold – salads, hummus, vegetarian items – all farm to table.

Chairman Tomaine opened the floor to the Board for questions.

Mr. Matlin asked if anything is prepared on site. Mrs. Murphy advised they do not prepare anything on site.

Chairman Tomaine questioned the number of employees now and in the future. Mrs. Murphy advised it is just her and her two daughters. Hours of operation will not change as per the original approval.

Mr. Chadwick reiterated that the resolution portion listing the items being sold needs to be tightened up.

Chairman Tomaine opened the floor to the Public for questions. No questions.

John McDonough, with a business address of 101 Gebralter Drive, Parsippany, NJ was sworn in to testify. Mr. McDonough gave his credential and was accepted as a professional planner.

Mr. McDonough entered exhibit A-1 into the record, aerial drone photos – 4 views of the area.

Chairman Tomaine opened the floor to the Board for questions.

Mr. Disko questioned page 4 structures, what are the square structures at the rear of the adjacent property. Mr. Murphy advised that is just flat pieces of wood that was put down to hold down the black weed paper.

Floor opened to the public for any questions or comments.

Mike Saraiva of 2694 Crest Lane, offered a statement in favor of this application.

Mr. Piromalli gave a closing statement,

Presentation has been concluded, no further questions at this time.

Mr. Laughlin reiterated conditions to be included in resolution if application approved.

On a motion by Mr. Matlin, seconded by Mr. Zawislak the Board approved the application with restrictions and conditions based on the following roll call:

Roll Call:

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

Nays:

Not Eligible:

Absent: Mr. Garran

CASE NO.: 24-23, SARAIVA
2694 CREST LANE
BK: 1 Lt: 5
ZONE: R1

SUMMARY: Applicant is seeking approval for the addition of a full second floor over the existing first floor footprint. The applicant seeks relief for rear yard under 30ft to match existing variance for work done on the first floor in 2004, with a proposed ground coverage of 39.3%, as well as any additional relief that may be required from the board.

Michael & Trisha Saraiva were sworn in to testify

Elizabeth Rush, Elizabeth Rush Architecture, was sworn in to testify. She gave her credentials and was accepted as an architect.

Ms. Rush gave an opening statement and explained the plans for the property.

Ms. Rush entered Exhibit A-1 into the record – renderings.

Chairman Tomaine opened the floor opened to questions

Chairman Tomaine opened the floor to board questions and discussion.

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

Roll Call:

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

Nays:

Not Eligible:

Absent: Mr. Garran

ADJOURN: The Board unanimously voted to adjourn the meeting at 10:43 pm

Next meeting is Tuesday, January 28, 2025 at 7:30 pm.

Respectfully Submitted,

Kristine Moran

Kristine Moran, Recording Secretary