



# Borough of Mountainside

1385 Route 22 Mountainside NJ 07092

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

### **Regular Meeting Minutes October 24, 2023**

Chairman Tomaine called the regular meeting to order at 7:30 pm. He then led the flag salute to 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 (absent)

Councilman Matejek (absent)

Ted Zawislak

Todd Garran

Thomas Jakositz

Karen Dillon

Victor Kostin, Alt. #1 (Absent)

Mark Gioioso, Alt. #2

Vincent K. Loughlin, Esq.,

John T. Chadwick, IV, PP

Kristine Moran, Recording Clerk

#### MINUTES

On motion by Mr. Matlin, seconded by Mr. Zawislak, Regular Meeting Minutes for September 26, 2023, were adopted based on the following roll call vote:

#### Roll Call:

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

Nays:

Not Eligible:

Abstain:

Absent:

**\*\* BOARD OF ADJUSTMENT \*\***

CASE NO.; 23-14 - ECHO FOODS  
1079 ROUTE 22 EAST  
BK: 24.01 LT: 1  
ZONE LI ZONE – ZONING REVIEW 6232

Continued from the September 26, 2023 meeting.

Steven Hehl, Esq. representing the applicant Echo Foods and made a brief recap of their application and previous testimony. Mr. Hehl advised that they received a letter from the Deputy Fire Chief advising there are no issues with the outdoor seating area requested.

Nick Dedes with a business address of 1079 Route 22 East, Mountainside, NJ was sworn in to testify. Mr. Dedes is part owner of Echo Tap, which is a family owned business. They are wishing to give an option to patrons of eating in a limited outside dining area. The seating would be seasonal April thru November. Outside seating is not filled all day. Mr. Dedes advised that they get calls constantly asking if outdoor dining is available.

Mr. Dedes advised that there is no intention to have outdoor live music.

Mr. Zawislak inquired about additional outside lighting. Mr. Dedes advised there will be no additional lighting as it is not needed.

Chairman Tomaine inquired if there is an additional document, other than proposal with Mr. Musial regarding additional parking arrangement.

Should the property at 191 Mill Land be sold, the restaurant would then have to come back to the town for approval or end the use of the outdoor dining.

Mr. Chadwick asked Mr. Dedes to confirm that there will be no outdoor musicians, which he did.

Mr. Chadwick voiced concerns regarding lighting and patrons crossing the street. Mr. Dedes stated that with the Boards guidance they will comply with any requirements.

Mr. Chadwick inquired if the applicant is looking to put an awning covering the area? Mr. Dedes advised in the future, with required approvals, they will be looking to put in an awning – either re-tractable or temporary but only on top. Mr. Disko advised the awning would have to meet the approval of the fire prevention official.

Chairman Tomaine opened discussion to public to ask questions of the witness.

Stuart Jurczak, previously sworn in at the last meeting, voiced his concerns regarding hours of operation of the outside area, and parking issues.

Jennifer Fitzherbert, of 175 Sunrise Parkway, Mountainside was sworn in. Ms. Fitzherbert voiced concerns of people being in the outside eating area after hours as well as the overflow parking on the public streets. She also voiced issues with outside music.

Mr. Dedes reiterated that outdoor dining service ends at 9:15 when the kitchen closes.

Mr. Musial has been recalled regarding parking and remains under oath. Mr. Musial advised that once the parking lot gets striped there will be 26 spaces. Dumpsters have been relocated to allow for more spaces. Applicant has agreed to take care of the striping immediately as a condition of approval.

Stuart Jurczak made comments regarding parking.

Joseph Staigar with a business address of 254 Main Street, Chester, NJ was sworn in to testify. Mr. Staigar gave his credential and will be testifying as primarily a planner. Mr. Staigar went thru the planning justifications for the variances they are seeking as well as parking concerns.

Applicant is to work with Mr. Disko to find a place to put a possible crosswalk and signage if required.

Stuart Jurczak questioned parking. Mr. Disko advised the requirement was 62 for seating and lobby area required 8, so they needed 70 as per the standard which was approved.

Mr. Jurczak questioned the number of seats around the bar. Mr. Hehl advised that they have not expanded the bar from the original 8 bar seats.

Jennifer Fitzherbert feels that the employees are not being counted. Mr. Hehl advised that the Ordinance Standards of parking incorporate patrons and staff ratio of 1/3 seats anticipates the staff. Mr. Disko confirmed.

Chairman Tomaine opened the hearing to the public for comments.

Stuart Jurczak made a statement against this application.

Jennifer Fitzherbert made a statement against this application.

Mikela Fitzherbert, 175 Sunrise Parkway, Mountainside was sworn in and made statements against this application.

Mr. Hehl gave his summation.

Chairman Tomaine concluded the presentation of the application for board discussion.

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

Roll Call:

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

Mr. Chadwick briefly discussed the Re-Development Study of the Mountainside Community Pool. The purpose of this is to allow the municipality some flexibility of its financing for improvements they know they need to do. The hearing will be held in November if noticing permits, if not the hearing will be held in December.

The Board took a brief recess and Mr. Disko excused himself for the rest of the meeting due to a previous commitment.

CASE: 23-17 – CALLAHAN  
297 GARRETT ROAD  
BK: 15.04 LT: 8  
ZONE: R2 – ZONING REVIEW 6171

SUMMARY: The proposed single family dwelling development involves and requires the granting of relief from the following requirements so as to permit: Ground Projections: 3.75% allowed and 6.6% proposed Lot Coverage: 30% allowed and 32.5% proposed and any additional relief that may be required from the board.

Brian and Tiffany Callahan of 297 Garrett Road were sworn in to testify. Mr. Callahan gave an opening statement.

As the applicants did not have specific dimensions/materials of the new structure, Chairman Tomaine proposes that the application be continued until the November 28, 2023 meeting without further notice and applicants agreed.

CASE: 23-19 – SOLANTE  
208 EVERGREEN COURT  
BK: 15.09 LT: 3  
ZONE: R2 – ZONING REVIEW 6259

SUMMARY: The applicants propose renovations including walk-out basement door for single family dwelling and lot coverage revisions. Variance relief is required for lot coverage proposed at 39.2% /3,925.35 SF when ordinance permits maximum of 30% / 3,005.64 SF. The existing lot coverage is 42% / 4,222.09 SF and the applicants propose to reduce the existing patio size and coverage. Front yard coverage of 44.5% where 30% is permitted and foundation area over 15% where 15.1% is proposed.

Mr. Keith Isada & Ms. Meradel Solante of 208 Evergreen Court, Mountainside were sworn in to testify.

Mr. Gregory Ralph with a business address of 1924 Route 22 E., Bound Brook, NJ was sworn in to testify as applicant architect.

As Mr. Disko is not in attendance for this application, it is proposed that the application be continued until the November 28, 2023 meeting without further notice. The applicant agreed.

CASE: 23- 08 RAMOS – **REQUEST FOR EXTENSION**  
1127 Peachtree Lane  
BK: 5.18 LT: 17  
R2 ZONE – ZONING REVIEW 6186

SUMMARY: front and side yard setbacks, foundation area, ground projections, lot coverage, floor area ratio, front yard coverage and walkway in side yard. Front yard of 28' proposed where 30' is the minimum permitted, side yard proposed is 9.8' where 10' is minimum permitted, foundation area proposed is 15.8%

where 15% is maximum permitted, ground projections proposed is 5.6% where 3.75% is maximum permitted, lot coverage proposed is 41.8% where 30% is the maximum permitted, floor area ration proposed is 24.7% where 22.5% is maximum permitted, front yard coverage proposed is 30.6% where 30% is the maximum permitted and walkway in side yard proposed is 3' where 10" is minimum permitted.

Board agreed to extend until December 21, 2023.

ADJOURN

The Board unanimously voted to adjourn the meeting at 10:45 pm

Respectfully Submitted,

Kristine Moran  
Recording Clerk