

PLANNING BOARD
January 23, 2018

The Mountainside Planning Board met on Tuesday, January 23, 2018 at the Mountainside Municipal Building, 1385 Route 22, Mountainside, NJ 07092.

In compliance with Chapter 231 OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice had been given to all members of the Planning Board and the newspaper that had been designated to receive notice, The Local Source.

REORGANIZATION MEETING:

PRESENT for 2017: Messrs. Disko, Ford, Garran, Matlin, Parker, Tomaine, Youngmans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Jakositz

The minutes of the December 21, 2017 meeting were approved as presented.

MEMORIALIZATIONS – 2017:

County of Union, Watchung Reservation, Trailside Nature Center – applicant proposed the construction and installation of a sensory trail and gazebo. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

John and Lisa Dent, 217 Evergreen Court, Block 15.11, Lot 6 – Applicants proposed to enclose an existing porch to a permanent room onto a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Garran seconded the motion. All were in favor.

Anthony and Linda Minnefor, 1411 Chapel Hill Road, Block 4.03, Lot 17.03 – Applicants proposed to construct an addition onto a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Parker seconded the motion. All were in favor.

OATH OF OFFICE:

Attorney Loughlin issued to Oath of Office to the following members:

Councilman Rene Dierkis
Will Ford – 2nd Alternate

ELECTION OF OFFICERS:

A motion was made and seconded to elect Mr. John Tomaine as chairperson. Mr. John Tomaine was again re-elected as Chairman of the Planning Board

A motion was made and seconded to elect Mr. Theodore Zawislak as vice-chairperson. Mr. Theodore Zawislak was again re-elected as Vice-Chairman of the Planning Board.

Attorney Vincent Loughlin was again appointed as Board attorney.

The board approved Resolution 01-2018 for Board attorney.

Mr. Tomaine thanked Attorney Loughlin, Mr. Disko, Mr. Chadwick, Mr. Fishinger and Secretary Rees for all their hard work and guidance to the board.

PRESENT 2018: Councilman Dierkis, Messrs. Disko, Ford, Garran, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mr. Jakositz

Mayor Mirabelli came to the board meeting to thank the members for all their hard work and service to the board.

Attorney Loughlin duly swore in Mr. John Chadwick as the board's planner, and Mr. Joseph Fishinger as the board's traffic expert for 2018.

NEW BUSINESS:

James and Megan Miller, 266 Bridle Path, Block 15.03, Lot 8 – Applicants proposed to construct an addition. Existing variances included side yard under 10 feet or 10 percent width where 7.94 feet existed, lot area under 15,000 square feet where 12,533 square feet existed, lot width under 100 feet where 75 feet existed, lot area within 150 feet, front yard coverage where 33 percent existed, and playground in the rear yard where 5.5 feet existed. New variances included foundation area over 15 percent where 19 percent was proposed, lot coverage over 30 percent where 35.8 percent was proposed, and floor area ratio over 22.5 percent where 31.8 percent was proposed.

Attorney Loughlin duly swore in Mr. and Mrs. Miller as the homeowners.

The Millers would like to construct an addition to expand their residence to a five bedroom, three and one-half bathroom house as well as enlarge the kitchen and family room.

The existing deck would be removed to accommodate the addition. The height of the addition would be 34' 2".

Mr. Tomaine reviewed the variances.

Mr. Miller informed the board that the new addition would fit in with the neighborhood due to the fact that there were several new homes on the street.

The board members discussed the variances for the addition and especially the floor area ratio variance, which was considered a use variance.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

The board members gave their comments regarding the application. Several board members felt that the proposed addition was too intensive, and would be detrimental to the neighborhood.

Having no further discussion, Mr. Garran made a motion to approve the application and Mr. Zawislak seconded the motion.

Attorney Loughlin advised the Millers that due to the floor area ratio variance, five affirmative votes were required.

ROLL CALL VOTE:

AYES: Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Ford

NAYS: Mr. Tomaine
Mr. Zawislak
Mr. Younghans

MOTION: Denied

Stapleton/Ropelski, 1264 Virginia Avenue, Block 16.10, Lot 6 – Applicants proposed to expand their driveway into the side yard setback. Existing variances included side yard under 10 feet or 10 percent width where 9.5 feet existed, lot area under 15,000 square feet where 14,999 square feet existed, foundation area over 15 percent where 16.18 percent existed, floor area ratio over 22.5 percent, lot area within 150 feet, and air conditioning unit in the side yard was previously granted. New variances included lot coverage over 30 percent where 34.4 percent was proposed, and driveway in the side yard where one foot was proposed.

Attorney Loughlin duly swore in Ms. Jennifer Stapleton, the homeowner and Mr. John Ropelski, Jr.

Mr. Ropelski informed the board that they would like to extend their driveway by approximately six feet, past the house. The driveway was located on the side of the house and the homeowners would like to expand their driveway into the side yard setback.

Mr. Garran inquired how the homeowners could reduce lot coverage. Mr. Ropelski stated that the carport had already been removed. Mr. Garran inquired if the driveway would need to be widened all the way to the street. Mr. Garran suggested it could be widened from the front of the house to the side of the house.

Mr. Disko informed the board of how much square footage would be added with the expanded driveway.

Mr. Tomaine opened up the floor to the audience for questions or comments.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Sergio Pereira of 1260 Virginia Avenue.

Mr. Pereira stated that as the adjacent homeowner, he did not seem to have a problem with the location and width of their driveway, and he had no objections to the application.

End participation

Members of the board discussed options with the homeowners to reduce their lot coverage.

Mr. Younghans suggested that the driveway could be cut back a couple of feet off the back corner of the house.

Although discussions had been closed for this application, the board voted to re-open discussions regarding the driveway.

The homeowners also stated that hedges that had been planted along the side of the house had been removed.

The board again discussed as whether the driveway could be reduced and the length of the proposed driveway.

Exhibit B-1: Survey of the house

Mr. Disko suggested that the driveway taper would begin at a point 20 feet from the front house line, as reflected on Exhibit B-1.

There would be no Belgium block curbing at the street.

Having no further discussion, Mr. Zawislak made a motion to approve the application, as amended and Mr. Younghans seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans
Mr. Ford – Alternate

NAYS: 0

MOTION: Approved

CONTINUATION:

Stage House Tavern 3, 1099 Route 22, Block 23, Lot 12 – Applicant proposed a site plan and development for an expansion of a new restaurant, including outdoor seating and bar area. New variances included a use variance for the restaurant, retail sales, front yard-50 feet on Route 22 where 43.8 feet was proposed, lot coverage over 75 percent where 90.2 percent was proposed, front yard parking, insufficient parking, and trash enclosure in the rear yard setback. Existing variances included insufficient parking space size, and insufficient parking lot aisle width.

Attorney Steve Hehl again represented the applicant for proposed outdoor seating and bar area.

Attorney Hehl gave a summery as to what transpired at the previous meeting.

Attorney Loughlin duly swore in Mr. Alan Klein of Mountainside, NJ as the structural engineer. Mr. Klein gave his credentials to the board.

Mr. Klein described the proposed wall and the integrity of the proposed wall.

The wall was designed to withstand an impact of a 10,000 pound vehicle, traveling at about 50 mph at a 45 degree angle. Mr. Fishinger inquired about the proposed wall. Mr. Klein informed him that the wall might crack but it would not collapse or tip over.

Exhibit A-8: 8-pages of the design of the concrete retaining wall. There was also a nine-page summary of specifications of the proposed wall.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Attorney Loughlin duly swore in Ms. Carol Hewitt in Westfield, NJ as the architect. She did not have to give her credentials to the board.

Ms. Hewitt gave an overview of the outdoor seating of the previous design and of the newly proposed design.

Exhibit A-1 A, B and C:

Exhibit A-1B: Ms. Hewitt described the revised outdoor seating area.

- It would now be 4,394 square feet
- The bar area would now be 37 ft. wide x 11 ft. deep
- 53 seats around the bar
- 8 tables for 8 people
- 25 tables for 4 people
- Outside perimeter
- A total of 217 seats
- A total of 164 seats at tables

The proposed wall would be twelve inches thick and would be a maximum height of eight feet or lower. There would be windows at the top of the wall as well as 23 exterior lights on the wall. Ten strings bistro lights would be strung over the bar area.

Exhibit A-9: Larger rendering of a previously submitted exhibit.

The exterior outdoor seating would be all pavers.

There would be three emergency exists.

Ms. Hewitt again described the occupancy rate for both the interior restaurant and the proposed outdoor seating and bar area.

There would be four televisions that would be mounted on the interior of the walls in the outdoor area.

Mr. Tomaine opened the floor to the audience for questions. There were none.

Attorney Loughlin duly swore in Mr. Thomas Britt, the owner of the Stage House restaurants.

Mr. Britt gave a background summary of the restaurant.

Mr. Britt explained why he would like to have outdoor seating and bar area for the Mountainside restaurant. His other two restaurants have outdoor seating. During the spring and summer months, people like to eat outside. Mr. Britt believed that outdoor seating would be more popular in the nice weather than inside the restaurant.

Exhibit A-10: Proposed outdoor seating showing the tables and bar areas.

Mr. Britt assured the board that there would no longer be a stage, DJ or live performances in the outdoor area. There would only be background music.

Mr. Britt assured the board that parking would be more than adequate.

Mr. Matlin inquired as to whether or not Mr. Britt would cordon off a section of the interior of the restaurant when the outdoor seating was full. Mr. Britt stated that he did not anticipate the restaurant ever being at capacity. He would comply with the board's condition.

Mr. Tomaine inquired as to how many days he was at the restaurant during the week. Mr. Britt stated that he was at the Mountainside restaurant several days a week.

Mr. Tomaine discussed the incident reports that were supplied by the police department, with Mr. Britt.

Mr. Chadwick inquired about the proposed string lights. It was pointed out that bistro lights were used all over Europe and New York City. Mr. Britt stated that he believed that string lights would make the outdoor seating very attractive.

Mr. Fishinger inquired about the outdoor area during the winter. Mr. Britt stated that the emergency exists would still remain clear of snow, however, the furniture would be stored away.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Attorney Loughlin duly swore in Mr. Joseph Staigar of Chester, NJ as the professional engineer, sound, and traffic expert. He gave his credentials to the board.

A Traffic Impact Study had been submitted.

The outdoor area was reduced to 4,400 square feet of patio area.

Mr. Staigar described trip generations for the patio area seating during peak hours for both Route 22 and Mill Lane.

Mr. Fishinger inquired about a NJDOT permit. Mr. Staigar stated that a NJDOT permit was not required due to the fact that outdoor seating was not considered by the DOT. He intended to file a Letter of No Interest with the DOT.

Mr. Staigar assured the board that there would be no unacceptable levels of service F.

Sound: There would no longer be live music at the outdoor patio. Mr. Staigar indicated that there would be background music only. The outdoor speakers would only be at 65 decibels or below and would be at allowable sound levels.

Mr. Fishinger reviewed his traffic report with Mr. Staigar. He inquired if any changes that were proposed would trigger any DOT permits. Mr. Staigar stated that DOT would not have to be notified. They discussed the number of traffic trips that were used by both Mr. Staigar's traffic report as well as the State.

Mr. Staigar informed Mr. Fishinger that he would provide the board with a copy of the Letter of No Interest.

Mr. Staigar also discussed the driveways for ingress and egress for both Mill Lane and Route 22.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

At this point the board took a break at 9:41 p.m. and resumed the public meeting at 9:55 p.m.

Attorney Loughlin duly swore in Mr. James Watson of EKA Association in Scotch Plains as the applicant's professional planner. He did not have to give his credentials.

Mr. Watson not only informed the board that outdoor seating would be seasonal, but he also stated it would also provide more employment with the restaurant. The restaurant would be more successful if the outdoor seating were approved, especially during the summer when business was usually slower.

Exhibit A-11: Tax map of Route 22. The colored lots represent the non-conforming lots. Mr. Watson described the adjacent properties.

Mr. Watson stated that outdoor seating has become very popular and would be well suited for the present use of the existing restaurant.

Mr. Watson described the positive and negative criteria of the master plan. He believed that there would be no detrimental effect of the surrounding neighborhood.

Mr. Tomaine stated that the applicant should be able to prove that the proposed use would be suitable at the location. It would depend on the fact that the expansion of the use would satisfy the needs of the surrounding area and that the need could only be met at that location. However, Attorney Hehl informed him that that argument was overturned in court. Attorney Hehl and Mr. Tomaine discussed this.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Mr. Tomaine opened up the floor to the audience for comments.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in the owners of Bovellas at 1085 Route 22, which is located next to Stage House. They spoke in favor of outdoor seating and commented on the beautiful design of the proposed patio. They felt it would be a good addition to the restaurant and that the outdoor patio would attract many people to the Borough.

End participation.

Attorney Hehl gave his summation to the board.

The board members then gave their comments to the applicant.

CONDITIONS:

- Letter of No Interest to be submitted to the NJDOT
- Maximum outdoor seating would be 217:
- When the outdoor area is open, the back area of the indoor restaurant, consisting of 164 seats, would be cordoned off
- The total occupancy rate would not exceed 503 for both indoor and outdoor establishments
- No enclosures would be allowed
- Outdoor heaters would not be allowed
- Stop bars at the western driveway per professionals' review
- Striping and fire lanes along the side of the building per Mr. Disko's review
- No signage was proposed at this time; the existing signs are conforming
- Lights at the top of the wall to be opaque to cut down on the glare
- Trees would not be required in the parking lot
- Curb radius flare to increase on the easterly driveway on Route 22, if possible
- The four televisions would not be allowed to face Route 22 or to be seen from Route 22
- There were no changes in the sewer assessment
- Applicant must apply for all permits

Having no further discussion, Mr. Zawislak made a motion to approve the application and Mr. Younghans seconded the motion.

AYES: Mr. Disko
Mr. Zawislak
Mr. Garran
Mr. Matlin
Mr. Parker
Mr. Younghans

NAYS: Mr. Tomaine

MOTION: Approved

Having no further business, the meeting was duly adjourned at 11:00 p.m.

