

**PLANNING BOARD
OCTOBER 25, 2016**

The Mountainside Planning Board met on Tuesday, October 25, 2016, 2016 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.

PRESENT: Messrs. Disko, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

ABSENT: Mr. Ford and Mr. Garran

The minutes of the September meeting were approved as presented.

Mr. Tomaine announced that the Eugene Lord townhouse application would be postponed until the November 29, 2016 meeting.

MEMORIALIZATION:

Stapleton, 1264 Virginia Avenue, Block 16.10, Lot 6 – Applicants proposed to install an air conditioning unit in the side yard of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Fraymil Rodriguez, 227 Summit Road, Block 5.20, Lot 23 – Applicant proposed to construct an addition onto a single-family dwelling. A motion was made and seconded to approve the resolution. All eligible voters were in favor.

Baboomian/Fleming, 1197 Foothill Way, aka 333 Short Drive, Block 5.06, Lot 4 – Applicants proposed to install solar panels onto the roof of a single-family dwelling. A motion was made and seconded to approve the resolution. All were in favor.

Gabriel, 867 Standish Avenue, Block 12, Lot 4 – Applicants proposed an addition onto a single-family dwelling. A motion was made and seconded to approve the resolution. All eligible voters were in favor.

CONTINUATION:

Bovella's 22 Real Estate Group LLC , 1085 Route 22, Block 23.03, Lot 15 – Site plan and change of tenancy for a bakery and restaurant.

Mr. Steve Hehl of Hehl and Hehl in Union, NJ again represented the applicants for a bakery and café.

Board members should have received revised plans showing:

- Site circulation and parking
- One way traffic circulation
- Better ingress and egress
- Sufficient number of parking spaces
- Additional seating
- Adequate parking for the site
- Changed the parking space size from 9' x 20' to 9' x 18'

Mr. Thomas Quinn, who was still under oath, reviewed all the changes that had been made to the site plan.

Exhibit A-5: New and proposed layout

Exhibit A-6: Color rendering of the site plan that was presented at the September meeting.

Mr. Quinn testified that the two-way traffic circulation would be eliminated. The Route 22 driveway would be ingress only. The traffic circulation would flow at a counter-clock wise direction. There would now be parking on the north and south sides of the driveway. The number of parking spaces would increase from 33 to 38 spaces. The number of parking spaces would comply with the ordinance. Mr. Meth, the board's traffic expert, informed Mr. Quinn that an access permit may be required by the DOT.

Mr. Quinn reviewed Mr. Disko's report based on the revised plans that were submitted to the board.

Mr. Quinn discussed the discrepancy in the building size exterior footprint between what he stated the building size was and what Mr. Disko felt the building size was. Mr. Quinn stated that he thought it was a matter of the refrigeration area and the porches.

Lot coverage would be reduced by 86 square feet. A drainage inlet could be added, if required, in the southeast corner and new pipes could be run out to Mill Lane. It should prevent any ponding in the parking lot.

Landscaping: Mr. Quinn stated that he would change the landscaping from all flowering plants if there was concern about the sight triangle.

The bollards and venting stacks would be removed.

There would be no loading zone due to the fact that only small vans or box trucks would be used. It was anticipated that the trucks would come to the site early in the morning, before the bakery opened up. Mr. Chadwick suggested that a loading zone could be created where the employee parking area was now located. There should be a sign that would say "Loading Area Only" and "Employee Parking Only".

Attorney Loughlin duly swore in Mr. Robert Algarin. He was reminded that he was still under oath.

Mr. Algarin presented the new floor plan:

- The proposed number of seats would increase from 48 to 72 seats.
- The number of cash registers would decrease from three to two and would be relocated from behind the display cases to the ends of the display cases.
- There would be no sign variances. The signs would comply with the ordinance. The name of the bakery would be "Bovella's Bakery Café".
- The basement would remain unheated.
- Mr. Matlin inquired about take-out service. There would be no intended take-out. Mr. Bencivenga thought that the board would not want the establishment to be of retail use. It was proposed to be a commercial bakery and café only. Retail sales would not be encouraged.

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

Attorney Loughlin duly swore in Mr. Craig Peregoy of Chester, NJ as the applicants' traffic expert. He gave his credentials to the board.

Mr. Peregoy testified that he felt that a DOT Access Permit would not be required. He testified that he would review it again. He would submit a letter of no interest to the DOT.

By reducing the size of the parking spaces to 9' x 18', additional parking would be available.

The proposed use of the bakery and café would be less intense than the previous full-service restaurant. It would cater more towards breakfast and lunch, than dinner. Mr. Peregoy testified that the number of trips in the morning would be approximately 37 trips.

Mr. Matlin inquired if there would be a problem with drivers getting onto Mill Lane at night. Mr. Peregoy stated that there should not be a problem due to the fact that the bakery will service customers more at breakfast and lunch than at dinner.

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

AUDIENCE PARTICIPATION:

Mr. Stewart Jurczak of 179 Sunrise Parkway stated that if there were a line of cars trying to go onto Route 22, it would force customers onto residential neighborhoods.

Attorney Hehl recalled Mr. Ralph Bencivenga, who was the owner of the proposed bakery and café. He was reminded that he was still under oath.

Exhibit A-7: Menu at the proposed bakery/café

Mr. Bencivenga stated that the bakery would still remain a commercial bakery, not a retail bakery. Mr. Bencivenga described the differences between the Westfield store and the proposed Mountainside bakery. The board discussed the operation of the proposed café. Again, the board inquired as to why there would be no take-out of bake goods when Bovella's was well-known for their bakery at the Westfield site.

Deliveries: Deliveries would be approximately three times per week around 6:30 a.m., before they open for the day.

Mr. Chadwick stated that two-thirds of the site would be a permitted use. The site would be ninety percent commercial bakery and the rest would be the café. He cautioned that the board not considers this a fast-food establishment.

The establishment would not have a liquor license.

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

AUDIENCE PARTICIPATION:

Mr. Stewart Jurczak of 179 Sunrise Parkway inquired if the commercial bakery would have extended hours during certain times of the year. Mr. Bencivenga stated that during the holidays, the bakery would have extended hours, but the café would not.

Attorney Loughlin duly swore in Mr. Alfred Perna of 172 Sunrise Parkway expressed his concern regarding the increase in the amount of traffic on Glen Road and Mill Lane. Right now, due to Echo Tap and Grill, it was very difficult for drivers to turn onto Route 22 from those intersections. Attorney Hehl stated that the proposed use was a much less intense use than if there would be a full service restaurant.

There would be no overnight parking on the site.

Attorney Loughlin duly swore in Mr. James Watson of EKA Associates in Scotch Plains as the professional planner for the project. He did not have to give his credentials to the board.

Exhibit A-8: Mr. Watson's testimony

Mr. Watson testified that the parking lot would be paved and re-stripped and new lighting would be installed.

Mr. Watson described the surrounding area and reviewed the variances.

He testified that approximately two-thirds of the business would be a permitted use.

The shed would be removed and the trash enclosure would be relocated to southeastern line.

Mr. Watson described the positives and negatives for the proposed business. Mr. Tomaine inquired as to what was the hardship for approval of the use variance.

Exhibit A-9: Non-conforming uses along Route 22. Mr. Watson described some of the establishments, such as the movie theater and the gas stations.

Mr. Tomaine inquired if any other sites had been considered. Mr. Bencivenga stated that he had not looked at any other sites, due to the fact that it fronts on a major highway.

Mr. Watson stated that he felt the site was suited for a restaurant and has been as restaurant for at least 45 years. There should not be any problem with traffic for the proposed business.

Mr. Disko inquired if they could have the commercial bakery and eliminate the café. The applicants did not want to eliminate the café due to the fact that it would not be a good investment.

Mr. Disko also inquired as to whether the applicants could reduce the proposed footprint, thereby, eliminating the lot coverage variance. Mr. Watson admitted that lot coverage may be able to be reduced.

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

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Mr. Stewart Jurczak of 179 Sunrise Parkway. Mr. Jurczak stated that the intersection was very busy and very dangerous. The proposed business would be detrimental to the neighborhood. Mr. Jurczak expressed his concern that there was now Echo Tap and Grill, and Stage House Tavern 3 would be opening up soon that would increase the amount of traffic.

Attorney Loughlin duly swore in Mrs. Kathy Perna of 172 Sunrise Parkway, who informed the board that traffic and parking was not bad when the original diner was there. The intersection became much more congested when Echo Tap and Grill opened.

End participation:

Attorney Hehl gave his summation to the board.

Several board members gave their comments regarding the application. Mr. Tomaine and Mr. Disko expressed their concerns regarding the expansion of the take-out retail potential.

Having no further discussion, Attorney Loughlin reviewed the conditions:

CONDITIONS:

- Applicants to submit revised plans showing the ingress into the site, showing one way traffic circulation
- DOT waiver showing no interest
- Storage only in the basement
- Signs showing the loading area and employee parking only
- Plans to be submitted to the Borough Engineer showing the drainage inlet

- Signs posted says “No Overnight Parking”
- Hours of operation are to be from 7 a.m. to 11 p.m.
- No overnight deliveries
- All construction permits must be obtained
- Landscaping plans and sight triangle to be submitted to the Borough Engineer

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

ROLL CALL VOTE:

AYS: Mr. Zawislak
Mr. Matlin
Mr. Parker
Mr. Younghans
Mr. Jakositz

NAYS: Mr. Disko
Mr. Tomaine

MOTION: Approved

At 10:10 p.m., the board took a break. At 10:20 the board resumed the public portion of the meeting.

NEW BUSINESS:

Western Pest Control/Signarama, 1048 Route 22, Block 24.07, Lot 1 – Applicants proposed to replace an existing, non-conforming roof sign. New variances included the roof sign which was a prohibited sign, and replacement of a non-conforming sign which was treated as a new sign installation.

Mr. John Schmidt, Jr., Esq., Lindabury, McCormick, Estabrook, and Cooper in Westfield, NJ, represented the applicants for the replacement of a roof sign.

The first roof sign was installed in 1969 and was replaced in 1982. They now want to replace the existing roof sign with a new LED sign.

Attorney Schmidt explained that the existing ground sign would be removed, if the proposed sign was approved. The company felt that the existing ground sign acted as a distraction for motorists.

Attorney Loughlin duly swore in Mr. Patrick Porcella of Parcippany, NJ, as the regional manager for Western Pest Control.

Mr. Porcella described the existing sign, which was now in disrepair.

Mr. Zawislak expressed his concern that the proposed sign would be brighter than the existing sign. Mr. Porcella assured him that it would not be brighter.

Mr. Chadwick inquired about the company’s hours of operation. The board discussed putting the sign on a timer. Western Pest Control agreed to the lights on the sign going off at 10:00 p.m.

Attorney Loughlin duly swore in Mr. Kamal Assad of Kenilworth, NJ, who was the representative of Signarama.

Exhibit A-1: Color rendering of the existing and proposed roof sign

Mr. Assad testified that the proposed sign would be smaller than the existing sign.

The sign would be changed from a neon sign to an LED sign, so as to save energy. The proposed sign would show the new logo and colors. The sign could be

placed on a timer. The frame behind the sign would remain the same. The proposed sign would not be as bright as the existing sign.

Attorney Loughlin duly swore in Mr. James Watson from EKA Associates in Scotch Plains, NJ. He did not have to give his credentials to the board.

Mr. Watson stated that the sign would not be detrimental to the area.
Exhibit A-2: Tax map showing the site
Exhibit A-3: Map showing Route 22 when the highway was widened in the 1940's. There have been no changes to the highway since then.

The new sign would provide greater visibility by reducing glare and, therefore, would be safer for motorists.

CONDITIONS:

- The sign must be put on a timer from dusk to 10:00 p.m.
- The existing ground sign must be removed

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

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Tomaine
Mr. Zawislak
Mr. Matlin
Mr. Parker
Mr. Younghans
Mr. Jakositz

NAYS: 0

MOTION: Approved

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

Ruth M. Rees

