



Borough of Mountainside
1385 Route 22 Mountainside NJ 07092

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

**Regular Meeting Minutes
September 26, 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
Mark Gioioso, Alt. #2
Vincent K. Loughlin, Esq.,
John T. Chadwick, IV, PP
Kristine Moran, Recording Clerk

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Matlin, Regular Meeting Minutes for August 22, 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. Gioioso

Nays:
Not Eligible:
Abstain:
Absent:

RESOLUTIONS

CASE: 23-07 BHANDARI
RESOLUTION: NO. 23-R24
1054 Belair Court
BK: 7.03 Lot 4.01

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

Roll Call:

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

CASE: 23-06 MENESIS
RESOLUTION: NO. 23-R25
1368 Route 22
BK: 15.09 LT: 1

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

CASE: 23-10 CHIP AND BIRDIES
RESOLUTION: NO. 23-R26
187 Mill Lane
BK: 23.03 LT: 36

On motion by Mr. Zawislak, seconded by Mr. Disko, 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.
Gioioso
Nays:
Not Eligible: Ms. Dillon, Mr. Garran
Abstain:
Absent:

CASE: 23-11 COSCIA
RESOLUTION: NO. 23-R27
216 OAK TREE
BK: 15.11 LT: 11

On motion by Mr. Zawislak, seconded by Mr. Gioioso, 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. Gioioso

Nays:

Not Eligible: Ms. Dillon, Mr. Garran

Abstain:

Absent:

CASE: 23- 13 DOYLE
RESOLUTION: NO. 23-R28
1175 WYCHWOOD LANE
BK: 22.02 LT: 33

On motion by Mr. Zawislak, seconded by Mr. Gioioso, 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. Gioioso

Nays:

Not Eligible: Ms. Dillon, Mr. Garran

Abstain:

Absent:

RESOLUTION: NO. 23-R29

Authorizing John T. Chadwick IV to undertake and prepare a preliminary investigation and report as to whether the Mountainside Municipal Pool is a redevelopment area in accordance with N.J.S.A 40A:12A-6

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

Roll Call:

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

Nays:

Not Eligible:

Abstain:

Absent:

**** BOARD OF ADJUSTMENT ****

CASE NO.; 23-16 - ECHO FOODS
1079 ROUTE 22 EAST
BK: 24.01 LT: 1
ZONE LI ZONE – ZONING REVIEW 6232

SUMMARY: Echo Tap and Grille situated on corner of Route 22 and Mill Lane occupies entire building and proposes the following variance relief:

1. Expansion of non-conforming use (restaurant operates in L-I Zone); proposed patio is deemed an expansion of pre-existing non-conforming use and applicant seeks to continue pre-existing non-conforming conditions: Minimum lot width; maximum lot coverage; minimum number of off-street parking spaces.
2. Front yard setback: to Route 22 (from patio to Route 22E); permitted – 50' – Existing – 32.47' to existing building – Proposed – 31.9' to patio
3. Parking: 99 parking spaces; 73 spaces existing and 115 required by ordinance. Applicant proposing to have additional off-site parking at 191 Mill Lane (owner approval)

Steven Hehl, Esq. representing the applicant Echo Foods. They are here to make a request to make the area of outside dining area permanent. Applicants are seeking a setback variance, a parking variance and a D2 use variance. Mr. Musial has for some time allowed the employees of Echo Tap and overflow parking to utilize his parking lot at 191 Mill Lane.

Noel Musial, President of Musial Group with a business address of 191 Mill Lane, Mountainside, NJ was sworn in to give testimony. Mr. Musial gave his credentials as a professional architect and was accepted as an expert witness.

Mr. Musial explained the existing conditions of the restaurant and described the proposed improvements. Mr. Musial also described the current parking conditions at 191 Mill Lane.

Entered Exhibit A1 - a colored drawing ASP 101 revised date of 6/1/2023 into the record.

Entered Exhibit A2 – 6 photos of the current outdoor dining area into the record.

Entered Exhibit A4 – Agreement between Mr. Musial and Echo Foods for parking into the record.

Mr. Hehl confirmed that there will be no changes and no expansion to what exists in the outdoor area and no change to the hours of operation.

Chairman Tomaine opened the meeting to the public to ask questions of the Architect based on his testimony.

Stuart Jurczak, with an address of 179 Sunrise Parkway, was sworn in to testify. Mr. Jurczak entered Exhibit J1 – a photo of Mr. Musial's parking lot taken by him.

Mr. Jurczak asked if there was monetary compensation given to Mr. Musial for parking in his lot at any time. Mr. Musial responded no.

No further questions from the public.

Mr. Kostin voiced concerns about the FDC being blocked by the black fence which was a storage area for the heaters. Some of the table locations also impact the access to the FDC

In light of this issue, the Applicant was given a choice to either go with less tables or a potential redesign of the outdoor area.

At this time Mr. Hehl has requested a continuance of the application to confer with the Mountainside Fire Department to get a resolution to the FDC access issue.

Application is continued until the next meeting of October 24, 2023 no further notice will be given.

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

Board agreed to extend until October 24, 2023.

ADJOURN

The Board unanimously voted to adjourn the meeting at 8:45 pm

Respectfully Submitted,

Kristine Moran
Recording Clerk