

**BOROUGH OF MOUNTAINSIDE**  
Planning Board Meeting  
**MINUTES**  
September 24, 2019 – 7:30 p.m.

**CALL TO ORDER**

Chairman Tomaine called the meeting to order at 7:31 p.m. in the Borough of Mountainside Municipal Building. He read the Open Public Meetings statement in accordance with the law and announced that there would be no new testimony after 11pm.

**ROLL CALL & FLAG SALUTE**

**Present**

Mr. Disko  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Younghans  
Mr. Parker  
Mr. Matlin  
Mr. Jakositz

**Also Present**

Vince Loughlin, Board Attorney  
John Chadwick, Board Planner

**Absent**

Mayor Mirabelli  
Councilman Dierkes  
Mr. Ford

Mr. Loughlin advised that Mayor Mirabelli and Councilman Dierkes were absent since they were not eligible to vote on the [Board of Adjustment] application.

**PLANNING BOARD**

**APPLICATION**

- **Vincent Papatto Realty Co.**  
**Block 7.02, Lots 14.01-14.04 (1024, 1020, 1016 & 1012 Mary Allen Lane)**  
*Amended Preliminary & Final Major Subdivision, Bulk Variance*

Chairman Tomaine announced that the application would be carried to 10/22/19.

**BOARD OF ADJUSTMENT**

**APPLICATION**

- **ARC of Union County**  
**Block 23, Lot 8 (1181 Route 22)**  
*Amended Site Plan, Use & Bulk Variances*

**Attorney John Frieri** entered his appearance on behalf of the applicant and provided a witness list.

**Frank Caragher** identified himself as the Executive Director of ARC of Union County and was sworn in. Mr. Caragher spoke about the nature of the business and services that would be offered. Likening it to a

leisure day program, he related that this facility would serve a more adult developmentally disabled population than their other facility in Springfield.

Mr. Caragher testified that the site would serve a maximum of 60 clients and that staff would initially be limited to 10. He related that transportation would be provided for both group home residents as well as residents of private homes and discussed arrival/departure procedures as they relate to site configuration.

With respect to lighting, Mr. Caragher testified that overnight lighting would be used in the rear parking lot for security reasons. With respect to signage, he testified that the existing signage would remain and that all signage would be conforming. Mr. Caragher testified that there were no plans for outdoor storage and no proposed use of any explosive/radioactive materials or activities that would generate air pollutants/vibration/industrial waste, glare or noise. Frequency of deliveries [via an existing delivery bay in the rear] was discussed. Mr. Caragher testified that there would be a minimal number of deliveries.

Mr. Caragher provided testimony on the different therapies/modalities as well as regulatory information in response to a question from Mr. Matlin about daily activity. Mr. Caragher clarified that they would utilize a large patch of green area in the rear for outdoor activities in response to a question from Mr. Matlin about accessing Echo Lake Park.

In response to a question from Mr. Matlin about the types of disabilities, Mr. Caragher related that most of the clients are permanently developmentally disabled with conditions that occurred prior to age 21 and are not medically treatable. Mr. Matlin asked whether Mr. Caragher had any safety concerns given the location. He indicated that he did not due to his extensive experience with the population.

Mr. Tomaine asked about their association with the County given their name. Mr. Caragher testified that they were not affiliated. He responded to questions from Mr. Tomaine about their existing school on Globe Avenue which he related serves school age children. Mr. Caragher advised that attendance would not be mandatory but rather, by choice with the population selected by family/individual.

Mr. Caragher testified that there would be no on site meal preparation. He confirmed that a commercial kitchen is contemplated on every site for future consideration only. He testified that they would contemplate fencing in the rear if it is being used regularly.

Mr. Younghans asked about the extent of renovations, lease term/type and incorporation. Mr. Caragher testified that the least term is 15 years, that they are a 501c and that the exterior renovations would be limited to paint and replacement of windows on the side/rear.

Use of the wooded area in the rear of the property was discussed. Mr. Caragher identified the area they intend to use for outdoor activities on the map and Mr. Chadwick identified the lot on Sheet C-3. Mr. Chadwick explained that the approval would impact Lot 25 in addition to Lot 8/run with both lots. Mr. Disko clarified that the actual property is comprised of Lots 8 and 25. Mr. Tomaine clarified that the approval would include both lots. Mr. Caragher testified that there would not be anyone walking around unsupervised and provided additional testimony on the lighting in response to a request from Mr. Chadwick.

Utilization of emergency services was discussed in response to a question from Mr. Matlin. Mr. Caragher confirmed that they would be relying on the Borough's emergency services. When asked about

anticipated need/potential frequency, Mr. Caragher estimated calls for service at one/month and explained that medical care is based on protocol/assessed in accordance with state regulations. Mr. Zawislak spoke briefly about the volunteer nature of Mountainside EMS. He asked for clarification on the hours of operation. Mr. Caragher explained that they are open from 8:30-4:30 with the program running for 6 hours and extended hours to accommodate staff.

Mr. Younghans asked for clarification on the exterior improvements and the windows to be replaced in particular. Mr. Caragher reiterated that the windows towards the back/side would be replaced while the front windows would remain unchanged. Mr. Loughlin added that they were discussing EX 1 for the record. Mr. Jakositz asked about fit out drawings. Reference was made to A1 of the architectural plan.

The Chairman opened the floor to questions of the witness at 8:00.

**Jeffrey Martell, P.E.** of Stonefield Engineering was sworn and qualified.

**Exhibit A-1** was identified as an aerial exhibit based on State GIS data [dated 9/24/19] and marked into testimony. Mr. Martell identified lots, ingress/egress and parking.

**Exhibit A-2** was identified as a colorized version of Sheet C4 of the Site Plan with an aerial image underlay [dated 8/22/19]. Referring to the proposed site improvements as “modest,” Mr. Martell explained that they would include restriping of the lot (citing continuous circulation), 3 ADA parking spaces and 6 visitor spaces as well as a continuous ADA compliant handrail along the building and a 10' wide sidewalk. He spoke at length to circulation patterns and drop off procedures for small buses/vans adjacent to the building in particular. Mr. Martell discussed other elements of the site plan such as refuse (identified in the southwest corner, to be used for “household levels” of trash/recycling). He explained that the loading dock in the rear would be retained and used for occasional deliveries and affirmed that there would be no change to the building footprint.

Mr. Martell provided testimony on signage and landscaping. He explained that the existing wall sign/sign on 22 would be reused and that there would be no expansion/additional signage. He also explained that (2) trees would be planted where the cut thru exists in order to discourage use of same.

Speaking to a small increase in impervious coverage, Mr. Martell testified that they would be reducing the 8' sidewalk on the western side to 5', re-implementing green space in the southwest and southeast corners [currently paved] and would be zoning compliant with respect to parking and the curb line with 69 spaces. He offered that these modifications would allow for compliance with stormwater management.

Mr. Martell provided additional testimony with respect to items #7&8 of Mr. Disko's review memo regarding violation of performance standards and parking in the front yard. He advised that vans would park in the rear overnight in response to a question about same from Mr. Tomaine and clarified how they accomplished the number of spaces in response to a question from Mr. Zawislak. Mr. Martell testified that the stall dimensions would be 9x20 in keeping with code and provided additional testimony on drive aisle and loading zone dimensions.

Mr. Martell stated they would comply with items #10, 11, 12 and 13 regarding the trash enclosure, outdoor storage, signage and impervious coverage/stormwater management.

With respect to item #14, he advised that a small collection point pump to the rear would be added. With respect to item #15, he advised that re-paving of the lot was not contemplated because it is in good condition, suitable for the use and with respect to #16, Mr. Martell advised that there is adequate circulation and that code is being met with a total of 69 parking spaces.

Mr. Caragher responded to questions from Mr. Tomaine about bus arrival times and queuing.

Mr. Martell advised that items #17 and 18 were discussed and that there was no violation anticipated with respect to the latter. With respect to item #19 regarding ADA parking, Mr. Martell advised that the plan conforms/meets code. With respect to item #20, he related that he could provide templates regarding circulation. With respect to item #21, Mr. Martell advised that striping would be implemented into the plan in accordance with Mr. Disko's recommendation.

With respect to landscaping and loss of vegetation (items #22 & 23), Mr. Martell reiterated that 2 trees would be planted in order to eliminate use of the existing cut thru and that there would be very minimal/no notable loss of vegetation as a result of the proposed sidewalk on the west side of the building.

There was an extensive discussion about lighting in response to questions from Mr. Younghans about the timing of the new wall packs/security lighting. Options for minimizing light pollution were discussed.

At the behest of Mr. Zawislak, Mr. Martell confirmed that the maximum population would be 60.

**Kevin O'Brien, P.P.** of Shamrock Enterprises was sworn and qualified.

Mr. O'Brien explained that the use variance relates to the conversion of a former light industrial building into a day care facility for developmentally disabled adults. He spoke about two previous variance conditions which would be removed and about proposed changes to the façade, the windows in particular.

Mr. O'Brien provided an overview of the business and offered planning testimony in support of it being an inherently beneficial use. He testified that the facility would be well suited for the use, especially given the decline in industrial/manufacturing uses and shift in retail and established the proofs to satisfy the negative criteria using the SICA balancing test. He asserted ultimately that relief could be granted without any impairment to the public good, zone plan or zoning ordinance.

Citing conflicting testimony, Mr. Younghans asked for clarification with respect to the window replacement. Mr. Caragher reiterated that the front windows would remain while the side/back would be replaced.

Chairman Tomaine opened the floor to questions of the witness at 8:34. There were none.

The Board entered into deliberations. Mr. Zawislak spoke in support of the project. Mr. Chadwick asked whether the applicant was willing to limit the number of clients to 60. Mr. Caragher consented and acknowledged that if something were to change, he understood he would have to return to the Board.

Mr. Chadwick advised that he would suggest a condition to paint the building and suggested that the application could be approved with conditions such as revision of the site plan to reflect engineering testimony, a limitation on the number of clients, clarification on the extent of exterior renovations, prohibition on outside storage, confirmation that all clients arrive and depart by provided transportation and establishing set hours of operation.

Mr. Tomaine offered that the Planners seem to be in sync on the inherently beneficial aspect and opined that he agreed that this would be value to community and general public/would promote the general welfare.

The Board Attorney read a letter from the Union County Planning Board into the record regarding outside agency/State approval. Mr. Frieri indicated that they would follow up with the County and Mr. Caragher related that there would be follow through with the State Department of Human Services.

The Board Attorney reviewed the prospective conditions of approval which were said to include: revised site plan, security lighting and sign conformance subject to notes on plan and to be consistent w/ testimony, hours of operation limited to 7:30a.m. to 6:00p.m., Monday thru Friday, overnight parking limited to 8 vans, 60 clients maximum accessing the site by van/bus, repainting of the building exterior, window replacement (side/rear) and planting of 2 trees consistent with site plan.

**Motion** by Mr. Younghans, **seconded** by Mr. Zawislak and unanimously carried to approve the application as submitted, with conditions as enumerated by the Board Attorney.

**Roll Call:**

*Aye: Mr. Disko, Mr. Tomaine, Mr. Zawislak, Mr. Garran, Mr. Younghans, Mr. Parker, Mr. Matlin, Mr. Jakositz*

*Nay:*

*Abstain:*

**MINUTES**

**Motion** by Mr. Zawislak, **seconded** by Mr. Disko and unanimously carried to approve the Minutes of August 27, 2019, as presented.

**Roll Call:**

*Aye: Mr. Disko, Mr. Tomaine, Mr. Zawislak, Mr. Parker, Mr. Matlin*

*Nay:*

*Abstain: Mr. Garran, Mr. Younghans, Mr. Jakositz*

The Board welcomed the new Board Secretary, Nicole Halleran.

**ADJOURNMENT**

The meeting was adjourned at 8:46 PM.

Respectfully submitted,

*Nancy Probst*

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Nancy Probst, Interim Board Secretary

***APPROVED 10/22/2019***