

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

Regular Meeting
October 25, 2022

**OFFICIAL MINUTES
Adopted 11/21/22**

Chairman Tomaine called the regular meeting to order at 7:30 pm. He then led the flag salute to the American flag and board members identified themselves for the record.

Notice of the 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.	Thomas Jakositz
John Tomaine, Chairman	Karen Dillon
Steve Matlin, Vice-Chairman (absent)	Victor Kostin, Alt. #1
Mayor Mirabelli	Mark Gioioso, Alt. #2
Councilman Matejek (absent)	Vincent K. Loughlin, Esq.,
Todd Garran	John T. Chadwick, IV, PP
Ted Zawislak	Theresa Snyder, Board Clerk

MINUTES

On motion by Mr. Zawislak, seconded by Ms. Dillon, the Regular Meeting Minutes, September 27, 2022, were adopted based on the following roll call vote:

Roll Call:

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

RESOLUTIONS

RESOLUTION PB 22-R23
CASE NO.: 22-14; Amorim
316 New Providence Road
BK: 15.05 LT: 52
R-2 ZONE
Approved: 9/27/22

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

APPLICATIONS

CASE NO.: 21-18; Rodrigues
1066 Belair Court
BK: 7.03 LT: 6.01
Represented By: Alan A. Siegel, Esq.
R-2 ZONE

Mr. Siegel entered his appearance on behalf of the applicant. The Applicant proposed the construction of a single-family home on the last vacant lot of a subdivision approved about 20 years ago. The Applicant was seeking approval for the following five (5) variances in connection with the single-family home:

- Foundation Area of 28.9%, whereas 15% is permitted
- Ground Projections of 6%, whereas 3.75% is permitted
- Lot Coverage of 40.7%, whereas 30% is permitted
- Lot Area within 150 ft. of 7,255 sq. ft., whereas 15,000 sq. ft. is required
- Adjusted Lot Area of 7,255 sq. ft., whereas, 15,000 sq. ft. is required

Mr. Siegel had four (4) witnesses.

Mr. Disko explained that the soil moving permit triggered a site plan approval; therefore, the Mayor could sit on the Board as a Planning Board member.

Robert F. Simon, Esq. entered his appearance on behalf of the objector, Elke Geacintov, 1061 Belair Court. Mr. Simon raised the issue of jurisdiction stating the a d(4) FAR variance is triggered by the height of the basement ceiling, and called his planner to give a general sense of the applicability of the FAR variance.

Peter G. Steck, having a business address of 80 Maplewood Ave., Maplewood, was duly sworn. He provided his qualifications and was accepted by the Board as an expert in the field of professional planning. Mr. Steck reviewed the application materials and opined the lowest floor of the building with finished grade was more than 4 ft. above finished grade which constitutes a basement not a cellar; therefore, the square footage of same should be included in the FAR calculation. The habitable portion of the basement was nearest his client's home.

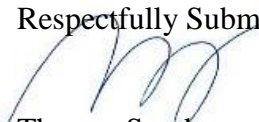
Mr. Siegal responded that he proceeded with the application based on both Mr. Disko's and Mr. Chadwick's reviews which did not calculate an FAR. He requested an adjournment to give his planner additional time to respond and re-notice if necessary. The Applicant stipulated to an extension of time to act through December 31, 2022.

This matter was carried to the December 15, 2022 meeting.

ADJOURN

The Board unanimously voted to adjourn.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Theresa Snyder', is written over the text 'Respectfully Submitted,'.

Theresa Snyder
Board Clerk