

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

**Regular Meeting [Virtual]**

February 22, 2022

**OFFICIAL MINUTES**

Adopted 3/22/22

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

**SWEARING IN OF JOHN CHADWICK**

**MINUTES**

On motion by Mr. Matlin, seconded by Mr. Zawislak, the Reorganizational & Regular Meeting Minutes, January 25, 2022, were adopted based on the following roll call vote:

**Roll Call:**

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

Nays:

Not Eligible:

Abstain:

Absent:

## APPLICATIONS

### PLANNING BOARD

CASE NO.: 22-04; Calderone  
446 Summit Road  
BK: 7.03 LT: 19  
R-2 ZONE

John and Patricia Calderone were sworn in to give testimony. Mr. Calderone testified they were seeking a variance for the height of a retaining wall as well as for soil moving. During the Ida storm, the vast amount of rain that dumped onto their property in a short amount of time caused erosion and most of their hillside washed away onto a neighboring property. As a matter of urgency, the Calderones were before the Board to get approval to build a retaining wall to ensure the existing wall did not collapse.

Alkis Dimopoulos, having a business address of 485 Johnston Drive, Watchung, was sworn in to give testimony. He gave his credentials as an engineer and was accepted by the Board as a witness. He described the slopes on the property as being very steep. The storm eroded a large portion of the area exposing part of the footing of the existing wall. The proposed new wall would be placed 7 to 12 ft. away from the existing wall to avoid further erosion. The existing soil on the steep slopes was not appropriate to support the wall and would have to be removed and replaced with crushed stone. The wall would vary in height to achieve the proper retention capability.

On question of a previous application submitted by the neighbors at 1066 Belair Ct., Mr. Disko responded as the survey of the two properties evolved, it was necessary that the effort would be a combined effort. The proposed new wall would provide the benefit of protecting the existing wall from further erosion onto the Belair Ct. property. The Borough claimed interest in this project to ensure the protection of the sanitary sewer in close proximity to these two properties.

Mr. Dimopoulos continued his testimony explaining the wall would also contain a fence on the top of it consisting of board on board. Mr. Chadwick suggested black chain link fence as it would blend in better all of which is subject to the construction code. The applicant was agreeable.

The meeting was open to the public.

Mr. Jose Rodrigues, 1022 Prospect Ave., was in favor of the application. The wall would protect his property on Belair Ct. He was willing to build a retaining wall on his own property if necessary.

There were no more comments from the public.

Mr. Disko requested the applicant begin work on the wall prior to the memorialization of the resolution due to the urgent nature of the project.

On motion by Mr. Garran, seconded by Mr. Zawislak, the application was approved with conditions based on the following roll call vote:

Roll Call:

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

Nays:

Not Eligible:

Abstain:

Absent: Mayor Mirabelli and Mr. Kostin

BOARD OF ADJUSTMENT

CASE NO.: 22-03; Fabio  
341 Short Drive  
BK: 5.03 LT: 8  
R-2 ZONE

Joseph and Lisa Fabio were sworn in to give testimony. Mr. Fabio testified they were proposing the installation of an inground pool which triggered a need for variance due to the lot coverage exceeding the requirement. The existing lot coverage was 28.4%; the applicant was proposing 35% which is 5% over the maximum coverage allowed. The applicant testified that a large part of the impervious coverage was due to the distance of the pool being proposed 15 ft. from the house. Two other existing conditions on the property caused the inflation of the lot coverage percentage 1) an existing basketball court and 2) a driveway bump out used to park an additional car.

On question of Mr. Zawislak, Mr. Fabio testified they would need to remove 4-5 trees from the property.

In an effort to reduce coverage, Mr. Fabio agreed to remove the basketball court and move the pool closer to the house if necessary.

The meeting was opened to the public. There were no comments from the public.

Mr. and Mrs. Fabio recognized their children still used the basketball court and wanted to keep it if possible.

Mr. Loughlin offered that the Board could continue the case the next month, if the applicants would like to take time to revise their plans.

Mr. Fabio indicated that they would proceed that evening and agreed to remove the basketball court.

On motion by Mr. Zawislak, seconded by Mr. Garran, the application was approved with conditions based on the following roll call vote:

Roll Call:

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

#### BOARD DISCUSSION

Board members agreed to return to in-person meetings based on the following roll call vote:

Roll Call:

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

#### EXECUTIVE SESSION

The Board entered executive session based on the following roll call vote:

Roll Call:

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

The Board return to open session based on the following roll call vote:

Roll Call:

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

Not Eligible:

Abstain:

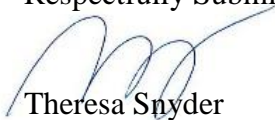
Absent: Mr. Kostin

The meeting was opened to the public.

ADJOURN

On motion by Chairman Tomaine, seconded by Mr. Garran, the Board unanimously voted to adjourn the meeting at 9:33 p.m.

Respectfully Submitted,



Theresa Snyder  
Board Clerk