

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

Regular Meeting
May 24, 2022

OFFICIAL MINUTES
Adopted 6/28/22

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

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Kostin, the Regular Meeting Minutes, April 26, 2022, were adopted based on the following roll call vote:

Roll Call:

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

RESOLUTIONS

RESOLUTION PB 22-R14

CASE NO.: 21-04; Artis Seniors

1020-1024 & 1028 Springfield Ave.

Represented By: Stephen F. Hehl, Esq.

BK: 24.04 LTS: 10.01 & 10.04

Approved: 4/26/22

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

Roll Call:

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

EXECUTIVE SESSION

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

Roll Call:

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

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

Roll Call:

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

APPLICATIONS

CASE NO.: 22-08; Baione
1125 Maple Court
Represented By: Stephen F. Hehl, Esq.
BK: 5.17 LT: 15
R-2 ZONE

Mr. Stephen Hehl entered his appearance on behalf of the applicant. He informed the board that after receipt of Mr. Chadwick's memo, the applicants revised their plans to eliminate the d(4) FAR variance along with the d(6) height variance. A proposed walkway was also eliminated from the plans. The applicant would seek bulk variances for the construction of a new home which would include a master bedroom on the first floor and other site improvements such as replacement of an existing inground pool. The applicant would also include sub surface detention.

Mr. Stephen E. Kowalski, having a business address of 9 Tulip Street, Summit, NJ, was sworn in to give testimony. He gave his credentials as an architect and was accepted by the board as a witness. Mr. Kowalski described the existing home as run down with an unusual design. In order for the applicants to renovate the home to meet their needs, the existing home would need to be demolished. The new home would not only provide accessible space for the applicants with first floor living but also would benefit the neighborhood with a new home on the lot.

Mr. Kowalski presented A-1, Floor Plan, dated 5/24/22, a reduced version of the floor plans submitted to the Board. He testified that the applicant agreed to reduce the footprint of the home in an effort to eliminate the FAR variance. The first floor would allow for a master bedroom and bathroom. There would be a raised patio which was lowered to reduce coverage. The revised second floor plan removed the office and laundry room to create a vaulted ceiling preventing the future expansion of the space. The pitch of the roof was reduced to bring the structure into conformity with the 35 ft. height requirement. The style of architecture of the home would be colonial revival style. This type of style boasted 16 in. overhangs.

Mr. Kowalski presented A-2, Elevations, dated 5/24/22, showing the applicants wanted a steep roof pitch for an historical look to make it feel like the house had been there for a while. The homeowners would also include a stone fireplace. Mr. Kowalski presented A-3, Back Elevations, dated 5/24/22.

Upon questioning whether the applicant's same day revisions to the plans were acceptable in moving forward with the hearing, Mr. Disko replied that he was comfortable with moving forward.

There was a brief discussion concerning the overhangs and the possibility of reducing the length of them without sacrificing the aesthetic look of the colonial home. Mr. Kowalski stated he

would be comfortable with a reduction of the overhangs to 12” which would result in a 33% reduction of ground projections.

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

Mr. David A. Stires, PE, PP, having a business address of 678 Rt. 202/206, Bridgewater, was sworn in to give testimony. He gave his credentials as an engineer and planner. His license was in good standing, and he was accepted by the Board as a witness.

Mr. Stires presented A-4, Rendering, Plot Plan, dated 5/24/22. He testified the housing stock in Mountainside consisted of well-maintained house varying from larger homes to ranch style homes. Within the general area of the subject property there were at least 4 or 5 inground pools. He opined the house needed replacement. The current house had a unique architectural design, but he suggested it was nice to see the applicants were trying to renovate. The pool was situated on an angle and most likely was installed prior to the house. The pool was in dire need of repair. The applicants proposed a new house and a new pool. The applicants would create a stormwater system which currently did not exist on the property. The existing sidewalk leading to the back yard would be eliminated. The existing shed would be eliminated. Mr. Stires testified the new home would provide for adequate air and open space advancing N.J.S.A. 40:55-D-2(e). The application did not increase the traffic flow advancing N.J.S.A. 40:55-D-2(h). The new home and various site improvements would create a desirable visual environment advancing N.J.S.A. 40:55-D-2(i). The approval of the application would allow for the improvement of stormwater on the property which currently did not exist along with providing the applicants with first floor living in a new home near their children and grandchildren.

On question of the Board, Mr. Stires explained the mechanical equipment for the pool would be placed in the area behind the garage. Mr. Disko reminded the applicant’s professionals that the equipment must be placed 10 ft. from the side yard, which the applicant would comply.

In reviewing the ground projections, Mr. Disko explained a reduction in the overhangs to 12’ would reduce the ground projections from 6.4% to 6.2%. He added the front and back porch roofs triggered ground coverage.

Mr. Stires testified the applicants were not required to provide stormwater management; however, the proposed system was based on the original proposed lot coverages and would be remained as part of the revised application.

Mr. Ralph and Mrs. Lorraine Baione were sworn in to give testimony. The applicants were committed to make the home as presented at the meeting. Although they were not required to provide water detention, they would. They agreed to reduce the overhangs from 16’ to 12’. The applicants testified they wanted a first floor master suite to accommodate a disability. The home was in disrepair and not worth saving. The reason for the improvements was to move closer to their children.

The meeting was open to the public.

Mr. Christopher Czapek, 1138 Maple Court, offered his support of the application.

Mr. James Miranda, 1126 Maple Court, offered his support of the application.

Ms. Victoria Uhlick, 1111 Maple Court, offered her support of the application.

Mr. Hehl gave his summation.

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

Roll Call:

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

CASE NO.: 22-01; Zachariades
151 Wild Hedge Lane
BK: 11 LT: 1.02
R-2 ZONE

Mr. Telly Zachariades, 151 Wild Hedge Lane, was sworn in as the applicant and owner to give testimony.

Mr. Mark Brownlee, 2191 Hillcrest Rd., Quakertown, PA, was sworn in to give testimony. He was the lead project designer in the installation of the botanical garden in which the Zachariades were making an investment. He worked to create soil profiles that would add to the stormwater management on the property. He testified that much of the planting would need protection from the deer.

Mr. Zachariades testified the plantings and soil work had been in the works for one year. The investment in the botanical garden was substantial. Mr. Brownlee was doing a lot of the work. The temporary 6ft. fence was installed to deter the deer. The applicants were proposing to plant 15,000 trees or plants on the property in both the rear and front yard. The applicant opined that studies showed 8 ft. fences can deter deer.

Mr. Zachariades offered 5 photos of the existing fence on the property. A-1 showed the back of the property which had a temporary fence. The posts of the fence were made of locust poles

brought in from Wisconsin and were made to look like trees. A-2 was a closer look at the fence. The temporary fence was 6 ft. Mr. Zachariades stated the permanent fence would be less visual. A-3 showed that the fence was not visible from a distance. A4-A6 showed different perspectives of the same temporary fence.

On question of the Board, Mr. Zachariades explained the fence would be a permanent addition to the property. He described the layout of the property placed his front yard next to the neighbors back yard. He also testified they wanted a fence that fit in with the landscape instead of a 6 ft. solid fence which he opined would be intrusive.

On question of Chairman Tomaine, Mr. Zachariades testified the garden might be open for tours. To which Mr. Disko responded the zoning ordinance did not allow public tours in a residential zone.

Mrs. Mandy Zachariades was sworn in to give testimony as the applicant and owner. She testified that she was a master gardener and a member of the Plainfield Garden Club and Garden Club of America. Her testimony as to some of the purposes of the garden was to encourage pollinators and return to the property plant species that would have existed prior to the deer. The intent of the plantings would be to bring in plants native to New Jersey. There would not be an irrigation system, mowing, or blowing. She testified she would not sell tickets, but would invite her garden club of approximately 30 members to enjoy the garden. The plants they were planning to include were native to New Jersey but hard to find.

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

On motion by Mr. Zawislak, seconded by Mr. Kostin, the board denied the application based on the following roll call vote:

Roll Call:

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

CASE NO.: 22-11; Spinelli
243 Oak Tree Rd
BK: 15.01 LT: 5
R-2 ZONE

Mr. Spinelli as owner and applicant along with Mr. James W. Ruben Jr., having a business address of 457 Bayberry Lane, Mountainside, NJ, were sworn in to give testimony. Mr. Ruben gave his credentials as an architect, his license was in good standing, and he was accepted by the Board as a professional.

Mr. Ruben testified the purpose of the renovations was to create a space in which the applicant could age in place by making the first floor living accessible. The first floor would allow for a

master suite. To achieve first floor living, the front porch proposed would allow for a mudroom and reconfiguration of the main level. There was an existing second floor which would not be altered. The house already encroached in the front yard. The proposed addition would further encroach in the front yard setback.

On question of the Board, Mr. Spinelli testified they were relocating the front entry to create a place for guests to take of their coats and shoes. Mr. Spinelli testified the home has been owned by the family for 50 years, and he wants to be near his family.

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

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

Roll Call:

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

The meeting was open to the public.

ADJOURN

The Board unanimously voted to adjourn.

Respectfully Submitted,



Theresa Snyder
Board Clerk