

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

Regular Meeting
June 28, 2022

OFFICIAL MINUTES
Adopted 7/26/22

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. (arrived 7:44 pm)	Thomas Jakositz (absent)
John Tomaine, Chairman	Karen Dillon
Steve Matlin, Vice-Chairman	Victor Kostin, Alt. #1
Mayor Mirabelli	Mark Gioioso, Alt. #2 (absent)
Councilman Matejek	Vince Loughlin, Esq.,
Todd Garran (arrived 7:35 pm)	John Chadwick, IV, PP
Ted Zawislak	Theresa Snyder, Board Clerk

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Kostin, the Regular Meeting Minutes, May 24, 2022, were adopted based on the following roll call vote:

Roll Call:

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

RESOLUTIONS

RESOLUTION PB 22-R15
CASE NO.: 22-08; Baione
1125 Maple Court
Represented By: Stephen F. Hehl, Esq.

BK: 5.17 LT: 15
R-2 ZONE
Approved: 5/24/22

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. Matlin and Ms. Dillon
Abstain:	
Absent:	Mr. Disko, Mr. Garran, Mr. Jakositz, and Mr. Gioioso

RESOLUTION PB 22-R16
CASE NO.: 22-01; Zachariades
151 Wild Hedge Lane
BK: 11 LT: 1.02
R-2 ZONE
Denied: 5/24/22

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. Matlin and Ms. Dillon
Abstain:	
Absent:	Mr. Disko, Mr. Garran, Mr. Jakositz, and Mr. Gioioso

RESOLUTION PB 22-R17
CASE NO.: 22-11; Spinelli
243 Oak Tree Rd
BK: 15.01 LT: 5
R-2 ZONE
Approved: 5/24/22

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. Matlin and Ms. Dillon
Abstain:	

Absent: Mr. Disko, Mr. Garran, Mr. Jakositz, and Mr. Gioioso

MASTER PLAN REEXAMINATION REPORT

Resolution PB 22-R18
Master Plan Reexamination Report

On motion by Mr. Zawislak, seconded by Mayor Mirabelli, the resolution for the master plan reexamination report as presented along with changes was memorialized based on the following roll call vote:

Roll Call:

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

APPLICATIONS

CASE NO.: 22-09; Safeguard Mountainside
1096 Rt. 22
BK: 7.04 LT: 16
L-I ZONE
Expiration: 9/21/22

On motion by Mr. Zawislak, seconded by Mr. Garran, the application was adjourned to the July 26, 2022, meeting pending further notice based on the following roll call vote:

Roll Call:

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

CASE NO.: 22-10; Zurita
1269 Poplar Ave.
BK: 16.01 LT: 8
Represented By: Stephen F. Hehl, Esq.
R-2 ZONE
Expiration: 9/16/22

Rosemary Stone-Dougherty entered her appearance on behalf of the applicant. In her opening statement, Ms. Stone-Dougherty informed the Board the applicant was seeking approval for a 349 sq. ft. addition to an existing two-family home. The property had five pre-existing, non-conformities which were not being exasperated. The applicant was seeking a d(2) variance for the expansion of a non-conforming use. Present for application was an architect, planner, and a family member.

Mr. Daniel Fortunato, having a business address of 13 Tamarack Circle, Skillman, NJ, was sworn in to give testimony. He gave his credentials as an architect and was accepted by the Board as a witness. Referring to A-1, dated 7/27/21, First Floor, Mr. Fortunato described the addition as adding space to allow for a master bedroom and bath along with a laundry area. The addition would also add additional space in the upstairs unit for an additional bedroom and laundry area. The first floor would be a 214 sq. ft. addition, and the second floor would be a 281 sq. ft. addition. The first floor would have 3 bedrooms, while the second floor would have two bedrooms.

Using A-2, Mr. Fortunato showed the rear elevations of the house where the addition would be constructed. The owners would match the existing exterior materials or redo the entire outside. A-3 was specifications and notes. A-4 showed the basement with no proposed improvements except the laundry area would be moved to each floor. The basement had an existing kitchenette; however, there was no oven or stove. The electricity was on separate meters.

Mr. Chadwick's memo dated June 23rd showed a pre-existing, non-conforming two-family home. The Borough assesses it as a two family home and is a pre-existing, non-conforming.

In response to Mr. Matlin's question concerning access to the building from the outside, Mr. Fortunato using A-1 showed the front door that led to the first and second floor.

The meeting was opened to the public.

Rich Deluca, 1265 Poplar asked several questions to which Mr. Fortunato responded he did not know how many heating/cooling units there were. The number of gas meters are based on how the owner wanted to divide the cost. There was no apartment in the basement. The kitchenette had a sink, refrigerator, and possibly a microwave. There was no range or hood. The existing laundry room would be removed.

On question of Mr. Disko concerning entrance to the basement, Mr. Fortunato responded there was a bilco door on the outside.

Mr. Matthew Flynn, having a business address of 101 Gibraltar Drive, Morris Plains, NJ, was sworn in to give testimony. He gave his credentials as a professional planner and was accepted by the Board as a witness.

Mr. Flynn described the subject property as Block 16.01, Lot 8 having a lot size of 17,641 sq. ft., whereas, 15,000 is required. The property was located in the R-2 Zone which is a single-family residential district. The applicant would be seeking a d(2) variance for the expansion of a non-conforming use of a two-family home. He testified the height of the structure was 22 ft., whereas, 35 ft. was allowed. The F.A.R. was 17, whereas, 22.5 was allowed. Mr. Flynn opined per the zoning on the site, the building could be larger from a massing standpoint. The setbacks were not being exasperated. The property behind the property was the L-I Zone. The proposed addition would be on the back of the home. The proposed addition would free up living space, it was smaller than what would be allowed, and it would add value to the property.

As to the negative criteria, Mr. Flynn testified the location of the home at the end of a residential zone had less impact. The renovations would free up living space. There were several pre-existing non-conformities not being exasperated. There was no substantial detriment to the zone plan.

In response to Mr. Matlin's concerns as to whether the project advanced the general welfare, Mr. Flynn responded by adding value to one property would increase the value of surrounding properties. The two-family home was appropriately sized and added variety to the housing stock within the Borough. He opined the home was smaller than the surrounding homes.

The meeting was opened to the public.

Mr. Rich Deluca asked how many trees would be cut down to which Ms. Stone-Dougherty responded no trees were proposed to be cut down. There were no proposed changes to the exterior.

On question by Mr. Deluca as to how many cars and people would be at the home, Mr. Flynn responded a single-family home could have more people. Further, he responded under RSIS standards, the parking meets the requirements. The occupancy was not changing. The two-family home was legally there.

Mr. Brian Fitzgerald, 88 Spruce Mill Lane, Scotch Plains, NJ, was sworn in to give testimony as the brother-in-law to the owner of the property and son-in-law to the current tenants. He had been married into the family for 20 years and had experience as a licensed contractor. He described his family as large with his in-laws, brother-in-law, and nephew living at the house. The tenant lived on the first floor, while his family lived on the second floor. The purpose of the proposed project was to move the tenant upstairs and the family downstairs. Each unit would have its own laundry area. The first floor would be re-configured in order to create a master suite allowing for the in-laws to age in place. Mr. Fitzgerald informed the Board that his brother-in-law became ill and moved in with the parents thereby triggering the revisions.

Upon concerns raised by the Board, Ms. Stone-Dougherty stipulated to keeping a condition of one bedroom in the upstairs unit.

In response to Board comments, Mr. Fitzgerald responded the house only had window units for air conditioning, and there was no intention to install central air. He also testified there was a four-car driveway and a car and a half garage. There would be no renters in the basement.

The meeting was open to the public.

Joseph Giaccio, 1264 Poplar Ave., opposed the extension on the building because he feared they would have too many cars on the property. He made a comment that the police were called to the site on several occasions.

Tara Deluca, 1265 Poplar Ave., opposed the addition because she did not want additional people living on the site around her children and creating more traffic.

Rich Deluca, 1265 Poplar Ave., opposed the addition because single family renters turned over continually.

Susan Greene, 1268 Poplar Ave., opposed the addition because she opined three families had been living in the home. It was not two families.

The meeting was closed to the public.

Ms. Stone-Dougherty gave her summation, and the Board deliberated.

On motion by Mr. Zawislak to approve the application, seconded by Ms. Dillon, the board denied the application based on the following roll call vote:

Roll Call:

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

The meeting was open to the public.

ADJOURN

The Board unanimously voted to adjourn at 9:05 pm.

Respectfully Submitted,



Theresa Snyder
Board Clerk