



Borough of Mountainside
1385 Route 22 Mountainside NJ 07092

**BOROUGH OF MOUNTAINSIDE
PLANNING BOARD**

**Reorganization & Regular Meeting Minutes
January 23, 2024**

The reorganization & regular meeting was called to order at 7:30 pm. Board members and members of the public saluted the American flag.

Notice of this meeting has been given pursuant to the Open Public Meetings Act N.J.S.A. 10:4-6 et. seq. Notice has been posted on the Borough website, at Borough hall, and has been given to *The Courier News*, *The Star Ledger*, *The Westfield Leader*, and *The Local Source*. The following is the agenda to the extent known:

OATHS OF OFFICE

Mr. Loughlin administered the oath of office for Board members Karen Dillon, Thomas Jakositz, Mark Gioioso, and Steve Matlin.

ROLL CALL

Mike Disko, P.E.
John Tomaine
Steve Matlin
Mayor Mirabelli
Councilman Matejek
Ted Zawislak
Todd Garran

Thomas Jakositz
Karen Dillon
Victor Kostin, Alt. #1 (Absent)
Mark Gioioso, Alt. #2
Vincent K. Loughlin, Esq.,
John T. Chadwick, IV, PP
Kristine Moran, Recording Clerk
Paulette Beck, Board Secretary

REORGANIZATION

Ms. Beck acted as Chair Pro Tem.

ELECTION OF OFFICERS

Ms. Beck took nominations for Chair. Mr. Zawislak nominated John Tomaine which was seconded by Mr. Garran. With there being no other nominations for Chair, nominations were closed. The Board voted all in favor of John Tomaine.

Chairman Tomaine took over the meeting.

Chairman Tomaine nominated Steve Matlin for Vice Chair, which was seconded by Mr. Zawislak. With there being no other nominations for Vice Chair, nominations were closed. The Board voted in favor of Steve Matlin.

RESOLUTIONS

RESOLUTION PB 24-R1 Appointment of Board Professionals

On motion by Chairman Tomaine, seconded by Mayor Mirabelli, the Board appointed Mr. Vincent Loughlin, Esq. as Board Attorney. All in favor, none opposed.

On motion by Mr. Zawislak, seconded by Mr. Jakositz, the Board appointed Mr. Michael Disko, PE as Board Engineer. All in favor, none opposed.

On motion by Mayor Mirabelli, and seconded by Mr. Zawislak, the Board appointed Mr. John Chadwick, PP as Board Planner. All in favor, none opposed.

RESOLUTION PB 24-R2 Annual Meeting Dates

On motion by Mr. Zawislak, seconded by Ms. Dillon, the 2024 meeting dates were adopted. All in favor, none opposed.

RESOLUTION PB 24-R3 Official Newspapers

On motion by Mr. Zawislak, seconded by Mr. Garran, the 2024 official newspapers were adopted. All in favor, none opposed

RESOLUTION PB 24-R4 Appointment of Board Secretary

On motion by Chairman Tomaine, seconded by Mr. Garran, the Board appointed Paulette Beck as Board Secretary. All in favor none opposed.

RESOLUTION PB 24-R5 Appointment of Recording Secretary

On motion by Mr. Disko, seconded by Mr. Gioioso, the Board appointed Kristine Moran as Recording Secretary. All in favor none opposed.

Mr. Loughlin swore in Mr. Chadwick as Board Planner.

CHAIRMAN'S ANNUAL REPORT-2023

RESOLUTION PB 24-R6 Annual Report

Chairman Tomaine has submitted the 2023 Annual Report. The report was distributed to the Board and is available to the public at the Planning office upon request.

ADJOURN TO REGULAR MEETING

On a motion by Mr. Zawislak, seconded by Mayor Mirabelli, the Reorganization meeting is adjourned. All in favor none opposed

MINUTES

On motion by Mr. Garran, seconded by Mr. Zawislak, the Regular Meeting Minutes for December 21, 2023, were adopted based on the following roll call vote:

Roll Call:

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

RESOLUTIONS

RESOLUTION PB 24-R7
CASE NO.: 23-20; KIERNAN
156 GREENWOOD a/k/a 18 MOUNTAINVIEW
BK: 10.01 LT: 14

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

Roll Call:

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

RESOLUTION PB 24-R8
CASE NO.: 23-16; KELLY
1188 RIDGE DRIVE
BK: 5.04 LT: 22

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

Roll Call:

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

RESOLUTION PB 24-R9
CASE NO.: 23-08; RAMOS
1127 PEACHTREE LANE
BK: 5.18 LT: 3017

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

Roll Call:

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

RESOLUTION PB 24-R10
CASE NO.: 23-12; COPPOLA
233 CENTRAL AVE.
BK: 16.07 LTS: 7

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

Roll Call:

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

RESOLUTION PB 23-R29
MOUNTAINSIDE COMMUNITY POOL PRELIMINARY AREA IN NEED OF REDEVELOPMENT
BK: 14 LT: 1.03

Mr. Chadwick commented that this report is a request from Mayor and Council and has been properly advertised. Report has been available in townhall for the past few months.

Mayor Mirabelli commented that this is the first step in the process. No decision has been made as to what a "new pool" may look like. Mayor and Council will have to come back before the Board and present what they plan on doing. This will be a public meeting and the audience will participate in that. The report is on the Borough website.

Chairman asked the audience if there were any public comments.

On motion by Mr. Zawislak, seconded by Mr. Disko, to accept Mr. Chadwick's report and to memorialized the resolution was based on the following roll call vote:

Roll Call:

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

Mayor Mirabelli thanked the board members for volunteer service on this Board. At this time Mayor Mirabelli and Councilman Matejak left the meeting.

****BOARD OF ADJUSTMENT****

CASE: 23-18 MINIO
1277 ROUTE 22
BK: 18 LT: 16
ZONE: OB ZONING REVIEW 6245

SUMMARY: The applicant seeks a D (1) use Variance for permission to use the property as a two-family dwelling which is a use not permitted for this property in the land development ordinance. Applicant also requires variance relief as follows:

- Prohibited Use. Use Variance Requested: Continuation of current non-conforming existing use of property as a two-family home.
- Front Yard; Required, 50 Feet; Existing Non-Conforming, 23 Feet/19.32 Feet; Proposed by Plan - Unchanged.
- Side Yard; Required 25 Feet; Existing Non-Conforming, 6.41 Feet; Proposed by Plan - Unchanged.
- Minimum Lot Area; Required, 30,000 Sq. Feet; Existing Non-Conforming, 10,542 Sq. Feet; Proposed by Plan - Unchanged.
- Minimum Lot Width on Route 22; Required, 200 Feet; Existing Non-Conforming, 104 Feet; Proposed by Plan - Unchanged.
- Minimum Building Size, Ground Floor Area; Required, 6000 Sq. Feet; Existing Non-Conforming, 2107 Sq. Feet; Proposed by Plan - Unchanged.
- Accessory Structure, Garage; Side Yard - Required, 25 Feet; Existing Non-Conforming, 6.54 Feet/4.5 Feet; Proposed by Plan - Unchanged.
- Accessory Structure, Garage; Rear Yard - Required, 25 Feet; Existing Non-Conforming, +/- 35 Feet; Proposed by Plan - Unchanged.

Raphael Betencort, Esq. representing the applicant, Minio Group Inc. gave an opening statement. Chairman Tomaine clarified that the plans and application were revised and submitted as required.

Tom Digiorgio with a business address of 414 Central Avenue, Westfield, NJ was sworn in to testify. Foundation plan noted the utilities for each apartment as separate. Foundation walls and footprint will remain the same. The footprint of the garage is not changing.

Exhibit A-1 site photos entered into evidence.

Exhibit A-2 dated 12/11/2023 P1-P6 entered into evidence.

Mr. Digiorgio gave a summation of the variances they are seeking.

Front plantings – series of planting in the front and sides to give buffer for sound. Planting to define the side and back areas. The egress and ingress will only be thru Route 22.

Mr. Digiorgio advised they would be willing to relocate the air conditioner units if necessary.

Chairman Tomaine asked the public for any comment or questions for this witness. There were none.

Russell Minio of 1277 Mountain Avenue was sworn in to testify.

Mr. Minio advised that he purchased the property as a two family home and he assumed it was a legal two family. The goal was to bring it up to code and rent it out. He verified that the garage will be used for tenant parking only.

Chairman Tomaine asked the public for any comment or questions for this witness. There were none.

Kevin O'Brien with a business address of Madison House, Madison Avenue, Rahway, NJ was sworn in as a Planner.

Mr. O'Brien provided testimony regarding the D1 use variance they are seeking.

Exhibit A-3 Area Tax Map was entered into evidence

Exhibit A-4 Summary of 1277 Route 22 East Assessor/Building/Zoning Records entered into evidence.

Mr. Betancort summarized and concluded his presentation.

Chairman Tomaine opened the floor to the public for comments. The presentation was concluded.

Opened for Board discussion.

On a motion by Mr. Zawislak, seconded by Mr. Garran to deny the application, the Board denied the application based on the following roll call:

Roll Call:

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

CASE NO.: 24-01; Brows and Beauty
1429 Route 22
BK: 10.06 L: 3.01
ZONE: LI ZONING REVIEW 6280

SUMMARY: The applicant seeks tenancy for medical makeup (tattoo). Use variance is required.
Parking: 16 spaces required per LI Zone – 19 spaces required for office floor area/medical use may require more spaces.

Natasha Montalvo, Esq. on behalf of applicant. Ms. Montalvo gave an opening statement.

Jana Reyes Ribeiro, applicant with an address of 277 Summit Road, Mountainside was sworn in to testify as to the types of customers they would have.

Exhibit A-1 patient before and after photos taken by the applicant entered into evidence.

90 % of all patients come to her because of a medical issue. All patients are by appointment only. She sees 2 patients a day. Ms. Reyes is the only employee. No medical waste other than a sharps container.

David Barbosa, 305 Roanoke Road, Westfield Owner of 1429 Route 22 East was sworn in to testify.

His business will occupy the upper floor and two small tenant spaces on the first floor. Basement has 2 small offices and a bathroom.

Joseph Staiger, 17 Tremont Drive, East Hanover, NJ, was sworn in to testify. He gave his credentials and was accepted as a Planner.

No questions for this witness.

Ms. Montalvo concluded her presentation.

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

Roll Call:

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

Nays:

Not Eligible:

Abstain:

Absent:

ADJOURN: The Board unanimously voted to adjourn the meeting at 10:40.

Next meeting is February 27, 2024