

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

Reorganizational & Regular Meeting

January 24, 2023

OFFICIAL MINUTES

Adopted 2/28/23

The reorganizational & 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 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*.

OATHS OF OFFICE

Mayor Mirabelli administered the oath of office for John Tomaine.

ROLL CALL

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

REORGANIZATION

Ms. Snyder acted as Chair Pro Tem.

ELECTION OF OFFICERS

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

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

RESOLUTIONS

RESOLUTION PB 23-R1 Appointment of Board Professionals

On motion by Mayor Mirabelli, seconded by Mr. Zawislak, the Board appointed Mr. Vince Loughlin, Esq. to Board Attorney; Mr. Mike Disko, PE to Board Engineer; and Mr. John Chadwick, PP as Board Planner, based on the following roll call vote:

Roll Call:

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

Nays:

Not Eligible:

Abstain: Mr. Disko

Absent: Mr. Kostin and Mr. Gioioso

RESOLUTION PB 23-R2 Annual Meeting Dates

On motion by Mr. Zawislak, seconded by Mr. Disko, the 2023 meeting dates were adopted 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: Mr. Kostin and Mr. Gioioso

RESOLUTION PB 23-R3 Official Newspapers

On motion by Mr. Zawislak, seconded by Mr. Garran, the 2023 official newspapers were adopted 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: Mr. Kostin and Mr. Gioioso

CHAIRMAN’S ANNUAL REPORT-2022

RESOLUTION PB 23-R4 Appointment of Board Secretary

On motion by Mr. Zawislak, seconded by Councilman Matejek, the Board appointed Theresa M. Snyder as Board Secretary 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: Mr. Kostin and Mr. Gioioso

RESOLUTION PB 23-R5 Annual Report

On motion by Mr. Zawislak, seconded by Mr. Garran, the Board accepted the annual report 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: Mr. Kostin and Mr. Gioioso

ADJOURN TO REGULAR MEETING

MINUTES

On motion by Mr. Zawislak, seconded by Mr. Garran, the Regular Meeting Minutes for December 15, 2022, were adopted based on the following roll call vote:

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: Mr. Kostin and Mr. Gioioso

RESOLUTIONS

Resolution PB 23-R6
CASE NO.: 21-18; Rodrigues
1066 Belair Court
BK: 7.03 LT: 6.01
Represented By: Alan A. Siegel, Esq.
R-2 ZONE
Approved: 12/15/22

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

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: Mr. Kostin and Mr. Gioioso

Resolution PB 23-R7
CASE NO.: 22-22; De Vos
1445 & 1448 Forest Court
BK: 3.11 LT: 31.27 & 54
R-2 ZONE
Approved: 12/15/22

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

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: Mr. Kostin and Mr. Gioioso

Resolution PB 23-R8
CASE NO.: 22-21; Capra
1508 Fox Trail
BK: 3.12 LT: 30.04
R-2 ZONE
Approved: 12/15/22

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

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: Mr. Kostin and Mr. Gioioso

Resolution PB 23-R9
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: 12/15/22

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

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: Mr. Kostin and Mr. Gioioso

APPLICATIONS

CASE NO.: 22-20; Djabirov
232 Pembroke Road
BK: 3.23 LT: 40
R-2 ZONE

Mr. Djabirov, Ms. Zhang, and Mr. Parkin were sworn in to give testimony. The Applicant submitted revised plans to eliminate one variance. The Applicant was still seeking relief for lot coverage and ground projections.

Mr. Disko provided the Board with an update of the property. The house was compliant in 2015 when the owner added an addition. The Applicants purchased the home in 2021. After reviewing the application, it was discovered that the lot coverage had increased since the 2015 addition. Improvements were made without approval. The Applicants purchased the property not knowing the improvements were not compliant. The proposed deck in the side yard was revised to eliminate the setback variance. The Applicant volunteered to remove some of the lot coverage elements.

Mr. Parkin showed the changes on the plans to reflect the new lot coverage amounts. The original plan depicted 38.9% lot coverage, and the revised plan reduced the lot coverage to 37.1%. Mr. Djabirov showed on Pages 9 & 10 the removal of the 250 sq. ft. of the lot coverage. The Applicants showed the Board pictures of what the proposed deck would look like.

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

Roll Call:

Roll Call:

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

CASE NO.: 22-26; Schmidt
1185 Ridge Drive
BK: 5.02 LT: 17
R-2 ZONE
Expiration: 4/5/23

Mr. Schmidt, as Applicant and owner, was sworn in to give testimony. He testified that he was before the Board for two (2) variances. One variance was for the AC unit that was 72.5 inches from the property line. He testified that the house encroached on the side yard. The AC unit was the third unit that would be used to cool the house. On advisement from a contractor to install a split cooling system in his house, Mr. Schmidt installed three condensers to cool his 3,000 sq. ft. home.

On question of Board members as to placing the condenser in a different location on the Property, Mr. Schmidt did not seem to think there was any other place for the unit. At the time of installation of the first two units, did not receive variance. The placement of the third unit along with a wood enclosure triggered a lot coverage variance. The wood enclosure was right on the property line. Mr. Schmidt cemented the structure into place.

Due to the insufficient notice for lot coverage, the Board lacked jurisdiction and the matter was to be re-submitted and re-noticed.

CASE NO.: 22-25; Gartshein
1577 Grouse Lane
BK: 3.15 LT: 34
R-2 ZONE
Expiration: 4/13/23

Stanley and Stephanie Gartshein, as Applicants and owners, were sworn in to give testimony. Mr. Gartshein testified that they purchased the property in 2022. They submitted building plans for an inground pool that complied. They were before the Board for approval of a lot coverage variance for the installation of a patio and walkway. Ms. Gartshein testified that in an effort to be judicial in their request proposed the removal of gravel areas in the front and back to reduce the overall lot coverage on the Property. The pool would be center to the Property, and the Applicants proposed privacy plantings and a 1,000 gallon seepage tank to mitigate runoff. The Applicants testified that they chose a smaller pool and sunshine area. They testified that their driveway accounts for approximately 20% of the lot coverage.

On suggestion of Board Members to remove more impervious coverage, the Applicants responded that they did not want to reduce the walkways in order to be convenient for their friends and family members who utilized strollers and wheelchairs. They also did not want to reduce the paved area near the bilco doors because they had plans to finish the basement which would have a bathroom for pool guests to use.

Several Board Members expressed their concern with the amount of lot coverage requested on an oversized lot. The Applicants requested that their application be carried.


The application was carried without further notice to the February meeting date.

The meeting was opened to the public.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,


Theresa Snyder
Board Clerk