

PLANNING BOARD
MARCH 24, 2015

The Mountainside Planning Board met on Tuesday, March 24, 2015, at the Mountainside Municipal Building, 1385 Route 22, Mountainside, NJ 07092.

In compliance with Chapter 231 OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice had been given to all members of the Planning Board and the newspaper that had been designated to receive notice, The Local Source.

PRESENT: Messrs. Disko, Garran, Jakositz, Matlin, Parker, Tomaine, Wyvratt, Younghans, Zawislak, Attorney Loughlin and Secretary Rees.

ABSENT: Mayor Mirabelli, Councilman Mortimer

The Minutes of the February 24, 2015 meeting were approved as presented.

Attorney Loughlin announced to the public that Don Don Realty LLC, located at 90 New Providence Road and 903 Mountain Avenue, had fulfilled their obligation by filling in the hole and removing the fence. Therefore, they did not have to appear by the board at this meeting.

MEMORIALIZATIONS:

Tilyou/McDonald, 217 Evergreen Court, Block 15.K, Lot 6 – Applicants proposed to construct an addition onto a single-family dwelling. A motion was made a seconded to approve the resolution. All were in favor.

New York SMSA LP,/Verizon Wireless, 1130 Route 22, Block 5.T, Lot – Applicants proposed to install a wireless antenna and cabinets on the rooftop of an existing commercial building. Mr. Zawislak made a motion to approve the resolution and Mr. Younghans seconded the motion. All were in favor.

Rinaldo, Donald, 228 Evergreen Court, Block 15.I, Lot 8 – Applicant proposed to construct a new single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Younghans seconded the motion. All were in favor.

Domingues, Sandra, 336 Darby Lane, Block 7.I, Lot 16 – Applicant proposed to construct an addition onto a single-family dwelling. Mr. Zawislak made a motion to approve the resolution and Mr. Tomaine seconded the motion. All were in favor.

NEW BUSINESS:

McSharry, 1088 Willow Road, Block 7.M, Lot 17 – Applicant proposed to construct a pool and patio in the rear of a residential property. Existing variances included lot area under 15,000 square feet within 150 feet where 14,445 square feet existed, lot width under 100 feet where 94.7 feet existed, and existing walkway located in the side yard.

Attorney Loughlin duly swore in Mr. Peter McSharry, the homeowner.

Mr. McSharry informed the board that he would like to be able to construct a 16' x 39.5' in-ground pool and patio. There were existing variances only, no new variances.

He stated that there would be a covered porch that would lead into a mudroom.

The proposed pool would be surrounded by a lot landscaping of bushes and shrubs. There would be a fence surrounding the pool.

Mr. Tomaine opened up the floor to the audience for questions.

AUDIENCE PARTICIPATION:

Attorney Loughlin duly swore in Ms. Weinglass of 296 Summit Road inquired about the possibility of run-off from the pool. She gets a lot of flooding and she expressed her concern that the pool would add to the problem. Mr. McSharry informed her that two 1,000 gallon drywells would be constructed near the pool. He described how the system would work. Mr. Disko informed the board that he received a storm water management report from an engineer.

Attorney Loughlin duly swore in Ms. Kimberly Connor of 290 Summit Road. She said that she also noticed a flooding problem in the last ten years. She felt that it was due to the fact that a lot of trees had been recently been removed in the area.

Mr. Matlin inquired if any trees would be removed during construction Mr. McSharry stated that no trees would have to be removed and that approximately two dozen trees may be planted in the rear of the property.

Having no further discussion, Mr. Zawislak made a motion to approve the application and Mr. Wyvrat seconded the motion.

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Garran
Mr. Zawislak
Mr. Garran
Mr. Parker
Mr. Wyvrat

NAYS: 0

Mr. Younghans

MOTION: Approved

Semler, 310 Indian Trail, Block 15.N, Lot 30 – Applicant proposed to construct a one-story addition in the side yard setback of a single-family dwelling. Existing variances included lot area under 15,000 square feet where 10,845 square feet existed, lot width under 100 feet where 79.7 feet existed and lot area within 150 feet. New variances included side yard under 10 feet or 10 percent width where 9.25 feet was proposed, foundation area over 15 percent where 22.1 percent was proposed, and lot coverage over 30 percent where 34.7 percent was proposed.

Attorney Loughlin duly swore in Mr. Philip Semler as the homeowner.

Mr. Semler stated that the proposed addition would be built on the side and rear of the house in order to square off the house.

The variances were reviewed.

Attorney Loughlin duly swore in Mr. Kenneth Anness, the design architect in Westfield, NJ. He gave his credentials to the board. He is not licensed in the State of New Jersey. He works for a licensed NJ architect. He has testified before many boards in New Jersey. He described what he does. Attorney Loughlin had no objections with his testimony.

Mr. Annis stated that the side yard was 8.51 feet and the side yard requirement was 10 feet or 10 percent width.

The board was informed that the plans had been changed after the notice was sent to the newspaper. Mr. Disko stated that he was unaware of the changes. Attorney Loughlin expressed his concern that the notice may have been inaccurate and that the notice may have to be changed. Mr. Annis stated that he did not know what calculation sheet had been submitted to the engineer. It was discussed as to what plans had been submitted vs. the calculation sheet. It was determined that the FAR was not noticed.

Due to the fact that the application would have to be re-noticed, the application was adjourned.

ADJOURNED

Thrilos Realty LLC, 1079 Route 22, Block 24.A, Lot 1- Applicant proposed an amended site plan for construction of a flagpole, A/C unit, revised dumpster location and proposed bar/restaurant use. Existing variances included front yard under 50 feet on Route 22 where 30.9 feet existed, lot width under 200 feet on Route 22 where 174.21 feet existed, existing sign size, existing front yard parking, existing parking space size, and existing loading space size. New variances included use variance with retail sales, lot coverage over 75 percent where 76.3 percent was proposed, refuse dumpster location in

the front yard, flagpole height over building height of 29.2 feet where 40 feet was proposed, A.C unit in front yard and insufficient number of parking spaces.

Mr. Joseph Paparo, Esq. represented Thrilos Realty for an amendment to a previously approved site plan and development.

The restaurant is currently under construction. There would be no exterior changes to the restaurant.

Attorney Paparo informed the board that when a liquor license became available the owner was able to purchase it.

Due to the proposed increase in the bar area and the addition of a mezzanine area, the number of seats would be reduced to 165 seats.

There would also be changes to the basement: two offices, bathrooms for the staff and, and a cold storage area.

Attorney Loughlin duly swore in Mr. Nick Dedes of Ortley Beach, NJ as the authorized representative and operator of the restaurant.

Mr. Dedes stated that when he acquired the liquor license, he decided to increase the bar area and, thereby, reducing the number of seats in the restaurant area. He did not have a liquor license when he came before the board with the original restaurant. The hours of operation would remain the same; 11:00 a.m. to 2:00 a.m.

The dumpster was also relocated to the far corner of the property at the request of their trash hauler. The hauler felt that the dumpster would be more functional in the SE corner of the property.

Mr. Dedes stated he would like to have a higher flagpole so that the American flag would not obstruct the windows of the restaurant.

The name of the restaurant would be changed to Echo Tap and Grille. The building that is currently under construction would remain the same. The design of the sign would remain the same, only smaller due to the fact that the name is shorter.

The theme of the restaurant would change. Instead of trees that had been previously suggested, they would not have smaller plants and shrubs throughout the restaurant.

Mr. Zawislak indicated that the relocation of the dumpster appears to be very inconvenient to the employees. He also inquired if the A/C unit would also be located in the front yard.

Fence: Upon questioning regarding the fence and that the fence contractor would like to remove the fence due to the fact that he had not yet received payment, Mr. Dedes stated that he met with the contractor and paid him, therefore, the fence would remain.

Mr. Wyvratt inquired if there would be any live entertainment. Mr. Dedes stated that he would not have a band. There may be a possibility of a guitarist or a piano player, but not a band.

Attorney Loughlin inquired if the liquor license would permit Mr. Dedes to sell liquor outdoors. Mr. Dedes stated that he did not believe so; inside the building only.

Basement area: The offices would be for Mr. Dedes and his brother only. They would be heated. There would still be a storage area located in the basement. There would be a changing area and bathroom for the staff. There would be a refrigerator and freezer and work tables to do work by the staff.

Mr. Chadwick expressed his concern regarding the relocation of the dumpster as well as the loading door and loading area. It was the hauler that suggested that the dumpster be relocated. The enclosure for the dumpster would be approximately 16' x 16'. There would be three different dumpsters. The pick-up times would be between the hours of 8:30-9:30 am. Mr. Disko did not want it any earlier.

Mr. Disko inquired about the new sign. Instead of Echo Park Restaurant and Grille, it would now say Echo Tap and Grille.

Mr. Disko also inquired about the extra door. The extra door would be for emergency use only. There would not be any outdoor seating due to the lack of parking.

Mr. Tomaine opened up the floor to the audience for questions.

AUDIENCE PARTICIPATION:

Mr. Stewart Jurczak of 179 Sunrise Parkway expressed his concern regarding the relocation of the dumpster. It would be only approximately 100 feet from his house. Mr. Dedes stated that the hauler suggested that the dumpster be relocated. The trash area would be surrounded by a fence.

Mr. Joao Lopes of 155 Sunrise Parkway inquired if he would be selling packaged goods at the bar. Mr. Dedes stated that he would sell packaged goods only if the liquor license would allow it. Mr. Lopes also expressed his concern that people may drink outside the premises.

Mr. Lopes also inquired about off-street parking. Attorney Paparo informed him that that was why they were seeking a parking variance; that there was not enough parking. Mr. Dedes stated that he would not be able to have large parties etc. was due to

the fact that there was not enough parking. Attorney Loughlin informed Mr. Lopes that the applicant was not requesting any off-street parking.

Mr. Jurczak of 179 Sunrise Parkway inquired if there would be a band. Mr. Dedes stated that he would not have a band.

Mr. Jurczak inquired about the concrete pad. It is a utility pad for electric, not the A/C units. The A/C unit would be located on the roof of the building.

Mr. Stanley Arent of 148 Sunrise Parkway inquired if the restaurant would be converted into a sports bar. Mr. Dedes stated that he did not want it to become a sports bar that he wanted to keep it as a family restaurant with a bar.

The board proceeded to discuss whether or not he would allow a cash and carry from the bar. Mr. Disko indicated that the Borough Clerk would know what type of liquor license Mr. Dedes had and what it involved.

Flag: That size of the flag would be 8' x 12' in accordance with the Eisenhower standards.

Seasonal items would be stored above the bathrooms and underneath the proposed mezzanine area.

Manager's offices: Would be located in the basement and heated. The storage areas would not be heated.

Attorney Loughlin duly swore in Mr. Steven Lazarus of Axis in Englewood, NJ as the architect for the restaurant. He gave his credentials to the board.

Mr. Lazarus stated that the egress door was relocated in the event there was ever a fire. The location of the egress door would bring it up to code.

Mr. Lazarus discussed what calculations were used in order to come up with the number of parking spaces that would be required for the larger bar area.

Mr. Matlin inquired about the reduced number of seats in the restaurant area. This was due to the expansion of the bar area. The number of seats in the restaurant area was reduced to 163. There would be 32 seats around the bar and tables in the bar area for a seat bar area. There could be people standing so that may increase the bar area by ten percent. Mr. Tomaine stated that parking space turnover would be lower for restaurants with bar areas. Mr. Malt's report was discussed regarding the turnover rate.

Mr. Tomaine opened up the floor to the audience for questions.

AUDIENCE PARTICIPATION:

Ms. Lisa Petrels of 180 Sunrise Parkway again expressed her concern regarding the bar area and the extra parking spaces. She was concerned regarding children playing on the side streets and the increase in traffic due to the restaurant and bar area.

Mr. Carlos Martinez of 159 Sunrise Parkway inquired about the proposed handicapped parking spaces. He believed that they may not be able to use them. He was assured that the location of the handicapped parking spaces would be alright.

Attorney Loughlin duly swore in Mr. Tabor Litincics of Woodbridge, NJ as the project/site engineer. He gave his credentials to the board.

Exhibit A-1: Site Plan.

The proposed emergency door was addressed. It would be located on the landing. There would be three steps to the door. It would be used as an emergency door only.

Mr. Litincics and Attorney Paparo reviewed Mr. Disko's, Mr. Chadwick's and Mr. Maltz's reports.

Mr. Litincics stated that the dumpster should be relocated in order for the hauler to be able to get to the trash area. If it was located too close to the building, the hauler would be not able to turn around. Mr. Younghans stated that the relocation of the dumpster was very close to the neighbors and would be far from the restaurant.

There would be a six-foot fence and new landscaping around the property.

The number of parking spaces that would be required again was reviewed.

Mr. Disko inquired about the utility pad that is currently located on the site. Mr. Litincics stated that it was an electrical pad for the electrical service for the utility company.

Mr. Matlin inquired about the proposed six-foot fence and if it would continue on the west and east side. It would not go beyond Vassar Road and Mill Lane. Mr. Matlin inquired if customers would be able to access the restaurant from those side streets. Mr. Litincics informed him that there was no parking on Vassar Road, so the only streets that cars would be able to park would be on Sunrise Parkway or Mill Lane. Also due to the fact that there were no sidewalks on the side streets, there would not be easy access to the restaurant. Mr. Matlin inquired why there would be an opening in the fence and could it be closed off. Mr. Litincics stated that they may be able to close it off.

Mr. Tomaine opened up the floor to the audience for questions

AUDIENCE PARTICIPATION:

Mr. Jurczek of 179 Sunrise Parkway, Ms. Lisa Arent of 148 Sunrise Parkway and Mr. Lopes of 155 Sunrise Parkway again spoke about the dumpster location and increase in the number of parking spaces required.

At 10:10 p.m. the board took a break and resumed the meeting at 10:20 p.m.

Attorney Loughlin duly swore in Mr. John McDonough of Morris Plains, NJ. He did not have to give his credentials to the board.

Mr. McDonough described the amended site plan. The number of seats would be reduced from 185 to 163. The number of seats in the bar area would be increased with limited food service. The restaurant would still remain the same but with the amenity of the fact that alcohol would now be served. Nothing else has changed from the original site plan.

There would be 73 parking spaces provided and 115 parking spaces were required. It had been previously addressed and Mr. McDonough believed that the number of proposed parking spaces would be adequate.

The applicant was requesting a 40-foot high fiberglass flagpole so as not to interfere with the windows with the flag. The flag would be either 6' x 10' or 8' x 12'. There would be a floodlight installed at the base of the flagpole.

Mr. McDonough stated that this was a positive criteria with minor negative impact due to the fact that the restaurant would still remain a family-type restaurant.

The increase in the bar area Mr. McDonough believed was an "industry trend".

Mr. Disko still stated that the dumpster could be moved to a better location, however, Mr. McDonough stated that he believed that the location of the dumpster would be the best location. The proposed location would not interfere with traffic circulation.

Mr. McDonough stated that this proposed restaurant would still remain an upscale facility.

Mr. McDonough testified regarding the parking space requirements in detail.

Mr. Tomaine opened up the floor to the audience for questions.

AUDIENCE PARTICIPATION:

Several residents on Sunrise Parkway expressed their concern regarding overflow parking on the side streets. Mr. McDonough felt that parking on the side streets would not be required. He felt the proposed number of parking spaces were adequate.

Mr. Jurczak of 179 Sunrise Parkway again expressed his concern regarding the location of the Dumpster and requested that it be located to another corner, such as near Vassar and Mill Lane. Mr. McDonough still stated that it should remain at its proposed location. If it was moved, it could possibly become a site issue.

Mr. Tomaine opened up the floor to the audience for comments.

AUDIENCE PARTICIATION:

Attorney Loughlin duly swore in Mr. Carlos Martinez of 159 Sunrise Parkway expressed his concern regarding the lack of parking and the change of use. He was concerned that it would be turned into a sports bar.

Attorney Loughlin duly swore in Mr. Joao Lopes of 155 Sunrise Parkway. Agreed with Mr. Martinez. He stated that the restaurant would no longer be a family environment. He would like it to remain that way it was. Would like to restaurant to remain as is.

Attorney Loughlin duly swore in Mr. Jurczak of 179 Sunrise Parkway stated that if packaged goods were sold, it would change the character of the neighborhood. There could be litter problems, etc.

Ms. Lisa Arent also objected to the proposed restaurant.

Having no further comments by members of the audience, Attorney Paparo gave his summation to the board.

Members of the board also gave their comments regarding the application.

Having no further discussion, Mr. Zawislak made a motion to approve the application and Mr. Tomaine seconded the motion.

CONDITIONS:

- No outdoor seating or service
- Flag to be 6' x 10' or the Eisenhower Regulations
- Site plan amendment to be submitted
- The mezzanine area t be used for storage only
- No amplification of music to be outdoors, no dancing, casual music only
- Two offices only in the basement, no outside leasing
- No advertising or sales of packaged goods
- Maximum occupancy of 168 persons
- Only the American flag would be flown on the flagpole
- Trash pick-up would be during the week between the hours of 8:00-10:00 a.m.
- Retention/detention plans to be approved by the Borough Engineer
- Screening to be provided around the dumpster and utility pad
- Landscaping to be approved by the Borough Engineer

- The original conditions would remain in effect
- Bonding would not be necessary

ROLL CALL VOTE:

AYES: Mr. Disko
Mr. Zawislak
Mr. Parker

NAYS: Mr. Tomaine
Mr. Garran
Mr. Wyvratt
Mr. Younghans

MOTION: Denied

Having no further business, the meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Ruth M. Rees

