

**PLANNING BOARD  
SEPTEMBER 27, 2016**

The Mountainside Planning Board met on Tuesday, September 27, 2016 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, Ford, Garran, Jakositz, Matlin, Parker, Tomaine, Younghans, Zawislak, Attorney Loughlin, and Secretary Rees.

The minutes of the August meeting were approved as presented.

**MEMORIALIZATION:**

Aranjo of 1254 Route 22, Block 16.01, Lot 48, Kilmas of 1257 Poplar Avenue, Block 16.01, Lot 11 and McCloskey (Sowa) of 1251 Poplar Avenue, Block 16.01, Lot 12. Applicants proposed lot line adjustments to transfer a portion of property from Lots 11 and 12 to Lot 48. Mr. Disko made a motion to approve the resolution and Mr. Zawislak seconded the motion. All were in favor.

**NEW BUSINESS:**

Baboomiam/Fleming, 1197 Foothill Way, aka 333 Short Drive, Block 5.06, Lot 4. Applicant proposed to install solar panels onto the roof of a single-family dwelling. Existing variances include lot width under 100 feet where 98 feet existed, and lot area within 150 feet. New variance includes the solar panels on the roof of a single-family dwelling which was considered an accessory structure and use.

Attorney Loughlin duly swore in Mr. Varoujan Baboomian, the homeowner; and Mr. Cameron Catmull from Vivint Solar Inc.

Mr. Catmull stated that the solar panels would be installed on the southeast back side of the roof, on the Short Drive side of the house as well as on the garage.

A total of 25 panels would be installed and colors would be black on black

Mr. Catmull described the proposed system.

No trees would be removed.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

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

ROLL CALL VOTE:

AYES: Mr. Disko  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Parker  
Mr. Younghans

NAYS: 0

MOTION: Approved

Stapleton, about to reside at 1264 Virginia Avenue, Block 16.10, Lot 6 – Applicants proposed to install and air conditioning unit in the side yard setback of a single-family dwelling. Existing variances include side yard under 10.1 feet where 9.5 feet exists, lot area under 15,000 square feet where 14,968 square feet exists, foundation area over 15 percent where 16.1 percent exists, floor area ratio over 22.5 percent, lot area within 150 feet, driveway in the side yard, and a carport, which is prohibited. New variances include lot coverage over 30 percent where 33.4 percent was proposed, and an A/C unit in the side yard under 10.1 feet where 5 feet was proposed.

Attorney Loughlin duly swore in Ms. Jennifer Stapleton as the homeowner and Mr. John Ropelski

Mr. Ropelski testified that they would like to install an air conditioning unit in the side yard of a single-family dwelling that would be located right behind an existing air conditioning unit. The unit would be located right up against the house. Two small units would be installed on the side of the house.

Mr. Tomaine inquired about the carport. Mr. Ropelski testified that the carport was removed.

Mr. Disko inquired about the garage that is currently boarded up. Mr. Ropelski stated that the garage would be renovated.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

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

ROLL CALL VOTE:

AYES: Mr. Disko  
Mr. Tomaine  
Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Parker  
Mr. Younghans

NAYS: 0

MOTION: Approved

Gabriel, about to reside at 867 Standish Avenue, Block 12, Lot 4 – Applicants proposed to construct an addition in the side yard on a non-conforming lot. Existing variances include lot area under 15,000 square feet where 13,193 square feet existed, lot width under 100 feet where 95 feet existed, lot area within 150 feet. New variances include foundation area over 15 percent where 15.9 percent was proposed, and floor area ratio over 22.5 percent where 23.8 percent was proposed.

Attorney Loughlin duly swore in Myriam and Munir Gabriel as the homeowners. Mr. and Mrs. Gabriel recently purchased the house.

Mr. Gabriel testified that he would like to make the house more ADA compliant and to extend the garage to make it two-car garage.

Mr. Gabriel described the renovations that they would like to do in the house, including renovating the master bedroom, bathroom, kitchen and family room and relocating the washer and dryer to be near the master bedroom. Again, to make the house more ADA compliant.

Mr. Zawislak expressed his concern that the floor area ratio would increase to 23.8 percent.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

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

ROLL CALL VOTE:

AYES: Mr. Zawislak  
Mr. Garran  
Mr. Matlin  
Mr. Parker  
Mr. Younghans

NAYS: Mr. Disko  
Mr. Tomaine

MOTION: Approved

Rodriguez, 227 Summit Road, Block 5.02, Lot 23 – Applicant proposed to construct an addition onto a single-family dwelling. Existing variances included lot width under 100 feet where 94.8 feet existed, and lot area within 150 feet. A new variance included front yard under 30 feet where 15.9 feet was proposed.

Attorney Loughlin duly swore in Mr. Fraymil Rodriguez, the homeowner and Mr. David Singer of Stockton, NJ, the architect. Mr. Singer gave his credentials to the board.

Mr. Singer showed the board a color rendering of the proposed addition.

Mr. Singers testified that the house was currently a ranch-style house and the homeowner would like to make the house into a two-story colonial-style house and renovate the rest of the house. Mr. Singer also proposed to add onto the existing garage and relocate the driveway from Summit Road to Spruce Drive. They would remove the existing driveway and the homeowner would put down grass and other landscaping so that it would become part of the front yard.

Mr. Singer described the proposed second floor addition and the renovations of the first floor.

The Floor Area Ratio was in compliance.

The existing shed would be removed.

Some trees may have to be removed. They do not yet have a landscaping plan.

A retention/detention system would not be required.

Mr. Disko expressed his concern regarding the relocation of the driveway and that it may become a problem with cars going into a Limited Industrial Zone. Mr.

Rodriguez explained that due to the heavy volume of traffic on Summit Road, he did not want to back out of the existing driveway.

Mr. Disko also inquired about the proposed walkway in the front yard on Summit Road. There would be a door on Summit Road and on Spruce Drive. Mr. Rodriguez explained that he would like to have a walkway up to the front of the house for visitors who would be parking on Summit Road.

Mr. Tomaine inquired if the change to the front door from Summit Road to Spruce Drive would involve a change of address. Mr. Disko stated that that would be determined by the tax assessor, however, due to the fact that there was already an established address, the assessor may keep the Summit Road address.

Mr. Tomaine opened up the floor to the audience for questions or comments. There were none.

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

ROLL CALL VOTE:

AYES; Mr. Zawislak  
Mr. Tomaine  
Mr. Garran  
Mr. Matlin  
Mr. Parker  
Mr. Younghans

NAYS: Mr. Disko

MOTION: Approved

Bovella's 22 Real Estate Group LLC, 1085 Route 22, Block 23.03, Lot 15 – Applicants proposed a site plan and change of tenancy for a bakery and restaurant in the Limited Industrial Zone. Existing variance included lot width-200 feet on Route 22 where 196 feet existed. New variances included a use variance, retail sales, front yard under 50 feet on Route 22 where 40 feet was proposed, lot coverage over 75 percent where 87.1 percent was proposed (reduced), front yard parking, insufficient loading zone, insufficient trash enclosure, parking in the side yard setback, and insufficient parking spaces.

Mr. Steve Hehl of Hehl and Hehl in Union, NJ, represented the applicants on the proposed site plan and change of tenancy.

Attorney Hehl explained that the applicants would like approval to run a bakery and café. The bakery would be run by Bovella's 22 of Westfield, NJ and Ferraro's Restaurant, also of Westfield, NJ. They would be open for breakfast, lunch and dinner.

Attorney Loughlin duly swore in Mr. Thomas Quinn of Scotch Plains, NJ as the applicants' professional planner and engineer. He gave his credentials to the board.

Mr. Quinn described the existing conditions as well as existing and new variances.

Mr. Quinn testified that a total of 728 square feet would be added to the existing footprint of the building.

The following changes would be made to the building and site.

- There would only be thirty-three, 9' x 20' parking spaces
- Ramps would be added to the entrances for ADA compliance
- The existing shed would be removed
- New lighting would be added, five, eighteen feet high LED free-standing lights

- The façade of the building would basically remain the same
- Change of traffic circulations
- The parking lot would be re-stripped
- The Dumpster area would be enclosed
- New landscaping would be added
- Lights on the building would be added
- The load area would remain the same

Mr. Quinn described the new landscaping plan. They would use evergreens and boxwoods along the front of the building and Mill Lane, flowering plants, and giant arborvitaes around the property.

The proposed bakery would use only small truck for deliveries.

Mr. Quinn described where the new lights would be located.

Mr. Zawislak inquired about a curb to prevent cars from going onto Route 22. Mr. Quinn testified that there was an existing curb already in the parking lot, and Mr. Youngmans inquired about cars heading east instead of heading west. He expressed his concern that a driver could get into the car and go onto Route 22 west instead of going east. Mr. Quinn informed him that that was how the former restaurant parking lot was laid out.

Mr. Chadwick reviewed Mr. Disko's report regarding storm water management. They would be reducing impervious surface. All the water would be going from west to east. Mr. Disko stated that he did not show a proposed grading plan.

Lighting: There would be a free-standing light that would be located two feet behind the curb. It would have a concrete base to prevent vehicles from hitting the pole.

Traffic circulation: There would be a two-way traffic circulation around the parking lot. The traffic circulation would move counterclockwise. It was noted that Police Chief Alan Attanasio agreed to this proposed traffic circulation.

Exhibit A-1: The building foundation would be increased. The two-way driveway would be eliminated and the drivers would go to a counterclockwise direction. Drivers would then exit onto Mill Lane.

Mr. Quinn described the proposed the proposed parking spaces and parking lot. Parking spaces would be added in the southeast corner of the parking lot. Mr. Disko stated that the corner parking spaces could be designated as employee parking. Mr. Quinn agreed to this.

Mr. Quinn discussed the sewer flow calculations with Mr. Disko.

Mr. Chadwick informed Mr. Quinn that the proposed boxwoods that would be located near Route 22 may not survive if road salt was dumped on them.

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

#### AUDIENCE PARTICIPATION:

Mr. Stewart Jursciak of 179 Sunrise Parkway requested that egress be out to Route 22 only.

The refrigeration unit would be located outside the building.

The board took a break at 9:30 p.m. and resumed the public meeting at 9:45 p.m.

Attorney Loughlin duly swore in Mr. Robert Algarin in Westfield as the architect for the project. He gave his credentials to the board.

Mr. Algarin described the existing building. Due to the fact that the building has been vacant for several years, it needs to upgrade both inside and outside. The interior and exterior of the building would be completely renovated.

Exhibit A-2: Coloring rendering of the floor plan

The kitchen would be enlarged by approximately 500 square feet and the refrigeration would be located outside the building. Mr. Disko inquired as to why the kitchen needed to be enlarged. Mr. Algarin stated that there would be 48 seats in the restaurant and that the kitchen needed to be enlarged to accommodate a bakery and café.

Exhibit A-3: Photographs of Bovella's in Westfield as well as a photograph of the former Raagini's Restaurant. There was also a color rendering of the proposed new façade of Bovella's 22.

A new ramp, porch and stairs were proposed to protect customers during inclement weather. There would be a new front porch and rear porch.

Exhibit A-4: Proposed lighting over the sign on the building

All the proposed signs would conform to the ordinance.

Mr. Tomaine opened up the floor to the audience for questions. There were none.

Attorney Loughlin duly swore in Mr. Ralph Bencivenga as the owner of Bovella's in Westfield, NJ. Mr. Bencivenga described the operations of the bakery that was located Westfield, NJ. He would be going into partnership with Mr. Vincent Ferraro, the owner of Ferraro's Restaurant also located in Westfield, NJ.

Mr. Bencivenga informed the board that the café and bakery would be open from 7:00 am to 11:00 pm. It would be open for breakfast, lunch and dinner. He anticipates that approximately four employees would be employed there in the kitchen and preparation area. There would be approximately three to four employees per shift. Per the suggestion from Mr. Disko, there would be a special designated area for employee parking

All deliveries would be made by vans or small box trucks and would deliver about three days a week. The vans would be taken off-site at night. There would be no overnight parking.

Mr. Bencivenga emphasized that there would be a full-service restaurant and that there would be no take-out service in the restaurant or the bakery. Mr. Chadwick questioned Mr. Bencivenga how they were going to prevent people from coming into the bakery, ordering baked goods and/or food and leaving. Mr. Tomaine stated that the operation of the café and bakery would be considered two types of retail and one type of commercial activity. Mr. Zawislak indicated that most of the restaurants in the area offer take-out.

The basement would be for storage only, such as paper goods, supplies, boxes, bags, etc.

The name of the proposed bakery will be called "Bovella's Bakery and Café".

Having no further discussion with Mr. Bencivenga, the application would be continued at the October 25<sup>th</sup> meeting, starting at 7:00 p.m.

Application to be continued:

DISCUSSION:

Letter from Ms. Donna Jennings, Esq., attorney for Alpine at Mountainside, regarding the proposed Homeowners' Association documents, as well as whether some of the units would be rental or condos.

Having no further business, the meeting was duly adjourned at 11:30 p.m.

Ruth M. Rees  
Secretary



























