

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of January 8, 2014

Board Attorney Donald Fraser called the meeting to order at 7:30 p.m. and stated the following:

Meeting Notice:

Pursuant to the Open Public Meeting Law, this is to state for the record that adequate notice of this meeting has been provided to the public by publication in the Cranford Chronicle and by filing of said notice in the office of the Municipal Clerk. This is a regularly scheduled meeting of the Board.

MOMENT OF SILENCE AND SALUTE TO THE FLAG

ROLL CALL

Present: Mayor Patricia Quattrochi, Bruce Paterson, William Nierstedt, Michael Vena, Robert Scherer, Stephen Greet, Georgia Mac Indoe, Kathleen Villaggio, Timothy Hak, (Alt I) Craig McCarrick (Alt II), Ileen Cuccaro (Alt III), Paul Tarantino (Alt IV)

Absent: None

Excused: Gene Jannotti

Also present were Board Attorney Donald Fraser Board Planner/Engineer Victor Vinegra and Board Secretary Adele Lewis.

ANNUAL REORGANIZATION OF THE BOARD

Board Attorney Donald Fraser Board administered the Oath to Mayor Patricia Quattrochi-*Class I member*, Bruce Paterson-*Class II member*, William Nierstedt-*Class III member*, Craig McCarrick-*Alt II*. Paul Tarantino-*Alt IV*.

It was noted that Robert Scherer- *Class IV member*, was previously sworn in.

Election of Chair

Call for nominations for Chair of the Planning Board for 2014.

A motion was made by Georgia MacIndoe and seconded by Mike Vena to elect Stephen Greet the Chair of the Planning Board for 2014.

A call for other nominations- seeing none, nominations were closed and a unanimous vote was cast for Stephen Greet as the Chair of the Planning Board for 2014. The meeting was turned over to Mr. Greet.

Election of Vice Chair

Call for nominations for Vice Chair of the Planning Board for 2014.

A motion was made by Mike Vena and seconded by Stephen Greet to elect Kathleen Villaggio the Vice Chairman of the Planning Board for the year 2014

A call for other nominations- seeing none, nominations were closed and a unanimous vote was cast for Kathleen Villaggio

Resolution PB-1

A motion was made by Kathy Villaggio and seconded by Robert Scherer that Donald Fraser be appointed Board Attorney to the Planning Board through and including the January, 2015 meeting.

Mr. Fraser stated that it was his intent to resign as a Borough employee in the near future. The Board may solicit requests for proposals however Mr. Fraser will submit his proposal to the Board.

Resolution PB-2

A motion was made by Kathy Villaggio and seconded by Robert Scherer that Victor Vinegra/Harbor Consultants be appointed the Consulting Engineer/Planner to the Planning Board through and including the January, 2015 reorganization meeting of the Board. Bruce Paterson abstained.

A formal resolution prepared by the Borough Clerk will be signed by the Chair and Secretary to be placed on file in the Clerk's Office

Resolution PB-3

A motion was made by Mike Vena and seconded by Kathy Villaggio that Adele Lewis be appointed Secretary to the Planning Board through and including the January, 2015 reorganization meeting of the Board.

Resolutions PB-4, PB-5 and PB-6 were read into the record and moved as a group.

A motion was made by Mike Vena and seconded by Robert Scherer be it resolved that the Board adopt resolutions PB-4 through PB-6

Resolution PB-4

Resolution designating the Cranford Chronicle, Westfield Leader and Star Ledger the official newspapers of the Planning Board for the publications of official notices and as the official newspapers to receive notices for the purpose of the Open Public Meetings Act for the year 2014.

Resolution PB-5

Resolution re-adopting the Rules and Regulations, forms and procedures of the Garwood Planning Board.

Resolution PB-6

Resolution adopting the following dates as the designated meetings dates for the Planning Board for 2014.

MEETING DATES
January 8, & 22
February 26
March 12, & 26
April 23
May 28
June 25
July 23
August 27
September 24
October 8, & 22
November 12
December 10
And January 14, 2015

All meetings will be held in the Municipal Building, 403 South Avenue beginning at 7:30 p.m.

All workshop sessions to commence at 7:15 P.M. and all regular meetings to commence at 7:30 P.M. There will be no new applications after 10:00 p.m., no new witnesses after 10:30 p.m. and the meeting shall be adjourned at 11:00 p.m., unless authorized by the Board.

**The Chair and Board Secretary shall be authorized to cancel a meeting due to lack of scheduled business.*

MINUTES

- **MINUTES OF THE DECEMBER 11, 2013 MEETING**

On a motion by Kathleen Villaggio and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes of the December 11, 2013 Planning Board meeting.

APPLICATION

Case #PB13-05 **105 Center Street- Block 404 Lot 34** C/I Zone

Applicant: *Ermina Savino Livieri*
Site Plan Approval with parking variance for 4 -second floor apartments

Mr. Fraser stated that the Board will depend on all the previous testimony and he reviewed the eligibility of the voting members. It was determined that Michael Vena and Timothy Hak (Alt 1) were not present at the September meeting and had not listened to the recording of the meeting, therefore were not eligible to participate in the application and they left the dais

John Demassi, Esq. represented the applicant and recounted the actions of September 25, 2013 meeting. He reviewed the entire revised submission.

MARKED INTO EVIDENCE

- A-1 letter dated Nov 13, 2013 from Mr. Demassi to Mr. Belluscio
- A-2 12-5-13 letter from Mr. Belluscio w/attachments-7 exhibits
- A-3 letter of intent from Casales Industries dated 8-1-2012
- A-4 letter of intent from Casales Industries dated February 3, 2003
- A-5 parking lease dated January 2013
- A-6 letter from Wells Fargo dated December 6, 2013
- A-7 October 9, 2013 letter from Garwood Mall Associates
- A-8 license & letter from St. Anne's
- A-9 affidavit of Maldinato with sketch attached
- A-10 parking report
- A-11 site plan revised on 12-15-13
- A-12 survey

Carmen Iusa, R.A., 131 Meadow Parkway, Linden, NJ was reminded that he was previously sworn and qualified. He reviewed the proposed floor plan A-11 architectural plans and A-12 survey. He reviewed the setbacks and stated that there is a 2 ft cantilever of the second and third floor. He added that building to building there is a 5.46 ft distance on the first floor. There is no side yard requirement per ordinance. There is a distance of 3.46 ft for the second and third floor. He said they are also proposing rear terraces for the second and third floor.

Mr. Iusa informed of his meeting with Richard Belluscio, Construction Code Official to discuss the fire suppression system. They will be using a deluge system. Mr. Iusa stated that Mr. Belluscio advised that a variation is required from the fire code and that he has jurisdiction over this matter. He read a portion of the Cranford Construction Official Belluscio's letter into the record regarding distance to the adjoining structure and windows. He clarified that they cannot block the windows of the adjoining building if they are egress windows for bedrooms.

Questions from the Board:

What is the size of the apartments?

Mr. Iusa stated that the average size of each apartment is 800 sq. ft.

Can the size of the terraces be increased?

Mr. Iusa stated that the applicant has agreed to increase the size of the terrace.

The Board also asked for clarifications on the survey.

Where will any children residing in the apartments play?

Mr. Iusa responded off site.

Questions from the Public:

William Allouf 106 Center Street inquired if Mr. Belluscio preformed a site inspection of the subject property and adjacent building.

Mr. Iusa stated that he did not believe Mr. Belluscio made a site inspection.

James Maldonado 539 Willow Avenue was sworn in. He stated that he is currently in the food business but previously had been in the construction business. He stated that his mother lived on the second floor if the adjacent building and he also worked on this property to the right of the subject property approximately 4 yrs ago. He testified that the bedroom windows do not face the side of the proposed apartments but they are at the rear of the property.

Questions from the Board:

What are the windows that face the proposed apartments?

He replied they are dining room, bathroom and kitchen

Is there ventilation in the bathroom?

Not that he is aware.

What is his opinion of the windows being blocked?

He feels there is sufficient light from the other sources, front to back. Also there is plenty of ventilation.

Questions from the Public:

William Allouf, 106 Center Street inquired if a window is required in a bathroom.

Mr. Maldonado stated that he does not think that is a requirement.

Henry Fontana South Amboy NJ - project superintendent for United Fire Protection. It was discussed if the witness was being put forth as a fact witness. Mr. Fontana reviewed his credentials stating that he has been employed by United Fire Protection for 8 years and in the business 12-13 yrs. He stated he has certification in fire suppression. Board Attorney Fraser inquired if Mr. Fontana had ever been accepted as an expert witness in NJ. Mr. Fontana stated that he had not. Mr. Fraser stated that the Board can hear his testimony and determine how much weight to afford his testimony.

Mr. Fontana stated that he reviewed Mr. Belluscio's report and the Deluge Sprinkler, which will be installed is an open head sprinkler which has a total flood system. He described the placement of the sprinklers however stated that a definitive design has not yet been drawn.

Questions from the Board:

Will there be sprinklers in the apartments?

Mr. Fontana stated yes, there will

How does the sprinklers alert in case of fire?

Mr. Fontana stated there is an alarm panel that will monitor it.

Will sprinklers be placed on the windows on adjoining building?

No there will not be, per Mr. Belluscio's letter

Will there be a hatch on the roof for Fire Department access?

Yes, this can be done

Joseph Staiger, P.E., P.P. was sworn and qualified as an expert witness in traffic, parking and Planning.

He testified to the traffic study he prepared and parking needs for the subject property. He stated this location is well suited to limited vehicle ownership and that this type of use is in keeping with the Master Plan. He read the Master Plan's objective #5 *to encourage mixed use developments within commercial zones* and noted that this project aligns with this objective. He testified that the combined retail and residential use requires 8 parking spaces and the two uses compliment each other as the need 'flip-flops'. He added that this is a permitted use and will promote appropriate population density as well as a more attractive streetscape. He reviewed the parking study he conducted noting that he went along Center Street and Willow Avenue during evening hours to determine the on-street parking in the walking distance of the site. His study found approximately 48 vacant spaces of on-street parking. He reviewed the letters of intent from the various parking proposals, Garwood Mall, Casale Industries, Wells Fargo and St. Anne's Church. He also noted the review from the Police Chief and noted that the applicant would be assigned designated spaces with any parking lease agreement.

In Mr. Staiger's planning testimony, he stated that this is an appropriate and adaptive use by placing residential use on top of retail. He also reviewed the negative criteria stating that there would be no negative impacts generated by this proposal.

RECESS 9:30- 9:40 pm

Questions from the Board:

Garwood Mall tenant Crunch Fitness has received a variance for parking, how can they lease spaces to the applicant?

Mr. Staiger stated he was not aware of this.

Has consideration been given to Garwood's Ordinance prohibiting on-street parking during a snowstorm of 3 inches or more?

Ermina Savino Livieri of 400 Myrtle Avenue, who was previously sworn, stated that she is the sole owner of the property. She stated that she purchased the property in 1983 and it was a vacant lot. She arranged for the existing building to be constructed. When it was constructed, it was planned for future expansion.

Mrs. Villaggio stated that previously the zone did not require parking and she believes that the change took place approximately 6 years ago to require parking. Mr. Vinegra stated that the salon use does not come into play; it is the apartment's use that should be given main consideration.

QUESTIONS FROM THE PUBLIC:

Sandro Villaraut, 401 Center Street, states he supports the application.

COMMENTS FROM THE PUBLIC:

William Allouf, 106 Center Street asked that the Board consider the negative impact on his property. Parking problems have been persistent on Center Street and this will intensify the problem.

On a motion by Robert Scherer and seconded by Michael Vena, the Board voted Affirmative (6) Mayor Patricia Quattrochi, Bruce Paterson, William Nierstedt, Stephen Greet, Kathy Villaggio, Craig McCarrick Negative (2) Robert Scherer, Ileen Cuccaro, Abstention (1) Georgia Mac Indoe to grant Site Plan Approval with parking variance for 4 -second floor apartments

NEW BUSINESS

Adoption of the Zoning Board Annual Year End Report pursuant to N.J.S. 40:55D-70.1

On a motion by Steve Greet and seconded by Kathy Villaggio, the Board voted by general consent to adopt the Zoning Board Annual Year End Report as revised pursuant to N.J.S. 40:55D-70.1 and that it be forwarded to the Governing Body. William Nierstedt abstained

Invitation to the Public to Address the Board

Stephen Greet asked if anyone would like to address the Board- there were no comments.

EXECUTIVE SESSION

On a motion by Kathy Villaggio and seconded by William Scherer the Board voted to move into executive session to discuss personnel/staff matters.

On a motion by Mike Vena and seconded by Robert Scherer the Board voted to return to the public meeting.

CLAIMS

On a motion by Kathy Villaggio and seconded by William Scherer the Board voted to approve payment to Victor Vinegra in the amount of \$1568.00 from the Powell Properties escrow account for the review of 210 North Avenue.

On a motion by Mike Vena and seconded by Robert Scherer the Board voted to approve payment to Victor Vinegra in the amount of \$245.00 from the escrow account of Crunch Fitness, South Avenue.

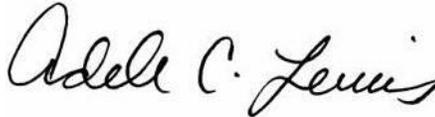
On a motion by William Nierstedt and seconded by Robert Scherer the Board voted to renew their 2013 membership to New Jersey Planning Officials in the amount of \$315.00

The next meeting of the Board will be January 22, 2014 which will be the continuation of LAND, Inc.

ADJOURNMENT

There being no further business, the Board adjourned 11:25 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Adele C. Lewis". The signature is written in a cursive style with a large initial 'A'.

Adele C. Lewis, Board Secretary