

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of January 13, 2016

Stephen Greet 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 Westfield Leader and notification to the Star Ledger 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 Charles Lombardo, William Nierstedt, James, Matthieu, Michael Vena, Robert Scherer, Stephen Greet, Kathleen Villaggio, Paul Tarantino, Craig McCarrick (Alt I), Paul Nieves, (Alt II), Steve Napolitano (Alt III)

Absent: None

Excused: Gene Jannotti, John Malcolm (Alt IV)

Also present were Board Attorney Donald Fraser and Board Secretary Adele Lewis. Anthony Gallerano, P.E., P.P., was also present from Harbor Consultants on behalf of Victor Vinegra Board Planner/Engineer

The meeting was turned over to Board Attorney Donald Fraser.

ANNUAL REORGANIZATION OF THE BOARD

Board Attorney Donald Fraser administered the Oath to new and re-appointed Board members.

Election of Chair

Board Attorney Donald Fraser called for nominations

Call for nominations for Chair of the Planning Board for 2016.

A motion was made by Mayor Lombardo and seconded by Kathy Villagio to elect Stephen Greet the Chair of the Planning Board for 2016.

A call for other nominations- seeing none, nominations were closed and a unanimous roll call vote was cast for Stephen Greet as the Chair of the Planning Board for 2016. The meeting was turned over to Mr. Greet.

Election of Vice Chair

Call for nominations for Vice Chair of the Planning Board for 2016.

A motion was made by Mike Vena and seconded by Paul Tarantino to elect Kathleen Villaggio the Vice Chair of the Planning Board for the year 2016

A call for other nominations- seeing none, nominations were closed and a unanimous roll call vote was cast for Kathy Villaggio as the Vice-Chair of the Planning Board for 2016.

Resolution PB-1

A motion was made by Kathy Villaggio and seconded by Mayor Lombardo to appoint Donald B. Fraser, Jr. as Board Attorney to the Planning Board through and including the January 2017 reorganizational meeting.

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

Resolution PB-2

The Board discussed the two proposals received.

A motion was made by Mike Vena and seconded by Mayor Lombardo that Victor Vinegra/Harbor Consultants be appointed the Consulting Engineer/Planner to the Planning Board through and including the January, 2017 reorganization meeting of the Board.

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

Resolution PB-3

A motion was made by Kathy Villaggio and seconded by Mike Vena that Adele Lewis be appointed Secretary to the Planning Board through and including the January, 2017 reorganization meeting of the Board.

Resolution PB-4

Chair Greet read the resolution designating the Union County Local Source, 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 2016.

The Board discussed the addition of the Union County Local Source to the listing of official newspapers. Several Board members noted that they had not previously heard of the Union County Local Source paper. Board Attorney Fraser inquired as to the circulation in the Borough and if it would be appropriate for applicants to provide the required legal notice in this paper. Board Secretary Lewis informed the Board that the Union County Local Source was added by the Borough as an additional newspaper as the Cranford Chronicle is no longer in existence. The Board inquired if it was required to provide three newspapers.

A motion was made by Bill Nierstedt and seconded by Kathy Villaggio that the Board amend PB-4 by eliminating the Union County Local Source paper and adopt resolution PB-4 *AS AMENDED* to designate the Star Ledger and the Westfield Leader as the official newspapers for the Planning Board. **Mayor Lombardo voted No citing the desire for the Borough and Planning Board to be consistent with each other.*

Resolution PB-5

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

A motion was made by Bill Nierstedt and seconded by Kathy Villaggio be it resolved that the Board adopt resolution PB-5

Resolution PB-6

Resolution adopting the following dates as the designated meetings dates for the Planning Board for 2016.

January 13, & 27	February 24	March 9, & 23	April 27	May 25
June 22	July 27	August 24	September 28	
October 26	November 9	December 14		And January 11, 2017

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.***

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

MINUTES

- **MINUTES OF THE DECEMBER 1, 2015 SPECIAL MEETING**
- **MINUTES OF THE DECEMBER 9, 2015 PLANNING BOARD 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 1, 2015 Planning Board meeting. Board members who were not present abstained.

APPLICATION

Case #PB15-11

416 Oak Street B. 202 L. 19 R/A Zone

Applicant: Estate of Robert W. Duris

Seeking a Certificate of Non-Conformity for a two-family house

Board Attorney Fraser stated that this would be a 7 member Board and Mayor Lombardo and Councilman Mattheiu stepped down from the dais.

Eric Levine, Esq. of Lindabury McCormick represented the applicant, the estate of Robert Duris. He reviewed the submission packet and stated that the house was built as a two-family with separate utilities. The home was previously in the Residential B zone which permit two-family homes. He noted that a 2011 zoning change rendered the use as non-conforming. He referred to the 1974 tax evaluation records and the previous zoning records researched by the realtor, Christie Sargent.

Christie Sargent, real estate agent residing at Mohawk Trail was sworn in. She stated that she filed the Government Record requests and researched the records through the Clerk’s Office. She estimated that the home was built in 1969 however the zone changed in 2011.

Board Attorney Fraser stated that the applicant must prove that the home was used as a two-family from 2011 to present. Ms. Sargent stated that it had been.

Mr. Levine concluded and stated that they are relying on the written record provided.

On a motion by Kathy Villaggio and seconded by Mike Vena the Board voted Affirmative (7) William Nierstedt, Stephen Greet, Kathy Villaggio, Robert Scherer, Paul Tarantino, Mike Vena, Craig McCarrick Negative (0) to grant a certificate of non-conformity for a two-family house in a single family R/A zone. MOTION CARRIES 7-0

Mayor Lombardo and Councilman Mattheiu returned to the meeting.

NEW BUSINESS/OLD BUSINESS

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

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

The Board discussed having the Zoning Officer sign off on Certificates of Continued Uses (CCO). It was noted that unless funding is needed through a bank, some of the non-conforming uses will continue without the requirement to appear before the Board for consideration. Bill Nierstedt read section 106-25 of the Land Use ordinance titled *Certificate of Compliance* and questioned if it was being enforced. The consensus of the Board was that they would like to see the Zoning Officer sign off on all CCO's. The Board directed Mr. Fraser to draft an ordinance for their consideration and subsequent recommendation to the Governing Body.

The Board discussed the timeline for the South Avenue Redevelopment Plan and discussed the need for a special meeting. The consensus of the Board was to wait unit to January 27th to determine if it was warranted.

CLAIMS

No Claims were presented for payment

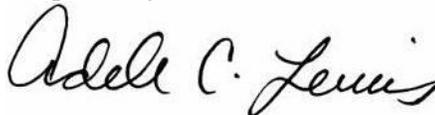
Invitation to the Public to Address the Board

Stephen Greet asked if anyone would like to address the Board- Bruce Paterson distributed a "Density Incentivisation" report he prepared and discussed the upcoming redevelopment of South Avenue. The Board thanked him for his work on the report.

ADJOURNMENT

There being no further business, the Board adjourned 8:50 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary