

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of January 27, 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, Gene Jannotti, Craig McCarrick (Alt I), Paul Nieves, (Alt II), Steve Napolitano (Alt III), John Malcolm (Alt IV)

Absent: None

Excused: None

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

MINUTES

- **MINUTES OF THE JANUARY 13, 2016 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 January 13, 2016 Planning Board meeting.

RESOLUTION

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

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 memorialize the wording of the resolution granting a certificate of non-conformity for a two-family house in a single family R/A zone.

APPLICATION

Case #PB15- 04 (S) 245 South Avenue Block 502 Lot 3 General Business G/B Zone

Applicant: R & P Holdings

Seeking Site Plan approval to demolish an existing 2 ½ story dwelling and construct a new 3 story mixed use building in connection with a previously granted Use Variance

As required by ordinance, a court reporter was also present. The transcript is available in the case file.

Richard Brightman, Esq. represented the applicant.

James Mastronardy, P.E., P.P. testifying as both a planner and engineer. The Board reviewed Victor Vinegra's letter dated 12-9-15 and questioned lack of buffer as noted in Mr. Vinegra's report.

1. *Section 106-116E Landscape Buffers.* A 10' buffer is required where a commercial use abuts a residential use. The Applicant must address what they are doing to mitigate this requirement. A variance is required between the residential use located to the east of the project and the new proposed use of a retail facility. Garwood's bulk schedule only requires a 5' side yard/buffer in the GB Zone, but when a commercial use abuts a residential use then Section 106-116E applies which requires a 10' buffer. The residential use next door is not a permitted use, so the board should weigh this in its decision. There are only two residential homes located on this block along South Avenue, the proposed site and another single family home next door. Besides the side yard buffer, a rear yard buffer is also required. The applicant's engineer has supplied a 10' rear yard buffer as required by Ordinance. It is our recommendation that the landscape plan is amended to provide for a more creative and diversified species of landscape plantings throughout the site, and particularly within the landscape buffers.

The Board also questioned the lack of a loading zone as referenced in Mr. Vinegra's report and required by Section 106-131. Mr. Mastronardy stated that it will likely be a low impact business and loading could take place from South Ave.

Questions from the public- There were no questions

Ronald Meeks, R.A. reviewed the plans he prepared. He stated that the size and height of the building was reduced in response to feedback from the Board and Mr. Vinegra. He described the apartments stating that each has two bedrooms and a bath and a half.

Questions from the public. There were no questions.

Preston Terrell 33 West Holly Street, Cranford owner of subject property. He stated that he had no position to a knox box as requested by the Fire Dept. He stated that for the commercial use, he has had interest expressed from an antique store. He explained that they moved the building over away from the residential use. He also stated that he would install a fence with the landscaping subject to the approval of the Board Planner.

Questions from the Board:

Curbscut is 18 ft. can the apron be increased for safety.

Buffer suggestions from Mr. Nierstedt to choose different types of planting which provide more effective buffer as noted in Mr. Vinegra's review letter.

Suggestions were made to increase the rear buffer.

How will the lack of Loading zone be handled.

Two doors at the rear of the retail store. Mr. Meeks stated that is for possible future division of the retail space.

Questions or comments from public. None

Craig McCarrick inquired exactly which bulk variances were being sought by the applicant as it was not noted on the plans. It was noted that the applicant needed a variance for minimum building coverage- 30 % required – 17.1 % proposed.

Mr. Brightman summed up the application and referred to the D/ Use approval noting that the variance may have been granted with the Use Variance. Mr. Fraser read the resolution of approval and stated that the bulk variances were not subsumed in the initial approval.

Robert Scherer feels it's a good project. He cited the contradictions in code and feels that this will clean up the property.

Bill Nierstedt stated that he probably would not have supported the use variance as he would rather see the continuation of the General Business zone however he would support this mixed use development. He does not think the proper argument for either a C-1 or C-2 variance have been sufficiently put on the record.

Gene Jannotti stated that the adjustments made improve the project and he appreciates the applicant taking the feedback from the board.

Steve Greet stated that he is concerned with the lack of loading zone for this site.

*Motion by Kathy villaggio and seconded by Robert Scherer, the Board voted Affirmative (5) William Nierstedt, Kathy Villaggio, Robert Scherer, Paul Tarantino, Gene Jannotti, Negative (2) Mike Vena and Chair Greet) to grant preliminary and final site plan approval and variances for Minimum building coverage and Side yard buffer Conditioned upon Mr. Vinegra's review letter of 12/9/15, installation of a Fence east side. The applicant agrees to work with engineer on landscaping on east and rear of property **MOTION CARRIES 5-2***

DISCUSSION ITEMS:

Certificate of occupancy; certificate of compliance

As a follow-up to the discussion at the January 13th meeting, Don Fraser passed out Section 106-25 Certificate of occupancy; certificate of compliance with highlighted sections depicting that the mechanism is in place to ensure the use is permitted. Bill Nierstedt opined that the language in the existing ordinance places the responsibility on the Fire Dept. to determine and sign off on a permitted use. Mr. Mathieu questioned if amending the ordinance was necessary. The Board discussed amending the form. It was noted that the form in question was not the jurisdiction of the Planning Board. Donald Fraser recommended that he and Mr. Nierstedt draft a proposed ordinance for the Board's consideration at the next meeting.

2016 Planning Board Budget

Chair Greet informed the board that the Board's budget will be presented to the Finance Committee of the Governing Body at a meeting of February 10th.

Subcommittees of the Board

Chair Greet announced that the Board would establish subcommittees which will report back to the entire Board. He reported that the two subcommittees of the board would be:

Development review committee

- Stephen Greet, *Chair*
- Kathy Villaggio
- Paul Tarantino
- Gene Jannotti
- Mike Vena- Alternate

Redevelopment Committee

- Kathy Villaggio, *Chair*
- William Nierstedt
- James Mathieu
- Craig McCarrick
- Stephen Greet- Alternate

It was decided by general consent that the February 24th meeting be designated for the discussion of the redevelopment. No applications will be scheduled for this meeting.

CLAIMS

On a motion by Kathy Villaggio and seconded by Gene Jannotti the Board voted by general consent to approve payment for the following invoices:

To Victor Vinegra/Harbor Consultants:

Inv # 22556 in the amount of \$240.00 for St. Annes parking lot application

Inv # 22557 in the amount of \$840.00 - 3 Lincoln Ave- DBJ Holdings application review

Also approved payment to NJ Planning Officials for their 2016 membership dues of \$325.00

Invitation to the Public to Address the Board

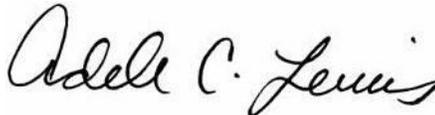
Stephen Greet asked if anyone would like to address the Board- there were no comments from the public.

The next meeting of the Planning Board: February 24, 2016

ADJOURNMENT

There being no further business, the Board adjourned 9:30 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary