

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of March 11, 2015

Chair 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 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: Stephen Greet

Mayor Charles Lombardo, Bruce Paterson, William Nierstedt, Michael Vena, Robert Scherer, Kathleen Villaggio, Gene Jannotti, Paul Tarantino, Craig McCarrick (Alt I), Patricia Quattrocchi, (Alt II) Steve Napolitano (Alt III)

Absent: None

Excused: Timothy Hak, (Alt IV)

Also present were Board Attorney Donald Fraser, Board and Board Secretary Adele Lewis. Planner/Engineer Victor Vinegra from Harbor Consultants was excused.

MINUTES

• **MINUTES OF THE JANUARY 28, 2015 MEETING**

On a motion by Kathy Villaggio and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes of the January 28, 2015 Planning Board meeting. Mayor Lombardo, William Nierstedt and Stephen Greet abstained.

RESOLUTIONS

Case #PB 14-05 **209 South Avenue** Block 502 Lot 9 *General Business Zone*
Applicant: 201 SOUTH AVE., LLC
Granting of a Use Variance to permit a Used Car lot in the General Business Zone along with Preliminary and Final Site Plan Approval

Board Attorney Fraser distributed the Resolution electronically earlier in the day. The Board noted an error with a reference to a bifurcated application with a required return

for the site plan at a later date. Mr. Fraser stated that this is incorrect as there are no exterior changes to the building and no requirement to return. Mr. Fraser will correct and redistribute to Board Secretary Lewis. Also, the enumerated findings of fact were corrected to reflect 31 clauses rather than 30.

On a motion by Kathy Villaggio and seconded by Robert Scherer the Board voted Affirmative (6) Steve Greet, Kathy Villaggio, Mike Vena, Robert Scherer, Gene Jannotti, Bruce Paterson to memorialize the wording of the Resolution as amended granting a Use Variance to permit a Used Car lot in the General Business Zone, the granting of preliminary and final site plan approval, Subject to the conditions in Victor Vinegra's review letter dated 12/8/14 as modified by the applicants engineer through testimony, the approval for this use is ancillary to the other lots at 507 - 515 South Ave., 150 South Ave. and the planting of two trees somewhere in the borough, the acceptance of the waiver requests. The site will be unmanned except for scheduled appointments.

Case #PB15- 01 (S) 484 Fourth Ave Block 102 Lot 10

Applicant: Angela & Sandro Villaruat

Granting Site Plan Approval for a previously granted Use Variance for a multi family development consisting of nine townhouses

Board Attorney Don Fraser distributed the resolution and two corrected pages. He explained the revisions, page one incorrectly notes the granting of a use variance whereas this was the site plan portion of the application. Also condition A the addition of language regarding the Police Fire and Harbor Consultant review *as modified during the course of testimony at the hearing*. Mr. Fraser stated that there is an issue as to whether the approval was for Preliminary and Final Site Plan Approval. The transcript shows the motion being made for Site Plan Approval. Mr. Fraser stated that since there were two relatively significant changes with the removal of the dumpster area being replaced by a gazebo and the modification of the balconies so as not to encroach in the setback, he was not certain of the Board's intent. He suggested that the Board have Mr. Paparo address the Board.

The members voting in the affirmative for the application discussed the resolution. The members who recused themselves from hearing the application continued to recuse themselves from the discussion. It was noted that the transcript incorrectly identifies Mr. Napolitano as counsel for Mr. Villaraut whereas Mr. Napolitano is Mr. Villaraut's accountant. Kathy Villaggio assumed the role of Chair for the discussion of the Resolution.

On a motion by Gene Jannotti and seconded by Pat Quatrocchi, the Board voted by general consent to permit Mr. Paparo to present his position that the approval of Preliminary AND FINAL site plan, whereas it is not expressly noted in the transcript.

Joseph Paparo, Esq. of Hehl & Hehl was present on behalf of the applicant. Mr. Paparo thanked Mr. Fraser for sending him the Resolution in advance for his review. He noted that there was an incorrect allocation of the number of bedrooms which should be four (4) three bedrooms and five (5) two bedrooms. He continued that the application had been submitted for preliminary and final site plan and when the motion was made and all

the conditions were listed, there was no mention of a return for Final Approval. Mr. Paparo opined that if the Board is silent on an issue, it is accepting the application as submitted unless lesser relief is specifically enumerated.

The Board discussed the approval and the unanimous view of the Board members who voted in the affirmative was that they were voting on Preliminary and Final Site Plan Approval. Donald Fraser enumerated the changes to be made and Board members identified other revisions. Donald Fraser suggested that he revise the resolution. The Board decided table the adoption of the Resolution until the next meeting of March 25th.

On a motion by Craig McCarrick and seconded by Gene Jannotti, the Board voted Affirmative (6) Michael Vena, , Kathleen Villaggio, Gene Jannotti, Paul Tarantino, Craig McCarrick, Patricia Quattrocchi, to table the resolution in the matter of 484 4th Ave grant Preliminary and Final site plan approval

ORDINANCE REVIEW

Ordinance review Pursuant to N.J.S.A.40:55D-26- Planning Board review of Ordinance seeking to amend Section 106-139 Definitions and Section 106-141 & 106-142 -Signs permitted in Central Business, General Business and Community Commercial Zones and Light Industrial& Industrial Commercial Zones

Pursuant to 40:55D-26 of the Municipal Land Use Law, the Planning Board discussed the above referenced ordinance.

William Nierstedt informed the Planning Board that Councilwoman Ann Tarantino was present to discuss the proposed changes.

Chair Greet requested that Ms. Tarantino briefly highlight the changes for the Board's consideration, and the Board would consider the ordinance at the next meeting.

Ann Tarantino explained the changes and additions to the ordinance. She explained the justification for the changes. She stated that a definition of Portable Board signs was added. She continued that a new section was added with sign measurements as well as materials permitted for the signs.

With a preliminary overview, the Board made the following suggestions:

- Consider language to address dilapidated signs and signs in disrepair
- Specify that the signs must be removed and **stored inside** when business is not in operation.
- Consider adding language to permit a T sign, in addition to A frame and easel type signs, if so desired.
- Consider reinforcing flashing/lighted temporary signs are not permitted
- Consider specifying permitted/approved materials for the signs

Mike Vena asked if issue of maximum window signage had been considered. Ann Tarantino stated that it seems as an enforcement issue.

The Board will continue the review and pass a Resolution with formal recommendations to the Governing Body at the next meeting.

NEW BUSINESS/OLD BUSINESS

William Nierstedt provided an update on Redevelopment South Avenue Study. He noted that there may be a preliminary review of the draft by the Planning Board in April and the public hearing will be scheduled at some point after that.

Board Secretary Adele Lewis distributed the Garwood Paperboard Study to be heard on March 25, 2015. Board members were informed that the property owner had been served notice of the meeting as well as the required publication in the newspaper on March 6th and March 13th.

Invitation to the Public to Address the Board

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

APPLICATION- None

EXECUTIVE SESSION

On a motion by Craig McCarrick and seconded by Gene Jannotti, the Board voted by general consent to move into executive session to discuss matter of threatened litigation by Sandra Sep.

THE BOARD RETURNED TO PUBLIC SESSION

CLAIMS

On a motion by Mike Vena and seconded by Gene Jannotti, the Board voted by general consent to approve the following vouchers for Harbor Consultants from the escrow of:

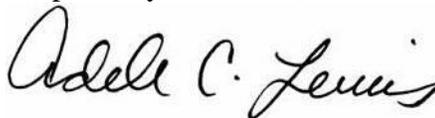
- *Inv # 21092 for \$42.50 for 325 South Avenue*
- *Inv# 21078 for \$1747.50 Westfield Senior Housing*
- **Inv# 21137 for \$1920.00 for 484 4th Avenue/Villaraut*

**Bruce Paterson abstained on the 484 4th Ave. invoice.*

ADJOURNMENT

There being no further business, the Board adjourned 9:15 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary