

**BOROUGH of GARWOOD**  
**PLANNING BOARD**

**MEETING of WEDNESDAY, May 25, 2016**

*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 Westfield Leader and by filing of said notice in the office of the Municipal Clerk. This is a regular meeting of the Board.

**MOMENT OF SILENCE AND SALUTE TO THE FLAG**

**ROLL CALL**

**Present:** Mayor Charles Lombardo, Councilman James Mathieu, Stephen Greet, Kathleen Villaggio, William Nierstedt, Michael Vena, Robert Scherer, Gene Jannotti, Craig McCarrick (Alt I), , Paul Nieves, (Alt II)

**Absent:** None

**Excused:** Paul Tarantino, Steve Napolitano (Alt III), John Malcolm (Alt IV)

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

**MINUTES**

ADOPTION OF MINUTES:

- **MARCH 23, 2016 PLANNING BOARD REGULAR MEETING**

*On a motion by Gene Jannotti and seconded by Kathleen Villaggio, the Board voted by general consent to adopt the minutes MARCH 23, 2016 PLANNING BOARD REGULAR MEETING*

- **APRIL 18, 2016 PLANNING BOARD SPECIAL MEETING MINUTES**

*On a motion by Kathleen Villaggio and seconded by Gene Jannotti, the Board voted by general consent to adopt the minutes APRIL 18, 2016 PLANNING BOARD SPECIAL MEETING MINUTES*

- **APRIL 25, 2016 PLANNING BOARD SPECIAL MEETING MINUTES**

*On a motion by Kathleen Villaggio and seconded by Gene Jannotti, the Board voted by general consent to adopt the minutes APRIL 25, 2016 PLANNING BOARD SPECIAL MEETING MINUTES*

## **RESOLUTION**

Recommending the Governing Body adopt the South Ave. Redevelopment Plan

Report from Planner Victor Vinegra dated November 2015-revised through 3/23/16

The Redevelopment area is identified on the Borough Tax Maps as Lot 1, 2, 3, 4, & 5 of Block 401

BOARD ATTORNEY FRASER DISTRIBUTED THE RESOLUTION HE PREPARED. HE NOTED SOME TYPOGRAPHICAL ERRORS AS WELL AS MISSING INFORMATION REGARDING THE PUBLIC SPEAKERS. IT WAS NOTED THAT IT WAS AN INFORMAL AND INFORMATIONAL MEETING SO THE INFORMATION WAS NOT REQUIRED.

*On a motion by Kathleen Villaggio and seconded by Mike Vena, the Board voted Affirmative (7) Stephen Greet, Kathleen Villaggio, William Nierstedt, Michael Vena, Gene Jannotti, Craig McCarrick, Paul Nieves, to memorialize the wording of the resolution recommending the Governing Body adopt the Redevelopment Plan for South Avenue - Report from Planner Victor Vinegra dated November 2015-revised through 3/23/16-The Redevelopment area is identified on the Borough Tax Maps as Lot 1, 2, 3, 4, & 5 of Block 401*

## **APPLICATIONS**

### **Case #PB16- 02**

**219 Second Ave.** Block 207 Lot 13

**Applicant: Mary Wanca**

*Pursuant to N.J.S. 40:55D-72a- Appeal of the Administrative Officers Determination regarding vacant lot #13 adjacent to Lot # 12*

Mr. Fraser announced that he had been in contact with Mr. Gary Hall, Esq. attorney for the applicant. Mr. Fraser realized that he had a conflict with the application as he has a business relationship with the Mr. Hall's firm, McCarter & English. Mr. Fraser will recuse himself and conflict Counsel will be appointed for the June 22, 2016 meeting. Mr. Hall requested conflict counsel for this meeting, however Mr. Fraser did not feel it was his role to expend the Board's funds. Mr. Fraser spoke with Chair Greet and he was in agreement with carrying the application to the June meeting and retaining conflict counsel for the duration of the June meeting so as not to incur the expense of two attorney fees. Mr. Fraser stated that this was acceptable to him. The Board empowered Chair Greet to contact the attorneys who have appeared before the board previously and schedule the attorney as special counsel for coverage for the June 22<sup>nd</sup> meeting.

Mr. Fraser stated that in his conversation with Mr. Hall, he requested that the Board carry notice without the requirement to provide any further notice. Mr. Fraser also referenced the correspondence received earlier requesting the same and which referenced a possible change in the relief being sought by the applicant.

*On a motion by Craig McCarrick and seconded by Kathy Villaggio the Board voted by general consent to carry the 219 2<sup>ns</sup> Avenue application to the June 22, 2016 meeting without the requirement of further notice provided that the applicant goes forward with the Appeal of Zoning Officer's decision. Should the applicant chose to amend the application and apply simultaneously for the Appeal and a subdivision and variance, new notice will be required.*

### **Case #PB16- 04**

**41 Second Ave.** Block 208 Lot 10

**Applicant: Sharon Kornmeyer**

*Seeking a variance from Section 106-114B residential parking for a driveway in front yard and front yard parking*

Sharon Kornmeyer, 41 2<sup>nd</sup> Avenue was present on behalf of her application and was sworn in. She stated that her property has been on the market for over a year and the feedback she has received is that there is no driveway. She continued that she will not put the driveway in however hopes to transfer the variance to the new owners. She reviewed her application and stated that the lot is 25 ft. wide and a driveway cannot extend beyond the house. She testified that she feels this is a major factor in why she has not been able to sell her home due to the “snow ordinance”. She referenced the Borough ordinance which requires vehicles off the street when there are 3 inches or more of snow. She has been putting her car in a neighbors’ driveway when it snow.

Victor Vinegra read the ordinance Section 106-114B and noted that additional variances were needed for the buffer, size of parking space and parking in the front yard. Mr. Fraser noted that the notice covered any and all variances and waivers required by the Board.

The Board expressed concern regarding a vehicle safely on the property.

Mr. Vinegra reviewed the survey presented and noted that there is only 15 ft. from the right of way to the porch, a large vehicle would hang over the right of way. Mr. Fraser inquired about the depth of the porch. Ms. Kornmeyer was not certain. Mr. Vinegra stated that the porch appears to be 4 ft.

Ms. Kornmeyer stated that she has owned the property for 3 yrs. which she inherited from her parents who built the house in 1964.

Board members asked questions of Ms. Kornmeyer.

How much is the house being sold for? Ms. Kornmeyer stated \$279, 000. When asked if the driveway is the only feedback received, Ms. Kornmeyer stated that is the first reason given but additional comments include that the rooms are small and needs some updating.

When asked how the driveway would be placed as there is a slope in the front yard, she replied that the hill would be flattened.

Board members expressed concern regarding the applicant not constructing the driveway and the vagueness of the request as specific dimensions were not provided.

**COMMENTS FROM PUBLIC (sworn in)**

Ileen Cuccarro, 348 3<sup>rd</sup> Avenue stated that the feedback received was that the driveway is a major factor in the home not selling while others in the area are selling quickly. She continued that in her role as Councilperson, she asked Council to reconsider and repeal the snow ordinance requiring cars off the street with 3 inches of snow. She stated that she has received much feedback from the negative effects of this ordinance.

Mr. Fraser asked if Ms. Cuccarro was the listing agent on this property and if she would benefit financially from the sale.

Ms. Cuccarro stated that she was the listing agent and she would earn a commission when the house sold which she stated would sell regardless of the variance being granted.

Mayor Lombardo replied that this matter of the ordinance was referred to buildings and grounds committee and in consultation with the Chief of Police, it was decided that the safety benefits outweigh any detriment or inconvenience. He added that the Police cited a 95 % compliance rate with the ordinance.

Cheryl Lloyd, 59 2<sup>nd</sup> Avenue commented that there are many other homes on the block with similar sized lots and expressed concern regarding front yards being paved to be used as driveways becoming a reoccurring issue. She added that her driveway can accommodate additional vehicles which she allows during snowstorms.

Bruce Paterson, 325 Willow Avenue noted that there were other homes with similar driveways on Willow Ave. He stated he was not in favor nor opposed to the proposal. He noted that the Board has granted other similar requests however noted they were on larger properties.

The general consensus of the Board is that the ordinance does provide a compromise to allow unobtrusive parking in the front yard in certain situations. This property poses many challenges in that it cannot provide the required landscaping, the slope and would be a potentially unsafe condition. Additionally, the granting of this variance will likely result in a decreased property value, not an increase as previously represented.

*On a motion by William Nierstedt and seconded by Mike Vena, the Board voted Affirmative (8) Mayor Lombardo, Stephen Greet, Kathleen Villaggio, William Nierstedt, Michael Vena, Robert Scherer, Gene Jannotti, Craig McCarrick, Negative (0) Abstention (1) James Mathieu to DENY the request a variance from Section 106-114B residential parking for a driveway in front yard and front yard parking **MOTION TO DENY CARRIES 8-0-1***

## **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: from the escrow accounts:*

- *Inv. # 23085 for \$280.00 from escrow of 109 Myrtle Ave & 302 New S..*
- *Inv. # 23093 for \$280.00 & 23250 for \$1050.00 from escrow of 224 South Ave*
- *Inv # 23247 for \$5040.00 & 23084 for \$9722.50 for professional services for work on the South Avenue Redevelopment Plan (Russo*
- *Inv 23251 for \$210.00 St Annes Parking lot*
- *Inv 23252 for \$560.00 & 23132 \$ 560.00 for Garwood Paperboard Shulman*
- *Inv 22826 in the amount of \$875.00 for 245 South Avenue PB15-04*
- *Inv # 22825 in the amount of \$280.00 for 224 South Ave- Home Depot*
- *Inv # 23249 in the amount of \$2695.00 for 484 4<sup>th</sup> Ave - Villaraut*

**INVITATION TO ADDRESS THE BOARD**

Ileen Cuccarro, 348 3<sup>rd</sup> Avenue inquired if the Board would consider a special meeting for Mary Wanca who is a longtime member of the community. She also inquired why a conflict was only identified a few days prior to the meeting.

Donald Fraser stated that he did not feel that a conflict is likely to be picked up in advance and that he did not immediately pick up the conflict.

Chair Steve Greet stated that he did not feel a special meeting was warranted. Mr. Fraser added that the applicant is also considering filing for the alternative relief should the Appeal not be successful.

**NEW BUSINESS**

Victor Vinegra stated that he continues to receive calls for the Garwood PaperBoard site, He noted that he has walked the site with the owner and stated that the interest appears to be for all residential units. He noted that the Redevelopment Plan has not been created for this property. Escrow has been posted by an interested party.

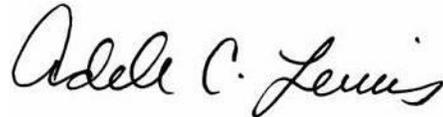
Mayor Lombardo stated that the issue of revising the Developer's Assistance Packet was brought up at the last council meeting by Councilwoman Cuccarro.

Chair Greet stated that he reviewed the packet and recommended that a subcommittee be empowered to review and consider changes. He added that while the packet lacks a flow, it is not terribly onerous as only a few pages apply for residential applications. Mr. Nierstedt agreed and stated that he created the original package is 40 pages over 20 yrs. ago. Chair Greet noted that it can be streamlined and much of the work is clerical in nature, he will appoint a subcommittee at the next meeting.

**ADJOURNMENT** - The next meeting of the Planning Board: June 22, 2016

There being no further business, the Board adjourned 9:05 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary