

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of July 22, 2015

Vice-Chair Kathy Villaggio 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 of the Annual Meeting Schedule 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 Charles Lombardo, Bruce Paterson, Michael Vena, Robert Scherer, Kathleen Villaggio, Gene Jannotti, Steve Napolitano (Alt III),

Absent: None

Excused: Stephen Greet, William Nierstedt, Paul Tarantino, Craig McCarrick (Alt I), Patricia Quattrocchi, (Alt II) Timothy Hak, (Alt IV)

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

MINUTES

• **MINUTES OF THE JUNE 24, 2015 MEETING**

On a motion by Gene Jannotti and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes of the June 24, 2015 Planning Board meeting.

RESOLUTION

Determination on a request for an interpretation sought by the Zoning Officer with a finding that **Auto Zone**, the tenant for the Garwood mall which will replace Dress Barn, is a retail use and not an automotive use, therefore permitted pursuant to the ordinance.

*On a motion by Robert Scherer and seconded by Gene Jannotti, the Board voted Affirmative (4) Mayor Lombardo, Bruce Paterson, Robert Scherer, Gene Jannotti, to memorialize the wording of the Resolution with a determination that Auto Zone, the tenant for the Garwood mall which will replace Dress Barn is a retail use and not an automotive use subject to the condition that **no service** will be performed in the parking lot.*

APPLICATIONS

Vice-Chair Villaggio announced that there would be a change in the order of the agenda and called case PB-15-05.

Case #PB15-05 ***264 Myrtle Avenue*** Block 505 Lot 25 *R/A Zone*
Applicant: KJJ Myrtle LLC
Seeking a Certificate of Non-Conformity for a two-family house

Steve Urbinato, Esq. represented that applicant. He stated that the home was constructed in 1930 as a two-family and the home is currently under contract to sell it and the buyer is requesting a certificate of non-conformity. Mr. Urbinato stated that the home was previously in the RB zone. He referenced maps from the 1978 Master Plan of the Borough and noted that there is a certificate of occupancy issued in 1989 stating that it is a two-family use. He will further elicit testimony that he will prove that it has functioned as a two-family since that time.

Mr. Dannevig principle of KJJ Myrtle LLC was sworn and stated that he acquired the property in 1989 and the previous owner provided the Certificate of Continued Occupancy was provided by the previous owner. He added that the property has continually operated as a two-family and has two separate tenants.

Kathy Villaggio inquired why the bank did not accept the CCO. Mr. Fraser opined that the CCO only proves that the use was legal as of the date of the CCO, but does not prove it is currently legal. Given the more stringent requirements in lending, Mr. Fraser concluded that more documentation is now required. Ms. Villaggio stated that the application was very detailed with much relevant information.

Board Attorney Fraser offered to send a letter to expedite the closing.

On a motion by Robert Scherer and seconded by Mike Vena, the Board voted Affirmative (7) Mayor Lombardo, Bruce Paterson, Robert Scherer, Kathy Villaggio, Gene Jannotti, Mike Vena Steve Napolitano, Negative (0) to grant a Certificate of Non-Conformity for a two-family house. MOTION CARRIES 7-0

Case #PB15- 02 ***325 Second Ave*** Block 111 Lots 10 & 18 *General Business Zone*
Applicant: Church of St. Anne
Site Plan Approval for an addition and parking lot modifications

Donald Micelli, Esq. represents the Archdiocese of Newark and its parishes. He was present on behalf of St. Anne's Church and clarified the issue of ownership stating that St. Anne's is a separate corporation and is the owner of the property and stated that Father Villanova is authorized to bring the application as the owner as the property. He stated that the notice is sufficient and Mr. Fraser concurred.

Robie Woods, R.A. was present on behalf of the applicant. Mr. Wood was sworn and qualified as an expert witness in the field of architecture. He testified to the materials he prepared and supplied as part of the packet.

The Following items were submitted as part of the application:

1. Site Plan C-01, prepared by Allan E. Klein PE # 2767300 no address depicted. Plan is last revised 4/29/15.
2. A-103, Addition to the Church of St. Anne, Reflected Ceiling Plan, last revised 4/30/15. Prepared by Robie J. Wood RA, 332 Second Avenue, Garwood, NJ. A-106 Planting Plan, last revised 4/30/15, prepared by Robie J. Wood RA. A-200 Elevations, last revised 4/30/15, prepared by Robie J. Wood RA.
3. Plan of Survey, prepared by Peter J. Moore PLS 3760200 of MFS Consulting Engineers, LLC 2780 Hamilton Blvd. South Plainfield, NJ. Plan is dated 7/2/14.

The Board referenced Victor Vinegra's review letter dated June 22, 2015 and the zoning for each parcel.

EXHIBITS_[ALI] MARKED

- A-1 Colorized Site Plan C.01
- A-2 Sheet A-200 Elevations
- A-3 Sheet A-201 Elevations
- A-4 Floorplan
- A-5 Planting plan

There was discussion regarding the square footage of the addition which will be placed at the rear of the church facing North Avenue. Mr. Wood noted it will be a general meeting area. It was determined that the original submittal depicted the bathrooms as part of the new construction but they were then moved to the interior existing space. The actual square footage of the addition was determined to be 1440 Sq. ft. Mr. Wood stated that the predominant height of the addition is 15 ft. with an archway leading to the garden area that will be 24 ft. at the peak. Mr. Vinegra stated that he included the bathroom area and that the reduced square footage would reduce the parking requirements. Mr. Vinegra stated that likely there was a previous parking variance granted and this addition does not exacerbate the non-conformity.

QUESTIONS FROM MEMBERS OF THE PUBLIC

Rich Bonfanti 340 2nd Avenue inquired if parking spaces were being rented or leased to commuters or business owners.

Dawn Perri, owner of Garwood Lanes also inquired about various businesses using the lot for parking.

The Board reviewed the comments in Mr. Vinegra's letter.

Mr. Vinegra made various recommendations regarding the addition of a ramp, the moving the handicap parking space and lighting. He opined that the lighting is not sufficient for the size of the parking lot and could pose a safety hazard as well as a liability issue. Mr. Micelli reviewed the following comments of Mr. Vinegra's letter:

**Harbor Consultants Inc.
Planners-Engineers-Surveyors**

3. 106-71. D. (4) *Finished floor elevations of all existing and proposed structures referenced to geodetic data.* **This item has been addressed.**
4. 106-71. D. (6) *Computation of required stormwater detention volume and specification of minimum volume to be detained subsurface as part of a complete site drainage and grading plan.* **No changes in the amount of impervious coverage is proposed. No detention is required.**
5. 106-114 *Off-street parking regulations.* **This project meets the Borough's requirements.**
6. 106-115 *Loading area and dock regulations.* **An existing loading area is already on-site.**
7. 106-116 *Landscape regulations B. Screening (2) All off-street loading areas shall be located or effectively screened with fencing and evergreen plant material capable of maturing to a height sufficient to screen such areas, and vehicles within the areas, from adjacent properties and public ROW's.* **The Applicant is proposing new additional landscaping to fill in the existing landscaping on-site.**
8. 106-116 *Screening (C) All planning areas shall be protected from parking/loading areas by concrete curbing and shall not be less than five feet in width or five feet distance from the impact of motor vehicles.* **The Applicant is seeking a design waiver from this requirement.**
9. 106-116 *C Screening, all planting areas shall be protected from parking/loading areas by concrete curbing and shall not be less than five feet in width.* **A design waiver for this requirement is being sought.**
10. 106-116 *D. Shade trees (1) One shade tree shall be located around and within a parking lot for every five spaces or 1500 sq. ft. of paved surface.* **Applicant has proposed additional landscaping throughout the project and must supply additional shade trees on-site.**
11. 106-116 *E. Landscape buffers. Where more intensive uses (multifamily and commercial) abut less intensive uses (single family) a landscape buffer strip sufficient to minimize adverse incompatible land uses of a minimum ten foot width shall be provided.* **No adjoining residential dwellings will be affected from the development in the GB zone.**
12. 106-117. *Lighting Standards all off-street parking areas containing six or more vehicles and all off-street loading areas shall be adequately and properly lighted.* **The applicant's engineer has provided a lighting plan. The plan does not meet industry standards for lighting nor does it meet the ordinance requirement. This item can be addressed in the future if the Planning Board gives its approval.**

Father Richard Villanova was sworn and stated that the church does not lease parking spaces. In response to the inquiry as to why the parking lot is chained at the entrance and exit from North Avenue, Father Villanova replied that it is for safety reasons and to eliminate the use of the lot as a cut through. He added that the chains are removed for Sunday services and when there are functions at the church. He added that he attempts to police the lot and there are a few people who park occasionally and pay a 'stipend'. Mr. Micelli stated that this practice would cease as it is against Archdiocese policy for liability purposes.

Comments from the Public – there were no comments

On a motion by Gene Jannotti and seconded by Steve Napolitano, the Board voted Affirmative (7) Mayor Lombardo, Bruce Paterson, Robert Scherer, Kathy Villaggio, Gene Jannotti, Mike Vena Steve Napolitano, Negative (0) to grant Site Plan Approval for an addition and parking lot modifications with the following conditions:

- *Landscaping Plan to be approved by the Board Engineer*
- *Lighting Plan to be approved by the Board Engineer*
- *Reconfiguration of some parking spaces and relocation of the handicap parking*
- *Repair any sidewalks which become damaged during construction*
- *All construction vehicles must park on site and access the site (ingress & egress via North Ave.*
- *Compliance with Mr. Vinegra's review letter dated 6/22/15*

NEW BUSINESS

Kathy Villaggio stated that she had spoken to Chair Greet and he had formed a Redevelopment Committee consisting of Bill Nierstedt, Kathy Villaggio, Paul Tarantino, Craig McCarrick. Chair Steve Greet will be an alternate to the committee. The committee will begin the preliminary work on the plan and report back to the entire board.

Invitation to the Public to Address the Board

Kathy Villaggio asked if anyone would like to address the Board- there were no comments.

CLAIMS

On a motion by Gene Jannotti and seconded by Mayor Lombardo, the Board voted to approve:

- *Invoice # 21688 for 336 North Ave. to Harbor Consultants in the amount of \$720.00 from escrow*
- *Invoice # 21672 for Westfield Senior Housing. to Harbor Consultants in the amount of \$2985.00 from escrow.*

ADJOURNMENT

There being no further business, the Board adjourned 9:35 p.m.

The next meetings of the Planning Board: August 26, 2015

Respectfully Submitted,



Adele C. Lewis, Board Secretary