

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of July 23, 2014

Chair Steve 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 Patricia Quattrochi, Bruce Paterson, William Nierstedt, Michael Vena, Robert Scherer, Kathleen Villaggio, Gene Jannotti, Ileen Cuccaro (Alt III), Paul Tarantino (Alt IV)

Absent: None

Excused: Georgia Mac Indoe, Timothy Hak (Alt 1), Craig McCarrick (Alt II)

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

MINUTES

- **MINUTES OF THE MAY 28, 2014 REGULAR MEETING**

On a motion by Gene Jannotti and seconded by Mike Vena, the Board voted by general consent to adopt the minutes of the May 28, 2014 Planning Board meeting.

- **MINUTES OF THE JUNE 4, 2014 SPECIAL MEETING**

On a motion by Gene Jannotti and seconded by Mike Vena, the Board voted by general consent to adopt the minutes of the June 4, 2014 Special Planning Board meeting.

Invitation to Address the Board

Sandra Sep inquired as to the procedure for filing an interpretation or appeal in regards to her property on 304 Center Street. She also recommended that the bulletin board in front of Borough Hall be used for advertising special meetings.

Board Attorney Donald Fraser read into the record a letter received 7/23/14 by Mr. John Blake, Esq. addressed to the Planning Board regarding “the property commonly known as the Hidi Property” stating that he will look into previous cases regarding this property.

RESOLUTIONS

Case #PB13-03 **22-32 Willow Ave** Block 504 Lots 9 & 10

Applicant: Hirsch

Minor Subdivision and Use Variance

On a motion by Robert Scherer and seconded by Mike Vena, the Board voted Affirmative (5) Michael Vena, Gene Jannotti, Kathleen Villaggio, Bruce Paterson, Robert Scherer to memorialize the wording of the Resolution granting a Use Variance and Minor Subdivision and related variances in the matter of 22-32 Willow Ave. Block 504 Lots 9 & 10

Case #PB14- 01 **484 Fourth Ave** Block 102 Lot 10

Applicant: Angela & Sandro Villaruat

Use Variance for a multi family development consisting of nine

Mr. Scherer raised concern regarding the May 28th meeting and if there were potential conflicts of interest that should have been disclosed.

On a motion by Robert Scherer and seconded by Mike Vena, the Board voted Affirmative (7) Michael Vena, William Nierstedt, Gene Jannotti, Robert Scherer Bruce Paterson, Paul Tarantino, Ileen Cuccarro Negative (0) to go into Executive Session to discuss personnel matters. Mayor Quattrochi Kathleen Villaggio, Steve Greet abstained. The Recorder was turned off.

EXECUTIVE SESSION 7:40 -8:20 pm.

On a motion by William Nierstedt and seconded by Mike Vena, the Board voted by general consent to move out of executive session and return to public session.

The Board reviewed and discussed the Resolution for 484 Fourth Ave. The following changes were made:

- Page 1 was revised to read that the nine units consist of five (5) two bedroom units and four (4) three bedroom units.
- The reference to associated ‘bulk’ variances for building height and Floor Area ration was changed to D Variances
- The height was clarified to be 35 ft.

On a motion by Mike Vena and seconded by Gene Jannotti, the Board voted Affirmative (3) Michael Vena, Gene Jannotti, Kathleen Villaggio to memorialize the wording of the Resolution as revised granting a Use Variance to allow the construction of the nine townhouses plus the associated D variances that the Applicant has requested on a bifurcated basis subject to later site plan approval.

NEW BUSINESS/OLD BUSINESS

Discussion of Resolution No. 14-220-authorizing Planning Board to undertake preliminary investigation to determine whether Block 401, Lots 1,2,3,4 & 5 and Block 403, Lots

1,2,3,4,5,6,19,20,21 & 22 meet the criteria for an Area in Need of Redevelopment

William Nierstedt informed the Board of the actions taken by the Governing Body and described the subject location, stating that the major property includes the bank building, Casale and Petro as well as property across South Avenue from the edge of the Firehouse to West Street. He informed the Board that the Planning Board needs to hire a Planner and further stated that the Board should vote to direct the Borough Clerk to prepare an RFP to perform the requisite Study.

Robert Scherer inquired about the reference in the Borough Resolution regarding Eminent Domain. Mr. Nierstedt explained that it is retention of powers that are permitted by law, not necessarily an action that will take place. He added that the parking problem may necessitate the use of Eminent Domain. Robert Scherer stated that he disagreed with the use of this. Kathy Villaggio stated what is before the Board currently is the Resolution to go forward with the Study to determine if the area meets the criteria for an Area in Need of Redevelopment. Ileen Cuccarro inquired how will the study be funded and are the funds available. She added that she is opposed to the use of Eminent Domain. Board Attorney Fraser stated that the power is in the law, but may not be used. Ileen Cuccarro inquired as to the difference between rezoning and the Redevelopment Process and the disadvantage of not moving forward.

William Nierstedt explained the Redevelopment Process versus zoning. He added that the Redevelopment Law gives the Borough additional powers to move an application forward. Don Fraser added that the Redevelopment Plan dictates to developers what the Borough wants and generates interest. Mr. Nierstedt added that the Plan also gives the Borough more involvement in getting a desirable building.

Victor Vinegra explained that in his 20 years as Planner and/or Zoning Officer, he has been contacted several times regarding this property for different uses, none of them industrial which is the current zone. He added that the property is too large to justify the granting of a Use variance. Victor Vinegra stated that a Redevelopment Plan opens the door to several types of grants for Environmental Clean-up. He referenced the Redevelopment Plan on North Ave. and the success of 500 North Ave and 710 North Ave.; he reminded the Board that the only interest in those sites were for big box retail.

On a motion by William Nierstedt and seconded by Mike Vena the Board voted Affirmative (8) Michael Vena, William Nierstedt, Gene Jannotti, Bruce Paterson, Paul Tarantino, Mayor Quattrochi Kathleen Villaggio, Steve Greet Negative (2) Ileen Cuccarro Robert Scherer Abstention to direct the Borough Clerk to prepare an RFP to perform the requisite Study to determine if the area Of Block 401, Lots 1,2,3,4 & 5 and Block 403, Lots 1,2,3,4,5,6,19,20,21 & 22 meets the criteria for an Area in Need of Redevelopment.

APPLICATIONS- None

Invitation to Address the Board

Councilman Jim Mathieu 335 Hazel Ave stated that the Eminent Domain provision is an

inappropriate use and is the beginning of the relinquishing of civil liberties. He opposes the rights of one private property owner's rights over another.

Sandra Sep 340 Valley Road Clark, inquired how much the Redevelopment Study will cost. Mr. Greet explained the RFP procedure and noted that this will likely not exceed the bid threshold but the Board is going above and beyond what is required.

CLAIMS

On a motion by Mike Vena and seconded by Gene Jannotti the Board voted to approve the following payments to Victor Vinegra/Harbor Consultants:

- *from Westfield Senior Housing- 2nd Ave escrow account in the amount of \$212.00*
- *from 22-32 Willow Ave /Hirsch escrow account in the amount of \$1185.00*
- *from the escrow account of Villaraut-484 4th Ave in the amount of \$632.00 **

**Robert Scherer voted negative on the Villaraut invoice*

ADJOURNMENT

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

Respectfully Submitted,

Adele C. Lewis, Board Secretary