

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of WEDNESDAY, July 27, 2016

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 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, , Kathleen Villaggio, Robert Scherer, Gene Jannotti, Paul Tarantino, Craig McCarrick (Alt I), Paul Nieves, (Alt II) Steve Napolitano (Alt III), John Malcolm (Alt IV)

Absent: None

Excused: Stephen Greet, William Nierstedt, Michael Vena

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

MINUTES

ADOPTION OF MINUTES:

• **JUNE 22, 2016 PLANNING BOARD REGULAR MEETING**

On a motion by Gene Jannotti and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes JUNE 22, 2016 . IT WAS NOTED THAT THE VOTE FOR 123 WILLOW AVE INCORRECTLY SHOWED MR. VENA AS VOTING WHEREAS HE HAD RECUSED HIMSELF FROM THE CASE AND THE MINUTES WERE ADOPTED AS AMENDED.

• **JULY 11, 2016 PLANNING BOARD SPECIAL MEETING**

On a motion by Gene Jannotti and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes JULY 11, 2016

RESOLUTIONS

The Board discussed the resolutions prepared by John Motta, Esq. who served as conflict counsel for the June 22nd meeting. It was noted that a few typographical errors were corrected.

Case #PB 16-03

123 Willow Avenue
Block 506 Lot 11

Applicant: **JOHN & MELISSA MARINELLO**

Granting a Variance request for preexisting lot size, with a sideyard variance for a garage

On a motion by Robert Scherer, and seconded by Charles Lombardo, the Board voted Affirmative (6) Charles Lombardo, Councilman James Mathieu, Kathleen Villaggio, Paul Tarantino, Gene Jannotti, Robert Scherer, to memorialize the wording of the Resolution granting a variance for a frontyard setback front yard parking.

Board Fraser did not participate in the discussion of the resolution for Wanca.

Case #PB16- 02

219 Second Ave. Block 207 Lot 13

Applicant: Mary Wanca

Upholding the decision on the Appeal of the Administrative Officers

Determination regarding vacant lot #13 adjacent to Lot # 12

Granting a subdivision recognizing lot #13 adjacent to Lot # 12

On a motion by Gene Jannotti and seconded by Charles Lombardo, the Board voted Affirmative (6) Charles Lombardo, Councilman James Mathieu, Kathleen Villaggio, Paul Tarantino, Gene Jannotti, Robert Scherer to memorialize the wording of the Resolution upholding the decision of the Zoning Officer that the lots had been merged and granting a minor subdivision with related variances.

APPLICATION

Case #PB 16-05

52 Third Avenue

Block 204 Lot 25

Applicant: **RAYMOND VENTURINO**

Request for a Certificate of Non-conformity for a two-family home in the R/A zone

Raymond Venturino was present on behalf of his application and was sworn in. He reviewed the packet of information he provided. He stated that he resides at the subject property and he is seeking the Certificate of Non-conformity in order to refinance the mortgage and the legal status of the two-family was questioned. He would like the home recognized as a two-family home. He acquired the property and from his personal knowledge, from when his grandparents owned the property in 1956, it has always been a two-family. He added that the house was built 1910. The applicant stated that he was born in 1970 and as long as he can recall, it has been a two-family which has been rented.

Kathy Villaggio stated that this area was taken out of the two- family zone several years ago. Board Attorney Fraser stated that the applicant only has to prove that it was a two-family prior to the zone change. A zoning map from 1994 depicted the subject property in the R/B zone, which permitted. Mr. Venturino stated that he also provided the zoning map from 1924 which depicts the two-family zone.

Mr. Jannotti asked the applicant to describe the layout of the home. Mr. Venturino stated that there is one exterior door, but there are two separate interior doors and each has a separate egress from the rear. He described the layout of the two units.

The general consensus of the Board was that sufficient proof had been submitted.

QUESTIONS FROM THE PUBLIC: There were no questions from the public.

On a motion by Robert Scherer and seconded by Charles Lombardo, the Board voted Affirmative (9) Charles Lombardo, Councilman James Mathieu, Kathleen Villaggio, Paul Tarantino, Gene Jannotti, Robert Scherer, Craig McCarrick, Steve Napolitano, John Malcolm Negative (0) to grant a certificate of non-conformity for a two-family house in the R/A zone

MOTION CARRIES 9-0

NEW BUSINESS

Kathy Villaggio noted that a Memo had been received from Sandy Bruns, CFO regarding & Grain and funds which were overpaid for the relative waiver fee of \$75.00. The Borough is looking for authorization from the Board to return the remainder to the applicant.

On a motion by Robert Scherer and seconded by Gene Jannotti the Board voted by general consent to refund the unutilized portion to the applicant and to authorize the Governing Body to release the funds by resolution. Mayor Lombardo and Councilman Mathieu abstained.

Kathy Villaggio distributed proposed changes to the Certificate of Non-conformity application. She asked Board members to review the changes and be prepared for further discussion in September as the August meeting will likely be cancelled.

Robert Scherer encouraged board members to review the proposed changes and advise the subcommittee of their thoughts.

CLAIMS- *The following claims were presented for payment.*

\$800.00 to John Motta, Esq. for services as conflict counsel for Board at the June 22, 2016 meeting.

To Victor Vinegra of Harbor Consultants:

Invoice # 23558 for \$105.00 from the escrow of 521-531 South Avenue

Invoice # 23572 for \$105.00 from the escrow 302 New Street

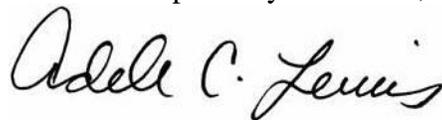
Invoice # 23597 for \$280.00 from the escrow Wanca-219 Second Avenue

INVITATION TO ADDRESS THE BOARD- no comments from the public.

ADJOURNMENT - The next meeting of the Planning Board is scheduled for August 24th and it was noted that it would likely be cancelled as there are currently no applications scheduled.

There being no further business, the Board adjourned 8:00 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary