

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

**MEETING of September 24, 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, Robert Scherer, Kathleen Villaggio, Gene Jannotti, Craig McCarrick (Alt II), Ileen Cuccaro (Alt III), Paul Tarantino (Alt IV) \* Albert DelConte

**Absent:** None

**Excused:** Michael Vena, Timothy Hak (Alt 1),

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

\*Mayor Patricia Quattrochi, announced that Georgia Mac Indoe had resigned. Al DelConte has been appointed to fill Ms. MacIndoe's unexpired term. Mr. DelConte was sworn in by Board Attorney Fraser and welcomed to the Planning Board.

**MINUTES**

- **MINUTES OF THE JULY 23, 2014 REGULAR MEETING**

*On a motion by Gene Jannotti and seconded by Kathy Villaggio, the Board voted by general consent to adopt the minutes of the July 23, 2014 Planning Board meeting with the addition of the language " to go into Executive Session to discuss personnel matter" to clarify the vote.*

- **MINUTES OF THE JULY 23, 2014 Executive Session**

*On a motion by Kathy Villaggio and seconded by William Nierstedt, the Board voted by general consent to adopt the minutes of the Executive Session JULY 23, 2014 with the removal of the vote which took place in the public portion of the meeting.*

**Invitation to Address the Board-** There were no comments from the public.

**APPLICATION**

Gene Jannotti recused himself from hearing the case due to familial relationship with the neighbor of the subject property and stepped down from the dais.

**CASE # PB 14-03-Interpretation- APPLICANT: Ms. Sandra Sep**  
Interpretation of Section 106-122-D (2) of Land Use code relative to  
304 Center Street- Block 407 Lot 0013

Sandra Sep residing at 340 Valley Road, Clark, was present on behalf of her interpretation request in regards to her property on 304 Center Street and was sworn in. She distributed a booklet of materials to the Board. She requested that Councilman Nierstedt step down as he relayed a complaint regarding the subject property to the Police Dept. Further when asked by Ms. Sep who complained, Mr. Nierstedt would not divulge the identity of the person. Mr. Fraser described the police complaint regarding a ripped tarp on the property. Mr. Nierstedt stated he felt this would not affect his objectivity and opined that he did not feel it was necessary to recuse himself. He added in his role as councilman, he does not divulge the source of complaints.

Donald Fraser explained the process for the interpretation. Ms. Sep explained her circumstances of the fire that destroyed her home at 304 Center Street. She said the property has never been sold, it has been handed down for years through family members. Don Fraser added that the history of the property is not in question.

Victor Vinegra reviewed his letters and explained that unless a Use Variance was granted or a certificate of non-conformity was obtained, he cannot sign off on the reconstruction of a two-family home as the ordinance states "lawfully in existence". Ms. Sep replied that her definition of lawfully is ethically and she feels that ethically, this home is a two-family. Mr. Fraser informed Ms. Sep of the legal definitions and explained they are not synonymous. Mr. Fraser explained the two issues, has this always been a two-family and secondly, does the ordinance automatically protect the use.

Ms. Sep reviewed the material she supplied to the Board with the assistance of Don Fraser. The Board asked questions of Ms. Sep. Mr. Fraser asked Ms. Sep if there was any other evidence she would like to put forth for her application and explained that the letters she provided are considered hearsay. Mr. Nierstedt recommended that Ms. Sep amend the application to apply for a Certificate of Non-Conformity.

Ms. Sep decided that she would withdraw the application without prejudice and refile for an Interpretation with a certificate of Non-conformity.

The consensus of the Board was that Ms. Sep would return to the Board and only be required to post the additional \$200 fee for the Certificate of Non-Conformity.

*On a motion by Kathy Villaggio and seconded by Bruce Paterson, the Board voted Affirmative (9) Stephen Greet, Mayor Patricia Quattrochi, Bruce Paterson, William Nierstedt, Robert Scherer, Kathleen Villaggio, Craig McCarrick Ileen Cuccaro, Paul Tarantino Negative (0) to allow the applicant to withdraw the application without prejudice and refile for Combined application for an Interpretation AND with a certificate of Non-conformity and only be required to post the additional \$200 fee for the Certificate of Non-Conformity.*

Mr. Fraser asked that Ms. Sep put all her information on file prior to the meeting.

\*Mr. DelConte was sworn in and participated in the remainder of the meeting.

**REQUEST FOR PROPOSALS-** *for the 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 (Casale property)*

The Board discussed the four proposals received and noted that all four firms were qualified to perform the study. Mr. Nierstedt stated for the record that in his professional capacity, he has worked with three of the four firms. Don Fraser inquired if Mr. Nierstedt had any financial interests or benefit from the firms, Mr. Nierstedt stated he does not. Mr. Fraser stated he did not see a conflict.

The Board reviewed the proposals from H2M for \$8550, Heyer Gruel for \$13,000, Phillips, Preiss & Grygiel \$11,000-\$12, 500 range, Clarke Canton \$14, 000. Mr. Paterson distributed a spread sheet that he had prepared of comparisons between the four firms. The Board discussed the services included in the quotes, such as attendance at meeting, the required legal public notice and incidentals such as copies.

*On a motion by Kathy Villaggio and seconded by Stephen Greet, the Board voted all in favor- Stephen Greet, Mayor Patricia Quattrochi, Bruce Paterson, William Nierstedt, Robert Scherer, Kathleen Villaggio, Al DelConte, Craig McCarrick Ileen Cuccaro, Paul Tarantino Negative Negative (0) to retain H2M to conduct the 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 (Casale property)*

## **NEW BUSINESS**

### **COAH – Council of Affordable Housing**

Mr. Nierstedt informed the Board that the Borough must submit a plan. Mr. Neirstedt explained the responsibility of the Planning Board and the Governing Body. He informed the Board that Jill Hartman, PP, AICP will be present at the next meeting of October 8<sup>th</sup> for a discussion on how to proceed with the Garwood Housing Element Fair Share Plan. The Council members will also be in attendance.

Board Attorney Donald Fraser informed the Planning Board that he had been served a summons on behalf of the Planning Board regarding Case #PB14- 01 484 Fourth Ave Applicant: Angela & Sandro Villaruat Use Variance for a multi family development

*On a motion by William Nierstedt and seconded by Gene Jannotti, the Board voted all in favor to move into executive session to discuss litigation. Ileen Cuccarro and Bruce Paterson Abstained and were not a part of the Executive Session as they are plaintiffs in the lawsuit. The Recorder was turned off.*

### **EXECUTIVE SESSION 9:10 -9:40 pm.**

The Board returned to public session

It was noted that Mr. Paterson and Ms. Cuccarro were not present at the conclusion of executive session when the Board returned to public portion.

*On a motion by Kathy Villaggio and seconded by Paul Tarantino the Board voted all in favor to retain Mr. Fraser's law firm to defend the Board in the lawsuit. Mr. Scherer abstained as he voted no on the subject application cited in the litigation.*

**CLAIMS**

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

- *from Westfield Senior Housing- 2<sup>nd</sup> Ave escrow account in the amount of \$180, \$350*
- *from 22-32 Willow Ave /Hirsch escrow account in the amount of \$300, \$420, \$300*
- *from the escrow account of Villaraut-484 4<sup>th</sup> Ave in the amount of \$420*
- *from the escrow of 325 South Ave- \$420.00, \$1080*

There were no negative votes or abstentions.

**ADJOURNMENT**

There being no further business, the Board adjourned 9:55 p.m.

Respectfully Submitted,

Adele C. Lewis, Board Secretary