

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of October 14, 2015

Chair Stephen Greet called the meeting to order at 7:35 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: Mayor Charles Lombardo, William Nierstedt, Stephen Greet, Bruce Paterson, Michael Vena, Craig McCarrick (Alt I), Steve Napolitano (Alt III), Robert Scherer, Gene Jannotti, Timothy Hak, (Alt IV)

Absent: None

Excused: Kathleen Villaggio, Paul Tarantino, Paul Nieves, (Alt II)

Also present were Board Attorney Donald Fraser and Board Secretary Adele Lewis. Anthony Gallerano was present for Planner/Engineer Victor Vinegra from Harbor Consultant, who was excused.

MINUTES

- **MINUTES OF THE SEPTEMBER 23, 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 September 23, 2015 Planning Board meeting.

**The board members who were not present for that meeting abstained.*

RESOLUTION

Case #PB15- 04

245 South Ave.

Block 502 Lot 3 in the General Business G/B Zone

Applicant: R & P Holdings, LLC

Granting Use Variance to permit construction of mixed use - residential units above retail

On a motion by Robert Scherer and seconded by Gene Jannotti, the Board voted Affirmative (3) Robert Scherer, Gene Jannotti, Tim Hak, to Memorialize the wording of the Resolution granting a Use Variance to permit construction of mixed use –containing two residential apartment units above retail

APPLICATIONS

Mayor Charles Lombardo and William Nierstedt recused themselves from the applications as they involved a Use Variance and a possible recommendation to the Governing Body.

Case #PB15- 09 **700 North Ave. B. 109 L. 1.01**
Applicant: , JRR Enterprise LLC
D/B/A &Grain
Seeking to permit outdoor cooler in Redevelopment area

Gary Goodman, Esq., of Cranford, NJ represented the applicant. Mr. Goodman stated that they are before the Board seeking the recommendation of the Planning Board to amend the Redevelopment Plan for this zone. Board Attorney Fraser reiterated that the Board was here to consider the recommendation to the Borough Council.

John Ropelski, owner of &Grain was sworn in and stated that he has owned and operated &Grain for three years. Additionally, he resides in the apartment above the store. He noted that he spends much time shopping as the size of his establishment does not provide adequate food storage space. Additional refrigerated storage would be immensely constructive to his continued success. He has a small kitchen however he continued that he is not a full service restaurant and the quick table turnover is vital to his business success. Removing some tables to provide for the cooler indoors will detract from his business. He stated that the size of the cooler would be 10' X 5' with a noise level similar to an air conditioning unit. He concluded that he enjoys residing in Garwood and being immersed in community life.

Ronald Meeks, R.A., was sworn and qualified. He reviewed the rendering he prepared and stated that the wooden screen enclosure would match the décor of the restaurant and outdoor seating. He stated that the condenser is smaller than the existing A/C unit. The height is 7.6 ft. and it will be a walk-in with an estimated BTU of 11,800 with a 1 ton cooler condenser. The unit will comply with the requirements of the noise ordinance.

Board members discussed the possibility of this setting a precedent for other food establishments in the redevelopment area. Mr. Ropelski stated that he is the only food establishment permitted in this building. He added that he appeared before the property owners for their approval and it has been granted and added that every change must be approved by the landlord.

Robert Scherer recommended a brick enclosure however the consensus of the Board was that this was not necessary. Bruce Paterson recommended a noise blanket.

QUESTIONS FROM THE PUBLIC

Deb Banic 421 4th Avenue stated that her daughter resided in the apartments at the subject property and they never had any noise complaints.

Board Attorney advised that if granted, the applicant would not be required to return to the Board for any further approvals.

On a motion by Robert Scherer and seconded by Stephen Greet, the Board voted Affirmative (8) Stephen Greet, Bruce Paterson, Michael Vena, Craig McCarrick, Steve Napolitano, Robert Scherer, Gene Jannotti, Timothy Hak Negative (0) to recommend that the Governing Body amend the Redevelopment Plan to permit an outdoor cooler at 700 North Avenue with requirements of screening and noise control.

Case #PB15- 07 **651 South Ave. B.302 L. 1**
Applicant: Statewide Fence Contractors, LLC
Use Variance to permit outdoor storage in R/B zone

Mayor Charles Lombardo and William Nierstedt were recused as this is a Use Variance.

AS REQUIRED BY ORDINANCE, A COURT REPORTER WAS PRESENT.

Gary Goodman, Esq. represented the applicant. Mr. Goodman stated that the location for Statewide is unusual as it fronts South Ave and continues to Willow Ave. Mr. Manning moved in approximately three years ago, not realizing that the outdoor storage for the rear portion was prohibited. He stated that the front portion is in the Commercial district and the rear portion is on Willow, however the lot was never subdivided. The applicant wishes to be a good neighbor, while continuing their business. The applicant proposes removing the chain link fence on Willow Ave and replace it with something more esthetically pleasing. They are seeking a variance to permit outdoor storage on the Willow Avenue portion of the lot.

WITNESSES:

Jason Manning, Cranford, NJ owner of Statewide Fencing was sworn in and explained the day-today operation of his business as well as the existing conditions of the property. He testified that he has been at this location for four years and did not realize he was not permitted outdoor storage until he received a summons from the Zoning Officer. He stated that he has 6 employees who park in front of the building in striped spots. He does not access the lot through the Willow Avenue side. Additionally, he utilizes spots he has retained across the street on South Ave. Mr. Manning stated that the rear of the lot is not paved and most of the business function takes place at the front access on South Ave. He stated that they have very little customer traffic and the bulk of the business is installation.

Mr. Manning addressed the comments of the police department regarding past complaints regarding noise and vehicles idling on Willow Avenue. Mr. Manning replied that he has obtained the leasing of additional parking from Seville’s across the street. He addressed the issue of noise from the loading of the dumpster.

He also addressed the condition of the site and stated that since he has moved in, he has provided many costly on-site improvements however he does not own the building. He is proposing to provide screening which will be esthetically pleasing to appear like an 8 ft. high evergreen screen to shield the fencing materials being stored. He added that the pipes are also green as are the chainlinks. He will also install some landscaping which will be maintained.

MARKED INTO EVIDENCE

- A-1 Hedgeline Decorative Inserts for Chain Link fence

Craig McCarrick inquired about the previous approval. Gene Janotti inquired if Mr. Manning needs all the space to the edge of the Willow Ave side. Mr. Manning stated that he could provide a more substantial buffer for the Willow Ave frontage.

Questions/Comments from the Public

Marty Jeiven – 677 Willow Avenue expressed concern regarding noise and hours of operation. He added that the property does look much improved since Mr. Manning's business has been located at this site.

Joseph Sarno- 658 Willow Avenue expressed concern regarding the noise from the dumpster, dust, night time noise, poison ivy, the sidewalk on Willow Ave. and rodents. He questioned some of the previous testimony and added that he has seen improvement the past 6 months have improved. Mr. Goodman asked if these concerns had been communicated to Mr. Manning. Mr. Sarno stated that they had not, but he has expressed his concerns to the landlord.

Brian Trusdell of the Westfield Leader asked for the dimensions of the lot.

Al DelConte- 545 Locust Ave., inquired if any changes would be made to the rear part of lot as it is not paved.

Ilene Cuccaro- 348 Third Ave inquired about the previous Use Variance Granted.

In addressing the concerns of the public, Mr. Manning stated that the fence and landscaping will be maintained. Also the hours of operation were addressed. He testified that there will be no weekend activity at the rear portion/Willow Ave part of the lot. Additionally, he will limit the dumpster loading activity to 8 AM to 4 PM. He noted that it is not possible to move the location of the dumpster. Mr. Manning also stated that he was amenable to ¾ inch stone.

Board Attorney summarized the application for the property that straddles the zone line that presently has a variance to permit parking in the rear lot, the application is proposing to permit storage of fencing material in the rear yard.

On a motion by Robert Scherer and seconded by Tim Hak, the Board voted Affirmative (6) Bruce Paterson, Steve Greet, Robert Scherer, Gene Jannotti, Tim Hak, Steve Napolitano, Negative (1) Craig McCarrick to grant a Use variance for outdoor storage With the following conditions:

- 8 ft. high fencing with decorative inserts as presented in Exhibit A-1
- Fence to be set at 25 ft. from Willow Avenue property line for residential buffer

- *Fence will run along the entire southern property line including the area from the immediate westerly portion of the behind the lower left corner portion of lot 302 and perpendicular on a southerly fashion along 100 ft. course and across the 80 ft. course on Willow and back up toward South Ave in an easterly direction another 20 ft. parallel to Willow Avenue*
- *Hours of Operation in the rear lot will be limited to 8:00 AM to 4:00 pm weekdays only which includes the loading of the dumpster*
- *Maintain the sidewalk on Willow Avenue*
- *Landscaping on Willow Avenue subject to the approval of Victor Vinegra*
- *Only storage of fencing material*
- *No storage on canopy*
- *Stacking of storage higher than 8 ft.*
- *¾ inch stone at rear of property for dust control*
- *The parking Variance previously granted is eliminated*

MOTION CARRIES 6-1

CLAIMS

No claims were presented for payment.

NEW BUSINESS

Bruce Paterson asked for an update from the sub-committee of the Planning Board. In sub-committee Chair Kathy Villaggio's absence, as well as Mayor Lombardo and Bill Nierstedt, Chair Greet requested the discussion be postponed.

QUESTIONS FROM THE PUBLIC

Ileen Cuccaro inquired if there had been any changes in the procedure for Non-Conforming Uses. Chair Steve Greet informed her that there had been no recent changes to the process.

As there were no applications scheduled for the next meeting of the Planning Board, the October 28, 2015 was cancelled on a motion By Mike Vena and seconded by Gene Janotti, the Board voted by general consent.

ADJOURNMENT

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

Respectfully Submitted,



Adele C. Lewis, Board Secretary