

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

**MEETING of Thursday, November 12, 2015**

*Chair Stephen 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:** Mayor Charles Lombardo, William Nierstedt, Stephen Greet, Kathleen Villaggio, Bruce Paterson, Michael Vena (*arrived at 7:50*) Craig McCarrick (Alt I), Steve Napolitano Paul Nieves, (Alt II), (Alt III), Robert Scherer, Gene Jannotti, Timothy Hak, (Alt IV)

**Absent:** None

**Excused:** Paul Tarantino

Also present were Board Attorney Donald Fraser and Planner/Engineer Victor Vinegra. Board Secretary Adele Lewis was excused. Robert Scherer assumes the role of acting Board Secretary.

**MINUTES**

• **MINUTES OF THE OCTOBER 14, 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 October 14, 2015 Planning Board meeting with the date corrected to reflect 10/14/15 *\*The board members who were not present for the meeting abstained.*

**RESOLUTIONS**

**Case #PB15- 09**

**700 North Ave. B. 109 L. 1.01**

**Applicant: , JRR Enterprise LLC**

**D/B/A & Grain**

*Recommendation to the Governing Body to amend the Redevelopment Plan to permit outdoor cooler in Redevelopment area*

The Board discussed the resolution and noted a few errors. Mr. Paterson suggested adding the language “the condenser” between AC unit. The most substantives being the

reference to noise as testified to by Ms. Banic should read that there have **NOT** been noise complaints. Board Attorney Fraser will amend accordingly and provide Board Secretary Lewis with a clean copy for signature.

*On a motion by Craig McCarrick and seconded by Robert Scherer, the Board voted Affirmative (8) Stephen Greet, Bruce Paterson, Michael Vena, Craig McCarrick, Steve Napolitano, Robert Scherer, Gene Jannotti, Timothy Hak to memorialize the wording of the resolution as amended recommending 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**

*Granting of Use Variance to permit outdoor storage in R/B zone*

Board Attorney Fraser announced that the transcript was only recently received and the resolution for Statewide Fencing would be considered at the next meeting.

### **APPLICATION**

Bruce Paterson and William Nierstedt themselves from hearing the application due to conflicts.

**Case #PB15-09**      **448 Third Avenue Block 104 Lot 33 R/A Zone**

**Applicant: Mr. & Mrs. Wisneski**

*Seeking a Certificate of Non-Conformity for a two-family house in the R/A zone*

**Irena Wisneski**, owner of the subject property was sworn in.

She stated that she has purchased and has owned the two-family home on Third Avenue since 2007. She owns the home with her parents and stated that it now appears that the home is in a one family zone. She referenced the tax records from 1974 stating that at one time this was a three-family house. She also noted the tax records of 1984 and municipal certification citing two family. She also noted that there were photos submitted of the separate utilities. She stated that it was being used as a two family prior to their purchased. It has been continually used as a two family with her parents residing in one of the units. She referenced a document of municipal certification from a fire inspection from the Township of Cranford stating it is in a R/B zone.

Board members asked questions of Ms. Wisneski regarding the utilites noting that the house had converted from oil heat to gas with two meters on the house. It was also noted that there was one front door. Ms. Wisneski stated that a side door accesses a foyer.

Board Attorney Fraser reminded the applicant that a component of certificates of non-conformity are the proof that at one time the use of the two family was legal.

Craig McCarrick referred to previous zoning ordinances and maps dating back to 1922 and stated that it appears this property has been zoned for single family homes. Ms. Wisneski stated that the property, which was built in 1924 and has separate utilities.

**QUESTIONS FROM THE PUBLIC:** There were no questions

**Ileen Cuccaro**, listing realtor was sworn in. She stated that she has the history of the property and cited the previous owners going back to 1974. She stated that sometime between 1974 and 1985 it has been used as a two family. She stated that she was also the listing agent in 2007 and she has been in the house many times over the years going back to 1985 as her son was friends with previous owners. She noted they were always used as independent living units. She stated that in 2007 it was listed as a two family house.

#### **QUESTIONS FROM THE PUBLIC:**

Bill Nierstedt, 320 Hickory Ave., inquired if the property has always been in the R/A zone, is it possible for a certificate of non-conformity be granted. Victor Vinegra read the relevant section of the Municipal Land Use Law regarding certificates of non-conformity.

Board Attorney Fraser stated that the usual case is in which the zoning changes rendering a use non-conforming. He opined that it is more difficult when a zone changed several years ago and the applicant has not addressed this point.

Kathy Villaggio stated that at one time, the one and two family homes were permitted throughout the Borough. Don Fraser summarized the application and also mentioned that an alternative option to the applicant is to apply for a Use Variance but it comes with a much heavier burden of proof.

#### **COMMENTS FROM THE PUBLIC:**

Ileen Cuccaro stated that there are many two family homes on this street. She feels they have provided enough documentation with the reevaluation.

Ms. Wisneski was asked for a closing statement and she summarized her application.

The Board discussed the application and the general consensus was to provide the applicant additional time as Chair Greet noted that the applicant had not submitted much information. The Board offered the applicant the option of a vote with the information presented or returning with more evidence. Ms. Wisneski stated she will research and seek further documentation and return to the Board at a future date.

*On a motion by Robert Scherer and seconded by Gene Janotti the Board voted to carry to the next meeting.*

#### **Recess**

#### **EXECUTIVE SESSION**

*On a motion by Mike Vena and seconded by Gene Jannotti to discuss the Paterson, Corbin, Cuccaro litigation recently decided by the courts. \*(Bruce Paterson & Steve Napolitano Abstained)*

Mr. Paterson inquired if the executive session would be recorded. Board Attorney Fraser stated that it would not be recorded by device. Don Fraser noted that Mr. Paterson should not participate in the executive session as he is a claimant in the suit and the Board will discuss its options.

The Board returned to public session at 9:30 pm.

#### **NEW BUSINESS**

Preliminary presentation of South Ave. redevelopment draft –report from subcommittee

Victor Vinegra distributed and reviewed the draft of the Plan prepared by Harbor Consultants dated November 2015 which is the result of the South Avenue study heard by the Planning Board on May 27, 2015. He noted that the Plan is specific to only five parcels in the previously studied area, Block 401, Lots 1,2,3,4 and 5.

Victor Vinegra reiterated that this is not a public hearing rather an informal discussion.

The Board was advised to review the document and return with comments at the special meeting and established a special meeting date of December 1, 2015 at 7:30 pm.

*On a motion by Gene Janotti and seconded by Mike Vena, the Board voted Affirmative (8) Stephen Greet, Mayor Lombardo, William Nierstedt, Michael Vena, Craig McCarrick, Steve Napolitano, Robert Scherer, Gene Jannotti, Timothy Hak Negative (1) Bruce Paterson to hold a special meeting on December 1, 2015 at 7:30 pm*

### **CLAIMS**

*On a motion by Kathy Villaggio and seconded by Gene Jannotti, the Board voted by general consent to approve the following vouchers for Harbor Consultants from the escrow of:*

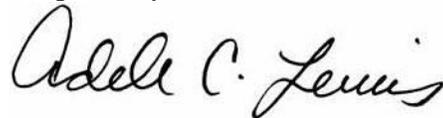
- *Inv # 22246 for \$240.00 from the escrow of St. Anne's*
- *Inv # 22211 for \$85.00 from escrow of 325 South Ave.*
- *Inv# 22245 for \$582.50 from 224 South Ave-Home Depot escrow*
- *Inv# 22247 for \$1200.00 from 224 South Ave-Home Depot escrow*

*Also Invoice # 22217 to Harbor Consultants for \$1140.00 from the Planning Board budget for professional services for South Ave Redevelopment*

### **ADJOURNMENT**

There being no further business, the Board adjourned 10:32 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary

*\*prepared by listening to the recording and notes taken by Robert Scherer*