

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of January 13, 2021

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 Westfield Leader and by filing of said notice in the office of the Municipal Clerk. This is a regularly scheduled meeting of the Board. This is a Special meeting of the Board. The VIRTUAL PUBLIC MEETING is being held via remote access VIA RING CENTRAL. Notice to access the meeting via phone conference & Ring Central was made public on the Borough website and social media.

Flag Salute – Moment of Silence

ROLL CALL

Present: Mayor Sara Todisco, Councilman Russ Graham, Stephen Greet, Ken Capobianco, Paul Tarantino, William Nierstedt, Steve Napolitano, Steve Barcan, (Alt. I) Stephanie Bianco Alt, II), Richard McCormack, (Alt III) Alt. IV - VACANT

Absent: None

Excused: Kathleen Villaggio, Michael Vena

Also present were Board Attorney Donald Fraser, Board Secretary Adele Lewis and Victor Vinegra, P.E., P.P

The meeting was turned over to Board Attorney Donald Fraser.

ANNUAL REORGANIZATION OF THE BOARD

Board Attorney Donald Fraser administered the Oath to newly appointed and re-appointed Board members: Councilman Graham, Richard McCormack, Steve Barcan. It was noted that Ms. Villaggio was previously administered the Oath.

Mayor Todisco announced that Councilman Graham was joining the Board. She added that Mr. McCormack would be remaining on the Board in a new role. She also thanked John Malcolm for his many years of service to the Board.

Election of Chair

Board Attorney Donald Fraser called for nominations

Call for nominations for Chair of the Planning Board for 2021.

A motion was made by William Nierstedt and seconded by Steve Napolitano, to elect Stephen Greet the Chair of the Planning Board for 2021.

A call for other nominations- seeing none, nominations were closed and a unanimous vote was cast for Stephen Greet as the Chair of the Planning Board for 2021.

The meeting was turned over to Mr. Greet, who thanked the Board for their support. He welcomed the new Board members.

Election of Vice Chair Call for nominations for Vice Chair of the Planning Board for 2021.

A motion was made by Steve Greet and seconded by Ken Capobianco to elect Kathleen Villaggio the Vice Chair of the Planning Board for the year 2021

A call for other nominations- seeing none, nominations were closed and a unanimous vote was cast for Kathy Villaggio as the Vice-Chair of the Planning Board for 2021.

Resolution PB-1

A motion was made by William Nierstedt and seconded by Steve Napolitano to appoint Donald B. Fraser, Jr. as Board Attorney to the Planning Board through and including the January 2022 reorganizational meeting.

Resolution PB-2

A motion was made by William Nierstedt and seconded by Steve Napolitano that Victor Vinegra/Harbor Consultants be appointed the Consulting Engineer/Planner to the Planning Board through and including the January, 2022 reorganization meeting of the Board.

Resolution PB-3

A motion was made by Ken Capobianco and seconded by Steve Greet that Adele Lewis be appointed Secretary to the Planning Board through and including the January, 2022 reorganization meeting of the Board.

Resolution PB-4

Chair Greet read the resolution designating the Union County Local Source, Westfield Leader and Star Ledger the official newspapers of the Planning Board for the publications of official notices and as the official newspapers to receive notices for the purpose of the Open Public Meetings Act for the year 2021.

A motion was made by Mayor Todisco and seconded by William Nierstedt and the Board voted unanimously to adopt resolution PB-4

Resolution PB-5

Resolution re-adopting the Rules and Regulations, forms and procedures of the Garwood Planning Board.

A motion was made by Ken Capobianco and seconded by Paul Tarantino and the Board voted unanimously to adopt resolution PB-5

Resolution PB-6

Resolution adopting the following dates as the designated meetings dates for the Planning Board for 2021. All meetings will be held Virtually until further notice and begin at 7:30 p.m.

January 13 & 27	February 24	March 24	April 14 & 28	May 26
June 23	July 28	August 25	September 22	
October 13 & 27	November 10	December 8	And January 12, 2022	

All regular meetings to commence at 7:30 P.M. There will be no new applications after 10:00 p.m., no new witnesses after 10:30 p.m. and the meeting shall be adjourned at 11:00 p.m., unless authorized by the Board.

**The Chair and Board Secretary shall be authorized to cancel a meeting due to lack of scheduled business.*

A motion was made by Steve Napolitano and seconded by Steve Barcan and the Board voted unanimously to adopt resolution PB-6

Adoption of the Board Annual Year End Report pursuant to N.J.S. 40:55D-70.1

On a motion by William Nierstedt and seconded by Steve Greet, the Board voted by general consent to adopt the Zoning Board Annual 2020 Year End Report pursuant to N.J.S. 40:55D-70.1 and that it be forwarded to the Governing Body.

MINUTES

- **MINUTES OF THE DECEMBER 9, 2020 PLANNING BOARD MEETING**

On a motion by William Nierstedt and seconded by Ken Capobianco, the Board voted by general consent to adopt the minutes of the December 9, 2020 Planning Board meeting.

RESOLUTION

Case #PB20-05

337 Myrtle Ave. Block 408 Lot 8 R/A Zone

Applicant: Joseph Smolinski

Granting a Certificate of non-conformity for a two-family house in a one family zone

Board Attorney Fraser stated that the resolution will be distributed and adopted at the January 27th meeting of the Board.

APPLICATION

Case #PB20-04

640 Willow Ave. B 302 L 19

Applicant: MZ Homes, LLC

Seeking relief from Section 106-93 B.2 of the Land Use

Ordinance to permit a duplex (side by side) two family dwelling in the R/B zone.

Stephen Hehl, Esq. of Javerbaum Wurgaft, Union NJ represented the applicant. He provided an overview of the application and stated that the two-family is a permitted use and they are only seeking one variance for the side-by-side configuration.

Edward S. Dec, PE, PLS / Guarriello & Dec Associates, LLC was sworn and qualified. He reviewed the plans he prepared dated July 20, 2020. He reviewed the dimensions of the lot and stated that the 6000 sq. ft. lot exceed the 5000 sq. foot requirement. Additionally, the lot width requirement of 50 ft is exceeded as the lot has 60 ft. of frontage. He stated that the home being proposed is side by side and there will be no basement, they will be built on a slab. He stated that the height of the structure will not exceed 28 ft., well below the permitted height of 35 ft. Additionally, the previously proposed fireplaces have been removed. It was noted that there was a typographical error in which the lot reference is incorrect, it should be lot 19. Mr. Dec stated that he will correct and resubmit. Mr. Nierstedt inquired if street trees are proposed as none were depicted. Mr. Hehl stated that they would agree to the condition of one street tree in front of each

unit. The Board inquired about the steep driveway. Mr. Vinegra stated that he can work with the applicant to regrade the lot to adjust the slope. Chair Greet noted that the Borough requires a sewer connection fee of \$750.

Questions from the public:

Rosanne Barca, part owner of 636 Willow Ave. asked about the maximum building size and the sideyard. She asked if it was feasible to shift the house.

Marie Johnson, sister of Ms. Barca and part owner of 636 Willow Ave. stated that although it is an attractive structure, she has concerns it may be too close to their property.

Andrew Podberezniak, R.A. was sworn and qualified. He reviewed the architectural plans he prepared dated July 27, 2020. He testified that they are proposing a two-family home with side by side units. He stated that this is a more desirable layout and provides a private entrance and backyard space. He stated that there will be a privacy fence in the rearyard. He reviewed the floor plan and stated the front setback allows for a small porch. He stated the attic space is accessed by pull down stairs. It is not habitable space but rather allows for small storage. He continued that they will use quality materials such as high grade siding with a darker roof. Mr. Greet expressed concern regarding the potential of a condominium situation in which there would be no uniform exterior. Mr. Hehl agreed to a condition in which the applicant would agree to have the exterior of the home, such as the siding and the roof, be uniform in perpetuity.

Mr. Nierstedt stated that he recognizes that the fencing can be done as of right, but he hoped the applicant would consider keeping the yard open.

Mr. Podberezniak was asked if he had toured the neighborhood. He stated that he had and noted that this home will be much more attractive than the recent new construction on this street, which he feels is out of place and not aesthetic.

Questions from the public:

Rosanne Barca, part owner of 636 Willow Ave. asked about the height of the structure and if the 28 ft. was measured to the peak.

Marie Johnson, sister of Ms. Barca and part owner of 636 Willow Ave. inquired if there will be soundproofing between the units.

Nicholas A. Graviano, PP, AICP, JD of Gravianno & Gillis Architects & Planners, LLC was sworn and qualified. Mr. Graviano provided a planning analysis for the C / bulk variance. He stated that this is the R/B Zone which permits two-family homes. He continued that the neighborhood consists of one and two family homes and the applicant is providing sideyard in excess of the required 6 ft. He stated that the side by side configuration provides a style consistent with one family homes. He reiterated that the 28 ft. height being proposed is well below the permitted 35. Ft. and this proposal provides 20 % more open space than required. He reviewed the justification for the granting of the variances and stated that it provides the appropriate density, provides sufficient space with the excessive lot size, promotes a desirable visual, aesthetically pleasing dwelling. In addressing the question of shifting the house, he testified that it was his opinion that the structure should be centered on the property. He concluded that the positive and negative criteria has been met and the variance could be granted.

Questions from the public:

Rosanne Barca, part owner of 636 Willow Ave. asked Mr. Graviano to explain the negative criteria.

Comments from the public:

Rosanne Barca, 636 Willow Ave. thanked the applicant for their thoughtful design. She thanked the Board for their work. She expressed extreme gratitude to the Garwood Fire Dept. who saved their house when the home next door was destroyed by fire.
Marie Johnson, 636 Willow Ave., reiterated her sisters appreciation for the Fire Dept.

The Board deliberated the application. The consensus of the Board was that the applicant had presented a thorough and thoughtful application. They thanked the members of the public for their participation and constructive comments. The Board felt the home will be aesthetically pleasing and appropriate in size and scale for the neighborhood.

On a motion by Stephen Greet ad seconded by Ken Capobianco, the Board voted Affirmative (9) Mayor Sara Todisco, Councilman Russ Graham, Stephen Greet, Ken Capobianco, Paul Tarantino, William Nierstedt, Steve Napolitano, Steve Barcan, Rich McCormack, Negative (0) to grant relief from Section 106-93 B.2 of the Land Use Ordinance to permit a duplex (side by side) two family dwelling in the R/B zone.

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

To Victor Vinegra of Harbor Consultants:

Inv. # 30899 from the escrow of Russo- South Ave Redevelopment I in the amount of \$4795.00

Inv. # 30900 from the escrow of Lidl – 10 South Ave. in the amount of \$592.50

Inv. # 30903 from the escrow of 242 Second Ave- Martin in the amount of \$145.00

Inv. 30904 from the escrow of 640 Willow Ave in the amount of \$285.00

NEW BUSINESS

Chair Stephen Greet asked Victor Vinegra to inspect the properties at 604/ 608 Willow Avenue for to confirm accuracy for resolution compliance and report back to the Board.

Mayor Todisco announced that a joint subcommittee of the Planning Board and Governing Board would be formed. The subcommittee will consist of:

- Kathy Villaggio
- Steve Barcan
- Steve Greet
- Councilman Sean Benoit
- Councilman Russ Graham

Mr. Vinegra suggested that the subcommittee look at the definition of a story and the height of maximum story as well as any other revisions that should be addressed.

Invitation to the Public to Address the Board

Chair Stephen Greet asked if anyone would like to address the Board.

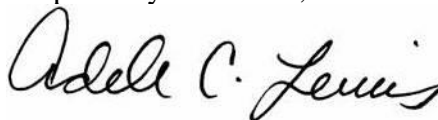
Rosanne Barca inquired about on street parking.

ADJOURNMENT

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

The next meeting of the Board is January 27, 2021.

Respectfully Submitted,



Adele C. Lewis, Board Secretary