

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of March 14, 2018

Stephen Greet called the meeting to order at 7:33 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.

MOMENT OF SILENCE AND SALUTE TO THE FLAG

ROLL CALL

Present: Mayor Charles Lombardo, William Nierstedt, Councilman Joseph Sarno (*arrived at 7:50 p.m.*), Lou Petruzzelli, Michael Vena, Stephen Greet, Kathleen Villaggio, Paul Tarantino, Steve Napolitano (Alt, I), John Malcolm (Alt II), Denise Ridente (Alt III) Alt. IV- Vacant

Absent: None

Excused: Gene Jannotti

Also present were Board Attorney Donald Fraser and Board Secretary Adele Lewis. Board Planner/Engineer Victor Vinegra P.E., P.P. (*arrived at 7:42 p.m.*) from Harbor Consultants was also present.

MINUTES

- **MINUTES OF THE FEBRUARY 21, 2018 PLANNING BOARD MEETING**

*On a motion by Kathleen Villaggio and seconded by Mike Vena, the Board voted by general consent to **defer** the adoption of the minutes of the February 21, 2018 until the receipt and review of the transcript.*

RESOLUTION

Case # PB17-06

Applicant: South Ave Urban Renewal, LLC

400, 450-490 South Avenue & 50 and 70 Center Street
(B 401, Lots 1, 2, 4, 5) within the South Avenue Transit Oriented
Redevelopment Area

Granting Preliminary and Final Site Plan Approval together with a subdivision for lot consolidation for a project which proposes to demolish the vacant former industrial buildings, remediate and redevelop the subject property with approximately 396,000 Gross SF mixed use building. The proposed building will include 298 apartment units, 19366 SF of Retail space, on-site Leasing Office,

on-site amenities for residents including fitness facility and pool, a parking deck that will be wrapped by the building on three sides, and an open plaza

Board Attorney Fraser announced that the transcript had just been received and therefore the resolution would not be prepared until the next meeting.

ORDINANCE REVIEWS Pursuant to N.J.S.A.40:55D-26 -Planning Board review of: Referral from Governing Body by **Ordinance # 17-30 & Resolution # 18-075 for comments of certain amendments to the South Avenue Area II Redevelopment Plan - dated Oct. 20, 2017 prepared by Paul Grygiel, P.P., of Phillips, Preiss, Grygiel, LLC .-** Review also pursuant to N.J.S.A. 40A:12A-1 of Local Redevelopment & Housing Law

The Board reviewed the ordinance. Mayor Lombardo stated the changes were contained on pg. 11

*On a motion by Kathleen Villaggio and seconded by Mike Vena, the Board voted Affirmative (8) Stephen Greet, Kathy Villaggio, Paul Tarantino, Mike Vena, Lou Petruzzelli, Steve Napolitano, John Malcolm, Denise Ridente, Negative (1) William Nierstedt to approve the revisions to the Redevelopment Plan.
Mayor Lombardo abstained

The Board reviewed the Affordable Housing Ordinance as recommended by the Special Master.

*On a motion by Kathleen Villaggio and seconded by Mike Vena, the Board voted Affirmative (8) Stephen Greet, Kathy Villaggio, William Nierstedt, Paul Tarantino, Mike Vena, Lou Petruzzelli, Steve Napolitano, John Malcolm, Denise Ridente, Negative (0) to approve the Affordable Housing Ordinance.
Mayor Lombardo abstained

APPLICATION

Case #17-08

3 Lincoln Avenue

Block 211 Lot 11 General Business (GB) Zone

Applicant: DJB Holdings, LLC

Seeking Site Plan Approval for parking lot improvements

Chair Greet announced that this application would not be heard this evening as the applicant had submitted the required revised plans and had not provided legal notice.

Case #18-01

257 North Avenue B. 211 Lots 2 & 3

Applicant: Princeton Food Service, LLC

Seeking Use Variance for modification of a preexisting Non-conforming drive-thru together with Site Plan Approval for a Wendy's

As required by Ordinance, a court reporter was present.

As this application is for a D-2 Variance, Mayor Lombardo and Councilman Sarno left the dais and did not participate.

Diane Stolbach, Esq. Hehl & Hehl was present on behalf of the applicant. She provided an overview of the application and explained that while it is a D-2 Expansion of a non-conforming use, it is more accurately a modification.

Kenneth W. Shaw, Ringoes, NJ employed by Wendy's corporation as a Development Manager was sworn.

He described the improvements proposed including renovations including the removal of the play area to be replaced with a pergola. He stated that this will be a franchise site operated by Princeton Food Group but Wendy's Corporation is responsible for obtaining the approvals.

Mr. Shaw stated the interior will be state of the art contemporary design but they are retaining the existing footprint. All the material of the building will be new. They will replace some of the landscaping and add a small thank you sign. The location of the drive through will remain.

He noted the hours of operation will vary but will likely be 10 am to 10 or 11 p.m. The drive through will remain open until 2 am on weekends.

He testified to the number of employees- average 10 per shift.

He described the delivery schedule which will likely be between 7:30 am and 10 a.m., prior to the restaurant's open time.

He stated that there will be high tech security and surveillance.

The commuter parking will likely be eliminated for insurance purposes but Mr. Shaw indicated that the franchise owner is very community oriented and will confer with the Borough. They are open to future discussions. It was noted that the existing fence is in disrepair and will be addressed by the engineer. He described the pergola and stated that the sides will be open but there will be a retractable enclosure. The electrical service will be upgraded throughout the building.

The Board asked questions of Mr. Shaw.

Mr. Shaw was asked if they will comply with the ordinance close time. He stated that they would comply. He gave further detail on the security and surveillance system. He clarified that they are not removing all of the landscaping, but refurbishing and replacing as needed.

Questions from Public- None

Joseph Jaworksi, P.E., of Dynamic Engineering, Chester NJ was sworn and qualified.

He reviewed the survey dated 10/09/17 and described the current condition of the site.

He reviewed the site plan he prepared and described the renovations including the removal of the play area to be replaced with a pergola. He discussed the site circulation and parking lot repairs. He stated that the sidewalks around the building will be replaced. He testified that the site has 50 parking spaces but only requires 28. He stated that the site will be ADA compliant. The landscaping will be refurbished and the light poles will

be reset and painted as part of the upgrade. He discussed the fence at the rear property line and stated that it is in good condition however the fence at the side is in disrepair and will be replaced. It was noted that the rear fence has an opening which will be closed. He agreed to clean up the storm grates.

Mr. Jaworski stated that they would agree with all the comments in Mr. Vinegra's 3/13/18 review however they would like to work with the Board Engineer in the field to determine the paving and milling of the lot. Mr. Vinegra stated that this is acceptable and added the existing lighting should be checked with a light meter to ensure proper lighting. The Applicant agreed to explore with PSE&G the possibility of eliminating the overhead wires.

The Board inquired about the exit egress wide curbcut, the signage and stated that Monument signs are preferable to pylon sign. The applicant agreed to the Monument sign.

The Board discussed the Exit and determined that it is preferable to have the Exit be marked as no left turn from 3-7 p.m. to restrict cutting through residential area.

Mr. Jaworski stated the existing dumpster closure will be rebuilt and trash will be picked up once a week. A recycling container will be added for each trash can. He concluded the anticipated completion is approximately three months from the resolution compliance.

Questions from Public- None

Meghan Hunscher, P.P., Artemis Planning was sworn and qualified. Ms. Hunscher provided planning testimony for the D-2 variance. She noted that this is an opportunity for the Board to review this site. She cited case law which states that the grant of the D-2 variance is justified by the desirable visual environment. She noted that this is more a modification and the new operator will beautify the now vacant site. In speaking to the negative criteria, she noted that the drive-thru had been on the site for 25 years and the zoning officer could not issue a certificate of non- conformity. She noted the surrounding uses and presented A-1 which illustrates the surrounding area restaurants with Drive-through. She testified that fast food is very competitive and the drive through is necessary to the use. She added that the excessive parking adds to the functioning of the site. In addressing the signage, she noted that the third sign is a thank you sign and can be considered a directional signage and not another branding sign. She noted that this is not a substantives variance. She concluded that this can be granted without any detriment to the zone plan.

EXHIBIT MARKED INTO EVIDENCE

- A-1 packet of aerial photos of surrounding body.

Questions from the public- none.

Comments from the public- None

In closing, Ms. Stolbach emphasized the benefits of utilizing the site and the enhancements proposed which will benefit the community.

The consensus of the Board was that the proposal was a positive improvement and recapped the conditions of approval.

- The Exit will be marked as no left turn from 3-7 p.m. to restrict cutting through residential area
- The Applicant will explore with PSE&G the elimination of the overhead wires.
- The applicant agrees to comply with all the comments in Mr. Vinegra's 3/13/18 review; however they will work to the satisfaction of the Board Engineer with regards to the parking lot paving and the lighting.
- The existing rear yard fence in disrepair will be repaired.
- The applicant will use a Monument sign to be approved by the Board Engineer.
- A recycling container will be placed by the trash cans.

*On a motion by Kathleen Villaggio and seconded by Paul Tarantino, the Board voted Affirmative (7) William Nierstedt, Stephen Greet, Kathy Villaggio, Paul Tarantino, Mike Vena, Lou Petruzzelli, Steve Napolitano, Negative (0) to grant a D-2 Use Variance for modification of a preexisting Non-conforming drive-thru together with Site Plan Approval for a Wendy's with the above referenced conditions **MOTION CARRIES 7-0***

NEW BUSINESS

Chair Greet stated that the March 28th meeting will be cancelled. Board Attorney Fraser noted that the Russo resolution will be distributed a week in advance of the April 25th meeting.

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

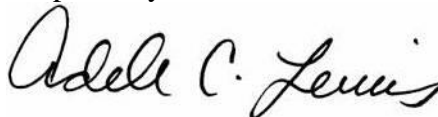
- Inv # 26147 for \$10,709.94 for Russo – South Ave I
- Inv # 26324 for \$1310.00 for 550 4th Ave
- Inv# 26331 for \$280.00 for Wendy's

ADJOURNMENT

There being no further business, the Board adjourned 8:45 p.m.

The next meeting of the Board is scheduled for April 25, 2018.

Respectfully Submitted,



Adele C. Lewis, Board Secretary