

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of March 24, 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: Councilman Russ Graham, Stephen Greet, Ken Capobianco, Kathleen Villaggio, Paul Tarantino, William Nierstedt, Steve Napolitano, Michael Vena Steve Barcan (*left the meeting at 9:36 p.m.*), (Alt. I) Stephanie Bianco Alt, II), Richard McCormack, (Alt III) Alt. IV - VACANT

Absent: None

Excused: Mayor Sara Todisco

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

MINUTES

- **MINUTES OF THE FEBRUARY 24, 2021 PLANNING BOARD MEETING**

On a motion by Ken Capobianco, and seconded by Steve Barcan, the Board voted by general consent to adopt the minutes of the February 24, 2021 Planning Board meeting.

APPLICATIONS

Case #PB21-01

78 North Ave. B 208 L 27 G/B Zone

Applicant: Lee A. Frankel, LLC

Seeking a waiver from site plan to cover an existing patio

Chair Greet and Board Attorney Fraser announced several times throughout the meeting that this case would not be heard this evening and that the matter would be heard at the April 28th meeting without the need for further notice.

Case #PB20-03

242 Second Ave. B 205 L 26 R/A Zone (Continuation)

Applicant: Paul T. Martin

Seeking a Use Variance for a two-family house in a one family zone

As required by ordinance, a court reporter was present.

Joshua Koodray, Esq. of Javerbaum continued to represent the applicant. He recapped the meeting of December 9, 2020 and stated that they have returned with additional information based on that discussion. He reiterated that they are seeking relief from the following sections of the Land Use Ordinance

- *106-91.A permitted uses- to permit a two family home in the R/A zone*
- *106-91C (2) a minimum front yard setback- 25 ft. required, 17 ft. existing*
- *106-91.C (2) c minimum side yard 5 ft. required, 4.3 ft. existing*
- *106-91.C (5) Maximum building height 30 ft. permitted, 32 ft. existing*
- *106-114.B (2) private garage spaces 2 spaces required- 1 space existing*

Mr. Koodray stated that this is a D-1 Use variance with bulk variances for pre-existing conditions. He continued that this home was constructed in 1915 and there are no exterior changes, minimal interior alterations and no visual impact. He referenced the Harbor Consultant review letter dated 12/3/2020 and noted that it is the only review to date.

Paul Martin, owner and applicant was reminded that he had been previously sworn. He stated that he resides at 246 2nd Avenue. He stated that he believed that two-families were permitted. He reviewed a powerpoint presentation he prepared with his observations of dwellings he concluded may be two-family homes based on his visual inspections identifying the number of doors, mailboxes, doorbells, etc.

The Board asked questions of Mr. Martin. When asked how the home was appraised at the time of purchase, he acknowledged it was appraised as a single-family dwelling.

Mr. Vinegra disputed the validity of the presentation.

QUESTIONS FROM THE PUBLIC: None

Ron Meeks, R.A., was previously sworn and qualified. Mr. Meeks reviewed marked up slides. He stated he was not aware whether or not permits were applied for by the applicant.

QUESTIONS FROM THE PUBLIC: None

RECESS 9:35-9:42

Joseph Signorello, Licensed Real Estate Broker was sworn in and testified that there is a shortage of residential units in the area. He added that there is low inventory of homes in Garwood and referenced several two-family listings with which he was familiar.

QUESTIONS FROM THE PUBLIC: None

Kevin O'Brien, P.P., was sworn and qualified. He reviewed the negative and positive criteria and stated that this is an oversized lot at 7500 sq. ft. He continued with the planning justification for the granting of the variance.

QUESTIONS FROM THE PUBLIC: None

Mr. Koodray provided a brief closing statement summarizing the application.

The Board noted the lateness of the hour and Mr. Fraser reminded the Board of the By-law stating the Board could not go beyond 11:00 p.m. unless by resolution of the Board.

On a motion by Mike Vena and seconded by seconded by Kathy Villaggio, the Board voted Affirmative (4) Stephen Greet, Kathy Villaggio, Paul Tarantino, Ken Capobianco Negative (3) William Nierstedt, Steve Napolitano, Mike Vena to continue the meeting until 11:30 Motion Carries 4-3

PUBLIC COMMENT- *All members of the public were sworn in prior to their statements.*

Stacy Sikora, 238 Second Ave., stated that she is in favor of the application
Michael Colling, 238 Second Ave. also stated that he is in favor.
Ann Greene, 243 Second Ave. stated that she is in favor of the application.
Alana Fraser, former first floor tenant stated that she called in to support the application.
Juan Paez, 235 Second Ave., stated that he supports the application.

The Board began their deliberations. After a brief time, they noted the lateness of the hour and determined that the application would not be concluded this evening. The application was carried to April 14th without the need for further notice.

On a motion by William Nierstedt and seconded by seconded by Steve Napolitano, the Board voted Affirmative (6) Stephen Greet, Kathy Villaggio, , William Nierstedt, Steve Napolitano, Mike Vena Negative (2) Paul Tarantino Ken Capobianco to carry the application to the April 14th meeting of the Board without the need for further notice. Motion Carries 6-2

CLAIMS- *The following claims were presented for payment and approved.*
To Victor Vinegra of Harbor Consultants:

MARCH 2021

- Inv.# 31235 from the escrow of 640 Willow Ave in the amount of \$290.00
- Inv.# 31234 from the escrow of 75 North Ave(PaperBoard) in the amount of \$1087.50
- Inv.# 31233 from the escrow of 75 North Ave(PaperBoard) in the amount of \$1305.00
- Inv.# 31229 from the escrow of 10 South Ave. (Lidl) in the amount of \$1047.50
- Inv.# 31228 from the escrow of South Ave Redevelopment Phase I in the amount of \$437.50

FEBRUARY 2021

- Inv.# 31093 from the escrow of South Ave Redevelopment Phase I in the amount of \$1770.00
- Inv.# 31094 from the escrow of 10 South Ave. (Lidl) in the amount of \$937.50
- Inv.# 31097 from the escrow of 640 Willow Ave in the amount of \$790.00

OLD Invoices

- Inv.# 30722 from the escrow of 604-608 Willow Ave in the amount of \$145.00
- Inv.# 30723 from the escrow of 345 South Ave in the amount of \$145.00
- Inv.# 30724 from the escrow of 10 South Ave. (Lidl) in the amount of \$145.00
- Inv.# 30725 from the escrow of 26 North Ave in the amount of \$145.00
- Inv.# 30729 from the escrow of 225 South Ave. (L&J Pet) in the amount of \$145.00
- Inv.# 30730 from the escrow of 242 Second Ave. in the amount of \$145.00

Invitation to the Public to Address the Board

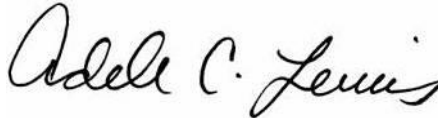
Chair Stephen Greet asked if anyone would like to address the Board.- No Comments

ADJOURNMENT

There being no further business, the Board adjourned 11:40 p.m.

The next meeting of the Board is April 14, 2021.

Respectfully Submitted,



Adele C. Lewis, Board Secretary