

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

**MEETING of March 27, 2019**

*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.

**MOMENT OF SILENCE AND SALUTE TO THE FLAG**

**ROLL CALL**

**Present:** Mayor Sara Todisco, Stephen Greet, William Nierstedt, Councilman Richard McCormack, Ken Capobianco, Michael Vena, Kathleen Villaggio, Paul Tarantino, John Malcolm (Alt I), Steve Barcan, (Alt, II), Sergio Simoes (Alt III) Peter Demato (Alt IV)

**Absent:** None

**Excused:** Steve Napolitano

Also present were Board Attorney Donald Fraser, and Board Secretary Adele Lewis. Leah Fleming and Anthony Gallerano, P.E., were present for Victor Vinegra, P.E., P.P

**MINUTES**

- **MINUTES OF THE MARCH 13, 2019 PLANNING BOARD MEETING**

The Board tabled the adoption of the minutes pending the receipt of the transcript.

**APPLICATION**

**Case #PB19- 02**

**345 South Ave. Block 404 Lot 3**

*Applicant: 345 South Ave, LLC*

*Seeking waiver of Site Plan to convert the second and third floor of a mixed use building from office use to residential use.*

Richard Brightman, Esq. represented the applicant.

He stated that the applicant seeks to convert the second and third floor from office use to residential use.

As the proposal will not change the exterior of the building nor would the proposal result in an unpermitted use or violate any of the bulk requirements, they were seeking a waiver from site plan.

Upon the review of Harbor Consultants, it was determined that a Parking Variance may be required for the application rendering the legal notice deficient.

The applicant decided to renote for the May 22, 2019 Planning Board meeting.

## **ORDINANCE REVIEW**

Pursuant to N.J.S.A. 40:55D-26 review Ordinance No.18-XX revising Section 106-100 regarding Eating & Drinking Establishments and Outdoor cafes.

Planning Board reviewed the draft prepared by Mr. Nierstedt and Ms. Villaggio. The Board revised language of the drafts and recommended that the following be moved to Land Use, Chapter 106 and be placed after Outdoor Dining section.

§106-10x – Sidewalk Cafés

Amend §106-100 (Eating and Drinking Establishments) in Article VIII to read as follows:

Eating and Drinking Establishments including taverns shall be permitted uses in the Central Business (CB), General Business (GB), and Community Commercial (CC) Zones

The Board discussed the standards and removed the language which would have restricted the dates or seasons in which outdoor dining would be permitted. The Board agreed to remove the language which required written permission from the adjacent property owner and ground floor tenant.

The Board also examined the fees and agreed upon the following:

- A. The sidewalk café permit shall be an annual permit. The annual permit fee shall be as follows:
- |   |          |
|---|----------|
| a. 1-10 seats (no more than two tables) | \$60.00  |
| b. 11-25 seats                          | \$100.00 |
| c. 26-50 seats                          | \$150.00 |
| d. 51+ seats                            | \$200.00 |

*On a motion by William Nierstedt and seconded by Mike Vena, the Board voted all in favor to recommend the Governing Body adopt the Ordinance for Outdoor Cafes and Eating and Drinking Establishments*

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

To Victor Vinegra of Harbor Consultants:

- Invoice # 27996 for \$290.00 from the escrow if 345 South Ave
- Invoice # 27990 for \$935.00 from the escrow of Russo - South Avenue
- Invoice # 27991 for \$435.00 from the escrow of Dietricks 2 North Ave
- Invoice # 27995 for \$290.00 from the escrow of Willow Ave subdivision
- Invoice #28035 for \$210.00 from the escrow of 105 Center Street

## **NEW BUSINESS**

The Board cancelled their special meeting of April 10, 2019 which had been initially scheduled to hear the continuation of **Case #PB19-03 604 608 Willow Avenue**. A letter had been received by the applicant's attorney requesting that the case be heard on April 24, 2019 and new notice will be provided.

**ORDINANCE REVIEW SUBCOMMITTEE**

Chair Greet announced that a subcommittee will be created for the purpose of preliminary Ordinance reviews. Chair Greet appointed William Nierstedt, Mike Vena and Steve Barcan to the committee and requested any other board members interested to contact him.

**Invitation to the Public to Address the Board**

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

Al DelConte asked questions regarding the outdoor dining ordinance and if it would pertain to the Athletic field.

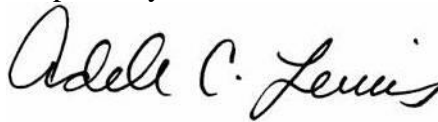
**ADJOURNMENT**

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

Chair Greet reminded members that the April 10<sup>th</sup> special meeting was cancelled

The next scheduled meeting of the Board is April 24, 2019.

Respectfully Submitted,



Adele C. Lewis, Board Secretary