

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of April 14, 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: Stephen Greet, Ken Capobianco, Kathleen Villaggio, Paul Tarantino, William Nierstedt, Michael Vena Steve Barcan (Alt. I) Stephanie Bianco Alt, II), Richard McCormack, (Alt III) Alt. IV - VACANT

Absent: None

Excused: Mayor Sara Todisco, Councilman Russ Graham, Steve Napolitano

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

MINUTES

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

On a motion by Kathy Villaggio, and seconded by Ken Capobianco, the Board voted by general consent to adopt the minutes of the March 24, 2021 Planning Board meeting.

APPLICATION

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 was present on behalf of the applicant, Paul Martin.

Board Attorney Fraser reviewed the eligible voting members. It was noted that Mr. Napolitano was excused and not present. Alt I Mr. Barcan would be voting as the seventh member. Mr. Barcan certified that he had read the transcript from the 3/24/2021 meeting.

Chair Greet stated that all the testimony and public participation had concluded leaving only Board deliberation.

The Board began their deliberations.

Bill Nierstedt stated that his initial thoughts regarding the application were negative but he now has an open mind. While he found much of the testimony to be conflicting and he wasn't swayed by the applicant's planner, he acknowledged that the lot is oversized and meets the code bulk requirements.

Steve Greet stated this is a single-family zone. He noted the Borough encumbered significant resources to rezone and the Board must consider the Master Plan. He also noted that the owner purchased the property as a single-family home.

Mike Vena stated that if it wasn't for a complaint or violation, the Board would not have been made aware of this. He stated he is not in favor of the granting of the use variance.

Steve Barcan stated the Board must seriously consider the Master Plan and the 2011 ordinance which rezoned the area. He read the R/A zone language and inquired how the general welfare is advanced by this application. He noted the testimony of the realtor indicating housing shortages would soon be remedied by the Redevelopment projects. Regarding the negative criteria, Mr. Barcan stated he does not think it can be met.

Paul Tarantino stated the applicant agreed that the house was purchased as a one family and that the work done to convert it to a two family was not done by permits. While he noted the neighbors', who praised the applicants' maintenance of the property, he opined ownership can change. He added an approval would set a terrible precedent.

Mr. Fraser addressed comments made by Mr. Napolitano at the 3/24/2021 meeting. Mr. Fraser noted that while Mr. Napolitano was not present and would not be voting, he wanted to advised the Board not to rely on comments made by Mr. Napolitano at the last meeting as they could be construed as hearsay. He counseled the Board not to consider the comments made by Mr. Napolitano that the prior owners daughter stated the home was always a single family as there was no evidence to that effect.

Kathy Villaggio referred to recent two-family applications which were denied and are now one family homes. She continued that many homes have larger lots and expressed concern regarding precedent.

On a motion by Stephen Greet and seconded by seconded by Paul Tarantino, the Board voted Affirmative (6) Stephen Greet, Kathy Villaggio, Paul Tarantino, Ken Capobianco

Mike Vena, Steve Barcan Negative (1) William Nierstedt to deny the Use Variance in the matter of 242 Second Avenue. Motion To Deny Carries 6-1

The Board thanked the applicant and Mr. Koodray for their thorough presentation.

The Board excused Board Attorney Don Fraser from the remainder of the meeting.

Ordinance Review- proposed changes to bulk requirements

The Board examined proposed changes recommended by the subcommittee. This included the addition of definitions for the following:

EXISTING GRADE LEVEL

Shall be, the average existing elevation measured within a proposed structure foot print (when no existing structure exists) or measured ten feet from the exterior walls of an existing structure. The designer of the new structure must measure the elevation of the existing grade midpoint on all four sides of the structure; such measurement must be made within ten feet of the existing structure. The designer must average the four elevations to establish an existing grade. This must be utilized when measuring building heights.

HEIGHT OF STRUCTURE

Unless specifically provided otherwise in this ordinance, the vertical distance from the highest point of the roof of the building or structure, excluding (if the structure is a utility structure) such features as a tower or antenna, to the average existing elevation surrounding the structure. To measure the existing grade, it must be measured on all four sides and within ten feet of the structure using the existing grade. The designer must use the average of all four elevations when determining existing grade.

Providing clarification on the Height: to state 2 1/2 stories ~~or~~ **and** 30 feet maximum; for a two-family dwelling, 2 1/2 stories ~~or~~ **and 32** feet maximum. And adding the Required bulk conditions, which will also include a Chart in Section 106-93A

The Board also agreed to add the language that External Front Steps must be Constructed of masonry or wood and no higher than five (5) feet.

The Board also discussed the language in the ordinance regarding Boarders which states- The boarding of two persons per dwelling unit in rooms that do not constitute separate housekeeping units and where the outside entrance to the rented rooms is the same entrance to the remainder of the housekeeping unit. No cellar can be used as a dwelling unit for boarders.

On a motion by William Nierstedt and seconded by seconded by Kathy Villaggio, the Board voted Affirmative: Stephen Greet, Kathy Villaggio, William Nierstedt, Mike Vena, Paul Tarantino Ken Capobianco to recommend the proposed changes to the governing body.

Kathy Villaggio will incorporate the changes discussed and send to Board Secretary Lewis for transmittal to the Governing Body.

Chair Greet and the Board members thanked the subcommittee for their thorough work on the revisions.

CLAIMS- *No claims were presented for payment.*

Invitation to the Public to Address the Board

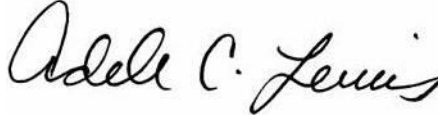
Chair Stephen Greet asked if anyone would like to address the Board.- No Comments

ADJOURNMENT

There being no further business, the Board adjourned 9:10 p.m.

The next meeting of the Board is April 28, 2021.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Adele C. Lewis".

Adele C. Lewis, Board Secretary