

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

**MEETING of April 24, 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, Steve Napolitano John Malcolm (Alt I), Steve Barcan, (Alt, II), \*Sergio Simoes (Alt III)

**Absent:** None

**Excused:** Paul Tarantino, Peter Demato (Alt IV)

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

**MINUTES**

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

*On a motion by Kathy Villaggio and seconded by Mike Vena, the Board by general consent to adopt the minutes of the March 13, 2019 meeting.*

• **MINUTES OF THE MARCH 27, 2019 PLANNING BOARD MEETING**

*On a motion by William Nierstedt and seconded by Mike Vena, the Board by general consent to adopt the minutes of the March 27, 2019 meeting.*

**APPLICATIONS**

**Case #PB19-01**

**2 North Avenue - (GB) General Business Zone**

Block 210 Lot 9

Applicant: 2 Laxmee, LLC

*Seeking D Variance for residential use together with Preliminary and final Site plan with associated variances for a two-story mixed use building containing four residential units over 7070 sq. ft. of ground floor retail space*

*As required by ordinance, a court reporter was present.*

**ATTACHMENT # 1**  
**TRANSCRIPT FROM CASE # PB 19-01**  
**2 NORTH AVE., 2 LAXMEE, LLC**

*\* THE TRANSCRIPT MISIDENTIFIES SERGIO SIMOES AS PETER DEMATO, WHO WAS NOT PRESENT.*

Mayor Sara Todisco and Councilman Richard McCormack recused themselves as the application was for a D/Use Variance.

**Stephen Hehl, Esq.** of Javerbaum Wurgaft, Union NJ represented the applicant.

**Della Jagad**, owner of Dittricks addressed the Board.

**Gregory Waga, R.A.**, of Waga Architecture, Rahway, NJ was sworn and qualified. He reviewed the Architectural Floor & Elevation Plans, entitled “Commercial Alteration,” dated November 23, 2018, last revision March 12, 2019, consisting of sheets C-1 through C-3 and the Preliminary and Final Site Plan, entitled “Commercial Alteration,” dated November 23, 2018, last revision March 12, 2019, consisting of sheets SP-1 through SP-8

Mr. Waga stated the property is currently developed as two one-story buildings which are occupied by a liquor store and a rental limousine service. The applicant is proposing to demolish the existing buildings and in their place construct a two-story building which would contain two commercial spaces on the first floor which will be occupied by the liquor store currently operating on the property, and by a new tenant that has yet to be determined. The commercial spaces would be supported by eighteen parking spaces. The second floor is proposed to contain three one-bedroom units and one studio unit for a total of four dwelling units which would be supported by four parking spaces. Mr. Waga stated that the building will be fully sprinklered and will comply with all building codes. He reviewed the landscape plan and described the outdoor courtyard which will include a shaded outside seating area in a common space for tenants. An elevator is also proposed to provide tenants with access.

Mr. Waga noted Mr. Vinegra’s comment in his review letter dated 4/17/19 regarding the architectural plans depicting a blank expansive walls along the rear and right side elevations and stated he can improve the details of the façade with a brick veneer finish on the building’s lower exterior and hardy plank.

**MARKED INTO EVIDENCE:**

- A-1 Front Elevation
- A-2 Proposed rear elevation

The Board discussed the variance request from section 106-96.C.2.a – for the proposed side yard setback of 0’ where 3’ is required. The applicant agreed to comply with the ordinance and provide a 3 ft. setback.

The Board asked questions of Mr. Waga.

**QUESTIONS FROM THE PUBLIC**

Joe Moore, 100 Winslow Place asked questions regarding drainage.

Rich McCormack asked questions regarding parking

**Cory Chase, P.E.**, Traffic Engineer from Dynamic Traffic, Chester NJ was sworn and qualified. He reviewed the Traffic Study titled “Traffic Impact Statement” dated 2/1/19

revised 4/9/19. He noted the applicant is seeking relief from 106-114.A –which requires the project have 31 parking spaces by ordinance. The applicant proposes 22 spaces and they are seeking a variance for 9 spaces. He testified to the hours of delivery and the size of the trucks.

The Board discussed the parking lot spaces and site circulation and discussed the recommendation that the driveway along North Avenue closest to the corner of Winslow Place should be revised to become a two-way driveway.

Mr. Nierstedt inquired if the site contained too much parking and if some spaces could be eliminated. Mr. Chase stated it did not feel this was feasible. The Board recommended the elimination of the wheel stops in the parking lot. Mr. Chase concluded that there would be no detrimental impact from this project.

RECESS- *a brief recess was taken*

### **QUESTIONS FROM THE PUBLIC**

Rich McCormack stated he objected to the proposal to reduce the parking.

**Nicholas Graviano, P.P.** of Holmdel, NJ was sworn and qualified. He provided planning testimony in support of the requested variances.

He testified that the ordinance states the General Business District is intended for the zone to function as a transition zone between residential and industrial uses. A mixed-use project which is comprised of a commercial use on the first floor and 4 apartments on the second floor could be interpreted as functioning as a “transition area

He stated the applicant has satisfied the positive and negative criteria as outlined in the New Jersey Municipal Land Use Law in support of the C and D variances. He stated the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. Additionally, this project complies with the Master Plan.

Board Engineer Victor Vinegra noted that while only four apartment units are being proposed and the project does not generate a mandatory set-aside, when an increase in residential density pursuant to a "d" variance has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized.

Chair Greet also noted that the applicant will be required to obtain a sewer connection permit from the Borough.

### **QUESTIONS FROM THE PUBLIC-** There were no questions from the public

**Della Jagad**, owner stated that she agreed to all the conditions discussed.

The general consensus of the Board was to approve the application with conditions, including additional landscape buffer to the adjacent residential neighbor, the addition of bike racks, lease agreement to restrict number of bedrooms and state that the units are one bedroom apartments, increase the open space, a three-foot setback on a side which

previously had a 0 foot setback, remove or replace the existing fence, amend the landscape and lighting plan to the satisfaction of the Board Engineer.

*On a motion by William Nierstedt and seconded by Stephen Greet, The Board voted Affirmative (7) Stephen Greet, William Nierstedt, Ken Capobianco, Michael Vena, Kathleen Villaggio, Steve Napolitano, John Malcolm Negative (0) to grant the D Variance for residential use together with Preliminary and final Site plan with associated variances for a two-story mixed use building containing four residential units over 7070 sq. ft. of ground floor retail space with the conditions provided through testimony. MOTION CARRRIES 7-0*

**Case #PB19-03**                      **604 608 Willow Ave. R/B Zone Block 302 Lots 11 & 12**  
Applicant: 604/ 608 Willow Ave., LLC  
Seeking minor subdivision

*As required by ordinance, a court reporter was present*

**ATTACHMENT # 2**  
**TRANSCRIPT FROM CASE # PB 19-03**  
**604 - 608 WILLOW AVE., LLC**  
**\* THE TRANSCRIPT MISIDENTIFIES SERGIO SIMOES AS PETER DEMATO, WHO WAS NOT PRESENT.**

Mayor Sara Todisco and Councilman Richard McCormack returned to the dais.

**Stephen Hehl, Esq.** of Javerbaum Wurgaft, Union NJ represented the applicant. He stated that although the application had started their presentation at the March meeting, the applicant took the Board’s comments into consideration and substantially revised the plans. Applicant no longer requires a D variance for Floor Area Ratio (FAR). Architectural Plans revised March 27, 2019 show that the FAR has been reduced to 54% for both two-family homes. The plans reflect that “attic” level has been removed and the building footprint has been reduced. **AS** the D- 4 Floor Area Ratio Variance has been eliminated therefore the application is now for the subdivision in order to merge and then subdivide Block 302, Lots 11 into two conforming 50’ x 100’ lots and a variances for the side by side proposal, number of curb cuts, and front yard setback.

**Gregory Waga, R.A.**, of Waga Architecture, Rahway, NJ was sworn and qualified. He reviewed the revised plans with a latest revision of March 27, 2019. and highlighted the changes

The following changes were made to the 40’-0” wide duplex (inside lot)...

1. The partially underground garage level was altered to allow for a full ground level entrance below the proposed dwelling.
2. The bay windows on the first floor were eliminated.
3. The overall depth of the dwelling was reduced to 38’-0” on the first floor and 36’-7” on the second floor.
4. The FAR was reduced to 0.54 by decreasing the overall footprint of this dwelling.
5. Two terraces per unit (one in the front and one in the rear) were created on the first floor living level.
6. The attic level was removed.

7. The bedroom count was reduced from three bedrooms to two bedrooms with a den, per unit.
8. The height of the building was increased to 35'-0".
9. A 5'-0" Landscaped buffer was added between units.
10. (2) Masonry patios were added for each dwelling unit.

The following changes were made to the 30'-0" wide duplex (inside lot)...

1. The partially underground garage level was altered to allow for a full ground level entrance below the proposed dwelling.
2. The bay windows on the first floor were eliminated.
3. The overall depth of the dwelling was reduced to 38'-0" on the first floor and increased to 46'-8" on the second floor, thus creating an overhang at the rear of the dwelling.
4. The FAR was reduced to 0.54 by decreasing the overall footprint of this dwelling.
5. The front porch was increased slightly in size.
6. The attic level was removed.
7. The bedroom count was reduced from three bedrooms to two bedrooms with a den per unit.
8. The height of the building was increased to 35'-0".
9. A 5'-0" Landscaped buffer was added between units.
10. (2) Masonry patios were added for each dwelling unit.

Leigh Fleming reviewed the Variances required for the side by side proposal contrary to Section 106-93.B.2 which requires up & Down style, Minimum Front yard Setback which requires 25 ft.- 21.02 proposed and relief from the Maximum driveway curbcuts for the four driveways and curb openings proposed on Willow Avenue

**James Watson, P.L.S., P.P** Scotch Plains, NJ reviewed the subdivision plan.

Chair Greet reminded the applicant that in addition to their responsibility to secure all required permits, they were required to pay the sewer connection fee.

Given the lateness of the evening, the case was continued to the May 22, 2019 meeting without the need for further notice.

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

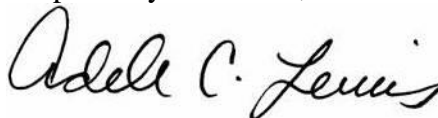
Chair Stephen Greet asked if anyone would like to address the Board.

### **ADJOURNMENT**

There being no further business, the Board adjourned 10:55 p.m.

The next scheduled meeting of the Board is May 22, 2019.

Respectfully Submitted,



Adele C. Lewis, Board Secretary