

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of May 22, 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 (Arrived at 7:37 p.m.), Stephen Greet, William Nierstedt, Councilman Richard McCormack, Ken Capobianco, Kathleen Villaggio, Steve Napolitano, Steve Barcan, (Alt, II), Sergio Simoes (Alt III)

Absent: None

Excused: Michael Vena, Paul Tarantino, John Malcolm (Alt I), 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 APRIL 24, 2019 PLANNING BOARD MEETING**

On a motion by Kathy Villaggio and seconded by Steve Napolitano, the Board by general consent to adopt the minutes of the April 24, 2019 meeting w/transcripts.

RESOLUTION

Case #PB19-01

2 North Avenue - (GB) General Business Zone

Block 210 Lot 9

Applicant: 2 Laxmee, LLC

Granting D Variance for residential use 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.

Board Attorney Fraser distributed the resolution he prepared as well as a draft and redlined version prepared by Mr. Hehl.

On a motion by Kathleen Villaggio and seconded by Steve Napolitano, the Board voted Affirmative (5) Stephen Greet, William Nierstedt, Ken Capobianco, Kathleen Villaggio,

Steve Napolitano, Negative (0) to memorialize the wording of the resolution granting 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.

APPLICATIONS

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

<p><i>ATTACHMENT # 1</i> <i>TRANSCRIPT FROM CASE # PB 19-03</i> <i>604 - 608 WILLOW AVE., LLC</i></p>
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Stephen Hehl, Esq. of Javerbaum Wurgaft, Union NJ continued to represent the applicant.

Gregory Waga, R.A., of Waga Architecture, Rahway, NJ previously sworn and qualified. He presented the following exhibits and stated that the siding has been lowered and continues around the perimeter of the buildings as a result of last month's comments. He reviewed the floor plan and testified that the den area has been reconfigured to allay the concern that the den will become a bedroom.

MARKED INTO EVIDENCE:

- A-4-B Front Elevation
- A-5-B Rear elevation

Questions from the public: None

Mazar Altun, owner stated that the side by side proposal is desirable and provides personal outdoor space. He thanked the Board for their comments which he feels produced a better proposal. He noted the den is desirable in today's market given the number of telecommuters and home offices.

James Watson, P.L.S., P.P Scotch Plains, NJ reviewed the subdivision plan with a revision date of 4/1/19 and provided planning testimony He reviewed the variances relief sought from 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. He stated that they are seeking C-2 relief. He noted a benefit of the proposal is the elimination of a vacant lot. In addressing the proposed four (4) curb cuts and driveways for each of the units, he stated that any off-street parking lost will be gained on Maple Ave by closing up that large curb-cut. Chair Greet reminded the applicant they were required to pay the sewer connection fee.

Questions from the public:

Albert DelConte, 545 Locust Ave., noted that there are other vacant lots in the vicinity of this property.

Hugh Sinclair 228 2nd Ave., stated he feels that the den should have windows.

Comments from the public: None

The Board discussed the completeness waivers that were being requested.

On a motion by William Nierstedt and seconded by Stephen Greet, The Board voted Affirmative (9) Mayor Sara Todisco, Stephen Greet, William Nierstedt, Councilman Richard McCormack, Ken Capobianco, Kathleen Villaggio, Steve Napolitano, Steve Barcan, Sergio Simoes Negative (0) to grant the waivers requested for completeness items.

The Board discussed the application and the revisions made throughout the process. Many Board members felt the applicant was receptive to their comments and addressed many of their concerns. Mr. Nierstedt expressed concern regarding the possibility that the homes could be viewed as 3 ½ stories which is prohibited by ordinance. Mr. Fraser noted the applicant could seek relief from this provision and provided the history of the Board's previous determinations of 3 ½ story structures. Councilman McCormick stated that he feels this proposal changes the neighborhood.

The Board summarized the conditions discussed throughout testimony including the removal of the existing chain link fence, addition of trees and the grading of the lot to the satisfaction of the Board Engineer.

On a motion by Kathleen Villaggio and seconded by Stephen Greet, The Board voted Affirmative (7) Mayor Sara Todisco, Stephen Greet, Ken Capobianco, Kathleen Villaggio, Steve Napolitano, Steve Barcan, (Alt, II), Sergio Simoes Negative (2) William Nierstedt, Councilman Richard McCormack to grant the minor subdivision together with the required variances. MOTION CARRIES 7-2

RECESS: 9:00-9:07 p.m.

Case #PB19- 02

345 South Ave. Block 404 Lot 3

C/B Zone (Commercial Business)

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 w/Parking Variance

Steve Napolitano recused himself from hearing the application as he is the accountant for one of the tenants.

Richard Brightman, Esq. Cranford, NJ represented the applicant. He noted that they had noticed for a parking variance.

Gregory Waga, R.A., of Waga Architecture, Rahway, NJ was sworn and qualified. He stated that they are proposing no exterior change to the building. He stated that they are before the Board for a change of use. He reviewed the floor plans he prepared and described the four proposed one bedroom units. It was noted that one unit was substantially larger than the other units and contained a large den. Mr. Vinegra opined that a den this large is used as a bedroom for purposes of parking calculations.

Mr. Waga addressed the review letter of Victor Vinegra dated 3/22/19 and stated that they will comply with the request for the bike rack, stopbar & fencing. He stated the bike rack can be placed by the refuse area and they agreed to plant one tree.

The Board asked questions regarding the refuse container located on an adjoining property at 101 Center St., also owned by the applicant. During the discussion, concerns were raised with the proposal and if an easement would be required. Also, it was noted that if another property was involved in the application, notice should have been provided with both properties considered. The Board also questioned the placement of the fire-escapes.

Giacoma Cocchiara, Watchung NJ, owner of property was sworn in. He stated that the first floor is occupied by Jenifit which functions as a personal trainer with occasional classes. He stated that he has had difficulty in finding commercial tenants for the second and third floor of the building.

The Board discussed the 2005 previous D variance approval and the condition placed which prohibited residential uses on the second and third floor. The general consensus was that this does not need to be treated as a D variance.

Mr. Brightman stated they will re-notice and return with revised plans to address the concerns of the Board.

Case #PB19- 05

10 South Ave. Block 501.01, Lot 8

Applicant: Lidl U.S. Operations, LLC

Preliminary & Final Site Plan w/Variances for a supermarket

As required by ordinance, a court reporter was present

ATTACHMENT # 2
TRANSCRIPT FROM CASE # PB 19-05
LIDL U.S., LLC

Stephen Hehl, Esq. of Javerbaum Wurgaft, Union NJ represented the applicant. He acknowledged the lateness of the evening and stated he would like to start the case and provide an overview and receive feedback from the Board.

Mr. Nierstedt inquired why the application was before the Board as the previous use was also a supermarket. Mr. Vinegra stated the ordinance provides for Board review in the case of substantial site disturbance and improvements.

Brad Bohler, P.E., P.P Scotch Plains, NJ reviewed the site layout.

MARKED INTO EVIDENCE: A-1 Colorized version of site plan

He stated the loading area was being renovated with a new ADA compliant ramp. He noted that they were adding a generator. There will also be a bike rack under the canopy. He stated that they are slightly reducing the impervious coverage which will assist with stormwater management. He added that they will meet all DEP requirements.

Mr. Bohler stated that they will be refacing the signage and the parking lot will be restriped. The lighting will be repaired or replaced as needed. Mr. Bolhler referenced the review of Victor Vinegra dated 5/16/19 and stated they will comply with the recommendations.

Mr. Nierstedt noted that there are many missing trees on the site and 10 missing trees in the public right of way.

Ms. Villaggio also noted the disrepair of the fence.

The Board discussed the signage and expressed a preference for a monument sign rather than the existing signage. Mayor Todisco inquired if the signage could identify the store as "Garwood Lidl". She also noted the ample parking on site and asked that they consider permitting commuter spaces. Mr. Hehl stated that they do not own the property but will have the discussion with the property owner. A recommendation was made to treat all handicap spaces equally, providing for equal buffer. In discussing the refuse area, a recommendation was made to utilize a TREKS fencing material with a landscape buffer.

Mr. Hehl acknowledged the Police Dept. report and noted that he had a meeting with the Fire Dept. to address some of their concerns.

Mr. Hehl thanked the Board for their comments and input and stated they would take them into consideration.

Given the lateness of the evening, the case was continued to the June 26, 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.- No Comments

CLAIMS

The following claims were presented for payment and approved.

To Victor Vinegra of Harbor Consultants:

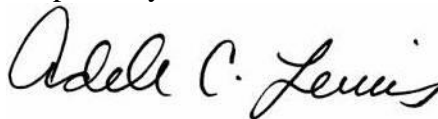
- Invoice # 28286 for \$1802.50 from the escrow 345 South Ave -
- Invoice # 28285 for \$2175.00 from the escrow 604/608 Willow Ave
- Invoice # 28278 for \$217.50 from escrow of 245 South Ave R&P Holdings
- Invoice # 28288 for \$580.00 from the escrow of 26 North Avenue
- Invoice # 28277 for \$262.50 from the escrow of Russo-South Ave- Construction Observation
- Also a request for the release of the remaining escrow of 245 South Ave R&P Holdings

ADJOURNMENT

There being no further business, the Board adjourned 10:45 p.m.

The next scheduled meeting of the Board is June 26, 2019.

Respectfully Submitted,



Adele C. Lewis, Board Secretary