

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of May 23, 2018

Chair 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 Charles Lombardo, William Nierstedt, Stephen Greet, Lou Petruzzelli, Michael Vena, Paul Tarantino, Gene Jannotti, Steve Napolitano (Alt, I), Alt. IV- Vacant

Absent: None

Excused: Councilman Joseph Sarno, Kathleen Villaggio, John Malcolm (Alt II), Denise Ridente (Alt III)

Also present were Board Attorney Donald Fraser and Board Secretary Adele Lewis. Board Planner/Engineer Victor Vinegra P.E., P.P. from Harbor Consultants was excused.

MINUTES

- **MINUTES OF THE APRIL 25, 2018 PLANNING BOARD MEETING**

On a motion by Mike Vena and seconded by Gene Jannotti, the Board voted by general consent to adopt of the minutes of the April 25, 2018. Chair Steve Greet abstained.

Chair Steve Greet announced that he would be revising the order of the agenda and called forward the applicant for 161 Spruce Ave.

Case #PB18-02

161 Spruce Avenue

Block 512 Lot 2 R/A Zone

Applicant: Diane Perona

Seeking relief from Section 106-106 (e) which requires accessory structures be placed at least 3 ft. from a side yard property line to permit a generator 18 inches from the property line.

Richard S. Schkolnick, Esq. of Brown Moskowitz & Kallen, P.C., Summit, NJ represented the applicant. Mr. Schkolnick distributed a colorized version of the photo of the property included in the filed application. He stated that the applicant is here because the ordinance requires accessory structures to be at least 3 ft. from the property line. Mr. Schkolnick stated that a permanent generator was installed in line with an existing air conditioning compressor at 18 inches from the property line.

Mr. Schkolnick stated that an argument can be made for the granting of the variance under both the C-1 and C-2 criteria as the home is an existing structure and the relief requested is only 18 inches. He offered the survey as evidence.

Joseph Andrew Perona, 161 Spruce Avenue, spouse of the property owner was sworn in and stated that they applied for a permit about three years ago. The original location proposed was the front yard as Mr. Perona felt he could screen the generator with landscaping. That permit was denied by Cranford Building Dept. as accessory structures are not permitted in the front yard. He stated that at the time his 80 yr. old mother-in-law was very ill and using oxygen and he proceeded to install the generator in the side yard without permits in order to avert another “Sandy” incident. He stated that since it was installed near the existing condenser unit, which was present prior to their home purchase in 2014, he assumed that this was an acceptable location. He acknowledged that he did not obtain the proper permits and the unit was never inspected. It was noted that the generator would require inspection for Electrical, Plumbing, Fire and Building for the slab. Mr. Perona agreed that obtaining the proper permits and follow-up inspections are acceptable as conditions of approval.

Board Attorney Donald Fraser stated that there may also be an issue with the air conditioning condenser unit in the sideyard as that would also require a variance and pose a problem in the future. Mr. Fraser reviewed the legal notice and stated it was sufficient if the Board was inclined to grant a variance for both units.

Mr. Perona stated that he wants to clear up the matter as he was issued a summons after a possible complaint stemming from his annual generator inspection and service. He noted that the generator runs for about 10 minutes each week at 3:00 p.m. and is no louder than a lawnmower. He stated that placing the unit in his backyard would be out of place and take up much of his patio. He added that the gas company did sign off on the high pressure line and the Gas Company recently changed the gas lines on his street.

Chris LaSpina, 165 Spruce Ave. was sworn in and stated that he lives next door and is the neighbor most affected by the application. He stated that he has no objections to the generator.

The Board discussed the proposal and felt the variance could be granted conditioned upon the applicant obtaining all the required permits and inspections. It was noted that if permits and inspections were required on the condenser, that they would also be required. Mr. Nierstedt noted that the unit is visible from the street and should be shielded from the street view with bushes. Mr. Perona agreed to a planting that would sufficiently screen the unit.

QUESTIONS/COMMENTS FROM THE PUBLIC:

There were no questions or comments from the public.

On a motion by Mayor Lombardo and seconded by Gene Jannotti, the Board voted Affirmative (8) Mayor Lombardo, Lou Petruzzelli, Stephen Greet, William Nierstedt, Mike Vena, Paul Tarantino, Gene Jannotti, Steve Napolitano, Negative (0) to grant relief from Section 106-106 (e) which requires accessory structures be placed at least 3 ft. from a side yard property line to permit a generator and compressor unit 18 inches from the property line conditioned upon the applicant obtaining all the required permits and inspections for the generator. If permits and inspections are required on the condenser that would also be required. The unit shall be screened from the street view with landscaping.

MOTION CARRIES 8-0

Case #17-08

3 Lincoln Avenue (Request to carry to 6/27/18)

Block 211 Lot 11 General Business (GB) Zone

Applicant: DJB Holdings, LLC

Seeking Site Plan Approval for parking lot improvements

Steve Greet announced that this application would not be heard this evening as the applicant, through their attorney, had requested an adjournment until the June 27, 2018 meeting. The Board discussed the granting of the request and the need for further legal notice. The consensus of the Board was that this application has been pending since October 2017 and that the notice is now outdated. Mr. Fraser stated that the Board could grant the extension but if the application is not moved at the next meeting, the application will be dismissed. The Board felt that new notice must be given prior to the June meeting.

*On a motion by Mike Vena and seconded by Gene Jannotti, the Board voted Affirmative (7) Affirmative (8) Mayor Lombardo, Lou Petruzelli, Stephen Greet, William Nierstedt, Mike Vena, Paul Tarantino, Gene Jannotti, Steve Napolitano, Negative (0) to carry the application to the June 27, 2018 meeting. **New legal notice will be required.***

RESOLUTION

Case # PB17-06

Applicant: South Ave Urban Renewal, LLC

400, 450-490 South Avenue & 50 and 70 Center Street

(B 401, Lots 1, 2, 4, 5) within the South Avenue Transit Oriented Redevelopment Area

Granting Preliminary and Final Site Plan Approval together with a subdivision for lot consolidation for a project which proposes to demolish the vacant former industrial buildings, remediate and redevelop the subject property with approximately 396,000 Gross SF mixed use building. The proposed building will include 298 apartment units, 19,366 SF of Retail space, on-site Leasing Office, on-site amenities for residents including fitness facility and pool, a parking deck that will be wrapped by the building on three sides, and an open plaza

Board Attorney Fraser noted that he previously distributed the voluminous 26 pg. resolution electronically to all Board members to provide ample time for review. He noted that there had been some requested revisions from Board members as well as from Mr. Chris Minks, attorney for the applicant.

The Board discussed the proposed language for the requirement of parking for a fee. On the question of tenant parking, Mr. Fraser stated that in reviewing the many transcripts, he felt it is accurate that the testimony and representation of Applicant was that they were going to charge tenants extra for the parking.

On the issue of the signage, Mr. Fraser stated the Applicant's witness testified that they would come back to the Board. Mr. Minks expressed concern that they would be required to return for each individual sign. During testimony, Victor Vinegra had talked about the "kit of parts" and that it was contemplated that the Applicant will submit a compliant signage package to Mr. Vinegra and he would show it to the Board. It was discussed if the approval would then be subject to Board review and approval. Mr. Fraser stated that he felt Condition "O" as written is correct.

Mr. Nierstedt stated that he would like to recommend or require outdoor dining. Mr. Fraser stated that there was testimony that the applicant could not commit to this as they are uncertain who will

be the tenant. Mr. Minks stated that they desire this also and are confident they can attract that type of restaurant but cannot commit to this at this time.

Mr. Nierstedt stated that the Borough owns the one small lot and ask council to discuss the possible purchase of this by the applicant. Chair Greet stated he did not feel that should be included in the Resolution of approval. Mr. Minks stated that they are amenable to the discussion but he does not feel it is appropriate to include in the resolution.

Board Attorney Fraser recommended that the Board do a separate resolution with that recommendation.

Board Attorney Fraser stated that Mr. Minks assisted in drafting the conditions. Mr. Minks noted that the application for Russo II was submitted earlier today. At the conclusion of the discussion, the specific changes agreed upon were adding a sentence of Paragraph A on Page 23, to include the language *Plain white concrete shall specifically not be utilized.*

Also a sentence was added to Paragraph U on Page 25 to include the language *Applicant shall discuss the dedication of same with Borough Council* in reference to the 18 public parking spaces.

On a motion by Gene Jannotti and seconded by Mike Vena, the Board voted Affirmative (7) Mayor Lombardo, Lou Petruzzelli, William Nierstedt, Stephen Greet, Paul Tarantino, Gene Jannotti, Mike Vena, Negative (0) to memorialize the wording of the Resolution granting preliminary and final site plan approval together with a subdivision for lot consolidation in the matter of South Ave Urban Renewal, LLC. As revised.

On a motion by William Nierstedt and seconded by Steve Greet, the Board voted Affirmative (7) Lou Petruzzelli, William Nierstedt, Stephen Greet, Paul Tarantino, Gene Jannotti, Mike Vena, Steve Napolitano, Abstention (1) Mayor Lombardo, Negative (0) to send a letter to Mayor and Council regarding the conveyance of Lot 3 Block 401 to the applicant.

CLAIMS- *The following claim from Escrow was presented for payment and approved.*

- Inv. # 26416 for \$700.00 for Russo – South Ave II
- Inv. #26354 for \$2100.00 for Russo – South Ave I
- Inv.#26626 for \$980.00 for Russo – South I
- Inv. # 26411 for \$420.00 for 3 Lincoln Ave.
- Inv. # 26622 for \$42.00 for 3 Lincoln Ave.
- Inv. # 26417 for \$1210.00 for 550 4th Ave.
- Inv. # 26423 for \$2940.00 for Wendy's
- Inv. # 26621 for \$105.00 for 245 South Ave.

Invitation to Address the Board- No one present wished to address the Board.

ADJOURNMENT

The Board adjourned 8:35 p.m.-The next meeting of the Board is scheduled for 6/27/18.

Respectfully Submitted,



Adele C. Lewis, Board Secretary