

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of August 8, 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 Special meeting of the Board.

MOMENT OF SILENCE AND SALUTE TO THE FLAG

ROLL CALL

Present: Mayor Charles Lombardo, Councilwoman Sara Todisco, Gene Jannotti ,Stephen Greet, Kathleen Villaggio, Lou Petruzzelli, Paul Tarantino, Steve Napolitano, John Malcolm, Denise Ridente

Absent: None

Excused: William Nierstedt, Michael Vena

Also present were Board Attorney Donald Fraser, Board Consultant Michael Mistretta, P.P., from Harbor Consultants and Board Secretary Adele Lewis. Borough Attorney Robert Renaud was present along with Ms. Jill Hartmann, P.P.

MINUTES

• **MINUTES OF THE JUNE 27, 2018 PLANNING BOARD MEETING**

On a motion by Steve Napolitano and seconded by Kathy Villaggio, the Board voted by general consent to adopt of the minutes of the June 27, 2018.

RESOLUTION

Case #PB18-02

161 Spruce Avenue

Block 512 Lot 2 R/A Zone

Applicant: Diane Perona

Granting 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 air-conditioner compressor located 18 inches from the property line.

On a motion by Gene Jannotti, and seconded by Paul Tarantino, the Board voted Affirmative (6) Mayor Lombardo, Lou Petruzzelli, Stephen Greet, Paul Tarantino, Gene Jannotti, Steve Napolitano, Negative (0) to memorialize the wording of the Resolution granting relief from Section 106-106 (e) which requires accessory structures be placed at least 3 ft. from a side yard property line to memorialize the wording of the resolution granting relief from Section 106-106 (e) 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

Master Plan Amendment

PUBLIC HEARING REGARDING MASTER PLAN AMENDMENT AND THE ADOPTION OF A HOUSING ELEMENT AND FAIR SHARE PLAN (HEFSP)

Proposed adoption of an amendment to Borough's Master Plan by means of the adoption of the proposed Housing Element and Fair Share Plan prepared by Jill Hartmann, P.P. These amendments address the planning requirements of the New Jersey Superior Court and the applicable rules and regulations of the New Jersey Council on Affordable Housing for the Borough of Garwood to meet its affordable housing obligation.

Borough Attorney Robert Renaud was present along with Ms. Jill Hartmann, P.P.

Mr. Renaud reviewed the history of Affordable Housing and explained that a decision of the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities like the Borough of Garwood to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH. He continued that the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act and the adoption of this amendment provides this protection.

He recounted the Planning Board meeting held on April 17, 2017, which reviewed the March 28, 2017 Summary Plan and the Board made a determination that implementation of the Summary Plan is in the public interest and would promote the general welfare. A Resolution dated April 17, 2017, endorsed the March 28, 2017 Summary Plan. Subsequently several related ordinances were adopted by the Planning Board at Mr. Renaud's request.

Mr. Renaud stated the Planning Board had reserved the right to amend the 2017 HEFSP, if necessary, after the receipt of any decisions rendered by the New Jersey Superior Court regarding the methodology to calculate municipal affordable housing obligations. He explained that the negotiations with the developers has necessitated changes to the HEFSP and opined that due to the time constraints in meeting the court deadline, additional revisions may be forthcoming but noted that they would not be substantive.

Jill Hartmann, P.P. was sworn in and explained that certain proposed developments, namely Russo South Avenue II site and the Paperboard site, have evolved as a result of negotiations between the developers and the Borough; and such changes in those developments have mandated changes in the HEFSP. She reviewed the report she prepared dated July 2018 HEFSP to reflect such changes. She stated that the Borough has an unmet need of 38 units and explained the methodology. She explained the Realistic Development Potential (RDP) and reviewed the present need. She stated the settlement reduced the number by 30 %.

Board members asked questions of Ms. Hartmann.

Chair Greet read a Memo dated 8/8/18 prepared Board member Bill Nierstedt who could not be present. Mr. Nierstedt expressed concern with the inclusion of the Paperboard Company site (Paperboard) in the plan and does not support any housing at Paperboard. He noted that when this Element/Plan (Housing) was first submitted for review, he advised supporting it in order to protect the Borough from a builder's remedy lawsuit, but then changing it immediately to remove Paperboard from the plan to provide the requisite housing elsewhere.

His memo continued that when Borough officials began speaking about mixed use development and

increased density, planning was based around the Garwood Train Station. Transit Oriented Development (TOD) that would provide support for obtaining more Garwood train stops. Properties within a quarter mile of the train station were reviewed for additional development and the Paperboard site was not one of them. He noted the most intriguing component of the original Housing was the incorporation of the South Avenue Garwood Mall Overlay Zone and he does not find Paperboard to be supportive of the Borough downtown TOD plan. Mr. Nierstedt considers this omission to be the major planning flaw in this Housing Element.

Mr. Nierstedt's memo echoed Mr. Jannotti's concerns regarding the US Census data information and feels some of the data is questionable. Mr. Nierstedt's memo also questioned the estimated proposed increase the population to 5,200 and stated that he believes that we will reach 5500 before 2040. He questioned the calculation of 111 lost housing units and the statistic of 17 units valued at over \$1,000,000. He noted mention of the Westfield Train station's proximity to development and inquired why the Garwood station isn't mentioned. He added that Paperboard is closer to the Cranford station than Westfield. He noted his support for the use of a minimum of 15% of proposed housing to be reserved for affordable housing and added this should be the minimum number for ALL developments going forward, with a minimum of 20% being the board's goal. Mr. Nierstedt questioned only permitting a density of 20 units/acre stating an increased density at this site would be more consistent with the other developments, further advance the TOD concept around the Garwood station, and further reduce the need for housing at Paperboard. His memo concluded that he does not recommend the Planning Board adopt the July 2018 Housing Element and Fair Share Plan without addressing the above planning concerns and asked that this recommendation be forwarded to Borough Council and they be asked to reconsider the Settlement Agreement.

Jill Hartmann stated that she would revise the plan to reflect Mr. Nierstedt's comments regarding the proximity to the train stations.

Mr. Renaud stated that he appreciated Mr. Nierstedt's dedication to the Board and taking the time to prepare the Memo while on vacation, however the time has passed for many of those concerns to be addressed.

QUESTIONS/COMMENTS FROM THE PUBLIC- None

The Board reviewed the Resolution prepared by Mr. Renaud. Mr. Renaud asked that the Planning Board adopt the July 2018 HEFSP as an amendment to the Master Plan of the Borough of Garwood and recommends that the Mayor and Council adopt and implement same.

Board Attorney Fraser informed Mayor Lombardo and Councilwoman Todisco that they would not be voting.

On a motion by Kathy Villaggio and seconded by Lou Petruzzelli, the Board voted Affirmative (8) Lou Petruzzelli, Stephen Greet, Kathy Villaggio, Paul Tarantino, Gene Jannotti, Steve Napolitano, John Malcolm, Denise Ridente Negative (0) to adopt the July 2018 HEFSP as an amendment to the Master Plan of the Borough of Garwood and recommends that the Mayor and Council adopt and implement same. MOTION CARRIES 8-0

Ordinance review pursuant to N.J.S.A.40:55D-26 & N.J.S.A. 40A:12A-7(E) Adopting & Amending Redevelopment Plan for **Block 211, Lot 6- commonly known as 75 North Ave**

Board Consultant Michael Mistretta, P.P., from Harbor Consultants was present and distributed an exhibit which was an enlarged concept plan. He noted that some typographical errors had been found, mainly on the title page, and would be corrected. He reviewed each page of the plan,

which he stated has been a 5 year planning operation. He provided background information on the concessions provided by the developer and the Borough and how the final number of 124 units was determined which includes 18 COAH units. He noted that a subdivision was likely for the storage facility on a separate lot. He advised the Board of the architectural details of the plan such as an entire brick building, the arch-top windows, indentations, lintels, and the preservation and restoration of the “castle” as the focal point of the development. He stated that the project complies with the RSIS parking standards. He reviewed the benefits provided to the Borough such as the 4000 sq. ft. community space, the outdoor courtyard area and 27 dedicated parking spaces. Kathy Villaggio inquired if the prohibit uses could be identified for the retail use on Lot B. She recommend following the standard language in previous redevelopment plans. Gene Jannotti expressed concern that the same level of architectural design had not been applied to the storage facility.

Mr. Mistretta informed the Board he also worked with the special master on the affordable housing obligation. He noted the language which references to the Governing Body review prior to Planning Board review is to ensure compliance with the Affordable Housing requirements. He added that this project will provide for an eighteen (18) unit set aside, inclusionary housing component in order to comply with the Borough’s third round affordable housing obligation.

QUESTIONS/COMMENTS FROM THE PUBLIC- None

The Board thanked Mr. Mistretta for his thorough presentation.

On a motion by Kathy Villaggio and seconded by Stephen Greet, the Board voted Affirmative (8) Lou Petruzzelli, Stephen Greet, Kathy Villaggio, Paul Tarantino, Gene Jannotti, Steve Napolitano, John Malcolm, Denise Ridente Negative (0) to recommend the Governing Body adopt the Redevelopment Plan for Block 211, Lot 6- commonly known as 75 North Ave. with revision to Section 3.1.B- Permitted Uses – Proposed Lot B to include a schedule of Prohibited Uses

The Board Secretary will work with the Board Attorney to send a Memo to the Governing Body with the Board’s findings.

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

- Inv. #26883 for \$210.00 for McDonalds – North Ave.
- Inv. 26886 for \$665.00 for Wendy’s – North Ave.

Invitation to Address the Board

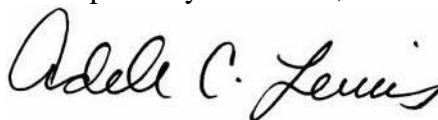
There were no members of the public wishing to address the Board.

ADJOURNMENT

The Board adjourned 9:45 p.m.

The next meeting of the Board of 8/22/18 has been cancelled. Next meeting is Sept. 26th.

Respectfully Submitted,



Adele C. Lewis, Board Secretary