

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of October 11, 2023

Vice Chair Kathy Villaggio opened the meeting at 7:37 p.m. and read the following:

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 Union County Hawk on December 29, 2022 and by filing of said notice in the office of the Municipal Clerk. The zoom access link can also be found on the Borough website. This is a regularly scheduled meeting of the Board.

Flag Salute – Moment of Silence

ROLL CALL

Present: Mayor Jen Blumenstock, Councilman Vincent Kearney, Stephen Greet (*attending remotely for the second half of the meeting*) Kathleen Villaggio, Ken Capobianco, William Nierstedt, Paul Tarantino, Stephanie Bianco, Richard McCormack, Steve Barcan (Alt. I), Mary Ann Hay (Alt II), Alt. III & Alt. IV - VACANT

Absent: None

Excused: None

Also present were Board Attorney Donald Fraser, Gabe Bailer, P.P from Harbor Consultants and Board Secretary Adele Lewis.

MINUTES

- **MINUTES OF THE SEPTEMBER 27, 2023 PLANNING BOARD MEETING**

On a motion by William Nierstedt and seconded by Mayor Blumenstock, the Board voted by general consent to adopt the minutes of the September 27, 2023 Planning Board meeting.

APPLICATION

Vice-Chair Villaggio recused herself from hearing the application due to a personal connection with the applicant. Mr. Tarantino acted as Chair for the application.

Case #PB23-05

245 Fourth Avenue Block 203 Lot 8 R-A Zone

Applicant: Cheryl Pickett

Seeking relief from Section 106-118 (c) & (d) which limits the fence height to 6 ft. and prohibits barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials.

Cheryl Pickett was sworn and reviewed her application. Mr. Fraser reviewed the materials submitted with the application. Ms. Pickett stated that she has a dog that got out, so she replaced her 4 ft. fence with a 6 ft. fence. Her German Shepard continued to jump the fence so she contacted a fence contractor from Elizabeth who told her he can install approximately 2 ft. of a wire extension. She stated that she doesn't think it is

irritating her neighbors as it is buffered. She noted that she hopes that the extension to the fence can stay at least for a while until the dog is older. Mr. Fraser asked if permits were obtained for either the 6 ft. fence or the extension. She stated she did not realize they were needed as the fence was a replacement of an existing fence.

Board members asked questions

Ms. Pickett was asked if any wire was added after her son appeared before Board requesting guidance.

She reiterated the sequence of events. Mr. Lenny DeStefano issued her a summons at which point her son attended a meeting to inquire about the process. She was then prompted her to submit an application to the Board.

She was asked how high is the fence with the wire. Mr. Pickett stated it is approximately 7 ½ feet.

She was asked if she considered any other alternatives, such as thorned bushes, or an electric fence.

She didn't think it would be sufficient or reliable and she wouldn't feel comfortable.

She has considered acrylic panels on the interior of the fence.

Ms. Pickett was asked if she considered how the wire would appear to the adjoining neighbors and possible negative effects. She stated the lots are deep and there are barriers such as garages, shrubs and sheds, and most neighbors couldn't see it.

QUESTIONS FROM THE PUBLIC: None

COMMENTS FROM THE BOARD

Mr. Nierstedt stated that Ms. Pickett was taken advantage of by an unscrupulous contractor who would have advised that a permit was needed. He reiterated that the property value is diminished by the wire, there is no hardship under the requirements of the law. Mr. Nierstedt that this cannot become the norm in the residential zone and would set a bad precedent for the town, he added that there is no public benefit to the wire.

Councilman Kearney referenced the C-1 & C-2 balance test and questioned if the burden had been met.

COMMENTS FROM THE PUBLIC:

Sharon Legg, 242 Third Ave. stated that her backyard abuts the subject property and the wire makes it look like a jail; she dislikes the wire.

*On a motion by William Nierstedt and seconded by Rich McCormack, the Board voted Affirmative (9) Mayor Jen Blumenstock, Councilman Vincent Kearney, Ken Capobianco, William Nierstedt, Paul Tarantino, Stephanie Bianco, Rich McCormack, Steve Barcan, Mary Ann Hay, to deny the request for relief from Section 106-118 (c) & (d) which limits the fence height to 6 ft. and prohibits barbed wire, metal spikes, or topped with concertina or razor wire, broken bottles or similar materials. **MOTION TO DENY 9-0***

OLD BUSINESS

113 -115 Winslow Place update. Gabe Bailer provided a status update on the project. He noted that they are tentatively scheduled for the October 25th meeting pending the

submission of requested materials. Mr. Bailer stated that permits should not have been issued prior to resolution compliance and many issues are outstanding.

Mayor Blumenstock inquired about the Vermella II lighting and noted that Ms. Hay, as a lighting expert, reviewed the plan for compliance. She noted that the vertical lights were not on the site plan as well as the lighted bollards. Mr. Bailer stated that the Redevelopment Plan doesn't speak to permitted footcandles for lighting. Mr. Nierstedt stated that the ordinance would then dictate the requirements.

It was noted that the tree grates in Vermella I & II have not been completed. Resolution compliance was again referenced and the Mayor was asked to reiterate to the Building Dept. for check for compliance.

PaperBoard update: Mayor Blumenstock stated that the owner is weather proofing the castle and are still working with the EPA but it has been slow. They need to finish their cleanup.

It was announced that the PUBLIC HEARING FOR THE ADOPTION OF THE BOROUGH'S MASTER PLAN: 2023 Master Plan Re-examination Report & Open Space & Recreation Plan Element will be held at the October 25th meeting at 7:30 pm.

NEW BUSINESS

Mr. Nierstedt stated that he would like have a representative from Russo to come in and have a discussion with the Board about the parking and outstanding matters with the open issues.

On a motion by Mr. Nierstedt and seconded by Mayor Blumenstock, the Board voted all in favor to send a letter to Russo to request a representative attend a future meeting to discuss the leased parking spaces, items to be completed prior to a C/O, signage and lighting. Board Secretary Lewis will draft a letter for Mr. Fraser's review and submittal to Russo.

INVITATION TO ADDRESS THE BOARD

No comments

CLAIMS

The Board voted to approve the invoice For Harbor Consultants:

- *Inv # 03842 from escrow of 113-115 Winslow Pl in the amount of \$210.00*

An invoice for the court reporter to the escrow account of a previous application was held, pending a letter to the applicant requesting payment directly to the court reporter.

ADJOURNMENT - There being no further business, the Board adjourned 8:55 p.m. The next meeting will be October 25, 2023 for the Master Plan public hearing.

Respectfully Submitted,

Adele C. Lewis, Board Secretary