

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of November 7, 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 regular meeting of the Board.

MOMENT OF SILENCE AND SALUTE TO THE FLAG

ROLL CALL

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

Absent: None

Excused: William Nierstedt

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

MINUTES

- **MINUTES OF THE OCTOBER 10, 2018 PLANNING BOARD MEETING**

*On a motion by Kathy Villaggio and seconded by Mayor Lombardo, the Board voted by general consent to adopt of the minutes of the October 10, 2018. *Absent members abstained.*

RESOLUTION

Case #PB18-04

55 South Avenue

Block 504 Lots 2 & 13

Applicant: Quick Copper Holding, LLC

Granting Use Variance with preliminary and final Site plan for Building modifications, parking as principal use

Board Attorney Fraser stated that the transcript was received with insufficient time for the resolution to be prepared. He contacted Mr. Hehl's office to determine if this would cause a hardship to the applicant and was informed it would not. It will be prepared for the December 12th meeting.

APPLICATION

Case # PB18-03

423-453 South Ave. & 424-440 South Ave. Continuation

Block 403 Lots 1-6, 19-22

Applicant: South Ave. II Urban Renewal, LLC

As required by ordinance, a court reporter was present.

ATTACHMENT # 1
TRANSCRIPT FROM CASE # PB 18-03
SOUTH AVE. II URBAN RENEWAL, LLC

Christopher Minks, Esq. of Russo Development continued to represent the applicant. Mr. Minks stated that since the last hearing on 10/24/18, the applicant has worked to reconfigure the municipal parking. He also noted that they were meeting with the Fire Dept. after the Planning Board meeting.

Douglas Bartels, P.E., reviewed the proposed municipal lot configuration He reviewed the relief requested.

Marked into Evidence:

EXHIBIT:

- A-6 plans depicting parking Lot subdivision
- A-7 Resolution Outline prepared by Chris Minks, Esq.
included w/minutes- pgs. 4-7

The Board continued their discussion of possible conditions. Board Attorney Fraser noted that Mr. Nierstedt had prepared a list of conditions which he circulated in his absence. Mr. Fraser stated that he transmitted the information to Mr. Minks who prepared a response sheet which was also circulated to the Board. The Board reviewed the listing as Mr. Minks addressed each item. Mr. Minks noted that they did not agree with all of Mr. Nierstedt's comments such as the additional bike racks rather they agreed to relocate to accommodate refuse container. He also noted that some items listed were not appropriate for inclusion as conditions of approval. Mr. Minks addressed some revisions to his outline such as minor changes in the amount of relief requested and incorrectly identifying Willow Ave. as Walnut. He reviewed each possible condition addressed in his outline. Mr. Minks agreed to include language that the Applicant shall install Belgian block curbs along the street frontage of the Project unless prohibited by the County along South Avenue; and will include at least one universal electric car charging station as part of the Project parking within the garage area and maintain street trees that are planted by Applicant within the public right of way.

QUESTIONS/COMMENTS FROM THE PUBLIC: None

Mr. Gene Jannotti stated that he had read the transcripts and was therefore eligible to vote. Mr. Napolitano also noted that he read the transcript and was also eligible to vote on the matter.

On a motion by Kathy Villaggio and seconded by Mike Vena, the Board voted Affirmative (9) Mayor Charles Lombardo, Councilwoman Sara Todisco, Stephen Greet, Kathleen Villaggio, Lou Petruzzelli, Paul Tarantino, Michael Vena, Gene Jannotti Steve Napolitano to grant Preliminary and

Final Site Plan Approval and requested deviations in the matter of 423-453 South Ave. & 424-440 South Ave.

ORDINANCE REVIEW

- Pursuant to N.J.S.A. 40:55D-26 review Ordinance No.18-XX revising Section 106-100 regarding Eating & Drinking Establishments

Board Secretary Lewis stated that this item remained on the agenda as it had not been resolved. As Mr. Nierstedt was not present and had previously distributed proposed revisions to the ordinance as well as Section 146-53- Sidewalk Cafes. Mr. Fraser recommended holding this item. Kathy Villaggio suggested reviewing the changes sent by Borough Attorney Renaud at the next meeting and acting upon those and holding the review of the entire ordinance for a future discussion.

NEW BUSINESS

Board Attorney Fraser informed the members that a letter dated November 1, 2018 had been received from the Enforcement Zoning Officer, Mr. DeStefano. Mr. DeStefano notified Mr. Bush that he was aware of the Planning Board's decision to adjourn the matter to the December meeting He also informed Mr. Bush that if he did not proceed at that meeting, he would be issued a summons for his property at 3 Lincoln Ave.

Mr. Vinegra informed the Board that he was meeting with a potential applicant interested in the Pathmark site. Depending on the nature of the site improvements, the Board may review the site plan.

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

- *Inv. # 27354 for \$3745.00 from the escrow of Wendy's North Ave.*
- *Inv. # 27347 for \$840.00 from the Escrow of South Ave I – Russo*
- *Inv. # 27349 for \$7096.00 from the Escrow Of South Ave II - Russo*

Invitation to Address the Board

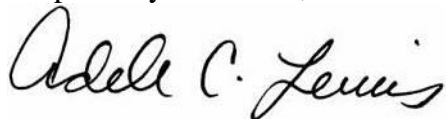
There were no members of the public wishing to address the Board.

ADJOURNMENT

The Board adjourned 9:05 p.m.

The next meeting of the Board is scheduled for 12/12/18.

Respectfully Submitted,



Adele C. Lewis, Board Secretary

Property: Block 403, Lots 1-6, 19-22 in the South Avenue Transit Oriented Redevelopment Area

Applicant: South Ave II Urban Renewal, LLC

Project: 72 unit Multi-Family Residential Rental Apartment project, of which 11 units are to be affordable units, with associated parking and facilities consistent with testimony.

RESOLUTION OUTLINE

Variances / Deviations from Redevelopment Plan:

Deviations

- Redevelopment Plan, Section 4B (Bulk Regulations), #4: The project proposes 83.8% impervious coverage where 80% is permitted and 95% exists today.
- Redevelopment Plan, Section 4B (Bulk Regulations), #5: The project proposes 16.25% open space where 20% is required and 5% exists today. However, accounting for the open space provided within the 2nd Floor courtyards, Applicant is providing compliant 27.5% open space.
- Redevelopment Plan, Section 4B (Bulk Regulations), #7: The project proposes 282.75 linear feet of building façade at the ground level in order to maximize parking spaces in the full podium level of parking, where 75 LF is permitted. On the second and third floors of the building, the façade is broken by two open courtyards such that continuous building façade conforms to the maximum permitted of 75 linear feet.

De minimis Exception

- De minimis exception from RSIS for three (3) parking spaces: Applicant proposes one hundred thirty-four (134) parking spaces (excluding public parking) where RSIS requires one hundred thirty-seven (137) parking spaces. However, including the adjacent public and shared parking spaces also being provided, a total of one hundred thirty-eight (138) spaces are being provided as part of this Application.

Marked Exhibits: The following exhibits were entered into evidence and duly marked by Applicant and its expert witnesses during the course of the hearings in this matter, occurring on September 26, 2018 and concluding on October 24, 2018:

Exhibits Marked September 26, 2018:

A1 (9/26/18) – Architectural Presentation Set Dated September 26, 2018, consisting of 9 pages including 1st page

A2 (9/26/18) – Site and Traffic Circulation Plan Sheet C-3 with Crosshatching

Exhibits Marked October 24, 2018:

A3 (10/24/18) – Architect’s Conceptual Building Elevations Sheet A01 dated 9/14/18

A4 (10/24/18) - Architect’s Conceptual Building Elevations Sheet A02 dated 9/14/18

A5 (10/24/18) – Jeld Wen Window Detail Brochure

Agreed upon / Acknowledged Conditions to Resolution of Approval:

The following terms, taken from testimony and dialogue with the Board during the course of the hearings in this matter, as reflected in the official transcript of the proceeding, constitute what Applicant believes to be the agreed upon terms and conditions to the resolution of approval (in addition to the standard, pro-forma compliance requirements to be added to the Resolution by Board Counsel):

1. For the purposes of this memorandum, I have not recited all conditions of the proposed development (parking, unit count and mix, materials and type of construction, etc.) that are governed by the South Avenue Transit Oriented Redevelopment Plan, which, per testimony, will be complied with by Applicant in construction and operation of the subject development project;
2. Applicant has agreed to the following conditions, stipulations or agreements as part of the subject approval, which are to be incorporated into the form of Resolution:
 - a. Submittal of updated refuse/recycling plan to reflect the fact that the original location within the garage area for staging of refuse/recycling containers prior to pick up was also where the bicycle racks were located; plan shall also show relocated bike rack(s).
 - b. Applicant has agreed that it shall not stage refuse or recycling containers along public streets, but that same will be staged within the garage area and collected by a private hauler, at such reasonable times (endeavoring to keep same after 7 AM) and a schedule consistent with applicable ordinances, so as not to unreasonably disturb neighboring residences.
 - c. Applicant has agreed that tenants of this development phase will have access to all amenities provided for use by Tenants in Phase I of the Project.
 - d. Applicant shall comply with the conditions and recommendations in Harbor Consultant's most recent engineering and drainage review letters consistent with hearing testimony and agreements with Victor Vinegra, Board Engineer, and Applicant's experts.
 - e. Applicant shall work with Board Engineer/Planner to use evergreen landscaping to provide reasonable screening of transformer to be located at South Avenue/West Street corner to the extent permitted by PSEG.
 - f. Applicant will work with Board Engineer/Planner regarding any reasonably requested adjustments to landscape plantings and species of plantings.
 - g. Applicant shall not utilize concrete wheel stops in the parking areas.
 - h. Applicant shall work with Board Engineer/Planner to replace certain areas of grass with additional areas of decorative hardscape around the northeast corner of the building entrance, to create more of a defined entrance, to include planter boxes and, to the extent feasible, bench seating.

- i.** Applicant shall provide key access and Knox Box to the Fire Department, and shall share final building plans with Fire Department in satisfaction of the request of Chief Tweedle.
- j.** The building should be structurally designed so that it is capable of supporting solar/photo voltaic system, provided that Developer shall not be obligated to install a solar or photovoltaic system at the Building or property.
- k.** Applicant agrees that it shall work with the Board Engineer and shall repaint the crosswalks at the Walnut and West Street intersection.
- l.** To the extent approved by the Borough Mayor and Council, Applicant shall pay for the costs of signage to add a 4-way stop at the Walnut/West Street intersection.
- m.** Applicant agrees to utilize decorative concrete, pavers, stained concrete, stamped concrete or other decorative treatment to onsite walks and outdoor hardscape areas along South Avenue;
- n.** Applicant agrees to enlarge the area of hardscape immediately adjacent to the entrance to the facility, wrapping the corner along the South Avenue side of the northeast corner of the Building, to provide a greater sense of an entrance to the Project, and include decorative planting containers and make provision, to the extent feasible, for a bench or other seating at said corner hardscaped area;
- o.** Applicant will work with Board Engineer, Garwood Fire Department, Garwood Police department and County representatives to seek possible:
 - i.** addition of a flashing emergency light or other reasonably agreeable signal alerting vehicular traffic along South Avenue, at the intersection of South Avenue and the Fire Department driveway, of fire truck and emergency vehicle movements to and from the Fire Department, to be controlled by the Fire Department and utilized during emergency calls as a traffic calming measure if determined to be permitted by the County of Union – Applicant has agreed that if approved, Applicant shall make a reasonable contribution toward the cost of such an emergency light;
 - ii.** amendment to the striping of the “do not block the box” area in front of the Fire Department;
 - iii.** adjust signal timing of traffic signals at the intersection of Center and South Avenue; and
 - iv.** location of hydrants and standpipes at development.
- p.** Applicant shall work with the Board Engineer and Fire Department to finalize the design of the dedicated fire department parking area and the balance of the surface parking on the project intended to be shared public/project parking, and Applicant agrees to work with the Mayor and Council to transfer or dedicate a portion of Lot 6, in exchange for Borough owned Lot 3, in order to facilitate the creation of said dedicated fire department lot, consistent with testimony.

- q. Applicant will cooperate with Town in attempting to schedule a meeting with New Jersey Transit representatives to encourage additional stops at Garwood Train Station;
- r. Applicant shall cooperate with Garwood Police Department to provide an outline of the security camera system layout to be implemented as part of the Project;
- s. The Project will be built in accordance with the higher NFPA 13 sprinkler standard notwithstanding that applicable code may permit use of an NFPA13R system;
- t. Applicant shall use commercially reasonable construction methods during construction to minimize the creation of dust, and airborne pollution from the site;
- u. Applicant agrees to submit a Title 39 allowance for the Borough Police Division to enforce traffic regulations on the surface parking areas at the site;
- v. Applicant shall comply with Redevelopment Plan in the design and implementation of site lighting at the Project and parking garage, as applicable;
- w. Applicant shall install decorative metal grates at garage openings along Willow Street façade of building;
- x. Applicant shall locate bicycle racks at the Project as per Applicant's testimony;
- y. Applicant shall comply with the terms of the Affordable Housing Settlement Agreement entered into by and between the Applicant, the Borough and Fair Share Housing Center dated March 28, 2017;
- z. Applicant shall incorporate reasonable language into its residential leases prohibiting the following:
 - i. Satellite Dishes or Air Conditioners projecting from apartment windows; and
 - ii. Use of residential balconies for storage of personal property.

Applicant will comply with Borough noise ordinances in terms of commencement and hours of construction activity, and use commercially reasonable efforts to coordinate demolition and construction activities with the Fire Department and Police Department to minimize disruption with the ordinary and customary operation of Borough Hall and the Police and Fire Departments