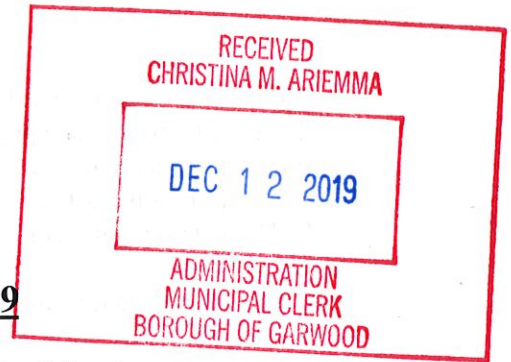


**BOROUGH of GARWOOD**  
**PLANNING BOARD**  
**MEETING of November 13, 2019**



*Stephen Greet called the meeting to order at 7:38 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, Stephen Greet, William Nierstedt, Councilman Richard McCormack, Michael Vena, Ken Capobianco, Kathleen Villaggio, Paul Tarantino, Steve Napolitano, John Malcolm (Alt I), Steve Barcan, (Alt, II), Sergio Simoes (Alt III),

**Absent:** None

**Excused:** Peter Demato (Alt IV)

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

**MINUTES**

- **MINUTES OF THE OCTOBER 23, 2019 PLANNING BOARD MEETING**

*On a motion by Kathy Villaggio and seconded by Mike Vena, the Board by general consent to adopt the minutes of the October 23, 2019 meeting \* Mayor Todisco and Mr. Nierstedt Abstained.*

**APPLICATION**

**Case #PB19-07**

**219 Cedar Street R/A Zone**

Applicant: GDSC, LLC

*Seeking a Certificate of Non-Conformity for a two-family house in a one family zone*

**Joshua Koodray, Esq.** of Javerbaum Wurgaft, Union NJ to represented the applicant. He stated that the applicant purchased the property in 2018 and is seeking a certificate of non-conformity to use the home as a two-family house in the R/A single family zone. He stated that the home was constructed in 1914 and predates the zoning ordinance of the Borough. He noted that Open Public Record Requests have shown that no major construction has been done to the home and will show that the home has several characteristics of a two-family home

**Fifi Tiam**, 620 Boulevard, Westfield, NJ and owner of the subject property was sworn in. She confirmed that she purchased the property in either January or February of 2018 from a REO Bank inventory sale. The home was sold 'as-is' and was vacant at the time of sale. She stated that a condition of the sale was that the property be vacant. She was unaware of how long the home had been unoccupied, or how long it had been in inventory.

The Board asked questions of Ms. Tiam. It was noted that construction permits were issued for interior demolition.

**Hojon Chung, R.A.**, 4 Stanley Place Edison, NJ was sworn and qualified as an architect. He reviewed the physical structure and stated that the home has many characteristics of a two-family house including two entrances, meters, and separate water and gas lines. He stated the home is 'balloon framed' as opposed to 'platform framing' which is consistent with 1914 construction. He stated that it is his opinion that the house is a two-family house although he was not able to ascertain if the home was constructed as a two-family. He continued that he could only assume that the house was used as a two-family going back approximately 30-40 years.

**MARKED INTO EVIDENCE:**

- A-1 219 Cedar Ave – Existing two-family characteristics – 6 pgs.
- A-2 Exhibit Board with photos similar to the submission

The Board asked questions of Mr. Chung, referring to some of the exhibits submitted with the application. Clarification was sought regarding the attic space. Mr. Chung stated that there is sections with 7 ft. height and sections with 5 ft. height. It was also noted that there were no egress windows in the attic and it could not legally be used as a bedroom. The Board discussed the entry points into the home and the means of separation for the two floors and opined that there is a possibility that the home was used by family members. Mr. Chung stated he did not know if there was an enclosure or separation previous to the interior demolition.

It was noted that a component of obtaining the certificate of Non-Conformity is proof that the use was in effect at the time that the use was legal. Mr. Koodray was asked if he had any evidence such as leases or deeds to show the use was continuous throughout the years.

A Brief Recess was taken. 8:30 – 8:40

Mr. Koodray asked that the matter be continued to allow them to uncover more evidence. Chair Greet announced that the application would be carried to the December 11<sup>th</sup> meeting. He offered an opportunity for members of the public to ask questions of the testimony given.

**QUESTIONS/ COMMENTS FROM THE PUBLIC:**

Arlene Yanogacio, 211 Cedar Street inquired as to how this certificate of non-conformity could be granted as the application for her home with similar circumstances was denied.

Mr. Fraser informed her that the Board would decide the case on the merits.

The application was carried to the December 11, 2019 meeting without the need for further notice.

**RESOLUTIONS**

**Case #PB19-06**

**502 Spruce Ave. Block 307 Lot 14 R/A Zone**

Applicant: William & Tammy Kleeman

*Granting a Variance for front yard setback (West St.) to encroach no closer to the street line of the existing house (Without porch)*

Board Attorney Fraser stated that there were some errors in references to the cross street of West St. in the previously adopted resolution. The revised resolution corrects this error.

*On a motion by Kathy Villaggio and seconded by Mayor Todisco, the Board voted by general consent to memorialize the wording of the **revised** resolution granting the application as amended through testimony to permit the removal of the porch and provide variance relief for the addition to be congruent with the first floor. The applicant will remove the porch and relocate the fence currently located in the public right of way.*

**Case #PB19-05**

**10 South Ave. Block 501.01, Lot 8 C/ C zone**

Applicant: *Lidl U.S. Operations, LLC* Community Commercial Zone.

*Preliminary & Final Site Plan w/Variations for a supermarket*

Board Attorney Fraser stated that he had received a draft resolution for review from Mr. Hehl. Upon review he felt that changes were needed and he wanted to offer the opportunity for the objector's attorney, Mr. Brennan to review as well. He will distribute the resolution in advance of the December 11<sup>th</sup> meeting.

**Invitation to the Public to Address the Board on general matters.**

Chair Stephen Greet asked if anyone would like to address the Board.- No Comments

**CLAIMS**

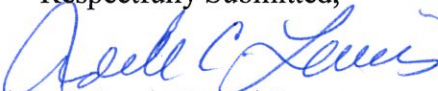
*There were no claims presented for payment.*

**ADJOURNMENT**

There being no further business, the Board adjourned 8:50 p.m.

The next scheduled meeting of the Board is December 11, 2019.

Respectfully Submitted,

  
Adele C. Lewis, Board Secretary

