

**BOROUGH of GARWOOD**  
**PLANNING BOARD**

**MEETING of December 12, 2018**

*Vice Chair Kathy Villaggio 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, Kathleen Villaggio, William Nierstedt (*arrived at 7:35p.m.*) Lou Petruzzelli, Paul Tarantino, Michael Vena, Steve Napolitano, John Malcolm, Denise Ridente

**Absent:** None

**Excused:** Stephen Greet, Gene Jannotti

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 24, 2018 AND NOVEMBER 7, 2018 PLANNING BOARD MEETINGS**

*On a motion by Mike Vena and seconded by Mayor Lombardo, the Board voted by general consent to adopt of the minutes of the October 24, 2018 & November 7, 2018.*

*\*Absent members abstained.*

**RESOLUTIONS**

**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 he previously circulated the resolution electronically to Board members.

*On a motion by William Nierstedt and seconded by Mike Vena, the Board voted Affirmative (6), Kathy Villaggio, Paul Tarantino, William Nierstedt, Mike Vena John Malcolm, Denise Ridente Negative (0) to memorialize the wording of the Resolution granting a Use Variance with preliminary and final Site plan for Building modifications, parking as principal use together with the required variances and waivers and lot consolation with the conditions provided through testimony. **MOTION CARRIES 6-0***

**Case # PB18-03**

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

Block 403 Lots 1-6, 19-22

*Applicant: South Ave. II Urban Renewal, LLC*

*Granting Preliminary and Final Site Plan Approval and requested deviations for 72 unit building together with lot consolidation.*

Board Attorney Fraser stated that the voluminous resolution was not yet completed. It will be adopted at the January 9, 2019 meeting.

**APPLICATION**

**Case #PB17-08**

**3 Lincoln Avenue**

Block 211 Lot 11 Light Industrial (LI) Zone

*Applicant: DJB Holdings, LLC*

*Seeking Site Plan Approval for parking lot improvements*

**Gary Goodman, Esq.** of Cranford represented the applicant, DJB Holdings, LLC. Board Attorney Fraser asked Mr. Goodman if he would be relying on previous testimony or if he would begin the application from the start for the benefit of new members as much time has elapsed from the initial presentation. Mr. Goodman stated that he would be presenting the entire application. He outlined the initial application as well as changes since the initial presentation in response to the Board's comments. He noted the application started because Mr. Busch initiated parking lot improvements when he acquired the property. He added that there is a request for an additional variance for a monument sign which will mirror the sign across the street at the bank.

Board Attorney Fraser stated that he heard that the escrow account was in need of replenishment. Mr. Busch stated that he posted the additional funds today. Mr. Fraser stated that it will likely be listed as a condition.

It was noted that the agenda incorrectly listed the zone as the General Business Zone however it is in the Light Industrial Zone. Mr. Vinegra stated that this car repair business is a permitted use.

**Catherine Mueller, P.E.**, of Page & Mueller Engineering was sworn and qualified. She stated the plans dated 8/22/17, revised 11/20/18 were revised from the Board's previous comments and the proposed designs allow for the client's maximization of the property while increasing the green scape by reducing impervious coverage. She noted that a trench drain will drain stormwater. She noted the pre-existing conditions and spoke to the improvements requested by the Board. She described the two buildings and stated the building closest to Lincoln Ave is used as the office. She reviewed the zoning chart. She noted they will be reducing water run-off during a storm while adding river stones to drainage ditches. She stated the storage containers will be removed and their removal is noted on the plans. The application complies with the sideyard requirement. She noted the variance for the signage and stated the ground mounted sign is 8 ft. high and 6.9 ft. wide with a zero ft. setback. This will allow for a sidewalk to the office. She noted that ground mounted signs are not permitted in the zone resulting in the variance request. The Building coverage and height is compliant. She stated that the screening proposed has been augmented with improved fencing, a hedgerow of boxwoods and two street trees.

She added that the use of the site is maxed out so the hedgerow is two feet into the right of way which she recognized would need to be granted by the Governing Body. Mr. Fraser asked if she is asking for the Board's recommendation to the Governing Body to grant this request. She noted the number of trees is no longer a variance but the proposed location is the public right of way. Since the appearance in April, they have improved the lighting with photometric lighting and the information has been added to the plans. She reiterated that the two storage containers will be removed. She noted that there is a zero ft. setback for parking at the property line. She described the location of the fencing with the gate and the dumpster and noted it was relocated to not be out front.

The Board asked questions of Ms. Mueller.

Bill Nierstedt stated he was glad to see Mr. Busch back before the Board as the location is the first property people will see when entering Garwood. Mr. Nierstedt asked if the applicant would consider a board on board fence. He asked that the applicant and Board Engineer work together to ensure the right landscaping is selected. He also noted that the street trees are required to be on site and also asked that he consider placing one or two ornamental trees on site.

Mr. Vinegra stated that the Board has never granted a zero setback for the parking variance and a case has not been made for its granting. Ms. Mueller stated she could stripe spots in the back to eliminate the variance. Mr. Vinegra read the ordinance which stated that no parking shall be permitted in the front yard and noted that there is sufficient room on site. The Board discussed the portion of the site which adjoins NJ Transit. Mr. Goodman stated that they will make every effort to contact NJ Transit and further stated that the applicant will stipulate to confine his business to his property.

#### **QUESTIONS/COMMENTS FROM THE PUBLIC: None**

**David Busch** stated DJB Holdings is the official title in which he operates his auto repair business at the 3 Lincoln Avenue location. Mr. Busch stated he was seeking site-plan approval to repair and improve an eroding parking lot. Mr. Busch stated he has been working on cleaning up the lot. A truck which has been parked in the parking lot will be moved promptly. Mr. Busch stated the owner of the truck was hospitalized out of state for a while, not allowing the vehicle to be legally moved.

Mr. Vena asked for clarification on the NJ Transit 4 ft. slab and inquired if there was an expansion joint for easy removal. Mr. Busch stated he did not pour the concrete in that direction.

Ms. Villaggio inquired of Mr. Vinegra if the stormwater management was sufficient. Mr. Vinegra stated he will work with the applicant to improve this by replacing the mulch with riverstones. Mr. Vinegra also stated that all the water will be collected in the natural stone trench and will not flow across the property. Mr. Vinegra stated that he has received many inquiries, including from Cranford, regarding the appearance of this site.

Mr. Busch stated he will install chain link fences towards the property's rear while double-paneled wood fences will run towards the property's frontage. The board suggested a wood-on-wood double-paneled fence towards the street view. Mr. Busch stated the project will begin once the weather permits.

The board discussed granting variance relief allowing a grounded monument sign versus the pole sign allowed by ordinance. Borough ordinance allows a sign to have a maximum area of 40 square feet, while the proposed sign is 55.2 square ft. Mr. Busch stated the monument sign will be aesthetically similar to the business across the street's sign, which is located on the Cranford side of the street. The consensus of the Board was that the size of the signage was excessive. Mr. Busch stated that he was concerned that it would not be visible with the hedgerow. It was agreed that the sign would be no higher than 6 ft.

Councilwoman Todisco inquired about the conditions of the curbs on the site. Mr. Vinegra stated that he can do a site walk through and if needed, require new sections curbing as needed.

Mr. Vena inquired about the timeline of the site work. Mr. Busch stated that he will be contacting the contractor to begin work as soon as feasible. He noted they will try to pour the concrete on a Friday and in sections as to not disrupt the business. He anticipates the project will take three to four months to conclude depending on the winter conditions. Mr. Vinegra noted that there is a pending court violation and the proposed work does not require any permits. He noted that the applicant will have to contact council for the right of way encroachment.

#### **QUESTIONS/COMMENTS FROM THE PUBLIC:**

**Al Del Conte Locust Ave.** inquired about the NJ Transit retaining wall and the storage containers. He opined that the wall was put up without permits. Board Attorney Fraser stated the Board doesn't have the authority to require him to remove it.

The Board discussed possible conditions of approval. A mutual agreement between the planning board and the applicant was made on a completion date of on or before June 30<sup>th</sup> which includes some discretion by board engineer Victor Vinegra.

It was agreed a storage container located on the property would be removed from the site, allowing for more workable space for the business. The applicant will install wheelstops 2 ft. from the property line. The applicant will install a board on board fence on Lincoln Avenue side, with black chain link with slates between the buildings. The signage will be 6 ft. maximum in height. The escrow is to remain in place until final inspections by Board Engineer. The applicant will work with Victor Vinegra to install at least one tree on site and other landscaping and new curbing as needed.

*William Nierstedt made a motion to grant preliminary site plan only. The motion did not receive a second. MOTION DOES NOT CARRY*

*On a motion by William Nierstedt and seconded by Mayor Lombardo, , the Board voted Affirmative (9), Kathy Villaggio, Mayor Lombardo, Councilwoman Todisco, Paul Tarantino, William Nierstedt, Mike Vena, Steve Napolitano, John Malcolm, Denise Ridente Negative (0) to grant preliminary and final site plan approval with the conditions agreed upon during testimony.*

- The storage container located on the property would be removed from the site
- applicant agreed to a completion date of on or before June 30<sup>th</sup> which includes some discretion by board engineer
- Install wheelstops in 2 ft. from the property line
- Install a board on board fence on Lincoln Avenue road side, with black chain link with slates between the buildings
- The applicant will work with Board Engineer Vinegra to install at least one tree on site, explore the hedgerow landscaping species and new curbing as needed
- The escrow is to remain in place until final inspections by Board Engineer.
- Signage will be a maximum of six feet in height

**MOTION CARRIES 9-0**

### **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.

The Board deferred the discussion to a future date.

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

- *Inv. # 27426 for \$315.00 from the escrow of 245 South Ave.*
- *Inv. # 27428 for \$3325.00 from the Escrow of South Ave II – Russo*
- *Inv. # 27425 for \$1155.00 from the Escrow Of South Ave II - Russo*

### **Invitation to Address the Board**

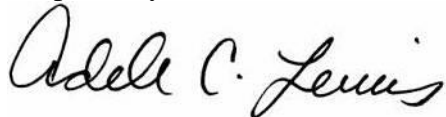
There were no members of the public wishing to address the Board.

### **ADJOURNMENT**

The Board adjourned 9:10 p.m.

The next meeting of the Board is scheduled for 1/9/19.

Respectfully Submitted,



Adele C. Lewis, Board Secretary