

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of December 13, 2023

Chair Stephen Greet opened the meeting at 7:30 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, Chair Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Stephanie Bianco, Richard McCormack, Steve Barcan, Mary Ann Hay (Alt I) Alt. II Alt. III & Alt. IV - VACANT

Absent: None

Excused: None

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

Mayor Blumenstock noted that Mr. Tarantino’s unexpired term would be filled by Mr. Barcan. Ms. Hay will move to Alt. I.

MINUTES

• **MINUTES OF THE OCTOBER 25, 2023 PLANNING BOARD MEETING**

On a motion by Mr. Capobianco and seconded by Ms. Bianco, the Board voted by general consent to adopt the minutes of the October 25, 2023 Planning Board meeting.

RESOLUTION

Memorializing the Adoption of the Master Plan reexamination and Open Space & Recreation Element plan

Memorializing the 10/25/2023 Public hearing FOR THE ADOPTION OF THE BOROUGH’S MASTER PLAN: 2023 Master Plan Re-examination Report & Open Space & Recreation Plan Element *prepared by CME Associates.*

Ronald Reinertsen, PP, AICP of CME Associates incorporated the revisions suggested by the Board at the October hearing and circulated a final report of the Master Plan reexamination and the Open Space & Recreation Plan (OSRP) via email link on December 5th to the Board.

On a motion by Ken Capobianco, and seconded by Kathy Villaggio, the Board voted Affirmative (8) Mayor Jen Blumenstock, Councilman Vincent Kearney, Chair Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Stephanie Bianco, Richard McCormack, to memorialize the wording of the resolution adopting the Master Plan reexamination and the Open Space and Recreation Plan.

APPLICATION

Case PB21-04 (A)

113-115 Winslow Place

Block 209 Lot 15 R-B Zone

Applicant: 231 1st Ave LLC C/O Cesar Espejo

Seeking amended site plan for the previously approved expansion of a non-conforming 3-family residence for alteration of the front façade, side yard setback for condenser units and privacy panels on the rear deck

Scott Pyfer, Esq. addressed the Board and stated that they are here for amended site plan approval. He reviewed the changes from the approved plans from 2022. He stated the peaks are new, the center stairs, the three condenser units, the additional impervious coverage and the revised stairs with the base stair at the sidewalk.

Cesar Espejo, managing member of the corporation which owns the property was sworn in. He stated that he felt the front of the property would be more aesthetically pleasing with the changes. He noted the building inspector approved it so he thought it was acceptable. He noted that he had previously been sued for a slip and fall on another property and he felt the revised step format would be safer. Mr. Fraser noted that he did not build in accordance with the board approval. He also noted that there were other deviations from the approval and asked what prevented him from coming back to the Board for amended site plan. Mr. Espejo stated that when the Building Dept. approved the work, he felt it was okay. It was noted that the roof was different; the approved 2022 plans showed no gables and the completed home has three gables. He Espejo was asked when the roof was constructed and he stated the roof was built approx. Feb. 2023.

Chair Greet stated that the applicant ignored the previous approval. Mr. Espejo reviewed the changes to the landing and stairs. Mr. Fraser asked if the stairs protrude any further into the frontyard setback.

It was noted the condenser units also were not on the approved plan. Mr. Espejo stated that they were placed in the safest, most logical location at the side of the property. He was asked why they were not placed at the rear of the property. He replied that the deck was installed and they could not be located on the other side of the house. He stated that the impacted neighbor does not take issue with the placement of the condensers.

The basement was discussed and the realtor's advertisement indicating that it could be used as a third bedroom. Mr. Espejo stated that was an error on the realtor's part and the post was revised as soon as it was brought to his attention.

RECESS 8:35-8:45

Ed Dec, P.E., Kenilworth, NJ was sworn and qualified. He referred to the resolution compliance.

- A-1 resolution compliance plan enlarged.

Mr. Dec reviewed the amount of pavement and the parking layout. Mr. Fraser noted that the previous application depicted three spaces however during the course of the 2022 hearing, the parking was changed to 4 spaces and a k-turn area which increased the impervious coverage. Mr. Dec referenced the four parking spaces with backout area increased the impervious coverage.

Mr. Bailer stated that the original application did not exceed the impervious coverage and the current coverage is at 79.92%, but he concurs that the navigation for the parking area increases the coverage.

Mr. Nierstedt stated there was no intent on his part to allow for additional turn around space, rather just add one additional 9' X 18' parking space.

Ms. Villaggio stated that she had no issue with the parking area but suggested the removal of the paving of the other area to increase the open space.

Mr. Dec was asked if the drainage system was adequate. Mr. Dec stated that he would like to see if any impervious coverage is being reduced prior to a determination on the adequacy of the system.

Mr. Fraser stated the applicant might want to consider amending the plans to show where the impervious can be reduced, and if the pavement will be reduced, provide new stormwater calculations. Additionally, the applicant should show the calculations for the stairs and landing. He suggested that the application be carried until January 24, 2024.

Mr. Espejo requested that the Board approve the overhang so the permit can be granted. Mr. Fraser opined that it would be logical to vote to consider the overhang so Mr. Espejo can be utilizing this time to remove the overhang, if this request is denied.

Mr. Fraser clarified that if the Board voted on the overhang, there would still be no C/O issued until the final resolution.

COMMENTS FROM THE PUBLIC:

Augustino Furci 109 Winslow Place, was sworn in and stated that he is the adjoining neighbor to where the compressor is located to the side yard. He stated that he has no problem with the compressor. He stated that he is in favor of the improved home and that the rat infestation has finally been eliminated. He has lived there for 35 years and that home was in deplorable condition. He stated that parking on Winslow has been problematic and the extra parking is beneficial.

US Army Sgt. Andrea Pittman, Garwood, stated that she found the property on FaceBook marketplace and directed Mr. Espejo to it. Mr. Espejo has been a mentor to her. She mentioned the revolting conditions of the home previous to the improvements. She spoke to how she has been impacted by the delay as she was to be a tenant at this home.

Alex Mezzo, 1155 Tooker Ave., Springfield NJ was sworn in and stated that he has owned 110-112 Winslow Place since 2004. He spoke to the previous terrible condition of the property and the significant improvement. He stated that Mr. Espejo should be applauded for improving the challenging property and that it's improvement increases the value of the neighboring homes.

A general consensus was to hear the planning testimony.

Matthew Flynn, P.P., Morris Plains NJ, was sworn and qualified. He presented the following exhibits:

MARKED INTO EVIDENCE

- A-2 Planning Exhibit aerial view
- A-3 previous home

Mr. Flynn noted the positive criteria and the C-2 relief, the advancement of the general welfare, efficient use of land, visual environment. He noted the gambles cover the stairways for safety. He noted it is not a building wall and not as intense. He noted the mass and scale of the building is generally the same and does not overpower the neighborhood. The number of bedrooms has not changed.

Questions from the Board

The Board discussed if this was a D variance. Mr. Fraser stated that he feels that this is a bulk variance request and not a Use Variance. Mr. Flynn was asked if he agreed that this was a self-imposed hardship. He responded agreed that it was.

QUESTIONS FROM THE PUBLIC: None

Mr. Nierstedt stated the building juts out much further than the others and he is not in favor of permitting the gables.

On a motion by Mr. Nierstedt and seconded by Mr. Capobianco, the Board voted Affirmative (4) Ken Capobianco, William Nierstedt, Richard McCormack, Steve Barcan Negative (5) Mayor Blumenstock, Councilman Kearney, Chair Greet, Kathy Villaggio, Stephanie Bianco to DENY the variance request permitting the gables. MOTION FAILS 4-5

Mr. Fraser recommended that someone make a motion to grant a bulk variance to permit the gambles as constructed to remain

On a motion by Kathleen Villaggio, and seconded by Chair Greet, the Board voted Affirmative (5) Mayor Jen Blumenstock, Councilman Vincent Kearney, Chair Stephen Greet, Kathleen Villaggio, Stephanie Bianco, Negative (4) Ken Capobianco, William Nierstedt, Steve Barcan, Richard McCormack to grant a bulk variance to permit the gambles as constructed to remain. MOTION CARRIES 5-4

INVITATION TO ADDRESS THE BOARD: None

New Business

Consideration of 2024 meeting dates/draft notice.

The general consensus of the Board was that the dates and meeting format were acceptable.

OLD BUSINESS

Mr. Nierstedt stated that the approval of 484 4th Avenue and noted that an adjoining neighbor stated that screening around the property would be provided as indicated in the sworn testimony from the applicant's planner. Mr. Nierstedt and Mr. Fraser will look into this further.

Victor Vinegra stated that they are having ongoing meeting with PaperBoard. The environmental cleanup is ongoing and will be completed in 2024. They have secured the castle building and they are moving ahead with the site clearing. They may approach the board for a different use rather than the self-storage.

Lighting violations at the Proscap Irrigation site on North Avenue were discussed and are being addressed by the Zoning Enforcement Officer.

CLAIMS

For Harbor Consultants:

- *Inv # 04188 from escrow of South Ave. Redevelopment Phase II in the amount of \$937.50*
- *Inv # 04187 from escrow of South Ave. Redevelopment Phase I in the amount of \$1305.00*
- *Inv #04196 from the escrow of 475 & 477 North Ave in the amount of \$725.00*
- *Inv #04191 from the escrow of 33 & 39 2nd Ave in the amount of \$1245.00*
- *Inv 04190 from the escrow of 113-115 Winslow Ave in the amount of \$2892.50*
- *Inv # 04195 from the escrow of 15 South Ave/Popeyes in the amount of \$1812.50*

An invoice from AB Court reporting, Esq. for \$400 was approved from the escrow of 247 2nd Ave. /Tabek application. Mr. Fraser stated he was receipt of the email from the attorney, Mr. Horan, withdrawing the application and authorizing the use of escrow for this outstanding invoice.

ADJOURNMENT - There being no further business, the Board adjourned 10:32 p.m.

The next meeting will be January 10, 2024 for the hearing of an application.

Respectfully Submitted,

Adele C. Lewis, Board Secretary