

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

**MEETING of December 14, 2022**

*Chair Stephen Greet called the meeting to order at 7:30 p.m. and stated 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 April 28, 2022 and by filing of said notice in the office of the Municipal Clerk. This is a regularly scheduled meeting of the Board.

*Chair Greet called for the Flag Salute and Moment of Silence*

**ROLL CALL**

**Present:** Mayor Sara Todisco, Ken Capobianco, Stephen Greet, Kathleen Villaggio, William Nierstedt, Steve Napolitano, Paul Tarantino, Michael Vena (*left the meeting at 8:20 p.m.*), Steve Barcan (Alt. I) Richard McCormack (Alt II), Stephanie Bianco (Alt. III) Alt. IV - VACANT

**Absent:** None

**Excused:** Steve Napolitano, Councilwoman Kim Salmon

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

Mayor Todisco announced that she received a letter of resignation from Mr. Napolitano. She thanked him for his service.

**MINUTES**

- **MINUTES OF THE NOVEMBER 9, 2022 PLANNING BOARD MEETING**

On a motion by Kathy Villaggio and seconded by Ken Capobianco, the Board voted by general consent to adopt the revised minutes of the October 12, 2022 Planning Board meeting.

**ORDINANCE REVIEW**

*Pursuant to N.J.S. 40:55D-26 of the Municipal Land Use Law, Planning Board review of **Ordinance No. 22-17** to amend Chapter 106 with new Section 106.124.1 Short Term Rentals*

Mayor Todisco recapped the history of the short-term rental ordinance. She noted that based upon the way the ordinance is written, short term rentals are not permitted and this ordinance codifies what is known to be true. She noted this ordinance is much improved from the first ordinance presented. She added that the regulation ordinance will take several months and this will provide a mechanism for enforcement in the meantime.

Don Fraser clarified that as has been discussed, it is his view that the current ordinance does prohibit short term rentals and the motivation behind the ordinance is to eliminate the debate and clarify the ordinance so it is not disputed.

Mayor Todisco thanked Mr. Nierstedt and Mr. Barcan for spearheading the regulation ordinance and she hopes the Board will support this ordinance which provides clarification.

The Board discussed the proposed ordinance and noted recommendations

The Board agreed to recommending the following comments on Section **106.124.1**

**Short-term Rentals**

Consider deleting the first sentence of Section B in its entirety as the uses are not permitted.

B. Change New Jersey State Statute to New Jersey State Law

D. 3. Correct Type-o cooperate should be corporate

*On a motion by Kathy Villaggio, and seconded by Paul Tarantino, the Board voted Affirmative, Ken Capobianco, Stephen Greet, Kathleen Villaggio, William Nierstedt, Steve Napolitano, Paul Tarantino, Steve Barcan, Richard McCormack, Stephanie Bianco to recommend the Governing Body adopt Ordinance 22-17 with the recommendations  
Abstain (1) Mayor Sara Todisco*

**Draft Ordinance** Short Term Rental Regulations (*Continuation*)

The Board reviewed the draft ordinance prepared by Mr. Nierstedt and Mr. Barcan. They incorporated the changes discussed at the November meeting and presented the revised the draft ordinance.

Mayor Todisco noted that there was a resignation and possibly new members coming on in 2023 and it might be beneficial to hold off to obtain input from the new Board.

Mr. Nierstedt stated that he would like input on the ordinance presented as he doesn't feel the result will be significantly different next year.

The Board discussed proposed changes.

Mr. Nierstedt stated that he will make the changes discussed and present a clean copy in January.

**OLD BUSINESS**

Update on North Avenue/**PaperBoard**. Victor Vinegra stated that he has been supplied information from the environmental engineer. Complaints have been made and Mr. Vinegra has driven by a number of times and has not witness fill being brought in. He noted they are permitted to grind concrete from on the site. Mr. Vinegra will contact NJ DOT to inquire about the status of this application.

Mr. Nierstedt stated that **Dish Wireless** is not compliant with the conditions of the resolution. Mr. Vinegra stated that they still have open permits.

Mr. Vinegra stated he is receiving a request to close out **Vermella** phase I of the Russo project but there is uncertainty regarding the crossing and a fire signal. A hawk signal may be utilized at West St. and South but the County must approve. Mr. Vinegra stated he may not sign off on Phase I until confirmation. A discussion of the parking ensued.

**NEW BUSINESS**

Draft of 2023 Planning Board meeting schedule was presented. The dates will be formally adopted at the re-org meeting.

Mr. Vena announced that he would not be seeking re-appointment to the Board. Mayor Todisco and Chair Greet thanked him for his 20 + years of service to the Board and the many contributions he made throughout the years.

Chair Steve Greet recognized this was Mayor Todisco’s last Planning Board meeting and thanked her for her dedication to the Planning Board and the Borough. The Board members also thanked Mayor Todisco for her leadership throughout the years and wished her well.

**CLAIMS**- *The following claims were presented and approved for payment:*

**HARBOR CONSULTANTS:** Harbor Consultant Invoices November 2022

Inv 02574 from the escrow of South Ave Redevelopment Phase I in the amount of \$605.00  
Inv 02548 from the escrow of South Ave Redevelopment Phase II in the amount of \$467.50

New Jersey Planning Officials 2023 membership in the amount of \$370.00.  
Donald B. Fraser, Jr. for legal services rendered \$2805 for three meetings Sept. Nov. & December 13<sup>th</sup>.

**INVITATION TO ADDRESS THE BOARD ON OTHER MATTERS**

No Comments

**ADJOURNMENT** - There being no further business, the Board adjourned 9:15 p.m.

The next meeting of the Board is the Meeting of January 11, 2023.

Respectfully Submitted,

Adele C. Lewis, Board Secretary