

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of March 27, 2024

Chair 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 21, 2023 and by filing of said notice in the office of the Municipal Clerk. This is a regularly scheduled meeting of the Board.

Flag Salute – Moment of Silence

ROLL CALL

Present: Mayor Jen Blumenstock, Councilwoman Kim Salmon, Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Stephanie Bianco, Steve Barcan, Richard McCormack, Mary Ann Hay (Alt I), David Beyers (Alt. II) Alt. III & Alt. IV - VACANT

Absent: None

Excused: None

Also present were Board Attorney Donald Fraser, Board Consultant Victor Vinegra, P.P. and Board Secretary Adele Lewis.

MINUTES

• **MINUTES OF THE FEBRUARY 28, 2024 PLANNING BOARD MEETING**

On a motion by Kathy Villaggio and seconded by Ken Capobianco, the Board voted by general consent to adopt the minutes of the February 28, 2024 Planning Board meeting.

RESOLUTIONS

Case #PB21-04 (A)

113-115 Winslow Place

Block 209 Lot 15 R-B Zone

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

Granting 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, lot coverage and privacy panels on the rear deck.

The Board discussed resolution compliance. Mr. Vinegra stated that he will have Mr. Bailer monitor the site. The Board discussed that the Resolution also provides that the mulch and stones, which are not depicted on the plans, shall be replaced with grass. Mr. Barcan noted that since the February 28 meeting, Mr. Espejo has removed some but not all of the stones behind the decks and put new stones at the site perimeter. Mr. Nierstedt opined that the applicant may believe the site is now compliant. Board Attorney Fraser stated that the Board doesn't have enforcement authority and when the resolution is approved, Harbor Consultants can monitor for compliance.

On a motion by Kathy Villaggio and seconded by Mayor Blumenstock the Board voted Affirmative (7) Mayor Jen Blumenstock, Stephen Greet, Kathleen Villaggio, William Nierstedt, Stephanie Bianco, Steve Barcan, Mary Ann Hay, to memorialize the wording of the resolution granting a waiver for lighting, the Variance for Open Space, grant the variance for Lot coverage- as modified accepting the grasscrete pavers as part of the calculation but also eliminating concrete in the front, the back and side. The applicant will remove the stones and the mulch and replace those with grass. Also Granting the Sideyard Variance for relief the condensers to permit them to remain in sideyard. If the Construction Dept. requires movement of the condenser, they should be moved away from the building even if further encroachment is required. The Approval is subject to satisfying the comments in Harbor Consultants review and pursuant to the testimony provided.

Case PB24-01

110 South Avenue

Block 501.01 Lot 7.01 C/C Zone

Applicant: 125 – 165 Howard Street, LLC

Granting Use Variance to permit warehouse & distribution Together with Site Plan approval with parking variance

On motion by Ms. Villaggio and seconded by Mr. McCormack, the Board voted Affirmative (7) Stephen Greet, Kathleen Villaggio, William Nierstedt, Ken Capobianco, Richard McCormack, Stephanie Bianco, Steve Barcan, Mary Ann Hay, to memorialize the wording granting the Use Variance together with Preliminary and Final Site Plan Approval to permit warehouse & distribution together with Site Plan approval with parking variance with a condition for no overnight storage of containers on the property.

APPLICATIONS

Case #PB24-02

410 Oak Street

Block 511 Lot 15 R-A Zone

Applicant: Michael & Marisol Rodrigues

Seeking relief from Section 106-91 which requires a 35 ft. rearyard setback to permit a 29 ft. rearyard for a sunroom.

Michael Rodrigues, was sworn and qualified. He stated that the interior layout of the home makes it difficult to access the rearyard. He stated that they would like to add more livable space to their home and improve the functionality. He stated that it is tight when they entertaining family. The sunroom will cover an existing patio and not increase the impervious coverage.

Questions from the Public: None

Brian Adams, Mountainside NJ, of Sunroom Additions was sworn in. He provided the specifications for the sunroom, which will be on stilts rather than a foundation. The stairs will go parallel with the room and is correctly shown on sheet A-4. The steps will be on the interior of the property, not in the sideyard setback. The proposed sunroom will be flush and a continuation of the non-conforming sideyard setback. Mr. Fraser stated that the notice may be deficient in that it doesn't specifically call out the expansion of the preexisting non-conforming sideyard of the house. Ms. Villaggio noted that this is a clean slate and it can be moved 8 inches over to eliminate the need for the additional variance. The applicants agreed to this suggestion.

Mr. Nierstedt stated he would like to see lattice under the sunroom and noted there are no trees. The applicants stated they are willing to accept the condition of planting a shade tree and placing lattice under the sunroom. Mr. Adams stated the room will have a self-contained heat pump and there is a grill that protrudes approximately 3 inches.

The Board discussed the conditions such as the suggested modification that the addition to be constructed will be moved in a northerly fashion so that none of the new construction will be within 5 ft. of the sideyard. The sunroom will match the materials of the rest of the house.

Comments from the Public: None

Board discussion

Kathy Villaggio stated that moving the sunroom is a good compromise so that there is no encroachment into the required sideyard.

Steve Barcan noted that the adjacent uses are not near the property and this will have little impact.

On a motion by William Nierstedt and seconded by Mayor Blumenstock, the Board voted Affirmative (9) Mayor Jen Blumenstock, Councilwoman Kim Salmon, Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Stephanie Bianco, Steve Barcan, Richard McCormack to grant relief from Section 106-91 which requires a 35 ft. rearyard setback to permit a 29 ft. rearyard for a sunroom, Subject to the sunroom relocated minimum of 8 inches to the north, so that none of the new construction will be within 5 feet of the side yard property line, Lattice will be installed under the sunroom, the Siding of the sunroom will be the same as the house and the Applicant will plant a tree consistent with the shade tree approved list.

Case #PB19-01

2 North Avenue - (GB) General Business Zone

Block 210 Lot 9 Applicant: 2 Laxmee, LLC

Proposed Phasing Plan for the previously approved D Variance for residential use together with Preliminary & final Site plan with associated variances for a two-story mixed-use building containing four residential units over 7070 sq. ft. of ground floor retail space

Stephen Hehl, Esq. stated that there will be no change to the approval, they are simply looking to phase the project. He stated that it has been a tough climate for businesses since covid and construction costs have increased tremendously. They are not seeking any new variances and are seeking to preserve the variances previously granted.

Mr. Hehl added that Dittrik's Wine and Liquors has been an important business in the Borough of Garwood for many years. They appreciate the prior approval that was granted by the Board and the Phasing Plan will not alter what ultimately is constructed at the site however it does allow for making the project feasible and allows for prompt reconstruction of the liquor store and thereafter construction of the residential units above.

Gregory Waga, R.A., was sworn and qualified.

He referenced Page A 1.01, submitted on March 12, 2024 contains the Phasing Plan. A copy of that page is highlighted, and noted the Phasing Plan is requested as follows:

- Phase 1 – Demo of the existing liquor store, construct new structure depicted on the plans and all structural support for the second floor of the new construction.
- Phase II – second first floor building and construct the second story residential portion above the two buildings.

Mr. Waga reiterated this is a simple phased approach and all building will adapt and satisfy the new building codes, noting that the code changes every 3 years. He added the applicant will comply with the construction code then in place for the Phase II building.

Ms. Hay noted that it is very challenging to visualize the phasing plan or weigh in on this application without having any reference info on the original application with respect to the architectural plans and site plans.

MARKED INTO EVIDENCE

A-1 3 sheets labeled SE-1, SE-2 & SE-3 (Special Exhibit)

Mr. Waga explained the various phases. He was asked if the footprint of the approved building had been changed. He responded it had not. Concern was expressed in having an active construction site linger for an extended period of time. It was noted that the gravel lot should be paved. It was also noted that the plans state one story when it will be supporting two stories. Mr. Waga noted that it is a typo. Mr. Hehl agreed that it is not unreasonable to place a timeframe.

RECESS: 8:35-8:45 p.m.

Mr. Hehl proposed the following timeline:

Phase I to commence within 90 days of the memorialization of the resolution (Liquor Store)
Phase II to begin within 18 months of C/O of phase I

During demolition the area will be grass.

Board Attorney asked for clarification if the approval remains in place. Mr. Hehl stated that he feels the approvals remain in place as the D variance was granted.

Mr. Hehl stated that if they can't comply with this timeline, they will come back to the Board for modification of the phasing plan or alternatively, if the applicant were to abandon the residential component, they would be required to return for amended site plan. Board Attorney asked for clarification if the approval remains in place. Mr. Hehl stated that he feels the approvals remain in place as the D variance was granted.

QUESTIONS / COMMENTS FROM THE PUBLIC: None

Kathy Villaggio stated this is a reasonable timeline. Chair Greet suggested periodic updates to Harbor Consultants.

Victor Vinegra inquired if the DOT approvals have been received. Mr. Hehl stated they are still working on obtaining them.

MaryAnn Hay suggested revised cleaned up plans consistent with the testimony and to correct the record.

On a motion by Ms. Villaggio and seconded by Mr. McCormack, the Board voted Affirmative (7) Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Stephanie Bianco, Steve Barcan, Richard McCormack, Negative (0) to approve the phasing of the project, Phase I to commence within 90 days of the memorialization of the resolution (Liquor Store) and structural support elements for the second floor of the 1st building. Phase II shall comply with the then current Construction Code.”

Phase II to be started within 18 months of the CO or TCO for Phase I and until then the Phase II area shall be covered in grass, all subject to submission of an updated phasing plan under this Resolution. If that phasing plan is not met the applicant must return to the Planning Board.

Applicant must give periodic updates to Harbor Consultants every three months

NEW BUSINESS

Ms. Villaggio stated that the subcommittee has completed its proposed revisions to the Application Package and can present them to the Board at the next meeting. At that time, the Board can also discuss ordinance changes pursuant to the 2023 Master Plan Reexamination, offices on the 1st floor, permitting side by side 2 family homes, possible regulations for “knockdowns, and sign regulations. Other topics may include an update on Paperboard and the recently adopted legislation regulating affordable housing.

INVITATION TO ADDRESS THE BOARD: No Comments

ADJOURNMENT - There being no further business, the Board adjourned 9:50 p.m.

The next regularly scheduled meeting of the Board is April 24, 2024, 2024

Respectfully Submitted,

Adele C. Lewis, Board Secretary