

**Borough of Garwood**  
**PLANNING BOARD**

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MUNICIPAL BUILDING,  
403 SOUTH AVE  
GARWOOD, NJ 07027  
TELEPHONE: (908) 789-0710  
FAX: (908) 789-7978  
A-LEWIS@GARWOOD.ORG

ADELE C. LEWIS  
BOARD SECRETARY

February 25, 2021

*Via E-mail & USPS*

Mr. Joshua Koodray, Esq.  
Javerbaum Wurgaft  
Hicks Kahn Wikstrom & Sinins, P.C.  
370 Chestnut Street  
Union, NJ 07083

RE: **Case #PB20-04 640 Willow Ave. B 302 L 19**  
Applicant: MZ Homes, LLC  
*Granting relief from Section 106-93 B.2 of the Land Use Ordinance to permit a duplex (side by side) two family dwelling in the R/B zone.*

Dear Mr. Koodray:

The Planning Board, at its meeting of January 13, 2021 granted the above referenced request. The Resolution memorializing this decision was adopted at the meeting of February 24, 2021

A copy of this Resolution has been attached, along with the notice of the decision of the Board, which will appear in the Thursday, March 4, 2021 edition of the Westfield Leader.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Adele C. Lewis  
Board Secretary

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cc: Planning Board members & Advisors  
Case File

# BOROUGH OF GARWOOD PLANNING BOARD

MUNICIPAL BUILDING, 403 SOUTH AVE.  
GARWOOD, NJ 07027  
TELEPHONE: (908) 789-0710

EMAIL: [A-LEWIS@GARWOOD.ORG](mailto:A-LEWIS@GARWOOD.ORG)

## COVER SHEET

TO: Westfield Leader  
Attn: Legal Notice Dept.  
Via E-Mail: [legals@goleader.com](mailto:legals@goleader.com)  
FROM: Adele Lewis - Secretary, Planning Board   
DATE: February 25, 2021

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Please publish the following notice in the **Thursday, March 4, 2021** edition of the Westfield Leader. If you have any questions, do not hesitate to call me at the number listed above.  
**#1 START**

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### PUBLIC NOTICE GARWOOD, NEW JERSEY PLANNING BOARD

TAKE NOTICE that on February 24, 2021, the Garwood Planning Board memorialized the following resolutions:

**Case #PB20-05**

**337 Myrtle Ave. Block 408 Lot 8 R/A Zone**

Applicant: Joseph Smolinski

*Granting a Certificate of non-conformity for a two-family house in a one family zone (Granted 12/9/2020)*

**Case #PB20-04**

**640 Willow Ave. B 302 L 19 R/B Zone**

Applicant: MZ Homes, LLC

*Granting relief from Section 106-93 B.2 of the Land Use Ordinance to permit a duplex (side by side) two family dwelling in the R/B zone. (Granted 1/13/2021)*

The resolutions are on file and available for inspection by calling the office of the Planning Board at (908) 789-0710 located in the Municipal Building, Garwood, NJ or e-mailing the Board Secretary at [A-Lewis@Garwood.org](mailto:A-Lewis@Garwood.org)

Adele C. Lewis  
Board Secretary

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**STOP**

cc: Applicants  
Don Fraser, Esq., Board Attorney  
Victor Vinegra, Planner/Harbor Consultants  
Planning Board members  
Case Files

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IN THE MATTER OF :  
MZ HOMES, LLC :  
640 WILLOW AVENUE (R/B Zone) : **GARWOOD PLANNING BOARD**  
BLOCK 302, LOT 19 : Bulk Variance (Side-by-Side Two-Family)  
HEARING DATE: January 13, 2021 :  
RESOLUTION DATE: February 24, 2021 :

**RESOLUTION**

WHEREAS, MZ Homes, LLC (“the Applicant”) is the owner of 640 Willow Avenue, Garwood, NJ, also known as Lot 19 in Block 302 on the Garwood tax map, which property is located in the R/B Residential Zone (“the Property”); and

WHEREAS, Applicant seeks a bulk variance to permit the construction of a two-family home with a “side-by-side” design, in that the two residential units will be next to each other, rather than one on top of the other; and

WHEREAS, two-family homes are permitted in the R/B zone, but the side-by-side design is not permitted; and

WHEREAS, the matter was presented on behalf of Applicant by Stephen Hehl, Esq. at the January 13, 2020 meeting of the Board, at which time the Applicant presented the following witnesses:

- A. Edward S. Dec, P.E.
- B. Andrew Podberezniak, R.A.
- C. Nicholas A. Graviano, P.P., AICP, JD.

WHEREAS the following testimony was adduced:

1. The property is 6,000 square feet, whereas only 5,000 square feet is required.
2. The property has 60 feet of frontage, whereas only 50 feet is required.
3. The home will be side-by-side, and built on a slab, with no basement.
4. The home will be only 28 feet high, whereas 35 is permitted.

5. The fireplaces will not be built.

The above points #1 through #5 were based upon the testimony of Mr. Dec, who qualified as an expert (professional engineer.)

6. The two-family layout is more desirable, and provides a private entrance and backyard space for each unit.
7. There will be a privacy fence in the rear <sup>yard</sup> ~~year~~. *Mr*
8. The front set-back allows for a small front porch
9. The attic space will be accessible by pull-down stairs.
10. The attic space is not habitable space, but, rather, small storage.
11. Quality materials will be utilized, including a high-grade siding, and a darker roof.
12. Based upon Mr. Podberezniak's tour of the neighborhood, the proposed construction will be more attractive than other recent new construction on this street, which the witness considers out-of place, and not aesthetically pleasing.

The above points #6 through #12 were based upon the testimony of Mr. Podberezniak, who qualified as an expert (architect.)

13. The neighborhood consists of both one-family and two-family homes.
14. The application proposes side-yards in excess of the required 6 feet.
15. The side-by-side configuration provides a style consistent with one-family homes.
16. The 28-foot height is well below the permitted 35 feet.
17. The proposal provides 20% more open space than required.
18. The proposal provides appropriate density, sufficient space (particularly given the oversized lot, and a desirable visual and aesthetically pleasing dwelling.
19. In Mr. Graviano's opinion, the structure should be centered on the property.
20. There would be no negative impact on the zone plan or the zoning ordinance, were the variance (for side-by-side configuration) to be granted.

The above points #13 through #20 were based upon the testimony of Mr. Graviano, who

qualified as an expert (planner.)

WHEREAS, Applicant, through its counsel, Mr. Hehl, stipulated that one street tree will be planted in front of each of the two units; and

WHEREAS, Applicant, through its counsel, Mr. Hehl, further stipulated that the exterior of both units shall remain uniform; and

WHEREAS, Applicant will work with the Board's Engineer, Mr. Vinegra, to reduce the slope of the driveway; and

WHEREAS Rosanne Barca, and Marie Johnson, the owners of 636 Willow Avenue (the next-door property), expressed concern that the proposed structure should not be centered on the Property, but, rather, moved to the side, so as to increase the distance between the structure, and their property; and

WHEREAS, the side-yards proposed by Applicant (8.17 feet on each side) are already in excess of the required side-yard setback (6 feet on each side); and

WHEREAS, other than the preference expressed by the owners of 636 Willow that the distance of the home from their property be increased, there were no objections from any members of the public; and

WHEREAS, The Board credits the testimony of the witnesses and finds the aforestated items #1 through #20 to be fact.

WHEREAS, a hardship to Applicant would result from the strict application of the zoning ordinance and special reasons exist for the grant of the requested variance; and

WHEREAS, the proposed application would present no detriment to the zone plan, the master plan, or to the purpose and intent of the Garwood Zoning Ordinance;

WHEREAS, the Applicant established his entitlement to the relief sought;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Garwood that the requested Bulk Variance, so as to permit the construction of the two-family home as requested by Applicant, with the side-by-side configuration, consistent with the plans and

specifications submitted, as well as the testimony on the record on January 13, 2021, be

APPROVED and GRANTED, subject to the following conditions:

1. Installation of two street trees;
2. Re-grading of the driveways to the satisfaction and approval of the Board Engineer;
3. The exterior of the two side-by-side units shall remain uniform, including, without limitation, the type and color of the siding, the type and color of the trim, and the type and color of the roofing material, and that this condition shall pertain even if, in the future, the ownership of the Property is converted into condominium ownership.

The within application was moved by Stephen Greet and seconded by Ken Capobianco. The motion carried, 9-0, as follows:

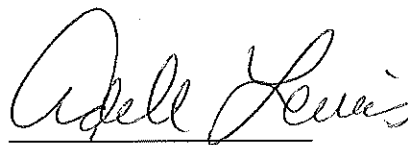
*Voting in favor of Motion:*

Mayor Sara Todisco  
Councilman Russ Graham  
Stephen Greet  
Ken Capobianco  
Paul Tarantino  
William Nierstedt  
Steve Napolitano  
Steve Barcan  
Rich McCormack

*Opposed:*

None

  
STEPHEN GREET  
Planning Board Chairman

  
ADELE LEWIS  
Planning Board Secretary