

BOROUGH of GARWOOD
PLANNING BOARD

MEETING of August 23, 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, Stephen Greet, Kathleen Villaggio, Ken Capobianco, William Nierstedt, Richard McCormack, Paul Tarantino, Stephanie Bianco, Steve Barcan *attending remotely* (Alt. I), Mary Ann Hay (Alt II), (Alt. III) Alt. IV - VACANT

Absent: None

Excused: None

Also present were Substitute Board Attorney John Motta, Esq. for Donald Fraser, Gabe Bailer, P.E. of Harbor Consultants was present for Victor Vinegra, P.E., P.P. and Board Secretary Adele Lewis.

MINUTES

• **MINUTES OF THE JULY 26, 2023 PLANNING BOARD MEETING**

On a motion by Ken Capobianco, and seconded by Kathy Villaggio, the Board voted by general consent to adopt the minutes of the July 26, 2023 Planning Board meeting.

RESOLUTIONS

Case #PB23-03

402 Hazel Avenue

Block 605 Lot 14 R-A Zone

Applicant: Michael Zimmerman

Granting relief from Section 106-91 which requires a 35 ft. rearyard setback to permit a 30 ft. rearyard for an addition.

On a motion by Ms. Villaggio and seconded by Chair Greet, the Board voted Affirmative (5) Stephen Greet, Kathleen Villaggio, Mayor Blumenstock, Councilman Kearney, Stephanie Bianco, to memorialize the resolution granting relief from Section 106-91 which requires a 35 ft. rearyard setback to permit a 30 ft. rearyard for an addition.

Case PB23-01

10 South Avenue

Block 501.01 Lot 8 C/C Zone

Applicant: Garwood Chicken, LLC

Granting D Variances to permit drive-through window/service and to permit more than one principal structure or use per lot, together with Major Preliminary & Final Site Plan approval with C variances for rear yard setback & signage

On a motion by Kathleen Villaggio and seconded by Chair Greet, the Board voted Affirmative (7) Stephen Greet, Kathleen Villaggio, Stephanie Bianco Negative Ken Capobianco, William Nierstedt, Richard McCormack, to memorialize the resolution granting D Variances to permit drive-through window/service and to permit more than one principal structure or use per lot, together with Major Preliminary & Final Site Plan approval with C variances for rear yard setback & signage

APPLICATIONS

Case #PB23-04

551 Spruce Avenue

Block 309 Lot 4 R-A Zone

Applicant: Robbin Unnold, Executor of Estate of Rita Unnold

Seeking a Certificate of non-conformity for a two-family

Residence in the R-A / single family zone.

Stephanie Bianco recused herself as she is one of the contract purchasers of the subject property.

Stephen Hehl, Esq. represented the applicant and provided an overview of the application. He described the subject property and stated the home was constructed in 1942 and built as a two family house and has remained as a two family. He noted the Unnold family purchased the property in 1957, and referenced the affidavit of title and the Jersey Journal advertisement. He continued that Robbin Unnold grew up in the house. He pointed to the 1922 zone map showing two family zone, and the building permit citing the R/B two family. He referenced the photos of the property showing two separate entrances. He noted that while this is not a Use Variance, the tax map shows the number of two families in the area. Fire dept. certificate showing compliance, newspaper ad showing the house as a two family. Mr. Hehl also presented copies of utility bills addressed to the two individual units.

Robbin Unnold, of East Stroudsburg PA was sworn. She testified that she is the executrix of her parents' estate and provided the history of the property. She stated her parents bought the house in 1957 and her grandparents lived with her parents. Upon her grandparents passing, her parents rented the apartment to a long-term tenant, Lucia Salazar in approx. 1970's. Ms. Unnold has been unable to find any leases. When the tenant left, her parents left the apartment unrented with the intention that she would be moving in to help with their care. She resided in the home for two years to take care of her parents in 2020 and 2021, until their passing. She reviewed the photos provided to the Board.

The Board asked questions of Ms. Unnold and clarification of the continuous use.

Nicholas Graviano, P.P., was sworn and qualified. He provided planning justification for the granting of the certificate of non-conformity. He referenced the extensive testimony of the property's history and zoning timeline. He noted the zoning changed in 1974 and the owners did not seek a certificate of non-conformity within the allowable 6-month time frame. He noted the 2009 Master Plan which shows the property as a two family as well as a fire dept. certificate showing the home as a two-family dwelling.

Chair Greet asked for clarification that the certificate is specific to this structure and not any proposed demolition or addition. Mr. Graviano stated that any addition or expansion of this structure would require a variance.

Comments from the Public:

Eva Grzymala, 555 Spruce Ave. noted she is a 17-year neighbor and stated there was always a tenant upstairs. She has the exact same two-family house next door and supports the application

Richard Chowanec, 526 Spruce Ave., stated that he has resided in Garwood many years and he knows that it has been a two-family home for many years. He is also a licensed plumber and he noted the home is built as two family.

On a motion by Ms. Villaggio and seconded by Chair Greet, the Board voted Affirmative (9) Stephen Greet, Kathleen Villaggio, Mayor Blumenstock, Councilman Kearney, William Nierstedt, Richard McCormack, Ken Capobianco, Paul Tarantino, Steve Barcan Negative (0) to grant a certificate of non-conformity for the two-family dwelling.

MOTION CARRIES 9-0

Case #PB23-06

325 North Avenue Block 114 Lot 84.02 C/C Zone

Applicant: Basic Brilliance, LLC

Seeking Site Plan approval and relief from §106-123 to permit business operations 24 hours per day

Stephen Hehl, Esq. represented the applicant and provided an overview of the application. He noted that while the use is permitted, the 24-hour operations is not. He gave background on the business. He noted the franchise, Hotworxs would be the first in the area and a requirement of this franchise is the 24-hour usage. He described the fitness boutique and differentiated between a health club or spa.

Robin & Donnie Pritzlaff were sworn in and described their fitness boutique. Mr. Pritzlaff stated that other locations are starting to open such as Livingston and Woodbridge. He described the infrared technology and business model. He stated that there are 8 workout areas and saunas and the instructors are remote. He noted that 7-11 is open 24 hours and at one time CVS and Dunkin Donuts were 24-hour operations.

Mr. Pritzlaff described the security system and the remote monitoring system. He stated the doors are always locked and customers have an individual pin code. There is a lanyard issued to each client. 24-hour surveillance, there are safety buttons throughout the space.

The signage will conform with the ordinance. The front desk will be staffed during the daytime hours. Robin Pritzlaff will be the manager of the business and on site during daytime hours. They described the proposed interior layout, stating there are two bathrooms with a shower but no locker room.

Concern was expressed regarding the 24-hour operation with the unstaffed overnight hours and the possible need for emergency services. Mr. Pritzlaff stated that clients wear lanyards and fitbits.

Mr. Capobianco stated he would be uncomfortable permitting 24-hour operation that is not staffed overnight. Chair Greet noted that the gym at Vermella is likely not monitored. Vince Kearney stated that he researched the business and his only concern is that it is not a drain on the police and fire.

Mr. Pritzlaff stated that 24-hour gyms are the new model and noted that there are a few in neighboring towns. Ms. Hay noted that the community is changing, as is work schedules and this is a good visible site. It was noted that police and fire comments had not been received. If approved, the approval would be contingent upon satisfying any comments from the departments.

Nicholas Graviano, P.P., was sworn and qualified. He provided planning testimony and stated this relief can be granted under the C-2 for the health and welfare of the community. HE stated there is no substantial impairment to the neighborhood, it is a commercial area with sufficient parking. He noted that while it is a 24-hour operation proposed, the evening hours will likely generate only 2-3 clients. He noted the request to remain open from 12-5 am is reasonable and deminimus.

Questions/Comments from the public:

Lawrence Gibson, 63 second Ave inquired who is monitoring the cameras. He also inquired about the procedure if the door is chocked open. The Eagle Eye monitoring system can detect the door motion.

Board Deliberations.

Mr. Nierstedt stated that business models are changing and COVID has changed lifestyles. He noted he is usually not a fan of 24-hour operations due to impact however he doesn't see any impact with the minimal 3 or 4 overnight clients. He noted that this is a site plan application that any dead trees be replaced and the property owner should be required to replace the dead and missing material.

Mr. Motta stated that it is not appropriate to encumber this applicant as a tenant, with items for the property owner. The issues will be relayed to the property owner requesting the site improvements.

On a motion by Kathleen Villaggio and seconded by Chair Greet, the Board voted Affirmative (9) Mayor Blumenstock, Councilman Kearney, Stephen Greet, Kathleen Villaggio, Paul Tarantino,, Stephanie Bianco Ken Capobianco, William Nierstedt, Richard McCormack, Negative (0) to grant the request for 24-hour operations as well as site plan approval. MOTION CARRIES 9-0

NEW/OLD BUSINESS

Update on PaperBoard by Mayor Blumenstock. An in-person meeting is in the works with the Developer and the Borough's Redevelopment Attorney.

113-115 Winslow Ave. will be filing for amended site plan. Mr. Nierstedt requested that they be told to come forward with a complete request.

Mr. Nierstedt discussed the Parking at Vermella. Ms. Hay discussed the lighting at Vermella.

INVITATION TO ADDRESS THE BOARD

No comments

CLAIMS

- *Inv # 03710 from escrow of South Ave. Redevelopment Phase II in the amount of \$2267.50*
- *Inv # 03709 from escrow of South Ave. Redevelopment Phase II in the amount of \$290.00*
- *Inv# 03712 from the escrow of 10 South Ave. / Popeyes in the amount of \$4032.75*

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

The next meeting will be September 27, 2023 for the Master Plan public hearing.

Respectfully Submitted,

Adele C. Lewis, Board Secretary