

IN THE MATTER OF :

RANDY FERMAN (MAACO AUTO BODY) : **GARWOOD PLANNING BOARD**

110 SOUTH AVENUE :

Block 501 Lots 7 & 7.01 :

HEARING DATE: September 24, 2003 :

RESOLUTION DATE: October 29, 2003 :



RESOLUTION

WHEREAS, Randy Ferman ("the Applicant"), is the tenant of property located at 110 South Avenue, Garwood, NJ 07027, also known as Lots 7 and 7.01 in Block 501 on the Garwood tax map ("the Property"), which Property is owned by Joan Pecorella, who consented to the within application; and

WHEREAS, the Applicant was represented at the hearing of September 24, 2003 by Mitchell Fishman, Esq., and

WHEREAS, the Applicant proposes to use the Property for an automobile repair and painting shop; and

WHEREAS, the Property is located in the Light Industry Zone; and

WHEREAS, Applicant contends that this use is permitted pursuant to Section 106-98 of the Garwood Zoning Ordinance; and

WHEREAS, the Municipal Planner expressed the opinion that the use is not permitted; and

WHEREAS, the Applicant seeks an Interpretation of the Planning Board that the use

is in fact permitted pursuant to the Ordinance; and

WHEREAS, the Planning Board's attorney, Donald B. Fraser, Jr., Esq., reviewed the application and the uses specifically permitted under Standard Industrial Code #75, and expressed the opinion that the category includes the proposed use, which would thereby be permitted in the Light Industry Zone; and

WHEREAS, the Planning Board concurred with the opinion of its attorney

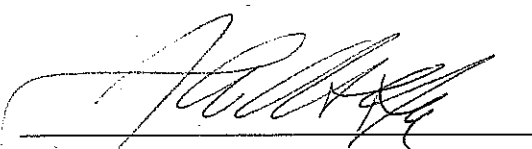
**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF
THE BOROUGH OF GARWOOD AS FOLLOWS:**

The Interpretation of the Garwood Planning Board is that an Automotive Body and Paint Shop, as proposed by Applicant, is in fact a permitted use at the Property, which is located in the Light Industry Zone.

The application was moved by Mike Vena, and seconded by Frank Padusniak. The application carried, 7-0, as follows:

Voting in favor of Motion:

John Motta
Jerry Russo
Mike Vena
Frank Padusniak
Robert Scherer
Robert Pender
Stephen Greet


JOHN MOTTA
Planning Board Vice Chairman
ADELE LEWIS
Planning Board Secretary

IN THE MATTER OF :
JOAN PECORELLA :
110 SOUTH AVENUE : **GARWOOD PLANNING BOARD**
BLOCK 501, LOT 7 :
APPLICATION NO. 2000-02
_____ :

WHEREAS, Joan Pecorella ("the Applicant") is the owner of property located at 110 South Avenue, Garwood 07027, NJ, also known as Lot 7 in Block 501 on the Garwood tax map, and which is approximately 26,000 square feet in size ("the Front Property"); and

WHEREAS, the Front Property is presently improved with a one-story concrete block commercial building; and

WHEREAS, the applicant has recently purchased from New Jersey Transit a certain portion of the property owned by New Jersey Transit directly contiguous to the North of the Front Property, said purchased property comprising approximately 11,050.00 square feet, and being known as Lot 7.01 (the Purchased Property); and

WHEREAS, the applicant seeks Minor Subdivision approval to create a new, combined Lot 7, which will result from the amalgamation of the Front Property and the Purchased Property, and will be a new Lot 7, which will be approximately 37,050.00 square feet in size; and

WHEREAS, Applicant also seeks Preliminary Site Plan Approval in connection with a proposed one-story concrete block addition to the existing building, in accordance with certain plans prepared by Edward S. Dec, P.E. dated June 15, 2000; and

WHEREAS, the Applicant has applied for a bulk variance relating to maintaining the existing six parking spaces in the portion of the Front Property bounded on the southerly side by South Avenue; and

WHEREAS, the Board received a Development Review Planning Report from the Borough Planner, William Nierstadt, dated July 19, 2000, and a Major Site Plan Application Report from Victor E. Vinegra, the Municipal Engineer, dated July 24, 2000; and

WHEREAS, the applicant, represented by its attorney, Mitchell Fishman, Esq., of Union, NJ, presented testimony from Anthony Pecorella, husband owner of the applicant, as well as from the applicant's engineer, Edward S. Dec, P.E., of Kenilworth, NJ, and from Frank Todisco, of Joth, LLC, owner of the property to the immediate West of the subject property, which was considered as part of a joint hearing upon the Applicant's application; in support of the application; and

WHEREAS the applicant consented on the record, as an express condition for approval of the application, to comply with the provisions of the Nierstadt and Vinegra Reports referenced in the preceding paragraph; and

WHEREAS, no evidence or argument was presented in opposition to the application; and

WHEREAS, the applicant agreed, on the record, as an express condition for approval of the application, to permit the Municipal Engineer to inspect the proposed construction, at the applicant's cost; 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

NOW, THEREFORE, be it resolved by the Planning Board of the Borough of Garwood that the proposed subdivision, the associated variance, and Preliminary Site Plan approval for the

property, in accordance with the plans and specifications submitted in the application, and the June 15, 2000 site plan prepared by Edward S. Dec, P.E. be, and the same hereby are,

APPROVED, subject to the following conditions:

1. Applicant shall submit the proposed deeds to the Planning Board attorney for approval as to form;
2. Approval of the Union County Planning Board;
3. Together with the owner of Lot 6, Applicant shall cause the damaged existing guard rail in the front of the subject property, and Lot 6 to be repaired to the satisfaction of the Municipal Engineer;

The within application was moved by John Bartolick, and seconded by Mayor Crincoli.

The application carried, 7-0, as follows:

Voting in favor of Motion:

Michael Crincoli
Kathleen Villagio
Dennis McCarthy
Rodney VanNatta
John Bartolick
Edward Syers
Michael Vena

Opposed:

None