

BOROUGH OF NORWOOD
PLANNING BOARD
December 4, 2024
SPECIAL MEETING

The Public Meeting of the Planning Board of the Borough of Norwood was held in council chambers on the above date.

Mr. Harper stated that the meeting was being held in accordance with the Open Public Meeting Act, pointed out the exits and asked everyone to stand and recite the Pledge of Allegiance.

Roll Call of the Board:

Mayor James Barsa	Absent
Councilman Joseph Ascolese	Absent
Mr. Christopher Jackson	Present
Mr. Walter Deptuch	Present
Mr. Allen Rapaport	Present
Mr. John Barry	Present
Mr. Travis Harper	Present
Ms. Kate Cerbasi	Present
Mr. Sal Nobile	Present
Mr. Paul Haberman	Present
Mr. Dominick Congiusti	Present
Ms. Heather Garcia	Present
Mr. Kevin Fischer	Present

Also, Present:

Mr. Robert Regan	Board Attorney
Mr. Michael Neglia	Borough Engineer
Mr. Scott Loverich	Borough Engineer

Mr. Congiusti made a motion to approve the October 29, 2024, minutes. Mr. Rapaport seconded the motion and the Board unanimously agreed.

Mr. Bruce Whitaker, attorney for the applicant, gave a brief recap of the application and the last meeting. He advised that the meeting concluded after the testimony of the architect. The applicant is proposing a three (3) story building, with thirty six (36) units.

Six of those units will be affordable housing. The streetscape will continue two and half (2.5) blocks down Broadway. There will be a private trash contractor and one (1) loading zone with the required signage. As part of the landscape plan, new trees will be added. There will be no pole lights. The applicant took the comments from the last meeting and made revisions to the plans. An updated exhibit report, architectural plans, and traffic report were submitted to the Board.

Mr. Ray Virgona, architect for the application, presented his revised plan, exhibit A19. The letter of November 20th, noted the revisions, and was marked as A22. The color scheme for the building changed to grey and black with reddish brick to tone down the building. The building has been reduced by four (4) units, two (2) bedroom and two (2) one (1) bedroom and den units. The number of parking spots has stayed the same. This change brings the building in thirty (30) or more feet inside on the right. Drawing SK2, the ground floor plan, showed the section of the building that overhung the south parking spaces has been removed. The drawing SK3 shows the new unit configuration. With the parking count remaining the same they are over the required amount of spaces.

Mr. Rapaport said the Board would like to see the changes visually, to really understand what is gone. Mr. Virgona showed the original drawing and pointed out the revisions.

Mr. Nobile asked what led to the decision to remove the section. Mr. Virgona said it was better for the neighbor on that side and worked well with the floor plan. Mr. Nobile asked if that area will be landscaped. Mr. Virgona said there will be a buffer but the parking remains the same.

Mr. Rapaport asked if this new façade was similar to the other property that Mr. Puccio owns on Livingston. Mr. Virgona said it was similar.

Mr. Nobile asked if the entrance from Broadway could be removed as well. Mr. Virgona said it is not the same and could have an effect on the lower level. There are also required fire stairs there that cannot be moved without effecting the parking.

Mr. Harper made a motion to open the meeting to the public for questions on the Planner's testimony. Mr. Rapaport seconded the motion and the Board unanimously approved.

There was no in the audience who wished to speak.

Mr. Puccio said he revised the plans on the Livingston side so it looked less impactful to the residents on the south side. It will not look like a large commercial building is up against the residential neighborhood.

Mr. Rapaort asked if they would be adding visitor parking spots to the property. Mr. Puccio said visitor spots have been added to the lot.

Mr. Deptuch asked if they would grow trees in the new open area or have recreational space. Mr. Puccio said the space will remain parking.

Ms. Nicole Rivera asked how many total parking spots there are. Mr. Whitaker said there are seventy two (72) spots.

Mr. Thomas Ricci, 92 Park Avenue, Rutherford, NJ, was sworn in by Mr. Regan. Mr. Ricci is the Planner for the application.

Mr. Ricci informed the Board that he visited the site on multiple occasions, reviewed the Master Plan, and ordinances for the project. The biggest change in plans was reducing the number of units from forty (40) to thirty six (36). Two (2) units on each floor were removed. There is no a fifty (50) foot gap between the building and the residences. A second access point to Livingston Street has been added to that area. The applicant is seeking a D1 use variance as apartment buildings are not permitted in this zone. The Medici case established that there is a relationship from the use to the site, site suitability.

Mr. Ricci said the lot size is five times the minimum required size for the business zone. This is one (1) of the largest lots in the business zone. The corner lot fronts on Livingston Street and Broadway. This encourages walkability, which promotes walking to businesses in the area. Mr. Ricci also looks at where the lot is located to the zone itself. The aerial exhibit and zoning overlay dated September 4, 2024 has been marked by A23. This property is on the edge of the business zone district, the last property in the business district leading into the residential zone. It will transition from single family residential, to apartment residential, to the businesses.

The second piece for a D1 variance is that special reasons must exist. Purpose A of the Land Use Law is to promote general welfare of the community. The affordable housing promotes general welfare. Another reason is to eliminate vacant property.

The applicant is also seeking a D6 height variance. The proposed height is 40.18 feet. The facades fronting on the street are closer to the height of 35 or 36 feet. Thirty five feet is permitted in the single family residential district. Apartments in Norwood are permitted in the Mount Laurel Zone, with a height up to 40 feet.

The applicant is also seeking C variances. The land use regulations are meant for business uses. This is a different type of use. Mr. Ricci would like the Board to look at the application as a whole, not count the number of requested C variances. The required setback for Broadway and Livingston is fifty feet. They are requesting two set back variances. The applicant is disadvantaged due to the 10 foot right-a-way that is designated to the county. There is also a request for the signage variance and parking setbacks in the rear. The parking will be buffered to the surrounding properties. They would also like a variance to have more than one (1) sign for the building.

This plan has been filed with the county and they are confident it will be satisfactory.

Mr. Ricci said the Planner needs to look at the impact this project would have. This is a good planned project that provides different housing types. This use is compatible because it is a residential property next to other residential properties. The traffic study showed no major impacts to the traffic pattern. The stormwater would be improved. Mr. Ricci feels there is no negative criteria for this application and that the business will also benefit from a steady customer base.

Mr. Rapaport and Mr. Nobile both would like to know if the county approved a left and right turn out of the building. Mr. Rapaport noted the previous business had a no left turn out of the parking lot. He feels the Borough cannot judge the impact to the traffic without knowing what the county will approve. Mr. Whitaker said the applicant will stipulate to no left turn being allowed, regardless of the county decision. Mr. Rapaport is concerned that the traffic will have to make a right and use Railroad Avenue, increasing the traffic in a residential zone.

Mr. Neglia said the driveway on Livingston Street is a right turn out and a right turn in only. It would dangerous to allow a left hand turn. The driveway onto Broadway should be deferred to the county. If the county feels it is safe to make a left turn out of the facility that should be allowed.

Mr. Nobile feels that the design of the building is very urban in a suburban area. He feels that the Planners positive points and negative to him. He feels the applicant is trying to turn a suburban downtown to an urban downtown. Mr. Ricci said the term urban is meant to mean town, not urban or suburban.

Mr. Harper made a motion to open the meeting to the public for questions on the Planner's testimony. Mr. Rapaport seconded the motion and the Board unanimously approved.

Mr. Robert Ghia, 22 Brickel Avenue, Westwood, NJ. Mr. Ghia said he would like the building to look more residential.

Mrs. Annie Hausmann, would like the plans to be put on the TV's in the future.

Ms. Filomena Machleder, 200 Tappan Road, asked the Planner how it will impact the schools and current residents tax burden. Mr. Ricci said it is projected that seven (7) children would enter the school, which is not a significant number. Ms. Machleder asked why more units were not affordable housing. Mr. Regan said the applicant does not have to do more than 15%.

Ms. Cerbasi clarified the building is two (2) stories over parking, not three (3) stories.

Mr. Harper asked what would happen if the Borough does not vote in favor of the application. Mr. Regan said the applicant can go to court. This would also affect the Borough meeting affordable housing obligations. Mr. Regan feels this development meets the criteria of the fair share housing obligations. Mr. Nobile asked if there are restrictions for age. Mr. Regan said the municipality can age restrict up to 30 %.

Mr. Harper advised that each member of the public will have 3 minutes to speak.

Deidre Kessler was sworn in by Mr. Regan. She feels that the impact of the schools should be taken into consideration. If we keep building huge units it will have an impact on the schools. Many residents moved to Norwood because it did not look urban. This building looks urban.

Mr. Regan said the speaker made good points but it is not an issue for the Board or governing body. Its an issue for the state.

Filomena Machleder was sworn in by Mr. Regan. Ms. Machleder said six units is not much considering the obligation.

Mr. Christopher Mirabito was sworn in by Mr. Regan. Mr. Mirabito said the state is not requiring to build specific buildings, only to have a certain number of affordable units. At some point we need to recognize that the state is not mandating this type of building in this town. He does not feel that the traffic around Railroad Avenue has been discussed.

Ms. Janine Foschino was sworn in by Mr. Regan. Ms. Foschino asked if this building didn't go there could a restaurant go into that corner? Mr. Regan listed the many different types of businesses that could go into that location, including sit down restaurants. She has also seen the traffic going into and out of Mr. Puccio's other building and the traffic entering and exiting is minimal. Mr. Regan said this building is far more benign than what could be there.

Mr. Rapaport asked Mr. Regan what builders remedy is. Mr. Regan said a builder can come in and build something not in the zone and much larger.

Mr. Whitaker thanked the Board members for the amount of time spent on the application. He said the six units of affordable housing is a start. The piece of property is five times greater than what's required in the business zone. This is a good median between residential and businesses. The applicant will provide drainage that doesn't exist there now. The parking will go beyond what the developer is required to do.

Mr. Nobile said he believes that the applicant did not support their argument. He is concerned about the density of the unit sitting on the corner of a busy intersection. He would rather have a restaurant there than forty (40) additional units.

Mr. Rapaport said he has seen many applications and it is commendable that the developer listens to the Board and public comments. He also does not want to spend taxpayer dollars if the application is denied and the developer goes to court.

Ms. Cerbasi said she feels she has a different prescriptive because her family has been here for so long. If they had not started to allow change there would not be many developments.

Mr. Congiusti said we have to look to the future. He cannot see not allowing this to happen, one way or the other it will happen. He feels Mr. Pucci has tried to work with the Board to look presentable. Every promise he made he kept.

Mr. Haberman asked if there are any positive or negative parallels to the Dercole Farms project. Mr. Rapaport said the original proposal was for a townhouse developer which changed to the residential homes. Mr. Nobile said a parallel is that it would have been more dense and the single family homes work better there.

Mr. Rapaport asked Mr. Puccio how long it will take from the shovel in the ground to complete the building. Mr. Puccio said it should take thirty six (36) months.

Mr. Harper made a motion to approve application 24-01, 400 Livingston Street, with all noted stipulations. Mr. Rapaport seconded the motion and the Board unanimously approved on a roll call vote.

Mr. Harper made a motion to adjourn the meeting. Mr. Rapaport seconded the motion and the Board unanimously agreed.

Mr. Harper thanked the Board and adjourned the meeting.

Respectfully Submitted,

Lindsay Volpitta
Board Secretary