

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
September 26, 2019**

APPROVED 10/24/19

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Public Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: Jaymee Hodges, Chairman
Dan Olivier, Vice Chairman
Erin Collins, Councilmember
Mayor John Birkner
William Martin
Thomas Constantine
Keith Doell
Yash Risbud
Dritan Xhillari (Alt. #1)
Kristy Dougherty (Alt. #2)

ALSO PRESENT:

Ed Snieckus, Burgis Associates, Board Planner
Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.

ABSENT: Ann Costello (Excused Absence)

NOT REQUIRED: Louis A. Raimondi, Board Engineer

4. MINUTES: The Minutes of the **9/12/19** meeting were approved on motion made by Dan Olivier, seconded by William Martin, and carried unanimously by those members eligible to vote.

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5. CORRESPONDENCE:

1. Memo of Ed Snieckus, Burgis Associates, dated 9/26/19
RE: Master Plan Re-examination Review - CBD/SPE Use Amendment;

2. Letter of First Westwood Realty, dated 9/21/19 RE:
CBD/SPE Zone Uses;

3. Ordinance 19-18 - An Ordinance to Amend Article XIV,
Chapter 195, Zoning of the Borough of Westwood;

6. RESOLUTIONS: None

7. PENDING NEW BUSINESS: None

8. VOUCHERS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS: None
SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS
The Board Professionals were sworn in as required

10. DISCUSSION:

1. Master Plan Re-examination Review - As previously discussed
and discussed below:

a. Review of H, HSO, LM, and RW Zone Districts:
Already discussed;

H - Hospital

HSO- Health Service Office - Old Hook, Kinderkamack
Road to Emerson border

LM - Light Manufacturing

RW - Retail/Wholesale - Carver, Booker, Douglas
(Swim Club)

b. Review of SC, LB-1, LB-2 & LB-3 Zone Districts
Already discussed;

SC - Shopping Center - K-Mart

LB1 - Broadway, Lake, North to Hillsdale Line

LB2 - Broadway, Lake, South to Irvington

LB3 - Kinderkamack from Old Hook Road to Emerson
Line - Ms. Dougherty expressed concern about
catering facilities, which was addressed.

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- c. **Review of R-1, R-2 and R-3 Zone Districts issues and objectives - Already discussed;**
- d. **Short-term Rentals - Tabled;**
- e. **NJ Futures Presentation - Tabled;**
- f. **Sign Color Limitation - Already discussed;**
- g. **Ordinance 19-18 - An Ordinance to Amend Article XIV, Chapter 195, Zoning of the Borough of Westwood - Planning Board Review of amendments to determine if inconsistent with Master Plan Recommendations;**

Memo of Ed Snieckus, Burgis Associates, dated 9/26/19 RE: Master Plan Re-examination Review - CBD/SPE Use Amendment - Per the Board's request, Mr. Snieckus prepared the amendments recommended for the CBD/SPE Zone into an Ordinance that was referred to the Governing Body for consideration. The Ordinance was introduced is identified as **Ordinance #19-18**, wherein the recommendations identified. This Ordinance was referred to the Planning Board as distributed this evening for consistency review per the Master Plan recommendations to review if any of the amendments are "inconsistent" with the Master Plan recommendations. Mr. Snieckus offered his findings, as well as a review of **correspondence by First Westwood Realty dated 9/21/19** addressed to the Mayor and Council regarding this Ordinance for the Board's consideration. A discussion followed.

The proposed changes were to "commercial amusements" to note "except if specifically permitted herein", to no conflict with the proposed addition of "amusement arcades" as a permitted use in accordance with the re-examination report.

In codifying the changes a few recommended items needed refinement.

1. The recommendations regarding "Arts and crafts shops", which are already permitted had no objections by the Board.

2. The recommendations regarding "therapists" was not deemed necessary, since it would already be included by adding medical offices. A straw poll taken to remove therapists from the medical office uses failed. It stays as medical offices with therapists included, as in the original Re-examination Report.

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3. Animal grooming would be added as "pet and animal grooming shops" - No objections.

4. In multi-family residential conditional use standards for upper stories, a maximum of 30 units per acre was included to limit the maximum permitted density in the zone. No objections.

5. Regarding outdoor dining, the recommendation regarding restriction did not need to be deleted since the regulations were already amended in 2014. No objections.

Further, Mr. Snieckus clarified that reference to sit down restaurants, gourmet and specialty foods stores. The intention of the recommendations was to remove all references to such facilities being restricted to just corner lots. It was noted that the phrase in the second sentence stating "specifically located on a corner lot" in connection with restaurants, be removed or could be further refined in the final re-examination report the Board is working on. A discussion ensued.

The Mayor commented we should be careful about deleting items, and straw poles, as they can be reviewed again and modified. The rest of the Master Plan is still a work in progress. The Chairman commented we should take care of certain items and corrections now. Mr. Martin commented there are relatively minor items left unaddressed. We should not rush through the review and make recommendations during the review. Chairman Hodges commented we are ahead of the time line with the Master Plan. Mayor Birkner stated there are businesses that want to open and we are working to enhance that, and we can make changes to the document. Mr. Doell felt it was a little rushed. Chairman Hodges said he is going by what Mr. Snieckus received from the Borough Attorney and legal advice. If we allow this to continue through and revisit it again next month, we can take a vote on it. Mayor Birkner made a motion to leave it alone or change it. Also, if we make changes it delays the adoption of the Ordinance. The Mayor rescinded his motion and the Board continued the discussion. Ms. Dougherty commented someone in the public came in and was ready to open a business per this Ordinance.

Mr. Snieckus addressed the comments in paragraphs 1 - 9 per the review of the First Westwood Realty letter dated 9/21/19

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raising and highlighting inaccuracies and inconsistencies as stated therein, and also supporting retail uses along Westwood Avenue by broadening food and services uses, noting that if it goes too far it may have a negative effect. The letter also stated new uses that were suggested in the SPE may better fit in the CBD.

Mayor Birkner commented favorably regarding tattoo parlors. William Martin commented having that and including body piercing in the CBD/SPE zone is an attraction. Mr. Snieckus stated there should be a vote on any further amendments to this ordinance, and the Board should also give opinion on whether it is inconsistent with the Master Plan.

The Chairman asked if anyone had any additional changes to the Ordinance. Mr. Martin asked if there was anything dangerous in there that needed to be changed now. Mr. Snieckus stated nothing that he knows of. Mr. Martin would be inclined to not change it and that it may be revisited in a month when the final version is adopted. The Mayor commented there is nothing detrimental to the downtown district.

A motion that the **Board finds that the Ordinance as currently stated is not inconsistent with the Master Plan** was made by William Martin and seconded by Dan Olivier. It was discussed that the Ordinance can be voted on at the October 1st meeting of the Mayor and Council, and pending businesses can open. On roll call vote, Dan Olivier, William Martin, Thomas Constantine, Keith Doell, Yash Risbud, Councilmember Erin Collins, Mayor Birkner, Dritan Xhillari, Kristy Dougherty, voted yes. Chairman Hodges voted no. **The motion carried.** It was noted that the Board can discuss additional changes at the next meeting.

Mr. Snieckus stated the final re-examination document will be presented for review at the second meeting in October, 10/24/19, and prior to the public hearing in November, possibly 11/7/19.

Other Items:

Councilwoman Erin Collins received correspondence from Armand Marini who contacted her regarding waste issues from restaurants with that have no property available to put a dumpster on. Chairman Hodges commented we need to review how to

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handle this. William Martin commented we need to hear from the Health Officer. Chairman Hodges and Ms. Collins would confer with Mr. Marini and the Health Officer regarding this issue.

Open to Public: A motion to open to the public was made, seconded and carried.

Chris Alepa, 96 Washington Avenue, asked about the Board's discussions concerning restaurants on Westwood Avenue, as it was difficult to hear. Mr. Snieckus explained the discussions were about relaxing the provisions for corner lots. Beth Dell commented.

Lisa Bontemps suggested for the 11/7/19 meeting putting out a press release, and she would do an email blast to get the word out about the Master Plan Re-examination.

Jody Murphy, Beech Street, commented she is in favor of arcade games. She also has tattoos, and many people have piercings. The Board is doing a great job, and she appreciates all their work.

Closed to Public: A motion to close to the public was made, seconded and carried.

11. ADJOURNMENT - On motion, made seconded and carried, the meeting was adjourned at approx. 10:10 p.m.

Respectfully submitted,

MARY R. VERDUCCI, PARALEGAL
Planning Board Secretary