

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
May 23, 2019**

APPROVED 6/13/19

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
Mayor John Birkner (8:04 pm)
Erin Collins, Councilmember
William Martin
Thomas Constantine
Keith Doell (8:08 pm)
Yash Risbud
Dritan Xhillari (Alt. #1)
Kristy Dougherty (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Board Engineer

ABSENT: Ann Costello (excused absence)

4. MINUTES: The Minutes of the **5/9/19** meeting were approved on motion made by Thomas Constantine, seconded by Dan Olivier and carried unanimously on roll call vote by those members eligible to vote.

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5. CORRESPONDENCE:

1. Memo of Ed Snieckus dated 5/23/10 RE: CO & O Zone Use Review;

6. RESOLUTIONS:

1. **Resolutions appointing Ed Snieckus, Burgis Associates for preparation of Master Plan Re-examination and authorization for payment to Burgis Associates for the years 2017, 2018 & 2019** - A motion for approval of all three Resolutions was made by William Martin, seconded by Yash Risbud and carried unanimously.

7. PENDING NEW BUSINESS:

1. **Rolling Pin Cafe, LLC, 347 Broadway, Block 901, Lots 5 and 6 - Application for Minor Site Plan Approval** - Still incomplete; Carried to next meeting;

2. **99 Westwood Ave, LLC - Bulk Variances & Site Plan** - Incomplete; Carried to next meeting;

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. **Memo of Ed Snieckus 2019 Westwood Master Plan Re-examination Report dated 5/10/19** - Mr. Snieckus gave a power point presentation of the Re-examination Report, which was also distributed:

TABLE OF CONTENTS

- Section 1 - Introduction;
- Section 2 - Major Problems & Objectives Relating Land Development Identified at the Time of Adoption in 2011 and New Issues to be Addressed;
- Section 3 - Extent to Which Such Problems and Objectives Have Been Reduced or Increased Subsequent to the Last Reexamination Report;
- Section 4 - Significant Changes Since the Last Re-examination Report;

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- Section 5 - Specific Changes Recommended for the Master Plan or Development Regulations;
- Section 6 - Recommendations Concerning the Incorporation of Redevelopment Plans into the land use element plan.

SECTION 1 - INTRODUCTION:

A. COMMUNITY OVERVIEW:

The Borough of Westwood Reexamination of the Master Plan is a continuing comprehensive planning tradition by the borough, initiated by the Borough in 1975 when the Borough adopted its first master plan. Since then the borough has adopted several master plan reports and documents since then, the most recent being a comprehensive 1993 master plan and 2005 and 2011 Master Plan Reexamination Reports. All of these master plan documents were designed to guide the future development of the community.

In continuation of this effort, this reexamination report has been compiled to review the planning policies and land use goals and objectives so that they remain current and up-to-date. This document does not radically depart from the policies set forth in the previous master plan. This report continues to provide a more detailed and definitive set of goals and policy statements regarding the Borough's future growth and development than previous studies. It is intended to update the background information and provide a primary concentration on recommendations relating to the Central Business District area made up of the CBD and CBD/SPE Zone Districts.

As noted in previous studies, this report recognizes that the municipality is a fully developed community. The character of this development pattern necessitates a planning response which should focus on reaffirming the community's established character and identifying those areas warranting refinement to ensure the community's planning properly identifies and addresses its needs.

The Borough's existing land uses are illustrated on the accompanying Existing Land Use Map.

B. LEGAL REQUIREMENTS FOR PLANNING:

The New Jersey Municipal Land Use Law (MLUL) establishes the legal requirement and criteria for the preparation of a master plan and Reexamination Report. The Planning Board is responsible for the preparation of the master plan and its periodic reexamination. These documents may be adopted or

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amended by the Board only after a public hearing. The Board is required to prepare a review of the plan at least once every ten years.

Per the MLUL, the statute mandates that the report must include, at a minimum, five key elements. Municipalities are also required to prepare a housing plan and recycling plan

C. PREVIOUS MASTER PLAN EFFORTS UNDERTAKEN BY THE BOROUGH:

As previously noted, the Borough adopted its most recent comprehensive master plan in 1993 and its most recent reexamination report on December 1, 2011. The 1993 master plan goals provided the basis for the land use plan recommendations, which are intended to guide the Borough's future development. The 2005 reexamination report refined and updated those community's goals and objectives and provided a number of recommendations to refine the zoning for the Borough. The most recent reexamination report reaffirmed many of the goals and objectives from the 2005 report in addition to identifying new goals and objectives relevant to the Borough at that time.

SECTION 2. MAJOR PROBLEMS & OBJECTIVES RELATING LAND DEVELOPMENT IDENTIFIED AT THE TIME OF ADOPTION IN 2011 AND NEW ISSUES TO BE ADDRESSED - The following issues were identified in the Borough's 2011 Re-examination Report as requiring specific attention or needed further analysis.

A. MAJOR PROBLEMS IDENTIFIED IN THE LAST RE-EXAMINATION REPORT PREVIOUS MASTER PLAN:

1. Need to reinforce uniform development pattern
2. Need to protect environmentally sensitive land
3. Economic Vitality of the Central Business District
4. Development of Balanced Housing:
5. Protection of Local Housing Supply:
6. Two-family Homes
7. Business Area Zoning Regulations
8. Residential Lot Over Building or "McMansions"
9. Historic Preservation Plan
10. Steep Slopes
11. Senior Population
12. Stormwater Management Rules
13. LM, LB and RW zones
14. Mass-transit
15. Hackensack University Medical Center at Pascack Valley
16. Sustainable Design and Related Land Use Issues

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- 17. Floodplain and Stream Flooding
 - 18. Economic Recession and Impacts to Land Use Viability
- B. MAJOR LAND USE ISSUES CURRENTLY FACING THE MUNICIPALITY:
- 1. The Continued Economic Vitality of the Central Business District

SECTION 3. EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED SUBSEQUENT TO THE LAST REEXAMINATION REPORT:

- A. Need to reinforce uniform development pattern
- B. Need to protect environmentally sensitive land and steep slopes
- C. Development of Balanced Housing
- D. Protection of Local Housing Supply
- E. Two-family Homes
- F. Business Area Zoning Regulations
- G. Residential Lot Over Building or "McMansions"
- H. Historic Preservation Plan
- I. Senior Population
- J. Stormwater Management Rules
- K. LM, LB and RW zones
- L. Mass-transit
- M. Hackensack University Medical Center at Pascack Valley
- N. Sustainable Design and Related Land Use Issues
- O. Floodplain and Stream Flooding
- P. Economic Recession and Impacts to Land Use Viability

Re-examination update: While there has been recovery from the recession, this remains an important consideration in the reevaluation of land use controls in the Borough. This remains a continued objective and is reaffirmed in this re-examination report.

SECTION 4. SIGNIFICANT CHANGES SINCE THE LAST RE- EXAMINATION REPORT: Several substantive changes at the state and local level have occurred since the adoption of the 2011 Reexamination Report. The MLUL requires consideration of these changes during this reexamination process and how such changes may apply to the land development within the Borough. This section provides an analysis of the various changes in assumptions, policies and objectives and how they may further inform and influence Westwood's developmental regulations as last revised. The

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section begins with a demographic analysis of information available from the 2010 Census as well as the 2016 American Community Survey (ACS) 5-year estimates.

A. LOCAL LEVEL CHANGES

1. Population:
2. Age Characteristics
3. Average Household Size
4. Household Income:

Local Housing Changes

This section of the analysis provides an inventory of the Borough's housing stock. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. The most recent information from the American Community Survey consists of five-year estimates by the Census Bureau, not actual counts and may not be directly comparable to census figures.

1. Number of Dwelling Units.
2. Housing Characteristics.
3. Housing age
4. Housing conditions
5. Purchase and rental Values
6. Number of Units Affordable to Low- and Moderate-Income Households
7. Substandard Housing Capable of Being Rehabilitated

Local Economic Profile Changes:

To properly plan for the current and future needs of the community, it is important to perform an analysis of the existing and probable future employment characteristics of the community in order to adequately take the temperature of the Borough's economic profile and what it can and cannot support. The following tables present information on historic trends, employment characteristics, occupational patterns, and related data to fully inform the answers to these questions.

1. Employment Status
2. Employment Characteristics of Employed Resident
3. Employment Projections
4. Historic Employment trends

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B. STATE LEVEL CHANGES - This section discusses legislative and regulatory changes at the State level that affect land use and development policies in the Borough. Historical data provided:

Council on Affordable Housing (COAH)

1. Present Need (rehabilitation)
2. Prior Round (1987-1999)
3. Gap Present Need (1999-2015)
4. Prospective Round (2015-2025)

The Borough entered into a Settlement Agreement with the Fair Share Housing Center (FSHC) regarding the Borough's affordable housing obligation, as authorized by a Resolution of the Mayor and Council on 4/24/18, which was duly executed and approved by the Honorable Menelaos W. Toskos, JSC at a Fairness Hearing on June 7, 2018. The said agreement required several zoning amendments to be implemented, along with a revised Third Round Housing Element and Fair Share Plan, which was subsequently prepared.

Local Redevelopment and Housing Law - an amendment was approved by the State in 2013 permitting the option of designating a redevelopment area with or without condemnation powers and it allows additional options for designating an area in need of rehabilitation.

STATE STRATEGIC PLAN - Aimed to foster job growth, support effective regional planning and preservation of critical resources.

Municipal Land Use law changes since the Borough's last Master Plan Re-examination Report include:

1. Green Elements and Environmental Plan Element (Green Plan);
2. Renewable Energy Facilities;
3. Statement of Strategy;
4. Time of Decision Rule.

SECTION 5. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS - The review of the 1993 Master Plan revealed that its goals, objectives, and policy statements continue to represent, with modifications, a sound basis for the overall planning of the community. Mr. Snieckus reviewed the Goals and Policies of the 1993 Master Plan as modified in the

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2005 Re-examination Report and reaffirmed in the 2011 Re-examination Report.

Recommended Amendments to Development Regulations and Zone Plan - A re-examination of the Borough's development regulations suggests the need to modify the ordinances, so they remain current and reflect the Borough's overall land use policies. The recommended changes were set forth in Mr. Snieckus' Memo, as previously set forth. The amendments to the CBD/SPE and CBD Zone Districts were set for a vote this evening.

Relationship to Master Plans of Adjacent Municipalities - The MLUL provides that the Master Plan includes a policy statement indicating the relationship of the proposed development of the municipality to the Master Plans of the contiguous municipalities. Mr. Snieckus included comparisons to Hillsdale, Emerson, Washington Township and River Vale.

SECTION 6: RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE PLAN ELEMENT - In 1992 the Local Redevelopment and Housing Law (LRHL) was enacted into law, replacing a number of former redevelopment statutes. At the same time the MLUL was also amended to require, as part of a Master Plan Re-examination, that the issues raised in the LRHL be addressed. Mr. Snieckus reviewed the statutory criteria. **The presentation was complete.** The Board thanked Mr. Snieckus for his thorough and excellent review and presentation.

2. Memo of Ed Snieckus updated 5/10/19 RE: Outline of Remainder of Master Plan Re-examination Review - Mr. Snieckus advised the final hearing would be held on 6/24/19 approving the final components of the Fair Share Plan. The schedule of meetings to review the remaining districts, issues and objectives, was as follows:

- CO and O Zone Districts - 5/23/19 - discussed below;
- H, HSO, RW, and LM Zone Districts - 6/13/19;
- SC, LB-1, 2 and 3 Zone Districts - 6/13/19;
- R-1, R-2 and R-3 Zone Districts - 6/13/19;
- Miscellaneous ordinance criteria updates:
- STR's, signs parking, or similar regulations - 6/27/19;

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- Master Plan Goals and Objectives, and Policy Statements, and Draft Report - 7/11/19;
- Public Hearing - Final Report- 7/25/19.

3. Approval of CBD/SPE and CBD Zones Use Review - As Amended - Summary complete - Mr. Snieckus advised this section was up for approval tonight as amended and reviewed same. Each section would be approved separately. The matter was open for questions/comments from the Board. Board Members commented. Mr. Doell expressed concerns that included distillery tasting room for winery and breweries. Mr. Snieckus said there will be ordinances drafted governing this, and the Planning Board will have the opportunity to review the ordinances. Mr. Martin stated this will create a more vitality in the downtown, storefronts rented and does not feel there will be a proliferation of any of the new uses. Mr. Olivier commented he would consider it an investment in the downtown. There were no further questions from the Board. The matter was opened to the public, but there were no questions.

A motion to approve the Reexamination Report of 2019 as amended for the CBD/SPE & CBD Zone Uses was made by Mayor Birkner and seconded by Thomas Constantine. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, William Martin, Thomas Constantine, Erin Collins, Mayor Birkner, Dritan Xhillari, Kristy Dougherty, and Jaymee Hodges voted yes. Keith Doell abstained.

4. Memo of Ed Snieckus revised 5/23/19 RE: Master Plan Re-examination Review - CO & O Zone Use Review - Mr. Snieckus continued with the CO & O Zone scheduled for this evening and reviewed per his Memo regarding the summary of permitted uses in those zones. Categories in each zone were:

CO Zone District - Central Office:

- Land Use Plan Description - to encourage conversion of existing buildings to office use and assemblage of parcels to enable new office development;
- Permitted Principal Uses:
 - a. Offices;
 - b. Residential as per R-2 (detached 2-family dwellings and community residences);
 - c. Municipal buildings and uses;
 - d. Child-care centers per §195-129B;

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- Conditional Uses - None;
- Alternative Uses for review:
 - a. Adult daycare;
 - b. Multifamily;
 - c. Commercial;
 - d. Learning/educational.

O Zone District - Office:

- Land Use Plan Description - to encourage conversion of existing buildings to office use and assemblage of parcels to enable new office development;
- Permitted Principal Uses:
 - a. Business and Professional offices;
 - b. Residential complying with R-1 (detached single-family and community residences);
 - c. Child-care centers per §195-129B;
- Conditional Uses:
 - a. Mixed use development, including:
 - i. Banks (including drive-throughs);
 - ii. Health Clubs;
 - iii. Offices or Medical Offices;
- Alternative Uses for review:
 - a. Adult daycare;
 - b. Learning/educational.

The presentation complete. Questions by Board Members followed. Mr. Martin commented prior to 1994 CO Zone had residential as a conditional use. Regarding the O Zone, perhaps it needs to be more than one zone to reflect prevailing development patterns over the last 20 years, to be more beneficial to the town. This should be studied further. Mr. Snieckus agreed it could use more analysis. Ms. Collins agreed with Mr. Martin. The CO zone has multi-family and residential. If broken out it would be more beneficial. There were no further discussions

The matter was opened to the public. Beth Dell came forward to go on record that the Historic Preservation Commission would like a zone district. Mr. Snieckus commented this could be a

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recommendation by the Board. There were no further comments or questions from the public.

In summary, Mr. Snieckus stated he would be returning to the Board with other topics, and if anything comes to mind, to bring it up for inclusion.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:15 p.m.

Respectfully submitted,

MARY R. VERDUCCI, PARALEGAL
Planning Board Secretary