

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
July 25, 2019**

APPROVED 8/8/19

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
Erin Collins, Councilmember
William Martin
Thomas Constantine
Ann Costello
Yash Risbud
Keith Doell (arrived approx.8:10 pm)
Dritan Xhillari (Alt. #1)
Kristy Dougherty (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Louis A. Raimondi, Board Engineer
Ed Snieckus, Burgis Associates, Board Planner
By Steve Lydon, Planner, Burgis Associates

ABSENT: None

4. MINUTES: The Minutes of the **7/11/19** meeting was approved on motions made, seconded and carried unanimously by those members eligible to vote.

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5. CORRESPONDENCE:

1. Letter from Lisa Bontemps dated 7/18/19 stating she is unable to attend the 7/25/19 meeting, attaching a Memo entitled, "Rationale for Resolution Requesting Services of NJ Future Technical Assistance Team";

6. RESOLUTIONS:

1. **99 Westwood Ave, LLC, Block 907, Lot 16** - Bulk Variances & Site Plan - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by Dan Olivier and seconded by Yash Risbud. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, Thomas Constantine, Ann Costello, Yash Risbud, Erin Collins, Mayor Birkner, Dritan Xhillari, Kristy Dougherty, and Jaymee Hodges voted yes.

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

1. **Rolling Pin Cafe, LLC, 347 Broadway, Block 901, Lots 5 and 6** - Application for Minor Site Plan Approval- John J. Lamb, Esq. gave an overview, stating this is an application for 75 sf of a cooler/freezer that would replace a vestibule. There are no variances. (Mr. Doell arrived, at approx. 8:10 pm). Their architect was present. Linda Del Nobile-Menze, Licensed NJ Architect, 299 Park Avenue, Park Ridge, NJ, was sworn in, qualified and accepted. Her architectural plan was dated 1/29/19, revised to 5/3/19, and was marked as Exhibit A1.

Questions by the Board Professionals followed. Mr. Raimondi asked about the right-of-way easement shown on the engineer's plan prepared by Lantelme, Kurens & Associates, revised to 6/5/19, on the two tracts, Lots 5 & 6 for ingress, egress and parking. From a traffic standpoint, it exits to Broadway, which is dangerous, he noted. Mr. Lamb explained legally, there's an old easement from 1960, stating after ten years it can be terminated. Since it's an easement between the two tracts owned by the same person, there's a question of whether there actually

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is an easement issue. Mr. Lamb stated they are not changing the access. Both sides of the property have a driveway. Mr. Raimondi asked from a safety standpoint if it can be reversed. Mr. Lamb said they are not in a position to change the access on a piece of property with three stores. It is an application for a 75 sf freezer/cooler replacing a vestibule, and this is a de minimis procedure for something that is compliant. Mr. Raimondi would leave it to the attorneys, since it was a legal issue.

Mr. Lydon asked about signage. Mr. Snieckus prepared a report dated 5/24/19. The signage as existing would remain, Mr. Lamb responded. Mr. Lydon asked about the management of the trash. Business owner, Jeff Jallucci, 341 Broadway was sworn in. He explained the plan for the trash container was outside the building. The survey was marked A2. The photo was marked A3. Ms. Del Nobile described the photos and the trash enclosure outside. Mr. Lydon noted the report raised handicapped accessibility. It is not accessible at present. Ms. Del Nobile stated there are accessible toilets and they addressed this by the building code for accessible booths or restrooms. They chose restrooms, since there was no room to extend the booths out. It is hard in old buildings to extend out. Mr. Martin agreed it is a building code issue, which they would have to address with Mr. Marini. It is not part of the zoning. Mr. Lydon had no further questions.

Questions by the Board followed. Mr. Martin stated the dumpster itself is accessed by the municipal lot that fronts on Westwood Avenue. He asked if they will need a larger dumpster, and the response was no. A photo was shown and submitted as A3. Mr. Martin asked for a permit for the dumpster if there are any issues accessed by the municipal lot. Applicant would check with the Fire Marshall. Mr. Martin asked about the floor plan and basement. Ms. Del Nobile stated it is part basement and part storage. No food preparation would occur there. Mr. Constantine asked about access to the easement. There were no further questions.

The matter was opened to the public for questions of the applicant or architect. Raffi Anelian, Port Imperial, Westwood New York, owns 1 Westwood Avenue, had questions regarding access to the lot. Mr. Anelian was sworn in. He feels there is not enough access to Lot 6. Mr. Randall asked if he had any questions. He asked how the trucks and deliveries would get

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access to the rear lot. Mr. Jallucci stated he did not have too many different vendors or trucks coming. There were no further questions.

Mr. Lamb summed up and the Chairman called for a motion. A motion for approval was made by Ann Costello, seconded by Yash Risbud, with conditions as stated, and legal verbiage by the attorneys. On roll call vote, all members voted yes.

10. DISCUSSION:

- 1. Presentation by New Jersey Future - Carried to 8/8/19;**
- 2. Master Plan Re-examination Review - Carried to 8/8/19**

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

H - Hospital

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

LM - Light Manufacturing

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

Chairman Hodges asked Mr. Lydon if he was given anything to review for the H/HSO Zones. Mr. Lydon stated there was nothing provided for discussion;

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

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

c. Review of R-1, R-2 and R-3 Zone Districts issues and objectives

d. Short-term Rentals - The Police Chief arrived with a handout of data regarding short term rentals, as requested, and reported on the title of each exhibit. All would review and the Chief would come back for discussion. He would also email them. The titles were, "Airbnb in the city"; "The economic costs and benefits of Airbnb"; Explore the Spatial Relationship between Airbnb Rental and Crime"; and "Keeping Illegal Activity Out of Rental Property".

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Mr. Lydon stated Mr. Snieckus discussed this with him and suggested holding off until receipt and review of the Police Chief's documentation. Mr. Snieckus had a discussion with the Chief and felt it would be better discussed after review of same. He also had documentation from other municipalities with short term rentals, finding there are several municipalities in NJ that have adopted regulations, such as Washington Township, Wyckoff, Asbury Park, and Jersey City. Various ordinances were adopted. Jersey City started this in 2015 and had problems as residential buildings were being purchased by short term rental companies. Earlier this year it adopted new ordinances imposing new restrictions. Asbury Park has CO regulations.

The matter was opened to the public. Gary Conklin came forward and commented against short term rentals. Mr. Conklin brought up various issues in connection with short term rentals, such as extra cars, services and garbage. Many of the two-families are legal, non-conforming homes. What regulations would there be. We will be encompassed in this. Mr. Martin discussed how they could be regulated and taxed and control the short term rental phenomenon. Rather than fight it there could be endorsement. There is disagreement among the Board, but that is what is being discussed.

Mayor Birkner discussed the rental permit procedures for the two-families in town. Mr. Conklin said when you have a short term rental it is considered a hotel. In two families there is an eviction process, but in short term rentals, if they don't pay you would have to get the police involved. These are the things that need to be looked at. A whole new department would have to take care of this.

Mr. Olivier stated this was discussed with the Board and public and has been going on. According to the Building Department, right now it is illegal. There is nothing written yet that it is prohibited or allowed, but it is not allowed. Mr. Martin stated should we continue as is, unregulated, or ask the Governing Body to adopt some type of regulation with enforcement activities and taxed, so the taxpayers do not have the burden. Mr. Conklin and the Chief brought up really good points, but more discussion needs to take place. You can be fined. Mayor Birkner asked what ordinance states that you can be fined. Mr. Conklin stated there are families in town that are renting out a home on Ash Street through Airbnb. Mr. Martin

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commented we are trying to determine whether we should regulate or prohibit short term rentals. If prohibited there needs to be a fine mechanism. If allowed, they need to be regulated. Right now they do not exist in either category. Mr. Conklin also stated parking at night is a problem. There are license plates from all over the country parked everywhere.

Lauren Letizia came forward and stated Airbnb significantly decreased two-family rentals that block long term families and people that want to move to Westwood, creating a shortage of housing. A woman living down the block of an Airbnb feels they are transients and asked who to call for any problems and expressed concerns. She appreciates all the Board does. There were no further questions or comments from the public.

The Chairman encouraged everyone to review the NJ Futures documents. Mr. Snieckus will submit the rest of his reports and the Police Chief will email his reports as well for review. The Mayor asked to see what Mr. Marini is referencing regarding the fines. Perhaps he could attend the next meeting. Mr. Conklin brought the housing ordinance up to the dais. Mr. Martin suggested putting any regulations in the Municipal Administrative Code vs. the Zoning Code, as there would be an opportunity to appeal to the Zoning Board if put in the Zoning Code.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:40 p.m.

Respectfully submitted,

MARY R. VERDUCCI, PARALEGAL
Planning Board Secretary