

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
September 8, 2022**

APPROVED 10/13/22

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 Raymond Arroyo
Christopher Montana, Councilmember
William Martin
Anthony Zorovich
Yash Risbud
Beth Staples, Alt. #1
Kristy Dougherty, Alt. #2

ALSO PRESENT:
Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Board Engineer

ABSENT: Ann Costello (excused absence)
Keith Doell

4. OPEN TO PUBLIC ON NON-AGENDA ITEMS: A motion to open to public was made by Dan Olivier, seconded by William Martin, and carried.

5. MINUTES: The Minutes of the **7/28/22** meeting were approved on motion made by Dan Olivier, seconded by Mayor Arroyo, and carried unanimously on roll call vote.

6. CORRESPONDENCE: None

7. RESOLUTIONS:

1. T-Mobile Northeast, LLC-93 Center Avenue - Site plan Approval with Bulk Variances to Install a 25KW Diesel Generator - Board Attorney Paul read the Resolution of Approval into the record. A motion for approval was made by William Martin and seconded by Dan Olivier. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, William Martin, Anthony Zorovich, Yash Risbud, Mayor Arroyo, and Beth Staples voted yes. Jaymee Hodges abstained.

8. PENDING NEW BUSINESS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

1. Carver Street LLC, 768 Carver Avenue, Block 2001, Lot 58 - Window, Door and Wall Sign - Reginald Jenkins, Esq. of the law offices of Trenk, Isabel, Siddiqi & Shahdanian P.C., represented the applicant. Mr. Jenkins gave an overview of the application and advised they are in compliance with the submittal requirements for the sign. The applicant is a national company in the pest management service and is headquartered in Westwood. The signs fit the character of the building and the area. His one witness is an Engineer from Dynamic Engineering was present, as a Professional Engineer, Traffic Engineer and Planner. Chairman Martin commented Mr. Jenkins gave a complete overview and the witness could testify as to the statutory criteria pertaining to "C" variance relief, which includes the physical features test and the public benefits test, per Mr. Snieckus' report.

Ed Snieckus reviewed his Memorandum dated 8/29/22 and deemed the application complete. He gave an overview of the application for a building-mounted sign and window sign at the property, located in the RW-Retail/Wholesale Zone. The Sign Dimension Exhibit was prepared by Dynamic Traffic, LLC, dated 8/23/22. The Board was in receipt of correspondence from Mr. Jenkins dated July 26, 2022 for the submittal of the application. The Memo contained the following points and conclusions as stated:

The lot is an interior lot with frontage on Carver Avenue. The existing building is occupied with office uses, is two stories and contains two tenants. The front of the building is signed for RK Environmental Services, LLC. and the rear tenant is occupied by Comprehensive Food Safety business. The site is also developed with an ancillary parking area containing 14 parking spaces. Access to the site is from Carver Avenue.

The proposal seeks to permit and legitimize existing non-conforming building mounted and awning mounted signs at this existing office building location. The proposal will permit a 4' foot diameter façade sign and a 1' 6" diameter door sign on the westerly front façade of the building. The awning signs are located on an awning located at the southerly side building entrance. The awning physical dimensions are 6' 3" by 3' high. The sign on the awning is not dimensioned on the information submitted Zoning Compliance. The proposal seeks approval to permit the existing signs which have been erected without approval since they exceed the standards permitted. The site plan would be unchanged by this proposal. Mr. Snieckus offered the following review of the proposed signs in comparison to the standards permitted in Article XIX.

Proposed Building Sign Review

a. The RW Zone permits a maximum of one building mounted sign, a maximum area not to exceed 75% of the storefront in length and 2' in height whereas the compliance of the area of the sign cannot be computed from the information provided. The applicant will need to confirm this information. The proposed sign height at 4' in diameter will require variance relief from the 2' permitted. The front mounted sign complies with the maximum permitted length of said sign (not to exceed 20'), and the maximum size of the lettering (no larger than 12").

b. The proposed wall sign is installed at a height of 19' 9" high. Wall mounted signs may not be located more than 15' from the ground therefore variance relief is required for the proposed wall sign exceeding the height by 4' 9".

c. The front building and door mounted signs are composed of signs made up of 4 colors. The door mounted sign is on the window of the door and therefore is considered as a window sign. While five colors are permitted on a sign, a window mounted sign in §195-158 H. limits window signs to gold leaf, blue, cream or white. The doorway sign is green, red, blue, and white therefore requires relief from the window color standard.

d. The side awning sign is not specifically permitted in the RW Zone therefore requires variance relief. It is noted that the regulations in §195-156C.(2)(a)[2] permit the following regarding wall signs for multiple tenanted buildings and where there is a rear entrance to a building:

Where the rear or the side of the building, or portion of the building occupied, has a public entrance from the rear or side of the building, one additional wall sign on the respective building facade of said side or rear public entrance shall be permitted. The sign shall not exceed 25% of the facade in length and one foot in height. The maximum length of said sign shall not exceed 10'. In addition, it is offered for the Board's reference, the regulations for awnings and awning mounted signs in §195-161A. permit the following in the CBS/SPE or CBD zone:

No portion of any awning shall extend more than 4' beyond the building and shall not be less than 6' 8" in the clear above any surface. All awnings shall be permitted to extend the length of the building within the CBD/SPE and the CBD Districts. All other districts shall be limited to the window and/or doorway area of the building. The lettering on awnings shall be in accordance with the sign regulations set forth in this chapter as permitted wall signs.

e. The applicant should describe during testimony if there will be any illumination proposed and if so, describe the source and the intensity of light.

Statutory Criteria.

The applicant is seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

a. Physical Features Test. An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

b. Public Benefits Test. An applicant may be granted c(2) variance relief where it can prove the following: 1) that the

granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

c. Negative criteria. In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

Mr. Snieckus' report was concluded.

Joseph Staigar, Licensed PE and Professional Planner, was sworn in, qualified and accepted. Mr. Staigar testified as to the statutory criteria. He reviewed the report of Mr. Snieckus and the ordinance. The sign could be limited to 75% of the width of the building. The height is limited to 2'. 37.5' would be the permitted width, 7500 sf. A 4' building diameter sign was proposed, requiring variance relief from the 2' permitted. The window sign and the building sign would total 14.22sf, less than permitted. The large sign will be identification of the building, and the window sign is a reinforcement that you are in the right place. There are five colors. That is the C1 hardship variance. The other variances are C2. They are in the RW zone, a quasi-industrial commercial zone, and there would be no impact on the neighbors. The neighbor across is a mechanical-type business. Mr. Staigar concluded there would be no negative impacts in his testimony as to the "C" variances.

Questions and comments by Board Members followed. Mr. Martin commented the one sign has been up there for some time, and there have been no complaints. Mr. Jenkins indicated he had a letter of no objection from the neighbors. Councilmember Montana asked if there was lighting, and there was none. Chairman Hodges commented he did not see any problems and the signs blended well.

A motion to approve the waivers and signs was made by William Martin and seconded by Dan Oliver. On roll call vote, Dan Olivier, William Martin, Anthony Zorovich, Yash Risbud, Councilmember Montana, Mayor Arroyo, Beth Staples, Kristy Dougherty, and Chairman Hodges voted yes.

2. Sana Cabana, LLC-372 Kinderkamack - Site Plan with C-variances - Not heard; carried to 9/22/22;

10. DISCUSSION:

1. Parking requirements- CBD/SPE & CBD Zones - Mayor Arroyo gave an overview of the parking spots existing in the Borough and the parking challenges. They want to make sure the ordinances are not shrinking the parking inventory, and they are very sensitive to this. The Mayor discussed parking waivers that have been granted and impacts that this has had on the parking. The number of rental units in Westwood and the surrounding towns has increased along with the parking demand. The parking needs to be addressed. Westwood is a gem of prosperity. People come to stroll the streets. Chairman Hodges added there are multi-units being built in Washington Township as well. Mr. Raimondi inquired in the surrounding communities, did anyone look into whether they counted on commuter parking in Westwood. He suggested a committee study this. Ms. Staples commented about keeping data on current parking, waivers granted, future parking and uses. A discussion ensued about parking deficits. Mr. Snieckus discussed the Master Plan, and commented there could be an amendment as a tool for this situation. Data should be gathered. Councilmember Montana discussed ride-sharing and the increase in auto registrations in Westwood. Retail is up and more restaurants are opening. People are taking ride-sharing, but still need to park their cars. Mayor Arroyo also researched the new auto registrations, which have increased. They felt a study was needed.

Chairman Martin commented and discussed that ride sharing may reduce the demand for parking. He was not so sure new registrations were indicative of parking numbers. The Master Plan is the key. The parking requirements need to be more aggressive. Housing is in demand for builders. Language in the Master Plan should suggest the Boards use the Parking Authority to seek guidance before granting any parking variances. Business owners will always say there is not enough parking, especially around their businesses. People are changing their lifestyles, walking and biking more, which will decrease parking demands. These are changes happening in society. Then we can slowly increase intensity if we carefully study the data from the Parking Authority. It should be a slow and deliberate process. The number of food issues coming in causes this issue. The Chamber of Commerce could help. Incentives for taking ride-shares could also be given. Ms. Dougherty commented this needs to be looked at as a transportation issue. If it were safer or more accessible, with clearly labeled cross-walks, it would be more amenable. Safety should become a priority. That would actually help our CBD. The abandoned lots at K-mart could serve as a shuttle system. Simple solution as to where to publicly

park with directories and communicating the information would take what we have and make it better. It's a holistic approach. Mr. Risbud agreed on the holistic approach. Mayor Arroyo recalled prior Master Plans. He would like to see mentioned density control, public safety and pedestrian safety. The Parking Authority's formal input was discussed. He further mentioned Uber and Lyft clog the streets in NYC and this should be considered here. Specific language for public safety should be reviewed. We are a HUB, and that draws in visitors. The Chairman commented he wanted to open this up for discussion. The Board is looking for the Master Plan language to review. Mr. Snieckus will review resources on hand and compile information for potentially amending a land use plan. We must also deal with the next round. The only way to deal with this is through the land use plan. He would do a quick summary of tonight's discussion, condensing it into key issues for future discussion. There were no further comments.

2. Adoption of Procedural Rules & By-Laws - Noted for approval - Carried to the next meeting;

There were no further questions, comments or discussions and none from the public.

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

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Planning Board Secretary