

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
REGULAR MEETING  
September 28, 2023**

**APPROVED 10/12/23**

**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** 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  
Yash Risbud  
Beth Staples, Alt. #1  
Kristy Dougherty, Alt. #2

**ALSO PRESENT:**

Thomas Randall, Esq., Board Attorney  
Ed Snieckus, PP, Burgis Associates, Board Planner  
Brandon Goldfine, P.E., Boswell Engineering  
Board Engineer

**ABSENT:** William Martin (excused absence)  
Ann Costello  
Keith Doell  
Anthony Zorovich

The Meetings of 8/24/23 & 9/14/23 were canceled due to lack of applications to process.

**4. OPEN TO PUBLIC ON NON-AGENDA ITEMS:**

A motion to open to public was made by Mayor Arroyo, seconded by Yash Risbud, and carried. There were no questions or comments from the public, and the matter was closed to the public on motion by Yash Risbud, seconded by Mayor Arroyo and carried.

**5. MINUTES:** The Minutes of the **8/10/23** were approved on motion of Dan Olivier, seconded by Kristy Dougherty, and carried unanimously.

**6. CORRESPONDENCE:**

**1. Westwood Historic Preservation Commission Annual Reports for 2021 & 2022** - Chairman Hodges would reach out to see if they will be making a presentation;

**7. VOUCHERS:** A motion to **approve vouchers** of Boswell Engineering totaling \$1,239.00 And Thomas Randall, Esq. totaling \$1,085.00 Yash Risbud, and seconded by Dan Olivier. On roll call vote, all members voted yes.

**8. RESOLUTIONS:**

**1. PB-2313 - 5 Sutton Place - Amended Site Plan for a parking lot expansion** - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by and seconded by Dan Olivier and seconded by Yash Risbud. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, Beth Staples, and Kristy Dougherty voted yes. Remaining members were not eligible to vote.

**2. Master Plan - Hazard Vulnerability Assessment Study** - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by Beth Staples and seconded by Kristy Dougherty. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, Yash Risbud, Beth Staples, and Kristy Dougherty voted yes. Remaining members were not eligible to vote.

**3. Master Plan - "O" Zone** - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by Beth Staples and seconded by Kristy Dougherty. There were no further questions, comments or discussions. On roll call vote, Dan Olivier, Beth Staples, and Kristy Dougherty voted yes. Remaining members were not eligible to vote.

**9. PENDING NEW BUSINESS:**

**1. PB-2307-96 Sand Road GH Development LLC - 96 Sand Road-Major Subdivision, Site Plan with Bulk Variances (3 lots and road**

**extension)** - Mr. Snieckus reported he spoke with applicant's engineer, Bill Page, and was informed the application was being reconsidered and may be resubmitted. Mr. Randall indicated he would contact their attorney, Stephen P. Sinisi, Esq., to determine the status and advise if the matter should be removed from the agenda in the meantime.

**10. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:  
SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS**

**1. PB-2316 - 146 Westwood Avenue - Milk N Cookies, LLC - Sign for Letter sizes 18" and 13.5" -** John J. Lamb, Esq. represented the applicant. He provided background of how they first applied to the ZB and Mr. Marini directed them to the Planning Board. The application was for a "C" variance to allow for the installation of a wall sign with certain letters, "M" & "C", that exceeds the maximum size of 12 inches, but otherwise complies with the Borough's sign regulations. The letter "M" is 18 inches, and the letter "C" is 13.5 inches.

George Spirou, applicant, Managing Member of Milk N Cookies, LLC, of 146 Westwood Ave, was sworn in. The owner of the property is 142 Westwood Avenue, LLC. He testified he started the business in Westchester, NY, Stamford, CT, then Garden State Plaza, and now in Westwood. His business in Garden State Plaza was in a kiosk and then Covid hit. They wanted him to build a new kiosk for \$150,000, but it was not feasible, so he opened a store in Stamford, CT. Now he wants to make NJ his brick-and-mortar flagship store. The cookies are gourmet cookies, totally different varieties, which he described. He applied for the sign. The two letters M & C are larger than permitted. The logo is identical at all locations. He hired a trademark attorney for same. His photos of the locations were marked A1-A, B & C. He met with his sign professional to see if he can change the lettering for the Westwood store to comply, but the entire logo would have to be shrunken down, out of proportion. Proportionately, it would be much smaller over all. All his signs are identical, and you can identify them easily at all the locations. Exhibit A3 was the plans as depicted in a photo for the Westwood store. Mr. Spirou stated he would like to keep the sign as it is so it is visible to traffic coming up Westwood Avenue. Chairman Hodges asked if there were paint drips depicted on the sign, and he responded no. There were no further questions of the applicant.

Ray Russo, Sign Manufacturer, of 74 4th Street, New Rochelle NY was sworn in. He testified that he designed the signs from day one, and four stores later, the signs as fabricated are exactly

identical and custom designed. All locations are approved with this same sign. You cannot just take the M & C and shrink them down. The entire sign would have to shrink down and the perspective would be lost and become too small. This is a trademarked logo. They do not count the black box that the sign fits on, adding this is a unique background technique. You only count the white letters. The Chairman complimented him on the lettering. Ms. Staples asked if the ordinance permits lighted signs. Mr. Lamb advised the application conforms with the ordinance in all other respects except for the M & C. Councilmember Montana asked if the black background color needs to be considered in the height. The background complied, Mr. Lamb responded. Mr. Goldfine asked if they would ever light the sign with different colors, and the response was no. Mr. Lamb would stipulate that in an approval. Mayor Arroyo complimented them on the sign as did Yash Risbud. Chairman Hodges commented it is only two letters, not that big of a variance and feels the logo looks good. There were no further questions, comments or discussions.

Mr. Lamb summed up and asked for the Board's approval on the application. The matter was opened to the public and there were no interest parties. A motion for approval was made by Kristy Dougherty and seconded by Yash Risbud. On roll call vote, Dan Olivier, Mayor Arroyo, Councilmember Montana, Yash Risbud, Beth Staples, Kristy Dougherty, and Jaymee Hodges voted yes.

**11. OPEN TO PUBLIC ON NON-AGENDA ITEMS:**

Dave Stetz, of 10 Carver Avenue, the subject of a previous application, came forward with regard to the ongoing water issues at the site. Five months have gone by and they cannot figure out how to fix the problem. He is behind a year in his business. He is at a loss as to how to move forward and finalize this so he can continue. Mr. Goldfine explained they requested information from applicant's engineer, which they did not receive. He sent another technical memo to applicant's engineer on 9/17/23 as to what was required, and the engineer, submitted a final drainage report on 9/18/23. Mr. Randall advised applicant's engineer did not agree with Boswell, which delayed the process. Mr. Stetz said it is killing his business. He books six months out and cannot book any business. Mr. Goldfine explained it was not designed pursuant to DEP Best Management Practices, and they received pushback from Mr. Stetz's engineer on this. A revised report was submitted to address Boswell's comments. Mr. Goldfine would call them to follow up with a response. Mr. Risbud suggested the Board direct its Board Engineer to follow up on and expedite this review. Applicant acknowledged his engineer dragged his feet on this. The Board's Engineer has been responsive. The Mayor said the Board will

expedite this. Chairman Hodges was not pleased to hear this and agreed the Board would expedite same.

**12. DISCUSSION:**

1. **Draft 2024 meeting dates** - Carried to next meeting;
2. **Adoption of Procedural Rules and Bylaws** - Carried to next meeting;

**13. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approximately 9:10 p.m.

**Respectfully submitted,**

**MARY R. VERDUCCI, Paralegal  
Planning Board Secretary**