

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
SPECIAL MEETING  
October 9, 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 **SPECIAL** 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 (arrived approx.8:30 pm)  
William Martin  
Thomas Constantine  
Keith Doell  
Ann Costello  
Dritan Xhillari (Alt. #1)  
Kristy Dougherty (Alt. #2)

**ALSO PRESENT:**

Thomas J. Randall, Esq., Board Attorney  
Ed Snieckus, Burgis Associates, Board Planner

**ABSENT:** Yash Risbud (Excused Absence)

**NOT REQUIRED:** Louis A. Raimondi, Board Engineer

**4. MINUTES:** The Minutes of the **9/26/19** meeting were tabled on motion made by Dan Olivier, seconded by William Martin, and carried unanimously e.

(WWPB 10/9/19 Special Meeting Minutes)

**5. CORRESPONDENCE:**

**1. Memo of Ed Snieckus, Burgis Associates, dated 10/9/19**  
**RE:** Master Plan Re-examination Review - CBD/SPE Use Amendment;

**2. Letter of First Westwood Realty, dated 10/3/19 RE:**  
CBD/SPE Zone Uses;

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

**4. Letter of Beattie Padovano, by John J. Lamb, Esq.**  
**representing Chris Alepa;**

**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

(WWPB 10/9/19 Special Meeting Minutes)

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

- 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;**

**Special Meeting:**

**Memo of Ed Snieckus, Burgis Associates, dated 10/9/19 RE: Master Plan Re-examination Review - CBD/SPE Use Amendment -** Ed Snieckus prepared a Summary of the Principal Use Amendments for the CBD/SPE, their Proposed Qualifications or restrictions, and Master Plan Re-examination 5/23/19. The prior amendment was tabled pending reconsideration of a number of issues. The memo lists the uses in table form. The Action column was included for recording any action taken per each line item.

Mr. Snieckus continued. He did hear from Mr. Marini who offered comments. Mr. Marini was generally concerned with the parking needs for offices and medical offices and also the overuse of parking demands in the downtown area due to restaurants. He also expressed concern about parking for yoga and workout studios, stating the Board should consider this carefully. Police Chief Pontillo also brought up similar concerns with parking, traffic and pedestrian safety with such intensive uses. He noted there are medical uses located in other zones.

**Mr. Snieckus also reviewed correspondence by First Westwood Realty, dated 10/3/19.** Mr. Meisel's correspondence spoke about his insights coming from a background of 45 years developing properties. He advocates for what is best for the Borough with regard to the Master Plan. He noted that limiting the sizes of the restaurants along Westwood Avenue to not exceed 2,000 sf. would ultimately limit the number of such uses. Also, converting the former L&N Grand to a micro-brewery and small, family-owned restaurant would help strengthen Westwood Avenue. As for fast food prohibitions, he is in agreement. He spoke of eliminating the prohibition of outdoor alcoholic beverages for restaurants. The addition of service-related uses was recommended, as was conversion of second floor retail and office uses to apartments.

(WWPB 10/9/19 Special Meeting Minutes)

Lastly, Westwood was not broken and did not need fixing, but was in need of carefully considered changes to help it adopt to event life style changes happening quickly.

**The matter was open for discussion by the Board as to each item of Mr. Snieckus' Memo dated 10/9/19,** to be followed by public comments. Mr. Snieckus addressed each of the 31 line item under Principal Uses, followed by Conditional Uses and Outdoor Dining Regulations. Each member commented yes or no as to favoring or not favoring the item, as being added as a new use or allowing the uses on the first floor, with discussion on certain items as mentioned here.

**Discussion on Proposed Use Amendments - List attached:**

#'s 1 and 2 were agreed to. A discussion ensued as to combining three categories similar in name: #3 Brokerage Houses, #6 Finance Companies, #17 Business and Professional Offices, and #25 Stockbrokers, under #17 Business and Professional Offices. Mr. Constantine commented the Board should continue to push for businesses on the ground floor only and retain apartments on the second floor to drive the downtown and make it safer. Mr. Martin suggested tabling those items to the end of the discussion. He expressed concern about having offices on the first floor in the downtown. #5 Study Cafe, as well as other uses, must be narrowly defined and drafted for the enforcement part. Serving food could propose issues. The Mayor suggested grouping it with #4 Co-working offices and removing Cafe. This could serve as a co-working, studying, and instructing, etc. We must be careful as to food and which uses can come in as a temporary setting. Mr. Snieckus will work up a definition for the combined items #4 and #5. Ms. Costello and Mr. Olivier felt they should not be combined, but Mr. Olivier was not opposed to Mr. Snieckus working on it.

Moving on to #7 - Nail Salon - Ms. Costello commented she heard from a shopkeeper there are too many. Mr. Doell disagreed with nail salons on the first floor; they should stay upstairs. A brief discussion ensued. Mr. Martin commented it fits with what we are trying to accomplish with service-retail uses. Mayor Birkner agreed with Mr. Doell. Mr. Martin commented if you start to cross these uses off, we are going to wind up with exactly what we have now. He is looking for service-retail. Ms. Collins expressed concern about nail customers taking up parking

(WWPB 10/9/19 Special Meeting Minutes)

spaces for two hours at a time. (Board poll-5 no's; 4 yes). Not agreed to.

#'s 8 - 16 were agreed to. #17 tabled to end as stated.

As for #18 - Medical offices - Ms. Costello expressed concern about possible marijuana dispensaries coming in. Mr. Doell commented he did not know why this would be on Westwood Avenue when medical uses are on Old Hook Road. It does not belong on the Avenue. Mr. Olivier agreed. He would not want to see it in the CBD/SPE Zone. Chairman Hodges was also not in favor of it, and it is not a good use for retail zone. Ms. Collins also expressed multiple concerns about parking and agreed with Mr. Doell. Ms. Dougherty commented she thought of spa-related, optometrist-type uses, limited to 2,000 sf. Mr. Martin commented several doctors could rent offices 2,000 sf each and combine them. He also disagreed. Mayor Birkner commented prohibitive definitions could take care of this and was in favor. #18 was not agreed to.

Items #19 - 21 were agreed to. #22 was eliminated. #'s 23 - 30 were agreed to, with #25 tabled to end.

Tattoo Studios - #27 - Mr. Doell expressed concern and would say no on Westwood Avenue. Ms. Costello agreed. Ms. Dougherty commented there was discussions of this being more of an art form. Mr. Martin it is an art form and fits in with what we are trying to accomplish. Mr. Olivier felt it was appealing and brings good clientele. Chairman Hodges was in favor of it in the CBD Zone but not in the SPE.

Mr. Snieckus advised the Governing Body has asked the Board to reconsider the uses and report back with recommendations in ordinance form. He will be drafting the Board's response after this meeting.

#31 - Sit-down restaurants, gourmet and specialty food stores - Mr. Olivier commented Mr. Martini noted that grease and waste/dumpsters could be a concern. Ms. Collins asked if a provision could be worked in as there are current issues existing. Mr. Snieckus responded it becomes a conditional use standard, requiring Board review. Ms. Costello commented many people come to Westwood vs. Ridgewood, where they say there are too many restaurants. We have a nice mix of uses and do not need

(WWPB 10/9/19 Special Meeting Minutes)

more restaurants. Mr. Martin read from the 2005 Master Plan Re-examination. He suggested taking baby steps and amend the wording to remove the word restaurant. The gourmet food stores can have seating. Mr. Snieckus read the definition. It is defined as a restaurant. Mr. Martin was not opposed to the maximum number of seats. This creates consistency and also guidance for the Zoning Officer. Mayor Birkner expressed concern about these shops having 70 seats, which is an enormous amount. Mr. Snieckus retraced the Board's comments. Mr. Martin commented the seats need to be increased, but to how many was discussed. The Mayor felt no change to the number of permitted seats from the current 16 was needed. Ms. Collins agreed and that it did not include outdoor seating. #31 was not agreed to.

**Conditional Use and Outdoor Dining Regulations were agreed to.**

**Open to Public:** A motion to open to the public for questions regarding restaurant uses was made, seconded and carried for questions about restaurants.

John Sambogna, Pompilio's Pizza, came forward and asked for the definitions of microbrewery and tasting room. Mr. Snieckus stated a tasting room just offers the products made by them for tasting, but it is for just a taste, and the products can be purchased. A limited brewery is allowed to make and sell their products for consumption on premises in connection with tours of the brewery or consumption off premises, but cannot sell or serve food or operate a restaurant. Mr. Martin added with a limited brewery, food can be purchased and brought in from neighboring establishments to be consumed on premises. Also, a brew pub, which is not being considered here, is a restaurant that can serve food in conjunction with handcrafted beer for consumption on the premises in connection with a restaurant. Chairman Hodges noted that Karen Hughes, Borough Clerk conferred with the ABC, who has many rules and regulations concerning limited breweries and tasting rooms, as well as brew pubs. Limited breweries and brew pubs are not being considered. Mr. Snieckus stated the only thing being considered tonight is the tasting room. The Mayor elaborated on the different licenses and restrictions. A discussion ensued.

Mr. Farley came forward and commented 70 seats is too many and expressed concern about parking. He also had questions about the tasting room and medical uses. Mr. Martin commented this is

(WWPB 10/9/19 Special Meeting Minutes)

the Master Plan, which we are discussing and trying out ideas. The Board does not make any changes. The Governing Body is the one to implement any changes to the ordinance.

John Owens, Iron Horse, asked how 70 seats works, as there would be table service. He had several questions. Mayor Birkner commented we do not need to change anything. If someone wants to come in, they can come to the Zoning Board. The Council can still consider this on the corner lots. The Mayor commented we are focusing on the commercial district and discussing new uses and have been reviewing this for several months. The feedback from current business owners is invaluable.

Mr. Pappas, It's Greek to Me, in town for over 15 years, commented as to the challenges that have occurred with Amazon and microbreweries. Uber and Doordash have changed the market for restaurants.

Police Chief Michael Pontillo, reviewed the ordinance and said he does not envy the job the Planning Board has in this endeavor. He had questions regarding the medical offices. Mayor Birkner commented that the purpose of opening to the public at this time was for questions on the restaurants with general questions at the end. Chief Pontillo would continue.

Chris Alepa, 96 Westwood Avenue, commented that a limited brewery was a good idea and would not affect the current businesses. He felt 70 seats was ok. There were no further questions about restaurants.

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

**Discussion continued on Use Amendment Memo** - The Board needs further information as to how to formulate the definition of gourmet specialty food stores. Mr. Snieckus commented he is not sure they are at a point to make a decision as to the number of seats. Mr. Olivier commented there was no need for further discussion and no need to change anything as the Mayor stated, and he would appreciate a vote. All agreed, except Mr. Martin felt 16 seats were too little and 70 too many, and that there was a need for further discussion and he voted no. In conclusion, no recommendation for a restaurant seat number change would be made.

(WWPB 10/9/19 Special Meeting Minutes)

**Conditional Uses** - Limited Multifamily Residential - second floor apartment use. All agreed.

**Outdoor Dining Regulations** - The only changes are to allow tables to remain in place over night as long as they are secured, but chairs and other equipment are to be removed, and that the outdoor dining shall extend for entire storefront of related business, except that entrances be kept clear. Ms. Costello commented clear access to pedestrians must be given. All were in favor.

Items #3, 6, 17 and 25 - Consolidation was discussed. Mr. Snieckus felt that 3, 6 and 25 should be combined and #17 should be separated out. Chairman Hodges asked if they should be allowed on the first floor. All voted yes, except Mr. Doell abstained. #17 all agreed on first floor also.

**Open to Public:** A motion to open to the public on general questions and comments was made, seconded and carried - Michael Pontillo, Westwood Police Chief, reviewed the ordinance proposed and listened to the foregoing discussions. He had comments and had earlier conferred with Mr. Snieckus, thanking him. Chief Pontillo had concerns over yoga studios as being a high intensity use from what he has seen. People come from far and wide and take over the parking. It would prevent other people from coming in for shopping, etc. and looking to park. With all the uses proposed, it would be hard to pinpoint where the problems would exist, and for those reasons he recommends incremental changes.

Mr. Snieckus and the Board summed up their discussions, and Mr. Snieckus would send the recommendations to the Council. All were in favor, and none opposed.

**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. 11:05 p.m.

**Respectfully submitted,**

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