

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
PUBLIC MEETING AGENDA  
August 28, 2008**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:10 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 Worksession/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:** Mayor Birkner (arrived approx. 8:30 pm)  
William Martin (departed approx. 8:55 pm)  
Otokar von Bradsky  
Robert Bicocchi  
Thomas Constantine  
Jaymee Hodges, Chairman  
Ann Costello, Vice-Chairwoman  
Richard Bonsignore (Alt. #1)  
Daniel Olivier (Alt. #2)

**ALSO PRESENT:**

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

**ABSENT:** Councilwoman Cynthia Waneck (excused absence)  
James Schluter (excused absence)

A motion to go into Closed Session to discuss pending litigation was made by Mr. Bicocchi, seconded by Mr. von Bradsky and carried.

The Board went into Closed Session at approx. 8:15 p.m.

A motion to return to Open Session was made by Mr. von Bradsky, seconded by Mr. Constantine, and carried.

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The Board returned to Open Session at approx. 8:45 p.m.

Dan Olivier stated he listened to the tape of the 8/14/08 meeting and signed a Certification. William Martin stated he will listen to the tapes of the meetings he missed.

**4. MINUTES** - The Minutes of 7/24/08 were approved on motion made by Mr. Bonsignore, seconded by Mr. Bicocchi, seconded by Mr. von Bradsky and carried. The Minutes of 8/14/08 were scheduled for the next meeting.

**5. CORRESPONDENCE:**

1. Freshwater Wetlands application Checklist dated 8/1/08  
RE: 96 Sand Road;
2. Letter dated 8/19/08 from Strull and Lans RE: Dr. David Goldberg Center;

**6. VOUCHERS:** A motion to approve vouchers totaling \$13,479.35 was made by Mr. Bicocchi and seconded by Mr. Bonsignore. On roll call vote, all members voted yes.

**7. RESOLUTIONS:**

**1. Sachs Subdivision Approval, 1 Polin Place, Block 202, Lot 28** - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by Mr. Bonsignore and seconded by Mr. von Bradsky. There were no further questions, comments or discussions. On roll call vote, all members votes yes. (Mr. Martin had departed)

**8. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in

**1. GMKC Investments LLC, 75 Bergen Street, Block 1407, Lot 11 - Subdivision** - (Ed Snieckus, Burgis Associates recused; David Spatz, Community Housing Develop to act as Substitute Planner) - (Heard 6/12/08, 7/24/08 & 8/14/08) - Carried to the 9/11/08 meeting;

**2. Dr. David Goldberg Child Care Center from Puccio, Carver Avenue, Block 2110, Lots 10 & 11 (worksession) - Site Plan w/variances (William Martin recused) - William Martin**

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recused himself and departed at 8:55 p.m. Jared Lans, Esq. represented the applicant. Richard Molinari, Licensed Architect, Fair Lawn, NJ, was sworn in, qualified and accepted. Mr. Molinari submitted a revised plan, A1 of 2, dated 6/9/08, revised to 7/17/2008. Mr. Molinari described the floor plans. There will be substantial landscaping resulting in a very attractive building. The Board was shown the front, side and rear elevations. There was no signage proposed on the structure. Mr. Raimondi asked for proposed ground elevations. Mr. Molinari would defer to the Engineer. Mr. Raimondi asked him to show that and the height on the plans, and that they agree with the engineering drawings. Mr. Molinari responded he would do so. Mr. Snieckus asked him to show the average of the dimensions to the mean height. That is how height is measured. Mr. Snieckus commented the applicant is requesting a setback variance along Carver. They should install certain design elements to break it up. Mr. Molinari showed how he inserted stone to break up the mass. There will be a partial basement with the mechanical equipment and storage. It will not be occupied.

The matter was opened to the public for questions of the architect. Mr. Jay Ferrera of Carver Avenue, came forward and asked about access to the building. Mr. J. Sidhu, asked about the distance from the building to the parking lot. Mr. Eichenlaub had already addressed this at the last meeting, but displayed the plan for the gentleman to see. There were no further questions of the architect.

The next witness was a Mia Petrou, Professional Planner, of Kenneth Ochab Associates, Fair Lawn, NJ, was sworn in, qualified and accepted. She reviewed the ordinances, Master Plan and inspected the site and neighboring communities. The photo exhibit, page 1, depicted three photos of the property in question; page 2 were of the neighboring properties, taken by her on 7/24/08, which she described. Ms. Petrou testified the property is located on Carver Street, between Van Buren and Hopper Avenues, has a total square footage of 22,188 sq. ft., and is located in the LM zone. In looking at this property, it can be characterized as transitional. The applicant intends to construct a 5,000 sq. ft. building, with a 2,790 sq. ft. basement. Variances are being requested per daycare regulations as follows: minimum front yard for Carver Avenue only, minimum parking spaces - 24 required and 21 proposed, based on the

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number of employees as 15 and 100 students. Other variances related to parking are front and side parking setbacks, and a variance is required for off street loading requirements. Ms. Petrou testified the subject site is suitable for the use and is an inherently beneficial use. The variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Many people will not come to the center by transit or by foot. She also reviewed the 2005 Master Plan Re-Examination Report. It stated limited uses should be further examined to see if there were uses to serve the need of the community and to act as buffers between the zones. Child care centers provide the ultimate transitional use. She believes this use is consistent with the goal for transitional use. There would be no impact to industrial properties. The adjacent property is far enough away and there is no truck traffic on Van Buren. There is an electrical contractor to the North but this is not near the driveway. The Master Plan will not be impacted by any of the variances requested. She does not envision any impact because of the varying hours of the businesses and the child care center. You are alleviating parking conditions in the downtown area. The proposed configuration adds balance with a specific site layout. It promotes the general welfare.

Questions of the planner followed. Mr. Raimondi asked about the irregular shape of the lot, and Ms. Petrou stated the lot is not a straight lot, having different dimensions in the front and rear. Mr. Snieckus asked if she was testifying as to C2 criteria, and she responded yes, C2. Mr. Snieckus requested clarification on the Department of Transportation figures as to the number of trips based on 100 students, and Ms. Petrou distributed a handout showing 80 trips in AM peak hours of 7-9 am, and 82 trips in PM peak hours of 4-6 pm. Mr. Lans offered this as Exhibit A7, in lieu of a formal traffic study. Ms. Petrou testified in more detail. Also, three of the employees do not drive to work. Mr. Snieckus expressed concern about safety, stating there is no sidewalk to Carver. He would defer to the Board as to the sidewalk issue. Mr. Lans said they would discuss putting sidewalks in the right of way area. Mr. Snieckus asked about her truck traffic testimony, and Ms. Petrou clarified it would be less frequent. Mr. Bonsignore inquired about deliveries.

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Frances DiPaola, Director, testified the truck delivers food after pickup and drop off 10-12 or 1-3. Mr. Bonsignore asked about staggered arrival of children. Ms. DiPaola said it basically goes by the parent's work schedule, but all must be there by 8:45, because they are a full time school, and they eat breakfast at 9:00. Mr. Constantine asked about transportation of the students, and Ms. DiPaola responded none of the children take a bus to come to the center. He complimented them on the presentation. Ms. Costello asked if there will be more children at the new site. Ms. DiPaola responded presently 51-60, and at the new site they hope to have 80, with capacity for 100. Ms. Costello asked about parking and was concerned about Van Buren being narrow. Ms. Petrou did not anticipate traffic on the residential streets. Tillman is a dead end street. Ms. Petrou said she suggested Ms. DiPaola give the parents a route to access the site. Ms. Costello asked about other deliveries other than food, but the response was there was none except for maybe a candy fundraiser. The teachers mostly pick up supplies for the children. Mr. Hodges asked about the source for the number of trips, and date of the aerial map. The response was it was taken from the ITE Trip Generation Analysis (7<sup>th</sup> Edition). Also, the aerial map date she did not know. Mr. Raimondi asked why she would preclude the use of Van Buren for truck traffic. Ms. Petrou stated because there is currently no access and blocked off by dumpsters. Mr. Raimondi said dumpsters can be moved, and there is access to two streets. Mr. Lans said they are speculating at this point.

The matter was opened to the public for questions of the planner. Mr. George Tomko, Westwood asked if the traffic study was based on 50 or 100 students, and Ms. Petrou stated 100 at peak hours. Mr. Tomko said it was understated. Mr. Dan O'Brien, 20 Carver Avenue, stated he runs the electrical contracting company on the corner and attempted to explain the situation. Mr. Lans said he should be sworn in. Mr. O'Brien proceeded with questions on the traffic study. Ms. DiPaola offered clarification of pick up and drop off procedures and circulation. They are not stacked up or backed up and do not have that concentration all at the same time. Ms. Petrou stated there would be no significant negative impact. ITE Peak hours are 7:00 to 9:00 a.m., and the children arrive between 7:45 and 8:45 p.m. Mr. Ferrera questioned the witness about traffic. There were no further questions.

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Mr. Raimondi asked if they looked into the drainage suit with Emerson in the 1960's and did not want any problems. Mr. Lans stated he could not find anything on it, but Mr. Eichenlaub advised it was resolved and the water drains to the southwest. His plan actually reduced the amount of runoff going down into Emerson. Further, they did notice Emerson of this application. Mr. Randall said it is a very hypothetical question, but we do not know what the provisions are. If any approval is given, it should not violate any agreements between the towns. Mr. Lans would do additional research, and Mr. Raimondi would ask the Clerk.

Chairman Hodges asked about the sidewalk issue. A discussion ensued. Mr. Raimondi suggested from the two driveways to the corner of Van Buren and from the building out to Carver, so anyone walking to the site will have a pathway. Mr. Eichenlaub would add it. Mr. Lans thought it would result in additional impervious coverage calculations, but Mr. Raimondi said it would be in the public right-of-way.

Chairman Hodges asked about the two future parking spaces of 20 and 21, and whether anyone wished them to be added now. Mr. Lans said it would require an additional variance, because it would put them over on impervious slightly. Mr. Hodges stated it allows for additional parking on site.

Mr. von Bradsky suggested possibly hearing from a traffic consultant. Chairman Hodges asked Mr. Lans if he was relying on Ms. Petrou's testimony about traffic, and the response was yes. Mr. Lans reminded the Board this is a non-profit organization. Mayor Birkner recommended a traffic study because of all the children coming in and out. Ms. Costello expressed dissatisfaction with the removal of the pear trees and recommended they check with the Shade Tree Commission. Mr. Eichenlaub stated they are damaged and brittle, with branches that tend to break off. They have an extensive landscaping plan, and they will replant larger trees, such as a 3-1/2 to 4" caliper tree. The remaining Board Members concurred that a traffic consultant and study were necessary. Mr. Lans agreed and requested 9/25/08 as the next hearing date.

Chairman Hodges announced the matter was carried to the 9/25/08 meeting with no new notice required.

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**9. DISCUSSIONS:**

**1. Draft Open Space and Recreation Plan dated 7/8/08 by Ed Snieckus, Burgis Associates** - Ed Snieckus recommended setting a date for the first worksession in October, that being 10/16/08. The matter was scheduled for 10/16/08 with public notice required by and on behalf of the Planning Board.

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

**Respectfully submitted**

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