

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
WORKSESSION/REGULAR MEETING
May 14, 2009**

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 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: Otokar von Bradsky
William Martin
Richard Bonsignore
Councilwoman Cynthia Waneck
Thomas Constantine (8:35 pm)
Ann Costello
James Schluter, Vice-Chairman
Jaymee Hodges, Chairman
Philip Cerruti (Alt. #1)
Daniel Olivier (Alt. #2)

ALSO PRESENT:

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

ABSENT: Mayor Birkner (excused absence)

4. MINUTES: The Minutes of **4/16/09** and **4/30/09** were scheduled for the next meeting on motion made Mr. Martin, seconded by Councilwoman Waneck and carried to the public meeting on 5/28/09.

5. CORRESPONDENCE:

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1. Copy of Civil Action Summons and complaint in the matter of Misha vs. Planning Board of Westwood;
2. Letter dated 5/1/09 from Nancy Saccente, Esq. RE: Blanche's Refinishing, 701 Broadway;

A motion to go into Open Session was made by Ms. Costello and seconded by Councilwoman Waneck and carried.

6. RESOLUTIONS:

1. Pascack Valley Auto Supply - Ruth Risman - Commercial Tenant Approval, 701 Broadway, Block 701, Lot 7 - Board Attorney Randall read the Resolution of approval into the record with an amendment to dedicate parking stall #8 as handicapped parking. A motion for approval of the Resolution as amended was made by Mr. Martin and seconded by Mr. Schluter. On roll call vote, Mr. Constantine, Mr. von Bradsky, Ms. Costello, Mr. Schluter and Councilwoman Waneck voted yes. The remaining members present were not eligible to vote.

2. Blanches Refinishing Services - Ruth Risman - Commercial Tenant Approval, 701 Broadway, Block 701, Lot 7 - Nancy Saccente, Esq. appeared regarding her letter to Jim Strabone dated 5/1/09, stating that she understood his denial letter of 11/08 indicated that the Land Use regulations do not refer to this type of business within the LBI Zone, and he felt Zoning Board review was necessary. However, she requested that the reconsider since most of the use was an approved use, with 10% of the business being devoted to finishing and 90% to cabinet work.

Mr. Randall advised if they get the approval from Mr. Strabone the recourse from the interpretation is to overrule or modify his opinion is through the Zoning Board. The applicant is asking the Board to agree with them, and even if they are right, that is not what the statute says.

Ms. Saccente stated the planner stated they fall within that particular ordinance, and the testimony by Mr. Cordes at the last meeting is that we do fall in the LBI uses that are permitted and the fact that the Board heard the application in full, where Mr. Strabone was not present for testimony, and all he had to go on was the paragraph about the business that he was provided with--that is not the same amount of testimony or information that was provided here. Because Mr. Strabone did

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not provide a letter that this is an approved use is your opinion is to go to the Zoning Board.

Mr. Snieckus advised he offered his opinion based on Mr. Strabone's decision to come to the Planning Board. He actually had his doubts, and it should have been sent to the Zoning Board. Under the MLUL, an "A" appeal is in order here. Mr. Randall advised if he sends a letter that it is approved it may stay with the Planning Board; if not it should go to the Zoning Board. Ms. Saccente asked if the Board would pass the Resolution. Mr. Randall said if we get the letter in two weeks we can pass it then. We can table it. Mr. Martin said the Board acted; this is simply memorializing the decision of the Board. Mr. Randall asked if they wanted to adopt it. Mr. Martin stated do we have to adopt a resolution. Ms. Saccente responded to give them two weeks--it is the best course of action. If she cannot convince Mr. Strabone, they will withdraw it. Everyone agreed with the recommendation. The matter was carried to 5/28/09.

A motion to return to Worksession was made by Ms. Costello and seconded by Mr. von Bradsky and carried.

7. VOUCHERS: Vouchers totaling \$405.00 would be listed for the public meeting on 5/28/09.

8. PENDING NEW BUSINESS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS
The Board Professionals were sworn in

1. Diamond Financial LLC - Block 2001, Lots 38, 39 & 46, Jones Street, Alvin Street - Subdivision - Mr. Snieckus commented they revised their application, and he was recommending they are deemed complete but asked would the Board carry them to the next worksession, 6/11/09. The Planning Board Office the applicant they were scheduled for a worksession on 6/11/09, but they would not be deemed complete until the proper escrow monies were posted. The Finance Department is to advise them of escrow necessary to be posted.

2. Oak Realty Associates, 354 Old Hook Road, Block 2210, Lot 4 - Application for Site Plan and Variance Approval - David

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S. Lafferty, Esq. appeared in a worksession. Edward Snieckus rendered a report dated 5/14/09, which he reviewed. The applicant submitted revised plans for preliminary site plan and variance approval to reconfigure an existing on-site parking lot and provide additional parking spaces. The property fronts the easterly side of Old Hook Road and is currently developed with a 31,920 sq. ft. medical office building. The following plans were submitted, which the review was based on: "Preliminary Parking Lot Layout", prepared by Azzolina & Feury Engineering, latest revision date of 4/2/09. There was also correspondence from Azzolina & Feury dated 4/3/09 and from Mr. Lafferty dated 5/7/09.

Mr. Snieckus continued with completeness review, followed by comments pertaining to Preliminary Major Site Plan Checklist items, waivers, property description, proposed development, and site plan, addressing parking lot layout, circulation, landscaping and loading space. Additionally, the bulk zoning schedule was provided, showing variances for maximum impervious coverage, minimum parking spaces, and off-street loading requirements, in addition to existing non-conformities of minimum front yard on Old Hook Road and Tillman Street; minimum side yard, minimum rear yard, and maximum FAR. The applicant is applying to convert basement space to office space, but there has been no documentation as to the amount of square footage for this space. Applicant should provide the square footage for each floor, including the basement.

Mr. Martin stated the Board does not have floor plans, and noted the Board has not yet acted on the waiver. As such, the Board can deny that application for waiver and request floor plans. Further, Mr. Martin suggested angling a parking space with reconfiguration of the island, adding green space.

Mr. Snieckus also recommended in his report that applicant address deficient parking spaces, eliminate proposed parking circulation, include shrub planting to the landscaping plan, and provide a statement as to why certain waivers are being sought. Mr. Bonsignore commented.

Mr. Raimondi commented per his report dated 4/30/09 and his primary concern is the traffic flow. All of the traffic has to pass the front door, and that is the ingress and egress area where people will be pulling in and backing out, which proposes

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an issue. He is also concerned about the curve and narrow aisle. Since there is so much construction and renovation going on, the drainage pattern has to be reviewed. Unless the site grades are redone, there will be flooding and problems on the site. Also, are they responsible for complying with the stormwater management regulations adopted by the Borough. That is critical today, and they should re-grade the parking lot. In summary, they should re-study the traffic patterns, drainage patterns, re-grade the parking lot and review water management. A thorough study is needed. They relocated all the handicapped spaces to the front of the building. Putting one back should not be an issue. They should also furnish a drainage report and a new lighting plan.

Board comments and questions followed. Mr. Martin suggested applicant clarify the bollards in the parking lot.

There were no further questions or comments. Mr. Lafferty, when called upon, stated he would offer testimony by a traffic expert. He has a rough sketch from the architect. The ordinance is triggered by the square footage, not the number of people in the building. They would like to finish the entire basement and would be willing to discuss scaling down points. They presented a plan they feel maximizes the amount of parking spaces on the premises. If the Board wants to see green space, they could show this. Presently, many spaces in their lot are empty, and tenants of other buildings try to use it. They have other potential tenants for the entire space.

Mr. von Bradsky and Mr. Martin had questions based on these comments. Mr. Martin felt in order for the Board to see how much space is devoted to the tenancy, hallways and bathrooms, and if it can be demonstrated that the space can be deducted, it might result in parking spaces a little closer to what they are proposing. He is very interested in seeing how these spaces in the basement will be allocated. Mr. Lafferty said they are subject to the building code and are here for a parking variance. The drawings may not be of any benefit, because they do not know how the space will ultimately be configured. Mr. Martin also suggested they bring a professional planner.

The matter was scheduled for a hearing on 6/11/09. Mr. Martin asked if they could act on the waiver now not to waste time. Mr. Snieckus indicated it was not a public session and it

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was indicated the applicant did not have sufficient testimony to offer now. The 4/20/09 report of Mr. Raimondi would be redistributed to the Board.

3. Vardean, LLC, Lake Street & Center Avenue, Block 703, Lots 1 & 2 - Minor Subdivision (William Martin recused) - Mr. Martin noted his own residence is in Block 704, Lot 1, but while not within the 200' limit, it is very close, so he will recuse himself from this application. Mr. Martin stepped down from the dais.

David S. Lafferty represented the applicant. Mr. Snieckus reviewed his report dated 4/15/09. Mr. Raimondi rendered a report dated 4/27/09. Thomas Skrable, P.E. prepared the plans for a Minor Subdivision dated 10/5/05, revised to 4/9/09, which were reviewed along with a survey.

Mr. Snieckus reviewed and commented on the plans with a waiver request, but with no variances. The applicant proposes to modify the existing lot line, change the orientation and dimensions of both lots and to construct two single-family dwellings. Applicant is to provide testimony regarding wetlands. A tree preservation line should be shown. To reduce impact to trees, a greater setback could be achieved, and the configuration of Lot 2 for the driveway could be flipped.

Questions and comments by the Board followed. Mr. Cerruti expressed concern about large healthy trees. The Shade Tree Committee would look at trees in the town's right of way and the ordinance, Mr. Snieckus and Councilwoman Waneck stated. Chairman Hodges requested that the Shade Tree Committee be put on notice as to this application.

Mr. Raimondi reviewed his report dated 4/27/09 and commented regarding the trees and plans. Mr. Schluter asked about seepage pits. Mr. Raimondi explained the foundation needs to be taken out, and he did not think any seepage pits were put in. Architectural plans are to be provided by the applicant.

There were no further questions or comments. The matter was scheduled for 5/28/09.

10. DISCUSSION:

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Ed Snieckus advised, for the Board's information, he has still not received a response from COAH.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:45 p.m.

Respectfully submitted

MARY R. VERDUCCI, Paralegal
Planning Board Secretary