

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
November 20, 2008**

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: William Martin
Otokar von Bradsky
Robert Bicocchi
Thomas Constantine (8:15 pm)
Jaymee Hodges, Chairman
Ann Costello, Vice-Chairwoman
James Schluter
Richard Bonsignore (Alt. #1)
Daniel Olivier (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
By Steve Lydon, Burgis Associates
Louis Raimondi, PELS, Board Engineer
By Tom Lemanowicz, P.E.

ABSENT: Mayor Birkner (excused absence)
Councilwoman Cynthia Waneck (excused absence)

4. MINUTES: 9/25/08, 10/2/08 & 10/16/08 were approved on motions made, seconded and carried, with one correction to 10/2/08.

5. CORRESPONDENCE:

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1. Memo dated 11/13/08 from Jim Strabone, Zoning Officer
RE: Zoning Regulations, questions and concerns;

6. VOUCHERS: A motion to approve Vouchers totaling \$8,076.67 was made by Ms. Costello, seconded by Mr. von Bradsky and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. Wachovia Bank, N.A. - Remand for Vote of Approval in Accordance with Judge Tosko's Order of 8/8/08 - Thomas Constantine and Daniel Olivier were recused. Mr. Randall advised he had a few minor amendments, which he set forth. Jeffrey Hall, Esq. appeared on behalf of the applicant and wanted to comment. Mr. Randall advised there would be no further changes, but the Chairman could entertain hearing his comments. Mr. Hall was permitted and spoke about correcting parking conditions, via access easements, as per ordered by the Court. It should be left open as to whether by easement, license or otherwise. Also a waiver had to be granted for the EIS.

A motion for approval of the Resolution as written was made by Ms. Costello and seconded by Mr. von Bradsky. There were no further questions, comments or discussions. On roll call vote, Mr. Martin, Mr. von Bradsky, Ms. Costello, Mr. Schluter, Mr. Biccocchi, and Mr. Hodges voted yes.

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) - Scheduled for the 12/18/08 meeting.

2. Dr. David Goldberg Child Care Center (applicant) from Puccio, Carver Avenue, Block 2110, Lots 10 & 11 - Revised Site Plans received 9/17/08) - Site Plan w/variances (William Martin recused) - William Martin recused himself and departed at approximately 8:25 p.m. Jared Lans, Esq. represented the applicant and continued with the planner, Mia Petrow, under oath. The variances she testified to were the bulk variances for setbacks, parking and building coverage. There were two

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parking spaces that were proposed brought the impervious coverage over the limit to 66.4%. However, this application does have merit, and there are special reasons that permit the granting of it, under C2. In the LM zone, it would fall under the criteria, which is 75% impervious. Child care centers are permitted and are a goal in the Master Plan. They are an inherently beneficial use. There are no substantial impacts to the drainage or zone plan. It is not an intense overuse of the plan. The purposes of MLUL and Zone Plan are met. The benefit of exceeding the impervious coverage is to allow the two additional spaces on site. It serves as a good transition between the two zones.

The Board Planner and Board Engineer commented briefly, followed by Board Members, who had no comments. There were no questions from the public. Mr. Lans had no further witnesses.

Chairman Hodges called for comments from the public. The following persons came forward:

Daniel O'Brien, an electrical engineer in the immediate neighborhood, and owner of Lot 9 on Carver Avenue, came forward and was sworn in. He stated this would adversely affect his business and had a petition from other business owners, which Mr. Randall advised could not be considered, as it was hearsay. Mr. Lans objected and reviewed same. Mr. O'Brien ran through the variances and expressed his objections at length, which included safety and heavy truck traffic. Mr. O'Brien distributed three groups of photos, which were marked D1-D3, and described by him in detail. These served as illustrations of his objections. Mr. O'Brien concluded. Mr. Lans cross-examined Mr. O'Brien about his trucks parking on the premises and that he offered to purchase the property from Mr. Puccio, the owner if this application failed. Mr. O'Brien acknowledged same, but said his landlord has made him an offer, and he is now purchasing the property where his business resides.

A gentleman residing at 21 Van Buren Avenue came forward, was sworn in, and expressed concern about traffic safety and vehicles speeding by. He is concerned about his children and other children on the street and feels this is not the right use.

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George Tomco was sworn in and commented about fire escapes and fire-rated stairwells. There is only one exit from the second floor. Both stairwells come down to the first floor lobby. Mr. Hodges noted there were fire doors to contain the first floor area, and the stairwells have doors. Mr. Tomco asked about the traffic study.

Charles Christie and Patrick Christie, 230 Anderson Avenue, Emerson, NJ were sworn in and expressed concern about water. Mr. Christie testified his house has no basement and is built on a slab. The drainage system is woefully inadequate. He asked about drainage and if a perc test was done. Mr. Lemanowicz responded Mr. Raimondi was satisfied with the storm drain.

Soonki Stavrou, Emerson, NJ was sworn in and testified as to the water issues when it rains, as stated by Mr. Christie.

Sam Boyarsky of Closter, NJ was sworn in. He is also the realtor involved in 25 Sullivan Street. A similar business, Prime Time, existed at the site and was successful. Mr. O'Brien commented it was a smaller operation.

There were no further members of the public wishing to be heard.

Mr. Lans gave a brief closing statement with an extensive overview for this site plan application addressing all testimony, comments from the public, and positive impact of the application, thanking the Board, and requesting they respectfully approve the plan they presented over the past four months.

Chairman Hodges called for comments from Board Members. Mr. von Bradsky continued to be concerned about traffic and parking. Mr. Schluter and Ms. Costello held their comments for the time of voting. Mr. Constantine commented he never saw traffic problems at the current school, although it is a distance from mass transit and had concerns about the location, the businesses surrounding the school, such as the smell from automotive uses when they are outside. Mr. Bonsignore referred to Mr. Dean's testimony, commending him, and noted many of the uses are operating their heavy truck activities illegally, per what he heard tonight. This use is very appropriate to the neighboring property; this Board was once considering a major

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residential project there. But that too brought up traveling to and from and mixing industrial and residential, which do exist now. That Teledyne property could go residential, which could be appropriate. A person developing that property would come before the Board after this application. Getting back to the traffic and danger, he quite frankly does not see it. Mr. Olivier commented the issues are traffic and safety, and leaving it up to the professionals he saw it was safe. Most of all, he believes with the history of the applicant and having a business run as long as they have, they would consider the site itself and its use to be safe for the kids before going forward. It is a very sensitive issue, and he could see both sides, but he would leave it at that. Mr. Bicocchi stated some of the comments Mr. Bonsignore made about the neighboring communities he concurs with. He observes quit an intensive use. They start early in the morning and probably works in a safe manner. When the landscaper came he testified he does not use the street as his parking lot, and it seems he is doing that. Safety is his utmost concern. Chairman Hodges questioned what is a safe location. Some children have to be crossed over. Old Hook used to be a two-lane road. Times have changed. It does take 80 hours to unload the trucks of steel. He knows the site and it used to be very quiet. People must be aware of safety. It is a very difficult decision and one of the most difficult applications to come before the Board.

Mr. Bonsignore commented in terms of variances, that is why we have the balancing of the positive and negative, and the setback of the yard are all spelled out, but there is no store on Westwood Avenue that complies with parking as the Code would like it to, and that is why the variances were presented and accepted. On that basis and all he said, he would like to make a motion to approve the application. Ann Costello seconded the motion and commented she was assured the water problem has been satisfactorily resolved and will not add to the problem and having this in the Light Manufacturing Zone will reduce additional truck traffic in the area because we will have less trucks; these are responsible people. On roll call vote, the vote was as follows:

Mr. Constantine, Mr. von Bradsky, Ms. Costello, Mr. Bicocchi, Mr. Bonsignore, Mr. Olivier, and Chairman Hodges voted yes. Mr. Schluter commented it is a planner's dream to transition from one zone to another, he agrees lot will be

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developed in one way or another, he expressed a concern about water, and was not convinced it would be handled appropriately. He was also concerned about occupancy level, and the downstream affect on the whole area, and voted no. Chairman Hodges commented with the idea that property would be developed in future with greater problems with flood area, and with the idea that something could go wrong in the future, he voted yes.

9. DISCUSSIONS:

1. Update of Site Plan Application - Steve Lydon updated the Board on the site plan application. Mr. Snieckus collected all the comments and is incorporating them into a draft review. He is also working on the Recreation Plan and Housing Plan, for which a hearing is coming up. The Application and Checklist would be coming the end of December or beginning January, which would be a good time to address Mr. Strabone's issues. They would be reviewed and discussed on 12/4/08.

10. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 10:30 p.m.

Respectfully submitted

MARY R. VERDUCCI, Paralegal
Planning Board Secretary