

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
REGULAR MEETING
FEBRUARY 28, 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: Robert Bicocchi
William Martin
Otokar von Bradsky
Thomas Constantine
Mayor John Birkner (8:20 pm)
Ann Costello, Vice-Chairwoman
Richard Bonsignore (Alt. #1)
Daniel Olivier (Alt. #2)
Jaymee Hodges, Chairman

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Tom Lemanowicz appeared on behalf of
Louis Raimondi, PELS, Board Engineer

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

4. MINUTES - The Minutes of 2/14/08 were approved as amended on motions made seconded and carried.

5. CORRESPONDENCE

1. Letter dated 2/20/08 from Francis DeVito, P.Z. RE: K-Mart;

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2. Report from Louis Raimondi, PELS, dated 2/25/08 RE: Misha;

3. Report from Burgis Associates, dated 2/25/08 RE: Misha;

4. Memo 08-064, from Clerk's Office dated 2/22/08 RE: Ordinances for Review; forwarding Ordinance #0-08 RE: Historic Preservation Ordinance and Ordinance #08-10 RE: Amendments/Additions to Hospital Zone - Mr. Snieckus suggested the Planning Board review a Resolution by the Planning Board recommending the ordinance regarding the hospital zone. All Board Members indicated they read it and were ready for a motion. A motion to accept the ordinance and recommend it to the Mayor and Council for adoption was made by Mayor Birkner and seconded by Ann Costello. There were no further questions, comments or discussions. On roll call vote, all members voted yes. Mr. Randall would prepare a Resolution memorializing same.

The Historic Preservation Ordinance was moved to the 3/13/08 worksession.

5. Letter from L. Scott Berkoben, Esq., dated 2/27/08 RE: Suburban Underground Sprinkling Systems, Inc. Appeal; Mr. Bonsignore questioned the procedure, since the application has not yet come before the Board. Mr. Martin commented it was an appeal of Mr. Strabone's decision, and it appeared the applicant was following the instructions in the letter. The Board would permit the applicant to come to the Board.

6. **VOUCHERS:** \$3,996.00 - A motion for approval of vouchers was made by Mr. Martin, seconded by Mr. Bicocchi and carried unanimously on roll call vote.

7. **RESOLUTIONS:**

1. **Neelie Snewo, LLC, 166170 Center Avenue, Block 907, Lot 19 - Minor Site Plan Approval (scheduled for 3/13/08)** (Jaymee Hodges and William Martin recused)

2. **K-Mart, 700 Broadway, Block 104, Lot 5 - Sign Application (scheduled for 3/13/08)** (Richard Bonsignore recused)

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

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

1. Mr. & Mrs. Misha, 266 Fourth Avenue- Subdivision -
Chairman Jaymee Hodges was recused and stepped down from the dais. Ann Costello acted as Chairwoman. Michael Rehill, Esq., attorney for the applicant, continued the hearing. Mr. Rehill called on David E. Fantina, PE, to speak about the changes to the plan. The Minor Subdivision Plans were revised to 2/11/08. Mr. Fantina outlined the changes in a letter to Mr. Snieckus, dated 2/12/08, in response to his comment letter of 1/23/08. Additionally, they submitted Form 10, the "C" Checklist. Due to the change in lot lines and the slight change in overall disturbance, a lesser non-conformity is now involved in the slope ordinance. Sheet 2 was revised based on updated aerial photos to show the approximate front yards of all neighboring properties. The proposed minimum front yard is shown at 22'. The applicant received approval from the DEP. The requested easements have been added to the plan. Shade trees have been shown on Sheet 1 of the plans, as requested by the Board. A planner would also testify as to the variances.

Mr. Lemanowicz referred to Mr. Raimondi's letter of 2/25/08. The DEP referred to Sheet 5, which was not included; Mr. Fantina indicated he would send Mr. Raimondi a copy. As long as the applicant is agreeing to all other items in Mr. Raimondi's letter, he did not see the need to go through each of them. Applicant and the Board agreed.

Mr. Fantina reviewed and responded to Boswell Engineering's letter of 1/30/08.

Mr. Snieckus reviewed the plan and his report and questioned the applicant as to steep slopes, the driveway, shade trees. Ms. Costello read letter from Linda Hayes, Chairwoman of the Shade Tree Advisory Committee, dated 2/11/08, stating only five trees could be taken down in a 12 month period. Further, it was concluded, that the site has approximately 60 trees. Ord. 05-14 L (2) governs restitution of trees, and it was strongly urged that an accurate survey of the project must be conducted as soon as possible to establish a base line, so that the Planning Board may make a proper restitution schedule.

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Questions of the Board followed. Mr. Martin asked for confirmation that they are going to map the trees on at least the two lots proposed. Mr. Rehill asked if it could be a condition of approval. Mr. Martin felt it was important to do now. They agreed to provide same. Mr. Martin asked if they were requesting a waiver of architectural plans. He wanted to see what the houses are going to look like. This would be taken into consideration with respect to the variances being requested. The Board needs this to evaluate the subdivision. The aesthetics of the property have a lot to do with the design of the houses. It could be a detriment. It is listed as a required item on the Checklist. Mr. Bonsignore supported Mr. Martin's comments and noted at the corner, the gravel will be 9-1/2' below the house, and it could look like a huge, 3-1/2 story corner because of the slope. There is good reason and good sense to have the applicant show us what these houses are going to look like, at least the northerly one, where the contours are as deep as he described.

Mr. Rehill said any house would require a variance, and the question from a planning standpoint was the only issue is the slope. They do not believe the ordinance was intended to refer to this particular issue. The house is already in the back. Mr. Martin felt strongly that it was important to get the information required in order to evaluate the situation. The Board should discuss it and decide if the applicant is granted or denied the waiver request. If denied, he should provide the information required by the Checklist.

Mr. Bonsignore expressed his opinion that if you turn these geometric squares or boxes, the architectural elements would be enhanced, and it would be a benefit for the applicant to provide same. Even if this was not a variance request, he would seek and try to influence the applicant for everyone's benefit. He felt strongly about that. At the least, as an insurance against any developer, he would rather see these boxes turned. Mr. Randall advised accordingly.

Mr. Martin reiterated his comments that the Board should vote on the waiver. Mr. Snieckus commented there are steep slopes involved, which is directly related to the building's configuration. It is directly related, and perhaps the architectural would be beneficial. Mr. Rehill agreed to provide plans of the same house, and Mr. Martin noted there was

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an ordinance against that. Mr. Rehill said he would yield to the experts' and professionals' concerns. They would comply with what the Board wants, but it is an additional expense. Mr. Bonsignore commented he understood it was an expense, but felt it would benefit the applicant at the end of its course even at an expense. The Board cannot take costs into its consideration of applications. Mr. Bicocchi commented he agreed with the comments of Mr. Martin and Mr. Bonsignore.

The matter was opened to the public for questions of the engineer. Mr. Liz Butcher, 12 Westwood Avenue, asked about drainage. Mr. Fantina addressed the questions. Melinda Simon, 16 West End Avenue was concerned about flooding and was not satisfied that he said there will be no flooding. Trees are being removed, and that means more water. Mr. Fantina explained the Board hires its own professional to review the plans and make sure it is done correctly. She was also concerned about wildlife. Mr. Fantina indicated the DEP would govern this. She would like to see architectural plans as well. Mr. Jovan, living directly across the street, asked if they would be removing trees from the flood plain. Mr. Fantina indicated a small amount, and the DEP would review. Mr. Misha addressed the public's questions, stating he has been living along the Musquapsink Brook for 50 years. The brook has flooded before and will flood again; he has the right to cash in on his investment and can sell his property as a landowner.

Mr. Rehill requested the matter be carried at that time to address the requests of the Board. The matter was carried to 3/27/08, with no further notice, and any time extensions granted. Mr. Rehill added if they are unable to get the architect's plans to submit 10 days in advance, they will notify the Board.

**2. Old Hook Road, LLC - Industrial Occupancy/Office -
(scheduled for 3/13/08 and 3/27/08)**

9. DISCUSSIONS:

Mr. Hodges inquired as to the status of the Fast Food Ordinance. Mr. Snieckus would check with the Council and advise at the next meeting.

There were no public inquires.

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10. CLOSED SESSION - On motion made, seconded and carried, the Board went into Closed Session to discuss legal matters at approximately 9:40 p.m.

11. OPEN SESSION - On motion made, seconded and carried, the Board returned to Open Session at approximately 10:02 p.m.

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:03 p.m.

Respectfully submitted

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