

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
WORKSESSION/REGULAR MEETING
FEBRUARY 12, 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: Mayor Birkner
Otokar von Bradsky
William Martin
Thomas Constantine (8:53 pm)
Councilwoman Cynthia Waneck
Ann Costello,
Richard Bonsignore
Jaymee Hodges, Chairman
James Schluter, Vice-Chairman
Philip Cerruti (Alt. #1)
Daniel Olivier (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney

Not Required to be Present:

Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, PELS, Board Engineer

ABSENT: None

Mayor Birkner advised that Mr. Constantine contacted him and advised he would be late due to another obligation.

(WWPB 2/12/09)

4. MINUTES: The Minutes of **1/22/09** were held until the public meeting on motion of William Martin, seconded by Ann Costello and carried on roll call vote.

5. CORRESPONDENCE:

1. Letter dated 1/16/09 from Paul Kaufman, Esq. RE: Diamond Financial;

2. Letter dated 2/4/09 from Nancy Saccente, Esq. RE: Risman;

3. Memo dated 2/6/09 from Linda Koch RE: Outstanding Escrow;

4. Memo dated 2/9/09 from Burgis Associates RE: Diamond Financial;

5. Letter dated 2/12/09 from Marc Leibman, Esq. RE: Diamond Financial;

6. RESOLUTIONS:

1. Ruth Risman, 701 Broadway, Block 701, Lot 7 - LB Zone Application for Commercial Tenant Approval - Thomas Randall, Esq. advised the pre-requisites were in order and read the Resolution into the record. A motion for approval was made by Ms. Costello and seconded by Mr. Bonsignore. Mr. Martin noted the revised site plan does not say anything about the sign on the roof. Nancy Saccente, Esq. was present and came forward with her client. She stated she understood it was going to be part of the Resolution. Since nothing was going to be changed she did not ask Mr. Fellgraff to put it on the plan. Mr. Martin commented he prefers everything in the Resolution to be on the plan to keep track of the conditions, but it would not hold anything up. He would like this added nonetheless. Ms. Saccente advised they would be glad to make a notation on the plan. There were no further questions, comments. On roll call vote, Mayor Birkner, Mr. Martin, Mr. von Bradsky, Ms. Costello, Mr. Schluter, Mr. Bonsignore, Councilwoman Waneck, and Mr. Hodges voted yes. Mr. Constantine had not yet arrived. Mr. Cerruti and Mr. Olivier were not eligible to vote.

7. VOUCHERS: None

8. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

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

(WWPB 2/12/09)

1. Diamond Financial LLC - Block 2001, Lots 38, 39 & 46, Jones Street, Alvin Street - Subdivision - Not complete - - Mr. Hodges stated the application was not complete, and the attorney for applicant was notified as to same. That is why Mr. Snieckus and Mr. Raimondi were not present.

9. DISCUSSIONS:

1. Ruth Risman, 701 Broadway, Block 701, Lot 7 - LB Zone Application for Commercial Tenant Approval (Chinta's Dry Cleaners) - Nancy Saccente, Esq. was present with her client, Mr. Risman, addressing the Board as to a second proposed tenancy at 701 Broadway, which was rejected by the Zoning Officer, who stated the Planning Board must review the parking. Ms. Saccente had the denial letter and asked for direction. Further, she requested to present informally the proposed tenancy, to be followed up with a formal application. Mr. Hodges stated he received a call from Mr. Strabone regarding the proposed tenancy, which was a pick up and drop off dry cleaner, and he had concerns for parking, even though the use was acceptable. He advised Mr. Risman that if the Board was in receipt of the complete application, it could possibly review it this evening, but in the absence of same the Board could not proceed.

Ms. Saccente offered the Zoning Request Application and Denial Letter and said they could also offer testimony. Mr. Hodges polled the Board Members. Mr. Bonsignore commented the reason why we made the request to have accurate drawings is so we could have an account of each tenant. Mr. Strabone is acting the way he should, but this one is a special one, and we need to see every tenant. Mr. Hodges agreed we needed to see it because of the parking. Mr. Bonsignore stated the application should be brought to the Board. Councilwoman Waneck asked why they needed to come with each tenant if the square footage has been established. Mr. Hodges responded they did not know the impact of parking. Mr. Bonsignore recalled from the past when the Board instituted a policy to hear all new tenancies per ordinance. Mr. Olivier agreed. Mr. Martin commented if the prior use was a dry cleaner, it would not have required a hearing before the Board, but this building is changing the types of uses and mix of tenancies. They already have the base drawing. They could amend it for this use and should identify the maneuvering of vehicles on and around the site. Ms. Costello suggested reviewing the application due to the light

(WWPB 2/12/09)

agenda. Mr. Hodges stated we do not have the proper application before us. We could review the paperwork, but we cannot act on it. Mayor Birkner agreed we could look at the paperwork, but they need to see the traffic flow around the property. He has a concern with traffic flow. Mr. Cerruti asked which unit would be occupied. Mr. Schluter agreed with Mr. Martin's comments.

Ms. Saccente distributed the paperwork, which consisted of the Zoning Denial with application submitted to the Zoning Official. The operator of the dry cleaner was present and would return in two weeks. A brief, preliminary discussion of the parking ensued. Ms. Saccente indicated she would submit the formal application.

10. CLOSED SESSION - A motion to go into Closed Session to discuss litigation was made by Mayor Birkner and seconded by Mr. Schluter. The Board went into Closed Session at approximately 8:42 p.m. Mr. Constantine arrived at 8:53 p.m.

11. OPEN SESSION - A motion to return to Open Session was made by Mr. Bonsignore and seconded by Mr. von Bradsky. The Board returned to Open Session at approximately 8:55 p.m.

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 8:55 p.m.

Respectfully submitted

MARY R. VERDUCCI, Paralegal
Planning Board Secretary