

**Westwood
Historic Preservation Commission
Wednesday, August 8, 2012
Municipal Complex
101 Washington Avenue**

1. Opening of the Meeting

The meeting was called to order at 7:42 P.M.

2. Roll Call (present)

George Mulhauser

David Hohmann

Linda Salib

Donald Rubin

Robert Miller, Councilmember Liaison

3. Pledge of Allegiance

Chairman Donald Rubin asked Liaison Councilmember Miller to make a few remarks before beginning. Councilmember Miller thanked everyone for coming. He advised the public that the purpose of this meeting is to hear information. He stressed that nothing has been predetermined. He explained that the process is to hold this informational meeting, the hearing in September, and additional hearings if necessary so that the maximum number of residents can have the opportunity to share their thoughts and feelings. Once that is done, the Commission will decide what they want to do: change it, delete it, or pass it on to the Council. At that point, the Council will go through a similar process of having hearings and discussions. The Council will then make the decision what to do. Tonight is informational. Councilmember Miller thanked everyone for being in attendance despite August being a difficult vacation month. He thanked everyone for being part of the solution.

Bruce Meisel, 263 Center Avenue – stated he had procedural questions about the formation of the commission and whether it is properly constituted. Mr. Meisel referenced Chapter 195-177D of the Borough Code and asked each Commission member if they had attended a workshop or conference on historic preservation. None had.

Mr. Meisel referenced 195-177G2 and asked if the Borough had appropriated funds for the Commission. Councilmember Miller answered yes.

Mr. Meisel referenced 195-179A and read that the “Commission shall maintain a comprehensive survey of the Borough of Westwood to identify historic landmarks, historic landmark sites and historic districts that are worthy of protection and preservation. The basis of this survey shall be the buildings, structures, sites, objects and districts identified in the Bergen County Historic Sites Survey, Borough of Westwood, prepared for the Bergen County Board of Chosen Freeholders . . .” etc. He asked if the survey had been prepared. Mr. Rubin replied that the information is on the internet. Mr. Meisel said he asked if a survey had been prepared, not of Westwood Avenue but for the entire town. Mr. Mulhauser asked if it was house by house or those structures in the Bergen County survey. Mr. Meisel reread the code reference and asked if the Commission had done a comprehensive survey of the entire town to identify historic landmarks. Councilmember Miller said no. Mr. Mulhauser pointed out that Bergen County inventoried several. Ms. Salib concurred. Mr. Meisel said

that the code says it is the basis of the survey but doesn't say it's the survey. He believes it's the starting point. Mr. Meisel asked again if the Commission had conducted its own survey. Mr. Mulhauser said they used the County survey as the basis and have added to it, yes.

Mr. Dietrich expounded that the survey conducted by the County in 1982-83 was incorporated into the Historic Preservation Element. Mr. Meisel interrupted to ask Mr. Dietrich for his credentials, which he provided. Mr. Dietrich pointed out that this is not a cross examination. Mr. Meisel wanted to argue the point, but Councilmember Miller asked that he continue with his questions.

Mr. Meisel referenced 195:178A and asked if the designation list had been referred to the Planning Board for inclusion in the Master Plan. Mr. Dietrich responded that the Historic Element of the Master Plan does include the inventory of resources that would then in the future be designated. To date there has been one district designated and that map incorporated into the Borough's Master Plan. Mr. Meisel does not believe that is what is being described and reread the code: Within one calendar year of its organization, prepare and adopt, pursuant to § [195-179](#) hereof, an historic landmark, historic landmark site and historic district designation list and Official Map, which shall then be referred to the Planning Board for inclusion in the Master Plan pursuant to N.J.S.A. 40:55D-28b and to the Borough Governing Body for inclusion in this chapter. He asked if this had been sent to the Governing Body. Mr. Dietrich said yes, and that the operative word is 'designation.' Mr. Meisel does not believe it has been done, but Councilmember Miller said that is a different issue.

Mr. Meisel said as a property owner he is amazed that the room is as full as it is in light of the fact that so many people are on vacation, including Dick Hecht, and John Lamb who represents the Westwood Taxpayers Alliance. Mr. Meisel objected to the five days notice of this hearing. He feels the qualifications are not met and that it is an illegal meeting. He noted that he objects to the meeting, that it should not take place. He recommended that the Board adjourn now, and held at a subsequent time when the qualifications that he reviewed earlier have been met. Mr. Meisel vehemently objected again to the five days notice.

4. Proceedings

The minutes for the June 13th meeting were approved with one revision.

Motion: _____ Second: _____
Roll Call: Mulhauser - Yes Hohmann - Yes
 Salib - Yes Rubin - Yes
 Miller - Yes

Two invoices, one for services rendered by Gregory Dietrich and the other for services rendered by Russell Hunginton, Esq., were reviewed.

Motion: _____ Second: _____
Roll Call: Mulhauser - Yes Hohmann - Yes
 Salib - Yes Rubin - Yes
 Miller - Yes

5. Presentation of Historic District Designation Report

Mr. Rubin introduced the Board Consultant, Gregory Dietrich, who presented the proposed Westwood Avenue Historic District Designation Report.

After Mr. Deitrich's presentation, Mr. Rubin opened the floor to any Board member with questions or comments. Councilmember Miller asked if a building within the district that was not deemed historically significant would still be governed by the restrictions. Mr. Dietrich said yes. Councilmember Miller asked if a building owner today could do something that they would not be able to do tomorrow if this is enacted. Mr. Dietrich said there are restrictions with respect to aesthetics. Councilmember Miller said when discussing regular maintenance, Mr. Dietrich used the example of a window or door. He asked whether a window needs to be replaced in kind. Mr. Dietrich said that is correct. Councilmember Miller said if it is an old window, not necessarily historic, the building owner needs to secure a similar window. Mr. Dietrich said yes. Councilmember Miller asked if there is a means for them to identify these out of date windows that now they have to put back in, how do they go about doing that? Mr. Dietrich said you are replacing something in kind, and you would know what you are working with. Councilmember Miller said he has an old house. If it was in the historical section and he needed to change windows, would he be required to change those windows to what is currently there that he wants to change? Mr. Dietrich said that is not a requirement, if that is your choice then you don't have to undergo a review. If you want to change that into something else, then . . . Councilmember Miller said if he wants to change them to improve them, the ordinance says they would have to be changed with something which I don't want now. Mr. Dietrich said if an application was presented to the Commission proposing to do a faithful restoration, to change what is there now, I can say from my own experience the Commission would most likely embrace such a proposal. Councilmember Miller asked if any resident or building owner has the right to say I love history but I don't want to be designated. Mr. Dietrich said absolutely, they have the right to say it. Councilmember Miller said in this district they have the right to say that? Mr. Dietrich said they have a right to say that, but in the ordinance owner consent is not a requirement for designation. Councilmember Miller said if it's designated then they must follow all the rules? Mr. Dietrich said correct. Councilmember Miller said so they don't have a choice. Mr. Dietrich said that is correct. Mr. Mulhauser interjected that they have the right to say it but it doesn't mean anything because designation doesn't need consent. Regarding windows, he asked if you were replacing a 6 over 6 window that was rotted, you could get a new replacement window that is still 6 over 6. That's the sort of detail that you would like to try to preserve. You are not looking to replace that old single pane rotting window with another single pane window that will rot quickly. Use modern materials but try to keep the flavor of the older home.

Mr. Rubin opened the floor to the public.

Bruce Meisel, 263 Center Avenue – it was said the process was voluntary and it was a recommendation, but in D of Section 195-180 A3d it says the Planning Board shall, not may, be guided by the same criteria of this article, and shall, not may, follow the recommendations of the Commission, unless for good cause its opinion shall differ from those of the Commission.

Dietrich – wanted to clarify that nothing he said was mistaken about the role of this Commission.

Miesel – said he will comment later, but his observation, having been here since 1957 in Westwood, is that Westwood Avenue, when was the last time other than by fire a building was torn down (radius?) on Westwood Avenue?

Mulhauser – I would say it would have been Buccarielli's building.

Miesel – That's correct. Before that?

Mulhauser – I came here in '80, and that's the only one that I can remember.

Miesel – it's the only one I can remember too.

Mulhauser – In my opinion he did that in good taste, fitting in this streetscape.

Miesel – let's take that for a second. If Larry was doing that today, it wouldn't be your opinion, you would have created an historic district. He would have to apply and whoever is on the commission, their taste level would trump his plans. Is that correct, George?

Mulhauser – let's just say that I wouldn't dictate to somebody what they need to do. That's my opinion.

Miesel – that's your opinion. But he couldn't build it without the Commission approving his style.

Mulhauser – right.

Miesel – and also, just from a land use perspective, there's a couple land use lawyers here, can anybody rebuild anything on Westwood Avenue as a matter of right without at least one if not numerous variances from either the Planning Board or the Zoning Board?

Mulhauser – I can't answer that that question.

Miesel – okay, I can.

Mulhauser – that would be nearly impossible in this day and age. (unclear)

Miesel – so you can't build as a matter of right, you've got to go to the Planning Board, you've got to go to the Zoning Board. And during that process, because I've been there many times, that people on the Planning Board often make architectural suggestions as well. So now you have a Board that first, before you go to the Planning Board or the Zoning Board, you have to go to the Historical Commission for ---- is a taste, to make sure that the taste level is satisfactory. Is that right, George?

Mulhauser – it seems to be headed that way.

Miesel – well, it seems to be headed that way tonight with you folks. I'm not sure it's going to get there in the final analysis. I'd like to hear what everybody else says. So I would approach, I'm not speaking for anybody here, but whoever has a comment, there's a lot of property owners that are not here tonight because they are on vacation, so I would encourage everybody to say ----

Miller – Mr. Miesel, thank you.

Rubin – please come up to the microphone and state your name and address.

Steve 269-299 Westwood Avenue, the Five Corners Building – that building was burnt down, that was a burned out building in the early 1980's and rebuilt. We want to renovate or redevelop the property. The property suffers financially, it has tenants that are weak and we need to do something to really turn that around. So my question is, and I'm in front of a lot of boards, I'm a real estate developer, is there an architectural review board in this town? Yes or no.

Miller? – I do not think so.

Steve – so no. So the Planning Board is the architectural review board at this stage. So now you're the architectural review board more or less.

Mulhauser – it's heading in that direction.

Steve - So generally when I go to other boards, there are codes. They say how high the store fronts can be, what kind of glass you can put in, what kind of parapets you can put in. Is there a code, or is this going to be arbitrary? There should be a code, you can't just walk in and say "I don't like it." Well, where's the code that says why you don't like it? There has to be some blueprint that you can follow. That's my comment.

Dietrich – that's a wonderful comment, since the fact that the Borough is going to be, in the future, commissioning a set of design guidelines to provide that kind of instruction. But I want to get back to the fact that the review as it should be, this ordinance should be about appropriateness, not arbitrary

Steve – it's arbitrary when you talk about appropriateness.

Dietrich – well, it's not . . .

Steve – without guidelines, it's arbitrary . . .

Multiple speakers

Dietrich – I'm just responding

Steve – I've been in Planning Boards for five years. There's so much bureaucracy out there, and we don't need more. This is destroying every community that you have to spend your life, and legal bills up the wazoo. Here's another legal bill, go in front of this board, go in front of that board, have your architect to 18 different renderings to make you happy. It just adds on layers. You can't get your money back. Towns need to go forwards, not backwards. You're asking the town to stay still. That's really what we're talking about here, you're talking about going backwards. Our rents are backwards. Are rents are now 30 years old. That's what we're getting now because the town is not working. And this is just another impediment to make it not work.

Ken Katz, 38 Westwood Avenue – asked if any of the board members are building owners in this district. No? Okay. Any of the Commission members architects, are you art majors, you all have backgrounds to make these decisions? I'm a fine arts major. . .

Rubin – I'm a licensed architect in New York and New Jersey.

Katz – all right. Just some of the things, and I don't have them in any real order. But say the Tassini Building, which is a beautiful building, whatever. A few years back we had to make some emergency repairs to it. We were not able to match the brick, and to me it's somewhat of an eyesore. I wish we could have. But that repair had to be made because the building needed it. And what would happen, I mean we'd sit around waiting for years until we had Italian craftsmen make them over and ship them over, waiting because they would match the brick? We obviously have some buildings in question here. I'm sure when the CVS building comes up, that's an eyesore, whatever, we're going to make some renovations, there may be some façade changes. Certainly, I can see that standing out, whatever. But who is it to say, really, beauty is in the eye of the beholder. But such is, like the Eiffel Tower, the French hated it. The Guggenheim museum was an eyesore. These are iconic structures. How do, how, you're going to tell me what is beautiful, or what should be? This deco style Tassini building? I mean, I studied architecture and whatever, I don't know if the Tassini building is really an iconic structure. Maybe in some people's eyes. My CVS building certainly is not an iconic structure. Underneath there lies a Woolworth's building, which I just heard today in New York they're going to be getting millions of dollars for turning that into condominiums. I don't think that CVS building is worth, I don't think that they're going to be throwing us millions to be building condominiums. And I guess finally, normally people kind of, they ask to have their homes put into the historic whatever, designation. Perhaps they get tax breaks. Tax breaks obviously will be for all of us who are going to put this yoke on us? Tax breaks? In this economy, I would be only too happy if Apple came to me to want to put a beautiful all-glass structure on that CVS site. But in this economy, you're telling, no that's not going to work, we really need to mimic some 1930's architecture that it will match. And therefore you all will be sitting with 8,000 square feet of space that I probably won't be able to rent. And I'll be appealing my taxes to you. That's it, thank you.

Unknown – by the way, Barcelona rejected the Eiffel tower, we looked at it the other day. So there you go.

Gordon Hampton, 208 Fairview Avenue – I'm pissed. I'm so pissed right now. You have no idea. Why do you people want to control more, why? Why do you need it? What's wrong with the town that you guys have to come in and control more? We've got a good Planning Board, we've got a good Zoning Board. We really need another person telling us what to do? What happens when I want to sell my building to someone and they say well, I want to tear it down and do this. Gotta go in front of you, and say, well no, I don't like that. The Planning Board and the Zoning Board I think are quite capable of handling it up to this point. I've been around here only since 1959 so I'm newcomer. But you know what, this town is great, leave it alone.

Debbie, LRD Realty, 163 Westwood Ave and adjacent properties – we are third generation owners of the building and we take great pride in keeping up the properties that my grandparents took pride in, my parents took pride in. And that's what I think Westwood has been, I don't think we need an outside agency telling us what we need to do. Look at the

town, it still has preserved many of what it's about. That's what keeps Westwood beautiful. On the other hand we also have property in Bergenfield NJ. And that is very historical. Have you gone through Bergenfield NJ lately? It's a mess. So taking pride in ownership, and obviously all of us do, is really what matters. I don't think we need outside agencies to come in to determine that for us.

Neil Voulant, 8 Bryant Place – I'm going to give a different perspective. I'm a property owner but not in the downtown. I live here, my family has been here since 1950. My question is, you do this whole analysis, and you hear the complaints by owners and their concerns, is what happens to the property values in this district, and others that you feel that at some point you'd also like to designate, what happens to the property values, what happens to the tax values? And then what happens to my property tax bill, which is pretty darn high already? So if you do all this discussion, and you go through this, because in every element when you change things, there is a cost. And in the long run, what's it going to cost me and the residents of this town when that happens? It's no different than what we're going through now, we're talking about buying properties that have been flooded, those costs come back to the other residents. If you make changes in the downtown, and you limit the ability of property owners to expand or change their buildings, it does have an implication. And at some point, you all need to make sure that when you do this analysis, there is some financial analysis, and the people, the residents of Westwood, the rest of the taxpayers, understand what this is going to cost us, that is very important.

Bruce Miesel, 263 Center Avenue – commenting on what people have said, the downtown district is the single largest aggregate tax ratable of Westwood. And I want to promise you that if anyone is foolish enough to adopt this plan, that despite the fact that, 50 years, when I get my tax bill, I shouldn't say this, I don't even look at it, I just pay it. But I will be first in line to ask for a reduction in all of my taxes. And my hunch is that everybody else downtown will follow, and ask that as well. Which means that the downtown which now subsidizes the residential taxpayer will be less of a subsidy as a consequence of this diminution of that. And let me tell you what it means in your terms. Westwood Avenue does not suffer from overdevelopment. If this were a situation where we had a town that was being taken over by developers, and where the character had been destroyed or severely damaged or threatened, I could understand. But if it ain't broke, what are you trying to fix? The problem in Westwood is not overdevelopment, the problem on Westwood Avenue is underdevelopment. We have property owners that don't fix their properties. Somebody once asked me in a public meeting, "Which properties do you own?" I said, "all the ones that are overimproved." There's not a day that goes by that I generally don't have a workman someplace working on one of my properties. You adopt this, that will end right then and there. That's not a threat, it's just the reality. I had to go in for a sign permit on my shopping center at 301. We were adding a store. To put up a sign that matched the other signs, nothing different. The matter was approved, everybody was very nice. \$8,000 in legal and professional fees. It cost me \$1,500 or \$2,500, I forget, just filing fees with the Planning Board. This is the real world. How would you feel if you had to do that to your own homes?

Now I live in a community where I'm the chairman of the Planning Board. So I'm not just talking as a property owner, I'm talking as someone who's gone to the classes and was the chairman of the Planning Board in my town. Let me tell you what we did when this came up. We made it purely voluntary. If a homeowner wanted to make their home historic, then gladly sign up. Everybody else has the right to do with their property as they choose. But the reality on Westwood Avenue is that you can do very little except paint and put on a

new storefront and change some windows. Now I'll give you an example, the Gap building. Hardly an architectural gem. Not quite in the CVS range, but, nothing personal, but we all know, it's not a pretty building. We put those trees to hide them. The back of the Gap building that faces the 301 Shopping Center, Center Square, it used to have to be very tall because it was a theater. Does anybody think that's a pretty wall? Now, if something happens to the Gap and I want to redo that building, and I want to change that wall to make it attractive, now I've got to come before this Commission. I have to come to you before I go to the Planning Board, before I go to the Zoning Board, which I have to go to, I have to go to one of those two boards. So now I have to go to you first, and then you decide what's appropriate, in your vernacular. And appropriateness, as Mr. ?? pointed out, is in the eye of the beholder. So whatever you decide, that's what I would have to do to the back of my building. So what am I going to do in real terms? Unless I'm really dedicated, I'm just going to say "I'm going to skip it and keep it there." And I'm the guy who's made the most improvements of anybody in the downtown over the last 30 years. I'm a leading spendthrift in this town on properties, I'm embarrassed to say. So I would stop. If I'm going to stop, what are the other people going to do.

So again, when you look at this as a benefit and a detriment evaluation, what's the benefits and what are the detriments. What are the real benefits of this? What building on Westwood, you can't afford to take a building down on Westwood Avenue because you can't build it as a matter of right. The only way Mr. Katz gets to take down the CVS building is if he comes in and builds something that is so beautiful that the Planning Board is stunned and says it's so beautiful that we're going to let you put it up and give you all the variances that you need. How much more control does this town need?

(Unknown) Mr. Miesel, if your building burned down, wouldn't you be allowed to build it again?

Miesel – no

(Unknown) – identically?

Miller – excuse me, that's not the process.

Miesel – what he's pointing out

Miller – there's a process for him to speak so we're not going to have multiple conversations.

Miesel – yes, well, I appreciate. But then I look at the Gross building, as I call it after Lauren's parents, now that building burned down to the ground. As did the old Strunks, which is now ---, and as did the bakery. Those buildings burned down. So, to respond, when those buildings burned down they had to all go to the town. Now the town was anxious for them to rebuild but they could not build as matter of right. So if a building is destroyed the first thing you do is come to the Historical Commission. Next thing you do is you've got to go to the Planning or Zoning Board. Now let me tell you the realities and I think that's what Mr. Katz was alluding to. We're in competition with all the other downtowns in Bergen County for tenants. With the economy today there's no new businesses, there's just businesses that move from other towns to your town, is the way it's working. And Westwood has a --- system where we list, we're the only place that lists all of the uses. So you can get a CCO very quickly, it's a two day administrative process. I'm

telling you that I can't count the number of tenants that I've secured for Westwood, good tenants that are here today, because of the way that they are treated in Westwood, without layers upon layers upon layers of bureaucracy. If he gets a national chain, and they find out that a historical commission has to review the application before they go, they'll be in Ridgewood, they'll be in Englewood, they'll be anyplace else but Westwood. So what you may have is a very nicely preserved town with no stores and no ratables. And if anybody thinks that makes sense, then you're not in the real world, you're just not. You're fooling around with the signature of the town. And the reason I'm so passionate about this, I've spent my entire career working on this downtown. From the parking lots to the lanterns to everything in this downtown. And I put my money where my mouth is because every one of my buildings has a reflection of how attractive it should be. And the way, this whole idea is so misguided that, you know, I'm not going to get up here and cry like my friend Gordon. But inside that's the way I feel. It's wrong. It's just plain wrong. And to do it in the face of a new Master Plan that is so incredibly detailed and thoughtful and productive and progressive, that I said to someone the other day, it's a wonderful road map for the success of Westwood. This is a bad idea. You don't have to believe me, but I'm going to tell you something, there's not anybody that I've spoken to in this town that thinks it is a good idea, with the possible exception of you people up there and a couple other people. But everybody who deals in this town on a day-to-day basis thinks it is incredibly misguided, and it's going to be costly, and it's just again plain wrong. Thank you.

Scott Berkoben, 211 Center Avenue – I just want to understand a little bit how the process works. I'm Scott Berkoben, 211 Center Avenue, PO Box 32, Westwood, NJ. I hesitate to identify the PO Box because I don't know if I got the proper historical approval. I'm here on behalf of Third Day Realty and Rock Solid Realty. We have some buildings on Westwood Avenue, Center Avenue and Fairview Avenue.

I guess we need to understand a little bit the process here. I have a Westwood Avenue Historical District Designation report which I pulled off the internet. I was able to pull this off the internet but not the brochure on what happens to your property. But I was able to pull this. What's the importance of this document? Is this document the basis of anything? What is this? How does it fit in with the process?

Dietrich – it is the basis for the historic district designation.

Berkoben – and you prepared this, sir?

Dietrich – yes sir.

Berkoben – did you prepare this or your staff?

Dietrich – I prepared that document.

Berkoben – okay. It bears in some respects a fairly remarkable resemblance to this one. Did you use this as a source? I'm pointing to just for the record, Westwood: 100 Years of Hometown Heritage, 1894-1994, which was prepared when I was on the Council.

Dietrich – among other documents, yes.

Berkoben – what other documents?

Dietrich – if you turn to the bibliography.

Berkoben – okay, what have we got. Were there any other documents you consulted?

Dietrich – no.

Berkoben – okay, and now we have this document. What's it going to be used for next? Is this a completed document or is this a draft document?

Dietrich – it is a completed document.

Berkoben – and what is it being used as a basis for?

Dietrich – for a historic district designation.

Berkoben – okay. I just had some questions. Did you look at, in comparing this document, the one I have up here tonight, with this document, Westwood, I notice that many of the buildings on Westwood Avenue and elsewhere had histories provided. Is that correct?

Dietrich – yes.

Berkoben – okay, it looks like they from some degree were taken from this document in terms of the histories, tenancies and so forth. Is that correct?

Dietrich – there were, there's another document in addition to that one.

Berkoben – which other document?

Dietrich – Westwood Tercentenary Journal, 1664-1964.

Berkoben – okay. And it looks like there's a map in this document, the Westwood Bicentennial document, that was done earlier, which seems to have a layout of Westwood Ave and a picture of each property, and a list of the history of the tenants in so far as it could be determined. Is that correct?

Dietrich – correct.

Berkoben – and yet your document doesn't include the entire list of tenancies on any of the properties, is that correct?

Dietrich – that's correct.

Berkoben – why is that, sir?

Dietrich – the inclusion of the tenants was something that could be provided but was not essential to fulfilling the significance criteria, which was really the basis of the designation, that is what aspects of the district fulfill the area significance criteria as I enumerated in my presentation. So there really is nothing in terms of the criteria. There's criteria designated in

the ordinance that speaks to association with famous individuals, which maybe there were some. I did not come across any as per the tenants within the buildings at the time.

Berkoben – it's important, I think, because it purports to be a historical document and the history should be gotten right. And I think it's important because we're talking about the historical significance of the particular sites. And so I'm wondering on what basis you dropped some of the old tenants off.

unknown – time, space limitations, I don't know, honestly.

Dietrich – if I tell you that that aspect of the designation report is not the key aspect to what informs this district's significance.

Berkoben – what is?

Dietrich – let's see, criteria one, two, four, six and seven, as I already

Berkoben – forgetting the criteria, you provide the history of the sites, and you provide a partial history for each site. And they go back to different dates.

Dietrich – yes.

Berkoben – so on one end of Westwood Avenue you go back to the turn of the century. On the other end of Westwood Avenue you go back to the 1950's. And you delete the tenants and the uses of the properties on the 1950's end of Westwood Avenue that go back before 1950, and I was wondering why that was done.

Dietrich – I'm glad you brought that up, yes, because in some cases there are new buildings that replace the former buildings. So in other words they are not buildings from the 1920's. For example, the section between Fairview and Kinderkamack Road on Westwood Avenue. So I would not be talking about, not be giving you a laundry list of tenants in a building that no longer existed. I'm glad you asked that, it just reminded me that's exactly why I did not include those.

Berkoben – okay, in fact you hadn't even consulted any of the old Borough ordinances. For example, the 1930 copies.

Dietrich – for?

Berkoben – for Westwood Avenue.

Dietrich – but what information are you suggesting I would be gleaning from the Borough ordinance from 1930?

Berkoben – did you check any Borough ordinances?

Dietrich – the current Borough ordinance.

Berkoben – the current Borough ordinance?

Dietrich – right, because that’s the basis for the designation, is the historic district designation in adherence with the current Borough historic preservation ordinance.

Berkoben – so, say, a 1933 ordinance that showed Westwood Avenue didn’t go all the way to Kinderkamack Road, that doesn’t have a bearing on the historical importance of one end of Westwood Avenue?

Dietrich – that’s what I was explaining in my history, in terms of the eastward expansion along Westwood Avenue and the commercial district.

Berkoben – okay. So you didn’t look at any ordinances.

Dietrich – no. I looked at the current ordinance.

Berkoben – did you look at any building permits?

Dietrich – no, ah, yes I did, whatever was -

Berkoben – what building permits did you look at?

Dietrich – there were very few on file in terms of historic building permits unfortunately.

Berkoben – well, what did you look at?

Dietrich – Gardner’s Florist is one that came up.

Berkoben – how did it come up?

Dietrich – it was an alteration that was done. I mean honestly, offhand, I don’t have that information before me.

Berkoben – because I think in this document, almost all of the descriptions of the buildings seem to rely on visual inspection.

Dietrich – that’s right.

Berkoben – and visual inspection leads to conclusions.

Dietrich – yes.

Berkoben – okay. For example, did you look at deeds by the way?

Dietrich – no, deeds do not tell you generally about building alterations. They tell you about ownership.

Mr. Berkoben cross-examined Mr. Dietrich regarding his process in compiling the information used for the report.

Mr. Berkoben asked why the 100's block of Fairview was not included. Ms. Salib explained that the designations are being done in sections. Mr. Dietrich confirmed that no houses in the 100's were included in the current proposal.

Mr. Berkoben discussed the importance of deeds, building documents, photos, 1930's ordinances, historic reference books. He referenced some information that Mr. Dietrich requested be forwarded to him to include in the report. The purpose of Mr. Berkoben's cross-examination had to do with establishing the procedure used for incorporating information into the report.

Mr. Berkoben asked what design and architectural standards would be imposed on the different type of buildings. Mr. Dietrich noted that each application should be reviewed on the case by case basis according to the characteristics and defining features of each building.

Mr. Berkoben asked how Mr. Dietrich would recommend standards be set up. Mr. Dietrich explained.

Mr. Dietrich reiterated over and over that he would be happy to review any information and documents Mr. Berkoben had with an eye to including it in the report.

Mr. Berkoben asked what would happen if a property owner wanted to install solar panels. Mr. Dietrich explained yet again that this was not in his jurisdiction as the consultant but rather the Board's.

Based on an undecipherable question by Mr. Berkoben, Councilmember Miller asked if it is limited to just the front. Mr. Dietrich said the purview of the commission is what is in the right of way. Councilmember Miller said it could include the back, though.

When Mr. Berkoben once again pressed Mr. Dietrich for an answer and Mr. Dietrich pointed out once again that the questions being asked are the purview of the Commission, Mr. Berkoben asked the Commissioners. Councilmember Miller said the situation is hypothetical and not answerable.

Mr. Berkoben said he needed to understand how the documents worked together and the methodologies for including them. He said if the point is to keep the historical background of basis, then the history should be gotten right. Mr. Berkoben insisted that the Borough's own records conflict with the report. He requested that the Commission not act on the document. Mr. Mulhauser pointed out that the that the 100th anniversary book is not an official borough document. Mr. Berkoben said it now is, since its information was included in the report. Mr. Dietrich invited Mr. Berkoben to sit with him and review his methodology for the report. He pointed out that the information being questioned is not central to the designation.

Lori ----, Five Corners – thanked the Commission for trying to keep the character in the neighborhood, but she thinks it is government gone wild. She asked how much the report cost, and how long it took. She asked for Mr. Dietrich's credentials, degrees in architectural history and where they are from. She noted that her building was rebuilt in 1980. She does not believe her property should be historically designated nor the entire area caught up in it. She has graduate degrees in architecture and architectural history. She does not believe age

doesn't equate being worth maintaining. She feels downtown Westwood is an eyesore. She doesn't believe something built in 1935 is necessarily worth preserving. She said the cost to replace something in like kind is triple to the cost of replacing otherwise. It is an enormous financial burden being placed on the owners. Her premise is it's a financial disaster, many of the properties are non-contributing but stuck with the designation, and she doesn't understand it from a historical perspective. There are some buildings that may be worthy but it should be up to the person to preserve it rather than the government forcing it on them.

Scott Berkoben – asked what slice of history is trying to be preserved, and why pick that one over other ones? There are decades of history trying to be preserved on Westwood Avenue. While one aspect he heard is retail, there are whole classes that do not exist any more. How do you do it? There needs to be a determination, and in order to do that you have to have an accurate document. The existing one is not complete or internally consistent. Get an accurate picture. It is important to know that all buildings on Westwood Avenue are replacement, either from the 20's, 40's, 60's. It is all well and good to say come share documents, but it would have to be done by September 12th. He said while some building owners were noticed, the buildings are not established as part of the designation. He asked the Commission to not move forward on this basis.

Mr. Berkoben said when he opened his office, there was over a million people in Bergen County. It is down to 830,00 people in the last census. This is a declining area, let's not add to this process. A tenant doesn't want to make an application and then wait 8 months. Or they'll be in the next town to open a business. At the very least use the document for the first draft, but work on an accurate basis. Then the differences will be philosophical.

Mr. Dietrich said nothing that Mr. Berkoben commented to the board spoke to the relevancy of the document. He invited Mr. Berkoben to submit information. Mr. Dietrich reached out to everyone he could to obtain information.

Mr. Dietrich responded to the question by Lori by giving his credentials and degrees.

Mr. Berkoben said that while he asked the Board to complete the study if it's going to do anything, he would ask the Board to not do anything on behalf of his client.

Lori asked the price of the report. Councilmember Miller advised it has cost \$600 so far. Lori asked what the cost is going to be. Mr. Dietrich doesn't know the cost to date. Mr. Miesel was surprised that no one on the Commission asked the approximate cost. Mr. Dietrich said it was ongoing. Mr. Miesel pressed the Commission on whether a conversation about price had been held. Councilmember Miller said it had not. Mr. Miesel said it was irresponsible. Councilmember Miller said the objective of the meeting was to share information and obtain comments. Cost is public information that can be obtained but it is not for discussion tonight.

Someone asked if the Planning Board and Zoning Board have given their support for the Commission. Councilmember Miller responded that the Chairs of both boards were asked to attend, and one is here. That person commented that the Commission is taking over as lead agency. Councilmember Miller said that is how some see it. Both Chairs were invited to attend and will be kept abreast of everything.

Councilmember Miller thanked everyone and said they were heard. He reiterated that nothing has been predetermined or pre ordained.

Mr. Mulhauser commented that when he joined the board he said at that time he did not want to see it become another layer of bureaucracy. The Commission has an element of educating people so if you own a historic piece of property you could come to them for guidance. The Commission doesn't seem to have evolved in this direction. He said not everyone is in agreement with the way this is going. Mr. Mulhauser said it would be great if every property owner in Westwood thought like Mr. Miesel in maintaining their property. Unfortunately some people have said this tool is needed in order to preserve this. He thanked everyone for the lambasting because it makes us think of how this is going to work.

Mr. Miesel commented that the Commission should be a resource and not a burden.

Mr. Rubin said discussions on the evolution of the commission are ongoing. One discussion is to preserve the character of the town rather than to impose historical styles. We probably can't keep everything the way it was at a certain or various periods of time, but we want to preserve the scale, character and livability of the town. We're thinking that part of what we could do in addition to advising is to be involved in those kinds of goals.

5. Adjournment

The meeting was adjourned at 9:36 PM by Councilmember Miller, seconded by Mr. Mulhauser.