

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
REGULAR PUBLIC MEETING
March 8, 2012**

APPROVED 3/22/12

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 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 John Birkner
Thomas Constantine
Richard Bonsignore
Philip Cerruti
Councilwoman Ingrid Quinn
Ann Costello (Alt. #1)
Keith Doell (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Brooker Engineering,
Board Engineer

ABSENT: William Martin (excused absence)
Jaymee Hodges, Chairman (excused absence)
James Schluter, Vice-Chairman (excused absence)
Daniel Olivier (excused absence)

4. MINUTES: The Minutes of **2/23/11** were carried to the next meeting.

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5. CORRESPONDENCE:

1. Memo of Ed Snieckus, Burgis Associates, dated 3/6/12, RE: Master Plan Re-Examination Development Regulations Amendment Recommendations.

6. RESOLUTIONS:

1. Sneaker Lounge, 301 Center Avenue, Block 808, Lot 3 - Amended Site Plan Application - Ed Snieckus recused himself for Burgis Associates for the record. This would be noted in the Resolution. Board Attorney Steven Paul read the Resolution into the record. A motion for approval was made by Mr. Cerruti and seconded by Ms. Costello. There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, Mr. Cerruti, Mr. Bonsignore, Councilwoman Quinn, Ms. Costello, and Mr. Doell voted yes. Mr. Constantine was not eligible to vote.

2. Lipkin Properties, LLC - 345 Old Hook Road, Block 2103, Lot 2 - (James Schluter recused) - Carried to 3/22/12

7. PENDING NEW BUSINESS: None

8. VOUCHERS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

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

10. DISCUSSIONS:

1. Memo of Ed Snieckus, Burgis Associates, dated 3/6/12, RE: Master Plan Re-Examination Development Regulations Amendment Recommendations - Pursuant to the Board's request, Ed Snieckus provided a Memo summarizing the recommended amendments to the Borough's development regulations identified in the Master Plan Re-examination Report adopted on December 1, 2011. The following list is a summary of the recommendations in a general order of priority based upon the discussions during the review of the master plan. Ed Snieckus, with the Board, discussed the priorities and schedule for the preparation of the relative amendments. The plan was to use these items as a laundry list and then prepare a memo to the Governing Body for consideration.

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Central Business CBD/SPE and CBD Zone Districts

A. Recommendations for the CBD/SPE Zone District :

1. Gourmet and Specialty Food Stores

- (a.) Number of seats increased to 16
- (b.) Definition of Gourmet and Specialty Food Stores amended to note:

"should an eating establishment exceed the maximum seating limitation (chair and stool seating), of said use, then the use is defined as a restaurant."

- 2. Nutritional and Health Food stores** recommended principal permitted use. Recommend containing maximum size limitation of 2,500 sq ft to prohibit large food stores overburdening district facilities.

B. Recommendations for the CBD Zone District :

1. Expansion of CBD zone: Add Block 909, Lots 3, 4 and 5 to encompass existing commercial development on the southerly side of Bergen Street between Center and Fairview Avenues.

2. Mixed Use Overlay Zone : The Borough master plan re-examination report supports a mixed use concept in the southerly area of the CBD as a means to assist the vitality of the district.

3. Health Care Services as Permitted Use: Define health care support services as well as specific zones to permit such as in the CBD, CO and O zones. Services included under this use would include a wellness center, nutritionist, physical therapy, holistic healing and dietitian. The parking standards should also include a recommended standard for this use of 1 space per 200 square feet.

C. Recommendations for the CBD/SPE and CBD Zone Districts :

1. Underground Parking Facilities : It is recommended that underground parking be permitted in CBD, CBD/SPE, zone. Review of this issue by the board noted that a single level underground garage may be appropriate in certain locations in the CBD, CBD/SPE zones, subject to appropriate safety considerations such as access and pedestrian safety and only as a part of a conditional use requirement.

2. Drive-thru Facilities Prohibited: Recommended drive thru facilities not be permitted in the CBD and CBD/SPE Zones due to the intent to promote the pedestrian focus of these zones.

3. Sign Regulations Recommendations :

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i. **Limited Neon type Sign Permission:** An exception be placed in the sign regulations wherein a non-flashing neon or LED sign or sign creating the visual effect similar to neon is only permitted internally in a building and must be placed a minimum of 10 feet from a window to the outside of the premise containing such sign. Each shall be not be larger than 3 square feet and contain no more than 3 colors. There shall be a maximum of 3 such signs at any one premise.

ii. **Wall Mounted Sign Lettering Height Exceptions:** Related sections of the sign ordinance be amende d to permit an allowance of 6 inches additional height for ascending or descending lower case letters. Also recommended that the sign regulations be amended to allow an exemption if a primary business wall sign is 100 feet or more from the closest public right of way, than the maximum height of the lettering permitted on the wall sign be permitted to be 18 inches. Such sign shall be within 10 feet of a businesses main entrance at any point.

iii. **Hanging Signs:** To improve the identification of businesses along the roadways of the CBD/SPE district in consideration of the narrow visual corridor of this district, it is recommended that the Borough consider permitting small hanging signs perpendicular to building frontages in addition to wall signs.

4. **Maximum Building Length:** A criterion for maximum length of a building in the CBD zone (Section 195-119), should be reviewed to manage the potential consolidation of several contiguous lots in a redevelopment project resulting in an undesirable new building leng th.

5. **Outdoor Dinning Regulations:** Amend the yearly permit requirements, the limitation of the number of seats and chairs and the permission of food service windows or doorways (Dutch doors like Conrads)

Limited Business LB 1 thru 3 Zone Districts

A. **Amend Section 195-42 - Terms Defined** Terms defined recommend adding in proper alphabetical order the following terms to define specific land use types:

ADULT SENIOR DAY CARE- A non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the state of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision and support. Nursing services may or may not be provided to clients.

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HEALTH CLUBS- An establishment that provides facilities for aerobic exercises, running and jogging, weight training and strength conditioning, game courts, swimming facilities, exercise equipment, saunas, showers and lockers for members and guests. Health clubs may include pro shops, as well as instructional programs for members and guests.

Recommendations for the LB 1 thru 3 Zone Districts:

A. **Amend Section 195-122 D- Conditional Uses** Conditional permitted uses allowed in the LB-1 District to add Pharmacy - Drug Store with drive thru subject to specific conditional use standards to be developed.

B. **Amend Section 195-124 B. Permitted Principal Uses:** by replacing the existing paragraph B with the following (deleted sections are noted by strikethroughs, new sections are *italicized*).

The principal permitted uses allowed in the LB -3 District include the following:

1. Retail sale of appliances, furniture, office equipment or similar bulky, durable items;
2. *Medical equipment sales, rental and service;*
3. *Instructional dance or martial arts studios;*
4. *Music studios and music instruction studios;*
5. *Retail custom packaging and mail services;*
6. *Passenger car rental uses;*
7. *Personal care services such as hair and beauty salons;*
8. **Individualized instructional sports training facility (excluding health clubs), shall not exceed a maximum floor area 5,000 sf;**
9. **Neighborhood hardware store (maximum floor area 5,000 sf);**
10. *Farmers market;*
11. Restaurants **(excluding drive thru's)** ;
12. Banks, including drive-thru banks;
13. Business, professional and medical *(including veterinary)* offices;
14. Child care centers subject to §195-129B;
15. Antique shops;
16. *Animal grooming and animal day-care services.*
17. **Dry cleaners (retail distribution only)**

C. **Amend Section 195-124 D - Permitted Conditional Uses:** Conditional permitted uses allowed in the LB-3 District to add the following conditional use include the following:

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Adult Senior Day Care facilities subject to the following conditions:

Mixed Use Office and Multifamily Residential Development subject to requirements to be formulated:

D. Amend Section 195-162 D Table 1 Parking Standards: Include Adult Senior Day Care Centers. Adult Senior Day Care Centers shall provide one and a half parking stalls for each on-site employee.

E. Amend Section 195-123 Conditional Use LB-2: *Permit Commercial and Multifamily Residential Development as a conditional use in the LB-2 district subject to the specific use requirements.*

F. Unified Streetscape Design: Amend regulations to require a unified streetscape design for the pedestrian sidewalk improvements be provided along all properties in the LB-1, LB-2 and LB-3 districts.

Recommendations for the Health Service Office HSO Zone District

A. Limiting Outpatient Ambulatory Care or Ambulatory Surgical Centers: The HSO zone permits medical and professional offices. Medical care has evolved to allow outpatient care to occur outside the hospital setting. Recommendation consider limiting what are termed outpatient ambulatory care or ambulatory surgical centers under the definition of these uses.

Recommendations for the LM Zone District :

A. Expand List of Permitted Uses: The following uses and related requirements are recommended to be added in the LM zone districts principal permitted uses:

1. Instructional dance or martial arts studios;
2. Glass, window or mirror stores;
3. Individualized instructional sports training facility (excluding health clubs), shall not exceed a maximum floor area 5,000 sf;
4. Automotive and Automotive body repair shops. Outdoor storage associated with such facilities shall conform with the outdoor storage requirements noted in the accessory uses in this zone;
5. Car leasing and rental facilities. Outdoor storage associated with such facilities shall conform with the outdoor storage requirements noted in the accessory uses in this zone;
6. Fabrication businesses;
7. Garden Centers and Nursery (landscape contractors a conditional use)
8. Contractor facilities (permitting tradesman such as; painters, plumbers, carpenters, electricians, roofers and excavators). Outdoor storage associated with such facilities shall conform

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with the outdoor storage requirements noted in the accessory uses in this zone;

9. Security businesses;
10. Printing facilities
11. Medical supplies;
12. Medical products research and development facilities

Recommendations for the RW Zone District :

A. Re-zone Westwood Swim Club: The Westwood Swim Club located on Tillman Street is located in the RW zone district on the current zone map. This designation is contrary to the designation as noted in the prior codified development ordinances wherein it was in the R -1 zone. In addition this use is specifically a permitted conditional use in the R-1 zone and not the RW zone. It is recommended that the properties making up the swim club be rezoned to the R -1 zone to address this inconsistency.

B. Expand Purpose and Uses permitted in RW Zone: The purpose identified in the RW Retail-Wholesale District, acknowledges the established outlet and wholesale establishments. Recommendations are noted below to include automotive repair, car rental, light fabrication or manufacturing, contractor yards , warehousing and self storage and therefore would be expanding the purpose of this zone. If the Borough chose to permit these uses, this inconsistency would require the identification of the intent to expand the purpose of this zone. Recognizing that this zone has not been developed to the extent of the stated purpose for this district due to numerous probable market factors, we recommend this district purpose be expanded as noted to permit the evolution of the uses as amended by the Borough.

The following uses are recommended for addition only in the RW zone districts principal permitted uses:

1. The permitted uses of the LM zone;
2. Office equipment and supply stores;
3. Retail Sales of durable products, such as furniture manufactured, stored or assembled for sale on site, with a minimum retail area of 25% of the total building area;
4. Self storage facilities (no electrical receptacles other than lighting shall be available for individual storage units).

Recommendations for both the LM and RW Zone District :

A. Expand Permitted Uses in LM and RW Zones: Subject to the HUMC North at Pascack Valley being reopened as a full service hospital (H

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Hospital Zone), the LM and RW zone may become appropriate locations to permit certain uses permitted in the HSO zone with specific conditions. This would further and expand the Goal and objective to foster a medical, research and technology area of the borough serving the northeast region of Bergen County.

The following use and related requirements are recommended to be added in the LM and RW zone districts as an accessory permitted use.

1. Outdoor storage areas conforming with the following:

- a. Storage must be within an area defined and completely screened in accordance with approval of a site plan;
- b. Screened with a minimum buffer in accordance with the buffer requirements of §195-133 from a residential zoned or developed property;
- c. The area shall be calculated in the total impervious coverage of the site;
- d. Shall be setback at least 10 feet from a side or rear lot line and not permitted in a front yard;
- e. The storage areas shall not occupy or obstruct the parking space requirements required by code;
- f. The storage areas shall be no higher than 15 feet high;
- g. The storage areas shall be at least 15 feet from a principal structure;
- h. A storage area is not permitted on a lot wherein there is not a principal building or structure
- i. The storage area material must be only for the business activities of the tenant or owner of the principal structure on the lot in question.
- j. The storage of registered or unregistered motor vehicles or trailers on site for more than 14 consecutive days shall be deemed outdoor storage.
- k. The storage of waste as outdoor storage is not permitted except in accordance with applicable solid waste and health code requirements.

Hospital H Zone District

Recommendations for the H Zone District :

A. **Expand H Zone:** Include the existing Center for Women's health located on the adjacent Lot 65 of Block 2001, owned and operated by HUMC from the HSO Zone to the H Zone. It is recommended that this lot be re-zoned to the Hospital Zone. This recommendation would allow flexibility for the use of this building. In addition, the rezoning of this lot to the hospital district would reflect the current developed

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condition wherein the existing building orientation and vehicle access is provided by a common drive to the hospital lot.

B. **Subsurface Parking:** Section 195-128 L. regulates parking garages in the H zone. It is recommended that subsurface parking garages be specifically permitted as an accessory use.

Single Family and Multifamily Residential Zone Districts
2005 Re-examination Recommendations :

A. **Section 195-42 Impervious Coverage Definition.** It is recommended that the term "impervious coverage" be amended to "total surface" coverage to further define the various types of coverage that lead to runoff from a property. A definition that has been used in other municipalities that could serve as a model is as follows:

"TOTAL SURFACE - The percentage of lot area covered by the aggregate of building coverage and all surfaced areas, including tennis courts, swimming pools or any other recreational structures, whether or not any of the foregoing have an impervious surface. For purposes of determining "total surface coverage," parking areas, patios, decks and driveways, whether or not paved by way of macadam, concrete, bricks or other types of paving stones or blocks or surfaced with stones or gravel or left in a natural state, shall be included in such area computation".

B. **Section 195-77 "F" Front Yard Limitations:** This section of the ordinance should be revised to include the following additions (**in italics**):

"Front yards shall be free of uses principal or accessory structures, storage, impervious areas or parking except for lawful driveway, walkways, patios, steps and parking areas as specifically permitted herein, (see section 195 -162B.10 ref. driveways)."

These suggestions are offered to clarify the intent and permitted activities that would normally be permitted in the front yard area.

C. **Section 195-77 "G" Building Envelope Obstruction:** Further refinement is needed for the ordinance provision in section 195 -77"G" which states:

"No new lot shall be created where the building envelope shall obstruct the line of sight to any other lot's building envelope fronting on the same street from any portion of said proposed lots street frontage."

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This requirement may create a conflict with a typical conforming subdivision and therefore should be removed from the development standards. Furthermore, in order to improve the lot development requirements, Section 195-112"D" should be further revised as follows:

A lot shall not be created or subdivided within the front yard area between the entire front façade of a residential building and the common street lot line on which the properties front as determined herein. This provision shall not apply wherein a pre-existing building will be removed as a result of the proposed subdivision.

Section 195-130A- Accessory Structures. The criteria for sheds and accessory structures maximum square footage should be further refined to clarify that sheds and other accessory structures permitted at 5 feet from a property line should remain capped at 200 square feet. An accessory garage at 5 feet from a property line should be permitted up to 450 square feet to allow an incremental increase for this use. A garage that is larger shall be 10 feet minimum from a side or rear property line. The maximum number of sheds and garages is limited to a total of 2 on a residential property.

Section 195-130G - Retaining Walls: Due to building code requirements wherein no permits are needed for a retaining wall unless it is load bearing, it is recommended that all retaining walls over 4 feet in height shall require review and approval of the Borough Engineer. Any retaining wall over 18 inches high shall require a zoning permit.

D. **Section 195-130G - Number of Garage Spaces Required.** The parking requirements should be changed for the number of garage spaces required. It is recommended that a 1 car garage should be required for a single family home with up to 3 bedrooms and a 2 car garage for single family homes with more than 3 bedrooms in order to balance the requirements to the size of the home.

E. **Application Forms -Single Family Residential Applications.** The official Planning or Zoning Board application forms should include a separate application form tailored to single-family residential applications for "C" variances in order to simplify the application process. The regular "C" variance application can be confusing for the homeowner who is applying for a minor variance. The form should also provide a space in which the applicant's reasons for the variance are provided to help set the framework for their application.

Recommendations for the R-1, R-2 and R-3 Zone Districts:

A. **Permission of open porches and entrance ways in required setbacks:**
The addition of an open porch in the single family residential zones

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of the R-1 and R-2 would benefit from some relief of the setback requirements for open porches and entryways. These features, at a reasonable size and subject to bulk controls, do not present a consequential loss of light air and open space and improve aesthetics for the residential community. Often these entranceways are a necessary functional component of a residential structure. Therefore the following is offered for consideration:

In the R-1 and R-2 zones, a roofed open porch or entranceway, not higher than the first story of the building, may project into one required side yard on a lot, provided that it is at least 6 feet from said side lot line. An open porch or an entranceway, not higher than the first story of the building, may project into a required front yard a distance of not more than eight feet. No entranceway or stairway constructed under the provisions of this section shall have a width into the required building setback greater than three times the distance of its projection into the required setback. Such a building feature is a component of the principal building therefore is included in the calculation of building coverage.

B. Building Height: The building height definition should be further refined to allow an exemption for measurement of building height for garages attached to the principal residential structure that are below the grade plane of the first story in the R-1 and R-2 zones. Such exemption should not extend for more than the width of the garage or 22 feet. In addition, stairways to access a below the grade plane basement or cellar not greater than 5 feet wide shall also be exempt from the lowest grade measured for building height to allow an access staircase to be constructed.

C. Residential single family temporary handicapped accessibility ramps: It has been requested for the Borough to consider providing an exemption to permit temporary handicapped accessibility ramps for residences in the front or side yard setbacks in the R-1 and R-2 single family residential zones. It is recognized that accessible ramp regulations often require such a ramp to extend a considerable distance from a structure and it presents a hardship for the property owner. The following is recommended for the R-1 and R-2 zone districts:

A open (unroofed) ramp demonstrated as necessary by a certification by a physician, podiatrist, or chiropractor, be permitted to project into a side or rear yard, provided the setback is reduced to no less than 5 feet to the adjacent side or rear lot line.

Sustainability in Development Regulations

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A. Amendments to remove obstructions for sustainable features: It is recommended that exemptions be formulated such that these energy saving techniques are not unduly penalized in comparison to conventional construction. Such a recommendation is to measure the floor area ratio from the interior edge of the exterior wall of the building. A second recommendation is to exempt an increase in the extension of the thickness of an existing exterior wall into a setback requirement up to 12 inches to permit the application of exterior insulation systems.

B. Sustainability Regulations: Municipalities throughout New Jersey have enacted zoning regulations that promote the safe and effective use of renewable energy systems. There are several model ordinances available online that can be reviewed at the NJDEP - Office of Planning and Sustainable Communities website as well as the Association of New Jersey Environmental Commissions (ANJEC) website. Additionally, other municipalities have adopted "Sustainable Development Practices" checklists that establish green standards for an applicant to voluntarily address. It is also noted that the MLUL has been revised to include wind and solar or photovoltaic energy facilities or structures as inherently beneficial uses. Given the State's recent legislative actions promoting alternative energy resources, the Borough is recommended to consider adopting bulk and area regulations that limit adverse impacts and provide for the protection of Borough residents while still promoting and encouraging their development.

Cemetery CEM Zone District

A. Recommendations for the CEM Zone District: It is was identified during the review of the permitted uses for all zones that the Westwood Cemetery on Kinderkamack and Old Hook Roads is located in the CEM Cemetery Zone but the land use code does not have any standards for this zone. The following is recommended for the Land Use Code:

1. Add the CEM Cemetery to the list of zone districts in Article XIV. The following are the recommended standards for consideration:.

CEM Cemetery District:

- i. Within any **CEM** Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted uses expressly set forth herein.
- ii. Principal permitted uses shall be as follows:

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1. Graves for the interment of the dead and related activities associated with interment, excluding a crematorium.
2. Mausoleum: 1 multifamily mausoleum of up to 200 internments per 10 acre site area.
3. Family mausoleum: unlimited in number permitted.

iii. Accessory uses:

1. House of worship or office space strictly related to said cemetery use, not to exceed a height of thirty (30) feet.
2. Placement of tombstones and monuments on a burial plot not to exceed a height of 15 feet.
3. Maintenance building relating to the operation of the cemetery only, not to exceed a height of 20 feet.

iv. Maximum building height.

1. The maximum height of a mausoleum in the C Zone shall not be greater than thirty (30) feet.

v. Minimum tract area: thirty (30) acres.

vi. Yard and setback requirements.

1. Minimum front yard setback.

(a.) Graves and family mausoleums: minimum thirty (30) feet from any front lot line, five (5) feet from any side or rear property line.

(b.) Mausoleums for multiple families: minimum of one hundred (100) feet from a front lot line and thirty (30) feet from a side or rear lot line.

(c.) Permitted accessory buildings: one hundred fifty (150) feet from any front lot line, ten (10) feet from a side or rear lot line up to 20 feet in height, thirty (30) feet from a side or rear lot line for accessory structures higher than twenty (20) feet.

(d.) Access roads. Access roads may be permitted every two hundred (200) feet, with a maximum of two (2) access roads on any one (1) public street. Any intersections of an access road with a public street shall be at least one hundred fifty (150) feet from any existing or proposed street intersection.

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(e.) Signs. A maximum of one (1) identification signs may be permitted along any one (1) public street. Said signs shall be no larger than twelve (60) square feet in area and shall be at least ten (10) feet from any street line. The identification sign shall be no higher than eight (8) feet. Directional and safety signs erected on the premises shall each be limited to two (2) square feet in area and shall be erected at least twenty (20) feet from any street line.

Mr. Snieckus noted he would come back to the Board at the next meeting with additional language as discussed and in consultation with the Board Attorney. All were in agreement.

Next, Mr. Snieckus updated the Board on the State Strategic Plan, as requested. There is a proposed plan to simplify the intentions of the plan, but comments were raised by NJ Planning Association requesting more details and benefits for inter-agency agreements. This is to encourage redevelopment and development in certain areas. The State is establishing this plan to gear improvements to these areas where they want to encourage growth.

On discussion, Mr. Raimondi recommended discussing parking lot type lighting that can be used as appropriate. Also, as to surface water runoff, in developments of less than an acre in size, when it is a major development, that developer gets away with satisfying the requirements for properties that are under an acre in size. Even the RSIS defines a major subdivision without attaching a one acre figure to it. Further, as to water quality management, Mr. Raimondi commented the terminology needs to be clarified

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:00 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Planning Board Secretary