

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
PUBLIC MEETING AGENDA  
WORKSESSION/REGULAR PUBLIC MEETING  
April 12, 2012**

**APPROVED 5/10/12**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:05 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:** William Martin  
Thomas Constantine  
Richard Bonsignore  
Philip Cerruti  
Daniel Olivier  
Councilwoman Ingrid Quinn  
James Schluter, Vice-Chairman  
Jaymee Hodges, Chairman  
Ann Costello (Alt. #1)  
Keith Doell (Alt. #2)

**ALSO PRESENT:**

Thomas Randall, Esq., Board Attorney  
By Robert J. Mancinelli, Esq.  
Ed Snieckus, Burgis Associates, Board Planner  
Louis Raimondi, Brooker Engineering,  
Board Engineer

**ABSENT:** Mayor Birkner (excused absence)

**4. MINUTES:** The **Minutes of 3/22/12 were carried** to the next meeting.

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**5. CORRESPONDENCE:**

**1. Letter from Westwood Volunteer Ambulance Corps. received 4/5/12** regarding the annual carnival from 7/24/12 through 7/28/12. The Board went into Open Session on motion of Mr. Martin, seconded by Ms. Costello and carried. On discussion, it was noted there was a plan on file, per the letter, since 1994. Mr. Martin commented there is a fire safety inspection while they are setting up, which allows this to occur, and it could be approved subject to the fire safety inspections. Chairman Hodges suggested sending a memo to Memo to Mr. Marini and Mr. Blankenbush regarding such inspection. Mr. Raimondi commented the State licenses all the rides, and we should make sure the licenses are there and shown. Mr. Mancinelli advised it would be shown to the Clerk's Office. Chairman Hodges would ask Darren Blankenbush orally. A motion for approval was made by Mr. Constantine and seconded by Mr. Cerruti and carried. On roll call vote, all members voted yes.

A motion to return to Worksession was made by Mr. Martin, seconded by Ms. Costello and carried.

**2. Memo from Ed Snieckus, Burgis Associates, dated 4/12/12, RE: Lipkin Properties, LLC;**

**3. Memo from Stefanie Stokes, Finance Dept.,** advising no escrow has been received from **Nonpariel Group, d/b/a Glow 701;**

**4. Letter from Nancy Saccente, Esq.** requesting copy of signed Resolution **RE: Nonpariel Group, d/b/a Glow 701** - It was noted the Resolution cannot be heard until the required escrow is posted.

**6. RESOLUTIONS:**

**1. 701 Broadway, Block 701, Lot 1 - Ruth Risman, Owner - Tenancy Review - Nonpareil Group C/O Marisol Rossi, d/b/a Glow 701 - Resolution not ready; escrow monies required;**

**7. PENDING NEW BUSINESS:** None

**8. VOUCHERS:** None

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

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

**10. DISCUSSIONS:**

**1. Presentation of Draft Zoning Ordinance Amendments to Sections of Article XIV, Chapter 195 - by Ed Snieckus, Burgis Associates:**

Ed Snieckus distributed, reviewed and discussed the proposed Draft Ordinances Amending the Zoning Ordinance as follows with Board commentary:

**(1) Draft Ordinance 4-10-12 - Amending Sections:**  
**195-153 entitled "Permit requirements-exceptions";**  
**195-155A entitled "Temporary Signs";**  
**195-156 entitled "Permanent Signs"; and**  
**195-157 entitled "Lighting and Illumination".**

**Window Art:**

Mr. Snieckus advised he forwarded the suggested changes to the Mayor and Council. He continued to review the changes to the Ordinances from the last meeting as amended and distributed.

**Holiday Window Painting:**

The Board discussed the time period. Mr. Martin commented the time period should be longer than 30 days. Councilwoman Quinn commented the bakery is waiting to paint the windows for strawberry season. Board discussion followed. Mr. Martin commented it would be difficult to enforce. The bakery is what triggered this as a temporary sign, Mr. Snieckus explained. Window painting qualifies as a temporary sign. Mr. Bonsignore asked if that would be covered by those provisions. Mr. Martin commented there is really no lettering, and it is technically not a sign. Call it window holiday painting, he suggested, and state that it is permitted for up to 50% of the window for a 45-day period concurrent with the holiday. Mr. Snieckus outlined the changes to the rest of the Ordinance as shown for illuminated signs, no more than three colors and no more than three signs as seen from the outside entrance, and hanging signs, not lower than 9' from the adjacent grade plane, and no higher than 15' above the adjacent grade plane, or not higher than the top of the window from of the second story windows, whichever is less.

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**(2) Draft Ordinance 4-10-12 - Amending Sections:**

**195-42** entitled "Definitions" - adding Adult Senior Day Care and Health Clubs

**195-124B** - adding principal permitted uses in the LB-3 District;

**195-124D** - adding Adult Senior Day Care with conditions;

**195-162 Table 1** - Adult Day Care Center - number of required off-street parking spaces.

The next draft Ordinance had amendments to the Adult Senior Day Care and Health Clubs, definitions and uses in the LB-3 District. For the day care use, parking areas, driveways and drop-off and pick-up areas shall be screened and buffered from adjoining residential properties by a 15' minimum landscaping buffer. Parking for adult day care would be 1 space per six participants, and one for every employee on the max shift.

**(3) Draft Ordinance 4-10-12 Amending Sections:**

**195-125** entitled "LM Light Manufacturing District"

**195-125B** Adding to existing uses

**195-125C** Adding outdoor storage areas conforming as stated.

Mr. Snieckus continued with summarizing the LM District. Additional uses were allowed as stated, and outdoor storage conforming to the provisions as stated.

**(4) Draft Ordinance 4-10-12 - Amending Sections:**

**195-128.1** entitled "CEM Cemetary District" - Setting forth uses minimum tract area and yard and setback requirements.

Lastly, Mr. Snieckus covered the CEM District and new sections added thereto regarding purpose, principal permitted uses, accessory uses, maximum building height, minimum tract area, yard and setback requirements. This would also add the CEM District to Schedule B-Schedule of Principal, Accessory and Conditional Uses as stated.

The Ordinances were carried to the next meeting for a vote.

**2. Mr. Misha** was present in the audience, and Chairman Hodges asked if he had any questions. He indicated that he believed tonight would be the finalization of the papers for his property. Chairman Hodges commented per Mr. Raimondi, all the

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paperwork was completed, and Mr. Randall would confer with his attorney. Chairman Hodges stated the record would show he appeared to voice his concern about the subdivision, and that his attorney should be in contact with Mr. Randall, who was not present this evening. Mr. Misha felt the paperwork was here, and it should be finalized tonight. Mr. Martin commented he did not think there was any further action to be taken by the Board. Mr. Raimondi did not believe there was any further court action but that the two attorneys would prepare the necessary documents for the consideration easement to the Borough. Judge Conte reversed the decision, and it is a legal matter between his attorney and the Board Attorney Mr. Martin explained. Mr. Mancinelli inspected the documents from Mr. Misha. It contained the plan and deed for the easement. Assuming Mr. Randall accepts this, it would have to be signed by the Board Chairman and Secretary. This could happen outside of the meeting. Then it would be filed with the County. Mr. Raimondi stated it could be perfected by a Deed and not necessarily by filed map. He reviewed the descriptions already. Acting Board Attorney Mancinelli advised it could be done via recorded deed or filed map. Mr. Randall needs to advised Mr. Misha's attorney whether to file the map or the deed. Mr. Misha thanked the Board and departed.

**3. 701 Broadway** - Mr. Hodges explained to the Board that he met with Mr. Marini regarding the 701 tenancy applicant coming in for a hearing without a Worksession review. From now on the procedure would be that applications will be reviewed in Worksession and moved to the public session for a hearing. There also should be escrows posted. He advised Ms. Saccente, and she would work that out with Mr. Randall prior to the Resolution being drafted.

Mr. Bonsignore commented he reviewed the plans for 701 Broadway and saw that there were some changes. Mr. Martin commented we should not pull landlords in for a presentation when there is a change in tenancy for a same use. He did not think this is the MLUL's intent, and the Zoning Officer reviews the application and makes a determination. Mr. Bonsignore commented we should treat this building carefully and make sure everything is in order. A brief discussion ensued. For a tenant applicant, Mr. Randall would write up an escrow fee schedule, the Chairman stated. If the Zoning Officer sends an application to the Board, it is for an amended site plan, subject to the

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application requirements, time for transmittal of plans-10 days before the meeting, and posting of escrows. Councilwoman Quinn commented she would have liked more time to ask questions in the 701 application. Mr. Martin commented he did not know there was no application or escrow to the Board. The application was made with the Zoning Officer, then sent to the Planning Board for parking, Mr. Marini's letter stated. The Resolution will not be drawn until the escrow is posted. All testimony was documented.

There were no further discussions.

**12. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:25 p.m.

**Respectfully submitted,**

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