

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
APRIL 23, 2015**

APPROVED 5/14/15

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 Public 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: Jaymee Hodges, Chairman
Mayor Birkner
William Martin
Thomas Constantine
Robert Bicocchi, Councilmember
Ann Costello
Keith Doell (Alt. #1)
Yash Risbud (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Board Engineer

ABSENT: Phillip Cerruti, Vice-Chairman (excused absence)
Daniel Olivier (excused absence)
Richard Bonsignore (excused absence)

4. MINUTES: The Minutes of the **1/8/15 Reorganization Meeting** were approved on motion made by Ann Costello seconded by Keith Doell, and carried unanimously on roll call vote. There had been no meetings since that date.

(WWPB 4/23/15 Minutes)

5. **CORRESPONDENCE: None**

6. **RESOLUTIONS: None**

7. **PENDING NEW BUSINESS: None**

8. **VOUCHERS: \$5,971.25** - A discussion ensued as to whether or not to continue to have the Vouchers come before the Board. Mayor Birkner and Mr. Martin commented it should remain that the Vouchers come before the Board. The sentiments are to keep it the way it is. Councilmember Bicocchi would advise Mr. Martini during their meeting on the subject. There were questions on two line items. Mr. Constantine commented the Board should have the information in advance of the meeting. The Chairman would note this with Linda Koch.

A motion to approve the Vouchers totaling \$5,971.25 was made by Mayor Birkner, seconded by William Martin and carried.

9. **VARIANCES, SUBDIVISIONS AND/OR SITE PLANS - NONE**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

10. **DISCUSSION:**

1. **Memo of Ed Snieckus, PP, LLA, Burgis Associates dated 4/23/14 RE: Summary of Supreme Court's March, 2015 Affordable Housing Decision.** Memo distributed - Overview and discussion of COAH and the Westwood Streetscape by Mr. Snieckus:

A. COAH - Ed Snieckus discussed how the Affordable Housing Rules have changed. On 3/10/15, the NJ Supreme Court issued a ruling on Fair Share Housing Center's (FSHC) Motion in Aid of Litigant's Rights. In this unanimous 6-0 Opinion, Mr. Snieckus reported, the Supreme Court assumed jurisdiction over the Fair Housing Act process unless and until COAH acts to adopt valid regulations. In summary, there were four over-riding issues which initially merit attention were covered, those being: (A) The Court determined that COAH is effectively a dis-functional entity; (B) The Court now has assumed jurisdiction over Fair Housing Act and affordable housing issues; (C) The Court recognized there are some towns that deserve some on-going protection because they did what they were supposed to do i.e., file 3rd Round Plans; and (D) the Court established a very

(WWPB 4/23/15 Minutes)

specific schedule for action - Municipalities have up to five (5) months to prepare a Housing Element and Fair Share Plan (HE & FSP). There is a 30 day window to file a declaratory judgment - between 6/8/15 and 7/8/15.

Problems with the decision are that certain issues were not addressed: The decision was not clear when the five month period commences; however, it is suggested 6/8/15; The Court did not address the issue of individual municipal housing need numbers, although inferred it was appropriate to use the Second Round methodology; however, the use of Second Round methodology is fraught with its own set of questions. Mr. Snieckus touched on state-wide housing numbers projections for 2014-2024. Lastly the first step in a plan for the Borough is the filing of a declaratory judgment no later than 7/8/15, including the filing of the previously field Third Round Plan; request the judge give a full five months to prepare the plan, and do so no later than five months from the filing of the declaratory judgment.

The matter was open for questions. Ann Costello asked about credit for Westwood House. Mr. Snieckus responded under the Second Round Rules there was a 25% cap on senior housing. They are still looking at the Third Round Rules, which will probably be carried forward. Rent control rental units will be counted. Mr. Randall advised they are bringing back RCA's. Mr. Snieckus added we are still looking to get the maximum amount of credits that we can. Mr. Martin commented we are fortunate that we are a fully developed community. There were no further discussions.

B. STREETScape - Mr. Snieckus discussed the Streetscape on Westwood Avenue with a slide show presentation. Among the issues: Exposed drainage pipes were shown and need to be addressed. Street trees are trying to survive. The roots are becoming aggressive, raising the pavers and sidewalk areas. Westwood is on sandy soil, which is great for tree growth. Paver conditions have faded and deteriorated.

There are a total of 42 trees on the entire streetscape, of which 32 are problematic. It is time to make a new change. His recommendation is we are not removing trees; we are replacing them. He showed imagery from the Master Plan as to tree wells and felt the Board should rethink tree wells. The simpler style and design was shown. The species of street trees were reviewed. Some of the options were to mix two species. Species were

(WWPB 4/23/15 Minutes)

discussed. Mr. Raimondi asked if he considered the height and light fixtures. Chairman Hodges suggested tree removal be done on Sundays when the stores are closed. Mayor Birkner discussed the proposal by the Taxpayers Alliance (TPA). It would also be beneficial for the DPW to be involved with the tree removal. There are options to consider. The TPA will appear before the Mayor and Council at the next worksession with their proposal. Mr. Snieckus suggested establishing and implementing the Borough's standards. The shopkeepers will pay for their own sidewalks. The TPA advised they have 90% of the shopkeepers buying in.

Mr. Snieckus went on to discuss the paver grate system and tree grates. Mr. Martin commented the pavers can still become dislodged and suggested the thermo-plastic pavers, saving money to pay for the tree wells. Mr. Snieckus commented the pavers may not become dislodged because of the improvements. Chairman Hodges suggested presenting the options to the group that will be paying for this expense. The Mayor suggested they come back to the Board in two weeks with recommended standards as an agenda item to make recommendations to the Governing Body. Mr. Raimondi asked if it were to be an assessed project. It would be coming in as a sidewalk replacement project in stages, on a case-by-case basis was the response. The TPA is trying to get everyone to do it at once. Mr. Martin suggested having Mr. Snieckus establish the pattern and standard to recommend to the Mayor and Council. The Mayor expressed concern and wants to make sure the plan is uniform. He suggested codifying it by ordinance. Mr. Doell also expressed concern about what control the Borough will have and will they conform.

Chairman Hodges recalled the issue with Bogert's Dam where standards were set, but then not everyone paid in. The Mayor stated that is why he suggested codifying it by ordinance. Chairman Hodges commented there was a sense of the Board to move this project forward. The Board can review it, but ultimately it goes back to the Council. Mayor Birkner commented codifying the project by ordinance will not be a detriment. It would also be wise to do the necessary curbing before or at the same time as the paving is being done. They are having a paving meeting tomorrow with the PSE&G. Having a delay of a month would not be a problem. We are ahead of the curve in having had the project brought before them and having the planner's overview.

(WWPB 4/23/15 Minutes)

Mr. Martin asked what the Board should do next. Mr. Snieckus discussed the timing for planting of trees by September/Fall. Some plantings can be done in the Summer. Mr. Snieckus will come back with a refined plan and specs. It will be ready for the Mayor and Council meeting two days prior to the Board's meeting. The overall sentiments seem to be in favor of it. Mr. Doell expressed concern that it will not go up for bid, and the people chosen may take advantage of the pricing. The Mayor commented sometimes the public bid doesn't always go very well, giving examples of the Westwood Firehouse and this building. It is a vote of confidence for the TPA, as these are property owners that are very well entrenched in the Borough with multiple properties, and they engage the services of contractors both here in Westwood and by other interests they have. If the contractors do not perform well, the chances are they will not get any further business. This is a private enterprise, and what is important is a codification of what is to be built. We need to see a commitment, and the Governing Body will be putting forth the standards and asking questions.

A motion that the Board is in favor of the project and should proceed was made by William Martin, seconded by Ann Costello and carried. It will go to the Council on 5/5/15, and if deemed necessary by the Governing Body, it will come back to the Board. Mr. Snieckus will appear before the Governing Body on 5/5/15 and give recommendations. The Mayor commented it could be on the Planning Board agenda of 5/14/15, and if already approved by the Governing Body, they can cancel the item. Ms. Costello questioned whether the Board was skipping a procedure. Board Attorney Randall advised it was proper to go before the Council. Mr. Martin asked Mr. Snieckus to copy the Board with a pdf of the proposal.

Mr. Martin announced MedExpress withdrew its appeal before the Zoning Board and suggested the Board review the ordinance and that zone to see if there are any other conflicts or issues. Chairman Hodges asked Mr. Snieckus to review the ordinance and report back to the Board at the 5/14/15 meeting.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:00 p.m.

Respectfully submitted,

(WWPB 4/23/15 Minutes)

MARY R. VERDUCCI, Paralegal
Planning Board Secretary