

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
PUBLIC MEETING  
APRIL 25, 2013**

**APPROVED 6/13/13**

**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:** Mayor Birkner  
William Martin  
Daniel Olivier  
Richard Bonsignore  
Councilmember Ray Arroyo  
Philip Cerruti, Vice-Chairman  
Jaymee Hodges, Chairman  
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  
Eve Mancuso, appeared on behalf of  
Louis Raimondi, Brooker Engineering,  
Board Engineer

**ABSENT:** Thomas Constantine (excused absence)

**4. MINUTES:** The **Minutes of 4/11/13** were approved on motions made, seconded and carried unanimously on roll call vote.

**5. CORRESPONDENCE:**

(WWPB 4/25/13 Regular Public Meeting Minutes)

1. **Memo of Burgis Associates, dated 4/11/13, RE: Sign Amendment Research;**

2. **Memo of Burgis Associates, dated 4/12/13, RE: Ginger and Cream, 356 Center Avenue;**

2. **Memo of Burgis Associates, dated 4/12/13, RE: Ginger and Cream, 350 Center Avenue;**

6. **RESOLUTIONS: None**

7. **PENDING NEW BUSINESS: None**

8. **VOUCHERS: \$6,618.75** - A motion to approve the Vouchers totaling \$6,618.75 was made by Richard Bonsignore, seconded by Dan Olivier and carried unanimously on roll call vote.

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in

1. **JTZ Holdings, LLC - 313 Broadway, Block 907, Lot 2 - Minor Site Plan Approval** - Robert Mancinelli, Esq. represented the applicant. The property is located in CBZ Zone. The building was previously occupied by Arrow Stationary. The applicant purchased the property in September. Permits have been pulled for renovation projects as we speak. They were independent of the site improvements and strictly for the building. He does not have the architect present, but the plans reflect the building permits approved. There is no access to the property. Years ago it was accessed through a Texaco Station. They met with the Parking Authority with a proposal and discussions with them and the Borough Attorney, resulting in a Parking Lot License Agreement to use two parking spaces in the Municipal Lot. The sign is no longer part of the application. They are improving existing non-conforming features and creating a deviation of a non-conforming bulk feature.

Mr. Mancinelli called witness David Gleassey, Project Manager, RL Engineering, NJ Licensed professional Engineer, was sworn in, qualified and accepted. He testified he is familiar with the site and ordinances. It is on the East side of Broadway. The dimensions are 50' x 150' with an existing

(WWPB 4/25/13 Regular Public Meeting Minutes)

structure on site, essentially as wide as the lot, oriented towards Broadway. The garage has been demolished. Access through the rear door leads to the Municipal Parking Lot. Mr. Gleassey reviewed the Zoning Schedule of the CBD Zone. The request for variance relief included: Minimum front yard setback variance; minimum side yard setback variance; impervious coverage variance; and number of parking spaces. Pre-existing non-conformities include: Minimum lot area; minimum lot width; minimum lot depth, maximum building coverage; and minimum side yard parking offset. Request for waivers include: Requirement of a drainage area map.

Mr. Mancinelli noted this was classified as a major site plan, and clearly, an environmental impact study is not necessary. They would provide testimony as to same. The Board has the discretion to waive that. Mr. Gleassey was asked for his opinion and stated it was not applicable because the site is fully developed and is not being expanded. They are not seeking additional sewers or paving. There is landscaping, which are the only plantings on site. Animals are basically squirrels and chipmunks, so they are not taking anything away from them. There are no toxic chemicals typical of a real estate office that would affect this requirement. Mr. Mancinelli stated they are just changing the use to a professional use for a real estate office with two apartments, a permitted use under the ordinance, and therefore, he did not believe an EIS would be required in this major site plan. Ms. Mancuso stated typically a Phase I checking historic paperwork on the site, and the usual thing that turns up is a heating oil tank. Mr. Mancinelli advised they were required by the lender to go through an extensive EIS, and there were remediation issues of asbestos and lead paint. That has all been remediated and they have submitted a clearance letter they received to the bank. This they could share with the Board. Everything has been addressed and remedied. Reports and remediation reports can be provided.

Slava Zborovsky, applicant was sworn in. In addition to purchasing the property they did an oil tank scan, which revealed nothing. A detailed search for remnants was done of any oil tanks, and it showed none. The tank was above ground in the basement. It was decommissioned and converted to gas. The tanks are empty. Chairman Hodges asked Mr. Mancinelli to submit the results and studies. Ms. Mancuso commented and was satisfied.

(WWPB 4/25/13 Regular Public Meeting Minutes)

Mr. Gleassey continued under oath and described the exterior of the building, including plantings. He further prepared a Stormwater Management Report dated January, 2013. Mr. Mancinelli proceeded to mark the site plan on the easel Exhibit A1, by RL Engineering, Site Plan dated 1/31/13. The Application and Parking Lot License Agreement were marked A2. The Stormwater Runoff & Soil Movement Calculations dated 1/24/13 Report was marked A3. Photographs per the checklist would be submitted. Mr. Gleassey testified further as to stormwater management, stating the requirements are met. They would comply with any soil movement requirements per the ordinance. As for existing water and electrical services, presently the building is serviced by gas, water, electric and sewer, which will remain. Any upgrades, not contemplated at this point, would be in line with and tie in with the existing building. Mr. Gleassey addressed the Board Engineer's report dated 3/12/13. The Board Planner's report was just received by Mr. Mancinelli and has not yet been reviewed by Mr. Gleassey as to some of the engineering requirements. Mr. Mancinelli was asked if he was providing a planner, but he was not planning to provide planning testimony unless the Board deemed it necessary to hear specific testimony from a licensed planner. Mr. Snieckus commented the two most import issues were number of parking spaces, understanding the pre-existing conditions, and the impervious coverage. There was some concern regarding that. Unless the Board members have issues to discuss from a planning standpoint, those were the two key issues he saw.

Board comments followed. Mr. Doell asked if the work stops or continues while the hearing continues. Mr. Mancinelli said they legally obtained a demolition permit for the garage. The electrical and plumbing permits were issued, and that work is ongoing. There were substantial remediation requirements to correct, and permits were applied for and pulled from the Building Department. The architectural plans were submitted to the Building Department as well. Mr. Bonsignore asked were all the façade changes approved by the Building Inspector. Chairman Hodges commented that is what happened in this case, and why, he doesn't know. It came to the Board for a minor site plan and for parking in the rear yard. He questioned why it is now a major site plan. Ms. Mancuso explained in the ordinance, if the site plan requires more than 10 stalls, it is a major site plan. Since they are required to have 18, it should have immediately gone to a major, Chairman Hodges clarified. Mr. Mancinelli

(WWPB 4/25/13 Regular Public Meeting Minutes)

stated they met with the construction official in the Borough and were given minor site plan applications to complete. Mr. Snieckus commented the language is usually 10 or less required for a minor. The difference between the minor or major is the amount of materials to be submitted.

The Board discussed whether planning testimony by a Professional Planner was necessary. Mayor Birkner had questions to be addressed by a planner, such as deliveries of packages with traffic in the roadways. Mr. Mancinelli offered the owner to testify to that, as he was present. Mr. Doell asked if it was only the parking issues that needed the planner. Mr. Snieckus addressed the issue of the need for planning testimony, especially in light of the Master Plan. Mr. Martin also had questions for a planner. Additional testimony by a planner would be warranted, Mayor Birkner added. Mr. Olivier commented with impervious coverage being the main issue and presentation thus far, he was pretty satisfied and couldn't think of any questions for a planner. Councilman Arroyo commented any questions would be triggered by an architect's testimony. Applicant stated the Fire Department reviewed the plans and signed off on them. A fire alarm is being constructed right now. He received five permits total. There is one yellow card in the window and all sub-permits. Mr. Mancinelli addressed the architectural plans that were approved for a building permit. The Board further discussed whether they would request the architect to come in for questioning.

The Mayor and Board felt the proceeding was definitely out-of-order in that the renovations were made prior to coming before the Board. Applicant did not believe he was overstepping any boundaries based on the building permits being issued and remediation work. He did not want to be stepping on any toes. He did what the Building Department permitted. Mr. Olivier felt they should not be penalized. Mr. Martin had questions for the architect as to what was going on with the second floor. Also, there may be conditions attached to any approvals, requiring changes beyond what they are already doing. Mr. Mancinelli asked if he was stating the Board overrides the Building Department. Mr. Martin stated no, but he is just cautioning the applicant there may be conditions. Advisory comments are needed from the various departments, he added. No one knew about this, Mr. Mancinelli added, and further, he had inquired at the Borough to obtain any professional reports issued and was told

(WWPB 4/25/13 Regular Public Meeting Minutes)

there were none. Mr. Bonsignore commented this came about because of the nuance if it's the same use, it doesn't have to come to the Board. There is a significant change. He thought at the worksession these were preliminary drawings. How did they know everything is satisfactory fire-wise even, or legal. The Chairman did not believe they could go back now. Ms. Costello suggested just continuing with the site plan as if no work was done. Mr. Paul advised the applicant is here with certain witnesses, and the Board could proceed with the narrow issues, not penalizing the applicant. If the Board desired, it may make a determination on other items after the meeting. Chairman Hodges advised they will proceed forward upon Counsel's opinion. Mr. Snieckus asked if they decided on a planner or not. Mr. Bonsignore felt with all due respect, that the architectural plans needed to be reviewed in detail. Mr. Mancinelli stated if the Board needed a planner to state the obvious, he would do so. Mr. Bonsignore and Mr. Olivier did not feel a planner was needed. Mr. Doell also agreed, if they were not going to get into the renovations aspect.

Applicant Zborovsky stated he is the owner of the RE/Max office, as well as the tenant, and testified as to the typical day in the real estate office, where each agent is independent. Many come in to work stations only and sometimes the same person will have an office. They come and go. The only constant employee is the secretary. The agents use the metered parking lot, usually only needing two hours or less in the office. Without having to come before the Board, they could fully function. They are able to manage with four spots. Sunday is a main day, and the stores in Westwood are closed. There are no parking spots for the tenants now, Mr. Mancinelli added, so none are required to be provided.

The question of whether a planner was needed continued. Ms. Costello felt a planner was not needed. Mr. Doell commented if there was no architectural testimony, then no. Mr. Hodges stated no as well. Six felt the Board did not need a planner and three did. Councilman Arroyo asked Ms. Mancuso if a 16' driveway width was okay. If there are less than 10 stalls, having a narrow driveway is not uncommon, Ms. Mancuso responded. She did not see it as a safety issue. Mr. Snieckus had a few questions regarding signage, asking if the rear mounted sign received a permit. Applicant stated the sign was a separate application and goes to the Zoning Officer. The overhangs were

(WWPB 4/25/13 Regular Public Meeting Minutes)

approved. Mr. Snieckus commented he would not go any further with the signage in the event changes had to be made. Parking spaces were discussed, along with the Parking Lot License Agreement. Mr. Snieckus questioned Mr. Gleassey as to the site plan, with respect to landscaping and lighting.

Questions by Board Members followed. Ms. Costello noted the increase in impervious coverage and that there was only one tree. She recommended an additional tree be planted, to be reviewed by Mr. Snieckus. She also commented about the dumpster. Councilman Arroyo also noted the change in coverage. Mr. Bonsignore suggested an updated survey be provided, as it still shows the garage. An as built survey was requested to be provided. Ms. Mancuso stated a percolation test is recommended and noted.

There were no further questions from the Board. Mr. Mancinelli commented there were C1 and hardship variances, sufficient of itself to support the granting of the variances. They are creating one large variance since they are putting a parking lot in. For C2 the question is do the benefits outweigh the deficits. They are taking an outdated site and updating it to the best of his ability in accordance with the Master Plan. They are providing parking and a handicapped space, which presently do not exist. He felt there were no negative impacts. They have a water management plan that presently does not exist. If you look at the C1 analysis, the cases shown, he feels there is enough testimony and in light of the improvements shown, the variances can be granted. There has been every retail use, and the lot was carved out and created a land-locked situation. The impervious coverage increase is not a major increase. He respectfully asked the Board for approval.

Chairman Hodges called for a motion. William Martin made a motion to table the matter until such time as the six Borough Departments can review the application and comment letters can be received. The motion as seconded by Ms. Costello. On discussion, Mr. Doell asked for a time frame and reasoning. Mr. Martin clarified and mentioned the time frame could be two weeks vs. 30 days at the Chairman's option. Mr. Bonsignore asked if it would be reviewed by the Fire Department automatically. Chairman Hodges responded many times they receive applications to review and it makes it to the Fire Marshall's meeting. Mr. Bonsignore was concerned about the Fire Department. Mr. Olivier

(WWPB 4/25/13 Regular Public Meeting Minutes)

asked how the reports would affect the application if requirements were imposed. Mr. Martin commented it would be a condition on the approval. Mr. Snieckus explained if the Board approved it tonight, it could not go back and add conditions. Ms. Costello could not vote without all the information. The motion was clarified/restated to table until the next meeting on 5/9/13. There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, William Martin, Phillip Cerruti, Dan Olivier, Ann Costello, Keith Doell, and Ray Arroyo voted yes. Richard Bonsignore and Jaymee Hodges voted no.

Mr. Mancinelli requested copies of all reviews be forwarded to him, as he has not received any professional review letters to date. All departments with the exception of the Parking Authority should send comment letters: Fire Department, Police Department, Shade Tree Committee, DPW, Historic Preservation Commission, Environmental Committee. The matter was carried to the 5/9/13 meeting.

**10. DISCUSSIONS:**

**1. Sign Regulations - Ordinance Sections 195-198C and H - Color of Signs; 195-198 - Height of Building-Mounted Signs; and 195-161 - Awnings - Mr. Snieckus distributed his updated Memo dated 4/23/13 for discussion at the next meeting.**

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:45 p.m.

**Respectfully submitted,**

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