

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
WORKSESSION/REGULAR PUBLIC MEETING
May 9, 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 Worksession/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
Thomas Constantine
Daniel Olivier
Richard Bonsignore
Councilmember Ray Arroyo
Philip Cerruti, Vice-Chairman
Jaymee Hodges, Chairman
Ann Costello (Alt. #1)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Eve Mancuso, appeared on behalf of
Louis Raimondi, Brooker Engineering,
Board Engineer

ABSENT: William Martin (excused absence)
Keith Doell (Alt. #2) (excused absence)

4. MINUTES: The **Minutes of 4/25/13** were scheduled for a vote at the next meeting.

A motion to go into **Public Session** was made by Mr. Bonsignore, seconded by Mr. Constantine and carried.

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5. CORRESPONDENCE:

1. Letter from Captain Frank Durante, dated 5/6/13, RE: **JTZ Holdings**;

2. Letter with environmental reports from Robert J. Mancinelli, Esq. RE: **JTZ Holdings**, enclosing Horizon Environmental Group, Inc. report regarding fungi/hold, dated 3/30/13; Criterion Labs Results of Lead in Surface Wipe Samples report dated 4/9/13; Asbestos and Mold Services Final Documentation for Asbestos Abatement Report; and site photographs.

3. Report by Eve Mancuso, Brooker Engineering, dated 5/19/13 RE: **JTZ Holdings**, reviewing supplemental information submitted, including environmental reports site plans, architectural plans, and stormwater runoff and soil movement calculations;

4. Memo of Burgis Associates, dated 4/23/13, RE: Sign Ordinance;

6. RESOLUTIONS: None

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

1. JTZ Holdings, LLC - 313 Broadway, Block 907, Lot 2 - Minor Site Plan Approval - Robert Mancinelli, Esq. represented the applicant. Chairman Hodges commented the Board of Fire Officers were supposed to forward a letter. They reviewed the plan and indicated there are no issues, and they are pleased with the work.

Councilman Arroyo commented the Historic Preservation Commission emailed a report which was very complimentary of the application. However, the Board and applicant had not received it.

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David Gleassey, Project Manager, RL Engineering, NJ Licensed Professional Engineer, previously sworn, testified on the record that they proposed an 8' x 6' dumpster enclosure with individual trash cans vs. a large dumpster. Plans will be revised to reflect such. These are sufficient and adequate, Mr. Gleassey noted. Chairman Hodges commented to the best of his knowledge a large dumpster was not required, just trash cans.

Mr. Snieckus commented on the landscaping. Ms. Costello asked about oil to gas conversion, and what the final determination was regarding planting a tree on the corner. Mr. Snieckus recommended a smaller tree.

There were no further questions from the Board. Chairman Hodges asked Mr. Mancinelli for his closing summation. In his closing remarks, Mr. Mancinelli addressed Ms. Mancuso's report and also addressed the variances under the C1 standard as the basis for the variances. Excerpts are that applicant must demonstrate where by reason of exceptional narrowness, shallowness or shape, or by reason of exceptional topography, or by reason of extraordinary and exceptional situation uniquely affecting a piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties. The non-conforming features of this property present practical difficulties and undue hardship for the applicant. They cannot access a portion of their property from this site. They are correcting three of the non-conforming bulk conditions, which is looked upon as a positive under the MLUL. They are creating six on-site parking spaces where presently none exist. The Parking Authority was happy they were taking six parking spaces off the street and putting it on their site, opening them up to shoppers. The RE/Max office agents typically are in the office for limited time periods. The engineer testified there would be "0" water runoff. The building will be aesthetically pleasing once completed and renovated. There have been many structural improvements necessary. This is a new building next to the new CVS building, creating a pattern in this area. Mr. Mancinelli asked that the variances and soil movement application be granted.

Mr. Arroyo commented there was a prior retail use there with less parking. It is proximate to a public parking field. It is not a detriment. Ms. Costello commented she was happy they are preserving the building. Mayor Birkner agreed with the

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Councilman, stating it adds parking. The real estate office will bring people into Westwood to buy houses and fall in love with the town. It is not more intensive and is certainly a positive. Mr. Bonsignore commented as a result this application is going to be a positive, aesthetic improvement for Westwood; however, he hopes the manner with which the application was executed and filed would never be repeated again, where the Planning Board was bypassed. Fortunately, the result is going to be positive for Westwood. Mr. Bonsignore made a **motion to approve** the application, with second by Ms. Costello.

Attorney Randall advised as to the conditions. Mr. Mancinelli advised they also agreed to perform percolation tests during the construction period and would provide the as-built survey upon completion. Mr. Snieckus set forth the landscaping and sign conditions, as well as the agreement for trash cans vs. dumpsters. There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, Mr. Constantine, Mr. Cerruti, Mr. Olivier, Mr. Bonsignore, Ms. Costello, Mr. Arroyo, and Mr. Hodges voted yes. Chairman Hodges thanked the applicant for renovating the building, stating it was a beautiful job.

A motion to **return to Worksession** was made by Mr. Cerruti, seconded by Mr. Cerruti and carried.

10. DISCUSSIONS:

Chairman Hodges commented he had a discussion with Mr. Marini concerning the issuance of permits in the application before the Board that evening. Mr. Marini indicated as the Zoning Officer, he had the authority to issue building, plumbing, electrical and fire permits. After they were submitted, the applicant was in discussion with the Parking Authority. After its approval is when they decided to come in for the site work itself. Mr. Marini had authority for that as well. It can come in as a complete building or as a site plan itself. Mr. Arroyo concurred. Mr. Bonsignore commented he could not agree fully. He felt the Board should have the chance to review the façade and did not believe it was beneficial to be handled as such. A detailed discussion followed. The Board also discussed temporary use permits.

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Sign Regulations - Ordinance Sections 195-198C and H -Color of Signs; 195-198 - Height of Building-Mounted Signs; and 195-161 - Awnings - Mr. Snieckus reviewed his updated Memo dated 4/23/13. The changes were in bold. Under **Colors of Signs**, the colors would include "four colors, gold leaf, blue, cream or white". Under **Height of Building Mounted Signs**, "the wall sign may not be located more than 15' from the ground". Under **Awning Illumination**, no awning or canopy shall be illuminated, "except for the area of permitted sign test noted herein with illumination shielded from view".

Board discussion followed. Mayor Birkner commented. All were in agreement with Mr. Snieckus' Memo of 4/23/13, with additional language to be added to the signage portion. There would be a vote at the public meeting.

Lastly a brief discussion ensued concerning a business/property owner that was interested in outdoor dining, and the Board would have him come in.

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

Respectfully submitted,

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