

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
SEPTEMBER 18, 2014**

APPROVED 12/18/14

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: William Martin
Thomas Constantine
Daniel Olivier
Philip Cerruti, Vice-Chairman
Jaymee Hodges, Chairman
Councilmember Robert Bicocchi
Richard Bonsignore (arrived approx. 8:15pm)
Ann Costello

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, Board Engineer - Not Required

ABSENT: Mayor Birkner (excused absence)
Yash Risbud (Alt. #2) (excused absence)
Keith Doell (Alt. #1) (excused absence)

4. MINUTES: The Minutes of the **7/10/14 & 9/4/14 meeting were approved** on motion made by William Martin, seconded by Ann Costello, and carried unanimously. A **motion to table the 8/14/14**

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Minutes until the public meeting was made by Thomas Constantine, seconded by Phillip Cerruti and carried.

5. CORRESPONDENCE:

1. Procedural Rules & By-laws - Carried to the next meeting (awaiting hard copies) - Councilman Bicocchi would inquire at the Borough Clerk's office for a hard copy;

2. Memo of Ed Sieckus, Burgis Associates, dated 9/18/14 - Proposed Amendment to Article XIV, Section 1, Article VI - Terminology and Definitions - Medical Office, Urgent care Center and retail Care Clinic;

3. Memo #14-077 from Karen Hughes, Borough Clerk, dated 9/17/14, RE: Ordinance #14-29, An Ordinance to Amend Article XIV, Chapter 195, Zoning of the Borough of Westwood;

6. RESOLUTIONS:

1. Maxim Self Storage, 25 Sullivan Street, Block 2110, Lot 1 - Major Site Plan - Tabled to the next meeting;

2. Amendment to Article XIV, Section 1, Article VI - Terminology and Definitions - Medical Office, Urgent Care Center and Retail Care Clinic - see below - A motion of approval of the Resolution was made by William Martin and seconded by Robert Bicocchi. There were no further questions, comments or discussions. On roll call vote, William Martin, Thomas Constantine, Phillip Cerruti, Dan Olivier, Ann Costello, Robert Bicocchi, and Jaymee Hodges voted yes.

7. PENDING NEW BUSINESS:

1. Millennium/Care One at Valley, 300 Old Hook Road - Amended Site Plan and Variance - Withdrawn by applicant;

8. VOUCHERS: None

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

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

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10. DISCUSSION:

1. Memo by Ed Snieckus, Burgis Associates dated 9/18/14 - Proposed amendment to Article XIV, Section 1, Article VI - Terminology and Definitions - Medical Office, Urgent care Center and Retail Care Clinic - Mr. Snieckus reviewed the proposed amendment, outlining the Planning Board's role in the ordinance adoption process, pursuant to the Municipal Land Use Law requirements, as follows:

Prior to the adoption of a development regulation, revision, or amendment thereto, the Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed regulation, revision or amendment, which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

The following **Planning Analysis** was offered by Mr. Snieckus in his Memo for consideration, with **excerpts** therefrom as follows:

Planning Analysis:

Municipal Land Use Law (MLUL) Requirements:

State statute N.J.S.A. 40:55D-62 of the Municipal Land Use Law (MLUL) establishes that "a governing body may adopt or amend the zoning ordinance relating to the nature and extent of the uses of land and of building and structures thereon." The MLUL further stipulates that a zoning ordinance shall either be substantially consistent with the land use element and the housing element of the master plan, or be designed to effectuate such plan elements. However, the statute also offers that a governing body may adopt an amendment to a zoning ordinance that is, either in whole or in part, inconsistent with the master plan subject to specific findings of fact.

Proposed Amendments:

The proposed amendments are being added to the list of definitions to help define Medical Office, Urgent Care Center and Retail Care Clinic since they currently do not exist in the definitions of the code. These definitions are intended to guide

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the Borough's land use officials in the review of applications relating to the uses identified.

Medical offices are a use that is permitted in the following zone districts:

- CBD-Central Business District;
- SC-Shopping Center;
- LB-1, LB-2, LB-3 -Limited Business District;
- LM- Light Manufacturing;
- HSO- Health Services and Office District

As it can be seen, medical offices are permitted in a number of zones and in varied locations throughout the Borough. These varied locations range from the downtown business district to the zones which are near or in proximity to locations sensitive to the increase in traffic, noise and related public welfare matters. In addition, the evolution of medical uses has broadened beyond what is considered a typical doctor's office necessitating the need to further define from a land use perspective what constitutes a medical office use.

Master Plan:

The Borough of Westwood Master Plan Periodic Reexamination Report was adopted on December 1, 2011. A review of the 2011 Master Plan Reexamination Report notes the goals and policies of the 2011 reexamination report reaffirmed and were refined and the following pertain to the proposed amendment for consideration:

Goal #1: To maintain and enhance existing areas of stability in the community and encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character and moderate density of the community by restricting incompatible land uses from established residential areas, and limiting intensities of use to the level, and locations, prescribed herein.

They noted that the proposed amendment will support and further this goal of the Master Plan by protecting the intensity of development adjacent to the residential zones and promote locations in the community where uses of greater intensity are appropriately located.

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Goal #12: To promote the comprehensive health care services and continued economic development of the districts of the H-Hospital Zone, containing the existing HUMC North at Pascack Valley Hospital facility and the HSO Health Service Office Zone in the Borough.

It was They noted that the proposed amendments will promote development in these districts as the designated locations where it would be appropriate for the expanded range of medical services beyond the customary medical office use.

The 1993 Master Plan outlines twelve (12) general objectives for the Borough, which was formulated from the purposes of the Municipal Land Use Law (MLUL). The relevant purposes of zoning as enumerated under the MLUL relating to the proposed amendment to the development definitions are as follows:

To encourage Borough actions to guide the appropriate use or development of all lands in Westwood, in a manner which will promote the public health, safety, morals and general welfare.

To ensure development within the Borough does not conflict with the development and general welfare of neighboring municipalities, and the state as a whole.

To provide sufficient space in appropriate locations for a variety of uses and open space, both public and private, in a manner with the character of the Borough and the environment.

Land Use Plan:

In addition to the above goals, objectives and policy statements, the 1993 Master Plan included a Land Use Plan overview of land use categories. They found the proposed amendments will promote development consistent with the intentions of the Land Use Plan.

Planning Summary:

It was noted for the Planning Board's consideration that upon review by his office they found it to be their professional opinion that the proposed ordinance promotes several goals and policies and is consistent with the intent and purpose of the Master Plan and subsequent Re-examination Reports.

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There were no further questions, comments or discussions.

A motion to recommend the definitions, as amended, to the Mayor and Council was made by Ann Costello and seconded by Yash Risbud. There were no further questions, comments or discussions. On roll call vote, all members voted yes. A Resolution was then adopted - see above.

2. COAH Update - Mr. Snieckus advised the Board that COAH will have new rules in October. He would prepare a proposal with respect to those new rules.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 8:35 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Planning Board Secretary