

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REORGANIZATION/REGULAR PUBLIC MEETING
January 9, 2020**

APPROVED 1/23/2020

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 **Reorganization/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
Dan Olivier, Vice-Chairman
Mayor Raymond Arroyo
Robert Bicocchi, Councilmember
William Martin
Anthony Zorovich
Ann Costello
Keith Doell (arrived 8:17 pm)
Yash Risbud
Lauren Letizia (Alt. #1)

ALSO PRESENT:

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

ABSENT: Kristy Dougherty (Alt. #2) (Excused Absence)

REORGANIZATION MEETING

SWEARING IN OF MEMBERS:

Board Members were sworn in by Thomas Randall, Esq.

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

- **William Martin**, Class II Member, 1 Yr. term, expiring 12/31/2020;
- **Anthony Zorovich**, Class IV Member, 4 Yr. term, expiring 12/31/2023;
- **Lauren Letizia**, Alternate Member #1, 2 Yr. term, expiring 12/31/2021;

The Chairman and Board welcomed Mayor Raymond Arroyo and Councilmember Robert Biccocchi back to the Planning Board, as well as new Board Members Anthony Zorovich and Lauren Letizia, Chair of the Historic Preservation Commission.

NOMINATIONS FOR CHAIRMAN OF THE PLANNING BOARD:

Thomas Randall, Esq. requested a nomination for the position of Chairman of the Planning Board.

A motion to nominate **Jaymee Hodges** as Chairman of the Planning Board was made by William Martin and seconded by Yash Risbud. There were no further nominations.

Upon motion of William Martin, seconded by Yash Risbud, all in favor, none opposed, the Board closed the nominations for Chairman. On roll call vote, all members voted yes.

NOMINATIONS FOR VICE-CHAIRMAN OF THE PLANNING BOARD:

Chairman Hodges, requested a nomination for the election of a Vice-Chairman of the Planning Board:

A motion to nominate **Dan Olivier** as Vice-Chairman of the Planning Board was made by Councilmember Biccocchi and seconded by Yash Risbud. There were no further nominations.

Upon motion of Yash Risbud, seconded by Councilmember Biccocchi, all in favor, none opposed, the Board closed nominations for Vice-Chairman. On roll call vote all members voted yes.

NOMINATIONS FOR APPOINTMENT OF RECORDING SECRETARY FOR THE PLANNING BOARD:

Chairman Hodges requested a nomination for the appointment of a Recording Secretary for the Planning Board:

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

A motion to nominate **Mary R. Verducci** as Recording Secretary for the Planning Board was made by William Martin, and seconded by Ann Costello. There were no further nominations.

Upon motion of William Martin, seconded by Ann Costello, all in favor, none opposed, the Board closed the nominations for Recording Secretary. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF ATTORNEY FOR THE PLANNING BOARD:

Chairman Hodges requested a nomination for the appointment of a Board Attorney:

A motion to nominate **Thomas W. Randall, Esq.** as Attorney for the Planning Board was made by William Martin and seconded by Yash Risbud. There were no further nominations.

Upon motion of William Martin, seconded by Yash Risbud, all in favor, none opposed, the Board closed the nominations for Board Attorney. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL ENGINEER FOR PLANNING BOARD:

Chairman Hodges requested a nomination for the appointment of a Professional Engineer:

A motion to nominate **Louis A. Raimondi** as Professional Engineer for the Planning Board was made by William Martin and seconded by Councilmember Bicocchi. There were no further nominations.

Upon motion of William Martin, seconded by Councilmember Bicocchi, all in favor, none opposed, the Board closed the nominations for Professional Engineer. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL PLANNER FOR THE PLANNING BOARD:

Chairman Hodges requested a nomination for the appointment of a Professional Planner of the Planning Board:

A motion to nominate **Burgis Associates** as Professional Planner for the Planning Board was made by Dan Olivier and seconded by William Martin. There were no further nominations.

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

Upon motion of Dan Olivier, seconded by William Martin, all in favor, none opposed, the Board closed the nominations for Professional Planner. On roll call vote, all members voted yes.

ADOPTION OF 2020 MEETING DATES:

Upon motion of Anthony Zorovich, seconded by Dan Olivier, all ayes, the Board adopted the 2020 Meeting Dates for the Planning Board as amended. The meeting dates will be published in the Official Newspaper.

ADOPTION OF PROCEDURAL RULES & BY-LAWS:

Upon motion of Yash Risbud, seconded by William Martin, all ayes, the Board adopted the Procedural Rules & Bylaws, with copies to be distributed to Board Members. Mr. Martin commented as to an amendment to the Procedural Rules regarding absences due to disabilities and/or leave of absences due to medical. The Rules would be amended in two weeks.

REGULAR MEETING

4. MINUTES: The Minutes of the **12/5/19** meeting were approved on motion made by Dan Olivier, seconded by William Martin and carried unanimously on roll call vote.

5. CORRESPONDENCE:

1. Draft Master Plan Re-examination Report by Ed Snieckus, Burgis Associates, dated 1/5/2020 - See below;

2. Memo of Ed Snieckus, Burgis Associates, dated 1/2/2020 RE: Master Plan 2020 Re-Examination Review - Limited Brewery Use Analysis - See below;

3. Letter of John J. Lamb, Esq., dated 12/5/19 RE: Master Plan Review - Treatment of Breweries, 247 Westwood Ave, LLC - See below;

Discussion/Open to Public:

Brief discussion on when to open to the public for non-agenda items during the meeting's agenda. It was noted before action items would be the appropriate time. The Board opened to the public, and the following persons came forward:

John J. Lamb, Esq. came forward and stated they had questions regarding limited breweries. This would be taken up

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

after Mr. Snieckus' report. Bruce Meisel came forward and asked what exactly would be discussed tonight. Chairman Hodges advised they would discuss limited breweries in a worksession. Mr. Meisel asked when the Master Plan at a broader scope would be discussed. Chairman Hodges advised the Board is looking at 1/23/2020, with adoption in February. Mr. Snieckus elaborated on the time line, stating he formulated the latest changes since October and brought them to the Board tonight. New Board Members need to look at that, and after brief discussion, he will distribute a draft for review and presentation. The working draft tonight is not for public distribution. Paul Klemm, 15 Lyons Place, came forward and stated he was a strong advocate for the brewery with only a parking concern.

There were no further questions or comments from the public and the meeting was closed to the public.

6. **RESOLUTIONS:** None

7. **PENDING NEW BUSINESS:** None

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.

10. **DISCUSSION:**

1. **Draft Master Plan Re-examination Report by Ed Snieckus, Burgis Associates, dated 1/5/2020;**

- a. **Review of SC, LB-1, 2 & 3 Zone Districts**
 - SC - K-Mart;**
 - LB1 - Broadway, Lake St., North Hillsdale Line;**
 - LB2 - Broadway, Lake St., South to Irvington;**
 - LB3 - Kinderkamack from Old Hook to Emerson Line;**

Per the last meeting in December, **Mr. Snieckus distributed to the Board the DRAFT revised Re-examination Report, dated 1/5/2020, and a Memorandum regarding Limited Breweries for review.** The draft report revises the recommendations that are identified on pages 46 through 57. Mr. Snieckus stated these documents are being distributed for review purposes only. As for

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

the issue of Limited Breweries Mr. Snieckus said he left this recommendation highlighted in the draft report subject to the Board's further discussions regarding this subject matter. We then anticipate planning for a formal public hearing at a follow up meeting to be decided.

2. Master Plan - Memo of Ed Snieckus dated 1/2/2020 RE: Master Plan 2020 Re-Examination Review - Limited Brewery Use Analysis;

As per the Board's request, Mr. Snieckus prepared the following information, per his Memo above dated 1/2/2020, related to a Limited Brewery use for the Boards consideration. As previously discussed, this use is differentiated from a Brew Pub use by distinguishing a Limited Brewery in land use regulations with the following definition:

LIMITED BREWERY - "A commercial facility, which shall not sell or serve food or operate a restaurant, which brews any malt alcoholic beverages in quantities for which it is licensed by the Alcoholic Beverage Commission and which sells the product at retail to consumers on the licensed premises of the brewery for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only. "Sampling" shall mean the selling at a nominal charge or the gratuitous offering of an open container not exceeding three ounces of any malt alcoholic beverage produced on the premises. Should the Board recommend this use be permitted, the Board should evaluate potential conditional use requirements."

The following is a summary of potential requirements for consideration:

1. Minimum distance between another Limited Brewery property shall be no less than 1,000 feet;
2. Shall have a minimum of 5 parking spaces on site;
3. No portion of such a facility shall be located within 100 feet from an R-1 residential zone;

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

4. No residential uses shall be permitted in the same building;

5. Such facility shall be open no later than 10:00pm on weekdays and 12:00am on weekends;

6. A maximum retail area of 10 percent of the facility may be allocated to the retail sales of brewery related beer or retail products such as brewery t-shirts or related products;

7. Provisions shall be provided on-site for waste holding and collection of related brewery waste materials.

Open to Public - The Board first opened to the public, to be followed by Board questions and comments. **John J. Lamb, Esq. came forward and addressed the Burgis Memo per his 12/5/19 letter to the Board on behalf of his client, Dr. Christopher Alepa.** Recommendations and comments on conditions were offered and urged. Mr. Lamb's letter and comments further outlined their proposed application which has been filed with the Zoning Board. However they are amending their application to reduce the seating, increase a retail sales component, expand the hours of operation and add a rooftop, making this an upscale use, which is unique for the Borough, and they are encouraged by it. Without selling food, they would have menus of the local food businesses available on site. They have 12 parking spaces and would need a parking variance for two spaces if considered a gourmet food establishment. In fitting with the retail part, they would sell t-shirts, beer mugs, etc. Opening at 4:00 pm will avoid the parking congestion. A colored version of the plan of "Five Dimes Brewery", was displayed.

Dr. Chris Alepa came forward to speak. Their goal is to have a limited brewery, a great fit for the downtown. His travels have brought him to visit many breweries. This is an old-world feel, and he would like to bring this to the downtown. They hired an expert to assist, and they have ample parking. The lot behind is usually empty. There will be no food. Dr. Alepa spoke about breweries in various towns. Chairman Hodges asked if they had inside drawings. Dr. Alepa said he did not bring them, but he can email them. Mr. Lamb said they filed their application in the Building Department, but are amending it. Mr. Martin commented it would be important to see the floor plans now. It would help the Planning Board in determining what

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

the applicant is considering. The Master Plan can affect this application before the Zoning Board. He may have to recuse himself. Counsel advised they are two different tasks, reviewing the Master Plan and hearing the application so he would not have to recuse himself.

Closed to Public - Comments by Board Members followed regarding the use of limited brewery (not the application). Chairman Martin commented he is intrigued by the idea of bringing people to the downtown businesses and food establishments. Having uses that support each other is a good idea, and he is in support of including it for the Governing Body to consider in the Master Plan. It should be a conditional use with restrictions on negative issues discussed, so they can be controlled, but not be too restrictive. Ms. Costello asked if there were any safety issues with pressurized tanks. Chairman Hodges stated it would come under the mechanical building code and regulations and need a permit. Mr. Risbud would like to see this as part of the downtown, and referred to Mr. Snieckus' memo about distance from the R-1, commenting there should be consideration for the neighbors. Mr. Doell expressed concern about the restaurant owners paying for overhead and space that people are not sitting at, as business owners mentioned during a past meeting. Drawing nightlife for Westwood is a good idea, but he is not sure about the location. During the day, it is a beautiful building, but it is closed until 4pm. He is not opposed, but he is concerned about Westwood Avenue.

Chairman Hodges commented about that time is when people may be picking up food. Mr. Doell also commented about consumption. Mr. Snieckus clarified 15.5 gallons is for consumption off-premises. You can purchase a pint to drink there. Councilman Bicocchi questioned Mr. Randall about giving his opinion, since if the application goes to the Zoning Board, and this use goes to the Mayor and Council, he will have to vote on it. He also commented counting on street parking is not guaranteed, as the spaces are open for all to use.

Mayor Arroyo commented conditional uses can also be too specific. Mr. Snieckus gave he is rationale. It could be in the CBD, but he wants to make sure it is distant from the R-1. Also, he commented on the 1,000' limitation between breweries. Mayor Arroyo also commented on the high level of proof for a "D" variance. Mr. Olivier commented having a floor plan to review

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

would be helpful as Mr. Martin pointed out, and he was not concerned about the business being closed until 4pm. Another great idea mentioned is to visit the limited brewery in Red Bank. He also mentioned a resident's email about potential odors. Ms. Letizia commented 1,000' makes it prohibitive for another brewery. She also asked about restricting the time. What about the owner using the space for a different use before 4pm, she asked. Mr. Snieckus commented Westwood has always taken incremental steps. Mr. Zorovich commented he would be concerned with the actual hours. Starting at 4pm is a positive. He also questioned the impact on other businesses, such as an odor as reported by a resident. He asked if any other future brewery application would have to go before the Zoning Board.

Mr. Snieckus responded that is why they are using the words conditional use, so that they would have to appear before the Planning Board since it is permitted. Any deviation from the use as permitted would have to go before the Zoning Board. He read in the definition that sampling was drinking three (3) ounces. He added they could have a pint or pints on site. This could be clarified it further. Ms. Letizia commented tours of the brewery would have to be defined. Ms. Costello and Mr. Alepa stated you only have to tour once a year.

Mr. Raimondi asked if a brewery can go in where there is an existing apartment on site or in neighboring buildings. They would have to protect those families. Mr. Snieckus commented a variance would be needed. A distinction would have to be made between the CBD/SPE and CBD. Mr. Olivier asked about the reason for the tour and its definition. Mr. Snieckus' understanding is that it distinguishes it from a restaurant in that you see how the beer is brewed and understand that it is a limited brewery. Chairman Hodges stated Karen Hughes, Borough Clerk consulted with the ABC, and there are numerous regulations. He asked Councilman Bicocchi to inquire of Ms. Hughes the definition per the ABC.

Open to public - Mr. Lamb commented the retail portion could be open during the day, and currently there are four employees, two of which are brew masters that show up during the day. Maria Fernandez came forward and expressed concern since she has an apartment upstairs, as they would be open late. Chairman Hodges stated they do have to be respectful of the neighbors, closing at 10pm. The Board has always had consideration of the residents

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

and business owners. Erin Collins came forward and read from the requirements for tours per the Attorney General's office as posted on line. Anthony Reuto, 96 Westwood Avenue, single parent, noted it is more like a Starbucks atmosphere than a bar. Also, many breweries will pair their beer to the foods brought in. He complimented the building. Dr. Alepa loves the town and cares about the people. He feels it is a great idea.

Councilmember Murphy asked if the 1,000' could be changed to 500'. She felt a 4pm opening would be fine with the beautiful facade. That part of Westwood Avenue could use a facelift. Residents have reached out to her with excitement of the opening. She also didn't think parking would be an issue. As concerns the potential reported odor, there may be a way to cancel it out. Tom of Bergen County Camera, commented he is glad Westwood is thinking outside the box on uses. He spoke in favor of the use. Pat Hunt, President of Citywide, Kinderkamack Rd, was in a favor of the use and application. He knows Dr. Alepa from high school and spoke highly of him. They need to guard Westwood Avenue very closely. Westwood is a destination. It would be a wise decision of the town to add the limited brewery in the Master Plan. Chris Alepa stated it is going to be a really great looking brewery.

Closed to Public - There were no further comments, and the matter was closed to the public.

The Board concluded with a motion: **William Martin made a motion to direct Mr. Snieckus to include appropriate language in the Master Plan to suggest that the Limited Brewery in the SPE location be a recommendation for the Master Plan.** Mr. Risbud asked if this included the CBD/SPE. Mr. Martin stated he is in favor of taking preliminary steps, so just the SPE for now. Mr. Risbud seconded the motion. On roll call vote, Dan Olivier, William Martin, Anthony Zorovich, Ann Costello, Keith Doell, Rash Risbud, Lauren Letizia, and Jaymee Hodges voted yes. Mayor Arroyo and Councilmember Bicocchi abstained.

The Master Plan discussion would continue at the 1/23/2020 meeting. There were no further discussions.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:20 p.m.

(WWPB 1/09/2020 Reorg/Regular Meeting Minutes)

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Planning Board Secretary