

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
January 23, 2020**

APPROVED 2/13/2020

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 **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
Yash Risbud
Lauren Letizia (Alt. #1)

ALSO PRESENT:

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

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

4. OPEN TO PUBLIC ON NON-AGENDA ITEMS:

A motion to **open to public was made, seconded and carried.**
A resident came forward regarding the vacancies at the Kmart Shopping Center and brought up an article entitled, "The Future

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of Retail by Main Street America". In light of these vacancies, she said, perhaps the limited brewery use may fit in there, as well as bringing in more restaurants. Mr. Martin asked she felt the limited brewery use, along with restaurants could help revitalize the downtown area. She felt it would be good at the Kmart Broadway Shopping Plaza. There were no further questions or comments, and the matter was **closed to the public** on motion made, seconded and carried.

5. **MINUTES:** The Minutes of the **1/9/2020** meeting were approved on motion made by Dan Olivier, seconded by Ann Costello and carried unanimously on roll call vote.

6. **CORRESPONDENCE:**

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

7. **RESOLUTIONS:** None

8. **PENDING NEW BUSINESS:** 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** - Mr. Snieckus asked if there were any questions regarding this document distributed last week. There were none.

2. **Memo of Ed Snieckus, Burgis Associates, dated 1/2/2020**
RE: Master Plan 2020 Re-Examination Review - Limited Brewery Use Analysis - Mr. Snieckus reviewed the definition of Limited Brewery and explained the requirements and conditional use aspect. As per the Board's discussions, Mr. Snieckus reported, he prepared the following recommendations related to a *Limited Brewery* use for the Board's consideration in formulating recommendations for the Master Plan Re-examination Report. As previously discussed, a Limited Brewery is differentiated from a Brew Pub (which offers restaurant services in addition to the

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brewery use), by defining the land use regulations with the following (revised), 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 (ABC). The Limited Brewery may sell the product at retail to consumers for consumption on the premises but only in connection with tours of the brewery as defined and required by ABC regulations. The Limited Brewery may also offer samples of its malt alcoholic beverages 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. Additionally, such a Limited Brewery may sell the malt alcoholic beverage product for consumption off premises in a quantity in accordance with all Alcoholic Beverage Commission regulations.

Mr. Snieckus continued. Should the Board recommend this use be permitted as a conditional use in the CBD/SPE zone district, the following requirements are offered for further consideration. These use requirements would be offered in the recommendations being formulated in the Re-examination Report of the Master Plan.

Limited Brewery subject to the following conditional use requirements:

1. Minimum distance between another parcel of property containing a Limited Brewery shall be no less than 500 feet;
2. No portion of a parcel containing a Limited Brewery shall be located within 100 feet of the R-1 Detached Single-Family Residential District lot;
3. No residential uses shall be permitted in the same building containing a Limited Brewery;
4. A maximum retail area of 10 percent of the facility may be allocated to the retail sales of brewery related beverages or brewery brand promotional products.

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The following are supplementary requirements and not conditional use requirements for a Limited Brewery:

1. Provisions shall be provided and detailed to the Borough regarding the control of odors from the brewing process and waste disposal;
2. Provisions shall be provided and detailed regarding on-site handling and collection of related brewery waste materials;
3. Parking requirements. Parking required for areas for use by patrons, such as tasting rooms, reception areas and seating or bar area shall be in accordance with the restaurant regulations of 195-162. Parking required for production, storage or warehousing areas is one space per 1,000 square feet;
4. Limitations on the hours of operation or this could be included in the other administrative codes (11:00pm on weekdays and 12:00am on weekends)?

Questions by the Board followed: Ms. Letizia commented she looked into the statute concerning limited breweries and stated, we have not focused on the wholesale and warehouse component, over which she has concerns. There are three limited brewery licenses issued by the ABC. The lowest is equal to 50,000 barrels, the second lowest is up to 100,000 barrels, then 300,000 barrels, and this concerns her. The owner can apply for any of these licenses. Patrons can also bring in alcohol and food. Special events are also permitted. She expressed concern about traffic. Mr. Snieckus stated that is why they are making it a conditional use. They must apply and come before the Board and present their application. Variances may be needed. Mr. Snieckus addressed her concerns. Mr. Martin commented if it does not meet up with the Master Plan requirements, it could be denied.

Chairman Hodges asked about the three different licenses, and does the Borough have the right to limit the amount of the beverage. Mr. Snieckus said you would do it indirectly by the amount of square footage. Mayor Arroyo commented his family members are distillers in another State. They started small and grew out of their space. There is a natural progression in the business model. The "C" variance has a lower level of proof.

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Parking was a concern. Mr. Risbud commented on the conditions. Mr. Snieckus commented they kept the roof activities silent as they are not a permitted use in the zone. Mr. Risbud also brought up that ride-sharing to the site could cause congestion. Mr. Snieckus said the side streets could offer opportunities for drop off and pick up areas. Mr. Zorovich asked how many conditions can be put on. If the business failed, could they sell to bars and not be open to the public. Mr. Randall advised it would be a condition of the license. Mr. Snieckus would verify as well. Ms. Costello asked for no deliveries on Westwood Avenue. Mr. Snieckus responded this could be done during the site plan approval process. She asked about wineries, if we can define them. As far as wine-tasting, that would be a separate item in the Master Plan.

Mr. Martin commented in commercial areas and all zones, we should adopt some language about rooftop uses in some limited way. The UCC building code was modified to address and encourage rooftop uses. Also, he asked about outdoor dining at the limited brewery. There should be some regulatory language for that as well. The parking count and parking generation is site specific, and we don't need to be so rigid. As it relates to the location, L&N Grand had a parking draw. This new use should not be looked at as bringing a need for a tremendous amount of parking, since L&N already brought a parking draw. The Mayor agreed and commented gathering information about ride-sharing would be helpful. Mr. Olivier thanked Mr. Snieckus for the report and commented on the three different types of limited brewery licenses as brought up by Ms. Letizia, along with comments as to the size of the tanks. It will be regulated by the designers, engineers and safety measures. A brief discussion ensued from the comments made. Mr. Snieckus commented the storage and basement area would need to be factored into the square footage allowed. Mr. Martin felt this was important to include.

Mr. Snieckus stated if the Board wanted to include rooftop language, it could be discussed as a use. He is open to the Board's direction. The Chairman asked if the Board should look to include it or is it something we can continue forward with after the Master Plan Re-examination. Mr. Snieckus added if they needed specificity, he could come back with some language. Chairman Hodges asked Mr. Raimondi. Mr. Raimondi expressed concern about structural stability of the old buildings with putting weight on rooftops. The applicants should be aware of

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this before any application is made. Further, various parking easements and arrangements have been put in place amongst neighbors, so certain parking may not be available. As stated earlier, the shopping center could serve as a satisfactory zone to be included, as it has plenty of parking and could support this use. Chairman Hodges felt the rooftop should be put in writing but added in later. Mr. Martin felt it was a benefit to include provisions on this now and address it in this Master Plan. He was in favor of discussing and including all items in one Master Re-examination, to be forwarded to the Governing Body, and then moving on. The Chairman asked the Board Members about general rooftop uses. It should be included now was the consensus. The Board directed Mr. Snieckus to draft general language as to "rooftop usage". Mr. Snieckus would draft language subject to review.

Open to public - The matter was opened to the public on motion made, seconded and carried. A gentleman from the public came forward and spoke in favor of the limited brewery. He suggested visiting the ones in Little Ferry and Hackensack to see the sizes of the barrels and equipment, which take up a lot of space. The one in Little Ferry would not fit in the L&N Grand space. Chris Alepa offered drawings of his space and also to answer questions. Chairman Hodges advised this is being discussed as far as this use in relation to the Master Plan, being a permitted use or conditional use, not as an application before the Board. We are just addressing the Master Plan, so the Board would not be reviewing drawings. This is just discussion relating to the Master Plan and this use. There were no further questions or comments, and the matter was **closed to public** on motion made, seconded and carried.

Mr. Snieckus will have a Memo regarding rooftop use for the next meeting. Mr. Martin stated we already voted on including Mr. Snieckus' limited brewery use at the last meeting, per the discussion. Mr. Snieckus stated he already has the feedback. The newest memo included the commentary from the last meeting.

A motion to include the Burgis Associates Memo dated 1/20/2020 as it relates to definitions and conditions of Limited Breweries as stated therein was made by William Martin and seconded by Dan Olivier. On roll call vote Dan Olivier, William Martin, Anthony Zorovich, Ann Costello, Yash Risbud, and Jaymee

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Hodges voted yes. Lauren Letizia voted no. Councilmember Biccocchi and Mayor Arroyo abstained.

Chairman Hodges asked if they should discuss microbreweries in the SC Zone. Mr. Martin commented we should have Mr. Snieckus prepare a Memo and discuss same at the next worksession so that we may include that in the final draft and move to the public hearing on the Master Plan Re-examination Report.

3. Proposal and Cost Agreement Resolution with Burgis Associates for the completion of the Master Plan in 2020 - Brief discussion; A motion for approval was made by William Martin for approval of the Resolution **not to exceed an additional \$15,000.00 over the previous year.** The motion was seconded by Dan Olivier. On roll call vote, all members voted yes.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:45 p.m.

Respectfully submitted,

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