

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR PUBLIC MEETING
February 13, 2020**

APPROVED 2/27/2020

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
William Martin
Keith Doell
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: Robert Bicocchi, Councilmember (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.**
There were no questions or comments, and the matter was **closed to the public** on motion made, seconded and carried.

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5. **MINUTES:** The Minutes of the 1/23/2020 meeting were approved on motion made by Dan Olivier, seconded by Ann Costello and carried unanimously on roll call vote.

6. **CORRESPONDENCE:** See below under Discussion;

7. **RESOLUTIONS:**

1. **Resolution for Burgis Associates to continue working on and complete of the Master Plan in 2020, at a cost not to exceed an additional \$15,000.00 over the previous year** - Board Attorney Randall read the Resolution of Approval into the record. A motion for approval was made by William Martin and seconded by Dan Olivier. There were no further questions, comments or discussions. On roll call vote, all members voted yes.

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: MASTER PLAN RE-EXAMINATION REVIEW**

1. **Memo from: Edward Snieckus, Jr. PP, LLA, ASLA, RE: 2019 Master Plan Re-examination Review - Limited Brewery Use Analysis and Recommendations - Date: Updated February 12, 2020 - Mr. Snieckus updated the Board as follows:** As per the Board's continued discussions, we 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 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*

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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.

Should the Board recommend this use be permitted as a conditional use in the CBD/SPE 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. Maximum building square footage of 4,000 square feet - **this was added;**
3. 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;
4. No residential uses shall be permitted in the same building containing a Limited Brewery;
5. 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.

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;

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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 11:00pm on weekdays and 12:00am on weekends.

Comments by the Board Members on Limited Brewery followed:

Mr. Doell and Mr. Risbud inquired about Item #4 under requirements - maximum building square footage of 4,000 sf; and Item #3, not located within 100' of the R1 district. Mr. Snieckus elaborated. Mr. Zorovich asked about food waste and parking. The property owner would be responsible, Mr. Snieckus commented, adding the Board would ask these specific questions at the time of application.

Ms. Letizia commented it is a good use, but she still had concerns about permitted use in CBD/SPE. Ms. Letizia also expressed concerns with hours, and that we have as lively a streetscape as possible.

Mr. Martin commented define how to calculate 4,000 sf. Suggested adding in maximum square footage, including basement. 4,000 sf is not a large space. He asked about hours of operation with noise levels in mind. Mr. Snieckus commented after 10:00 pm the decibels would drop down. Mr. Martin suggested specifically mentioning the brew operation itself in the hours.

Mayor Arroyo commented 4,000 sf should pertain to all occupied levels, including roof occupancy. All details are to be shown on a site plan. He spoke about uses and processes before the Boards. This is a recommendation to the Governing Body. In the Master Plan is favorable language that an applicant looks for when applying for a variance before the Zoning Board.

Mr. Olivier commented all good points were raised, and he has nothing to add.

Chairman Hodges commented the facility he visited in Tinton Falls was approximately 4,800 sf and had 20 seats and several stools along a bar area and serving area. The equipment and

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refrigeration take up a good majority of the space. This amount of space gets filled quickly. 4,000 sf is a good starting point. If they expand, he would like to see them stay in Westwood. He asked about parking requirements.

Ms. Costello commented the use should be allowed in other zones, and there should be no deliveries allowed on Westwood Avenue.

Open to public on Limited Brewery - The matter was opened to the public on motion made, seconded and carried. Chris Alepa, 96 Washington Ave, spoke about the hours of operation and the retail component remaining open earlier and later. There were no further questions or comments, and the matter was closed to public on motion made, seconded and carried.

2. Memo from Edward Snieckus, Jr. PP, LLA, ASLA, RE: 2019 Master Plan Re-examination Review - Rooftop Commercial Use Analysis and Recommendations - Date: Updated February 12, 2020 - Mr. Snieckus updated the Board as follows: As requested, the following is provided for consideration relating to rooftop uses should they be recommended as a permitted feature for commercial and residential uses in the downtown CBD/SPE zone. In consideration of the characteristics of rooftop uses we recommended commercial rooftop uses be permitted as a conditional use which will be subject to the review and approval by the Planning Board while residential use of a rooftop be permitted as an accessory use although subject to some criteria as noted below. Commercial roof top use. The commercial rooftop use shall be a conditional use.

Conditions for a commercial rooftop use are as follows:

1. The rooftop use shall conform with all applicable building code regulations including access, egress, support loading and fire protection or rating conformance for all materials in consideration of the scope of the proposed use. The rooftop space shall be completely protected by a code compliant barrier.

2. Habitable fully enclosed rooftop appurtenances count as a building story other than access stair towers and roof top mechanical rooms.

3. Open rooftop appurtenances are permitted provided they do not exceed more than 10 percent of the entire rooftop area and that

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they do not exceed the height limitations in the zone as provided in this chapter by more than 10 feet.

4. The total commercial rooftop use shall not exceed more than 75 percent of the total rooftop area.

5. The roof top use shall not be in use between the hours of 11:00 pm to 10:00 am.

6. The rooftop use shall be setback a minimum of 100 feet from the R-1 zone.

7. The rooftop use shall conform with all municipal and state regulations concerning noise;

8. Sound systems used by commercial rooftop uses shall have sound limiters to be approved by the Board.

9. The rooftop shall not contain light fixtures higher than 8 feet and be fully shielded from adjacent properties. Except, ambient patio string lights shall be permitted with lamps not exceeding 15 watts each for incandescent and 1.4 watts for LED lamps. Such string lights shall not be closer than 24 inches apart.

Conditions for Residential roof top use are as follows:

1. The residential rooftop use shall be an accessory use to a permitted use in the zone;

2. The rooftop use shall conform with all applicable building code regulations including access, egress, support loading and fire protection or rating conformance for all materials in consideration of the scope of the proposed use. The rooftop space shall be completely protected by a code compliant barrier;

3. Habitable fully enclosed rooftop appurtenances count as a building story other than access stair towers and roof top mechanical rooms;

4. Open rooftop appurtenances are permitted provided they do not exceed more than 10 percent of the entire rooftop area and that they do not exceed the height limitations in the zone as provided in this chapter by more than 10 feet;

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5. The rooftop shall not contain light fixtures higher than 8 feet and be fully shielded from adjacent properties. Ambient unshielded patio string lights shall be permitted with lamps not exceeding 15 watts each for incandescent and 1.4 watts for LED lamps. Such string lights shall not be closer than 24 inches apart.

Comments by the Board on Rooftops followed:

Mr. Zorovich asked if there would be a second exit and a fire escape, which would cause a visual problem. Mr. Martin commented you cannot add a new fire escape to an old building. The building code covers this.

Mr. Snieckus commented also the noise ordinance addresses noise concerns.

Ms. Letizia asked if rooftop use has to match the primary use, and Mr. Snieckus responded yes.

Ms. Costello asked if there could be a staircase, and Mr. Martin stated it would have to conform to the building code.

Mr. Martin commented the first thing they will want to do is put up tent. They will also want temporary heaters, tables and umbrellas. Temporary tents should be carefully regulated or prohibited. Over-use can change the whole character and look of the building. This should be regulated based on this knowledge. Residential roof top use should not be included as a part of this and should be stricken.

Mr. Risbud complimented Mr. Martin on raising this issue.

Mr. Doell asked for clarification on the verbiage. Mr. Snieckus responded.

Mr. Olivier commented separate serving stations, such as a second bar should be regulated. Mr. Snieckus responded he termed it accessory, but could tighten up the language. Mr. Olivier noted the rooftop at The Saloon in Pearl River is very large and gets packed and very noisy. Think about people dancing. Also, we need to mitigate drainage from rainwater and questioned where it would go. Mr. Martin commented the rainwater would go where it went before, and noted there could also be rooftop storage and retail.

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Mr. Doell asked why we are talking about rooftops when we never discussed it before, and if it was because someone wants it. Mr. Martin suggested it be addressed in the Master Plan because it is starting to come up.

Open to public on Rooftops - The matter was opened to the public on motion made, seconded and carried. There were no questions or comments, and the matter was closed to the public on motion made, seconded and carried.

Chairman Hodges confirmed **all Board Members were in favor of striking residential rooftops from the discussion and any recommendations**. Mr. Snieckus would come back to the Board with adjustments.

3. Memo from Edward Snieckus, Jr. PP, LLA, ASLA, RE: 2019 Master Plan Re-examination Review - Limited Brewery Analysis SC Zone dated 2/13/2020 - Mr. Snieckus presented his Memo. Mayor Arroyo asked if this was premature. Mr. Snieckus responded this area would take a special analysis. Mr. Martin commented shopping centers would be a viable location for this use. Mayor Arroyo expressed concern that it is premature, and it would behoove the Borough to table any decisions now. This may limit the Borough's determination of the use of this property. Mr. Martin stated we should end the discussion now and take it up another time or in the next Master Plan Reexamination, as it is not necessary to include it in the discussion of the SC Zone.

Mr. Martin made a **motion to not include Limited Brewery Analysis in the discussion of the SC Zone**. The motion was seconded by Mr. Olivier. On roll call vote, all Members voted yes, with Ms. Letizia abstaining.

4. Memo from Edward Snieckus, Jr. PP, LLA, ASLA, RE: 2019 Master Plan Re-examination Review - Parking Lot Analysis and Recommendations Date: Updated February 12, 2020 - Mr. Snieckus updated the Board as follows: As requested, we prepared the following potential recommendations relating to permitting parking areas as a principal permitted use for properties in the LM and RW zones. Currently outdoor storage is permitted for a principal permitted use in the LM zone under Section 195-125C.(5), although standalone parking areas are not currently permitted in either zone. Parking areas are currently permitted as a principal use in the LB-1 zone.

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The following is offered: Off street parking lots be permitted as a principal permitted use in the LM and RW zones subject to the requirements of Article XX, Off Street Parking requirements of this Chapter.

Such parking areas shall also comply with the following:

1. Shall be screened by landscaping as approved by the Planning or Zoning Board;
2. Screened with a minimum buffer in accordance with the buffer requirements of §195-133 from a residential-zoned or residentially developed property;
3. The parking area shall be calculated in the total impervious coverage of the site.

Comments by the Board on Parking Lot Analysis followed:

Mr. Martin, Mr. Olivier and Mr. Doell had no comments. Mayor Arroyo and Mr. Risbud commented it is a good idea and Chairman Hodges commented it is a good addition to the Master Plan.

Open to public on Parking Lot Analysis - The matter was opened to the public on motion made, seconded and carried. There were no questions or comments, and the matter was closed to public on motion made, seconded and carried.

There was nothing further. Mr. Snieckus would return to Board with refinements.

Master Plan Hearing Date - Mr. Snieckus advised the Board we should set a date for the hearing so he can set up a schedule. Scheduling the hearing for **3/26/2020** would be best, so he can have final documents on file 10 days in advance, he added. Mr. Snieckus stated he could come to the next meeting and discuss the changes in a worksession. This was agreed to.

11. ADJOURNMENT - On motion, made seconded and carried, the meeting was adjourned at approx. 10:00 p.m.

Respectfully submitted,

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