

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
REGULAR MEETING
April 27, 2023**

APPROVED 5/25/23

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** 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
Mayor Raymond Arroyo
Christopher Montana, Councilmember
William Martin
Ann Costello
Keith Doell
Yash Risbud
Beth Staples, Alt. #1
Kristy Dougherty, Alt. #2

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Brandon Goldfine, Boswell Engineering
Board Engineer

ABSENT: Dan Olivier, Vice-Chairman (excused absence)
Anthony Zorovich (excused absence)

4. OPEN TO PUBLIC ON NON-AGENDA ITEMS:

A motion to open to public was made by Beth Staples, seconded by Ann Costello, and carried.

8:30 p.m. Bruce Meisel, 263 Center Avenue, came forward stating he would like to discuss the Master Plan. Chairman Hodges asked Mr.

Snieckus if the Master Plan was on for discussion. Mr. Snieckus responded the CBD and O Zones were on the agenda, but we could discuss the Master Plan, per Mr. Meisel. Mr. Meisel wanted to discuss how he analyzes the CBD Zone from his perspective of building, commenting he is opposed to intense development. His son is 28 and is working with him in his business. Mr. Meisel stated going from Irvington to Jefferson, it is virtually impossible to come into large developments. One reason is affordable housing and the percentage you must set aside. It reduces your profit margins. Developers ask for tax abatements; otherwise, it won't work financially. What also makes this impractical is parking. He discussed the barriers to developments, such as the parking lots and the Center Avenue shopping plaza. Then there's the veterinarian hospital. He would suggest when you do a Master Plan do not advocate for things that are not going to happen. The CBD It is the biggest influencer in Westwood. The CBD can suffer if you change the zoning from Irvington going south. Take Ginger and Cream, for example. They are not going anywhere until they retire. When they do leave, you probably will not put a boutique in there. If you change Irvington, you will hurt the property values and the individual uses you want to preserve. His view is to build in areas in Westwood that are profitable. The only place is Westwood Avenue going south towards Jefferson. Westwood Avenue going north is getting better and better. The areas of vulnerability are going south. We do not want to be Park Ridge or Emerson. To build a development of that size is against his philosophy and the town's interests. Westwood is retaining its boutique-like character. Having three stories is too much. Two stories in enough. The CO zone is vulnerable. If the town doesn't figure out a plan to disallow development on Old Hook Road, John Lamb, his attorney, will be in to oppose any applications for such development. The Meisel family is against it. It will change the character of this community forever he said.

Mr. Snieckus explained the whole gist of the Board analyzing is maintaining the size and scale of buildings and developments. As for what Mr. Meisel said about the large-scale developments, they are trying to find ways, either by bolstering our land use plan with certain statements or carving out separate areas. He gave Mr. Meisel the map from his study, for the north end of the CBD. It is to establish a transitional area to the R1 zone. We have maximums that would dissuade developers from massive developments. Mr. Meisel commented it is a town road, and it would not be unreasonable for developers to say they want to take property to widen Irvington. Changing the uses are not the way to go, as you are going to hurt what is there. Mr. Snieckus explained they were looking at possibly changing certain aspects of the zone.

Mr. Meisel continued. He owns eight properties and made one a parking lot. If you put some statements in the Master Plan regarding sensitivity as to height and density as you approach Irvington, it should be sensitive to the residents across the street. It would make it impossible to get a variance before the Zoning Board. Mayor Arroyo commented the elephant in the room is affordable housing. They have until 2025. Round 3 obligations have not been assessed. In 2025 they will be reassessed. Mr. Meisel commented the Board should not make any use changes. Beth Staples commented she did not think the Board was not discussing use changes. Mr. Meisel encouraged the Board to look into this and not do so. Mr. Doell asked if Mr. Meisel thinks they missed anything. He said do not let the Master Plan give the developer any ammunition. Give the ammunition to the Zoning Board. That is the goal in the Master Plan, the ammunition. A discussion ensued with Mr. Meisel responding to questions by the Board. Now is the time to be proactive he stressed. Councilmember Montana addressed Mr. Doell's comments on PNC Bank site and parking. It is already congested. He would rather keep traffic on the fringes rather than driving through the CBD. Mayor Arroyo spoke about the budget, that the commercial is down but industrial was up. It is very important to get this right. Mr. Meisel stated you don't have to get into rezoning, just figure out what you want to accomplish and do it.

Mr. Martin commented as to the additional requirements in Mr. Snieckus' Last memo regarding the North end - Mr. Snieckus said it was a specific zone change for that area or an adjustment to statement in the Master Plan. Mr. Martin said he was talking about dimensional restrictions in that area. Mr. Snieckus offered we were just going to put a recommendation in and discuss it later on. Mr. Martin asked if the dimensional requirements would apply everywhere in CBD and he responded yes. Mr. Snieckus read from the Memo. He feels it is better to do a stronger statement in the Master Plan. Mr. Martin suggested leaving it alone. It seems it was the intention in the 1930's was to prevent development in the CBD zone. He suggested they put a 10' wide buffer requirement in. He felt it was always the intention that the CBD uses be fully built out to Irvington. Mr. Meisel reiterated don't change the use, just change the criteria. Mr. Snieckus stated he could come back with more language on that. Mr. Martin commented the ZB takes the Master Plan very seriously. There were no further discussions. Mr. Meisel departed 9:30 p.m.

There were no further questions or comments, and the matter was closed to the public on motion by Yash Risbud, seconded by Ann Costello and carried.

5. MINUTES: The Minutes of the **4/13/23** meeting were approved on motion made by Ann Costello, seconded by Beth Staples and carried unanimously on roll call vote. Keith Doell noted under discussion with regard to the vouchers, that Mr. Martin commented it is the legal right for the Board to review the vouchers, and Mr. Randall was supposed to check into the legality of it and the Board's obligations. Attorney Randall advised the matter of the vouchers is under review. Councilmember Montana stated the Planning Board should be getting a list of vouchers and escrow balances. Chairman Hodges advised he only received an account ledger sheet. Councilmember Montana commented we will continue working on this. Continued discussion and update would be on the next agenda.

6. CORRESPONDENCE: Ledger sheets of escrow accounts received.

7. RESOLUTIONS:

1. Grace Episcopal Church, 9 Harrington Avenue - Site Plan with Bulk Variances for construction of an ADA ramp Board Attorney Stevens read the Resolution of Approval into the record. There were no further questions, comments or discussions. A motion for approval was made by Ann Costello, seconded by Beth Staples and carried unanimously on roll call vote.

8. PENDING NEW BUSINESS:

1. PB-2307-96 Sand Road GH Development LLC - 96 Sand Road-Major Subdivision, Site Plan with Bulk Variances (3 lots and road extension) - Still in review; Carried to next meeting;

2. PB-2311-301 Center Property LLC-287 Center- Site Plan for a 386sf addition - Still incomplete; Carried to next meeting;

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

1. PB-2308-10 Carver LLC-10 Carver -New construction for a baseball training facility - Site Plan approval with C variances - Complete; Ready to be scheduled for the 4/27/23 meeting;

10. DISCUSSION:

1. Procedural Rules and Bylaws - Board Attorney Randall advised he had emailed the proposed Procedural Rules and Bylaws to the Board prior to the meeting for review. Councilman Montana requested a confirmation that the vote would be for that same

document and there were no further changes, as he read through them and had questions and comments. The Board would review same for discussion and approval at the next meeting.

2. Substitute Planner for the year 2023 - Mr. Randall advised he could recommend Michael Kauker. Mr. Kauker is very capable and would accept the compensation rates. The Board was in agreement. A motion for approval to appoint **Michael Kauker** as Conflict/Substitute Planner for 2023 was made by William Martin, seconded by Yash Risbud and carried unanimously on roll call vote.

3. Climate Change Related Hazard Vulnerability Assessment Study (HVAS) as part of the Borough's Master Plan - Memo from Ed Snieckus, Burgis Associates, dated 3/21/23 RE: Hazard Vulnerability Assessment Study (HVAS) - Status Update & Presentation - Mr. Snieckus provided a follow up slide show presentation on the Hazard Vulnerability Study, which contained the following:

The Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b.(2)(h), requires every municipality adopting a land use element adopted after P.L.202, c.6. 2021, a climate change related hazard vulnerability assessment.

HVAS Overview

1. Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazard.
2. Build-out analysis of future development, and an assessment of the threats and vulnerabilities.
3. Identify critical facilities, utilities and roadways necessary for evacuation purposes and sustaining quality of life.
4. Master Plan Review. Analyze the potential impact of natural hazards on relevant components and elements of the master plan.
5. Strategies and design standards that may be implemented to reduce or avoid risks.
6. Specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment.
7. Data. Utilize most recent natural hazard projections and best available science provided by the New Jersey DEP.

HVAS Threats and Vulnerabilities

1. Increased temperatures.
2. Shifts in Precipitation and Flooding.
3. Drought and Related Effects.
4. Frequency of Events.

Increased Temperatures

- Significant evidence that the earth's atmosphere has and will continue to warm due to an increase of carbon dioxide (CO₂) and other greenhouse gases.
- Warming of the atmosphere contributes to increased weather-related events such as heat waves, warm weather storms, global sea level rise and potential ecological changes.
- "Heat has been the leading cause of weather-related deaths in the United States" over the last 30 years. National Oceanic and Atmospheric Administration (NOAA), Extreme heat days are defined as "a period of high heat and humidity with temperatures above 90 degrees for at least two to three days"
- Heat.gov
- Lower-Level Projections: reducing emissions of global heat-trapping gases to a level of 0 by the year 2040 (RCP 4.5 by the IPCC 2018a).
- Higher Level Projections: global heat trapping gases increase through to the year 2100 (RCP 8.5 by the IPCC 2018a).
- Lower Emission Projections: there is a projected 92 percent increase in the annual days above 90 degrees in the early century.
- The increase in Cooling Degree Days (65°F+) is projected to increase 33 percent under a low emission projection.
- Planning for these extreme heat occurrences will necessitate greater demand on energy infrastructure, water supply and health or community services.

Precipitation & Flooding

- Climate change anticipated to increase heavier rain events and severe weather conditions.
- These events can bring greater overall precipitation amounts, more rainfall events in a shorter period of time before drainage can convey them or increased frequency between severe events.

- NJ yearly rainfall -north and central areas: 49 inches average.
- 2020 NJDEP Scientific Report on Climate Change: Annual precipitation is projected, to increase by approximately 5 to 7.5 % by the end of the century. Some local projections estimating between 4 to 11 % by 2050.
- NOAA's National Centers for Environmental Information State Climate Summaries notes the total annual precipitation for New Jersey has been approximately 3.7 inches above average over the past 16 years.
- NJDEP Flood Hazard Area- design flood elevation (DFE): 100-year flood plus an additional amount of water for possible future increases.
- This additional amount of water provides a factor of safety in cases when the 100-year flood is exceeded.
- Structures, fill and vegetation that are situated on land that lies below the flood hazard area design flood elevation are described as being "in" or "within" the flood hazard area.
- Flood hazard areas in the Borough coincide with the Pascack Brook and Musquapsink Brook.
- NJDEP Fall of 2022: Designs based on current flood mapping are not protective for current and future conditions. They reflect prior flooding patterns and does not reflect changes due to climate change.
- Hurricane Ida: Average elevations of 3.1 feet above FEMA's 100-year flood elevation. New DFE rule is the higher of: Flood elevation mapped by NJDEP (where available) plus 2 ft or FEMA 100-year elevation plus 3 ft.

Drought & Related Impacts

- Increase in drought - effects potable water supply and potentially water quality.
- Westwood's water supply is provided through a series of reservoirs consisting of the Oradell, Woodcliff Lake and Lake Tappan in New Jersey and Lake Deforest in New York State.
- The northeast region of NJ has not experienced as many drought events as other areas, although a warming climate can rapidly impact surface reservoirs and the supply of potable water.

Related Impacts- Wildfires

- While the Borough is mostly developed and not particularly prone to forest wildfires, some regional forested areas could be prone to fires.
- Drought conditions can lead to a heightened risk of wildfire hazards.
- A wildfire in the region surrounding the Borough could have residual impacts on air quality within the Borough impacting susceptible populations.

Build Out Analysis

- Buildout analysis projects how much development could occur in a municipality if development was built on every available parcel of land allowed by local and state regulations.
- Build out analysis- applies established zoning criteria to existing vacant lots and areas where infill development may occur or has been envisioned by the Master Plan.

Review of Critical Facilities

- Federal Emergency Management Agency (FEMA) guidance document:
- Community lifelines construct for effectiveness in disaster operations.
- Critical facilities for decisive intervention.
- Prioritizes and outlines critical business and governmental functions essential for human health and safety or economic security.
- Vulnerable Government Services:
- Westwood DPW.
- Berkley School - Summer Day Care Programs.
- Parks and Recreation, Westvale, McKinley and Brookside.
- Vulnerable Infrastructure:
- Vehicular and Transit Bridges of Pascack and Musquapsink Brook.
- Emerson Road Sewer Pump Station.

Final Review Categories

- Master Plan Review, Analyze the potential impact of natural hazards on relevant components and elements of the master plan.
- Strategies and design standards that may be implemented to reduce or avoid risks.
- Specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment.

Master Plan Review

- Goal 2: To ensure that any prospective development and/or redevelopment is responsive to Westwood's environmental features, limitations and can be accommodated within the community's infrastructure capacity.
- Policy Statement: The Borough seeks to encourage development, which is sensitive to the community's unique physical characteristics and preserves the Borough's sensitive environmental elements. Particularly, the Borough encourages development which preserves steeply sloped areas (defined to include any slope of minimally fifteen percent grade), protects and discourages development in and protects wetlands and flood plains and retains vegetation (particularly trees of a caliper of minimally eight inches and clusters of trees).

In closing, Mr. Snieckus discussed ways to get the word out to the public to attend future meetings for input, such as the second meeting in May. It is important to get the public's input. The final version is after those meetings. Board questions and comments followed. Ms. Staples asked if the waterway discussed was a C1. Mr. Snieckus responded it was. To develop there would have to be DEP waivers. We are trying to protect ourselves from that. There may be something from the State level, but we can only do the best we can. On 5/25/23, Mr. Snieckus would present the updates, Goals and Objectives from the Master Plan and Design Standards in the flood areas. At the June meeting there would be a targeted circulation study, and they could also incorporate statements from the study into the Master Plan. There were no further discussions.

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

Respectfully submitted,
MARY R. VERDUCCI, Paralegal, Planning Board Secretary