

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
REGULAR PUBLIC MEETING
November 17, 2011**

APPROVED 12/15/11

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. SWEARING IN OF MEMBERS:

4. ROLL CALL:

PRESENT: Jaymee Hodges, Chairman
William Martin
Philip Cerruti
Thomas Constantine
Daniel Olivier
Richard Bonsignore (arrived 8:05 pm)
Councilwoman Cynthia Waneck
James Schluter, Vice-Chairman
Ann Costello (Alt. #1)
Keith Doell (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
By Steven Paul, Esq.
Ed Snieckus, Burgis Associates, Board Planner

Not Required:

Louis Raimondi, Brooker Engineering,
Board Engineer

ABSENT: Mayor John Birkner (excused absence)

(WWPB 11/17/11)

5. **MINUTES:** The Minutes of 10/27/11 were tabled on motion made by Mr. Martin, seconded by Mr. Schluter, and carried. The meeting of 11/3/11 was canceled due to lack of applications to process.

6. **CORRESPONDENCE:**

1. **Memo from Karen Hughes, Borough Clerk, dated 11/14/11**
RE: An Ordinance Establishing the Jefferson Avenue Historic District;

2. **Memo from John J. Lamb, Esq., Beattie Padovano, dated 11/17/11, RE: John Oberg, 671 Broadway, Block 701, Lot 3;**

3. **Master Plan Periodic Re-Examination Report, with a review date of 11/3/11, by Ed Snieckus, Burgis Associates.**

7. **RESOLUTIONS:**

1. **An Ordinance Establishing the Jefferson Avenue Historic District** - Steven Paul, Esq. gave an overview of the Resolution of Approval as reviewed by the Board. There were no further questions, comments or discussions. A motion for approval was made by Ann Costello and seconded by Richard Bonsignore. On roll call vote, Mr. Martin, Mr. Constantine, Mr. Cerruti, Mr. Olivier, Mr. Schluter, Mr. Bonsignore, Ms. Costello, and Chairman Hodges voted yes. Councilwoman Waneck abstained, as per her policy to vote only at the Council level she commented.

8. **VOUCHERS:** None

9. **VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:**

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

1. **Lipkin Properties, LLC - 345 Old Hook Rd, Block 2103, Lot 2** - Carried to 12/1/11 at the request of the applicant.

10. **DISCUSSIONS:**

1. **Master Plan Periodic Re-Examination Report dated 11/3/11 - Review of Report and PowerPoint Presentation by Ed Snieckus, Burgis Associates**

Review of Re-Examination Report

Mr. Snieckus presented the Master Plan Periodic Re-examination Report, as of November 3rd, 2011, noting the Borough adopted its most recent comprehensive Master Plan in 1993 and most recent Re-examination report on December 1, 2005. The 1993 Master Plan goals provided the basis for the land use plan recommendations, which are intended to guide the Borough's future development. The 2005 Re-examination Report refined and updated the community's goals and objectives and provided a number of recommendations to refine the zoning for the Borough.

Mr. Snieckus began with the Introduction and the Overview sections of the report:

The Borough of Westwood Reexamination of the Master Plan is a continuing comprehensive planning tradition by the Borough, initiated by the Borough in 1975 when the Borough adopted its first master plan. Since then the Borough has adopted a number of master plan reports and documents since then, the most recent being a comprehensive 1993 master plan and 2005 Master Plan Reexamination Report. All of these master plan documents were designed to guide the future development of the community.

In continuation of this effort, on behalf of the Borough this reexamination report has been compiled to review the planning policies and land use goals and objectives so that they remain current and up-to-date. This document does not radically depart from the policies set forth in the previous master plan, although it continues to provide a more detailed and definitive set of goals and policy statements regarding the Borough's future growth and development than previous studies. Modifications to the Borough land use plan and zoning ordinance are also offered where conditions warrant it. This document also provides a number of demographic statistics and related background information on the community as an evaluation of the emerging development and fiscal issues that are evolving within the community.

As noted in previous studies, this report recognizes that the municipality is a fully developed community. The character of this development pattern necessitates a planning response which should focus on reaffirming the community's established character and identifying those areas warranting refinement to

(WWPB 11/17/11)

ensure the community's planning properly identifies and addresses its needs.

Next, Mr. Snieckus covered The Legal Requirements of Planning:

The MLUL establishes the legal requirement and criteria for the preparation of a Master Plan and Reexamination Report. The Planning Board is responsible for the preparation of the master plan and its reexamination. These documents may be adopted or amended by the Board only after a public hearing. The Board is required to prepare a review of the plan at least once every six years. Per the MLUL, the statute mandates that the report must include, at a minimum, five key elements, which identify:

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Reexamination Report;

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;

c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;

d. The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared;

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

(WWPB 11/17/11)

The MLUL identifies the required contents of a Master Plan and Reexamination Report, which have been outlined in this section. Master Plans must include a statement of goals, objectives, and policies upon which the proposals for the physical, economic and social development of the municipality are based. The Plan must include a land use element which takes into account physical features, identify the existing and proposed location, extent and intensity of development for residential and nonresidential purposes, and state the relationship of the plan to any proposed zone plan and zoning ordinance. Municipalities are also required to prepare a housing plan and recycling plan. Other optional elements that may be incorporated into a comprehensive Master Plan include, but are not limited to, circulation, recreation, community facilities, historic preservation and similar elements. The Master Plan gives the community the legal basis to control development in the municipality. This is accomplished through the adoption of development ordinances designed to implement the Master Plan recommendations.

PowerPoint Presentation

Continuing on, Mr. Snieckus showed and narrated his PowerPoint Presentation:

The Major Problems in the Municipality at the Time the last Master Plan Re-examination Report and the Extent to which they have been Reduced or Increased:

Need to reinforce uniform development pattern: Reaffirmed

Mitigate impacts to residential property owners

Need to protect environmentally sensitive land: Reaffirmed

Wetlands and Buffers
Floodplains
Stormwater regulations
Steep slope regulations

Central Business District: Reaffirmed

Economic Vitality / Center for Commerce
Encourage Enhancements (Where Appropriate)
Improve Tax Ratable
Circulation Improvements Intersection
Pedestrian Safety
Safe Routes to Schools

(WWPB 11/17/11)

Public Parking
Central Business District Plan Guidelines
Mixed Use Infill -Limited Areas

Development of a balanced housing supply: Updated

2010 Census:% of Ownership to Rental was same as 2000
Housing Plan:COAH certified 2nd Round Plan-April 2004
3rd Round Housing Element and Fair Share Plan (Dec
2008) - Submitted to COAH for Certification
Superior Court Invalidated Portions of 3rd Reg's
COAH Abolished-Governor's Office oversight to DCA
DCA to Prepare New Affordable Housing Rules

Protection of the local housing supply: Updated

FAR Regulations enacted to address overbuilding
Bergen County Home Improvement Program

(We are trying to maintain credits for the housing supply.)

Two-family homes: Reaffirmed

Safeguard Single-Family Zone Land Use

Steep Slopes: Reaffirmed

Need to Preserve Steep Slopes

Business Zones: Update

Encourage Adaptive Re-use of Structures
LB Zones Updated, Updates Recommended
LB-2: Study Potential to Increase On-street Parking
LB Zones: Streetscape Theme Standards
Safeguard Adjacent Residential Zones
Limited Infill Mixed Use: Conditional Use Requirements

(This includes offices on the first floor and residential on the
second floor.)

Historic Preservation: Update

Historic Element of the Master Plan: 2007
Historic Preservation Ordinance: 2008
Historic Advisory Commission
Recent Recommendation for Jefferson Avenue Historic
District

(The Planning Board just passed a Resolution as a result of
the recommendations of the prior Master Plan and prepared a

(WWPB 11/17/11)

Historic Element, which formed the basis of the Historic Preservation Ordinance.)

Senior Population: Update

In 2000 Census

Decline in the Senior Population

Increase in the Median Age to 38 Years Old

In 2010 Census

Senior Population: Generally the Same as 2000

Median Age Increases to 41 Years Old

Residents Age in Place

Greatest Reduction in 25 to 34 Year Old.

Stormwater Management Rules: Update

Ordinances Updated: In Conformance with State Regulations in 2007

Mass Transit: Update

NJ Transit Train, now a Bidirectional Service, Increased Ridership

Linkages Needed to:

Central Business District

Train Station

Bus Stops

Municipal Building

Westwood Plaza Shopping Center

Arterial Roadways

The Major Land Use Issues Currently Facing the Municipality

(Mr. Snieckus addressed issues from 2005 with updates, and spoke of current issues)

Hackensack University Medical Center at Pascack Valley

Former Hospital Closure-2007 : Full Service Hospital Critical Objective;

Full service Hospital: Principal Economic Driver;

Existing Medically Related Development and Infrastructure;

Care One at Valley Nursing Home (120 beds) (expansion plans);

Continued Aging of the Population;

Regional access via: Old Hook Road (Bergen County Route 502). East to West Collector;

(WWPB 11/17/11)

Reaffirm Uses of Former Hospital.
Propose Master Plan Vision Statement: Medical, Health
Care, Research and Technology Center.

(There is a need in the area for a full-service hospital
facility.)

Sustainable Design and Related Land Use Issues.

2008, MLUL Amended - Sustainability Element

Intent: Guidelines for a Balance Between the Needs of the
Community and the Desire for Sustainability;
Establish Goals and Objectives to Promote a Sustainable
Environment

(We are a step ahead in this area.)

Floodplain and Stream Flooding

Storm Intensities Leading to Substantial Impacts
Control and Reduce Impacts to Floodplains
Solutions to Improve Conditions RE: Flooding

Economic Recession and Impacts to Land Use Viability

Economic vitality of business districts - increasingly
important consideration;
CBD districts to be maintained as a Strong Center of
Commerce;
Enhancements encouraged where appropriate

(This area has been another major impact)

**The Specific Changes Recommended for the Master Plan or
Development Regulations, if any, including underlying
objectives, policies and standards, or whether a new plan or
regulations should be prepared.**

Goals and Policies:

11 Goals and Policy Statements of 2005- Reaffirmed

New 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.

(WWPB 11/17/11)

New Goal #13:

The borough promotes the issues of **sustainability** to establish the regulatory framework needed to prepare and adopt related ordinances and standards.

Recommended Amendments to Development Regulations & Zone Plan:
(Recommendations for specific zones:)

Residential Zone Districts

Impervious Coverage Definition - Total Surface Coverage;
Accessory Structures: permitted at 5 feet from a property line should remain capped at 200 square feet;
*Permission of **Open Porches and Entrance Ways** in required setbacks;*
Building Height: permit exemptions for garage under & basement doors;
*Temporary **Handicapped Accessibility Ramps***
*Residential Zones: **Side & Rear Minimum Setbacks requirements;***

Central Business CBD/SPE Districts

Refine: Gourmet and Specialty Food Stores: Seats increase from 8 to 16
Define when a restaurant
*Uses: **Nutritional and Health Food Store***

CBD Zone District

*Rezone: Block 909, Lots 3, 4 and 5 from **CO to CBD Zone:** (changes shown in light green) Pre-existing confirming use rather than pre-existing non-conforming use; allows property owners to make changes in conformance with CBD rather than coming for a variance)*

CBD Zone District

Refined Recommendation of **Mixed Use** in **Limited Areas** of the CBD (recommended overlay zone where mixed use could be permitted pursuant to standards and requirements)

Pascack Valley Swim Club Property

Rezoning Recommendation from RW to R-1 Residential

Central Business CBD/SPE and CBD Zone Districts

Underground parking** be permitted in **CBD, CBD/SPE

(WWPB 11/17/11)

Any type of drive thru facilities not permitted: CBD & CBD/SPE Zones;
Maximum length of a building in CBD zone;
Outdoor Dining Amended: One-time Approval of the Outdoor Café Use;
Maximum of 10 Tables and 20 Chairs Depending Upon Façade;
One Food Service Window or Doorway for Ice Cream or Similar Confectionary Products;

Sign Regulations:

Non-flashing neon or LED signs

Permitted **internally** in a building
Must be placed a minimum of **10 feet from a window**
Not larger than **3 square feet** and
No more than **3 colors**.
Maximum of **3 such signs** at any one premise.

Wall Mounted Signs:

Max Letter Height to add 6 inches additional height for ascending or descending lower case letters;

Exemption wall sign 100 feet + ROW, Max Height Lettering- 18 inches;

Hanging Signs in CBD/SPE Zone;

Last Component:

Recommendations concerning the incorporation of redevelopment plans into the land use plan element and recommended changes in the local redevelopment regulations necessary to effectuate the redevelopment plans of the municipality.

Questions and Comments

Questions and comments from the **Board** followed. Ann Costello commented regarding flooding and garages. William Martin commented regarding garages and square footage increase, asking whether there are any limitations on the number of three car garages and sheds permitted. Mr. Snieckus responded as long as you have the permitted amount of coverage, you could have more than one set of garages. Perhaps the amount should be limited, Mr. Martin noted. His next question was about the enclosure of an open porch, which Mr. Snieckus indicated would require a variance. Mr. Constantine and Mr. Olivier had no questions, but thanked Mr. Snieckus for his presentation. Councilwoman Waneck questioned the potential mixed use section

(WWPB 11/17/11)

on page 45--whether it should be LB3 instead of LB2. Mr. Snieckus explained why it is recommended for LB2 and would check if it will be in the LB3. It is also in the overlay zone. Councilwoman Waneck and Mr. Snieckus would look into this further. Mr. Bonsignore commented he seemed to remember that the second story was in the LB2, adding he has read every portion of all the reports and minutes, and would be well qualified to be involved. This is the 6th evaluation in 36 years of Westwood's Master Plans, and Mr. Bonsignore stated he can speak with authority and the experience of having participated in all of them and has done a very thorough and concise job. Mr. Schluter agreed it was a job well done and commented briefly.

The matter was opened to the **public**. Bruce Meisel came forward and requested Mr. Snieckus display the CBD Zone. Mr. Snieckus pointed out the Mixed Use boundary in the CBD Zone. Mr. Meisel had brief comments and suggestions regarding banks and signs in the CBD Zone. He commended the Board for its work on and presentation of the Master Plan.

John J. Lamb, Esq. came forward with comments on behalf of two of his clients, the Westwood Taxpayers Alliance and John Oberg. On behalf of the Westwood Taxpayers Alliance, he recommended an addition to the policy statements in the H Zone (page 37). Concentrating on the H Zone, a policy statement addressing renovations and changes would be appropriate. On behalf of Mr. Oberg, he recommended adding a recommendation allowing an additional type of drive-through in the LB1 Zone for a drug store/pharmacy, with a 15,000 sq. ft. building size maximum, on a property that is a minimum of 30,000 sq. ft., and a consolidation of smaller lots. The town could get better use out of the smaller lots and more ratables. Mr. Lamb had submitted the above Memo dated 11/17/11 with regard to same.

Mr. Martin inquired if the Board should be showing that it is making an effort for a location for this particular type of use, while leaving the conditions to the Governing Body. Councilwoman Waneck expressed concern there would be too many drive-throughs, such as the CVS application. Mr. Martin responded putting this in the Master Plan will guide the Zoning Board. Mr. Bonsignore felt it should not be referred to as a conditional use in the LB1 zone. Mr. Martin commented if this provision existed during the CVS hearing, it would have had an

(WWPB 11/17/11)

impact on the location. Councilwoman Waneck was concerned it would not be preventive.

The Master Plan Re-examination hearing would be continued at the December 1st meeting. The Board would re-advertise for that date.

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