

**Town of Westfield
Planning Board
MINUTES
October 7, 2019**

The Westfield Planning Board met on October 7, 2019, at 7:30 pm in the Council Chambers in the Westfield Municipal Building, 425 East Broad Street, Westfield, NJ.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice of this meeting was provided to all members of the Planning Board and the newspapers that have been designated to receive notice, the Star Ledger and the Westfield Leader.

Chairman Newell called the meeting to order and opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL:

PRESENT: Robert Newell, Mayor Shelley Brindle, Kris McAloon, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

ABSENT: Ross Goldstein and Darielle Walsh

ALSO PRESENT: Alan Trembulak, Planning Board Attorney, and Linda Jacus, Administrative Secretary

ADOPTIONS OF MINUTES:

Chairman Newell called for a motion to adopt the minutes of the September 4, 2019, meeting. Michael La Place requested a revision be made on Page 3 changing the wording from aesthetically preserved to original architectural integrity has been preserved. Matthew Ceberio made a motion to adopt with the revision; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Newell called for a motion to adopt the following resolutions for the applications acted upon at the September 4, 2019, meeting:

PB 19-07 Operating 8 Bluestone Capital Group, LLC. 540 Dudley Ct. & 535 Bradford Avenue, Block 1110, Lots 8 & 9

Applicant sought approval to correct a boundary encroachment between two lots by moving the lot line. Application approved.

Michael Ash made a motion to adopt; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

PB 19-08 Martin Cronin, 114 Midvale Terrace, Block 5001, Lot 5

Applicant sought minor subdivision approval to subdivide the property into two fully conforming building lots. Application approved.

Michael Ash made a motion to adopt; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

Resolution authorizing H2M to prepare the Land Use Element.

Chairman Newell called for a motion. Michael La Place made a motion to adopt; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

Chairman Newell made an announcement that the following application has been carried to the November 4, 2019, meeting:

PB 19-10 923 Central Avenue, LLC., 923 Central Avenue

EXTENSION OF TIME:

PB 15-15 Dominic Lettini, 2003 Grandview Terrace, Block 5706, Lot 4.01 Minor Subdivision with variances approved October 5, 2015. Applicant is requesting an extension of time to allow for the subdivision deed to signed and recorded.

Alan Trembulak stated this application was for a subdivision which was approved in 2015. The applicant came back to the Board in 2016 to amend the approval. It appears the applicant has not done anything to comply with the approval and perfect the subdivision until several months ago when subdivision deeds were submitted for signature. The applicant's attorney sent a letter detailing that the applicant delayed starting the project, and when the project was restarted, it was discovered the deeds were never approved. The MLUL requires the applicant to file a deed to perfect the subdivision within 190 days of the resolution, and the statute is also very clear if nothing happens within 190 days, the approval is considered void. The statute does allow for an extension of one year if the applicant can demonstrate that they were prevented from proceeding because they needed governmental approvals which were delayed. It was agreed the Board cannot grant the extension request after a three-year delay, and the applicant would have to come back to the Board and reapply.

Chairman Newell called for a motion. Michael La Place made a motion to deny the request for an extension; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

NEW APPEALS:

**PB 19-11 Xocolatz Restaurant & Grill-Jaime Chaves, 235 Elmer Street, 8/6/2019
 Block 3113, Lot 15**

Applicant is seeking amended site plan approval to convert a 441 square foot portion of the existing basement to a private party room contrary to Section 17.02C7s of the Land Use Ordinance. Ordinance requires 53 parking spaces. Proposed are 11 parking spaces.

Application deemed complete August 22, 2019. 120 day decision date is December 20, 2019.

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. He stated the applicant is looking to make a further investment into their establishment. A private party room is proposed in the basement of the existing restaurant. Variance relief is required for an on-site parking deficiency.

Chairman Newell swore in Thomas Quinn (328 Park Avenue, Scotch Plains). The Board accepted Mr. Quinn's credentials as a licensed engineer.

Mr. Quinn marked an enlarged copy of the site plan as Exhibit A-1. He stated the property is 8,100 square feet located in the GB-3 zone. Access is provided off of Elmer Street to a lot that contains 11 parking stalls. The building is one-story with a basement, and the proposal is for utilizing 441 square feet of the basement space as a private party room, which will include 35 new seats. The parking requirement was calculated as one stall for every 75 square feet of gross floor area, which would be a demand of 53 parking spaces. When this initial application was approved in 2008, a waiver was granted to allow only 11 parking stalls, which will remain unchanged with the current application. An aerial exhibit was marked as Exhibit A-2. Mr. Quinn stated this exhibit will give reference to where the site lies and what parking is available around it. There are two public parking lots within walking distance to the restaurant, and meter parking up and down Elmer Street. The parking demand for this use is not going to have the same demand for parking as other businesses in the area. Other businesses on Elmer Street will have their parking demand drop off after 5 or 6 pm.

Open to public questions.

Mitchell Beinhaker, Esq. (33 Bleeker Street, Millburn) stated he represents the Westfield Diner, and he asked how many parking spots are required under the ordinance.

Closed to public questions.

Chairman Newell swore in David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Bailey went through the plans with the Board. He stated the existing basement is used for food prep, an office, and mechanical storage. The applicant is proposing to carve out an area of the existing basement to use as the party room, which will be 441 square feet. There are not any changes to the front elevation or the first floor.

Open to public questions. None. Closed to public questions.

Chairman Newell swore in Jaime Chaves (2 Orchid Court, Somerset). Mr. Chaves stated he has operated Xocolatz for 17 years. Hours of operation are Monday & Tuesday 11-4, Wednesday-Saturday 11-10, and Sunday 11-9. There have been a lot of requests from people to host private parties, and we have a portion of the space downstairs that can be utilized for that purpose. The proposed area will not be used as an overflow space for the restaurant. Mr. Chaves stated there has not been an issue with the public finding parking in the area. On-street parking is available on adjoining streets and there are two public parking lots in the vicinity of the restaurant.

Open to public questions. None. Closed to public questions.

Chairman Newell swore in Paul Ricci (45 Bleeker Street, Newark). The Board accepted Mr. Ricci's credentials as a licensed planner.

Mr. Ricci stated this a modest change to an existing business. There are existing nonconforming conditions on the property that are not being exacerbated. All improvements are taking place in the interior of the building and there will not be any change in the façade or streetscape. The party room will create foot traffic in the downtown as it encourages people walking to the restaurant to utilize other businesses in the area. Mr. Ricci stated there are 11 parking spaces available on site, where some restaurants in the downtown do not have any off-street parking. In addition, there are multiple municipal parking options available for patrons. This is a limited use

room which will have a very modest increase in parking. Any benefits will outweigh the detriments, and the application can be approved without detriment to the public good, and will not impair the master plan or the zoning ordinance.

Open to public questions. None. Closed to public questions.

Open to public comments. None. Closed to public comments.

The Board thanked Mr. Chaves for being an important part of downtown. The proposed expansion makes a lot of sense, and is a terrific idea as there is not a lot of private spaces like this available in Westfield.

Chairman Newell called for a motion. Michael Ash made a motion to approve the application; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Kris McAloon, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Ross Goldstein and Darielle Walsh

Motion carried.

Application approved.

**PB 19-09 440 North Avenue East, LLC., 440 North Avenue East, 7/17/2019
 Block 3202 Lot 7**

Applicant is seeking approval to construct a three-story office building contrary to Section 17.02C5c, 17.04A, and 16.04E5 of the Land Use Ordinance. Ordinance requires 49 parking spaces. Proposed are 41 parking spaces. Ordinance requires a minimum parking space dimension of 9' x 18'. Proposed is 9' x 16'. Ordinance requires a freestanding sign to setback 20 feet in the front yard. Proposed is 19.72 feet. **Application deemed complete September 5, 2019. 120 day decision date is January 3, 2020.**

Joseph Triarsi, Esq. (186 North Avenue, Cranford) appeared on behalf of the applicant. He stated this application was presented about 8 years ago and was approved by the Board. This project was not constructed because of economic circumstances and there was very little demand for office space. In 2013, we revised the application to have offices on the first floor and apartments on the second floor. That application went before the Board of Adjustment and was denied. Now we are back with the original application. All requirements of the zoning ordinance are being met, but there is an issue with the parking which is de minimus, and is the reason why we are here before the Board.

Chairman Newell swore in Roger Winkle (947 Park Avenue, Plainfield). The Board accepted Mr. Winkle's credentials as an architect.

Mr. Winkle stated this project went before the Board and was granted in 2011. When this building was designed, the was idea was to have a colonial looking building. The first floor of

the building is all brick, and the second floor and third floor will have hardie plank siding. There will be azec trim and standard roof shingles. Parking is through the building on the two sides, but is open underneath. If you look at the right elevation, the building core is on the ground level, above that are the restrooms and corridor space. On the left side of the building is the office space which runs vertically across two floors.

The Board felt a modification to the building design is necessary because the design is the same as it was 8 years ago. The Board asked if the applicant would consider revisiting the initial plan. The architecture should be more contemporary, on a smaller scale, and look more commercial like an office building, not residential. It was requested that the applicant consider having one, two-way entrance, instead two curb cuts off of North Avenue, and make the first-floor, either office space office or retail space. The town is also very focused on making bike and pedestrian passageways in this area, and this building being developed should be part of the process. It is great this is a commercial use as it will drive the foot traffic to support businesses downtown. The applicant agreed to meet with the site plan review committee to discuss alternative designs; the application was carried to the January 6, 2020 meeting.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 9:40 pm.

Respectfully Submitted,

Linda Jacus
Administrative Secretary