

**Town of Westfield
Planning Board
MINUTES
July 7, 2021**

The Westfield Planning Board met on July 7, 2021 at 7:30 pm. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

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.

REGULAR MEETING:

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

PRESENT: Michael Ash, Mayor Brindle, Matthew Ceberio, Councilwoman Habgood, Anastasia Harrison, Ann Freedman, Anthony Tiller, Ross Goldstein, Michael LaPlace

ABSENT: Asima Jansveld, Alexandra Carreras

ALSO PRESENT: Donald Sammet, Town Planner, David Battaglia, Town Engineer, and Alan Trembulak, Esq., Board Attorney.

APPOINTMENT OF BOARD SECRETARY

Kristine Burd was appointed by Chairman Ash as Board Secretary. Councilwoman Habgood made a motion to appoint, seconded by Ms. Freedman. All in favor.

SWEARING-IN OF NEWLY APPOINTED BOARD MEMBER

Mr. Trembulak swore in Mr. Tiller. All of the Board members welcomed Chief Tiller.

SWEARING-IN OF TOWN ENGINEER TO PROVIDE PROFESSIONAL TESTIMONY DURING 2021

Mr. Trembulak swore in Mr. Battaglia as Engineer. All of the Board members welcomed Mr. Battaglia.

Mr. La Place and Mr. Goldstein joined the meeting.

ADOPTION OF MINUTES:

Chairman Ash called for a motion to adopt the minutes of the June 7, 2021, meeting. Mr. Ceberio made a motion to adopt, seconded by Councilwoman Habgood.

ALL IN FAVOR: Michael Ash, Mayor Brindle, Mr. Ceberio, Councilwoman Habgood, Ms. Harrison, Ms. Freedman, Mr. Goldstein, Mr. La Place, Mr. Tiller
OPPOSED: None
ABSTAINED: None
ABSENT: Asima Jansveld, Alexandra Carreras

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Ash read the adoption of Resolutions and asked the Board if they had any comments or questions. None.

Resolution Adopting a 2021 Amendment to 2018 Housing Element and Fair Share Plan

Chairman Ash called for a motion to adopt the Resolution for the 2021 Amendment to 2018 Housing Element and Fair Share Plan. Mr. La Place made a motion, seconded by Mr. Ceberio.

ALL IN FAVOR: Michael Ash, Mayor Brindle, Mr. Ceberio, Councilwoman Habgood, Ms. Harrison, Ms. Freedman, Mr. Goldstein, Mr. La Place, Mr. Tiller
OPPOSED: None
ABSTAINED: None
ABSENT: Asima Jansveld, Alexandra Carreras

Motion carried.

Resolution Adopting a Unified Land Use and Circulation Element of the Master Plan

Mr. Ceberio made a motion to adopt the Resolution Adopting a Unified Land Use and Circulation Element of the Master Plan, seconded by Councilwoman Habgood.

ALL IN FAVOR: Michael Ash, Mayor Brindle, Mr. Ceberio, Councilwoman Habgood, Ms. Harrison, Ms. Freedman, Mr. Goldstein, Mr. La Place, Mr. Tiller
OPPOSED: None
ABSTAINED: None
ABSENT: Asima Jansveld, Alexandra Carreras

Motion carried.

NEW APPEALS:**PB 21-06 Prospect Street Ventures, LLC 133 Prospect Street, Block 2506, Lot 5**

Applicant is seeking site plan approval to convert existing third floor office space into a single residential dwelling unit. Variances are requested from Section 11.25E3.a, 12.03B3, 17.05C, 17.02C of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35'. Proposed is 27' 10'. Ordinance requires a 31' rear yard setback for the fire escape and 23' is proposed. Ordinance requires a minimum 24' wide access aisle in the parking area and 15' 8" is proposed. Ordinance requires a minimum of 15 parking spaces and 4 parking spaces are proposed. **Application deemed complete June 11, 2021. 120-day decision date is October 9, 2021.**

Chairman Ash introduced the new appeal to the Board. Mr. La Place and Mayor Brindle recused themselves from this appeal. They left this part of the meeting. Mr. Sammet summarized this application and introduced the applicant, Mr. Sam Tooley and his attorney, Mr. Rosenberg, Esq. Chairman Ash swore in Mr. Tooley. Mr. Rosenberg stated that Mr. Tooley would give an overview of the proposed application. Mr. Tooley explained the background of the property. He stated that this property was owned by his grandfather for 56 years. It was a benefit service company. He purchased this building along with his business partner, Mr. Eicke. He is revamping the building offices and plans to live on the third floor of this building. He has moved 4 times in the past 5 years and plans to make Westfield his home. He concluded by stating that the conversion of the third floor from a commercial unit to a residential unit requires 4 variances.

Chairman Ash opened to the public for discussion. None.

Mr. Tiller asked if this location was ever residential. Mr. Tooley answered that since his grandfather owned this location, it has always been commercial offices.

Next, Mr. Rosenberg introduced Mr. Bailey, Architect. Mr. Bailey is sworn in by Chairman Ash. He stated his expertise and background as an Architect. His credentials were noted. Chairman Ash asked the Board if they had any concerns or questions regarding Mr. Bailey's credentials. None.

Mr. Bailey described the proposed minor renovation project. He stated that this zone allows residential use however, this building's permitted use is commercial. He noted that this entire building is fully sprinkled according to building code. It requires a second means of egress or a fire escape for this renovation. He noted that the plan is to install a fire escape on the rear of the building for third floor access. Only minor modifications are needed in the rear of the building.

Mr. Rosenberg concluded by stating that this project proposes no negative impacts on this property or any nearby properties. Chairman Ash opened to the Board for discussion.

Ms. Freedman questioned about ADA access and staircases. Mr. Bailey noted that this building would not have an elevator for access as it is only 3 floors and it is not required. He explained the staircases are existing and will remain the same.

Mr. Sammet inquired as to which fire escape plan is intended. Mr. Bailey explained that exhibit A1-A is the requested plan to allow the tenant/applicant rear entry without entering the entire building.

Mr. Trembulak asked for an explanation of the 4 variances the applicant is requesting. Mr. Bailey presented plans for clarification. He further explained the stairs to the stoop for access to the third-floor apartment from the ground floor requires a rear yard setback variance. The fire escape encroachment is on an existing non-conforming property which also requires a variance as well as a required aisle width setback variance. Lastly, the parking spaces do not meet the required parking spaces however, it previously did not meet this requirement and will now allow for 2 additional parking spots.

Mr. Sammet questioned will everything else remain the same other than the addition of the fire escape. Mr. Bailey stated that no other site work is proposed. The project requires minimal site work. Mr. Rosenberg thanked the Architect for his information.

Chairman Ash opened to the Board for discussion.

Ms. Harrison asked if the building has any historical information, year built etc. Mr. Tooley stated that there is no historical information known. Mr. Rosenberg stated that the building was constructed in 1890. The building was owned by the family for over 50 years and has always been an office. Perhaps it was a residential home in the past. She asked if the HPC had ever provided any historical information on this building. Mr. Tooley said no. Mr. Eicke, co-applicant stated there are no historical records on file for this building.

Chairman Ash opened to the public for discussion. None.

Mr. Rosenberg stated that he had no further witnesses. He thanked the Board for their time and consideration of the application. He concluded that this application is to request permitted use for a residential unit in a commercial use zone. The fire escape will not impact the building aesthetics and is fire code compliant. The parking will not be an issue as they are eliminating office space and there is plenty of parking in the lot as well as in the neighboring area. This change will actually eliminate more traffic and parking issues.

Mr. Sammet stated that this development will lessen the demand for parking. He continued by stating that the fire escape will remain open and therefore should have a minimal impact on adjacent properties. He referred to his memo and review of this application. This will allow the mix of non-residential and residential use. It will increase growth in the downtown area and reduce parking concerns.

Chairman Ash opened to the Board for discussion.

Ms. Harrison stated that this building is going back to its original mixed use. She would like to have the applicant look into the history of the building.

Ms. Habgood specified that she echoed Mr. Sammet's and Ms. Harrison's statements. She is happy that the building is being saved and will be owned and preserved. Although the building is not historically designated, she would like the applicants to pursue contact with the HPC. Mr. Tooley agreed to contact the HPC.

Chairman Ash also echoed the comments of all Board members and stated that this is a good project. It is a historical building which requires no demolition only adaptive re-use. The variances being sought are minor and the applicant's testimony supports granting the variance. Chairman Ash moved to make a motion to approve this application.

Chairman Ash made a motion to approve this application, seconded by Mr. Ceberio.

ALL IN FAVOR: Michael Ash, Mr. Ceberio, Councilwoman Habgood, Ms. Harrison, Ms. Freedman, Mr. Goldstein, Mr. Tiller
 OPPOSED: None
 ABSTAINED: Mayor Brindle, Mr. La Place
 ABSENT: Asima Jansveld, Alexandra Carreras

Motion carried.

Mayor Brindle and Mr. La Place returned back to the meeting.

OTHER BUSINESS:

Review General Ordinances

General Ordinance No.2219-An Ordinance Adopting the Handler Building Redevelopment Plan

Mr. Sammet stated that General Ordinance No.2219-An Ordinance Adopting the Handler Building Redevelopment Plan would be reviewed. Mr. Sammet summarized the redevelopment plan for the Handler Building development site which provides for adaptive re-use of a building.

Mr. Sammet introduced Mr. Colley, Planner from Topology. Mr. Colley described the redevelopment plan and its consistency with the Town Master Plan. He stated that the Handler building is a vacant building and it is in need of rehabilitation. The plan will allow for commercial use. This plan permits the adaptive re-use of the vacant existing structure as an indoor vertical farm with supporting uses. This is a growing agricultural trend and provides year-round produce. In addition, this space will provide retail sales, research facilities, and accessory uses such as restaurants, teaching kitchens, special purpose rooms, classrooms and event centers. This will not only improve existing conditions but the buildings existing layout will remain the same while repurposing its use. It is consistent with the master plan and housing element and unified land use element.

Chairman Ash opened to the Board for discussion.

Ms. Freedman stated that this plan supports great adaptive re-use. She read about vertical farms in the NY Times and it is a great idea for this property.

Mr. Ceberio inquired about the height of the building and the adaptive re-use. He asked if the plan is to keep the building as is or if the height of the building will increase. Mr. Colley stated that the height will remain the same. The interior of the building and the use of existing space will be adapted, possibly with mezzanine levels.

Mr. La Place asked if the facade of the building will be retained. Mr. Colley explained that the features of the building will remain consistent with the existing building.

Mayor Brindle reiterated that she agreed with Ms. Freedman and that she is in agreement with this plan. She is encouraged to see the adaptive re-use and sustainability of this plan. These owners are residents of Westfield. This plan is with the right owners, has the right idea, is at the right time and the redevelopment plan is well written.

Mr. Ceberio echoed Mayor Brindle and Ms. Freedman's testimony. He stated that this plan is consistent with the recommendations of the master plan and the land use circulation plan. It is an interesting business for Westfield.

Chairman Ash agreed. The planning elements have all lined up. Mayor Brindle stated that she is happy that the public is receptive to this idea. She thanks all of the Board members, Mr. Sammet for his hard work and the town for being open to this redevelopment plan. Mr. La Place stated that this is a good day in Westfield. Mr. Sammet stated this plan is the result of a great deal of hard work.

Chairman Ash asked for a motion to recommend to the governing body that General Ordinance No.2219-An Ordinance Adopting the Handler Building Redevelopment Plan be adopted, finding it consistent with the Town Master Plan. Mr. Ceberio made the motion, seconded by Councilwoman Habgood.

ALL IN FAVOR:	Michael Ash, Mayor Brindle, Mr. Ceberio, Councilwoman Habgood, Ms. Harrison, Ms. Freedman, Mr. Goldstein, Mr. La Place, Mr. Tiller
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Asima Jansveld, Alexandra Carreras

Motion passed.

Board of Adjustment's Annual Report Review

Review of the Board of Adjustment's 2020 Annual Report

Mr. Sammet stated that the BOA annual report was prepared and sent for review to all Board members. The Zoning board received 40-55 applications a year compared to the Planning board that receive 12-16 applications a year. Most are single family detached residences that do not have enough front, side or rear yard setbacks or ask for coverage variances. They are making improvements to their existing single-family homes to modernize their homes. They are adding master bedrooms, master bathrooms, pools, pergolas, and outdoor kitchens. Mr. Sammet continued to state that the zoning board is proposing to make three ordinance changes: (1) solar panels and (2) 6' solid fencing surrounding pools (where privacy is not a concern) and (3) finally, the setback requirements: reduction of pre-existing homes front and side setback requirements.

Ms. Harrison requested a bulk use chart that clearly states the rules and resources to be developed and implemented. Mr. Sammet stated that this is difficult as there are if, and or but statements. It is not easy to create as there are many exceptions but he will move forward in creating the chart. Mr. Ceberio agreed that he would like a chart too and added to add in hyperlinks for further explanations.

Ms. Harrison stated also, her concern for coverage and ground water as variances are approved and there is less open ground on properties.

Mr. La Place stated that the BOA Annual Report was excellent. Mr. Sammet thanked Ms. Knight, Zoning Officer for her hard work in preparing this report.

Chairman Ash asked if there were no other questions or comments from the Board. Mr. La Place made a motion to adjourn this meeting, seconded by Chairman Ash.

The meeting was adjourned at 9:16pm

Respectfully Submitted,

Kristine Burd
Planning Board Administrative Secretary