

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
JULY 8, 2019
MINUTES**

Call to Order:

The meeting was called to order at 8:00 p.m. at Borough Hall by Chairman Joseph Langschultz.

Adequate Notice Statement:

The Chairman announced that the Meeting was in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231. Notice of this meeting was posted in two newspapers, The Record and The Ridgewood News. The public was advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.

Flag Salute

Roll Call:

Corrado Belgiovine, Councilman	Present
Jane Ann Whitchurch-Carluccio	Absent
David Ciaudelli	Present
Nilufer DeScherer	Absent
Cheryl Dispoto	Present
Robert Friedberg	Present
Angela Hayes, Councilwoman	Present
Joseph Langschultz	Present
Brian LaRose	Absent
Peter Michelis	Absent
Thomas Panso	Present
Carlos Rendo, Mayor	Present
Wilfredo Ortiz II, Attorney	Present
Meg Smith, Secretary	Present
Evan Jacobs, Engineer	Not Requested
Richard Preiss, Planner	Present

Board Discussion:

Ordinance 19-07 Consistency Review to amend Chapter 292 entitled "Site Plan", Article VI Section 292-33.1 for design standards in the B-1 (East and West) Broadway Business District and the S-O Special Office District.

Mr. Preiss, Board Planner, explained that this ordinance would affect design standards for site plan such as signage, curbing, and driveways in two (2) non-residential areas along the Broadway Corridor in the B-1 and S-O districts. Mr. Preiss stated that Councilwomen Gross and Hayes participated and advised in developing this ordinance.

Ordinance 19-08 Consistency Review to amend Chapter 380 entitled “Zoning Code”, Article VI Business Districts (B-1, B-2, B-3) for Permitted Uses (Section 41), Prohibited Uses (Section 42) and Affordable Housing Zone (remove- 41(C) and add 380-11.2).

Mr. Preiss explained that the focus of this ordinance was on the B-1 district which is the retail district along the Broadway corridor. Goals included permitting restaurants in the B-1 district and refreshing all uses as they were outdated. Previous zoning did not distinguish different uses in the B-1, B-2, & B-3 but listed them collectively. Mr. Preiss believes it should be reviewed to differentiate uses in these zones when the Master Plan is done.

Ms. Dispoto stated that certain current uses, such as ACME supermarket, would be prohibited by the new ordinance and asked how this can be reconciled.

Mr. Preiss stated that the Board could recommend leaving the B-2 and B-3 zones as they currently exist and not change them. The design criteria could be limited to only the B-1 district.

Ms. Dispoto questioned the down side of changing only the B-1 district.

Mr. Preiss stated that the down side would be that the previous uses which are outdated would still be in effect.

Councilwoman Hayes stated that they walked the B-1 district along the Broadway corridor when discussing changes. She believes that the Chestnut Ridge area would be a different situation. Councilwoman Hayes stated that some permitted uses in the B-1 district, such as outdoor seating and second floor dining may not be acceptable in the B-2 and B-3 districts.

Mr. Preiss recommended adopting current changes only for the B-1 district. In order to address permitted uses in the B-2 and B-3 districts, Mr. Preiss offered two options. One would include a separate review and ordinance recommendation which could be inconsistent with the current Master Plan. Mr. Preiss’ second option proposed addressing permitted uses in the B-2 and B-3 districts when re-doing the Master Plan.

Mr. Panso questioned who confirms that the design standards implemented under Ordinance 19-07 are followed.

Mr. Preiss stated that the applicant’s architect should incorporate standards into proposed plans and that review by borough professionals would confirm.

Mr. Panso asked the likelihood that someone will re-develop with these new standards.

Mr. Preiss stated that design standards are a guideline for consistency and that by themselves they do not encourage development. Mr. Preiss stated that over time new design standards can change the character of a district.

Ms. Dispoto stated that prohibited uses in Ordinance 19-08 include residential multi-family except for affordable housing. Ms. Dispoto stated that the prior ordinance prohibited multi-family and vape shops. Ms. Dispoto also stated that she would not want to include changes for both sides of Broadway.

Mr. Preiss stated that use standards and bulk standards must apply to both sides or a new zone would need to be created. Mr. Preiss also stated that the lots are not very deep on the reservoir side of Broadway and it is not likely to be developed.

Mayor Rendo questioned if the 300 foot buffer would limit development.

Mr. Preiss responded that this is handled on a case by case basis but it seems that if an area is already developed then additional development might be allowed. If an area is undeveloped then new development within the buffer would probably not be allowed.

Mr. Langschultz questioned the distance between the reservoir and the existing properties.

Mr. Preiss stated that there is some mapping that exists.

Mr. Preiss wanted to explain multi-family use in the B-1 district. He stated that if a use is not permitted then it is prohibited and the zoning official would deny residential in the B-1 district. While prohibition would make it absolutely clear, it may conflict with the recommendations in the Master Plan which recommends mixed use residential. Mr. Preiss stated that Council has discussed residential in a mixed use for the Broadway Corridor and their major concerns include density, height and parking requirements. Prohibition disallows any residential which is not the current position of the Mayor and Council, who have indicated that they would consider mixed use residential.

Open to the Public:

The meeting was open to the public with a motion from Mayor Rendo, seconded by Mr. Panso. All Board members were in favor of the motion.

Ms. Higgins stated that a new Master Plan needs to be done to incorporate changes including Affordable Housing. Ms. Higgins stated that she is opposed to residential housing on the Broadway corridor and that the water problem needs to be recognized and addressed.

Mr. Preiss stated that the Housing Element and Fair Share Plan and the Master Plan are separate now and are done at different times. Mr. Preiss stated that the Land Use section of the Master Plan needs to be updated to include changes.

Mr. Marson questioned re-doing the flood zone and questioned overdevelopment on the reservoir side as a potential flood danger.

Mr. Preiss stated that the Flood Hazard Area has been defined by FEMA. Development in these

areas have special limits and requirements.

Mr. Marson questioned if significant setback requirements would preclude development on the reservoir side.

Mr. Preiss stated that it doesn't preclude development but it does inhibit it by setting restrictions and conditions.

Councilman Belgiovine stated that there are only 2 or 3 undeveloped lots and these lots are now owned by Suez. He stated that it is very unlikely to be developed.

Mr. Cuoto stated that he believes that Ordinance 19-08 should state residential as a prohibited use.

Mr. Preiss stated that because it is not permitted, it is prohibited.

Mr. Cuoto questioned where outside dining would be allowed on a property – side or front.

Mr. Preiss stated that outdoor seating would only be permitted in the front of the property.

Ms. Higgins asked if changes for sidewalk and lighting would be incorporated.

Mr. Preiss confirmed that the design standards would include sidewalk and lighting if adopted.

Close to the Public:

The meeting was closed to the public with a motion from Mr. Ciaudelli, seconded by Councilwoman Hayes. All Board members were in favor of the motion.

Mr. Preiss outlined the following options for the Board to consider. The Ordinance changes could be approved as introduced for the B-1, B-2 and B-3 districts. A second option would approve the Ordinance changes for only the B-1 district and not the B-2 and B-3 districts. Recommended changes in the B-2 and B-3 could be reviewed separately.

Councilwoman Hayes asked if the changes to the B-2 and B-3 districts could be part of the Master Plan Re-examination.

Mr. Preiss stated that this review of B-2 and B-3 could be included in the Master Plan Reexamination if directed by the Board. His current reexamination made no major recommendations in order to expedite the report.

Mr. Friedberg asked how much work it would be to re-do the B-2 and B-3 districts.

Mr. Preiss explained that these zones have different characteristics and would require time to review. Mr. Preiss stated that these districts have not been looked at comprehensively like the

Broadway corridor.

Mr. Preiss recommended that the Board adopt the changes in Ordinance 19-08 for the B-1 district only and leave the B-2 and B-3 districts as is. Mr. Preiss stated that this Ordinance would need to be re-introduced at the Mayor & Council meeting.

Mr. Friedberg questioned a use such as the Apple store which could be prohibited under the new ordinance.

Mr. Preiss explained that there are different ways to write retail zoning regulations. For example, regulations could generalize and allow retail which sell goods or services. But this limits the Zoning Official from denying retail shops which sell goods or services that the Borough would not want to approve. Alternatively, it is recommended to identify a listing of permitted uses and state that these or those “substantially similar” could be approved.

Mr. Friedberg asked if retail marijuana stores need to be specifically prohibited.

Mr. Preiss and Mayor Rendo confirmed that this were prohibited by ordinance.

Ms. Dispoto questioned whether vape shop prohibition was included in the ordinance prohibiting marijuana shops.

Mayor Rendo and Councilman Belgiovine both stated that they believed that vape shops were prohibited in the marijuana ordinance.

A motion was made by Mayor Rendo to recommend Ordinance 19-07 be approved by Mayor and Council and to recommend Ordinance 19-08 be approved by Mayor and Council for the B-1 district and excluding the B-2 and B-3 districts. Councilwoman Hayes seconded the motion. On a roll call vote Mayor Rendo, Mr. Friedberg, Councilwoman Hayes, Mr. Panso and Chairman Langschultz voted to approve the motion. Ms. Dispoto voted to approve the motion but commented that she would like residential prohibited in the B-1 district. Mr. Ciaudelli voted to deny the motion.

Mr. Preiss presented the Draft Master Plan Reexamination. He explained that the Municipal Land Use Law required the Master Plan be re-examined every ten (10) years. If the re-examination is not done then the Borough lacks the presumption of validity.

Mr. Preiss stated that it was the intention of the Borough to work on the Master Plan in 2017 / 2018 but changes in Affordable Housing, no consensus for the mixed use in the B-1, and interference with current applications before the Zoning Board delayed this review.

Mr. Preiss stated that the Borough is not vulnerable on any current application but another application could come in and question the validity of zoning and the Master Plan.

Mr. Preiss stated that the sole recommendation of the reexamination is that a comprehensive Master Plan needs to be done. He explained that the last Master Plan was done in 2002 and there are missing elements, changes in community, and changes in marketplace which should be addressed.

Mr. Preiss stated that if this reexamination is adopted then it sets the scope for the Master Plan. The Municipal Land Use Law specifies 5 elements to be addressed in the Master Plan which include:

- 1) Set forth goals from the last Master Plan
- 2) Detail the progress in achieving these goals
- 3) Detail any changes made
- 4) Identify recommendations for future
- 5) Identify recommendations for redevelopment

Mr. Preiss stated that the draft reexamination addresses these elements.

Mr. Preiss explained that the reexamination report was meant to be an update and the Master Plan is meant to be a blueprint and guide for the future.

The Board requested that the review of the draft Master Plan Reexamination Report be carried to the next meeting.

Mr. Preiss asked that any comments and changes be sent directly to Meg Smith, Board Secretary by July 19, 2019. Any substantive changes would require polling of the board.

Ms. Dispoto confirmed that references to the B-2 and B-3 will be edited based on tonight's board discussions and approvals.

The meeting was opened to the public with a motion by Mr. Panso, seconded by Councilwoman Hayes.

Mr. Cuoto questioned the Zoning Board application for 188 Broadway and asked if the Borough was protected.

Mr. Preiss stated that the Master Plan was less than ten (10) years old at the time of the application.

Ms. Levine confirmed that current zoning prohibits residential in the B-1 and S-O districts.

Minutes:

The minutes of the **June 10, 2019** meeting were approved on a motion from Ms. Dispoto, seconded by Mr. Ciaudelli. All members present were in favor of the motion except for Mayor Rendo and Mr. Panso who abstained from the vote.

The meeting was adjourned on a motion from Mr. Panso, seconded by Councilwoman Hayes, and carried by all.

Respectfully Submitted,

Meg Smith
Board Secretary