



CELEBRATE...The Westfield Community Band performs for the public in Mindowaskin Park at Independence celebration last Thursday night.

The Public Celebrates History and Independence

WESTFIELD - A crowd of 400-500 people celebrated our nation's independence on Thursday, July 11 in Mindowaskin Park. They remembered history and listened to patriotic music.

The event, sponsored by the Westfield Recreation Department, featured the Westfield Community Band, the West Fields Chapter of the Sons of the American Revolution (SAR) and the Westfield Chapter of the Daughters of the American Revolution (DAR).

The SAR opened the program, dressed in full regalia to present the colors before the concert. Then, the DAR Regent Stephanie Mannino led the audience in the Pledge of Allegiance. During the concert, The Westfield Community Band played music of Americana and Patriotic

themes.

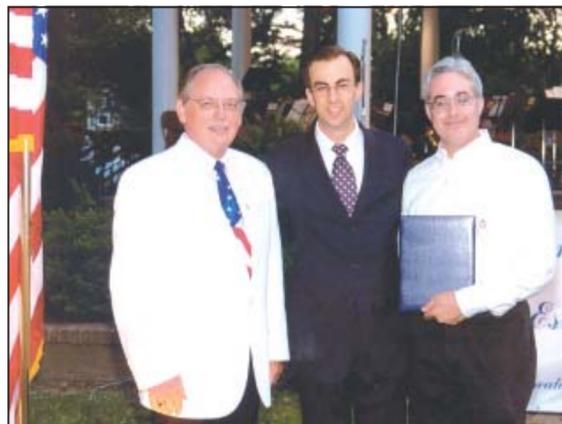
At intermission, Town Crier, Sam McCauley, dressed in colonial garb, announced the news of yesteryear to the crowd. Councilman Kevin Walsh was the featured speaker for the evening on behalf of Mayor McDermott and the Town Council. Before addressing the crowd, Councilman Walsh presented a proclamation to the Westfield Community Band on behalf of the Mayor. The Mayor's proclamation, celebrating the band's 90th Anniversary Season, was presented to Band



Westfield Town Crier Sam McCauley

President, Barry Rosenberg and Band Conductor, Elias J. Zareva.

After intermission, the crowd joined the band in singing "On the Mall" and "God Bless America" before ending the evening on a high note with the Stars and Stripes Forever.



NINETIETH ANNIVERSARY...Westfield Councilman Kevin Walsh presents a Mayor's proclamation celebrating the Westfield Community Band's 90th Anniversary Season last Thursday in Mindowaskin Park. Pictured, left to right, are: Band Conductor Elias Zareva, Councilman Walsh and Band President Barry Rosenberg

Chairman Tells Functions, Limits of WF Planning Bd.

By ROBERT NEWELL
Chairman, Westfield Planning Board

The Westfield Planning Board has several functions, responsibilities and limitations. The Planning Board plays a major role in Westfield's land use planning and development. In performing its duties, the Planning Board must act in accordance with the New Jersey Municipal Land Use Law (MLUL). The MLUL, enacted in 1975, is the statute that governs municipal regulation of land use. This law divides responsibility for land use regulation and development between the Planning Board and the Zoning Board of Adjustment.

Under the MLUL, the Zoning Board of Adjustment is expressly granted certain exclusive authority: (a) appeals from zoning decisions made by municipal administrative or zoning officers; (b) requests for interpretation of the Westfield land use ordinance; and (c) requests for variances involving (i) the use of the property; (ii) the expansion of a non-conforming use; (iii) the deviation from the conditional use standards; (iv) an increase in the permitted floor area ratio of a particular site; (v) an increase in permitted density of dwelling units in a particular area; and (vi) the height of principal structures.

Thus, if an application involves any of the foregoing, the Planning Board is powerless to hear it and must defer to the Board of Adjustment.

One of the Planning Board's responsibilities is the preparation, adoption and amendment of the Westfield Master Plan. The Master Plan contains a blueprint for municipal development including Westfield's long-range development goals and policies. Westfield's land use ordinances are supposed to evolve from the Master Plan. The Master Plan is supposed to be re-examined every six years, and the Planning Board is nearing the end of the periodic re-examination cycle. The Planning Board is also responsible for making recommendations to the Westfield Town Council prior to the Council's adoption, revision or amendment of a land use ordinance and recommending whether the proposed enactment complies with the Master Plan.

Another one of the Planning Board's functions is to review individual development applications for subdivisions, site plans and conditional uses to insure that the application conforms to the requirements of the Westfield land use ordinance. Note that New Jersey court interpretations of the MLUL have held that if a subdivision application to the Planning Board comports with the requirements of the Westfield land use ordinance, the Planning Board must approve it without imposing discretionary conditions not otherwise set forth in the land use ordinance. The only conditions that may be imposed on a conforming subdivision application are those specifically set forth in the zoning ordinance.

If, on the other hand, a subdivision or site plan application does not conform to the Westfield land use ordinance's "bulk" requirements, that is, those that affect the physical characteristics of the property rather than the use, the Planning Board is able to make an exception to the zoning ordinance and grant the applicant a "variance" (as noted above, the Planning Board has no power to grant variances for deviations from the conditional use requirements).

Applicants must seek a bulk variance by demonstrating to the Planning Board that either: (a) due to unusual and unique features of the property, denying the variance application would impose an undue hardship upon the applicant; or (b) the benefits of granting the bulk variance outweigh the detriments of non-compliance with zoning requirements. If the Planning Board decides to approve an application with variances, it may impose reasonable, discretionary conditions on the applicant, which conditions may include aesthetics, access, landscaping, lighting, drainage, and safety improvements.

We hope that the foregoing has been instructive in at least outlining the Planning Board's basic functions, responsibilities and limitations. We look forward to responding to any questions the public may have about the Planning Board and all are welcome at our meetings. They are typically held on the first Monday of each month at the Westfield Municipal Building.

More Letters to the Editor

Reader Supports Circuit Court, 'Under God' Pledge Decision

The reflexively negative reaction of local politicians to the recent Pledge of Allegiance court decision reminded me of 1978, when campus radicals were uniformly outraged at the Supreme Court's Bakke decision. The Court found that an affirmative action admissions program had discriminated against a well-qualified white medical school applicant. The remnants of the Students for a Democratic Society (SDS) proclaimed, in breathless rhetoric, that we should "Smash Bakke!"

I don't mean to imply that our local politicians are as stupid or as venal as the latter-day Hitler Youth of the SDS. Surely, they are not. Yet, the sight of these folks marching in lockstep to condemn a decision that I doubt they've even bothered to read is disappointing and sad. In a few cases, their words were downright scary.

Let's review some of the more fascinating ruminations of our elected leaders: Assemblyman Tom Kean Jr. defiantly proclaimed that he would continue saying, "one nation, under God" when reciting the Pledge. Well, good for you, Tom! I, too, will say those words with faith and conviction. But, guess what? The Ninth Circuit never said that we couldn't use that phrase. Our right to say "under God" in a non-coercive context is another splendid byproduct of the very same First Amendment which guarantees the equally inalienable right not to use that phrase.

Congressman Michael Ferguson believes that the decision undermines patriotism. Huh? Does he really mean that patriotism cannot be fostered, grow or even exist without theological overtones?

Scotch Plains Mayor Martin Marks thinks that the Constitution specifies that Americans "shall enjoy a freedom of religion, not a freedom from religion..." His revisionist interpretation of the Constitution is simply wrong. The exact words of the Establishment Clause are: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." The framers first prohibited governmental establishment of

religion, and only afterwards addressed freedom of religion.

Assemblywoman Linda Stender apparently believes that Congress has the right to "overturn this decision." Wrong, again. The separation of powers created by the first three Articles of the Constitution prohibits Congress from intruding upon the powers of the judiciary.

Without any doubt, the winner of the silliness sweepstakes is Mountainside Mayor Robert Vigilanti. His suggestion that the Ninth Circuit judges and those who agree with them be deported to Afghanistan is primitive and offensive and makes a mockery of our constitutional system. Political systems that silence the expression of unpopular views are fascist and incompatible with democracy.

Interestingly, the Pledge of Allegiance was born and spent most of its existence without any reference to God at all. From September of 1892, when it made its first appearance in Youth's Companion magazine, it existed and thrived for 62 years without theological support. It was only in 1954 when, in a spasm of McCarthyite fervor, Congress added the words "under God" to differentiate us from the godless Communists.

If the full Ninth Circuit or the United States Supreme Court overturns the Pledge decision, reversal would constitute nothing more than bad law. After all, the Supreme Court has danced to the tune of political bias before. It returned Dred Scott to slavery in 1857, relegated 120,000 Japanese-American citizens to concentration camps in 1944, sanctioned the euthanasia of unborn infants in 1973 and appointed an unsuccessful candidate to the Presidency in 2000. Yet, the Supreme Court is the highest court of the land. Whether it upholds the Pledge decision or not, I will support its verdict as a loyal American. If our local politicians can bring themselves to cease their unseemly pandering to public opinion, they will certainly do the same.

Robert J. Ratner
Westfield

Take a step back... To banking the way it used to be.

Not all that long ago, your banker was like a trusted friend. He knew your name, he knew your family, he knew your business. But something happened along the way. Neighbors became numbers. Ratios replaced relationships.

That's about to change. At Enterprise Bank, we're willing to work hard to get to know our customers. We make the time to listen because we believe that a banking relationship should be built and maintained on mutual understanding and trust.

Like other banks, Enterprise Bank offers a wide range of products and services—but that's where the similarities end. Looking for a business loan? Getting a decision won't take weeks because we make decisions locally and not in another state. You'll find a local phone number and have your call answered by a live person.

We admit it. Banking at Enterprise Bank may take some getting used to. But give us a try. You'll be pleasantly surprised and trust.

Enterprise Bank opening this Summer in Kenilworth.



490 Kenilworth Boulevard, Kenilworth, New Jersey 07033
(908) 653-1800 • Fax (908) 653-9499

Member FDIC

Valley Furniture Shop

from the original Stickley Collection...Mission Revisited



JULY
STOREWIDE
CLEARANCE

Make History Once More.

20 Stirling Road • Watchung, New Jersey 07069 • 908-756-7623

See and Do It All on the Web!
Subscribe/Renew • Classifieds • Weddings • Ads • Submittals • Costs
Need more information? • goleader.com/help

TOT SHOTS™
Portrait Contest
Contest Effective thru Aug. 31, 2002

3 GRAND PRIZE WINNERS
\$1,000 Shopping Spree at Toys "R" Us

MOTOPHOTO & PORTRAIT STUDIO™
www.motophoto.com

FREE Session & 5" x 7" Entry Photo

Local Prizes Include
• \$500 Savings Bond
• Six \$50 Savings Bond

EVERYONE WINS
Free French Fries from McDonalds on North Ave., Garwood

Portrait Special
Black & White or Color
16 x 20 (includes mounting)
Now \$99
Reg: \$149 - SAVE \$50 WL-1

MOTOPHOTO & PORTRAIT STUDIO
Open 7 Days. Portraits by Appointment.
251 North Ave., Westfield • 908.654.3333

9 Times Out of 10, Where or What You Eat Isn't Critical...



...But Why Take Chances

• Take-Out, On-Site & Off-Site Catering • Outdoor Dining



16 Prospect Street, Westfield, N.J.

908.232.7320 FAX: 908.232.6716

Tuesday - Thursday 11:30 a.m. - 9:30 p.m.

Friday - Saturday 11:30 a.m. - 10:00 p.m.

Sunday 4:30 p.m. - 8:30 p.m.

PERSONAL INJURY PERSONAL ATTENTION



FRANCIS M. SMITH

THE ONLY ATTORNEY
INVOLVED IN YOUR CASE

"24 Years of Experience Settling
Significant Injury and Accident Cases."



Call For a Free Consultation

"No Fee Unless Money is Collected."

2281 South Ave., Scotch Plains

(908) 233-5800