

## The Westfield Leader

— Established 1890 —

The Official Newspaper of the Town of Westfield and the County of Union

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## Letters to the Editor

### Westfield Resident Insulted By Councilman's "Confused" Statement

It is insulting when a town councilperson (Mr. Betancourt) tells the public that we are "confused" about what we read in the newspaper (The Leader 5-9-02). Regarding the bump-outs he states that we should call our councilman if we are "...confused about what they (the public) read in the newspaper..." This is in regard to bump-outs and congestion on Rahway Avenue. Please have the Councilman refer to *The Star Ledger* of April 19, 2002 where Mr. Marsh is quoted as having said that, "the congestion that will result (traffic calming project) is by design..." Perhaps Mr. Betancourt should read the newspaper before he has the opportunity to contradict any other town official.

Secondly, how can we compare these bump-outs to the ones on South Avenue in Plainfield? As per my own visual inspection, none of Plainfield's bump-

outs are at an intersection where a turn is an option. They are on a straight street. That is not the case in Westfield. So how can Town officials keep comparing the projects? I was never successful comparing apples to oranges.

Thirdly, town emergency vehicles will have a hard time getting through this designed congestion (especially when school is in session). Will a policeman, fireman or rescue squad member be impeded on an emergency call because of designed congestion? Will the outcome of these calls not be as good with the designed congestion? And who will explain the congestion to a victim of an ongoing crime, to the owner of a burning house, or to a cardiac patient in heart failure?

Dr. Jay S. Slomovitz  
Westfield



Below are four arcane words, each with four definitions - only one is correct. The others are made up. Are you sharp enough to discern this deception of diction?

If you can guess one correctly - good guess. If you get two - well-read individual. If you get three - word expert. If you get all four - You must have a lot of free time!

**All words and correct definitions come from the board game Diction Deception.**

**Answers to last week's arcane words.**

1. Hydroparastatae - A religious sect of the early church, the Aguarians
2. Steening - The lining of a well or cesspool
3. Hyalopterous - Having transparent wings
4. Integervitae - Blemless; upright

**ILICICE**

1. Conical in shape
2. Chilling; icy
3. Immoral
4. Relating to the holly plant

**MAWK**

1. A maggot
2. To ridicule
3. A high, rocky hill
4. A type of Scottish-Highland cattle

**PLENILUNE**

1. A reflecting pool
2. The full moon
3. An ample amount or quantity
4. Insanity

**OSCITATION**

1. The act of wavering or swaying
2. Calcifying; turning bony
3. The act of yawning
4. The warbling of a songbird

Answers will appear in next week's issue.

## If Planning Bd. Questions Their Authority, Can Future Deliberations Be Effective?

On April 4 of this year, members of the Westfield Planning Board questioned its legal authority to act on a request for subdivision. At other times, members of the Planning Board argued sharply against approving an applicant's proposal. But when threatened with a lawsuit by the applicant's attorney, the board quickly adjourned to executive session. When returning to the public portion of the meeting, the board approved the application without comment.

We wonder why this seems to happen so frequently. Discussions with various officials still leave us confused. We've researched our reporting of the Planning Board meetings since 1998 in an attempt to understand. For the last year, our reporter covering the board has been an attorney. But, we're still wondering why things happen as they do. A credible threat of a lawsuit seems to lead to capitulation by the board resulting in approvals of subdivisions and variances. We've been told that it would be costly to defend a lawsuit against a denial by the board, and that it is possible the board decision would be overturned.

The Court found the denial arbitrary and unreasonable. It seems that many times the Planning Board approves things in a split vote; is this to give their silent dissent? Where does all this leave us to manage the affairs of our towns and neighborhoods? Below is a summary of headlines from our reporting in the past about planning board actions. You may find the articles at [www.goleader.com](http://www.goleader.com) and in the library. Does the past foretell the future?

**HEADLINES** 1998-02-05 Planning Bd. Okays Development on Clarence St.; 1998-03-05 Planning Bd. Grants Controversial Subdivision Of Woman's Club Property; 1998-06-04 Paragano Wins Board Approval For Three-Story Office Building; 1998-07-02 Council Agrees to Move Forward On Revised Zoning Code; 1998-07-09 Neighbors Object To Decision Planning Bd. Gives Nod to Subdivision Of Kent Place Lots; 1998-08-13 Planning Board Approves Three-Story Brick Building For Former Excellent Diner Site On North Avenue; 1999-09-02 Planning Board Green Lights Applications For Embree Crescent Subdiv.; 1999-10-07 Prospect Street Residents Protest Over Proposed Lot Variance; 1999-12-09 Addition for Temple Ok'd by Planning Bd.; 2000-01-20 Resident Objects to Subdivision; 2000-02-03 Residents Oppose Broad Subdivision; Concern Over Sprinkler Delays Parcel Sale; 2000-02-06 Planning Board Approves Second Floor Addition To Lord & Taylor, Okays East Broad Street Subdivision; 2000-02-24 Planning Board Apologizes About New Subdivision; 2000-04-06 Planning Bd. Turns Down Subdivision; 2000-05-04 Board Approves Restaurant For Vacant Elm St. Building; 2000-06-15 Planning Board OK's Southside Grove St. Subdivision; 2000-08-10 Planning Bd. OKs Party Stop Garage, Grove-St./Columbus Ave. Land Swap; 2000-10-19 North Avenue ShopRite Gets the Go-Ahead From Garwood After Eight Years of Wrangling; 2001-06-07 Health, Wellness Spa Conditionally Okayed by Planning Bd.; 2001-08-09 Planning Bd. Favors Plan to Limit Residential Expansion; 2001-10-04 Planning Bd. Approves Catering Hall After Year Of Legal Maneuvering; 2001-11-15 Divided Planning Board Grants Approval To Minor Subdivision on Greene Place; 2002-02-07 Town Council Establishes Self As Redevelopment Agency; 2002-02-14 Parking Lot Plans Weighed By Residents, Temple Repts.; 2002-02-21 Council Persists Grappling With Ward Lawsuit Case; 2002-03-07 WF Planning Bd. Approves Development Variances; 2002-04-04 Planning Board Questions Its Own Legal Authority; 2002-05-09 Planning Bd., Applicant Compromise On Gymnastics Facility Redevelopment.

If all this is true, then "what is the purpose of the Planning Board?" Perhaps the members of the board were correct in questioning their legal authority. There are important issues at stake in our towns that will impact the quality of life of residents and neighborhoods. The Planning Board will be "dead center" in deliberating on these issues. One is the "shoe-horning" of houses into non-conforming lots. Others involve change in use and expansions such as for businesses and parking lots.

In 2000, the New Jersey Appellate Division ruled: Although the Court has recognized that basic local zoning policy is best left to the individual municipalities, municipalities have no inherent authority to zone. They have only that power that the Legislature has delegated to them. *N.J. Const.* art. IV, § 6, 2. (pp. 15-17). From *Green Meadows at Montville v. Planning Board of the Township of Montville* (02/25/00), The Law Division reversed the Planning Board's decision and ordered the Board to grant plaintiff "preliminary and final major subdivision approval, variances and exceptions in accordance with [plaintiff's] plans." The Appellate Division affirmed based on past rulings of the NJ Supreme Court that planning Boards do not have the authority to deny an application for subdivision approval based on considerations of the general welfare, the purposes of the Municipal Land Use Law, and sound planning. If denial of a variance or waiver which is required for a proposed subdivision plan would be arbitrary or unreasonable, the need for the variance or waiver cannot justify rejection of the subdivision proposal.

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## Scotch Plains Property Tax Chart

The data below are courtesy of Township Manager Thomas Atkins. The average home in Scotch Plains is assessed at \$117,000 with an average market value of \$325,000 to \$350,000. Tax data for Union County for year 2002 are estimated since the county budget has not been finalized.

	School District	Township Government	Township Open Space	County Government	County Open Space	Total
<b>2001 Yr.</b>						
Rate	\$3.66	\$1.01	\$0.02	\$0.99	\$0.018	\$5.70
% of Total	64.24%	17.72%	0.35%	17.38%	0.31%	100%
Amount	\$4,282	\$1,182	\$23	\$1,158	\$21	\$6,666
<b>2002 Yr.</b>						
Rate	\$3.972	\$1.06	\$0.02	\$1.07	\$0.038	\$6.16
% of Total	64.49%	17.21%	0.32%	17.37%	0.61%	100.0%
Amount	\$4,648	\$1,240	\$23	\$1,252	\$44	\$7,207



## Instead Of Hiring Consultants; Listen To The Local Tax Payers

Having attended the May 7 town council meeting, I came away with the impression that the council can't make a move without hiring expensive consultants. Put 100 experts in a room and you will get 100 expert answers to any problem; they should try listening to the local tax payer.

What is the purpose of bump-outs, regardless of size? It is my opinion that they create more safety hazards than they solve.

It is my humble opinion that if the council would like to insure the safety of citizens, install side walks so that children walking to school don't have to walk in the road, install T.V. monitors to monitor speed of vehicles; between speed bumps, stop street signs, traffic lights and T.V. monitors, Westfield could be a safer place to live.

Suggestion: A traffic light at Tuttle Parkway, another at Cross Way Place would be a start in reducing speeding on North Avenue and help drivers merge with traffic.

In addition, have you noticed the number of vacant spots in the train station parking lot? It's about time the state legislature required a referendum for all municipal bond issues over a certain amount of money. Bergen County retail stores are open six days a week and they don't have trouble renting to national outlet stores.

William Brown  
Westfield

## Reader Believes Open Lunch Is Bad Policy For High School Students

While I agree with those parents who say that the majority of Westfield High School students are responsible and law-abiding, I believe that open lunch is a bad policy.

I have a friend whose daughter eats lunch at Checkers on Route 22. (Many experienced adult drivers avoid Route 22 at lunchtime.) I don't think that this is what Dr. Petix and the Board of Education have in mind for an open lunch. Kids who have two contiguous free periods can easily leave town for lunch.

Soon, in an attempt to save the taxpayers' money, the High School will be re-admitting students who were sent out of district due to social and emotional difficulties. Will all of those juniors and seniors be ready to enjoy the privilege of an open lunch?

Some day, unfortunately, the school and the Board may find themselves defending the wisdom of this policy in court if WHS students cause harm to persons or property during their open lunch. All of the taxpayers and public school students may be financially harmed for the transgressions of even one student if he or she behaves irresponsibly.

Most teenagers will grow up to be responsible adults whether or not they have the opportunity of an unsupervised lunch in high school.

Christine Mason  
Westfield

## Reader Searches For A Photograph Of Westfield's First Mayor, Charles Clark

*The mayor is missing?*

Westfield, New Jersey, established in 1794 as a separate community apart the larger Elizabethtown, is a community steeped in early New Jersey history. Yet there is no portrait or other likeness to be found of its first "mayor," Charles Clark. The mayor is missing!

Clark, who lived from 1756-1821, was the moderator or chairman of Westfield's first local governing committee back in 1794. As such he is often credited the title and hence the distinction of serving as Westfield's first mayor. Search as I might, I have found no image of him.

We know where his grave is located in the old cemetery churchyard of Westfield's noble Presbyterian Church. We know where his house once stood at 304 Clark Street which years ago was part of Jerusalem Rd. We know that he taught school from his home. We know that he was a state legislator and later acting governor of New Jersey during the War of 1812. We know there is even a street named for the Clark family and a park dedicated to a family member. And we know that generations that followed continued to live in Westfield and serve the town in various official and other capacities. But no portrait.

There is great information about him and his family to be found in wonderful archives of the Westfield Historical Society and the local history room of the fine town library. But no likeness of him.

Just by chance, some one might have squirreled away in their treasures or know the whereabouts of a portrait, sketch, or other image of Charles Clark, the first mayor of Westfield. If you can assist please contact me at [Drbori@aol.com](mailto:Drbori@aol.com) or by phoning me at home in Westfield, (908) 518-0324.

Clark was born September 21, 1752 and died September 8, 1821. Some records indicate that he died September 18. Documents indicate that he was married twice. His first marriage was to an Ann or Anna Yeomans; his second to

Walter E. Boright  
Westfield

## Tree Preservation Commission Defines Town Tree Removal Law In Westfield

It has come to the attention of the Westfield Tree Preservation Commission (TPC) that some Town Trees were removed on Maye Street without the required Tree Removal Permits. This activity is a violation of the Tree Preservation ordinance and subject to a fine. However, the TPC has no interest, at this time, to take such action. Rather, we would like to inform the public of this activity and to alert them to the existence of the ordinance and its requirements.

The TPC has jurisdiction over all Town Trees. A Town Tree is a tree that is located on land owned by the Town and/or a tree whose base is located in whole or in part within or adjacent to a street, highway or right-of-way in the Town. In the Maye Street case, the homeowners failed to realize that Town property typi-

cally extends 10 feet or more beyond the curb. The fact that a tree is in your front lawn does not necessarily make it "your" tree. Due to its location and base structure, it could easily be a Town Tree.

If you are planning to remove a tree near a street, the best plan would be to have the Town Department of Public Works (789-4100) survey the tree to determine its ownership. Even if it is a Town Tree and you want it removed, procedures are in place to consider the merits of doing so. Thank you for your co-operation as we work together to preserve and replenish the trees in our beautiful community.

Ronald Burkett  
Chairman Tree  
Preservation  
Commission

## Reader Enjoys Paper, Corrects Name Mistake

I love reading your newspaper, especially local news, sports, etc. My son Rich Moran plays tennis for the Westfield High School Team as Second Singles. The coverage given the whole tennis team in your May 9th issue was terrific! We loved the article about Rich's marathon four hour tennis match!! However, the caption under his picture listed him as "Ryan Moran". Would you please note the mistake and make a correction to "Rich Moran".

Thanks again and I look forward to more reading.

Eileen Moran  
Westfield

## Resident Thanks Public Works For Donating And Planting a Tree

I recently decided that I would like to plant a new tree on the front of my property, preferably one that would live a long time and grow into a stately appearance. I was not sure of where I would be permitted to plant the tree, so I spoke to Claude Shaffer, the Superintendent of Public Works. I told him I wanted to plant a tree along the street. He said he could arrange to not only place the tree properly, but would also provide the tree free.

He then asked me what type of tree I was interested in planting, with the implication that I had a good selection to choose from. I told him that I preferred a red or scarlet oak and he said that would be no problem.

Approximately a week later I was the proud owner of a new shade tree (a red oak) about 9 feet tall and 1 1/2 inches in diameter.

I wish to thank Mr. Shaffer, the Public Works workers who planted the tree, and the Town of Westfield. I found them

Paul Sanderson  
Westfield

## Reader Says SUVs Are Not As Important As Safety of People

People such as Warren Victor (May 9, 2002 edition) are exactly why the town of Westfield needs "traffic calming projects". Mr. Victor seems to be more concerned with his precious SUV tipping over than with the safety of the hundreds of children crossing Rahway Avenue every school day. If Mr. Victor is unable to drive the posted speed limit of 25mph and safely maneuver through the intersection of Willow Grove and Rahway Avenue without tipping over his SUV, then perhaps his driver's license should be revoked.

To even think that the Town of Westfield should be held liable for Mr. Victor's inability to drive is ludicrous! Certainly the Town Council can't take his "Booby Trap Resolution" seriously. Mr. Victor, Westfield is supposed to be a "family town" and not an "SUV" town. This means that the safety of people should come first.

Susan Triverio  
Westfield

## Resident Thanks Town For Calming Project

I would like to take this opportunity to thank both the Westfield Town Council and Town Administration for having the courage to proceed with the implementation of traffic calming measures through the Rahway Avenue project, as well as through any future projects they deem necessary. Though there may be specific complaints with regard to the methods employed, I applaud the overall message that Westfield will no longer tolerate unsafe conditions for both pedestrians and motor vehicle occupants.

Blatant disregard for existing traffic laws has gotten us to this point, and it is time to teach offending motor vehicle operators how to drive again. Too often, driving is viewed as an inalienable right, when in fact it is a privilege. Excessive speeding has become commonplace, not surprising for a society that is too often in a rush to nowhere. Pedestrians know they are taking their own lives into their hands when attempting to properly cross major thoroughfares, as driver courtesy is becoming a rare find these days.

Westfield is a town that prides itself on being a wonderful place to raise a family, yet has been living with these problems for years. I thank the town leadership for recognizing this and finally doing something about it.

Ed Brown  
Westfield

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Classifieds - Tuesday 2pm  
Ad Reservation - Friday 4pm  
Ad Submittal - Monday 12pm

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