

## Council Tables Two Demolition Permits

By PAUL PEYTON  
Specially Written for The Westfield Leader

WESTFIELD — The Town Council Tuesday night tabled a resolution to issue a demolition permit to Majestic Homes to tear down a single-family home located at 135 Harrow Road.

Fourth Ward Councilman Larry Goldman requested that the application be tabled as a response to the ongoing condition of another construction site Majestic is working located at Willow Grove and Grove Place.

Mr. Goldman described the excavation site as "an open pit." He said he fears a child could access the site and fall into the hole.

Third Ward Councilwoman Joanne Neylan said the problem of unsafe construction sites in town "is a problem that needs to be addressed yesterday."

"These (excavation sites) are popping up all over," she said. "I really am losing sleep over this."

Town construction official Steve Freedman has been asked by Town Administrator Jim Gildea to prepare a report on what areas of construction sites the town has control and what areas are outside of their jurisdiction. Officials have said once construction on a new home begins it is covered by the state's Uniform Construction Code.

First Ward Councilman Peter Echausse said delaying approval of the permit to Majestic "sends a message to the guy" to provide a better safety mechanism at their construction sites.

Council members have indicated that they would like more stable fencing around construction sites. Many sites currently only have small orange fencing to indicate

construction areas.

The council also tabled a resolution for demolition permit to Messercola Brothers for 9 Mohawk Trail. Officials said the Department of Environmental Protection must inspect the site due to the recent removal of an underground leaking oil tank. Asbestos was also removed from the home.

During the public session of Tuesday's meeting Carleton Road resident Robert Nehring requested that the town pass ordinances that "limit over size and incongruous home construction."

"Westfield is already build-out. This community has, over the past several years, entered a phase of accelerated over development," he said.

He said that the town needs to adopt ordinances "that limit the scale of new homes by increasing setbacks, mandating floor area ratios and elevation requirements to ensure new construction is in keeping with adjoining homes."

The council adopted an ordinance for municipal pool fees for the summer of 2005. As previously reported, the only increases are for the family with full-time childcare, increasing from \$350 to \$443, and for non-resident senior citizens, which was increased from \$120 to \$130.

The remaining Westfield resident rates are: family, \$278; husband wife without children, \$225; individual, \$165, and senior citizen, \$70. Non-resident fees are: family, \$522; family with full-time childcare, \$832; husband and wife without children, \$437, and individual, \$310. The rate changes are the first pool permit fee increases in three years, town officials have said.

## Ziff, Dorry

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counselor for the Employee Assistance Program. They have a 10-year-old son who attends Washington Elementary School.

Mr. Ziff attended The American University, receiving a Bachelors of Arts degree in history. He achieved a Master of Science from Tulane University and a law degree from Delaware Law School. He is currently the Standing Secretary, District XII Ethics Committee, for the Supreme Court of New Jersey.

"A unique feature of my candidacy is my experience on the municipal level and on the BOE. It is my observation that the two governments need to work more closely on services provided to the town," he said. "From a quality and tax savings point of view."

Issues he noted as being a concern to him were the parking dilemma at Westfield High School; maintenance of school properties and budget savings to help reduce the tax levy. Mr. Ziff also stated that he would like to keep the lines of communication open between the BOE and the mayor and town council on issues that involve both governing bodies.

This year's candidates field also includes incumbent Alice Honeycutt and resident Gary McCready.

## Nextel

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proached because they (Nextel) couldn't find another site," he said.

The Elks Club is a fraternal organization which provides fellowship for its members and supports local charities. The club is interested in the proposed tower because it would help to increase the charitable donations it is able to make due to the undisclosed revenue it would receive from Nextel.

Mr. Farley stated that the Elks have had to "cut back on some things" because their biggest fundraiser, bingo, has not turned out the numbers, or profits, that it used to.

"This (the tower) would be a boost for the charities we support," he said. Charities benefiting from the Elks contributions are primarily handicapped children, veterans and seriously ill children.

Since the Nextel tower will be placed on private and not borough property, town officials would have no jurisdiction.

The board of adjustment will hear the Nextel application on Thursday, March 10.

Board member Ted Zawislak is serving as chairman for this application.

## Garwood Citizens Air Concerns About Pigeons, Taxes at Meeting

By ANNA GITHENS  
Specially Written for The Westfield Leader and The Times

GARWOOD — Two citizens who attended the February 8 meeting of Garwood's Mayor and Council had some interesting concerns that were brought forth.

The first citizen, Rosemary Snow of 322 Willow Avenue, who has a serious pigeon problem, explained that her neighbor insists on feeding pigeons, thus creating a mess of droppings all over her property.

"The driveway's a mess, the side of my house is a mess, and my garage door is a mess," she said. "If it's not resolved, I'll just have to file a legal complaint against her."

Apparently, Ms. Snow's neighbor was previously fined and stopped feeding the pigeons for a while.

Garwood Health Officer Bob Sherr visited the home of the woman who is feeding the pigeons last year. He found the woman's window open and the attic floor thick with debris, feathers and waste.

"The Garwood sanitary code prohibits any action which could contribute or cause a health nuisance," stated Mr. Sherr.

The council plans to contact the Board of Health about this matter.

The second citizen, Bruce Paterson of 325 Willow Avenue, addressed the Mayor and Council with a prepared statement.

Mr. Paterson, who is senior estimator of a mechanical contracting firm, is very concerned about the county's high tax increases. He said that the county taxes are going up another 7 percent.

"In 2000, we were paying \$1.3 million and now in 2005 Garwood pays over \$2 million. That works out to 53 percent in five years!" he noted.

Mr. Paterson said that the residents are very mad about property taxes and "will not take it anymore." He feels that Garwood's Mayor and Council represent the residents and should stand up for them. He accused the governing body of "cutting basic services."

"We can't even get a community center without putting Garwood in severe fiscal stress," he said.

Mayor Dennis McCarthy responded by saying that since Mr. Paterson had "quite a bit of time to put this letter together it seems only fair that we have a little time to digest what you wrote."

Mr. Paterson said that he has no prob-

lem with that but he is not going to let it rest. He reiterated that he feels the county is to blame for the high tax increases, but the borough's mayor and council have been ignoring the problem.

He added, "It's time to take a stand for the residents of Garwood."

Mayor McCarthy asked Mr. Paterson if he has gone to county meetings to voice his concerns.

Mr. Paterson said that he has, adding that he was recently quoted in *The Westfield Leader* and *The Scotch Plains-Fanwood Times* after he went down to the county freeholders meeting and called them "fiscal failures."

Mr. Paterson said that the county does not care about the residents and only responds to him by saying "Thank you very much for your comments."

He added, "It's up to the governing bodies of the municipalities to talk to them."

Mr. Paterson followed up with Mayor McCarthy at "Mayor Saturday" in Garwood this past weekend. He in-

formed the mayor that he was at the county freeholder's meeting on Thursday.

Mr. Paterson said that Supplee Cooney, Garwood's town auditor, said that the town is "going broke."

The mayor responded, "If we were broke, we would not be able to conduct day to day business. Broke is when you are putting out more than you are taking in."

Mr. Paterson added, "Garwood, Fanwood and Kenilworth are in financial stress. Possibly they (the county) are manipulating the towns to just accept what's going on with the county." Mayor McCarthy said that the terrorist attacks on September 11, 2001 have a lot to do with the kinds of problems all the towns in all the states and even the country are in right now.

He added, "It affected everybody, not only in Garwood or in the county, everybody. If you pick up the paper you can read about any level of government anywhere, everybody is facing the same problems. And it all has to do with 9/11."

## Mabel Young Award Granted At Borough Council Meeting

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was started in 1998 to honor Mabel Young and to thank citizens within the borough who are looked upon as good neighbors through their volunteer efforts.

In other business, two ordinances were passed upon second reading both having to do with price increases. The first increases the Community Pool fees for the 2005 summer season. The increases were recommended by the Recreation Commission.

It was reported that the fee would be set at \$235 for a resident family, up from \$220, and that a \$10 increase to \$120 would be raised for a single membership. A \$5 increase would be made at \$75 for a senior membership.

For non-resident families there is a \$30 increase, which brings the total for a non-resident single membership to \$440. Both a single non-resident membership and a senior non-resident would increase by \$15 to total \$220 and \$180, respectively.

The ordinance also states that the non-resident initiation fee will be increased by \$5 to total \$35 for a family and \$20 for a single membership.

The second ordinance increases the fee for certified copies of vital statistics from \$5 a copy to \$15 a copy. These documents are defined as copies of birth, death and marriage records. The increase was needed because of state mandated certified paper now being used for such documents.

In other business, an ordinance was introduced to approve funding for the resurfacing of Globe Avenue. A total of \$232,500 will be taken from the borough's Capital Improvement Fund for the job, but \$140,000 will be returned to the borough through a Department of Transportation grant.

In addition, the council introduced an ordinance registering and providing licenses to contractors doing work in Mountainside.

According to Councilman William Lane, the ordinance, which requires contractors to register with the borough for \$100 every two years, now includes any-

one remodeling, adding or taking away from their home or yard as well as installing carpeting or painting.

Councilman Lane suggested that the ordinance be "scaled back" to not include painting, installing carpeting or landscaping.

Councilman Paul Mirabelli stated that he wanted to proceed with the ordinance as it was originally written to protect homeowners from "unscrupulous contractors" that take advantage of homeowners looking to improve their homes. He said "you defeat the purpose of the ordinance if you water it down."

He concluded that the ordinance is meant to protect homeowners from workers in all areas of home improvement including carpet installation and painting.

Councilman Lane stated, "You can't protect from every situation. There are certainly retailers and other professionals that have taken advantage of customers too."

Another ordinance was introduced at regarding the prohibition of feeding wildlife. One hundred residents including, Renee Thomaier, signed a petition to oppose that restriction.

According to Ms. Thomaier, who has worked with wildlife for many years, recommended that a committee be formed, which includes a representative from the council, to discuss how to better deal with problems that residents and wildlife face from utilizing the same space for habitation.

Last month, a handful of residents were present at the council agenda setting meeting to ask the governing body to support an ordinance regarding prohibiting homeowners from feeding deer. These residents stated that the feeding of wild animals was a problem as it attracts raccoons, mice, rats, squirrels as well as deer to local properties.

They noted that it then adds to a waste problem in their yards. Council President Glenn Mortimer stated that he and the governing body along with Borough Attorney John Post would look into the adoption of such an ordinance.

## Westfield Town Council Will Introduce Budget on March 1

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as of last year's budget.

In terms of new positions in the budget, council members agreed to fund a human resources director at a salary range of between \$60,000 and \$75,000, and a planning professional for the building department. At the recommendation of town officials, the position of assistant director of public works was removed from the spending plan.

Town Attorney Robert Cockren, who served as Board of Adjustment attorney for many years, said the board hears between 100 and 120 applications per year, with the planning board hearing 30 to 40 cases annually.

The proposed planning professional, whose title has yet to be determined, would have professional planning experience and would work in the building department on North Avenue. He or she would handle everyday planning applications including drainage and grading issues, and would follow an application from the initial filing right through completion of the approval process, Mr. Gildea said.

The administrator said the planner

would serve as town liaison to the Downtown Westfield Corporation (DWC), which manages the downtown special improvement district, the Board of Architectural Review, the Tree Preservation Commission and the Historic Preservation Commission.

Mayor Greg McDermott said he views the position as a "quality of life" role in that this person would be responsible for concerns residents have over increased building in town, as well as customer-related building department issues.

Fourth Ward Councilman James Foerst, who has had reservations about the new building department position, said he would support the position. "I'm nervous about (the position) but I'm not going to vote no on the budget because of this," he said.

First Ward Councilman Sal Caruana said that a decade ago, economic development was the biggest need in town and thus the council created the DWC. He said development issues are now the biggest challenge facing Westfield and thus he supports adding the planning position to the municipal payroll.

## Chief Technology Officer Discusses New Computers

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second grade classes, the proposed budget calls for 30 desktop computers to be spread evenly among the district's six elementary school libraries, each costing approximately \$1,600. That figure may change based on the actual agreement reached with the chosen supplier.

To complement these new computers, each school will need a server costing \$2,500. These computers will be equipped with a library cataloging program called Alexander. The program license for each school will cost approximately \$2,000.

The budget also calls for a new video camera and a new still camera for each school. Students in the district's two intermediate schools will be the beneficiaries of 15 new computers in each of the libraries, at an approximate per unit cost of \$1,600.

The guidance offices at the schools will also receive seven new desktop computers each. Mr. Johnson additionally budgeted for 10 more laptop computers to be purchased only in case of emergency.

Board members took exception at the budgeting of a high number of computers that may never be purchased.

Mr. Solomon called it a purchase "we potentially don't need."

A similar purchase is budgeted at WHS.

Superintendent of Schools Dr. William Foley called the computers "a matter of convenience."

After discussion, Mr. Johnson agreed to explore the possibility of paring down the number of budgeted extra laptops.

The WHS library is budgeted for six additional desktop computers. The WHS budget also included the purchase of four multimedia carts that include televisions, DVD/VCR players, and sound systems. The carts, costing approximately \$2,500, would also require the purchase of four new laptops, budgeted at \$1,500.

Westfield citizens will have the chance to vote on the 2005-2006 school board budget on Tuesday, April 19. The proposed budget stands at \$72,982,339, which is \$162,324 over the allowable budget increase of 4.85 percent.

Following the budget portion of the meeting, the board approved six new curricula for first reading. These include new curricula for Biology I, Biology II: Advanced Placement, English IV, Italian IV, an Independent Study for students in the Gifted Education Program, and a new art curricula for both the intermediate schools.

Business Administrator and Board Secretary Robert Berman presented the board with an application for Extraordinary State Aid for the 2005-2006 budget in order to help defray the cost of educating students with special needs.

The cost for those 52 students is expected to be just short of \$3 million, of which \$918,501 is eligible for Extraordinary Aid. Mr. Berman told that board that the state usually grants "between 30 and 35 percent" of the request.

The board's next public meeting will take place on Tuesday, February 22. The focus of the meeting will be the personnel section of the 2005-2006 budget.

## Newpointe Realty Files Lawsuit Against Town

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Town Council approved an ordinance in December that limited age-restricted, multi-family housing on the west side of Prospect Street in the CBD and within 100 feet of Broad Street. The minimum lot area would be 20,000 square feet and parking would be located underneath the four-story building.

"The zoning amendment is tailored specifically to the Ward property and the proposed Ward development," Newpointe contends in the litigation.

According to the lawsuit, "The rezoning of the CBD District bears no relation to the character of the surrounding area and its suitability for particular purposes. There is no rational basis to conclude that the zoning amendment will further the intended goal of encouraging retail sales and personal services oriented to pedestrian shopping on the ground floor, and other commercial activity and residential use on the upper floors" as stated in the town's master plan prior to passage of the amendment.

The lawsuit charged that prior to the zoning amendment the maximum density in town was 25 dwelling units per acre and a height of 40 feet.

In its lawsuit, Newpointe, owned by Michael Zensky, the zoning amendment approved by the Westfield Planning Board on November 8, 2004 favored Ward & O'Donnell and is "wholly inconsistent with the master plan's stated goals for the CBD (Central Business District)."

The town council adopted an ordinance on December 14 that the lawsuit stated "amended the CBD zoning impermissibly to favor a particular developer, Ward, by targeting the Ward prop-

erty as the only property to be allowed to develop a four-story residential condominium building, a use not permitted under the existing zoning ordinance."

Newpointe argues in the first count of the suit that the zoning amendment "accomplishes no legitimate purpose and was not drawn with reasonable consideration of the character of the CBD District."

The plaintiff seeks to declare the zoning amendment "invalid and void on its face" and to restrain the town from implementing and enforcing the zoning change.

In the second count, Newpointe argues that the zoning amendment "contains a reclassification of the CBD district that is not part of the master plan" and therefore the ordinance is "not substantially consistent with Westfield's master plan."

In the third count, the plaintiff argues that the zoning amendment "was adopted for the sole purpose of benefiting a private party, Ward, for a use that is incompatible with surrounding uses and the character of the district, and not for the purpose of furthering the comprehensive zoning plan to the benefit of the collective interests of the community of Westfield."

In the final count, Newpointe states that the zoning amendment "violates surrounding property owners' equal protection rights and substantive due process of law as secured by the 14<sup>th</sup> Amendment to the U.S. Constitution and the New Jersey Constitution, as well as the surrounding property owners' rights to fundamental fairness."

The town and Ward & O'Donnell have 35 days to respond to the litigation.

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