

Fanwood Police, Quick Chek Launch 'Operation Vial File'

FANWOOD — The Fanwood Community Policing Alliance in partnership with the Quick Chek of Fanwood have launched a free program for Fanwood residents.

"Operation Vial File" is a project which distributes at no cost, an emergency medical information packet for residents to store vital information. It is designed to be retrieved by police or rescue personnel that may arrive at their homes on a medical call.

The simple packet is made up of a traditional prescription vial, the vial holds an informational sheet inside which lists vital medical information, medicines, doctors contact information, relative contact information and other information police or rescue personnel can rely on if at the home on a call.

The packet also includes a decal, which is placed on the refrigerator door which alerts the responders the person participates in the program.

"Every household has a refrigerator, the idea of placing our vial on the inside refrigerator door is to mandate a uniform location, this way we're

not searching the house for the information," stated Fanwood Police Sergeant Thomas Jedic.

"Time can be critical in treating someone during a medical intervention, finding the information somewhere in the house can be chaotic, especially if the person is unconscious" added Sergeant Jedic.

The program will cost the taxpayers nothing. All the materials have been donated by the Quick Chek, already a partner with the alliance by supporting the Public Safety Information Booth at 572 North Avenue.

They were generous enough to donate the vials and the alliance provided the printed materials.

"This type of project clearly shows how the police, residents and businesses in town can work together to improve the quality of life for everyone," stated Sergeant Jedic.

Vials can be obtained by contacting the alliance via email at their web address of www.fanwoodcpa.org or by contacting Sergeant Jedic at (908) 322-5000, extension 151.

Mayor Mahr Provides Update On Grants and Cellular Tower

ascertain if they meet the criteria.

The mayor said the borough's new communications tower, which is located at Borough Hall and is used by the police and fire departments, as well as the rescue squad, has been completed and has been up and running for two weeks.

Mayor Mahr said there were three main concerns that fueled the need for a new tower. First, it was difficult to have effective communications with other towns with the old tower. Second, there was a concern about the signal's ability to penetrate into buildings, basements and vaults.

"For example, if something were to happen in the basement of the A&P or a bank vault," said Mayor Mahr. "The frequency range is now 100 percent better."

Lastly, there were certain times when communication within Fanwood's borders was hampered. With the new tower this has been resolved.

"As mayor I want to commend and thank the police department for all the

leadership that they have taken" on this project, stated Mayor Mahr. "I am pleased that we are starting the new year off with the state-of-the-art communications tower which our first responders most desperately needed."

Last weekend Mayor Mahr hosted the borough's first annual operational and communications meeting, "with the goal of enhancing communication between all the various departments and committees, to form a more cohesive community in Fanwood," announced Mayor Mahr.

"All the key decision makers and chairs, ranging from the construction official to the police to the Environmental Commission Chair, know each other, but they don't interface much." The meeting will also hold a discussion of how they can communicate back to the residents, for example through the Fanwoodian newsletter and the borough's website.

Mayor Mahr plans for this to be an annual or biannual meeting in the future.

Fanwood Chosen As Part Of State's TDR Program

Commissioner Levin told *The Times* that, "Fanwood is the only one that is preserving a historic district" of those municipalities selected for the TDR program.

She said the borough's proposal is unique in that it proposes redevelopment near Fanwood Train Station, which will "preserve the historic nature of the historic district."

Mayor Mahr said borough property owners in the historic district will transfer their rights, such as building onto their homes, etc, to a developer who will then pursue development options in the business district. The mayor said property owners would be compensated for the transfer of development rights.

"TDR is a new innovative tool that planners use to preserve land," Mayor Mahr said. "This new tool is a method to preserve a historic area by using the power of the market to purchase or compensate the homeowner for a restriction on their property with their consent. I am eager and hopeful that this program will help us meet the goals of historic preservation for Fanwood."

"It's (the TDR program) so new and unique, and for such a small borough we are really out in front," Mayor Mahr told *The Times*. She said other municipalities will look to the borough as sort of a "trailblazer" for being the first town to attempt a TDR in a historic

district.

Commissioner Levin said the DCA has chosen "a diverse range of projects" for the demonstration program. "We want to make sure we partner every step of the way (with the six towns)."

"The state's TDR demonstration programs provide communities with a powerful tool for redirecting growth from one area of a community to another," Commissioner Levin added. "At its heart, the Transfer of Development Rights is an investment in our future, changing the way development occurs in a community by preserving open space and focusing development in the right places."

Assemblywoman Linda Stender, a former Fanwood mayor said, "As both a resident of Fanwood and a resident of this district, I understand how important historic preservation and downtown redevelopment is to the future of our community."

New Jersey is the first state to launch a statewide TDR program. The program was a result of a successful pilot program initiated in Burlington County in 1989. Legislation enacting the TDR program was signed into law on March 29, 2004. The legislation stipulates a maximum of \$400,000 in administrative costs from the three-year program and cutoffs planning assistance grants to municipalities at \$1.5 million.

Garwood Citizens Air Concerns About Pigeons, Taxes at Meeting

By ANNA GITHEMS
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.

son 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 informed 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."

Council

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ity looks." She said that in previous years, "the town really looks crummy the whole month of June" as many residents placed refuse at their curb weeks in advance of the scheduled pick-up.

Councilwoman Nancy Malool objected to the three-day rule, saying that "we're making a major change to something people have been living with for years," and instead suggesting that a wider time frame be instituted "so people have time to adjust."

Councilman Frank Rossi agreed, calling the three-day limit "harsh." He suggested a five-day limit, or the Wednesday prior to the following week's scheduled pick-up as a compromise, something his colleagues eventually agreed to.

Mayor Marks emphasized that he wants the police department to enforce the five-day limit as well as the township's regulations forbidding scavenging. He also said he would like to receive written reports after the June program is completed detailing police enforcement of both the early setting out of refuse and the anti-scavenging ordinance.

The council is expected to meet with Police Chief Mark Zyla to discuss his department's role in enforcement matters in the near future. The details of the program's operation, including the cost of the permit, will be done administratively, but Township Manager Thomas Atkins suggested a \$60 fee for this year.

The modification of the program has become necessary because its cost has skyrocketed in recent years due to a number of factors. The lack of qualified bidders to perform the service as well as problems involving out-of-towners dumping their own household refuse at Scotch Plains curbs contribute to the expense.

It was estimated several weeks ago that maintaining the program could cost the township more than \$300,000 per year and as much as \$500,000 in future years. Instead, township officials expect the \$300,000 figure to be cut by more than two-thirds this year, with the remaining \$100,000 being spent on start-up and administrative costs associated with the new program. The program will be financed only by those homeowners with a need to dispose of bulky household items instead of being funded by all property owners via property taxes.

The permit to be purchased will allow residents to dispose of up to 750 pounds of waste. Township officials would encourage neighbors with combined items weighing less than this amount to share the cost of a permit so that, theoretically, several households could place their combined items at the curb while splitting the permit's cost two or three ways.

If a household placed more than 750 pounds at the curb, that resident will be informed that they require a second permit.

Newpointe Realty Sues Over Age-Restricted Plan Development

By PAUL PEYTON
Specially Written for The Times

WESTFIELD — Newpointe Realty, LLC has filed a lawsuit against the Town of Westfield and Ward & O'Donnell Property Development, Co., Inc., challenging the town's master plan and ordinances that favor a 50-dwelling age restricted residential development on the Ward property located at 111, 112 and 129 Prospect Street, the former home of Statistical Research.

The Town Council passed a resolution on February 1 terminating its contract of sale with Newpointe for town-owned property on New Street. The town was to have sold the property to Newpointe for \$330,000. The town contends the developer failed to obtain Westfield Board of Adjustment approval of a proposed mixed-use development for the site, thus terminating the agreement with the town.

The plaintiff is seeking to have changes to the town's zoning code, approved late last year by the town's planning board and town council, reversed in that the changes favor the Ward development, according to the litigation that was filed in Superior Court of Union County on January 28.

Newpointe owns property located at 115, 113 and 110 South Avenue and 402 and 404 South Elmer Street, which is a quarter of a mile from the Ward property.

The lawsuit stated that prior to December 14, 2004, the town's master plan land use ordinance provided that the central business district should encourage retail sales and personal services to pedestrian shopping on the ground floor and commercial and residential use on the upper floors. In addition, Newpointe argues that the Ward development exceeds the maximum density of any zone in Westfield, prior to the master plan amendment, at 50 dwelling units per acre and a height exceeding 50 feet.

According to the litigation, the Town Council approved an ordinance last 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.

"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 their lawsuit, Newpointe, owned by Michael Zemsky, 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, 2004 that the lawsuit stated "amended the CBD zoning impermissibly to favor a particular developer, Ward, by targeting the Ward property 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 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 14th Amendment to the U.S. Constitution and the New Jersey Constitution, as well as the surrounding property owners' to fundamental fairness."

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

Hunt

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traveling over the Park Avenue bridge over Route 22 because their maps show Mountain Avenue as a county roadway.

Once on Mountain Avenue, however, the only way to get to Terrill Road is to cut through a side street to Front Street. Myrtle and Willow Avenues have four-ton weight limit signs posted, but Hunter Avenue does not. The Police Department found that most trucks cut through on Hunter Avenue because once the driver is on westbound Mountain Avenue, he has no other place to turn once he reaches the end of Mountain Avenue.

Restricting large trucks on Mountain Avenue is not possible because it is a county road and the county cannot restrict trucks from traveling on its roads.

However, Jeffrey Sias, Union County Director of the Division of Engineering, advised township officials that an advisory sign could be posted on Park Avenue before its intersection with Mountain Avenue directing trucks over four tons to use Front Street to gain access to Terrill Road. A sign could also be posted advising truck drivers that there is "No Thru Truck Traffic" on Mountain Avenue.

An ordinance that will be introduced at the council's meeting next Tuesday will add Hunter Avenue to the township ordinance that prohibits trucks over four tons.

"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 problem 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

School Board

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The goal of the telethon is to raise money for victims of the tsunami that ravaged Asia, killing or injuring several hundred thousand people and causing mass destruction of property.

Broadcast live on Channel 34, the telethon will include a silent auction, prizes that will include Mets tickets, a Colorado ski resort package, SAT prep course, Broadway tickets and a weekend at the Short Hills Hilton.

According to information provided, Verizon has donated 20 cellular telephones, and Comcast is assisting with the live broadcast.

It was also announced that the board's budget meeting, which had been scheduled for this past Tuesday, has been moved to Wednesday, February 23, beginning at 7:30 p.m.

The board's next regular meeting is scheduled for Thursday, February 24, at 7:30 p.m., with the public session beginning at 8 p.m.

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