

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
May 3, 2021 (VIA ZOOM)**

APPROVED 6/7/21

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 pm.
Via Zoom Webinar, Meeting ID/Link#:
<https://us02web.zoom.us/j/83098864424?pwd=OWVKTFBHNDl6TGFXbWg3RnV4MONWQT09> - Meeting ID is: 830 9886 4424; Password: 745043

A court reporter was also present.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a **Regular Meeting** of the Westwood Zoning Board of Adjustment.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: William Martin, Chairman
Eric Oakes, Vice Chairman
Matthew Ceplo
Peter Grefrath
Alyssa Dawson (arrived. 8:11 pm; departed 9:57 pm)
Gary Conkling
Tom Smith, (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Louis A. Raimondi, Board Engineer

ABSENT: H. Wayne Harper (excused absence)
Michael O'Rourke (Alt #1) (excused absence)

4. MINUTES: The Minutes of the **4/5/21 & 4/19/2021** were approved on motions made by Eric Oakes, seconded by Gary Conkling and carried unanimously on roll call vote.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS:

1. Rise Up Together, LLC- 372 Fairview Avenue - Site Plan to create a parking lot (Zoning application was denied by the Zoning Official which stated that Site Plan approval was required. The applicant started the work anyway) - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Peter Grefrath Oakes and seconded by Matthew Ceplo. There were no further questions, comments or discussions. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

2. Bross, 60 Boulevard - Bulk Variances, Driveway wider than Garage - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Alyssa Dawson and seconded by Eric Oakes. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

8. PENDING NEW BUSINESS:

1. Hodges, 44 Second Avenue, Bulk Variances - Incomplete, Mr. Rutherford to forward letter to applicant to make application complete or it will be dismissed without prejudice;

2. 15 Westwood Realty, 269 Westwood Avenue - Use Variance and Site Plan - Complete; set for 6/7/21; Stephen P. Sinisi, Esq. represents the applicant;

3. Bessler, 15 Summit Avenue - FAR Variance - Not yet deemed complete - Carried to 6/7/21;

4. Illuzzi, 171 Westwood Boulevard- C Variance - 6ft. Fence in the Front Yard (Installed prior to zoning approval) - Not yet deemed complete; carried to 6/7/21;

5. 45 Old Hook WW, LLC-45 Old Hook Road - D1 Use Variance and Site Plan - Incomplete; carried to 6/7/21;

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. 561 Broadway, PD387, LLC - D & C Variances with Site Plan - Withdrawn without prejudice by letter from applicant's attorney, Santo T. Alampi, Esq. John J. Lamb, Esq. appeared, representing objectors within 200' as named, and requested a vote of acceptance. A motion for acceptance of the applicant's withdrawal was made by Eric Oakes, seconded by Peter Grefrath and carried unanimously on roll call vote.

2. Hodges, 105 Center Ave. - Use Variance D-1, Bulk Variances - Not ready; Carried to 6/7/21;

3. Perrino, 125 James, Bulk Variance - Nancy Saccente, Esq. represented the applicant. Tony Perrino and Mark J. Mantyla, NJ Licensed Engineer and Land Surveyor, continued under oath. Ms. Saccente reviewed the variance for impervious coverage and also reviewed Mr. Lydon's report. They revised the plans accordingly to more closely comply with the Borough's ordinance. The plans were revised to 4/16/21 Instead of impervious coverage of 46.89%, they reduced it to 42.44%. Mr. Perrino gave details of the changes and size of the patio, reducing it from 698sf to 234 sf. Four stepping stones for basement egress were added, substantially reducing the impervious coverage. It makes it easier for them to get in and out for everyday living. Stepping stones were added to the front as well. They wanted to put in a seepage pit of 1,800 gallons. That and the curtain drain were inspected by Boswell Engineering. Plantings, new and proposed, were described. A photo of the fence and trellis was shown and marked.

The matter was opened to the Board for questions of the applicant. Mr. Raimondi asked if the cleanout of the drainage from the pool was completed. Mr. Perrino indicated it was ready to be done. Mr. Lydon commented the impervious coverage change with stepping stones made sense and the reduction was fairly significant. He complimented counsel on seeing a way to an approved plan. The matter was opened to the public, but there were no interested parties present. Ms. Saccente summed up and respectfully requested that the application be approved.

A motion for approval was made by Eric Oakes and seconded by Gary Conkling with conditions as stated by Mr. Raimondi as shown on the revised plan. Chairman Martin added that Mr. Raimondi review

the hard copy of the plan and report back to the Board that they are consistent with what was submitted tonight. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, Tom Smith, and William Martin voted yes.

4. Capasso, 577 Broadway - Use Variance and Site Plan - John J. Lamb, Esq. represented the applicant. The Notice and Publication documents were found to be in order by the Board Attorney Rutherford. The two-family house, garage and barn are pre-existing, non-conforming. Applicant proposed an addition, first removing a portion of the garage and then renovating that portion, while extending the garage. The total amount of net change is 1,079 sf. Mr. Lydon submitted a report. Both he and Mr. Raimondi requested a description of the use. Mr. Lamb stated he submitted a letter. The use by his client is for his HVAC business where he parks his van, stores equipment and has an office. He would like to transfer the operations to Westwood from his home in Washington Township, where he worked with his wife during the pandemic. There is no plan for customers or clients to be present. The workers come in the morning, take the vans and bring them back at the end of the work day. They need a use variance because they are adding to the current non-conforming use, expanding it.

The most recent plan by Joseph Bruno, Architect, was dated 3/10/21, revised to 4/7/21 and submitted last week. Mr. Martin commented the plan does not reflect what the applicant is proposing. It says nothing about truck parking or office. The Board needs the plans to reflect exactly what they are proposing. Mr. Lydon asked how they determined the dwelling is a two-family, as they would possibly need to do a Section 68 application. He is not sure what is on the property either.

Anthony Capasso, 328 Colonial Boulevard, Washington Township, NJ, was sworn in. He and his wife own Airflow Cooling and Heating in Garfield, NJ. They are doing all their business in the Westwood area. During the pandemic they were working at home and wish to move their vans and work to this location. The workers will park their vehicles in the garages and take the vans. Most of the work is done on site of the job. They are looking to store their supplies on site. When he purchased the property, it was a two-family dwelling, non-conforming. The two apartments are currently rented out with two different leases. Mr. Capasso said he met with his neighbor in the rear, Jack Surran who had no objections. Mr. Lamb suggested certain changes to the plan, which eliminated the southerly setback variance, reduced the height, as summarized in his letter to the Board dated 4/19/21.

Questions by Board Members of the applicant followed. Mr. Raimondi asked if the two vans would be in the garages overnight, and the response was yes. Mr. Capasso also stated the vans would be driven by the employee and other employees would meet them at the work site. He and his wife Michelle would be working at the office. Mr. Oakes asked if there would be storage of chemicals and the response was no. Mr. Conkling asked if any deliveries would be made or work done inside, and the response as no. Mr. Grefrath asked about waste disposal. Recovery tanks for the chemicals are on the truck and brought back to the supply house, Mr. Capasso explained. Mr. Lydon asked where the tenants park, and the response was in the four spots on the right. There is one handicapped space. Mr. Lydon asked where the employees park. They will park inside the garage. There is no loading zone or dumpster. Mr. Lydon asked when he purchased the property, did he receive anything showing this as a two-family. Mr. Capasso would have to look through their closing paperwork. They also have two CO's. One apartment has two bedrooms, and the other has one. Mr. Martin commented his personal knowledge of this property is that it was purchased as a two-family house. He expressed concern about the change of use, future use, chemicals and noise. Any action taken would have to be carefully defined. Mr. Rutherford commented it is a D2 variance because we are expanding the non-conforming use and considering the residential and commercial uses as D variances, and any Resolution should be recorded. Mr. Lydon did not agree that the proposed use is permitted in the zone.

Jack Surran, neighbor, 416 Center Avenue, Westwood, was sworn in. He has been here for 43 years and was present for many applications and owners, giving the history. This is the first time he has been contacted and shown plans. He had no objections to the application. Mr. Lamb had Mr. Surran confirm he sent an email/letter to this effect. Mr. Martin asked if he had any objections to the chemicals. Mr. Surran heard the Board would be crafting certain language. There were no further questions of Mr. Surran.

Joseph J. Bruno, AIA, Licensed NJ Architect was sworn in, qualified and accepted, as being known to the Board. Mr. Bruno showed his architectural plan and floor plan, last revised to 4/7/21, marked Exhibit A1. His Resume was marked A2 and Mr. Surran's letter A3. Mr. Bruno described the expanded garages showing the vans inside, with storage area, lavatory and stairs to the attic. There are two garage doors and access door. The styling of the garage structure was residential in nature. Mr. Raimondi questioned Mr. Bruno on the plan and lighting, which Mr. Bruno described. Mr. Lydon asked if there was any heat or air

conditioning inside the building. Mr. Bruno stated not at present, but it is certainly possible. Mr. Lydon did not see any outside lighting. Mr. Bruno stated the garage would not be lit up at night. As for parking lot lighting, the engineer could answer. Chairman Martin asked for a response as to plans for heating and air conditioning. Mr. Capasso confirmed yes to both. Mr. Martin asked how he would address the energy code with two big garage doors. Mr. Bruno would work on that with Mr. Capasso and would install insulated doors. Mr. Martin asked if there was a chance of having a wall sectioning off the garage and expressed concern about carbon monoxide emission, exhaust and chemicals while people are in the office working. These items should be addressed as to whether allowed by the building code with human occupancy. This is a third tenancy and would that require separate a meter for electric and gas. Mr. Bruno stated the applicants would have to address that with the utility companies. Mr. Capasso stated there are currently two meters for electric and gas. He was preparing to rearrange them. Mr. Martin commented there may be problems in the building code preventing them from building and these items should be looked into and addressed. There were no further questions. There was one remaining witness, Tom Stearns, Engineer, not reached.

Due to the lateness of the house, 9:45 p.m. the Board stopped and carried the application to 6/7/21 with no further notice under the MLUL and extension granted. Revised drawings to be submitted to the Board.

The Board took a five minutes recess at 9:48 pm and reconvened with a roll call. All remained the same; however, Ms. Dawson had to depart at 9:57 pm.

5. 216 Westwood Avenue - Stephen P. Sinisi, Esq. represented the applicant. He presented the application for six (6) residential units as shown on the plan. It enhances the streetscape, as the gateway to the downtown community. Their witnesses are: Vincent Cioffi is the Project Architect, William Page, Engineer, Michael Marris, Traffic Consultant, and Michael Tessler, Professional Planner.

Vincent J. Cioffi, Licensed NJ Architect, of 123 Westwood Avenue, Westwood, NJ was sworn in, qualified and accepted as known to the Board. He is very familiar with the site and was hired to create a second floor on the existing building. The plans were dated 3/21/21 and correspondence explain detailed changes to those plans on 4/22/21 were marked A1. Mr. Cioffi described each of the drawing sheets. They will clean up and organize the first floor. There is approx. 900sf of office space with roof terrace access

close to the elevator. The building had a second floor at one time, but was destroyed in a fire. Mr. Sinisi asked about the overhang feature. The overhang enhanced the appeal and feature of his design. They wanted to break up the façade. Mr. Martin noted they also need County approval. Mr. Sinisi commented on the plan and architect's letter. What Mr. Cioffi introduced was to give the Board a perspective that is available. They understand the hurdles the applicant would have to go through to accomplish this. He requested to mark the historic photograph as A2. A3 is the original submission by the applicant, the 10/6/2020 plan consisting of 20 sheets, including the overhang, so the Board can see the work product. Overhangs have been eliminated in the current plan. Mr. Sinisi asked Mr. Cioffi if he has an opinion that the project is a good civic design and arrangement, and a compliment to and improvement of the streetscape. Mr. Cioffi stated it was, and he always tries to put his best foot forward in Westwood. That corner needs an anchor and this would be fitting for downtown Westwood.

Due to the lateness of the hour, the matter was carried to 6/7/21 with time period extended and no further notice under the MLUL.

A motion to go into **Closed Session** to discuss pending litigation was made by Eric Oakes, seconded and carried. The Board went into Closed Session at approx. 10:30 pm.

A motion to return to **Open Session** to discuss pending litigation was made, seconded and carried. The Board returned to Open Session at approx. 11:00 pm.

10. DISCUSSION:

1. Submission requirements: Paper vs. Electronic - Tabled per discussion at prior meeting.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 11:00 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary