

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
Municipal Building
MINUTES
January 9, 2023**

APPROVED 2/6/23

1. OPENING OF THE MEETING:

The meeting was called to order at **8:00 pm, at the Municipal Building**, 101 Washington Avenue, Westwood, NJ.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a **Reorganization & 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
Peter Grefrath
Gary Conkling
Matthew Ceplo
Michael O'Rourke
Robert Desmond
Lauren Letizia, (Alt #1)
Frank Mantz, (Alt #2)

ALSO PRESENT: Thomas Randall, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Brandon Goldfine, Boswell Engineering
Board Engineer
Ed Senkevich, Boswell Engineering

ABSENT: None

REORGANIZATION MEETING

SWEARING IN OF MEMBERS:

The following members were sworn in by Councilmember Montana:

- William J. Martin - Full Member - Term Expiring 12/31/26
- Robert Desmond, Full Member - Term Expiring 12/31/25
- Lauren Letizia, Alternate #1 - Term Expiring 12/31/24
- Frank Mantz, Alternate #2 - Term Expiring 12/31/23

NOMINATIONS FOR CHAIRMAN OF THE ZONING BOARD:

The Board Attorney called for nominations for the position of Chairman of the Zoning Board.

Upon nomination by Eric Oakes, seconded by Robert Desmond, with no further nominations, **William Martin** was nominated as Chairman of the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR VICE-CHAIRMAN OF THE ZONING BOARD:

Chairman William Martin requested a nomination for the election of a Vice-Chairman:

Upon nomination Gary Conkling, seconded by Michael O'Rourke, with no further nominations, **Eric Oakes** was nominated as Vice-Chairman of the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF ATTORNEY FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of an Attorney:

Upon nomination by Gary Conkling, seconded by Michael O'Rourke, with no further nominations, **Thomas W. Randall, Esq.** was nominated to continue as Interim Attorney for the Zoning Board until such time as the Board completes the RFQ's and a Board Attorney is appointed. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL ENGINEER FOR ZONING BOARD:

Chairman Martin requested a nomination for the appointment of a Professional Engineer:

Upon motion of Eric Oakes, seconded by Gary Conkling, with no further nominations, **Brandon Goldfine, PE, PMP, Boswell Engineering**, was nominated as Professional Engineer for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL PLANNER FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of a Professional Planner:

Upon motion of Eric Oakes, seconded by Gary Conkling, with no further nominations, **Steve Lydon, PP, Burgis Associates**, was nominated to continue as Professional Planner for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF RECORDING SECRETARY:

Chairman Martin requested a nomination for the appointment of a Recording Secretary:

Upon motion of Eric Oakes, seconded by Gary Conkling, with no further nominations, **Mary R. Verducci, Paralegal**, was nominated to continue as Recording Secretary for the Zoning Board. On roll call vote, all members voted yes.

ADOPTION OF 2023 MEETING DATES: A motion for approval was made by Eric Oakes, seconded by Gary Conkling and carried unanimously;

ADOPTION OF PROCEDURAL RULES & BY-LAWS: Carried to the next meeting on 2/6/23;

ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2022: Carried to the next meeting on 2/6/23;

REGULAR MEETING

4. MINUTES: The Minutes of the **12/5/22 meeting were approved** on motion made by Gary Conkling, seconded by Peter Grefrath and carried unanimously.

5. CORRESPONDENCE: None

6. RESOLUTIONS:

1. Regna, 17 Euclid Avenue - "C" Variance, building coverage - Board Attorney read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Gary Conkling and seconded by Matthew Ceplo. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, Lauren Letizia, and William Martin voted yes. Eric Oakes and Frank Mantz were not eligible to vote.

2. Duggan, 411 Fourth Avenue - Bulk variances (side yard and building coverage) - Board Attorney read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Thomas O'Rourke and seconded by Robert Desmond. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, Lauren Letizia, and William Martin voted yes. Eric Oakes and Frank Mantz were not eligible to vote.

3. Tributt Inc., 7 Bergen Street - "D1" Use Variance, "C" Variances and Site Plan - Board Attorney read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Gary Conkling and seconded by Robert Desmond. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, Lauren Letizia, and William Martin voted yes. Eric Oakes and Frank Mantz were not eligible to vote.

4. Walsh, 196 Sand Road - Bulk variances for a deck which was constructed without permits; Dismissed without prejudice - Not read; Carried to the next meeting on 2/6/23;

5. Cruz, 73 Harding - Bulk Variances for a one-story rear addition and driveway expansion (driveway, covered porch and pergola on right side was completed without a permit) - Not read; Need to review conditions; Carried to the next meeting on 2/6/23;

7. PENDING NEW BUSINESS: ALL CARRIED TO 2/6/23 if complete:

1. Glazer, 137 Fourth Avenue - Driveway expansion, wider than garage;

2. Fedorchak, 121 Cypress - Deck - Bulk Variances;

3. Jameson, 163 Prospect - Garage expansion - Bulk variances;

4. Nagengast, 75 Clairmont- Driveway Expansion;

VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS AND INTERPRETATIONS: The Board Professionals were sworn in by Board Attorney Randall

1. Bauer, 22 Cypress - Driveway wider than the garage without approvals - Walter K. Schreyer, Esq. represented applicants. Application is for small widening of the driveway. The property slopes down to the garage. He cannot get his vehicle in the garage. Matthew Bauer, was sworn in and described two photos of the retaining wall, marked A1. Mr. Schreyer addressed Mr. Lydon's report noting the impervious coverage is 30%, below what is permitted (40%). The surrounding properties, 17 Cypress

and a property across the street, have the exact same construction and this does not detract from the municipal code, and this is a hardship. Mr. Bauer did not know he needed a variance when he went to apply for the CO. He is creating an attractive, visual environment in a residential neighborhood and should be granted a variance.

The Chairman asked Mr. Lydon to summarize his report. Mr. Lydon stated it is untrue that this is a five-year old application. The application was submitted in March of 2022, and he deemed the application complete. The widening consumes quite a bit of this property and the property to the East. If the driveway were left as shown on the plan, dated 1/27/17, the application would comply. He is not sure what the hardship is. Mr. O'Rourke asked how wide the original driveway was, and the response was 10'. The Chairman stated the plans were for an addition in 2017, showing 11.5'. The expansion of the driveway is causing the issue. Mr. Oakes asked how many feet wider he is proposing. Mr. Bauer responded.

Chairman Martin commented a survey dated 8/2/22 shows a driveway of 20', so 8.5' is added to the driveway. There are four bedrooms. Mr. Oakes commented in some cases a two-car garage is needed. Mr. Bauer stated it was a three-bedroom house, and he added an office. Chairmen Martin noted the plans show a three-bedroom house. Mr. Bauer stated he was misled by the contractor, who did not get a CO, only a temporary CO for the addition, completed in 2017. It was Well Built Contracting. The Chairman asked if it were still below impervious coverage, and Mr. Lydon stated the drawings do not show the addition, but the impervious coverage shown in the application is 33%. Chairman Martin suggested he add additional landscaping to mitigate the negative aspects and soften the appearance from the standpoint of the neighbors. He went from 11.5 to 20', which is not egregious. This would be necessary for the negative criteria. Mr. Lydon suggested types of plantings, per applicant's inquiry about boxwoods. Maybe an attractive fence could be added, but the plantings should be alongside the driveway, giving suggestions, 4-6' at maturity. Chairman Martin gave recommendations on type of plantings to satisfy the positive criteria. Mr. Lydon suggested it was a C2 variance and it was very important to address the negative criteria. Applicant should go back to the surveyor, take our suggestions, putting eight plantings about 6' high and show the landscaping on the survey. The survey should be submitted 10 days in advance. Mr. Ceplo suggested a rain garden would be nice. The matter was carried to the 2/6/23 meeting. The notice was carried and extension of time granted.

The Board took a recess from 9:05 - 9:13pm

2. OSM Hospitality, 170 Center Ave - Use Variance and Site Plan Approval, Rooftop Dining - Holly Schepisi, Esq. represented the applicant in a continued hearing, leaving off last with hearing testimony of the planner with questions posed by the Board. She recalled the parking and traffic expert, John R. Corak, PE, Stonefield Engineering, previously sworn. Mr. Corak provided and updated study dated 12/21/22. Everything found was consistent with his previous testimony. Their planner was present to update and confirm testimony given. Chairman Martin noted there is an abundance of data from 2022 - 6/3, 6/4, 7/22, 7/23, 8/19, 8/20, 12/9 & 12/10/22. Mr. Corak reviewed his updated study in his report dated 6/22/22, revised 12/21/22. The peak was June and August, and the study shows there is sufficient parking for this site. Mr. Oakes noted the South lot never maxed out. Ms. Letizia noted the Parking Authority issued a letter that there are enforcement issues in the CVS lot and had questions regarding utilization of parking lots, and some cars may be parking there. Ms. Schepisi followed up with comments. That lot is a private lot and not to be included in the study as noted. There were no questions from the Board Professionals. Chairman Martin asked about the winter utilization statistics, Table #2, Friday night at 7:30 pm, and noted they are higher. Mr. Corak noted when you look at the whole area there is sufficient parking. The South lot has a high number of spaces available. Mr. Conkling commented it is for that one time. Mr. Corak stated that is the peak time, and that is why it is chosen. Ms. Schepisi stated they provided proofs for this application for an expansion of less than 1,000 sf.

Applicant's Planner, Charles Heights, NJ Licensed Planner, continued under oath and provided updated testimony, based upon the updated traffic study and testimony of the Traffic Expert, Mr. Corak. There were no further questions of Mr. Heights. Chairman Martin summed the planner is saying as for the majority of the restaurants in the CBD Zone, not all of them provide parking. As for the CBD/SPE, there is no parking to provide. Mr. Corak concurred.

There were no further questions, comments or discussions. There were no further questions or comments from the public. Holly Schepisi, Esq. summed up with her request for the Board's approval with an extensive overview of the Board's requests and compliances, proofs, special reasons, and testimony. There will be no negative impact at the site. She thanked the Board for the feedback and engagement and hoped the Board would approve the application.

Board discussion followed. This was a D1 use variance, and five affirmative votes were needed for approval. There were seven eligible members to vote. The Chairman suggested conditions. Any expansions or seating or table increases would necessitate a return to the Board. Ms. Letizia asked for a condition that outdoor parking spaces would not be used for dining. Ms. Schepisi stated that as already agreed to. Mr. Lydon requested replacement of the shade tree. Ms. Schepisi stated it was taken down due to a tripping and it was called for by the Borough. If permitted by the Borough to do so due to Borough easements, they would be willing to work with the Borough on this. Discussions were concluded. Mr. Lydon brought up affordable housing non-residential development fees, and that any approval should have this included. Ms. Schepisi indicated she would have to take a look at this to see if this applies. If it is applicable, they will of course comply. The Board agreed they would add "if applicable".

A motion for approval with conditions as stated was made by Gary Conkling and seconded by Peter Grefrath. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, Lauren Leticia, and William Martin voted yes. Eric Oakes and Frank Mantz were not eligible to vote.

3. Cooper, 34 Clairmont - Bulk variances for side yard and combined side yard setback - Kevin Kelly, Esq. represented the applicant. The application is for an addition to a single family, 100-year-old home, to install a 39 sf addition for a powder room and stall shower. This will replace uncovered steps and landing serving a third means of access to the house. Currently this is a one bath home. There are also aging in laws. A combined side yard setback variance is required, where 17.5 is required, and 14.25 is proposed.

Stephen Riordan, NJ Licensed Architect, Old Tappan, NJ was sworn in, qualified and accepted. The home is 100. years old and the owners had some prior improvements to the rear yard and landscaping. The plans are dated 8/17/22. Mr. Riordan prepared the plans under Robert Adamo, who signed and sealed the plans. Mr. Adamo is Mr. Riordan' partner. He is making the presentation on his behalf. This location is ideal due to the sewer pipe and dropped beam. They will go in and out through the kitchen. It is a three-bedroom house. The attic is unfinished with a sleigh ceiling. They are locating this as shown out of respect for the neighbors on the side yard. Chairman Martin asked why not make it longer. Mr. Riordan stated there is a kitchen window going back and going forward he would encroach on the front yard. The Chairman asked why not make it more comfortable. Mr. Riordan did not see

the gain, and they are not asking for much. The adjacent property owner was present. Mr. Lydon suggested allowing the applicant to give more thought to this addition if desired. The Board took a brief recess from 10:25-10:30 for applicants to discuss this with their architect. Mr. Kelly advised they would like to propose a small increase which will not increase the variance. There is a hardship for lot width. He summed up. They are happy to provide landscaping. There were no further questions, comments or discussions. There were no questions for comments from the public. Revised plans would be submitted prior to the Resolution.

A motion for approval was made by Eric Oakes and seconded by Gary Conkling. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, Lauren Leticia, and William Martin voted yes. Eric Oakes and Frank Mantz were not eligible to vote.

4. Dragona, 22 Bryant Place - Project was approved and completed, the final as-built survey shows that the pool is less than 15' to the side property line and the lot coverage is 42.9% when 40% is permitted - Not heard; Carried to 2/6/23;

5. Pellegrino, 26 Ash Street - Driveway expansion wider than garage - C variance - Not heard; Carried to 2/6/23;

6. Carrier, 27 Seventh Street - Height variance for accessory structure- Not heard; Carried to 2/6/23;

10. DISCUSSION:

- **Boswell Engineering - Brandon Goldfine, PE, PMP - Appointed as Zoning Board Engineer for 2023;**
- **Weiner Law Group - Zoning Board Attorney for 2023;**
- **Thomas Randall, Esq. - Appointed as Interim Zoning Board Attorney for 2023.**

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 10:41 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary