

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
Municipal Building
MINUTES
January 10, 2022**

APPROVED 2/7/22

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
Alyssa Dawson
Tom Smith, (Alt #1) (8:12 pm)
Robert Desmond (Alt #2)

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

ABSENT: None

REORGANIZATION MEETING

SWEARING IN OF MEMBERS BY BOARD ATTORNEY:

- Michael O'Rourke - Regular Member - 1/1/22 - 12/31/25
- Gary Conkling - Regular Member - 1/1/22 - 12/31/25
- Alyssa Dawson - Regular Member - 1/1/22 - 12/31/25
- Tom Smith- Alternate Member #1 - 1/1/22 - 12/31/23

NOMINATIONS FOR CHAIRMAN OF THE ZONING BOARD:

David Rutherford, Esq. called for nominations for the position of Chairman of the Zoning Board.

Upon nomination by Eric Oakes, seconded by Alyssa Dawson 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 Alyssa Dawson, 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, **David Rutherford, Esq.** was nominated to continue as Attorney for the Zoning Board. 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 Gary Conkling, seconded by Eric Oakes, with no further nominations, **Louis A. Raimondi, PE, LS, CME** was nominated to continue 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 Gary Conkling, seconded by Eric Oakes, 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 2022 MEETING DATES: Approved at last meeting;

ADOPTION OF PROCEDURAL RULES & BY-LAWS: Carried to the next meeting;

ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2021: Carried to the next meeting;

REGULAR MEETING

4. MINUTES: The Minutes of the **11/8/21 meeting were approved** on motion made by Eric Oakes, seconded by Gary Conkling and carried unanimously. **The meeting of 12/6/21 was canceled** due to a lack of applications to process.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS:

1. Illuzzi, 171 Westwood Boulevard- C Variance - 6ft. Fence in Front Yard - Board Attorney Rutherford read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Peter Grefrath. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes. Alyssa Dawson and Tom Smith were not eligible to vote.

2. Traina, 59 Bryant Place - "C" Variance - 6ft. Fence in Front yard, Coverage exceeds 40% - Board Attorney Rutherford read

the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Gary Conkling. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes. Alyssa Dawson and Tom Smith were not eligible to vote.

8. PENDING NEW BUSINESS:

1. Santa, 21 Adams Ave - "C" Variance for Setback to In-ground Pool - Carried to next meeting on 2/7/22;

2. Hodges, 44 Second Ave- C Variances for a rear addition and deck - Carried to next meeting on 2/7/22;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. Walsh, 196 Sand Road, Bulk variances for a deck which was constructed without permits - The dwelling already had a non-conforming rear yard setback of 20' - David Rutherford, Esq. reviewed the notice and publication documents and found them to be in order. Dean Stamos, Esq. represented the applicant, filling in for their attorney of record, who had a conflict in his schedule due to another town's reorganization meeting and could not be present.

Neil Walsh, 196 Sand Road, Westwood, NJ, the applicant, was sworn in. He and his wife purchased the home five years ago and have been fixing it up, making this their forever home. They have two small children. They received permits for the kitchen and bathroom and a CO for the improvements. Afterwards, they proceeded to clean up, repair and improve the outside and driveway, with fencing, landscaping, etc., for aesthetics, and they installed a deck. A paver patio was not an option, as recommended by the contractor they chose. They relied on advice of the contractor are present for the deck. There are three decks now existing. There were two surveys made by Steven L. Koestner, dated 11/17/20, and 12/22/21. Mr. Stamos provided another Koestner survey showing one deck, dated 4/27/18. Mr. Lydon stated Mr. Koestner added some details on the latest one, such as key map and elevations, which was received on 1/4/22. Mr. Raimondi did not receive that survey.

Chairman Martin stated the Board needs documents as to what is actually being proposed. Mr. Stamos stated what is proposed is existing. The Chairman advised the Board needs to know what exactly they are looking at and what is being proposed. Mr. Raimondi had

questions on the height. Exhibit A1 was the 12/22/21 survey and A2 was the 4/27/18 survey. Mr. Lydon commented on the surveys. Mr. Rutherford advised Mr. Stamos is to provide additional copies and clarification, and Mr. Stamos said he would also provide photos. The burden of proof is on the applicant to show why these decks can be permitted to exist and variances granted. There were no interested parties. The matter was carried to 2/7/22, with no further notice and any needed time extension granted.

2. Solares, 8 Berdais Court - C Variances; Roof top deck at the third floor, parking for five (5) bedrooms - Scheduled for 2/7/22;

3. Cruz, 73 Harding - Bulk Variances for a one-story rear addition and driveway expansion (driveway was completed without a permit); Property is in the AE flood zone - David Rutherford, Esq. reviewed the notice and publication documents and found them to be in order. Thomas S. Garrick, Esq. represented the applicants, Exequiel Cruz and Jeniffer Loor. The home is a single-family home with improvements they made and were present for an addition with side yard setback, maximum building and impervious coverages and driveway width wider than garage. They are seeking to construct a covered patio and replace the rear deck and stairs with a family room.

Jeniffer Loor was sworn in. She testified she needs more space in the driveway to park their two cars, as there is not enough space, and they cannot park in the street. Also, she just had a baby, and there is not enough room to walk around the cars with the stroller and in general. For the addition, they used to use the basement and since Hurricane Floyd, everything was flooded in the basement, so they need a family room and want to build one above ground. This would be over the side patio with the same footprint as before, and they want to cover the patio for protection from the weather. They are seeking a side yard variance for the patio. The edge of the roof lines up with the end of the patio.

Thomas Donohue, Licensed NJ PE, Donohue Engineering, Montvale was sworn in, qualified and accepted. The Site Plan dated 11/8/21 was marked A1, which Mr. Donohue described. The house is two-story with a garage in front. Mr. Donohue reviewed the zoning table and the variances. He was not sure if there were any records in the town. Chairman Martin suggested the applicant check with the Building Department to see what work was done before the applicant's request for these variances. There was also a Topographic Survey made by Lakeland Surveying dated 7/21/21. There

is an above ground pool, but it is being shown as an in-ground pool. The documents need to be amended and the applicant is to return with the information of what was there before and what is being requested. Chairman Martin commented the numbers are not clear on the drawings. The applicant built these things without permits. The Board needs to see what was built before and what needs permits, and it all needs to be presented in clearly documented form, so the Board can see what it is being asked to approve.

Chairman Martin called for the planner to testify; however, Mr. Lydon commented the Board has not been presented with the magnitude of variances, and it may not be prudent to hear testimony from the planner just yet. The planner was called just for introduction and photos. John McDonough was sworn in, qualified and accepted as applicant's licensed, NJ Planner. He also testified before the board previously. Mr. McDonough presented photos, consisting of nine sheets as Exhibit A2, which he described in detail. Mr. Martin had questions on the photos. Among other items, revised documents are required to show whether the cover structure on the side is proposed to remain. The setback appears to be "0". Mr. Grefrath asked about the overhangs. There was an interested party who expressed concern about the flood zone. The revised documents would be available to view at the Building Department 10 days before the next meeting. The interested party could not attend the 2/7/21 meeting. Therefore, the matter was carried to 3/7/22 with no further notice and time extension granted. Another interested party would also return at that time.

4. Cooper, 34 Clairmont- Bulk variances - Side yard and combined side yard setback variances - Still incomplete; Carried to 2/7/22;

5. KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan - Still incomplete; Carried to 2/7/22;

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 9:35 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary