

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
February 7, 2022**

APPROVED 3/7/22

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 **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)
Robert Desmond (Alt #2)

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

ABSENT: None

CLOSED SESSION: A motion to go into Closed Session was made by Eric Oakes, seconded by Peter Grefrath and carried. The Board went into Closed Session at 8:05 pm to discuss pending litigation.

RETURN TO OPEN SESSION: A motion to return to Open Session was made by Eric Oakes, seconded by Peter Grefrath and carried. The Board returned to Open Session at 8:35.

SPECIAL MEETING DATE 3/21/22: A motion to approve a Special Meeting date of 3/21/22 was made by Eric Oakes, seconded by Gary Conkling and carried unanimously.

4. MINUTES: The Minutes of the **1/10/22 meeting were approved** on motion made by Eric Oakes, seconded by Gary Conkling and carried unanimously.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS:

1. Resolution appointing Kathryn Gregory as Alternate Planner on an "as needed" basis for the year 2022 - 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 Alyssa Dawson and seconded by Eric Oakes. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, Tom Smith and William Martin voted yes.

8. PENDING NEW BUSINESS:

1. Santa, 21 Adams Ave - "C" Variance for Setback to In-ground Pool - Carried to next meeting on 3/7/22;

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' - Not heard; carried to 4/4/22;

2. Solares, 8 Berdais Court - C Variances; Roof top deck at the third floor, parking for five (5) bedrooms - Board Attorney Rutherford reviewed the Notice and Publication documents and found

them to be in order. Bianca Pereiras, Esq. represented the applicant. Manuel J. Pereiras, AIA was applicant's NJ licensed architect. It was noted there was no conflict of interest. Mr. Pereira was sworn in, qualified and accepted. His architectural plan was last revised to 11/29/21. The lot is oversized. They meet the requirements of the width, but not the depth due to the meandering front line. They are reducing the lot coverage by demolishing decks and steps. The main entry of the house was previously protruding into the front yard setback, and they are now putting it into the center with a portico and beautiful facade. They are improving the side yard setbacks on both sides, thereby improving the conditions on the site significantly. In the basement there is a large family room. The garage does not fit a full-size car due to a mud room and full-size closets. The foyer is awkward, and the rest of the first floor is divided in small pieces. The master bedroom is on the attic floor with bedrooms on the second floor. They revised the garage to fit two cars and redesigned the first floor creating more space within and a home office. The second floor has four bedrooms for each of the four children, by building it on top of the garage. Stairs lead to the master bedroom in the attic. Mr. Pereira showed the elevations and exterior. There will be one garage door. A terrace off the master bedroom was created. The roof line was dropped down, reducing the overall height of the building. A colored rendition of the finished home was shown.

Mr. Pereira reviewed the variances. The front yard setback gets cut, so there is an existing conditions variance, and they are thereby expanding on an existing non-conformity. They are expanding the bedrooms. They are expanding on a parking variance. The garage only serves two vehicles where three are required, which triggers a variance, since the number of bedrooms are being increased to five. They are at the end of a cul-de-sac that serves just three homes. They have room to park an additional two vehicles on the driveway, which was done for many years. A variance is required for the number of stories, where 2.5 are required and three are proposed.

Mr. Lydon reviewed his report dated 12/1/21 and the variances stated. His initial report was dated 11/2/21. He reviewed the parking variance and the ordinance regarding the attic/third floor. The definition for attic is unimproved space. The three variances are for: three stories vs. 2.5 required, parking-three spaces are needed for five bedrooms and pre-existing front yard

setback where 6.5' exists and 22' is required. There is a pre-existing, non-conforming minimal lot depth that is not changing.

Mr. Lydon asked about the fencing. Mr. Raimondi asked if the fence in the right of way would be removed, and the response was yes. Chairman Martin had questions on the plans and upper story per the building code. The habitable level of the upper story will be 33% of the habitable area of the second floor. The sidewalk will remain as is. They could get two vehicles on the driveway, and the garage will remain usable for parking cars. Mr. Raimondi asked if there was an outside walkway from the rear to front of the house existing the garage. There was none. They could walk through the garage. They are well within the impervious coverage, Mr. Lydon commented. There were no further questions by the Board and none from the public. Applicant had no further witnesses. No interested parties came forward to address the Board.

Board discussion followed, with positive comments given. There were no further questions, comments or discussions. A motion for approval was made by Eric Oakes with the conditions as stated, and seconded by Gary Conkling. Mr. Rutherford reviewed the conditions as stated. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, Tom Smith, and William Martin voted yes.

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 - Scheduled for 3/7/22 with no further notice and time extension granted.

4. Cooper, 34 Clairmont- Bulk variances - Side yard and combined side yard setback variances - Still incomplete; Carried to 3/7/22;

5. KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan - Still incomplete; Carried to the Special Meeting on 3/21/22;

6. Hodges, 44 Second Ave - C Variances for a rear addition and deck - John A. Conte, Jr. represented the applicant. Board Attorney Rutherford reviewed the Notice and Publication documents and found them to be in order. Mr. Conte presented the application. The application was for a first floor, rear family room, second floor expansion and deck. There are two, pre-existing, non-conforming variances,

Joseph J. Bruno, licensed NJ Architect, was sworn in and accepted having appeared before the Board on numerous occasions previously. His plan was 10/8/21, revised to 1/24/22, and marked A1. He described the home as a typical colonial-style home. The proposed addition is to provide a family room, a porch leading to the yard, and on the second floor a master bedroom, bath and closet. Below the family room will be a game room in the basement. They will maintain the Dutch Colonial style of architecture. As for building coverage, 22% is required, and they are proposing 24.2%. Variances are needed for building and impervious coverages. Impervious coverage is 40% existing and 45/8% proposed There is going to be a stormwater management system, where currently there is none. This will have a positive impact as to water runoff. The addition being in the rear does not pose any harm to the zone plan or neighborhood. Mr. Bruno commented it is a sensible addition; they are not trying to overtake the lot. They just need extra space for the family. There were no further comments by Mr. Bruno.

Board questions followed. Mr. Lydon asked about setbacks, particularly the generous rear yard setback in conjunction with the negative criteria. He commented the rear yard setback is excessive and the side yards as well. There is sufficient air, light and open space, which the application provides. Mr. Raimondi confirmed the drainage is satisfactory. Chairman Martin had questions and commented the lot is long and narrow justifies the house being set back. The drainage is a positive. It is a beautiful neighborhood.

There were no further questions by the Board and none from the public. Applicant had no further witnesses. Jaymee Hodges, 40 Second Avenue, Westwood came forward to address the Board and was sworn in. He is also Chairman of the Planning Board, and William Martin was a Class II Member. Mr. Hodges gave positive comments, stating this is another improvement to the neighborhood and thanked the Board for its consideration. Mr. Conte gave positive closing comments in closing.

Board discussion followed, with positive comments given. There were no further questions, comments or discussions. A motion for approval was made by Eric Oakes with the conditions as stated, and seconded by Alyssa Dawson. Mr. Rutherford reviewed the conditions. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, Tom Smith, and William Martin voted yes.

7. Kathy Drake, 177 Woodland Avenue Request for Extension of Time for Approvals - Not heard; carried to 3/7/22;

10. DISCUSSION:

1. Adoption of Procedural Rules & Bylaws 2022 - A motion for approval was made by Eric Oakes and seconded by Gary Conkling. Mr. Rutherford reviewed the conditions. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, Tom Smith, and William Martin voted yes.

2. Annual Report and Summary of Applications for 2021 - A motion for approval was made by Eric Oakes and seconded by Gary Conkling. Mr. Rutherford reviewed the conditions. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, Tom Smith, and William Martin voted yes.

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

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**