

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
April 5, 2021 (VIA ZOOM)**

APPROVED 5/3/21

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/83428926040?pwd=L0dzb3gxZlFCK29mMm12TVluLzlvZz09> - **Meeting ID: 834 2892 6040; Password: 637275**
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
H. Wayne Harper
Peter Grefrath (8:20-8:30 & 8:57pm)
Alyssa Dawson (8:52 pm)
Gary Conkling
Michael O'Rourke (Alt #1)
Tom Smith, (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Katheryn Gregory, Substitute Planner for
561 Broadway PD387, LLC application
Louis A. Raimondi, Board Engineer

ABSENT: None

4. MINUTES: The Minutes of the **2/22/21 & 3/1/2021** 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. 459 Broadway Realty, 459 Broadway, C & D Variances - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, and William Martin voted yes. Peter Grefrath and Alyssa Dawson had not yet arrived. Michael O'Rourke and Tom Smith were not eligible to vote.

2. Ahluwakshi Investments, LLC, 75 Bergen Avenue; Subdivision and Bulk Variances - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, and William Martin voted yes. Peter Grefrath and Alyssa Dawson had not yet arrived. Michael O'Rourke and Tom Smith were not eligible to vote.

3. Haenschen, 17 Woodland Cross - Widen Driveway - C1 Variance - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Tom Smith, and Michael O'Rourke voted yes. William Martin was recused. Peter Grefrath and Alyssa Dawson had not yet arrived. Tom Smith was not eligible to vote.

4. Cuomo, 10 Westervelt - Bulk Variances - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, and William Martin voted yes. Peter

Grefrath and Alyssa Dawson had not yet arrived. Michael O'Rourke and Tom Smith were not eligible to vote.

5. Anthony Errico, 23 Second Avenue - Driveway width wider than garage - Board Attorney Rutherford read an overview of the Resolution into the record. A motion to approve was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, and William Martin voted yes. Peter Grefrath and Alyssa Dawson had not yet arrived. Michael O'Rourke and Tom Smith were not eligible to vote.

8. PENDING NEW BUSINESS:

1. Hodges, 44 Second Ave., Bulk Variances - Incomplete, carried to 5/3/21;

2. 15 Westwood Realty- 269 Westwood Avenue - Use Variance and Site Plan - Incomplete, carried to 5/3/21;

3. Capasso, 577 Broadway - Use Variance and Site Plan - Incomplete, carried to 5/3/21;

4. Bessler-15 Summit Avenue - FAR Variance - Complete - Set for 5/3/21 with notice needed;

5. Illuzzi- 171 Westwood Boulevard- C Variance - 6ft. Fence in the Front Yard (Installed prior to zoning approval) - Incomplete, carried to 5/3/21;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

A Special Meeting was scheduled for Monday April 19, 2021, at 8:00 pm, via Zoom on motion made by Eric Oakes, seconded by Gary Conkling and carried on roll call vote. Mr. Harper voted no. No further notice is required.

1. 561 Broadway, PD387, LLC - D & C Variances with Site Plan - Chairman Martin asked if applicant would carry to the Special Meeting on April 19, 2021. Steve Lydon was recused and Kathryn Gregory appeared as Substitute Planner. Santo T. Alampi, Esq. appeared as Attorney for Applicant. John J. Lamb, Esq. was

representing objectors within 200' as named. Mr. Alampi stated he did not receive a report from Ms. Gregory, Board's Planner. Ms. Gregory did not submit a report, as she was awaiting revised plans, but can submit a report if the Board requires. Mr. Alampi stated he submitted plans that were posted on the Borough website to Ms. Gregory in Vermont to a PO Box, in February, as requested. Ms. Gregory stated she had trouble receiving mail. She can look on line, or Mr. Alampi stated he can send them again electronically. Ms. Gregory stated she will print them out. Applicant's attorney, Mr. Alampi, agreed to carry to the Special Meeting on 4/19/21.

Mr. Rutherford announced the matter was so carried to the Special Meeting on 4/19/21, with no further notice. Mr. Lamb put objections to the notice on the record. Chairman Martin deferred to the Board Attorney. Mr. Ruther advised if we start discussing the notice issue now, it will take a good part of at least a half hour. He advised Mr. Lamb his objections are noted, and the applicant is not waiving anything. Applicant is satisfied and comfortable with his notice. Your objections will be heard on 4/19/21. A time extension was granted to 4/20/21.

2. Hodges, 105 Center Ave. - Use Variance D-1, Bulk Variances - Not ready; Carried to 5/3/21;

3. Pacicco - 436 Center Avenue, Bulk Variances - Application continued from 12/7/2020; Nancy Saccente, Esq. represented the applicant. Applicants revised their plans and reduced the variances requested. Mark Stefanelli, applicant's architect, discussed Sheet 1A, revised to 3/18/21. The Board was concerned about the rear deck, and it was not part of the variance in 2002. Mr. Stefanelli reviewed all the coverages. The total variance requested is now 25.42% building coverage. The impervious coverage is still 32.5% and still under the allowable 40%. They took all the steps out. This plan is more aesthetically pleasing. All the characteristics of the house remain, such as the same pitch, siding, windows, keeping all the same. The 2002 Resolution noted because of the deteriorating conditions, the Board granted the variances, stating it would create a positive, distinctive look.

Ms. Saccente asked if there were any questions from Board Members. The Chairman asked Mr. Lydon if there were any concerns. There were none. It is less than $\frac{3}{4}$ %, basically 74 sf, or .65%. Mr. Conkling asked if the difference was just the rear staircase, and Mr. Stefanelli stated the staircase and deck line up. A neighbor, Kim Dolan, was sworn in and told her

position on the application, speaking positively for the application. She said she has no objections, and the plans will make it look very nice, and it will be an improvement. The matter was open to the public, but there were no interested parties. Ms. Saccente summed up and respectfully asked the Board to grant the variances.

A motion for approval was made by Gary Conkling and seconded by Alyssa Dawson. On roll call vote, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes. Eric Oakes was not eligible to vote.

4. Brown - 20 Westwood Boulevard- Bulk Variances - Matthew S. Capizzi, Esq., applicant's attorney, presented the applicant for the construction of a new deck and extension of an existing shed. The impervious coverage is nominal because it is already over the coverage. The shed 10 x 10, to which there will be an addition. The increase is 1.6%. The shed is existing, non-conforming condition. The setback of the deck is an existing, non-conforming condition. The lot is 75' x 100'. The property had a shared driveway with the property to the East, and they purchased a piece of property to the West.

The Board Professionals were sworn in. Peter Serpico, R.A., applicant's NJ Licensed Architect, was sworn in, qualified and accepted. His plan was dated 1/27/21 and marked A1. Applicant is upgrading his existing deck. Mr. Serpico described the plan, showing the deck and floor plan of the deck. There are adding an upper deck of 21' x 15' with steps up. They are providing a 7' clearance under the deck to allow for entrance to the basement level. There will also be an addition to the existing shed.

Mr. Raimondi expressed concern about grade level and if there were a fire they should have more than 4' clearance under the existing deck. There is no space between new deck, old deck and vinyl shed. He also requested a seepage pit. The existing shed is less than 1' from them. Chairman commented the comments were noted. Mr. Harper asked to clarify that the new deck over the concrete patio does not increase impervious coverage. He asked is it fair to say 45% to 48% is entirely due to the addition to the shed. This was clarified as correct. Mr. Capizzi's letter dated 3/24/21 was marked A2. Maximum building coverage is 22' required, 15.8% existing, and proposed 21.7%. Impervious coverage is 40% required, 47% existing and 48% proposed. Mr. Capizzi asked if it were possible to reduce impervious coverage. Mr. Serpico showed the former right-side,

existing, shared driveway with impervious coverage. They can remove macadam to reduce this number, and he can give calculations, resulting in no net increase in impervious coverage. This could be approved without a seepage pit if they were to remove the macadam stated. There were no further witnesses. Chairman Martin asked how you would get to the deck, and the response was via the side door. The notation on the plan would be corrected. Chairman Martin questioned the witnesses.

The matter was open to the public, but there were no interested parties. Ms. Capizzi summed up, stating impervious coverage will be reduced as an overall benefit to the neighborhood, and the variances would not be increased. He respectfully asked the Board to grant the variances.

A motion to approve was made by Eric Oakes and seconded by Peter Grefrath, with the condition that Mr. Raimondi is to review the reduction in pavement. No seepage pit would be required, as there is less impervious coverage than before, and they are not over in building coverage. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Michael O'Rourke and Tom Smith were not needed to vote.

The Board took a five minute recess at approx. 9:55 pm.

5. 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) - Not heard; Carried to the Special Meeting on 4/19/21 with no further notice and time extension granted through 4/20/21.

6. Bross, 60 Boulevard - Bulk Variances, Driveway wider than Garage - Not heard; Carried to the Special Meeting on 4/19/21, at request of applicant, with no further notice;

7. Perrino, 125 James, Bulk Variance - Tony Perrino and Mark J. Mantyla, NJ Licensed Engineer and Land Surveyor, were sworn in by Board Attorney Rutherford. Mr. Mantyla was accepted. The revised plan was dated 12/29/2020. The applicant already obtained a building permit for the pool and after it was built, he came to the Board to enlarge the existing patio area. There is also an existing deck and garage. Chairman Martin commented the coverage is quite high. Mr. Perrino stated they put in a seepage pit, accommodating 1,800 gallons and a curtain drain around the pool, anticipating the expansion. Chairman Martin

asked if they could reduce the patio. Mr. Perrino commented they are in Goodwin Park and put in additional trees. They are trying to get clean entry into the basement, and if they cut anything off, they cannot do this. Being outside so much during COVID, they want an area for a dining table and to utilize the area that has never been used before. This is a family house that has been in the family for over 50 years. The house has beautiful landscaping. The Chairman asked if they could put dining table on the deck, but they have a couch on the deck. Mr. Perrino said they could take away 5' x 15' on one side and 10' x 10' on another side, reducing it y 150sf.

Mr. Raimondi commented he wrote a letter on 2/14/21, and that this started as a swimming pool application. Since they added to the patio, this came to the Board. A trellis was also built, and Mr. Marini wanted that included in the variances, as it exceeded the height of the fence. He felt the pavement could be reduced. Mr. Lydon commented regarding impervious coverage that it is pretty high. Usually they look for landscaping in the front yard. Here there is a patio. Mr. Perrino stated this street ends in a cul-de-sac. The property is on a corner, with two front yards. Mr. Martin commented the pavement needs to be reduced. If there is some way to reduce the negative effects, that would be beneficial to his application. Mr. Oakes stated there are two front yards, and it is a hardship, and asked if they could explore other options that do not count as impervious coverage. The Board could not give them a number. He should take a second look and see if he could bring the impervious coverage down.

Mr. Martin suggested moving the dining table and asked Mr. Rutherford if they could continue on 4/19/21. Mr. Rutherford advised notice was needed, and applicant must include the properties along the Emerson border and Emerson Borough Clerk. They would have to get the property owner's list from Emerson. He suggested carrying to 5/3/21. They could carry to 4/19/21 if they would be ready. Mr. Perrino would contact the Borough of Emerson. He would have to change the date in the notice, all by this Friday. The matter was carried to 4/19/21 with notice. Applicant to provide updated plan to reduce coverage.

8. Toflec Properties, LLC, 140 Carver Avenue - Bulk Variance - Matthew Capizzi, Esq. represented the applicant. There was a handshake easement for access with Care One. This site does not have any on-site parking. It has a single family house, and it is difficult to cut in a driveway without a variance. The retaining wall height would be adjusted to

provide a one-car driveway, and the driveway does not lead to a garage nor to a two-car garage, per the ordinance. This is a no net increase impervious coverage application. Chairman Martin recalled the Care One application and asked if the aspect relating to the access could be brought up. Mr. Rutherford advised it is permissible. Chairman Martin commented the Board is aware of the situation.

Mr. Rutherford swore in Douglas W. Doolittle, Licensed Engineer in NJ, from Oakland, NJ. He was previously before the Board and accepted. Mr. Doolittle's one page plan was revised to 2/8/21. He gave a summary of the plan and how they would create the parking area. The property is on the West side of Carver Avenue, a three bedroom dwelling. All else is conforming, including coverages. Mr. Capizzi stated the access through Care One was cut off, and they have no access. They would cut the retaining wall to create the parking area and that would result in a variance. They are providing one parking space vs. two, and it does not lead to a garage. They cannot provide two spaces as they would cut into the foundation wall of the house. They are at a no net increase in impervious coverage. Some impervious coverage in the rear is being removed. They had to show a seepage pit on the plan, and they asked for the Board not to include that as a condition, due to the unanticipated expense. The Board deferred to Mr. Raimondi. The roof leaders are leading to the seepage pit, and that should remain. Mr. Doolittle felt there was no increase in impervious coverage, and therefore an additional seepage pit was not needed. There would be too much excavation, and it would be too close to the foundation. The seepage pit is an overkill for the roof runoff. Chairman Martin stated it would mitigate the runoff to Carver Avenue. The one seepage pit in the back would pick up the roof runoff, and there would be no need for an additional pit picking up the proposed driveway water on Carver Avenue. Mr. Raimondi stated other than that they did the best they could with merging the two walls together and all. Mr. Lydon commented they are still one parking space short, but he agrees with Mr. Raimondi and Mr. Doolittle that this is a very difficult site with the location of the existing dwelling to comply.

The matter was open to the public, but there were no interested parties. Mr. Capizzi had nothing further to add. Mr. Conkling commented this is as good as it gets and the site is difficult. He sees no reason to deny this.

A motion to approve was made by Gary Conkling and seconded by Eric Oakes, with the condition that applicant complies with

the plan and the seepage pit installed. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Michael O'Rourke and Tom Smith were not needed to vote.

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 11:02 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary