

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
April 19, 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/82432746610?pwd=M1JuODB5RzJXSHhyS2hGS0I1cHQ1QT09> - Meeting ID: 824 3274 6610; Password: 886528

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 **Special 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
Alyssa Dawson
Gary Conkling
Michael O'Rourke (Alt #1)
Tom Smith, (Alt #2)

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

ABSENT: None

4. **MINUTES:** The Minutes of the 4/5/21 were scheduled for the Regular Meeting on 5/3/21.

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **Pacicco - 436 Center Avenue, Bulk Variances** - Board Attorney Rutherford read a summary of the Resolution of Approval into the record. There were no further questions, comments or discussions. A motion for approval was made by Peter Grefrath and seconded by Gary Conklin. On roll call vote, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes.

2. **Toflec Properties, LLC, 140 Carver Avenue - Bulk Variances** - Board Attorney Rutherford read a summary of the Resolution of Approval into the record. There were no further questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Matthew Ceplo. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

3. **Brown - 20 Westwood Boulevard - Bulk Variances** - Board Attorney Rutherford read a summary of the Resolution of Approval into the record. There were no further 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, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

8. **PENDING NEW BUSINESS:**

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** - (Steve Lydon recused/Kathryn Gregory Substitute Planner. Santo T. Alampi, Esq., Attorney for Applicant. John J. Lamb, Esq. Attorney for Objectors) Board Attorney Rutherford advised correspondence was received from Santo T. Alampi, Esq. requesting an adjournment to 5/3/21 via Zoom, with time extension granted. Adjournment granted and announced, with Notice carried. Mr. Lamb

commented on the sufficiency of the Notice. Mr. Rutherford advised the sufficiency of the Notice is an issue that will be determined.

2. Tony Perrino, 125 James Street, Bulk Variance - (Nancy Saccente, Esq. Attorney for Applicant; Architect Mark J. Manyla) Board Attorney Rutherford advised correspondence and letter of representation was received from Ms. Saccente requesting adjournment to 5/3/21. Adjournment granted and announced. Matter to be heard on 5/3/21 via Zoom, without further notice.

4. Bross, 60 Boulevard - Bulk Variances, Driveway wider than Garage - Nancy Saccente, Esq. represented the applicant. Barry Bross, owner/applicant, and Sean McClellan, Licensed NJ P.E., were sworn in. Mr. McClellan was accepted. Mr. Bross explained the circumstances with regard to the contractor misunderstanding. They wanted to repair curb and apron/other work, and upon engagement with the contractor he stated he would obtain proper approvals for the scope of work. He clearly did not and although they were assured it was taken care of, they had not confirmed, and received the violation. The paperwork was very involved and voluminous and they retained Ms. Saccente to represent them. They engaged Mr. McClellan and Mr. Lantelme for the engineering and survey. They have three children with vehicles, and they have difficulty with parking all cars on their property as it currently exists. They had previously received approvals in 2003 for porch and patio. The small landscaped area between the driveway and property line. They had removed 20' of the landscaped bed they could use that area for their third car and their garbage bins. The rest of the property is all landscaped, with no other concrete surfaces. They are requesting the additional impervious coverage, and there is no other alternative, and the only solution that works. Ms. Saccente noted Mr. Lydon's memo stated the driveway exceeds the width of the garage. Applicant and Ms. Saccente stated about eight to nine properties in the neighborhood exceed the width of the driveway to allow for easier access in and out. It is very common to want this. Ms. Saccente had nothing further.

Sean McClellan testified and reviewed the coverage calculations on the plan, which was displayed. Board questions followed. Mr. Oakes asked if the patio could be removed to reduce the variance request. Mr. McClellan stated they are trying to get approval for 43% coverage. Mr. Rutherford commented he assumed the concrete walk shown by the blue shaded area went back to the garage, and it was clarified that there is a gate beyond the blue area. Mr. Conkling asked how many square feet would have to be removed to be in compliance Ms. Saccente responded 75 sf, and everything was designed to be as usable and aesthetically pleasing

as possible. Mr. McClellan stated it would be 112 sf to be at 41.5%. There were previously pavers in front of the gate, and now it is concrete. Ms. Saccente stated it would be difficult, but if the Board insisted, the Bross's would consider it. Mr. Raimondi asked for the size of the triangular paved area, and Mr. McClellan stated approx. 53 sf. Mr. Raimondi asked if it would disturb the pergola if removed. Mr. Bross stated it would require them to do other work. Ms. Saccente showed a photo of the pergola. It was not calculated into the building coverage. Mr. Ceplo asked where the water runs from the gutters. Mr. Bross stated to the back yard, behind the garage.

Mr. Lydon asked Ms. Saccente about the photos, specifically the one of top showing the landscaped bed. He would submit that is an attractive feature of the site, and could it be created on the other side of the driveway to create an attractive front yard feature. The bushes help screen the driveway. Mr. Bross agreed with Mr. Lydon's suggestion. Chairman Martin commented that provides us with a C2 reason for granting the request. He asked if the survey accurately depicts the curb cut and noted the contractor's curb cut does not align. Also, it looks like the improvements extend to the neighbor's property to the East. Mr. McClellan noted it does encroach. Mr. Martin asked for it to be moved over so it is exclusively on the applicant's property. It is a slight amount, but it could cause great disdain between neighbors. Mr. Bross was trying to understand it. Mr. Martin clarified. Mr. Raimondi noted the curb apron has a flair to the East. Mr. Martin stated that would have to be moved if the Board saw fit to approve this. Mr. McClellan would provide a revision to the drawing making this correction, moving it in a few more inches off the neighbor's property. There were no further questions or comments of Mr. McClellan. The matter was open to the public, but there were no interested parties. Ms. Saccente stated there was a neighbor that was going to appear and speak in favor, but could not make it.

Ms. Saccente summed up and respectfully requested the Board act favorably on the application. Applicant is willing to add the additional plantings/screening on the West side of the driveway and move the curb line in six inches from the neighbor's property. The installation of the landscaping provides the Board with reason to approve the C2 variance. There were no further questions, comments or discussions.

A motion for approval with the two conditions as stated was made by Eric Oakes and seconded by Alyssa Dawson. On roll call

vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

The Board took a recess from 9:00 - 9:08 pm. The Board reconvened with a roll call. All present except Mr. O'Rourke, who returned approx. 9:10 pm.

4. 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) - Eric Oakes was recused and departed. Lisa Gladwell, Esq. represented the applicant. She is a principal of the applicant, with her husband George Gladwell. Sean McClellan was their engineer and was present. David Spatz is the Planner, but he had not yet arrived. Two witnesses, Robert and Karen Craig, who were familiar with the proper were present to speak to the history of the property. All three were sworn in by Mr. Rutherford.

Ms. Gladwell presented the application. The property is 150' along Irvington and 100' on Fairview, located in the CBD Zone. The house is from 1898. They purchased in 9/2018. There is also a barn/garage. The house was used for decades as a home and doctor's office, and it was in disrepair when they purchased it. They did a lot of work. There is not a lot of parking. She is recovering from addiction and if agreed, they could use the house as a sober living residence. They are licensed by the DCA for nine residents plus an operator. She is comfortable with six plus an operator. It's not only space, it's about relationships. Currently they have two living there. They came to the realization by Armand Marino that there is no parking, and there is no overnight parking in Westwood. Some of the persons have jobs, but they don't all take the train, and there is no train from East-West. One girl was walking from the home to the Fashion Center daily.

Chairman Martin asked Mr. Lydon about the use. There is no issue with the use. Mr. Lydon questioned there are no questions asked about the use. Mr. Marini did issue two letters of denial for the parking lot. The lot requires a D variance. There are minimum and maximum standards to meet, and Westwood does not allow parking lots in single family homes. Mr. Marini did not think it was an accessory use. Mr. Martin deferred to Mr. Rutherford. That was his understanding as well. That is why it is here as a D1 use variance and not at the Planning Board. The Board can accept jurisdiction. Mr. Martin noted the applicant now needs five affirmative votes and had eight. Mr. Rutherford noted there are six exterior parking spaces.

Ms. Gladwell continued. She is the owner and manager and sometimes the manager, staying at the house when necessary. She spoke with the Police Chief about parking. He suggested going to neighboring businesses for parking, but they had said no. Other than that, they could park in front and call in the cars on a nightly basis. This house is strictly for ladies. She gave the history of the home. There are barn doors they took down and there is access to the driveway. She did OPRA requests and found out there was a separate curb cut onto the driveway from Irvington, which was removed by the contractor, English Paving, in error in 2008. Bob and Karen Craig confirmed the curb cuts and lack of parking. They had pulled up on the curb cut on Irvington alongside the barn. The curb cut went away when they did the sidewalks. It's a huge piece of parking and can accommodate many cars. The street corner used to have one or two metered parking spots in front of the door, but they were taken away. Parking is a giant parking.

Chairman Martin commented he admired the house and recalled two curb cuts one leading to the barn structure and one close to the first about 25' down. When the street was improved it was eliminated. Ms. Gladwell stated when English Paving did the paving, they forgot about it. Their taxes were not reduced when this was eliminated. They had to park on dirt. They put down material so as not to sink. They received a summons. There were no further questions of the Craigs and none from the public, and they departed at approx. 9:42 pm.

Sean McClellan, P.E. testified as to the property and his Site Plan. They are proposing a parking lot off Irvington for six spaces, with a space off the garage and a handicapped space. They are also proposing an 18' curb cut. They will not increase any runoff. Also proposed is a stockade wooden fence along Irvington with arborvitaes. Mr. Raimondi asked if Mr. McClellan received his two reports, and he responded yes. Mr. Raimondi stated the changes were not made. He was also concerned about the sight triangle. A 24' wide curb cut was required, and they increased it to 18'. It was noted that Mr. Lamb represented the neighbor. Mr. McClellan stated there would be plenty of sight distance even with the fence. Mr. Martin asked if he could move the fence back 5'. Mr. McClellan agreed and would put it on the plan. Mr. Raimondi agreed. Mr. Raimondi felt an 18' curb cut would be sufficient. He asked if there would be a trash location. Ms. Gladwell stated they are close to the enclosed porch. They put the garbage out on Fairview, the front of the house. Mr. Raimondi asked for it to be shown. Ms. Gladwell explained it is on the concrete patio by the enclosed porch. Mr. Raimondi had no issue with the curb cut. Mr.

Raimondi asked and Mr. McClellan noted the garage is large enough for two cars, but the plan is to use one. This would be clearly documented.

Mr. Lydon asked Mr. McClellan to clarify parking space one and the garage doors. Ms. Gladwell stated the landscaper takes the lawn mower and equipment out that door. The barn doors do not open easily. Mr. Lydon noted his suggestions. A new set of doors is necessary to make that parking space viable. The curb cut to the carriage building be eliminated and a new curb cut installed. Also, a wall should be erected. It is a hazard at present. Ms. Gladwell said they are using the barn for storage and there is no plan to replace the doors. The Chairman explained Mr. Lydon is bringing that up because a future owner may try to use the carriage house in a manner that is not safe. She understood, but whoever they have to do the curb cut can close the other curb cut and she doesn't see getting the lawn mower out of the carriage doors. She mows the lawn. Mr. Martin asked Mr. Lydon if this would suffice with a grass strip installed. That would be satisfactory Mr. Lydon indicated. Mr. Lydon asked for a barrier free accessway from the space to the patio, and Mr. McClellan said he could add a 5' walkway to the patio. Ms. Gladwell stated there is no handicapped requirement for the house. There is also substantial shrubbery screening present along the side of the house. Mr. Raimondi commented this should be shown on the plan.

Questions from Board Members of Mr. McClellan followed. Mr. Conkling asked for the width of the garage where they want to park the extra car. It is 18'. There were no further questions. The matter was open to the public. Bruce Meisel, Westwood, asked Mr. McClellan about aesthetics regarding the parking lot, per what was shown to his attorney John Lamb, Esq. The increased the width of the driveway to 18' and made changes agreed to. Mr. Meisel commented this is primarily a single-family neighborhood, and these properties on Irvington lead into the residential. The idea is to have the commercial zone drift into the residential zone. That is why they do not want the parking lot to look so commercial. There is a lot of nice landscaping. He thanked Ms. Gladwell for making those changes.

Ms. Gladwell stated a planner is not required, but Mr. Spatz had appeared earlier to try to attend the meeting. She can testify to the variance. Mr. Martin asked if there was sufficient testimony. Mr. Lydon stated attorneys do not offer testimony. Mr. Rutherford advised she is also a principal of the applicant, so she can testify. It is up to the Board to determine if the proofs are met or not. She has direct personal knowledge and spoke. She

said she put in the inherent benefits. The Chairman asked if the Board was comfortable proceeding without hearing from the Planner. Mr. Rutherford advised there was probably enough testimony. Mr. Martin questioned the Board. The question is the parking that supports the use. Mr. Harper asked Mr. Lydon if the D variance criteria was met. Mr. Lydon stated it is the Board's decision as to whether it needed more testimony. Mr. Martin asked if anyone felt the Board needed to hear from Mr. Spatz. The consensus was that they could move forward. There were no further witnesses. The matter was open to the public for comments. Mr. Meisel commented he supported the application and it relieves the parking problem for them. He felt it was a good application. There were no further interested parties.

Ms. Gladwell summed up and respectfully asked for the Board's approval. One of the variances they want is to be relieved from having a curb around the parking, so when they plow the property, it is not a problem and would not look commercial. It would also accommodate the handicapped space, Mr. Martin commented.

A motion for approval with the conditions as stated was made by Alyssa Dawson and seconded by Wayne Harper. Mr. Martin reviewed the conditions as stated. No additional lighting was required. There were no further questions, comments or discussions. On roll call vote, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 10:40 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary