

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
May 2, 2022**

APPROVED 6/6/22

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
Matthew Ceplo
Peter Grefrath
Gary Conkling
Michael O'Rourke
Tom Smith, (Alt #1)

ALSO PRESENT: Thomas Randall, Esq. appeared on behalf of
David Rutherford, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Louis A. Raimondi, Board Engineer

ABSENT: Robert Desmond (Alt #2) (excused absence)

Chairman Martin advised there is an open seat vacated by Alyssa Dawson's resignation. The Mayor and Council is working on a replacement, and we should have the seat filled in June.

4. MINUTES: April 4, 2022 - A motion for approval of the Minutes was made by, Eric Oakes, seconded by Gary Conkling and carried unanimously on roll call vote. **April 18, 2022** - A motion for approval of the Minutes was made by Matthew Ceplo, seconded by Peter Grefrath, and carried unanimously on roll call vote.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS: All carried to 6/6/22:

1. Whispering Woods Hearing on the court case of Westwood Investments LLC vs. Borough of Westwood Board of Adjustment;

2. Kathy Drake- 177 Woodland Avenue - Request for an extension of time for approvals;

3. KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan;

8. PENDING NEW BUSINESS:

1. Bauer, 22 Cypress- Driveway wider than the garage without approvals - Carried to 6/6/22 if made complete;

2. Cooper, 34 Clairmont- Bulk variances for side yard and combined side yard setback - Carried to 6/6/22 if made complete;

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' - (Gregg Paster, Esq.) Not heard; need architectural plans signed and sealed - Carried to 6/6/22;

2. 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); Property is in the AE flood zone - Tom Garlick, Esq. represented the applicant. The matter was carried from January, 2022. There is an addition to the rear of the property providing a first-floor family room, and they are proposing to widen the driveway. There was request to show what the property looked like before the additions were made and after the addition.

Thomas Donohue, Licensed NJ PE, continued under oath and reviewed his Site Plan last revised 4/11/22, marked A3. Applicant is proposing to remove existing wood deck and stairs and paver walkway adjacent to the steps and construct an addition 302.5', a brick oven, expand the paver area adjacent to the brick oven and expand the driveway paver area in the front of the house 26' wide where 12' is required. They are seeking variances that included a side yard setback of 4.9' vs. 10' required, combined side yard of 18.5' where 17/5' is required', building coverage expanding to 24.7% where 22% is required, impervious coverage increasing to 43.3% where 40% is permitted, side yard setback request for oven 1.3' from the property line where 5' is required, and distance from oven to building 8.8' where 10' is required. Also, driveway width of 26' where 11.5' exists. If there was another 25' for the lot the side yard variances would not be required. An additional variance for the accessory structure is required. These would not cause any hardship or negative impacts on the neighboring properties.

Questions and/or comments by the Board followed. Mr. Raimondi commented on moving the fence and suggested a condition of approval. Applicant was not sure he was the owner. Chairman Martin commented they would leave the building code issues to Armand Marini, Construction Code Official. Mr. Lydon commented on the brick oven. Mr. Donohue stated the brick oven is there and was constructed without permits, so they are seeking approval for it. Mr. Lydon commented a variance should be requested from the front porch overhang. Mr. Garlick stated their planner would testify, and they would request any additional variances. The variances were discussed. Mr. Lydon questioned how a structure 1.3' from the property line would not be a detriment as he testified. The Chairman noted the Planner would have to address this. There was concern about the structure being so close to the house and the property line. Chairman Martin commented on reducing the size of the covered porch, and questioned how it would affect the variance request. The addition floor level has to be 1' higher than the base flood line. Reducing the building coverage in a flood zone is a positive thing to do. He would ask that the applicant remove the overhang completely and reduce the variance. The oven is closer to the neighboring dwelling than the applicant's house. It also represents additional variance and he request applicant remove that from their application. What does that do to the building coverage he asked. Mr. Donohue calculated and stated there are pavers under the overhang. The oven doesn't count for building coverage, just impervious coverage. The Chairman would want to see them remove the brick oven. It would eliminate the side yard variance request. Mr. Donohue stated if they reduce the overhang

to 10 x 7.8' would reduce building coverage and be only slightly over. Mr. Conkling and Mr. Lydon suggested removing some pavers.

Tom McDonough Licensed Planner was sworn in, and accepted. There is an element of hardship. The lot size is undersized, and the lot width is undersized, constitute a hardship. Applicants are seeking to work with the Board and neighborhood to improve their property. Any investment in the property adds quality to the neighborhood and town. The property is at the end of the street, right against the vegetative stream channel and open land, with green areas that are protected by the stream, which has an influence over this property. Applicant is looking to enhance its living space. Photos were submitted. They are not looking for intensification of the property. The neighbors have additions and accessory structures. The applicant is willing to remove the oven and the relief sought for this. The applicant requests to keep a portion of the canopy, since removing it would take off some of the siding. The purpose is also to keep the firewood covered and they request they can keep two to three feet vs. six as presented. Mr. McDonough spoke about the driveway widening. He reviewed the variances for impervious coverage, side yard setback, combined side yard setback, accessory structure. For all of the reasons stated they meet the requirements for the C1 variance. He recited the benefits and counter-balanced with the negative impact. There would be no detriments to the neighborhood and zone plan.

Questions and/or comments by the Board followed. Mr. Lydon was concerned about impervious coverage. Chairman Martin commented and requested the brick oven be relocated well away from the property like and the entire canopy be removed. Mr. Ceplo commented as to a discrepancy in the drawings relating to the steps. Chairman Martin commented the plans must coordinate and requested they conform with the same information.

The matter was opened to the public for questions of the witnesses. Frances Yates asked why the variance was not sought after the construction. The Chairman stated they are here requesting the relief as if they did not do the construction, since they did work without the proper permits. The Board is required to review the application as if the construction was not yet done. Eve Protin asked for clarification on the back deck. There were no further questions from the public. The Board took a recess from 9:20 pm to 9:28 pm.

Mr. Garlick returned and stated the applicant would commit to a reduced overhang of 10' x 7.6'. The plan would be to move the brick oven to a place that is compliant away from the side yard

and buildings. They were not committing to anything else yet. They would return with revised plans and were discussing everything the Board mentioned. They are also looking into stormwater management. Chairman Martin stated they should review regulations regarding parking of commercial vehicles. The Board Planner would be reviewing this as well. The engineer should look at DEP requirements regarding floor elements. Mr. Raimondi commented the plans should conform with each other. The matter was carried to 6/6/22 with no further notice and time frame extended. The Chairman advised the public the revised drawings would be on file 10 days prior to the hearing, and the Board would hear questions and comments from the public at that time.

3. OSM Hospitality, 170 Center Ave - Use Variance and Site Plan Approval, Rooftop Dining - Not heard; Carried to 6/6/22;

4. Santa, 21 Adams - "C" Variance for Setback to an In-ground pool - Richard Schulnick, Esq. represented the applicants, Vinny and Amanda Santa, and presented the application. He indicated there was a slight mistake with the installation of the pool. The Survey was prepared by Leeper Land Group dated 6/1/21, revised 2/3/22 and amended by counsel by adding a small crescent in pen. The only issue is the crescent, the size of which is approximately 1' x 1.8'. The pool is behind the fence, and the deviation cannot be seen. Mr. Lydon elaborated on the negative criteria, which would be addressed by adding two trees. The Chairman asked if there were any questions. All were in agreement. The Board indicated it could proceed without swearing in witnesses in this case. There were no interested parties. A motion for approval 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, Gary Conkling, Peter Grefrath, Michael O'Rourke, Tom Smith, and William Martin voted yes.

5. Tributt Inc., 7 Bergen Street - "D1" Use Variance, "C" Variances and Site Plan - Not present/not heard; Carried to 6/6/22;

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 9:45 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**

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