

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
June 7, 2021 (VIA ZOOM)**

APPROVED 7/12/21

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/86558087679?pwd=cmpUZ0RUVnY2MEt2NDlFV283emsxQT09-> Meeting ID is: 86558087679 Password: 582388

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
Peter Grefrath
Alyssa Dawson
Gary Conkling
Michael O'Rourke (Alt #1)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner (arrived approx..8:32 pm)
Louis A. Raimondi, Board Engineer

ABSENT: H. Wayne Harper (excused absence)
Tom Smith, (Alt #2) (excused absence)

4. **MINUTES:** The Minutes of the **5/3/2021** 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. **561 Broadway, PD387, LLC - D & C Variances with Site Plan - Withdrawn** - Resolution not required as advised by Board Attorney Rutherford.

2. **Perrino, 125 James, Bulk Variance** - A motion to approve was made by Eric Oakes and seconded by Peter Grefrath. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes.

8. **PENDING NEW BUSINESS:**

1. **Traina, 59 Bryant, 6' fence in the front yard, Coverage exceeds 40%; gravel is to be removed prior to court date, which will reduce coverage to under 40%** - Not yet deemed complete; carried to 7/12/21;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. **Hodges, 105 Center Ave. - Use Variance D-1, Bulk Variances** - Scheduled to be heard on 7/12/21 with publication and notice;

2. **45 Old Hook WW, LLC-45 Old Hook Road - D1 Use Variance and Site Plan** - Chairman Martin advised the applicant is entitled to seven members, but we only have six, and he suggested a Special Meeting on 6/21/21. Mr. Rutherford advised the Board should check with the absent members first. A motion to schedule a Special Meeting for 6/21/21 at 8:00 pm, via Zoom, was made by Eric Oakes, seconded by Peter Grefrath, and carried unanimously on roll call vote. Alyssa Dawson was recused.

3. Bessler, 15 Summit Avenue - FAR Variance - Board Attorney Rutherford advised he believed the notice and publication documents were in order. Brian Callahan, Licensed NJ Architect was present. Michael and Kaela Bessler and Mr. Callahan were all sworn in. Mr. Callahan's plans were revised to 5/10/21, for a single-family home with pre-existing conditions. They are proposing interior renovations on the first floor, including finishing the second floor with a shed dormer 961 sf, and a master bedroom suite. The plans were marked A1, and the 3-D model of the house was A2. They are here for the FAR ratio where 40% is required, and they are at 41.5% with the addition. The benefits outweigh the benefits, and they are not changing the footprint. The zone they are in permits a 3,000sf house, and they are very well below that. The house is 100 years old. Mr. Bessler stated his grandfather owned the house before them.

The matter was open for questions by Board Members. Mr. Raimondi had no questions, and noted the renovations are all on the interior. Chairman Martin commented the only square footage that is being added is to add a rear shed dormer, and on a lot that is undersized, to meet the FAR is very challenging. He asked if Mr. Raimondi agreed, and he responded yes. Mr. Oakes asked if the basement, when and if finished, would be counted in the FAR. Mr. Lydon has arrived at approx. 8:32 pm. Mr. Lydon confirmed basement is not included in FAR. There are other means of controlling development on undersized lots, such as building coverage and setbacks, and do a better job than the FAR. Mr. Ceplo asked if they have gutters installed, and applicants stated they are investigating rain barrels to capture the water and reuse it in their garden. There were no further questions, comments or discussions.

The matter was opened to the public, but there were no interested parties. Mr. Conkling, Mr. Grefrath and Mr. Oakes gave favorable comments. A motion for approval was made by Gary Conkling and seconded by Eric Oakes with the condition of gutters being installed. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes.

4. Capasso, 577 Broadway - Use Variance and Site Plan - John J. Lamb, Esq. represented the applicant and gave a recap of the last meeting. The house was used as a two-family since 1946. They submitted a revised architectural plan and site plan. The question was where the two van drivers park when picking up the van. They added two spaces and also have compliant a rear-yard setback with 10'. As for the handicapped space, if the 1946

approval did not require it, then it would only be for the business, but if there are no persons coming to the business, then it is not required. Mr. Marini emailed agreeing with that on 5/27/21. He added outside storage is not permitted. They would like their engineer to testify and then have Mr. Bruno testify about the revisions.

Thomas G. Stearns, III, Garfield, NJ, Licensed Professional Engineer, was sworn in, qualified and accepted. The plan was last revised to 5/20/21 and marked A4. Mr. Stearns described the two story, two-family 11,200 sf dwelling and presented the proposal to add an addition, removing a portion of the garage and renovating that portion, and extending the garage, with parking and the variance requested.

Joseph Bruno, Licensed Architect, previously sworn, described the changes to his plan. They added storage to the garage. Mr. Raimondi had no further questions. Mr. Lydon asked if the upper floor warehouse was 386' in area, when he thought the entire upstairs addition was to be used as a warehouse. Mr. Bruno clarified the size of the upstairs. It is attic storage. The 386' is the portion of the first floor of the garage. For Mr. Stearns, he confirmed they are adding a detention system and showing it on the plan. He would also have them modify the parking standard chart. Site distance was discussed as a concern due to the wall. This is to be shown on the drawing. Chairman Martin asked if the Board sees fit to approve, French drains would be installed in the driveway, and the response from Mr. Stearns was yes. He asked Mr. Bruno to confirm no additional kitchens or showers proposed for the garage, and that would be a condition, as would County Planning Board approval. There were no further questions.

The matter was opened to the public, but there were no interested parties. Mr. Lamb summed up and asked for to approve their application. Board Members Oakes commented favorably, as long as the site distance is shown, the condition of no living quarters in the garage. A motion for approval with conditions as stated was made by Gary Conkling and seconded by Eric Oakes. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Michael O'Rourke was not eligible to vote.

5. 15 Westwood Realty, 269 Westwood Avenue - Use Variance and Site Plan - Stephen P. Sinisi, Esq. represents the applicant and reviewed from the last meeting they completed the direct testimony of Vincent Cioffi, their architect, but he returned to

addressed Board questions and comments. He also had their project engineer, traffic consultant and planner present to testify.

William Page, Licensed Professional Engineer of Paramus, NJ, was sworn in, qualified and accepted. He described his plan for six residential units, entitled "5 Corners Residences", dated 10/8/2020, revised to 11/30/2020 and, marked A3, and they added a handicapped parking. They propose to also construct a second floor with an office. Mr. Cioffi's plan was marked A1, and a photo exhibit as marked A2. Mr. Page's plan also showed landscaping. They also added a trash enclosure area and a handicapped parking spaces in front of the landscaped area, for two spaces and one handicapped space with a walkway to the back of the building. They did not change the 16 spaces. The entrance to the parking is off Kinderkamack Road. Signage details will be reflected, including ADA parking signage and trash enclosure signage. Pavement, paver walk and trench drainage were described. The 3/16/21 correspondence of Mr. Page describing changes was marked A6. Mr. Page gave positive comments in support of the plan, stating he feels this is a gateway entranceway to Westwood Avenue. It would enhance the area, and adding a residential use would help and be a benefit to the community. It satisfies the intent of the Borough's ordinances. There would be no adverse impacts.

Michael Maris, Traffic Consultant, was sworn in, qualified and accepted. He was asked to provide an opinion of traffic on the site, having visited the site several times. Mr. Maris' Parking Assessment Report dated 2/15/21 was marked A7, referring to an earlier report dated 11/16/2020. The seal was not Mr. Maris' Mr. Martin noted, and Mr. Maris explained he was not in the office that day, and the seal was that of an associate of his firm, although he worked on the report, and those were his observations and writing. Chairman Martin also noted three signatures on page 11. The report was accepted. Mr. Maris described the parking rates and the applicability to the site, based on the ITE rates, giving details of four trips during peak morning hours and five during the evening peak hours. The 900sf office space would generate only two trips in the morning and three in the evening. That is very little traffic. Mr. Maris discussed parking. Parking surveys from 2019 is a good sample since during Covid, many people did not drive and park. 19 Parking spaces are shown on the site. The residences generate parking during the evening, while the office uses parking during the day. This is called shared parking. The proposed residential units and office will generate a moderate amount of parking, and there is sufficient parking in the area. Mr. Maris included Five Dimes Brewery in his report, stating they can co-exist simultaneously without any adverse impacts. The

brewery will be busy during evening hours. There is sufficient parking to service both of them.

Michael J. Pessolano, PP/AICP, Licensed Professional Planner in NJ, was sworn in, qualified and accepted. He was asked to assess the use and parking variance. He reviewed the Borough's ordinances, Master Plan, reports and site, and has had many meetings with his planning team. The intersection of five corners is at Westwood Avenue and Kinderkamack Road, in the CBD/SPE District. He prepared and described a photo exhibit, consisting of 14 sheets, marked A8. For the positive criteria, a D1 variance requires a four-part challenge under Medici which he set forth. There are two prongs to the negative criteria, and there is no impact to the public good and there would be no impairment to the zone plan or zoning ordinances. Mr. Pessolano described how in Medici the positives must outweigh the negatives and how the applicant meets his burden of proof, as questioned by Mr. Sinisi. He shared the details of his analysis, such as site suitability. It is suitable by virtue of condition and context. Residential will be a plus and will support the neighborhood. Mr. Pessolano also discussed the special reasons at length with Mr. Sinisi, with extensive testimony.

Due to the lateness of the hour, the matter was carried to the 7/12/21, in person, at the Borough Hall, with time extension granted.

5. Hodges, 44 Second Avenue, Bulk Variances - Incomplete, Mr. Rutherford forwarded letter to applicant to make application complete or it will be dismissed without prejudice;

7. Illuzzi, 171 Westwood Boulevard- C Variance - 6ft. Fence in the Front Yard (Installed prior to zoning approval) - Scheduled for 7/12/21 with publication and notice;

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 11:00 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary