

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING**

APPROVED 8/7/23

MINUTES

July 10, 2023

1. OPENING OF THE MEETING:

The meeting was called to order at 8:00 p.m. 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
Robert Desmond
Lauren Letizia (alt #1)
Frank Mantz (alt #2)

ALSO PRESENT: Thomas Randall, Esq., Board Attorney
Steve Lydon, Burgis Associates, Board Planner
Brandon Goldfine, Boswell Engineering, Board Engineer

ABSENT: None

4. MINUTES: The Minutes of the 6/5/23 meeting were approved on motion made by Eric Oakes, seconded by Gary Conkling and carried unanimously

5. CORRESPONDENCE: None

6. RESOLUTIONS:

Extending Land Use Approvals Block 907 Lot 19 – 170 Center Avenue

Board Attorney Randall explained the reason for the extension request and summarized the resolution; there were no questions, comments or discussions. Mr. Martin called for a motion by the Board.

A motion to adopt the resolution was made by Eric Oakes, seconded by Gary Conkling. On roll call vote, on roll call vote all in favor, none opposed the motion carried.

Appoint Michael Kauker as Conflict Planner

Board Attorney Randall summarized the resolution; there were no questions, comments or discussions. Mr. Martin called for a motion by the Board.

A motion to adopt the resolution was made by Eric Oakes, seconded by Gary Conkling. On roll call vote, all in favor, none opposed the motion carried.

ZB-2306 Bolmanski 98 Kaufman Drive Rear yard setback

Board Attorney Randall summarized the resolution; there were no questions, comments or discussions. Mr. Martin called for a motion by the Board.

A motion to adopt the resolution was made by Eric Oakes, seconded by Gary Conkling. On roll call vote, all in favor, none opposed the motion carried. Mr. Mantz was not eligible to vote.

ZB-2309 Chezar & Jonas 105 Cypress Bulk variances and creating a non-conforming driveway

Board Attorney Randall summarized the resolution; there were no questions, comments or discussions. Mr. Martin called for a motion by the Board.

A motion to adopt the resolution was made by Eric Oakes, seconded by Gary Conkling. On roll call vote, all in favor, none opposed the motion carried. Mr. Mantz was not eligible to vote.

ZB-2312 – 15 Westwood Realty, LLC-269 Westwood Avenue – Amended site plan for a roof facade

Board Attorney Randall summarized the resolution; there were no questions, comments or discussions. Mr. Martin called for a motion by the Board.

A motion to adopt the resolution was made by Eric Oakes, seconded by Gary Conkling. On roll call vote, all in favor, none opposed the motion carried. Mr. Mantz was not eligible to vote.

VOUCHERS

Mr. Martin read the list of vouchers for approval. There were no questions or concerns by Board members; Mr. Martin called for a motion by the Board.

A motion was made by Eric Oakes to approve the vouchers as read by Mr. Martin for payment, second by Gary Conkling on roll call vote, all in favor, the motion carried.

7. PENDING NEW BUSINESS:

ZB-2304 Fitzgerald 124 Mill Installed a 6 ft. fence in the front yard (WWOP)

Board Planner Lydon reported that the application has been deemed complete and can be listed on a future agenda of the Board. Mr. Martin announced that this application was recently deemed complete and may appear on the August 7, 2023 agenda. Property owners within 200 ft. will be noticed.

8. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS AND INTERPRETATIONS:
SWEARING IN OF BOARD PROFESSIONALS

The Board Professionals were sworn in by Board Attorney Thomas Randall

1. ZB-2218 Cragona 22 Bryant Place – Project was approved and completed, the as-built survey shows that the pool is less than 15 ft. to the side property line and the coverage is 42.9% when 40% is permitted.

Mr. Martin announced that the applicant has requested to be carried and listed on the agenda for the August meeting of the Board; no additional notice is required.

2. ZB-2214 Glazer 137 Fourth Avenue Driveway expansion, wider than garage

Mr. Martin announced that the applicant has requested to be carried and listed on the agenda for the August meeting of the Board; no additional notice is required.

3. ZB-2301 Lind 111 Ash Widening of driveway in the front yard without approvals

Robert Costa, Professional Engineer presented his qualifications which were accepted by the Board. He introduced the applicants / owners Mr. Lind and Mr. Shulman.

Mr. Costa, Mr. Lind and Mr. Shulman were sworn in by Board Attorney Randall.

Mr. Costa stated that the two-family house was purchased in December 2019 at that time work was done at the site; changes to the exterior. A law suit was filed and dismissed. Mr. Lind provided an explanation. Mr. Costa advised that he spoke with the Construction Official, prepared a site plan, provided history. He referred to Exhibit originally dated February 21, 2023 and revised March 31, 2023. Mr. Martin asked if there was a Section-68 certificate confirming that this is a two-family house. Mr. Costa responded no. He advised that the Board recognized in 2003 that it was established as a legal non-conforming house by resolution dated February 6, 2003. Mr. Martin advised that paperwork needs to be provided to the Board in order to establish that the use is a legal non-conforming use. Mr. Costa proceeded to explain the proposal to widen the driveway to 24 ft. with 18 ft. allowed; place environmental pavers, remove asphalt. We will get as close to 41% as we can.

Mr. Martin suggested to try to minimize the impact of the proposal, provide revisions and a copy of the supporting resolution from 2003. The application will be placed on the August 7 meeting agenda; no further notice is required.

4. ZB-2220 Carrier 27 Seventh Height variance for an accessory structure.

Mr. Martin announced that the application has been carried and will be listed on the agenda for the September meeting of the Board; no additional notice is required.

5. ZB-2302 Abbott 169 Carver Vacant Land D-1 Use, C variances, Site Plan to construct a 4-unit townhouse structure

Mr. Martin announced, by show of hands, are there any interested parties present pertaining to this application. There were interested parties in attendance.

Mr. Martin announced that the applicant, this afternoon, requested to be carried to the August 7 meeting of the Board. He added that applicants are allowed to request an adjournment and there is no guarantee that they may not request another extension; he recommended that interested parties attend the August meeting and check the website.

Rudolf Jaeger came forward to address the Board about a scheduling conflict. He asked that the application be carried to the September meeting of the Board as he will be out of the Country in August. Mr. Randall provided legal interpretation of the request. Mr. Martin added that the applicant requested to be heard in August; and explained the process that applicants and their witnesses are heard first then interested parties; who, during the hearing can ask questions of the applicants witnesses. No opinions are heard until completion of the application which is unlikely, but not guaranteed to take place in August.

Dan Zambrano, Chairperson Shade Tree Committee inquired as to how long the committee has to submit their recommendations. Mr. Martin responded approximately one month, next meeting is August 7. He suggested Mr. Zambrano review the file located in the Building Department and visit the site on his own. Mr. Grefrath asked if Mr. Zambrano's question pertained to elimination of trees or the Shade Tree Housing Fund as he was a former liaison of the committee. Mr. Zambrano responded that he could answer the question after the Shade Tree meeting scheduled for the next evening.

Fred Collado asked who would be responsible for any problems with water. Mr. Randall responded that is a question for the engineer during application discussion. Mr. Martin added that the Board may ask questions of the witnesses along that line and Mr. Collado can also ask questions at that time.

Robert Lengston asked what the property is zoned for. Mr. Martin responded it is in a R1 single family residential zone. Mr. Lengston claims that since 1980 it has been zoned for medical. Mr. Lydon replied that 1980 zoning is not relevant; they have to meet the criteria of the zoning ordinance as of August 7, 2023. Mr. Randall stated that we start with the assumption that zoning is correct. The applicant has to prove their case; they are proposing something other than a single family home. The Board follows the zoning ordinance as established by the Mayor and Council. Mr. Martin stated that the applicant has rights and the interested parties have rights the applicant presents their case first. He recommended Mr. Lengston attend the August 7 meeting.

6. ZB-2215 Jameson 163 Prospect Garage expansion bulk variances

Application is deemed complete and will be listed on the agenda for the August 7 meeting of the Board; additional notice may be sent out.

7. ZB-2310 Millenium Health Care Center Site Plan with C Variances

Application is deemed complete and will be listed on the agenda for the August 7 meeting of the Board; notice is required.

8. ZB-2314 Leonard 109 Goodwin Terrace Bulk variance rear yard, driveway wider than the garage and retaining walls exceeding 3 ft. in the front yard

Application is deemed complete and will be listed on the agenda for the August 7 meeting of the Board; notice is required.

DISCUSSION:

None

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Sylvia Kokowski – Interim Recording Secretary