

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
July 11, 2022**

APPROVED 8/1/22

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
Robert Desmond (Alt #1)
Lauren Letizia(Alt #2)

ABSENT: None

ALSO PRESENT: Thomas W. Randall, Esq. Interim Board Attorney
Steve Lydon, Burgis Associates, Board Planner
Louis A. Raimondi, Board Engineer

4. MINUTES: June 6, 2022 - A motion for approval of the Minutes was made by Eric Oakes, seconded by Gary Conkling, and carried unanimously on roll call vote.

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **Whispering Woods Hearing on the court case of Westwood Investments LLC vs. Borough of Westwood Board of Adjustment - Not ready; Mr. Randall to contact Bruce Whitaker, Esq. Legal Trustee for the late Board Attorney, David Rutherford, Esq. - Carried to 8/1/22;**

2. **KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan - Not ready; Mr. Randall to contact Bruce Whitaker, Esq. Legal Trustee for the late Board Attorney, David Rutherford, Esq. - Carried to 8/1/22;**

8. **PENDING NEW BUSINESS: ALL APPLICATIONS CARRIED TO 8/1/22:**

1. **Bauer, 22 Cypress - Driveway wider than the garage without approvals - Carried to 8/1/22 if complete;**

2. **Cooper, 34 Clairmont - Bulk variances for side yard and combined side yard setback - Carried to 8/1/22 if complete;**

3. **Regna, 17 Euclid Avenue - "C" variance, building coverage - Carried to 7/11/22 if complete;**

4. **15 Westwood Realty, LLC - 269 Westwood Ave, Amended site plan and use variance for 4 residential units - Carried to 8/1/22 if complete;**

5. **Sana Cabana, LLC-372 Kinderkamack- Site Plan with C-variances - Carried to 8/1/22 if complete;**

9. **VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS: SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS**

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 8/1/22; Steve Lydon to contact applicant; If no communication from applicant, Board may dismiss without prejudice;**

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 - (Thomas Garlick, Esq.) Not heard; Carried to 8/1/22; Steve Lydon to contact the applicant;

3. OSM Hospitality, 170 Center Ave - Use Variance and Site Plan Approval, Rooftop Dining - - Lawrence S. Cutall, Esq. represented the applicant and gave an opening statement regarding their existing restaurant and bar known as Prohibition, seeking approval for outdoor dining with variances. Previous approvals were given in 2008 for 72 seats and a two-bedroom apartment on second floor, having seven parking spaces on site, with 29 required by ordinance. Applicant has met with potential objectors. Applicant is seeking a rooftop dining space, requiring additional seating. Parking shall remain the same.

Applicant's architect, Gary Singer, Licensed NJ Architect, of Tenafly, NJ, was sworn in, qualified and accepted. Mr. Singer described his plans dated 5/3/22, starting with A101, the Construction Plan. They would incorporate a second staircase to the upstairs. The one-bedroom apartment would be demolished and transformed to become an upper floor dining area. The plan was marked A2. The rendering was marked A3. The sheet T-004 was last dated 5/31/22. This sheet showed a balcony with additional dining, not a rooftop. The renovated restaurant would have 122 seats. Downstairs would have 61 seats; upstairs would have 22 and 25 seats in the balcony and inside plus bar seating. Chairman Martin requested all interior details be included on the plan. Mr. Lydon explained why the basement should be included on the plan, even if just for storage. Mr. Lydon addressed his Memo dated 4/1/22. There was a subsequent Memo based on revised plans, but the 4/1/22 would suffice based on the minimal changes. Also sign and lighting details need to be provided. The architect stated they have three signs, but will eliminate one. Mr. Lydon stated the dumpster needs to be enclosed, and there should be a handicapped parking space shown on the plan. Chairman Martin stated the space needs to be 16' wide. There were no further questions of this witness.

John Corak, PE, Stonefield Engineering & Design, Licensed NJ Professional Engineer, was sworn in, qualified and accepted. He reviewed prior approvals. Mr. Corak reviewed parking as well as on-street parking, and parking in the Municipal lot and CVS lot. There were at least 35 spaces available per their traffic counts. The counts were done on Friday and Saturday. They are making up for 11 spaces. They feel the proposed development can be easily accomplished with the parking available for utilization, and it

would be a plus for the downtown. Mr. Grefrath commented on parking, noting the theatre also uses the municipal lot. Ms. Letizia asked about the usual utilization rate. Mr. Oakes noted the CVS is private parking, not metered, and should not be counted. He if there was sufficient parking without counting it. Mr. Corak stated excluding CVS, they went from 35 to 32 spaces. The Chairman stated the numbers should be amended. Also, the movie theater is not in the study and asked for it to be included. The count starts at 6:30 pm. They would amend the study. Chairman Martin asked if there was a study about the impact of Uber and Lyft, not that his question was related to this application. He would be interested in his opinion as to what the future holds. It plays a role, but how it influences, that would be different for various types of uses, Mr. Corak stated. He also mentioned self-driving vehicles may eventually be rented, phasing out Uber and Lyft. He is looking at how to create a robust downtown without taking away parking. There were no further questions of this witness. An amended report would be provided.

Maria Sausa was sworn in. She is the owner of 170 Center Ave LLC and Operator of the Prohibition Restaurant. It took her several years to understand the true culture of Westwood, which is a family-owned, regular community. It is something special, and she wants to create something special for the town. She wants everyone to feel welcome in a neighborhood place with diversity and culture, like in Ridgewood and Montclair. She is calling it Drift. People want something different. They want to be staples in the community. Current hours are Wednesday & Thursday 2-10pm, Friday and Saturday 1-12pm, and Sunday 12-8pm. Closed Monday and Tuesday. There were no further questions of this witness.

The matter was carried to 8/1/22 with no further notice and any time extension granted.

The Board took a recess from 9:25-9:35 pm

4. Tributt Inc., 7 Bergen Street - "D1" Use Variance, "C" Variances and Site Plan - John Conte, Jr., Esq. represented the applicant. The applicant was for two apartments on the second floor with storage for mechanicals. The first floor is occupied by a toy store and confectioners. There would be a 1,000sf seepage pit installed. Lighting will be revised and shielded. There are several non-conforming features that the engineer will review.

Steven L. Koestner, PE, Licensed Professional Engineer, 61 Hudson Street, Hackensack, NJ, was sworn in, qualified and accepted. Mr. Koestner described the property dimensions and

drainage/runoff with the new seepage pit to be installed. They are proposing a dumpster and air conditioning, and they added lighting. Landscaping was proposed in the front of the building and shade tree type by the curb in the right-of-way between the curb and sidewalk. He discussed the pre-existing, non-conformities. The height conforms. Parking tabulations were shown. The first floor requires seven spaces. Upstairs residential units require four spaces. The lighting would be shielded to avoid spillover. The only residential is on the West side of the property.

Chairman Martin asked Mr. Koestner about paving, and the entire property is paved. Currently it is 100% impervious, Mr. Koestner stated, but they are reducing it about 1% with the landscaping. The Chairman asked if they could get the air conditioning off the ground. They would have their architect address this. They are over the FAR, but they will end up with a two-story building in a CO Zone. The building coverage number is under what is permitted. There were no further questions of this witness. Mr. Lydon asked how much building coverage there is, because the first floor is approx. 2,100 sf, but parking is based on 1,278 sf. Mr. Koestner stated some of that is storage and not included in the parking calculation. The engineer and architect should confer and coordinate the square footage on their respective plans. Mr. Lydon also stated a shade tree should be placed at the curb. Mr. Ceplo asked about parking for the tenants. It was stated when tenants leave in the morning, there is parking, and the handicapped space is not meant for the tenants. There were no further questions of this witness.

Brian Callahan, 48 Tillman St, Westwood NJ was sworn in and accepted as a NJ Licensed Architect, having appeared before the Board several times. His plans were marked A2, consisting of three sheets which he described. The first-floor plan had stairs to reach the second floor. The second-floor plan would have a center hallway and two apartments, with balconies, and the next sheet had the basement plan. New windows, siding and babble asphalt roof were proposed. A service entrance on the driveway side would also be proposed. Mr. Conte asked him about adding a flat roof to house the air conditioning. They would have to discuss that with the owners. It is not feasible as depicted with a gable roof; they would have to carve out a flat section. Chairman Martin said they will last twice as long, and be up out of the way, containing any noise as well, with less cluttered space on the ground level. This would be explored, and the cost may be additional it was noted. Mr. Conkling asked about the pull-down stairs for the attic, and they would show it on the plan. There was a powder room in the mechanical room, and the Chairman stated the toilet should be

deleted. He had issues with that possibly of that becoming an apartment. Mr. Conte said they could stipulate that it would never be an apartment. Chairman Martin asked about the basement, and by adding a staircase, there may be additional requirements in the sub-code for windowless basements. They would check on that. There were no further questions of this witness.

In closing, Mr. Conte states there would be a planner to testify at the next meeting since it is a "D" variance, as well as minor revisions to be made. His client would also be available to testify or answer questions. The matter was carried to 8/1/22, with no further notice and a time extension granted.

5. Migliore-131 Second Avenue - Height variance for an accessory structure - No appearance; carried to 8/1/22;

10. DISCUSSION:

1. Board Attorney - Chairman Martin updated the Board on the attorney search and asked for opinions from Board Members to have Thomas Randall, Esq. fill in for the rest of the year. The Board was in agreement. A motion for approval was made by Eric Oakes, seconded by Gary Conkling and carried unanimously. The Board would put out an RFQ. Mr. Randall may be interested in serving as Board Attorney next year.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at 10/30 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**