

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
July 12, 2021**

APPROVED 8/2/21

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
Peter Grefrath
Alyssa Dawson (arrived 8:35 pm)
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: Matthew Ceplo (excused absence)
H. Wayne Harper (resigned 7/12/21)

The Board Chairman announced that Wayne Harper resigned, and a replacement member would be appointed soon.

4. **MINUTES:** The Minutes of the **6/7/2021 meeting were approved** on motion made by seconded and carried unanimously. The Minutes of the **6/21/21 meeting were tabled** to the next meeting.

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **Capasso, 577 Broadway - Use Variance and Site Plan -** Board Attorney Rutherford read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Peter Grefrath. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, and William Martin, as eligible members, voted yes.

2. **Bessler, 15 Summit Avenue - FAR Variance -** Board Attorney Rutherford read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Gary Conkling. On roll call vote, Eric Oakes, Gary Conkling, Peter Grefrath, Michael O'Rourke, and William Martin, as eligible members, voted yes.

3. **45 Old Hook WW, LLC-45 Old Hook Road - D1 Use Variance and Site Plan -** Board Attorney Rutherford read the Resolution of Approval into the record. There were no questions, comments or discussions. A motion for approval was made by Eric Oakes and seconded by Gary Conkling. On roll call vote, Eric Oakes, Gary Conkling, Michael O'Rourke, Tom Smith, and William Martin, as eligible members, voted yes.

8. **PENDING NEW BUSINESS:**

1. **Traina, 59 Bryant Place - 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; new plans received; carried to 8/2/21;

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 Avenue - Use Variance D-1; Bulk Variances -** Chairman William Martin recused himself and stepped

down from the dais. Vice Chairman Eric Oakes chaired the meeting for this application. Jaymee Hodges, applicant, and Joseph Bruno, licensed NJ Architect, were sworn in. Mr. Bruno was qualified and accepted. Applicant did not have an attorney or a planner for this use variance application. Mr. Rutherford advised there is a substantial burden of proof with this use variance. Mr. Bruno distributed a set of seven photos, taken 7/11/21, marked as Exhibit A1. Board Attorney Rutherford advised there were only five members present, and a use variance needs five affirmative votes to be approved. Applicant proceeded.

Applicant testified he purchased the property with his wife 11 years ago, with the intention of renting out the single-family residence and using the yard for parking the trucks for his plumbing business. The barn on the premises is at least 100 years old, and is in a state of disrepair. He would like to take it down and put in a two-bay building, making it more desirable for the neighborhood. Mr. Bruno described his photos. Mr. Bruno stated the variances were for the use, and there were also bulk variances for rear yard setback, total side yard setback, rear yard setback, one story maximum height, maximum height in feet, and maximum lot coverage. They are proposing a new, two-story structure, two-bay garage, with a stairway to the second floor for storage. The building will house a couple of vehicles and tools and will be completely cleaned up. They will be adding siding. The purposes of the application are to replace the antiquated building on site and for housing of vehicles.

Comments from the Board followed. Mr. Raimondi stated he had comments that were addressed. Mr. Lydon had a question on the plan, which was marked A2. He reviewed his Memo with questions on the site and lighting, which were addressed. The survey dated 8/6/19 was marked A3. The shed on the property will be remaining, since it allows for storage for the tenant in the house. Mr. Oakes asked if they would be putting in a driveway. Mr. Hodges stated he discussed this with Mr. Marini, and his intention was to put in a seepage pit and then a driveway. Mr. Oakes said it will add to the impervious coverage. He asked if the shed could be moved. Mr. Hodges agreed to either move it to the neighboring property he also owns or remove it. That would bring the coverage down. (Alyssa Dawson arrived at 8:35 pm). Mr. Rutherford inquired if moving the shed to the other property would trigger a variance there. Mr. Bruno stated no, and they would comply with the setbacks for the shed. Mr. Oakes commented putting the trucks into the garage out of site was a positive. Mr. Grefrath had questions on the shed. Mr. Conkling asked about the type of vehicles that would be parked on site. Mr. Rutherford asked for clarification. Mr. Hodges

advised two van-type trucks and a dump trailer would be stored outside, parked in front of the bay doors. He would shuffle the vehicles around. Employees would park in the driveway next door and in the fire department lot. No business administrative offices would be on premises. Employees come to the house, get their job tickets and go to work.

Mr. Rutherford asked for justification for the use variance. Mr. Bruno stated as a benefit to the neighborhood his that they will no longer see the dilapidated building. Mr. Hodges stated razing the 100-year-old building and construction a new building will improve the property itself and the aesthetic value of the neighborhood. There will be no equipment stored outside. They are going to be improving the property and cleaning up the site. The new structure will be a safer structure from both structural and fire safety standpoints. It will be a greatly improved environment, with an improved aesthetic view from neighboring properties. A mature tree on site will be maintained. There were no further questions from the Board.

The matter was opened to the public but there were no questions or comments. Mr. O'Rourke asked Mr. Lydon what the Board is being asked to approve as far as the use variance. Mr. Lydon stated the use is not permitted in the CO zone, and there are two uses on the property. One is residential, and one is akin to a professional business office. For a D1 variance, you need to look at the purposes of zoning. Mr. Lydon set forth the proofs that must be met for the use variance and "C" variances to be granted. Mr. O'Rourke asked if there would be any limitations on or representation of the number of vehicles. The response was there are two inside, two outside, and the residential, for a total of six. There were no further discussions. If the application were approved, Mr. Rutherford advised if approved, he would draft a very narrowly worded Resolution with specific conditions.

A motion for approval including conditions stated: For use as a plumbing business for four trucks-two in and two out, one trailer to be used for temporary storage to be hauled away and recycle and one car for tenant up front; shed to be removed or relocated, was made by Eric Oakes and seconded by Michael O'Rourke. There were no further questions, comments or discussions. On roll call vote, Gary Conkling, Peter Grefrath, Michael O'Rourke, Tom Smith, and Eric Oakes voted yes. Jaymee Hodges thanked the Board, stating he is a lifelong residence, loves Westwood and always tries to do the right things for the town.

Chairman Martin returned to the dais. The Board took a brief recess at approximately 9:30 pm.

2. 15 Westwood Realty, 269 Westwood Avenue - Use Variance and Site Plan - Stephen P. Sinisi, Esq. represented the applicant and reviewed from the last meeting, stating all testimony had been concluded. They were offering their witnesses for questioning by the Board and public.

Vincent Cioffi, Project Architect - Mr. Oakes asked for the number of bedrooms in the apartments. Mr. Lydon stated there is a requirement for one three-bedroom apartment, which this has, for affordable housing. Mr. Cioffi concurred, stating there is one three-bedroom apartment, four two-bedroom apartments and one one-bedroom apartment. Mr. Cioffi gave the square footage, larger than general guidelines. Mr. Raimondi had questions on the drainage system and runoff. Mr. Sinisi advised it would be taken care of, but Mr. Raimondi required details. Mr. Sinisi advised Mr. Page would address this question. Chairman Martin inquired about the stairways, elevator details and the entrance from the handicapped space. A discussion ensued. There were no further questions of Mr. Cioffi and none from the public.

William Page, PE - Addressed Mr. Raimondi's concerns and questions. He put his suggestions on a revised set of plans and in a letter to Mr. Sinisi. Mr. Raimondi had questions on where the sanitary lines were located. One is on Kinderkamack Road, and one is on Westwood Avenue. If adequate, Mr. Cioffi can run his lines; if not, that will be addressed. Mr. Raimondi was satisfied, and stated the construction plans need to be approved before issuing the building permit. The Chairman concurred, and that should be stated in any resolution. Mr. Cioffi answered Mr. Raimondi's questions on the seepage pit. He did not see any issues. Mr. Raimondi suggested a rain garden and asked about roof leaders, which were discussed. Mr. Page addressed trash receptacles. They eliminated them next to the building, since there was a fire in the past, and relocated them. Mr. Sinisi commented they would leave this to Mr. Raimondi's discretion. Mr. Page's plan was marked Exhibit A8. He addressed the parking on the plan. There are 17 total spaces. Mr. Raimondi commented it satisfies the residential need and should be designated to the residents.

Roger Gross, owner, 15 Pascack Road, Woodcliff Lake, was sworn in. He authorized the project team to put the plans together. He heard the parking concerns and stated his understanding. There were ten retail units with one designated space each. The doctor had a few extra. There would be some dedicated for the retail.

He understands the residential would get one each. Mr. Raimondi asked how this would be addressed. The matter was discussed. Mr. Gross would manage the parking. Mr. Sinisi thanked Mr. Raimondi for his availability to address the issues. There were no further questions of Mr. Page or Mr. Gross and none from the public.

Michael Maris, Traffic Expert - Mr. Raimondi and Mr. Lydon stated previous testimony addressed their questions. Chairman Martin asked if any of the parking just discussed changes his numbers, and his response was no. Chairman Martin asked about Uber shared drive services. Mr. Maris stated in Hoboken they found it was about 30%, and there is a variety of mass transit, reducing the parking need. Is it conceivable that someone can live at this project and not own a vehicle the Chairman asked, and Mr. Maris responded yes. He added many people that live in Westwood also work in Westwood.

Michael J. Pessolano, Planner - Mr. Lydon asked if he addressed Goal #6 of the Master Plan Re-examination and could he reiterate. Mr. Pessolano recited that particular Goal and addressed how this application conforms to same. Chairman Martin asked if there would be any detrimental impacts due to this added intensity, and Mr. Pessolano responded no, with supporting reasons. There were no further questions of the planner and none from the public.

There were no further questions, comments, discussions or testimony and no interested parties. The Chairman stated there may not be enough eligible members present to vote. There were only five members present that were eligible to vote, and five affirmative votes were needed. Mr. Sinisi was given the choice to sum up and then come back for the vote or proceed with a vote then. Mr. Sinisi summed up, to be followed by a vote at the next meeting. He outlined the specific proofs required that were put forth. They are not expanding, but just going up with commercial on the first floor and residential above it, which is what you see around the County now. This is an intelligent use of space, adjacent to mass transit. It fulfills the needs of professionals and people that want to remain in Westwood. This is a good application, and he appealed to the Board for an affirmative vote.

The matter was carried to 8/2/21 for a vote. Mr. O'Rourke and Ms. Dawson would listen to the CD.

3. Hodges, 44 Second Avenue, Bulk Variances - Mr. Rutherford advised application has been filed and incomplete since 9/2020. Letters have been forwarded advising if not brought to

complete ness, the Board will dismiss the application without prejudice. The Board will carry this until 8/2/21 and at that time, if not complete, the mater will be dismissed without prejudice. Mr. Rutherford to write the applicants advising as to same. Carried to 8/2/21.

4. Illuzzi, 171 Westwood Boulevard- C Variance - 6ft. Fence in the Front Yard (Installed prior to zoning approval) - Ready to be heard; Scheduled for 8/2/21.

10. DISCUSSION: None

CLOSED SESSION

A motion to go into Closed Session was made by Eric Oakes, seconded by Peter Grefrath and carried. The Board went into Closed Session at 10:45 pm to discuss pending litigation.

RETURN TO OPEN SESSION

A motion to return to Open Session was made by Eric Oakes, seconded by Gary Conkling and carried.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at 11:00 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary