

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
August 1, 2022**

APPROVED

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
Matthew Ceplo
Peter Grefrath
Gary Conkling
Michael O'Rourke
Robert Desmond (Alt #1)

ABSENT: Eric Oakes, Vice Chairman (Excused absence)
Tom Smith (Excused absence)
Lauren Letizia (Alt #2) (Excused absence)

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

4. MINUTES: 7/11/22 - 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** - A motion for approval was made by Gary Conkling, seconded by Peter Grefrath. There were no further questions, comments or discussions. On roll call vote, Mathew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes.

2. **KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan** - Not ready; Carried to 9/12/22;

3. **Resolution Appointing Thomas W. Randall, Esq. as Board Attorney for the remainder of 2022** - A motion for approval was made by Gary Conkling, seconded by Peter Grefrath. There were no further questions, comments or discussions. On roll call vote, Mathew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes.

8. **PENDING NEW BUSINESS: ALL APPLICATIONS CARRIED TO 9/12/22:**

1. **Bauer, 22 Cypress - Driveway wider than the garage without approvals** - Carried to 9/12/22 if complete;

2. **Cooper, 34 Clairmont - Bulk variances for side yard and combined side yard setback** - Carried to 9/12/22 if complete;

3. **Sana Cabana, LLC-372 Kinderkamack- Site Plan with C-variances** - Carried to 9/12/22 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; Carried to 9/12/22;

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 - (Thomas Garlick, Esq.) Not heard; Carried to 9/12/22;

3. OSM Hospitality, 170 Center Ave - Use Variance and Site Plan Approval, Rooftop Dining - (Lawrence S. Cutall, Esq.) - Not heard; Carried to 9/12/22;

4. Tributt Inc., 7 Bergen Street - "D1" Use Variance, "C" Variances and Site Plan - Continued from last hearing on 7/11/22. Attorney Andrew P. Bolson, Esq., of the firm Meyerson, Fox, Mancinelli & Conte, appeared on behalf of the applicant, as John R. Conte, Jr., was unable to attend. A transmittal letter dated 7/28/22 was received from applicant's attorney John Conte, Jr., Esq., enclosing the following:

- Site Plan by Koestler Associates, revised on 7/21/22; and
- Architectural Plan by Callahan Architecture, LLC, revised on 7/25/22.

Mr. Bolson stated he would like to put on the engineer and architect, and save the planner at the next meeting. He further advised he would look to postpone the vote to the 9/12/22 meeting, when there were more than six members.

Steven L. Koestner, PE & LS, continued under oath and testified as to the changes on his site plan noted above. Parking spaces and the handicapped space were relocated. Air conditioners/five condenser were moved to the roof. Concrete sidewalks were removed and they are at 99% on lot coverage. There is also a seepage pit added. Shade trees were added. A second bollard was added at the southeast corner of the parking lot. There are three proposed parking spaces shown. Parking calculations were noted, with a total of 14 spaces. Mr. Raimondi issued a letter dated 7/27/22, and Mr. Koestner acknowledged and addressed same. Mr. Lydon asked if he would be submitting a corrected plan as to parking, and Mr. Koestner responded yes. There were no further questions and no interested parties.

Brian J. Callahan, AIA continued under oath and testified as to the changes on his architectural plan noted above. Changes were made to the second-floor storage mechanical room, putting the powder room outside, and they removed a couple of windows to insure it was not a habitable space. The basement and roof plans were amended. The roof plan showed a flat roof area for the air conditioner units. The balcony is to code. Mr. Raimondi was reviewing the plan. The Chairman asked why there was a powder room on the second floor. Mr. Callahan stated it was for maintenance personnel. Mr. Martin stated they could use the first floor. The property manager, John Parisi, was recalled under oath to address

the question. He needs a bathroom to use. He cannot go into the tenant's space to use the bathroom. It is just to get out of the heat and have a place to use the bathroom and area to have lunch in the storage/mechanical room. Mr. Martin said this introduces another use. Either the powder room has to be removed and the mechanical room used as an office, that is a new use. He deferred to Mr. Lydon, and he agreed. Mr. Randall advised he agreed it would be a use variance. Mr. Bolson would confer with his client and return at the next meeting on this issue. There were no further questions and no interested parties.

The planner will testify at the next meeting when it is anticipated there will be a full Board. Chairman Martin will be on vacation. **The matter was carried to the 9/12/22 meeting** with time extension granted.

5. Migliore-131 Second Avenue - Height variance for an Accessory Structure - Not heard; Carried to 9/12/22;

6. Regna - 17 Euclid Avenue - "C" Variance, building coverage - Not heard; Carried to 9/12/22;

7. 15 Westwood Realty, LLC-269 Westwood Ave - Amended Site Plan and Use Variance for 4 Residential Units - Not heard; Carried to 9/12/22;

10. DISCUSSION: None

11. ADJOURNMENT - On motion, made seconded and carried, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**