

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
MINUTES  
August 10, 2020 (VIA ZOOM)**

**APPROVED 9/14/2020**

**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/84814511489?pwd=aTlzYnBxeEhEYmJmeVBQU2hPei8wQT09>  
The dial-in number for telephone access: 646-876-9923  
Meeting ID: 848 1451 1489; Password: 505343

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a **Special 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  
H. Wayne Harper  
Michael Klein  
Peter Grefrath  
Alyssa Dawson  
Michael O'Rourke (Alt #1)  
Gary Conkling (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Steve Lydon, Burgis Associates,  
Board Planner, by Kathryn Gregory  
Louis A. Raimondi, Board Engineer

**ABSENT:** Eric Oakes, Vice Chairman (excused absence)

4. **MINUTES:** None
5. **CORRESPONDENCE:** None
6. **VOUCHERS:** None
7. **RESOLUTIONS:** None
8. **PENDING NEW BUSINESS:** None
  
9. **VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS: NONE**  
SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

**The Board Professionals were sworn in. Kathryn Gregory was appointed as Substitute Planner for this application on motion of Peter Grefrath, with second by Alyssa Dawson, and carried unanimously by all members on roll call vote.**

**1. Jefferson Realty Group, 21-35 Jefferson Avenue, Use Variance-D1 & C Variances, and Site Plan Approval -** John J. Lamb, Esq., Beattie Padovano, represented the applicant and introduced the application for a mixed-use variance to include 28 apartments, consisting of five affordable units and 23 market rate units. Mr. Lamb had submitted correspondence dated 8/6/2020, with an outline of the witnesses and testimony and a short summary of the application. Mr. Lamb's initial transmittal letter with the application was dated 7/6/2020. Bruce Meisel, Managing Partner of Jefferson Realty Group, was also present. Mr. Lamb explained the subject site consists of 1.81 acres, and two buildings, the NY Sports Club building and the Lakeland Bank-Huntington Learning Center building, already having mixed uses. One parking space will be removed. There are 107 parking spaces. They need a height variance for the mixed use. Due to the pandemic, the NYSC has not paid rent to the landlord. This also adds to the commercial viability of this property. Mr. Meisel is seeking to create a mixed use element, which would also be a benefit to the Borough. He recited various other mixed use projects they have in the vicinity. They are surrounded by mixed uses for the most part, including apartments, and they thought it was appropriate to develop the property as best they can under the parameters. There would be 28 apartments total, with five affordable housing apartments as required by the Borough.

**Bruce Meisel, Managing Partner of Jefferson Realty Group,** was sworn in. Mr. Meisel stated NYSC will likely be filing for bankruptcy, and their lease would be terminated. Mr. Meisel spoke of resiliency in the community. To get a replacement health club is highly unlikely. The future of

health clubs is expected to be on a much smaller scale. Originally, Pascack Community Bank was on this property, now it is Lakeland Bank. He is trying to do something positive with mutual benefits. Mr. Meisel gave statistics. This NYSC building is 19,000 sf, one of the largest buildings in town. The existing 107 parking spaces, is the single largest in the downtown. The property is a stone's throw from the train station and is particularly suited to what they are proposing. There will be five affordable apartments and 23 market-rate apartments. The Borough Planner noted the downtown is headed towards mixed use with apartments and very little office use. These one bedrooms will be 750-1,000 sf and can accommodate residents who are working from home. Taxes are \$100,000.00 per year for this building alone, giving the value of the ratable. Mr. Rutherford advised the Board does not make its decision on ratables, but principles of zoning and planning.

Mr. Meisel gave the background of the property and how they came to acquire the property in 2002 and redevelop it. The property was populated by automobile dealers and gas stations, and has changed dramatically, evidenced by the redeveloped area. They want to make the building a visual and positive use in the downtown. Details of the façade were described. There would be a roof deck for use by the residents. There would also be penthouse apartments with terraces. Mr. Meisel moved on to parking. They have 107 parking spaces. They had removed one space to accommodate package deliveries. The demand for NYSC parking is substantially higher than it will be for the apartments, leaving parking for commercial use. The bank closes at 5pm, and the Huntington Learning Center is drop-off. They are improving the parking, not burdening it. The roof will have solar panels to generate electricity for this building. With only 28 units, it will not increase the population of Westwood. Mr. Meisel summarized his testimony, stating the building will be a positive contributor to the downtown.

**Robert Zampolin, NJ Licensed Architect, 187 Fairview Avenue, Westwood,** was sworn in, qualified, and being well-known by the Board was accepted. Mr. Lamb questioned Mr. Zampolin, who prepared the exhibits. Exhibit A3 was the set of Plans prepared by Mr. Zampolin, consisting of Site Plan, Cellar Floor Plan, First, Second, Third & Fourth Floor Plans, Parking Lot Elevations and Rear & Side Elevations. Exhibit A7 was a Supplemental Site Plan dated 7/23/2020, and A4 & A5 Colored Façade and Elevations on Jefferson Ave---all prepared by Mr. Zampolin. Mr. Zampolin agreed with Mr. Meisel's

description, the design of the buildings and floor plans. He described the site triangle, the façade, which included significant glazing, to make the building lighter and more pleasing. The rendering was shown.

**Michael Maris, Engineer, Michael Maris and Associates, Parking and Traffic Consultant,** was sworn in, qualified and accepted. Mr. Maris submitted a letter report dated 7/21/2020 and summarized the parking requirements and decrease in parking needed, and a decrease in traffic and trips. He agreed with the testimony of Mr. Meisel and gave a brief overview of his report. Mr. Maris described the traffic and parking generations. He compared trip generations between the existing, proposed and alternative uses, such as a smaller health club and office use. The parking demand would be lower with their proposal. In conclusion, what is being proposed will generate less traffic and parking during the peak hours, and the number of parking spaces on this site will exceed the demand of the building.

**Peter G. Steck, NJ Licensed Planner,** was sworn in, being known to the Board, qualified and accepted. Mr. Steck prepared a report with pictures dated 8/5/2020, as Exhibit A-11. He summarized the relief requested, stating he looked at the zoning ordinance, Master Plan and Re-examination Report for relevant provisions. He toured the area and was involved in an earlier redevelopment project on this property in 2003-4. He was also present to hear the testimony of the previous three witnesses. All photos in his report were taken by him and depict existing conditions. Mr. Steck reviewed his report. This is the second stage of a redevelopment project. The focus is on the easterly building, where two-stories are occupied by NYSC. The impervious coverage is a little over 74%. The only change is we are going to lose 1-2 parking spaces within the building. The surface parking will remain the same. These buildings are setback significantly on the property. They are keeping the footprint of the building and adding two floors, with 28 apartments. There will be five affordable units. The market rate units subsidize these units. They are conveniently located within walking distance of the train station. It would be difficult to reuse this building with a single tenant. What is strong now is residential in a downtown setting, close to the train station. The project does meet within the theme of the Re-examination Report, although not yet fully adopted by the Governing Body.

Mr. Steck continued. They are proposing 28 apartments, and they can substantiate a D1 variance. It is an appropriate use of land. They also propose variances for height (46.5"/4 stories, where 32'/2.5 stories are permitted) impervious coverage (74.25% proposed where 65% is permitted) and parking. Mr. Steck set forth the required proofs and justification for the variances, and the purposes of the MLUL that would be advanced, as stated in his report. They already have mixed use on the property, and the site is not really changing. They will comfortably have enough parking on the property. The residential use is a less intense use and can accommodate the height. The building is set back with a nice row of street trees in the front. There will still be a commercial theme and one unified building. It can accommodate the height and the additional FAR.

Mr. Steck continued. COVID-19 is a threat to all commercial uses in a downtown. The Master Plan considers this. He cited a statement from the RSIS that notes when housing is included with mixed use, it complements the parking use. It would not impair the zone plan or zoning ordinances. The negative criteria is satisfied. The property is unique and is already developed with a mixed use. It is one of the largest commercial properties in town. The parking is unique. On the perimeters of the downtown, this a contributing use. The area has mixed uses already, and they are blending in to the southern area that includes a group home and garden apartments. They are replacing a building with a mixed use with an appropriate use that will be viable. The positive criteria is satisfied, and at least four purposes of the MLUL are satisfied. It can be improved without substantial detriment to the public good, zone plan and zoning ordinance. Mr. Steck's testimony was complete.

The Board took a five minute recess, at approximately 9:25 pm. The Board reconvened with a roll call. All remained present.

**Questions by Board Members and Professionals of the witnesses followed.** Peter Grefrath asked Mr. Steck if any additional landscaping would be added. Mr. Steck responded that question was better for Mr. Meisel and Mr. Zampolin to answer. Mr. Meisel stated the current landscaping is ample and mature, giving details. They could add greenery to the roof deck and penthouse terrace with potted trees. He asked Mr. Maris about traffic, considering the buses on Jefferson. Mr. Maris stated they are replacing a use with a use

generating less traffic. Most people will walk to work via the train station. Mr. Meisel is looking into a speed bump or moderating traffic on Jefferson. Mr. Conkling asked Mr. Meisel if the affordable housing was required, and the response was yes. He asked about sf, and Mr. Zampolin stated a one bedroom unit on the second floor is approx. 950 sf. He asked about a dumpster. There is a garbage room and compactor inside the building. Mr. Grefrath asked if they could restripe the lot and get more spaces.

Mr. O'Rourke inquired about the uses on the first and upper floors. Mr. Meisel spoke about a smaller health club on the first floor, and the residential upstairs would be beneficial and a good use in the downtown. Mr. Steck elaborated from a planning perspective. This would be more consistent with Master Plan. Mr. Raimondi asked Mr. Lamb about his memo agreeing with his report, and Mr. Lamb confirmed his agreement regarding the conditions as stated. Mr. Harper asked and Mr. Meisel described the lighting, to be changed substantially and upgraded. Chairman Martin asked about parking assigned to the apartments. Mr. Meisel stated there would be a locked garage door with parking assigned to tenants. Mr. Martin asked about variances and if a D4 is needed. Mr. Steck responded yes for FAR. What they are putting in that volume is less intense. They are not coming closer to the property lines or street lines. Mr. Ceplo asked about the difference in the affordable housing apartments. Mr. Steck stated they have to be deed restricted for at least 30 years, with income restrictions, and handicapped accessible. They must be uniform and have the same heating. Mr. Zampolin added there are slight changes in the square footages and kitchen finishes, but they are indistinguishable in the hallways. Mr. Ceplo asked for clarification of the use variance, which Mr. Steck responded to.

**The matter was open to the public for questions and comments.** Larry Buccarielli, 54-58 Westwood Ave. was sworn in. He corrected Mr. Meisel as to the size of the Palisade Land Development property. He set forth his concerns which were addressed. He commends the project. One other concern is on the elevations. The stairwell on the East is shown with stucco, and the West side is brick. He feels both should be brick. He asked the Board to approve the project.

Guenter Zagel, 223 Kociemba Drive, River Vale, stated he is most affected by the construction site, and he just received Mr. Lamb's letter. He purchased his building in the

1970's, when the Chevrolet blue building was still there. Right now he is looking at three floors of wall, and now two more floors are going on top, which is ridiculous. The building is so close to his property line, 13'. This is his biggest concern. He is not concerned about the health club or apartments, but concerned about the two floors added. He has not seen any of the plans. Mr. Lamb commented and remembered Mr. Zagel from the past project. He would be happy to give him any information. Mr. Zagel said he was not aware of any of this before receiving the letter. Mr. Rutherford advised the jurisdictional requirements of the statute is a 10 day notice. Everyone has been notified properly. Plans were provided and posted on the website, as well as at the Borough Hall.

Bruce Meisel stated Mr. Zagel will not be looking at it, since it is a group home and he lives in River Vale. His property slopes down, and the two floors that are above are not going to change Mr. Zagel's property in any way. It will not impact his group tenants in the least bit, because their windows are looking at the wall with the trees and plantings already. The two floors will be above the peak of the group home. Mr. Meisel said Mr. Zagel could have called him any time. His property is worth more today because of this project, as it has substantially enhanced his property. The impact upon you is zero he stated to Mr. Zagel, who expressed concern he will see the other two floors.

Mr. Lamb questioned Mr. Zagel. He asked Mr. Meisel if he could put additional buffering landscaping to assist Mr. Zagel. Mr. Zagel asked where he could see the plans. Mr. Lamb stated he served the notice, which states he could call Mr. Marini or Mr. Lamb. They are not in a position to postpone this. The landlord is losing \$35-45,000 per month, with a bankruptcy to be filed, and they are seeking an approval this evening. Mr. Meisel added it is a hardship. Mr. Zagel said he has to look out for his concerns too. Chairman Martin recapped that the 10-day notice was served, and Mr. Zagel had the opportunity to view the plans via several options, and that was concurred by Mr. Rutherford. Mr. Zagel stated he did not see the letter immediately, as his wife is very ill, and he is under severe stress, so he understands he should have seen the letter sooner. Mr. Martin asked if he was still opposed. Mr. Zagel asked if he could see the plans at Mr. Lamb's or the architect's office. Mr. Lamb stated they are going to ask for a vote tonight, and even so, they will arrange to give him whatever he wants to see, and he can meet

with Mr. Meisel to go over a reasonable landscaping buffer, even if they are not obligated to. Mr. Zagel stated he would appreciate that.

There were no further interested parties. Mr. Lamb summed up and asked for the Board's approval. Mr. Rutherford advised the Board as to the D1, D4 and D6 variances, along with five bulk variances set forth in Ms. Gregory's report. The setbacks are not changing. Board discussion followed. Mr. Harper asked Ms. Gregory if she agreed with Mr. Steck's testimony. Ms. Gregory gave her opinion and concurred. There has been a transition in the downtown to mixed uses. The office industry will probably get worse as a result of the pandemic. The Master Plan Re-examination Report references this type of application. She supports it, and there is a larger market for a multi-family residential project. It does support the purposes of the MLUL. Mr. Conkling commented a mixed-use building is already on the property. The design is a good looking building, and he does not see parking as a problem with public transportation. The neighboring property owner is already looking at the back of the building. Mr. Meisel and Mr. Lamb said they would meet with him and assist with landscaping. Office space is going away, so he feels it is a good fit for that end of town. Mr. Harper agrees with the applicant and what Mr. Conkling just said. He likes that the owner is going to improve the lighting and landscaping. Mr. Grefrath said he was apprehensive at first with the two extra stories, but is comfortable with the additional landscaping. Mr. O'Rourke agrees with the concept, but if you are looking at a D variance, you are setting a precedence with others coming in asking for a 45' building, and he did not think it justifies the use variance requirements.

Mr. Martin asked Mr. Rutherford to expand on the concept of precedence. Mr. Rutherford advised every land use application stands on its own merits. The Board makes its decisions based on the sound principals of zoning and planning. The same situation will not repeat itself, as each property is different from the other. This is a unique property, and there are many things very proper and relevant from a planning perspective that would distinguish this property from others in the Borough, and any other property would have to meet its burden of proof just like this applicant did. Mr. O'Rourke commented Mr. Meisel's plan is very good, but precedence was something that came to mind. The Chairman stated he feels the site is suitable for this, and consideration was given to our Re-examination Report, but



the Governing Body has not reacted yet. There is already mixed uses on the site. On the opposite side is apartments, and the Jefferson side is on the border, so this is particularly suited to what is being proposed. He likes that affordable units are mixed in, and the effort creating a building that creates a desirable visual development, stepped back with terraces. It is a nicely done application that deserves some support. Ms. Dawson thanked the Board for her learning discussions as a new Board Member. Her first reaction was about precedence, but she agrees with everyone that it fits very well. Every one of Mr. Meisel's buildings are aesthetically pleasing. Millennials don't really drive cars, and the train is available.

There were no further questions, comments or discussions. Conditions were as follows: the lighting and landscaping plan shall be submitted for review and approval; that landscaping being supplemented on the property line of the interested party, on the roof and terraces; and satisfaction of the construction-related matters, per emails exchanged with Mr. Lamb and Mr. Raimondi.

A motion for approval was made by Mr. Harper and seconded by Ms. Dawson with conditions as stated. On roll call vote, Matthew Ceplo, Wayne Harper, Michael Klein, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes. Mr. Conkling was not required to vote.

Mr. Lamb asked if there was a special meeting coming up for an applicant, per the last meeting, but there were no meeting dates available or any that worked before the next meeting on 9/14/2020. Mr. Lamb asked if they could accommodate his client with a Resolution before that date. It would take about 15 minutes. Mr. Rutherford advised he could have a Resolution ready. Mr. Martin asked if that could occur on 8/31/2020. The Board agreed.

The Board announced this matter would be considered on 8/31/2020 for the sole purpose of adopting a Resolution, with no MLUL notice, just an Open Public Meetings Act notice.

**10. DISCUSSION:** None

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approximately 11:03 pm.

(ZB 8/10/2020 Special Meeting Minutes)

**Respectfully submitted,**

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**MARY R. VERDUCCI, Paralegal  
Zoning Board Secretary**