

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
September 12, 2022**

APPROVED 10/17/22

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: Eric Oakes, Vice Chairman
Matthew Ceplo
Peter Grefrath
Gary Conkling
Michael O'Rourke
Tom Smith
Lauren Letizia, (Alt #2)

ABSENT: William Martin, Chairman (Excused absence)
Robert Desmond, (Alt #1) (Excused absence)

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

Vice-Chairman Oakes chaired the meeting.

4. MINUTES: 8/1/22 - A motion for approval of the Minutes was made by Gary Conkling, seconded by Michael O'Rourke, and carried unanimously on roll call vote.

- 5. **CORRESPONDENCE:** None
- 6. **VOUCHERS:** None
- 7. **RESOLUTIONS:**

1. **KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan** - Board Attorney gave an overview of the Resolution. There were no questions, comments or discussions. A motion for approval was made by Matthew Ceplo and seconded by Gary Conkling. On roll call vote, Matthew Ceplo Gary Conkling, Peter Grefrath, Michael O'Rourke, and Robert Desmond voted yes. Eric Oakes Ms. Letizia were not eligible to vote.

8. **PENDING NEW BUSINESS: ALL APPLICATIONS CARRIED TO 10/17/22:**

1. **Bauer, 22 Cypress - Driveway wider than the garage without approvals** - Carried to 10/17/22 if complete;

2. **Cooper, 34 Clairmont - Bulk variances for side yard and combined side yard setback** - Carried to 10/17/22 if complete;

3. **Duggan-411 Fourth Avenue - Bulk variances (side yard and building coverage)** - Carried to 10/17/22 if complete;

4. **Rozum-111 Lake Street - Bulk variance (side yard setback)** - Carried to 10/17/22 if complete;

5. **Glazer-137 Fourth Avenue - Driveway expansion, wider than garage** - Carried to 10/17/22 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 present/not heard; Carried to 10/17/22; The Board would reach out to applicant's attorney since there was no communication or appearance;

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 10/17/22 with no further notice and time extension granted;

3. OSM Hospitality, 170 Center Ave - Use Variance and Site Plan Approval, Rooftop Dining - (Lawrence S. Cutall, Esq.) - Not heard; Carried to 10/17/22 with no further notice and time extension granted;

4. Tributt Inc., 7 Bergen Street - "D1" Use Variance, "C" Variances and Site Plan - Continued from last hearing on 8/1/22. John Conte, Jr., Esq. of the firm Meyerson, Fox, Mancinelli & Conte, appeared on behalf of the applicant. The following revised plans were received:

- Architectural Plan by Callahan Architecture, LLC, revised on 8/19/22;
- Site Plan by Koestner Associates, revised on 8/24/22; and

Brian J. Callahan, AIA continued under oath and testified as to the changes on his architectural plan noted above, showing applicant's storage of tools. There were no further changes. Mr. Conkling asked if the powder room was still there. Vice Chairman Oakes expressed concern that it could be an apartment. Mr. Conte said it was still there, and the space would be strictly for office space and used by the management office. There were no further questions of the witness and none from the public.

Steven L. Koestner, PE & LS, continued under oath and testified as to the changes on his site plan noted above, adjusting parking spaces, adding one space. There was one handicapped space and two regular spaces. Drainage was re-addressed. A detention basin would be installed. The Board requested clarification regarding the parking spaces and if there would be a dumpster. There would not be a dumpster. The matter was opened to the public. Eileen Owens, 11 Bergen Street, came forward and in connection with her review of the plans, asked where drainage would go after the construction, and the response was out to the seepage pit via the downspouts. She also asked for clarification regarding the parking spaces. There were no further questions.

Brigette Bogart, Wyckoff, NJ, Professional Planner, was sworn in and accepted as she appeared before the Board on numerous occasions. Ms. Bogart reviewed the application and stated she is very familiar with Westwood's Ordinances and Master Plan. She reviewed the variances. They are not changing any of the pre-existing conditions. The front setback is consistent with the streetscape. They have a pre-existing side yard setbacks, which require variances. The lot is undersized. They are adding a second story and require a height variance for that as well as parking variances. Photos taken by Ms. Bogart 8/1/22 were marked

A3 and described. Ms. Bogart spoke to density per the Master Plan, and they are consistent. The variances are D1 and D4. Ms. Bogart recited the positive and negative criteria for the D1 use variance and special reasons. Per her analysis, the site is specifically suited for this use. For the reasons stated, the Board can grant the D1 and D4 variances.

Questions by Board Members followed. Mr. Lydon expressed concerns. He questioned the photo showing a dwelling next to the firehouse as to whether it was a two-family. Based on Ms. Bogart's observation, she had included it her study as two-stories. Mr. Lydon accepted. Mr. Lydon spoke about the difference between Master Plan Re-examination goals and recommendations and notice requirements and in relation to the testimony of the planner. He had difficulty with some of the special reasons stated. There was zero impervious coverage before this application and 35sf was carved out for juniper planting. Now there is no open space but for the planting. Mr. Lydon was also concerned about parking. There is a need for an ADA parking space for the first floor and the two regular spaces serve the second floor. The RSIS requires four spaces. The Borough does not allow overnight parking, so that cannot be counted. Further, he was not sure the site meets the D4 standards. Enhanced demonstration must be made under the Medici Standards. A lot of the analysis was of the 2020 Re-examination and not on the 1993 Master Plan. He was not sure those standards were met. Respectfully he submitted those comments.

Mr. O'Rourke commented the site already has non-conformities, and they are looking to increase the non-conformities by adding a second floor. He is questioning why that is positive criteria. Ms. Bogart stated based on the scale of the street, and condition, this does not fit in as it exists now. Mr. O'Rourke commented they could enhance the building to beautify the site to fit in without putting in a second floor. Ms. Bogart stated the components of their application are the improvements to the site. He noted that could be done without adding second floor, and this appears to be for economic benefits. Ms. Bogart noted they would not be here if it were just a facade change and agreed there would be an economic benefit. Ms. Bogart said it is in keeping with the surrounding area. She reviewed the Master Plan, and all they could do is keep up with the existing conditions in the area. Mr. O'Rourke was having issue with the level of expansion and intensification of use to justify the use variances of this caliber. Mr. Lydon commented the current uses are permitted. But the proposal is to increase the FAR standards and add apartments. Ms. Letizia asked if the three-story house in the photo was part of the analysis of averages. That is a very large building on an

oversized lot, and she saw an issue with the density analysis. Ms. Bogart stated putting a second story on was a good transition.

The matter was opened to the public for questions. Eileen Owens came forward regarding parking. Mr. Conte stated the only change would be two or three more vehicles. Vice-Chairman Oakes stated four parking spaces are required, and only two are given. The Board is debating this burden of two more apartments and a two-space deficiency. Ms. Bogart stated things have changed with parking and transportation. The one small apartment would generate one space. The site is close to the train station.

Mr. Conte was discussing the issues raised with his client. His client is deciding to testify or take the comments and carry to the next meeting. Mr. Oakes stated they can certainly take the time to address some of the concerns and carry.

The Board took a five (5) minute recess 9:20 to 9:25pm.

Upon reconvening, Mr. Conte requested the matter he carried to 10/17/22. The matter was so carried to 10/17/22, with no further notice and time extension granted.

5. Migliore-131 Second Avenue - Height variance for an Accessory Structure - Lauren Letizia recused herself and stepped down from the dais. Applicant Toni Ann Migliore, property owner, was sworn in. Peter Wells, Licensed NJ Architect, of Park Ridge, NJ, was sworn in and accepted, having appeared before the Board on numerous occasions. He testified they were present for a pool cabana. The variance they are seeking is a height variance for a cabana which is 14' tall, where 10' is permitted. They are trying to put in a pitched roof and fire pit. The cabana is 25' from the side property line and rear property line, when only 10' is required. So, the impact on the neighbors is minimal and set that far back, it is de minimis.

Questions by the Board followed. Mr. Lydon asked if most of the walls of the cabana are open, and Mr. Wells stated three are open and one is closed for the fireplace. Basically, they are just here for the roof. Mr. Oakes asked about the garage. The existing garage is 16' tall, and this is lower. The garage on the property right behind this is 10' from the property line and is tall. There are tall structures all around this property. This will look smaller than the other structures. There were no further questions or comments from the Board.

The matter was opened to the public, but there were no questions or comments. A motion for approval was made by Matthew Ceplo and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, Matthew Ceplo Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and Eric Oakes voted yes. Ms. Letizia was recused.

6. Regna - 17 Euclid Avenue - "C" Variance, building coverage - Not heard; Carried to 10/17/22;

7. 15 Westwood Realty, LLC-269 Westwood Ave - Amended Site Plan and Use Variance for 4 Residential Units - Stephen P. Sinisi, Esq. represented the applicant and reviewed the application. They downsized from six (6) residential units to four (4) residential units and eliminated the office space, and they are keeping some storage space. He offered as an exhibit the Board's prior Resolution, marked A1.

Vincent Cioffi, of Westwood, Licensed NJ Architect, was sworn in and accepted, having appeared before the Board on numerous occasions. He testified as to the architect in the first plan for six (6) residential units. Exhibit A2 was the revised drawings for four (4) units, dated 7/5/22. The Second Floor Plan was changed. All of the construction proposed for the west side of the property has been eliminated, and they are maintaining the Westwood Avenue and Kinderkamack Road elevations. They are changing the entrance to the apartments. All residents can come out on the Westwood Avenue side. Instead of six mixed apartments, they now have four two-bedroom apartments, with exposure out to the main avenues. They have roof development, giving each apartment a roof terrace. The remaining area of the roof will remain undeveloped. The next sheet was the Roof Area, shown per as Mr. Lydon's request. Exhibit A3 was the Elevations sheet dated 6/30/22. He also showed the sheet with the facades of the apartments. The changes exhibit good, civic design and arrangement and provide an attractive streetscape. Mr. Raimondi asked him to mention that they eliminated the office space, which he then did. Mr. Grefrath clarified the proposal for his understanding.

William Paige, PE, of Paramus, NJ Licensed Professional Engineer, was sworn in and accepted having appeared before the Board previously. His revised plan, consisting of five (5) sheets, was dated 7/20/22, and marked A4. Mr. Paige incorporated Mr. Raimondi's recommendations into the revised plans. They also added bollards. The parking spaces are the same as existing. They reduced the number of parking spaces - they went from 17 parking spaces required to eight (8) required. The elevator is on the

left side, and they designated a space for emergency vehicles. There are 19 spaces dedicated to Five Corners. The last change was a small open space in the rear behind the parking space to provide room for backing out. There is also a seepage pit on the plan. Mr. Raimondi stated everything he said was correctly shown. Mr. Lydon and the Board had no questions. Vice-Chairman Oakes commented they are going in the right direction. The matter was opened to the public, but there were no questions.

Michael J. Pessolano, Licensed Professional Planner, of Bogota, NJ, was sworn in, qualified and accepted. Mr. Pessolano addressed the positive and negative criteria and gave reasons why applicant is entitled to the variance relief requested. In his opinion, Mr. Pessolano testified that the proposed project meets the Medici Standards for the use variance requirements and is consistent with the Master Plan. The benefits outweigh any detriments. Special reasons were given for the granting of the variance. The matter was opened to the public, but there were no questions.

A motion for approval was made by Gary Conkling and seconded by Michael O'Rourke. There were no further questions, comments or discussions. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and Eric Oakes voted yes. Lauren Letizia was not eligible to vote.

10. DISCUSSION: None

11. ADJOURNMENT - On motion, made seconded and carried, the meeting was adjourned at 10:15 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**