

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
October 2, 2023**

**APPROVED 11/6/23**

**1. OPENING OF THE MEETING:**

The meeting was called to order at 8:00 pm at the Westwood Municipal Complex, 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  
Gary Conkling  
Matthew Ceplo  
Michael O'Rourke  
Lauren Letizia, (Alt #1)  
Frank Mantz, (Alt #2)

**ALSO PRESENT:** Thomas Randall, Esq., Board Attorney  
Steve Lydon, Burgis Associates,  
Board Planner  
Brandon Goldfine, Boswell Engineering  
Board Engineer

**ABSENT:** None

Chairman Martin advised that Robert Desmond resigned, as he moved out of State. A Resolution thanking Mr. Desmond for his service will be adopted at the next meeting.

**4. MINUTES:** The Minutes of the **9/18/23 meeting were approved** on motion made by Eric Oakes, seconded by Gary Conkling and carried unanimously.

**5. CORRESPONDENCE:** None

**6. RESOLUTIONS:** None

**7. VOUCHERS:** Approved as read and signed off by Chairman on motion by Eric Oakes, second by Gary Conkling and carried unanimously.

**8. PENDING NEW BUSINESS: ALL CARRIED TO 11/6/23:**

**1. ZB-2317-Pierro-174 Lexington Avenue - Addition with bulk variances;**

**2. ZB-2318-Dombkowski-246 Fourth - Covered Deck with a bulk variance for rear yard setback;**

**3. ZB-2320-FHC Services Inc- 711 Broadway-D1-Use Variance and Site Plan;**

**9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS AND INTERPRETATIONS:** The Board Professionals were sworn in by the Board Attorney

**1. ZB-2218 - Dragona, 22 Bryant Place - Project was approved and completed, the final as-built survey shows that the pool is less than 15' to the side property line and the lot coverage is 42.9% when 40% is permitted - (Lauren Letizia recused; William Martin recused) - Not heard; Carried to 11/6/23 at the request of the applicant - applicant must re-notice, since there have been several months of adjournments;**

**2. ZB-2214- Glazer, 137 Fourth Avenue - Driveway expansion, wider than garage - Not heard; Scott Berkoben, Esq., applicant's attorney, appeared and requested an adjournment to the next meeting, 11/6/23. The matter was carried to 11/6/23. No further notice required. Time waived through next meeting.**

**3. ZB-2220 - Carrier - 27 Seventh - Height variance for an accessory structure - John J. Lamb, Esq., represented the applicant, Jeff Carrier, and gave an overview. The application is for shed that exceeds the height and a deck for an inground pool. The lot is oversized. The shed was originally constructed without a permit as he did not think he needed a permit. Applicant received a fine and pled guilty. He had looked at the zoning code, but it**

was for Westwood Massachusetts, and that is why he did not think he needed a permit. He also has chicken coops on the property. They noticed for that too. They could attach the coops to the shed. The pool must be 10' from the principal structure, and it is not 10' from the deck, which is considered part of the principal structure. The deck is 15' high, including the cupola, and the permitted height is 10'. Chairman Martin stated the Board would look to have that reduced. Also, the documents must be updated, as they are not clear. Mr. Lamb stated if they took the cupola off, they would be 13.5'. There's also a very small garage.

Applicant, Jeff Carrier, was sworn in. Mr. Carrier stated they would never park the car in the garage, as it is way too small. The Chairman stated they need a number of things clarified, and they will need witnesses to address what the applicant just stated. Mr. Lamb asked if they could get started with looking at photos. Mr. Martin noted there needs to be clarity and amended documents showing exactly what is existing, and what is proposed and new. The proposed porch is not there yet, and it is too close to the pool and does not look safe. The shed height needs to be reduced. Perhaps a patio is better. Mr. Lydon stated more information is needed on the lot, not just that it is oversized. They will also need to bring in a planner. The matter was carried to 11/6/23.

The Board took a recess from 9:00 - 9:15 pm.

**4. ZB-2302 - Abbott, 169 Carver - Vacant Land - D-1 Use, C-variances, and Site plan to construct a four (4) unit townhouse structure** - Harold Cooke, Esq. - Not heard; Applicant Robert Abbott appeared and advised his planner was not available for a Special Meeting on 10/23/23. Therefore, the matter was carried to 11/6/23 to confirm a Special Meeting on 11/13/23;

**5. ZB-2215 - Jameson, 163 Prospect - Garage expansion - Bulk variances** - Scott Berkoben, Esq., represented the applicant and gave an overview. This home was originally a gateway home to a development that went bankrupt many years ago in Goodwin Park in 1918. It was built to be visible to incoming traffic and serve as an example of the Goodwin Park Development. Due to the location on Carpum Street, the property still serves as a gateway to the area. An upgrade in appearance and an additional garage space will improve the aesthetics of the area.

Andrew Jameson applicant, and Anthony Zampolin, Licensed NJ Architect, of Zampolin Associates, Westwood, NJ, known to the Board, were sworn in. Mr. Zampolin gave his credentials and was

accepted. Mr. Jameson stated his garage is too small to put in a modern automobile. He would like to expand the current three car garage and add a structure to serve as additional garage space. He owns four automobiles and would like to garage them. So, he is removing the left-hand bay and adding two garage bays. He will then have garage space for his four cars. His property backs up to the railroad. It is directly behind the pool. It is an odd-shaped lot, with non-conforming dimensions and odd frontage.

Anthony Zampolin, Architect, testified it is the gateway home in the Goodwin Park neighborhood, constructed in 1918. Modern garages need a minimum 20' and this garage presently is too small to put a car in. It is 1.5 stories. The project is for 636sf of construction, but you will only see 382sf from the road. It has a carriage house aesthetic, and they are trying to keep that intact. They are going from a three-car garage to a four-car garage. Variances are for existing front yard and side yard setbacks, proposed minimum setback, proposed accessory structure/garage expansion in front yard, distance of garage from property line, and height variance to maintain 19.5' and a number of cars.

Chairman Martin noted they need to conform with stormwater management calculations and regulations. Mr. Goldfine is to review the calculations. The Board can list this as a condition. Mr. Conkling asked about heating, and there will be none in the garages. Mr. Goldfine asked about the cars backing out of the garages. Mr. Lydon asked about the interior walls. There is no distinction between new walls and remaining walls. Mr. Zampolin explained he will delineate that on the plans. Mr. Martin asked about foundation. It is slab and concrete, as they can reasonably assume. Mr. Martin asked what is on the second floor of the garages. It is storage space, and will remain the same. Mr. Goldfine asked to confirm if there is one door to the entire structure. Mr. Zampolin confirmed.

Mr. Lydon clarified the variances as height of garage, number of bays, front and side setbacks and proximity to front property line due to odd-shaped lot. Mr. Martin noticed the house to the north is very close. The neighbor was in the audience and said he is fine with the project. Mr. Martin stated the design is great and the location is extremely unique. There is so much history tied to this. He noted there is a 50 amp service. Mr. Jameson said his father put it in over 40 years ago. He just needs it for overhead and opening the garage doors. Nothing additional. Mr. Martin noted the building code might need 100-amp service. If it is just the electric, he doesn't see an issue. The lights will shine down and towards the property itself.

The matter was open to the public. The neighbor next door, Karen Nubbel, was sworn in and came forward and testified she was completely fine with the garage being close to her property. It is a cool house and will be made to look newer, and she was in favor of it. There were no further witnesses. Mr. Berkoben summed up, stating they are promoting a desirable visual environment, it is a site with a lot of history, a good creative design, contributing to the well-being of the neighborhood, and doing the best to maintain it. They are bringing it up to the 21st century. Mr. Lydon and Mr. Martin stated the odd-shaped property and close to the railroad can be considered a hardship. It meets the statutory requirements.

A **motion for approval** with condition that applicant submits a stormwater management system with zero increase in runoff to be approved by the Board Engineer, was made by Eric Oakes and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll call vote, all members voted yes.

**6. ZB-2315-E.M.F.F.B. LLC/Maria Fernandez - Use Variance to add a residential unit to the second floor of a building in the CBD/SPE Zone** - Not heard; Scott Berkoben, Esq., applicant's attorney, appeared and requested an adjournment to the next meeting on 11/6/23. The matter was carried to 11/6/23. Notice is required.

**7. ZB-2304 - Fitzgerald, 124 Mill - Installed a 6' fence in the front yard (WWOP)** - Michael Fitzgerald, applicant, was sworn in and testified they are proposing a 6' fence in their backyard due to his large dog, who is usually in the yard, and for privacy for his family. The yard behind their house is considered another front yard, because it borders Sixth Avenue where people are frequently walking. That is why they need a 6' fence. The Chairman questioned the retaining wall outside the property line, which they are repairing. He has a permit to rebuild it.

Mr. Lydon stated a 4' fence with 50% open is permitted. A 6' fence is not permitted. Mr. Martin asked if he could take it down 2'. Mr. Fitzgerald stated he was present because he wants to keep the 6' fence. There are other fences that are 6'. It is a safety and privacy concern. This is a heavy traffic area, with many school-age kids walking by to and from school. If the fence is open, they may try to pet their dog, and he is concerned about it. He wants their young daughter to play in the yard without people watching her, and also, she could scale a 4' fence. Mr. Martin stated these are personal reasons, but they do not address the law. They built a 4' fence on a 2' wall. Board Members commented next. Mr. Conkling suggested bringing it down to 4' and planting

some shrubbery. Mr. Martin stated that could be a solution if they brought it down to 4' and made it a solid fence. Mr. Lydon commented the first 2/3 of the driveway is the front yard. The rest is the side yard, and 6' is permitted. The Chairman stated it could be brought down, and the front part could be solid so people can't look in. This was already built. Normally applicants come in before building, and the Board would address this in advance. The Chairman stated applicant needs to submit the building permit and suggested carrying the matter to 11/6/23. In the meantime, he can consider what was discussed and suggested.

The matter was opened to the public for questions. Frank Mills, 10 Mill Street, across the street asked why he did not get a permit. Mr. Fitzgerald said he already answered the question. He worked with a landscape architect. He has had issues with this neighbor, as stated in the letter with his application. The Chairman asked him to think about what was suggested and come back next time with the permit. Mr. Fitzgerald noted he has two neighbors here to support him. The matter was closed to the public.

The matter was carried to 11/6/23. The applicant can mark up the survey with what he is proposing. The neighbors in support can come back. Carried to 11/6/23;

**8. ZB-2305 - Min Luo, 8 Lake Drive - Driveway wider than garage (WWOP) - Carried to 11/6/23 at request of applicant;**

**9. ZB-2319-Appletree Play House- 24 Booker- D1-Use Variance and site plan - Carried to 11/6/23 at request of applicant - Notice required;**

**10. DISCUSSION: Draft 2024 Meeting dates - Under review for adoption at the January 2024 Reorganization Meeting.**

**11. ADJOURNMENT - On motions, made seconded and carried, the meeting was 10:00 pm.**

**Respectfully submitted,**

**Mary R. Verducci, Zoning Board Secretary**