

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
Municipal Building  
MINUTES  
October 4, 2021**

**APPROVED 11/8/21**

**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  
Gary Conkling  
Matthew Ceplo  
Michael O'Rourke  
Alyssa Dawson  
Tom Smith, (Alt #1)  
Robert Desmond (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Steve Lydon, Burgis Associates,  
Board Planner  
Louis A. Raimondi, Board Engineer  
Kathryn Gregory, Board Planner, for 11 Madison

**ABSENT:** None

**4. MINUTES:** The Minutes of the **9/13/21 meeting were approved** on motion made by Eric Oakes, seconded by Gary Conkling and carried unanimously.

**5. CORRESPONDENCE:**

**1. Letter of John J. Lamb, Esq. Appeal of Zoning Official's Decision - Café Anello, 11 Madison Avenue -** See below; matter heard and action taken;

**6. VOUCHERS:** None

**7. RESOLUTIONS:**

**1. Schuck, 173 Washington Avenue - C Variance, Driveway and Parking Space in Front Yard -** 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, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Tom Smith, and William Martin voted yes.

**8. PENDING NEW BUSINESS:**

**1. Santa, 21 Adams Ave - "C" Variance for Setback to In-ground Pool -** Not yet deemed complete; Carried to 11/8/21;

The Board took a recess from 9:05 pm to 9:10 pm.

**9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

**1. Illuzzi, 171 Westwood Boulevard- C Variance - 6ft. Fence in Front Yard (Installed prior to zoning approval) -** Not heard due to insufficient Notice; Carried to 11/8/21;

**2. Traina, 59 Bryant Place - "C" Variance - 6ft. Fence in Front yard, Coverage exceeds 40%-** Brandon Traina, owner, was present and explained he served Notice per the instructions contained in the application; however, he could not be heard since the Notice was not made 10 days in advance; Carried to 11/8/21;

**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 approx. 8:15 pm to discuss pending litigation.

**RETURN TO OPEN SESSION** - A motion to return to Open Session was made by Eric Oakes, seconded by Peter Grefrath and carried. The Board returned to Open Session at approx. 8:35 pm and continued the meeting.

The Board took a recess from 8:35 - 8:38 pm

**3. Appeal of Zoning Official's Decision - Café Anello, 11 Madison Avenue** - Steve Lydon recused himself and stepped down from the dais. Kathryn Gregory, PP, acted as Board Planner for this application. John J. Lamb, Esq. Represented the applicant. The Application of Publication and Notice were given to the Board. Mr. Lamb reviewed that the matter was previously a use variance application for the restaurant and storage facility. The first floor was approved for commercial use in 2014. There was no parking associated with that application. There was an amended application and approval in 2015. The ordinances allow a restaurant and a restaurant with bar. Next, Cafe Anello received approval for and outdoor refrigeration unit. Cafe Anello then sought to install a service counter. That was approved, but Mr. Marini denied the bar seating component. They stated they would go before the Zoning Board for an interpretation. The service counter is allowed just to prepare alcohol for serving, since they now have a liquor license. Now they are seeking part two, putting eight seats to make it an official bar.

Armand Marini, Westwood Construction Code Official, was sworn in. He testified the service counter was not signed off on by him. Cafe Anello has 1,472 sf and does not require off-street parking. The ordinance says restaurants with less than 1,500 sf do not require parking. Now applicant wants to intensify the use and bring in a bar. Under that same ordinance, applicant does not fall under that same exemption, because a restaurant with bar requires parking. The definitions are split into restaurant and restaurant with bar. Mr. Lamb confirmed they were present for approval of the eight seats. Chairman Martin stated this is intensifying the use and you have to count standing space. Mr. Martini stated they have a restaurant and was exempted from parking when first approved, but now he wants a restaurant with bar and parking is required. A lengthy, detailed dialogue followed.

Mr. Rutherford advised the critical element is there are three approvals before the Board. Mr. Marini will deal with applications as they come in. Any future business could come in there as a restaurant and a bar. Mr. Marini asked how you could approve a parking variance for a use that was undetermined at that time. The Chairman stated it was presented that no parking be required

for that use in the CBD Zone. He asked for clarification of Page 4, Item 8 of Mr. Lamb's letter. Mr. Rutherford stated a Resolution could state that it was the Board's intent when this was first approved that in the CBD/SPE Zone, the use can go in there. This Resolution can then be relied upon for future determinations. Ms. Gregory agreed with Mr. Rutherford and provided a Memo dated 10/1/21. Mr. O'Rourke commented they are not changing the square footage, just taking two tables out for eight seats at the bar.

The matter was opened to the public. Mr. Bucciarelli, a neighboring business owner, was sworn in and testified about parking in the neighborhood. He expressed concern about people parking in his lot, and he wants his lot protected. Mr. Meisel was sworn in and addressed the Board. He spoke on behalf of the restaurant with bar. There were no further questions or comments, and the matter was closed to the public.

Mr. Rutherford advised the Board is not granting a variance here, but if the Board sees fit to grant the appeal, the three resolutions will be referenced in the Resolution.

There was no further testimony, and no questions or comments. The Chairman called for a motion on the appeal to either reverse the Zoning Official's decision or uphold his decision. A motion to reverse the Zoning Official's decision was made by Alyssa Dawson and seconded by Eric Oakes. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and William Martin voted yes.

**10. DISCUSSION:** None

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at 9:25 pm.

**Respectfully submitted,**

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