

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
March 7, 2016**

APPROVED

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a **Reorganization and 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
Matthew Ceplo
H. Wayne Harper
Marc Truscio
George James
Michael Klein (Alt #1)
Anthony Zorovich (Alt #2)

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

ABSENT: Cynthia Waneck (excused absence)

Chairman Martin advised Subdivision Deed on Westgate was presented for signature by the Chairman and Board Secretary by Mr. Lamb. This required Mr. Raimondi's approval of the minor changes. Mr. Rutherford advised the Board could sign it and he would hold it pending Mr. Raimondi's approval of the

changes. Mr. Raimondi commented he just received it at 4:30 today, and there were just minor changes. The Board signed the Subdivision Deed.

4. MINUTES: A motion to approve the Minutes dated **2/1/16** was made by Eric Oakes, seconded by Wayne Harper, and carried unanimously on roll call vote.

5. CORRESPONDENCE: None

6. VOUCHERS: Upon motion of Eric Oakes, seconded by George James, all ayes on roll call vote, **the Board approved Vouchers totaling \$5,945.75.**

7. RESOLUTIONS:

1. Vassallo, 71 Sixth Avenue, Block 902, Lot 5 - "C" Variance - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by George James and seconded by Eric Oakes. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, and William Martin voted yes.

8. PENDING NEW BUSINESS:

1. Morrison, 5 Lewis Place, Block 1802, Lot 8 - Bulk Variances - Scheduled for 4/4/16;

2. Joachim, 40 Clinton Place - Bulk Variances - Not complete; carried to next meeting under pending new business;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS
The Board Professionals were sworn in.

1. Estate of Lisa Barbour, 164 Mill Street, Block 306, Lot 20 - Section 68 - Nicholas Nasuta, Esq. represented the applicant and presented the application. It is a fairly simple application, he stated. The executor is in North Carolina and could not be present tonight. However, the listing agent, was the single witness and could testify as to the two-family status. As such, Mr. Nasuta asked to proceed. A brief discussion ensued.

A motion to proceed was made by Eric Oakes and seconded by Michael Klein. On roll vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, and Michael Klein voted yes. George James and Chairman Martin voted no. The vote carried.

Mr. Nasuta continued. Proofs and documentation were presented. Chairman Martin commented the tax records and photos seem to be consistent with the use as a two-family house. Marie Joy Koch, was sworn in and testified as to the use as a two-family home. Ms. Koch is the realtor/listing agent of the property in question. She shared her knowledge of the property. She further testified the property is under contract and scheduled to close title on 4/15/16. She visited the property at least 20 times. Ms. Koch described the photographs were taken by her in detail.

The Board Members questioned the witness. The matter was opened to the public, and several objectors came forward with extensive questions, which were addressed. It was determined that the documentation supported the use as a two-family home. There were no further questions, comments or discussions.

A motion for approval was made by Eric Oakes and seconded by Matthew Ceplo. On roll vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, and Michael Klein voted yes. George James and Chairman Martin voted no. The vote carried.

The Board took a recess from 9:30-9:40 pm. Upon reconvening, Chairman Martin stated the rest of the time would be split between the two remaining applicants, Care One and Oberg 45 minutes each.

2. Care One at Valley/Millennium Health Care Centers II, LLC, 300 Old Hook Road, Block 2001, Lots 51 and 64.01-Amended Site Plan -Donna Erem, Esq. represented the applicant in a continued hearing application for amended site plan including variances. She introduced the witnesses. They are seeking approval for a 990 sf bump-out to support interior modifications and an emergency generator. They made changes per the Board. A sound wall would be constructed. Decorative cupola would also be applied for and requires a variance. The Board asked them to consider other generator locations, and they did; however, it was determined it was best that the generator stay where it was.

Michael Fowler, P.E. continued under oath and testified as to the revised plan, which was marked A7, revised to

2/24/16. He testified as to why the generator should stay where it was proposed. The plan shows a different generator and a separate sound wall and a masonry wall. Mr. Raimondi asked for the dimensions of the generator and wall, as well as details on the generator. Ms. Erem presented the manual he requested. A plan was put on the table for interested parties. There were no questions from the audience.

James Cartwright was sworn in and testified as to generator dimensions and manual, and sound data. He oversees approximately 30 health care facilities and was familiar with the facility. He reviewed the sound attenuation questions from the Board and testified as to why they selected this generator. It has a better sound attenuation package. The generator needs to be near electricity, fuel and regular service equipment. It is necessary for Care One's operations. This generator will survive for 72 hours. It will enable them to keep the patients in place. Relocating residents can take over six hours. They are required to maintain certain temperatures at all times. The current generator is too small, and the electrical panels have to be improved to accommodate this new generator. Mr. Oakes asked where the electrical panels were located, and what the difference was in distance placing it closer to Old Hook Road. Mr. Cartwright responded. It appeared to be 200-300' further away. Mr. Cartwright referred to the plan. A brief discussion on distances ensued. The generator is remaining where they previously showed it for the reasons stated. There were no further questions of this witness. The matter was opened to the public. One member of the public had a question about the location of the fuel tank, which would be answered by the next witness.

Matthew T. Murello licensed NJ Professional Engineer, specializing in acoustics, previously sworn, continued regarding sound attenuation. He reviewed the new proposed generator and sound. The NJDEP Code for noise regulation says it cannot exceed 65 dba. As a summary, the average was from 60 dba. The vast majority did not exceed 65 dba. The noise from a diesel engine is the same as what is there normally. The sound barrier is 2' higher. All the controls are in the box. The barrier will wrap around the generator to keep the noise in. The other side of the property line will be consistent with what is there now. The fuel tank is a sub-base tank and the generator sits on top. Mr. Oakes had questions of the witness regarding dba details. Mr. Murello gave clarifications and details of the generator and acoustics per Chairman Martin. The code for the municipality

is 65 dba and the existing area is 60-66 dba during daytime hours. Mr. Raimondi asked, and it was restated the fuel would last for 72 hours. A member of the public had questions, such as how many gallons it would. The response was about 50. There were no further questions of the witness.

There was no time remaining to hear testimony from the planner. The matter was carried to the 4/4/16 meeting with no further notice.

3. Oberg / Seana Construction LLC, 400 (410) Lafayette Ave, Block 301, Lot 7 - Variance - John J. Lamb, Esq. represented the applicant and reviewed from the prior hearing. Mr. Oberg is under contract to sell the vacant lot to a builder to construct a dwelling and garage. John Oberg and the engineer, with a builder were present to testify.

John Oberg, 400 Lafayette Ave, Westwood was sworn in. The property is the subject of a subdivision. Mr. Raimondi asked about the driveway access easement. Mr. Lamb produced the Deed reciting the easement from Lafayette. The Deed from 1971 was marked into evidence. There was previous litigation with the neighbor, which was settled in his favor, to gain access to Lot 6. Photographs were shown and described. Mr. Lydon asked about the Deed and slope rights. Mr. Lamb did not have any knowledge as to slope rights. Chairman Martin asked about the history of the subdivision. Mr. Lamb advised it spent about two years before the Board in the 1980's. The lot has been sitting vacant for many years. That is the issue. There were no further questions of Mr. Oberg. The matter was opened to the public for questions; there were none.

Gary Vander Vere, P.E., Azzolina & Feury, Licensed Engineer in NJ was sworn in, qualified and accepted. He reviewed the plan dated 3/24/15, revised to 2/16. The plan was marked A4. The property is vacant and wooded. It slopes significantly from West to East. The access easement runs across the southeasterly portion of the property, and a driveway serves adjacent several properties, Mr. Vander Vere explained. There is a temporary easement for a construction wall. As a condition of approval, the applicant would consent to easements over Lot 6 to facilitate the project. Mr. Vander Vere described proposed the drainage. Mr. Lamb questioned the witness about the setbacks. As for trees, 14 trees were planned to be removed, and applicant would comply with 61% replacement ratio, per the ordinance. Also, regarding the steep slopes, they are allowed to disturb certain

percentages, which Mr. Vander Vere recited. This minimizes the disturbance by utilizing the driveway. Additional drainage would be provided in the driveway and turn-around area. There were no further questions of this witness and none from the public.

Due to the lateness of the hour, the matter was carried to the 4/4/16 meeting with no further notice.

4. Hall, 60 West End Avenue, Block 410, Lot 26 - "C" Variance - Not heard/carried to next meeting; no additional notice required;

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary