

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
June 13, 2016**

APPROVED 8/1/16

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 **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
George James
Marc Truscio
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)

4. MINUTES: The Minutes of **5/2/16** were approved on motion 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 Wayne Harper, all ayes on roll call vote, **the Board approved Vouchers totaling \$5,186.25.**

7. RESOLUTIONS:

1. Care One, 300 Old Hook Road, Block 2001, Lot 64.01- Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Michael Klein, with conditions as stated. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Michael Klein, and William Martin voted yes. The remaining members were not eligible to vote.

8. PENDING NEW BUSINESS:

1. 7-Eleven, 561 Broadway, D(1) Use Variance - Carried to 7/11/16 with notice;

2. Fowler, 2 McDaniels Street - C Variance for in-ground pool - Carried to 7/11/16 with notice;

3. WestMack - 355 Kinderkamack Road - D6 Variance & Site Plan - Carried to 7/11/16 with notice;

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

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

1. Sickinger Family Trust, 484-486 Fourth Avenue - Section 68 - Mr. Rutherford reviewed the notice and publication documents and found them to be in order. Mary and Wayne Henderson were sworn in. Chairman Martin advised his office which he rents is next door to this property. Mr. Rutherford advised if Mr. Martin has any personal knowledge, of the property, he must make a statement. Mr. Martin stated he had direct knowledge of the property. It was the subject of a Planning Board application that was withdrawn. It has all the characteristics of a two-family house was built as such and has been used as such. Mr. Henderson testified in 1957 the property was appraised as a two-family. When his wife's family died, it went into a trust. It has always been used as a two-family, and he has documentation. It was constructed prior to 1967.

Mr. Martin acknowledged the extensive documentation submitted and thanked the applicant. There were no questions from the Board and no interested parties in the public with questions or comments. Mr. Oakes commented the documentation provided coincides with the documentation received and required for previous approvals and would therefore make a motion. A motion for approval was made by Eric Oakes and seconded by Marc Truscio. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

Mr. Rutherford advised Mr. Henderson made him aware there is a real estate closing this week; therefore he prepared a Resolution of Approval. A motion for approval of the Resolution was made by Eric Oakes and seconded by Wayne Harper. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

2. Korupchak, 235 Washington Avenue, Section 68 - Mr. Rutherford reviewed the notice and publication documents and found them to be in order. John Korupchak was sworn in and testified that he purchased the home about 16 years ago as a two-family and always paid the taxes as such. A neighbor, William testified that he knew it was a two-family since he was an adolescent in the 1950's. It remained as a two-family until the present time. Photos were shown of the house and also showing two meters and two separate entrances. With the evidence presented, including an eye witness, as well as the photos and testimony showing the home is a two-family for the required time period, it was determined that the home was in fact a two-family home. There were no further comments and no questions or comments from the public.

A motion for approval was made by Eric Oakes and seconded by George James. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

Mr. Rutherford also prepared a Resolution of Approval. A motion for approval of the Resolution was made by Eric Oakes and seconded by Wayne Harper. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

3. Morrison, 5 Lewis Place, Block 1802, Lot 8 - Bulk Variances - Kenroy Morrison, applicant and attorney, was

sworn in. Michael Bieri, FKA Architects, Licensed Architect and Professional Planner in NJ was sworn in, qualified and accepted. Mr. Bieri testified. The variances requested for this new home project application were set forth as follows: side yard setback, maximum floor area ratio and number of garage spaces. This is a 50 x 100 lot and compliant in other respects. The plan was marked Exhibit A1. Elevations were marked A2. Three bedrooms were proposed. One car garage was proposed where two are required.

Mr. Raimondi expressed concerns about the sewer pipe. It will be only 4' from the house and they wouldn't be able to get a piece of equipment in there for any further excavation. He recommended moving the house to the North to have more room in the sewer easement. Mr. Martin noted it said 5' on the elevations. Mr. Bieri said at the front corner it is 5'; at the back it's 4'. Mr. Raimondi figured 5-6' were needed. The house would be moved over 1' making a 7' side yard setback, and a variance would be needed. Mr. Bieri stated they noticed for it. Mr. Martin asked for a review of the number of variances. Mr. Lydon ran through them. A variance for off street parking setback was added. Mr. Martin commented it is an effective design, and the hip of the roof appears to be set back. Mr. Bieri stated the ordinance provides if they had an existing three bedroom house, they could have a one-car garage. That is actually more consistent with the surrounding neighborhood. It will substantially increase the value of the houses in the neighborhood, and it will be a benefit vs. a detriment.

The Chairman called for any questions from the Board. Mr. Ceplo asked if they could also park a car in the driveway while there is a car in the garage. Mr. Bieri said it would be close. The Chairman asked if we needed to hear from Mr. Hubschman. It was not needed. The seepage pit was on the plan, and Mr. Bieri put it on the record. There were no further witnesses. There were no further questions from the Board and no interested parties. Mr. Oakes, Mr. Martin and Mr. Harper commented favorably, acknowledging the smaller lot and that applicant agreed to move the house over from the easement, and aesthetically it is great.

A motion for approval was made by Eric Oakes with conditions as stated and seconded by Wayne Harper. There were for further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

4. Joachim, 40 Clinton Place - Bulk Variances - Ben Cascio, Esq. represented the applicants, Leanne and Michael Joachim, who were sworn in. Photos were submitted and marked Exhibit A1. They purchased the home in 2015. There are three bedrooms, which includes a very small room which was previously used by the prior owners as a closet, less than 7 x 10, which they use for the baby. The purpose of the addition is to add a Master Bedroom and bath, resulting in four bedrooms and two full baths. They have several notarized letters from neighbors in support of their application. If they cannot make the addition, they will have to move, but they love Westwood, the neighborhood and this home and want to remain. The prior owners had to move when their child outgrew that bedroom also.

John Musinski, Licensed NJ Architect was sworn in and accepted. He prepared the plans submitted with the application dated 2/16/16, last revised 4/21/16. Mr. Musinski described the plan. Upstairs are two bedrooms and as small nursery 7 x 10. They propose to put a second floor with a master bedroom suite and master bath. The variances requested are due to the small lot size. They are building on the existing footprint. There is a new proposed deck for entry into the house, requiring variances. Mr. Lydon set forth the variances, including floor area ratio, building coverage and lot coverage, giving details and dimensions.

Mr. Raimondi commented the two-car driveway is wider than the garage. There is also an error on the survey. The applicant commented it was just redone in March, and the date was corrected. Mr. Raimondi asked the architect to verify the jogs and offsets. Mr. Musinski verified there will be no gate. Finishing the house will benefit the neighborhood architecturally. There will be no detriments or negative impacts. The home will fit in with the neighborhood, and it is not oversized at all. The air conditioning unit would be located on the Newark Avenue side, per the sketch. The Board did not have an issue with its current location, so it could remain as is. Applicant said they will only put central air on the second floor, resulting in a smaller unit. Mr. Martin said there was no issue now. Mr. Oakes asked, and Mr. Lydon responded a two-car garage is not required, as this is not a new dwelling. Mr. Martin commented it is harder to conform on a 4,500 sf lot. Also, the addition of a fourth bedroom is not out of character with the neighborhood. This is a benefit

to the neighborhood in that it would serve the typical family with modern needs.

Michael Bieri, neighbor, was sworn in and testified he lives across the street and has seen the house turn over in ownership at least three times for the same reason. Also, it is not increasing the footprint of the house. The addition fits the house.

Mr. Cascio summed up stating it will be an asset to the neighborhood and there are no detriments. He asked for the Board's approval. Mr. Harper commented it is long overdue and commented in favor. Not having a flat roof is a structural safety improvement. Mr. James gave positive comments.

Mr. Oakes commented due to the hardship of the location and being an undersized corner lot, with no substantial increase in impervious coverage, he would move for approval. Eric Oakes made a motion for approval, with second by Wayne Harper. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Michael Klein, and William Martin voted yes.

5. Schrottner, 72 Benson Avenue - Variance -
incomplete; carried with notice required;

10. DISCUSSION: None

11. ADJOURNMENT - On motion made seconded and carried, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary