

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
August 1, 2011**

APPROVED 9/12/11

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.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: Robert Bicocchi
Guy Hartman
Christopher Owens
Raymond Arroyo, Vice-Chairman
William Martin, Chairman
Eric Oakes
Vernon McCoy (Alt #1)
Matthew Ceplo(Alt #2)

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

ABSENT: Michael Bieri (excused absence)

4. MINUTES - The Minutes of the 6/6/11 meeting were approved on motion of Mr. Bicocchi, seconded by Mr. Arroyo and carried unanimously on roll call vote. The Minutes of the 7/11/11 meeting were approved on motion of Mr. Arroyo, seconded by Mr. Owens and carried.

(WWZB 8/1/11)

5. CORRESPONDENCE:

1. Memo from Burgis Associates, dated 7/14/11 RE: Fodor;

6. VOUCHERS: A motion to approve vouchers totaling \$1,312.50 was made by Mr. Oakes, seconded by Mr. Arroyo, and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. **DePaola, 112 Prospect Avenue - Certification of Non-Conformity - (Affidavit of Service Due)** - Not on for Resolution; Resolution memorialized previously; awaiting Affidavit of Service.

2. **Bell's Little Learners, 410 Center Avenue, Block 802, Lot 17** - Mr. Rutherford advised that the revised plans were received and reviewed, and that action on the approval and Resolution may be done simultaneously. A motion for approval of the application and Resolution was made by Mr. Arroyo and seconded by Mr. Owens. There were no further questions, comments or discussions. On roll call vote, Mr. Bicocchi, Mr. Arroyo, Mr. Owens, Mr. McKoy, Mr. Ceplo, and Mr. Martin voted yes. Mr. Oakes was recused. Mr. Hartman was not eligible to vote.

3. **Johnston, 30 Carolyn Street, Block 1002, Lot 7 - Certification of Non-conforming Use** - Board Attorney Rutherford gave an overview. A motion for approval was made by Mr. Owens and seconded by Mr. McKoy. There were no further questions, comments or discussions. On roll call vote, Mr. Owens, Mr. McKoy, Mr. Ceplo, and Mr. Martin voted yes. Mr. Arroyo and Mr. Oakes were recused. Mr. Bicocchi and Mr. Hartman were not eligible to vote.

8. PENDING NEW BUSINESS:

1. **KMACK North, 39 Kinderkamack Road - Variance & Site Plan Approval** - Application being reviewed and listed for 9/12/11;

2. **KMACK North, 40 Kinderkamack Road - Variance & Site Plan Approval** - Application being reviewed and listed for 9/12/11;

(WWZB 8/1/11)

3. Arroyo, 6 Carolyn Street - Variance Application -
Scheduled for 9/12/11;

4. Hinsdale, 129 Lake Street - Variance Application -
Scheduled for 9/12/11;

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

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

1. Rochford, 220 David Hooper, Block 303, Lot 28 -
Certification of Non-Conforming Use - Scheduled for 8/1/11; and

2. Rochford, 248 David Hooper, Block 303, Lot 44 -
Certification of Non-Conforming Use - Scheduled for 8/1/11;

Carmine R. Alampi, Esq. represented the applicant in the above matters. In the interest of time and not to duplicate testimony, both matters were heard together, but Mr. Alampi requested two separate votes and two separate resolutions, since they were two separate properties. Mr. Alampi explained he handled the closing approximately 13 years ago, when a Section 68 Certificate of Non-Conforming Use was not required. David Hopper Place was originally subdivided to create two-family homes. He located his file and saw that was when the Borough services were contracted out to Hillsdale. The C/O was applied for and granted, but the check off box for a one or two family dwelling was missing. However, the applicants purchased the property as a two-family home, saw the neighborhood is a two-family neighborhood, he is paying taxes as a two-family, and there are two separate meters. They provided notice to the property owners within 200' and published a notice in the newspaper.

Thomas Rochford, applicant and property owner, of 17 Highland Avenue, Hillsdale, NJ, was sworn in. He testified and affirmed under oath that the statements made by Mr. Alampi were true. The house was originally constructed as a two-family in 1948 as was the entire block. He did not create any new rooms or kitchen facilities ad the owner. He receives the property tax assessment card yearly as a two-family home, since the 1940's, a copy of which was submitted.

(WWZB 8/1/11)

Chairman Martin commented the Board is very family with David Hopper Place, which was subdivided to create two-family homes and was created prior to the zoning phasing out two-family homes, as Mr. Alampi said. He was just concerned that there were two separate meters, and the applicant reaffirmed same.

The matter was opened to the public, and there were no interested parties, and no further questions from the Board.

As requested, the Board had two separate votes for two separate Resolutions as follows:

A motion for approval of the Section 68 Certificate for 248 David Hopper Place was made by Mr. Oakes and seconded by Mr. Bicocchi. On roll call vote, Mr. Bicocchi, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Owens, Mr. McKoy, and Chairman Martin voted yes.

A motion for approval of the Section 68 Certificate for 220 David Hopper Place was made by Mr. Oakes and seconded by Mr. Bicocchi. On roll call vote, Mr. Bicocchi, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Owens, Mr. McKoy, and Chairman Martin voted yes.

3. Fodor, 43 Clairmont Street, Block 1408, Lot 1 - Hardship Variance - The Applicants, Margie and Kenneth Fodor, were sworn in. Their home was built in 1929 and the bedrooms are very small. The 3rd bedroom is so tiny it would not even hold a twin bed and dresser. They have two daughters. They are looking to build up a bedroom over their existing den, and use two of the existing three bedrooms as their daughters' rooms, and make the third small bedroom part of the landing. The home will remain a three bedroom home.

Chairman Martin commented it would be consistent with the neighborhood and there is a hardship. Mr. Oakes asked if there would be revised plans. Mr. Martin stated they would have to submit the revised plan, revised to 7/20/11 by John DeThomasis, with the small bedroom removed. There were no questions from the Board. Mr. Lydon reviewed his updated report dated 7/14/11. There is a side yard setback variance and building coverage variance. Applicants would have to remove the closet in the front study.

(WWZB 8/1/11)

Mr. Raimondi noted the survey submitted was dated 1997 and asked if they made any previous changes, and Mrs. Fodor said they made changes to the kitchen stairs, which is on the existing plans. He recommended the representation by the owners was acceptable, and a new survey was not necessary.

Chairman Martin asked about what was in the basement, in which there were utilities. Mr. Hartman asked if the door for the existing porch was going to be closed off, and the response was yes. There were no further questions, comments or discussions from the Board and none from the public.

A motion for approval, with conditions as stated, was made by Mr. Oakes and seconded by Mr. Bicocchi. On roll call vote, Mr. Bicocchi, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Owens, Mr. McKoy, and Chairman Martin voted yes.

10. DISCUSSION:

1. An Update on Master Plan Re-Examination - Mr. Martin gave an update as to the Planning Board's discussions at the last meeting.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 8:45 p.m.

Respectfully submitted,

**MARY R. VERDUCCI, Paralegal
Zoning Board Secretary**