

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
October 5, 2015**

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 **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
Guy Hartman
Matthew Ceplo
Marc Truscio
H. Wayne Harper
George James
Cynthia Waneck (Alt #1)
Michael Klein (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis A. Raimondi, Board Engineer
Steve Lydon, Burgis Associates,
Board Planner (departed approx. 8:25pm)
Kathryn Gregory, Substitute Board
Planner for Westgate Application

ABSENT: None

4. MINUTES: A motion to approve the Minutes of the 9/21/15 Meeting was made by Cynthia Waneck, seconded by Wayne Harper, and carried unanimously by those eligible to vote.

5. CORRESPONDENCE: None

6. VOUCHERS: A motion to approve Vouchers totaling \$9,852.50 was made by H. Wayne Harper, seconded by Eric Oakes, and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. Palisades Land and Management, 54-56 Jefferson Avenue - Sign Variance - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Matthew Ceplo. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, Michael Klein, and William Martin voted yes.

2. Marrero, 86 Westwood Boulevard, Block 1907, Lot 15 - "C" Variance - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Guy Hartman. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Guy Hartman, Matthew Ceplo, Wayne Harper, Marc Truscio, Michael Klein, and William Martin voted yes.

8. PENDING NEW BUSINESS:

1. Oberg, 400 (410) Lafayette Avenue - still in process of completeness review for 11/9/15;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. Fernandez, 125 Lake Street, Block 710, Lot 21 - Site Plan - Scheduled for the 11/9/15 meeting;

2. Westgate - WW Madison Realty, LLC, and 11 Madison Realty, LLC, 11 Madison Avenue, Block 806, Lot 4, and 37 Irvington Street, Block 806, Lot 2 - Amended Site Plan and Application for Amended Approval - Mr. Lydon recused himself and departed. Kathryn Gregory appeared as Substitute Board Planner for this application. John J. Lamb, Esq. represented the applicant in a continued hearing. Carmine R. Alampi, Esq. represented an interested party/objector. Mr. Lamb advised they left off with Mr. Lignos, applicant's traffic expert.

They also have Kevin Webb from Langan Engineering, who testified in July. Cross-examination was not complete, and he submitted a revised site plan to testify to. Finally they have the architect on the mixed-use building, who submitted a revised architectural plan, and would be testifying on the original submission and two revised plans.

John Lignos of SNS Architects and Engineers, continued under oath. They were retained for the building portion of the application. The application package included Plan Sheets D1, D2, D3, D4, and D5, which together was marked A17. Mr. Lignos described the revisions. Revision #1 was the definition and fine-tuning of height and establishing the roof's high points. Furthermore, they have taken the Broadway façade of the building and at the uppermost floor have set it back 10'. They did the same on the Madison side. They further elevated the Broadway side. He distributed Exterior View from Broadway dated 9/5/15, which was marked A18, and also the Self-Storage Facility rendering, marked A19. By moving it back 10', they reduced the floor area 1,418', about 1.5%. Revision #2 was the further clarification of height. He read the definition of height. They have a flat roof, which is not legally possible, so they now show a sloped roof, and they took the high point and established it as 111.84' or 106.10'. Mr. Webb will review the numbers and how they were reviewed by Mr. Raimondi. A sketch, SK-824, was marked Exhibit A20. The Board had not yet received that sketch. Mr. Raimondi entered his objection, as the sketch was not distributed or provided to him in advance. Mr. Martin advised copies will have to be provided. Mr. Lamb advised the Board originally approved 38.10'; they now requested 43.10'. Mr. Martin asked for the difference in the high point which was calculated $111.84' - 106.10' = 5.74'$.

Mr. Alampi cross-examined Mr. Lignos. The building will look lower because the highest floor is set back. Mr. Alampi asked for the permitted building height in the zone, which was 30'. Isn't the height you propose about 50% more than the permitted height allowed in the zone, Mr. Alampi asked. Whatever the percentage is, yes, Mr. Lignos answered. Mr. Alampi asked where he saw the term, undisturbed grade. Mr. Lignos responded the finished grade will end up 69', and the unfinished grade will be one foot shorter, 68'. Mr. Lignos confirmed when asked that the self-storage will consist of one floor below and three floors above grade. The architect would provide further details.

Mr. Raimondi stated his name was mentioned quite a bit in Mr. Lignos' testimony and wanted to clarify. When he met with Mr. Webb, he had come up with the height as 68'. If you took the code height of 30', the maximum building height would be 98' above sea level. The prior application was 106.10, so a variance was required. With the new dimension, the total height is 43.84', plus 68', and adds up to 111.84 giving a 13.84' variance, but it's 5.7' above the already granted variance of 106.10. He believes Mr. Lignos agrees, and it matches D5. Board Members Waneck, Oakes and Harper had questions of Mr. Lignos as to any flooding, floor area and mechanicals. Mr. Martin referred to the condensing units on the roof and commented it seems the concept has changed. Mr. Lamb responded they had to screen the mechanicals. Mr. Lignos said there was no flooding and that the floor areas have lessened, 10'4", 10'6", 10'6" and 11'4". Mr. Raimondi referred to the ordinance for grade. There were no further questions of the witness and none from the public.

Kevin Webb, of Langan Engineering, was sworn in as applicant's engineer. Changes were made to the site plan prepared by him. He submitted a letter dated 9/10/15, marked A21, providing explanations as to his July testimony and proposed changes to the plan. Mr. Webb went through the changes to the plans per Mr. Raimondi's report, including landscaping and lighting. They updated the heights to clarify the intent of the ordinance and using the highest point of the roof. He worked with Mr. Raimondi to arrive at the elevations. Mr. Lamb questioned Mr. Webb. Historic fill on site will have to be removed. Water infiltration system not necessary with this improved application. Exhibit A22 was the amended Site Plan. Mr. Alampi was not copied. Mr. Martin instructed Mr. Lamb to copy Mr. Alampi in the future.

Mr. Alampi questioned the witness, Mr. Webb. The basement level is consolidated. Mr. Alampi asked if the buyer and seller made agreements with regard to environmental conditions. Mr. Webb commented the contract purchaser agreed to take on the responsibility. He did not know the economics of the deal. Any historic fill material remaining will be capped. Some will be excavated and some will not. If they didn't have a basement, they would not be excavating any of it. Mr. Alampi asked if the storm water analysis changed; it did not. He asked if Mr. Webb performed any studies now or in 2014. It was a continuation, but Mr. Webb did not recall any since the June submission. Mr. Alampi said he only had one copy of the parking lot movement plan dated

7/31/14, but wanted to mark it up for questioning. Mr. Lamb asked Mr. Webb if it changed. Mr. Martin asked Mr. Alampi to proceed. Mr. Alampi introduced TM 101, 102, 103, and marked the Exhibit (Objector) 06, dated 7/31/14. Mr. Webb explained the cars move in and out of the various parking level of the mixed use building. There was an analysis of three different spaces, and Mr. Alampi asked why wasn't THERE an analysis of the turning movements done on the other spaces. Mr. Lamb objected since the plan did not change. Mr. Martin asked Mr. Lamb to have the witness answer. Mr. Webb responded. Mr. Alampi asked if there were any visitor spaces in the original application, and the response was there were none. The configuration is the same. Mr. Alampi asked if four spaces were to be used for the public and questioned him about the approved and required spaces. Mr. Alampi had no further questions.

Mr. Lamb requested to redirect. Mr. Oakes questioned Mr. Webb as to capping any fill and did they resolve the drainage issue. They would take it up with the Council as a condition of approval, Mr. Webb responded. Mr. Oakes asked about parking requirements, and if they had additional parking for the additional apartments. Mr. Lamb stated there will be four unassigned spaces for retail. Mr. Oakes asked if additional spaces are required, where they would go. They will use Madison and the streets. The last witness would testify. Mr. Hartman asked would increased height affect noise on Broadway. Mr. Webb responded he is not a noise expert but no.

The Board took a recess from 10:00 to 10:15 pm.

Mr. Lamb called the architect. Orestes Valella, Licensed NJ & NY Architect, of West New York, NJ, was sworn in, gave his qualifications, education and experience and was accepted. As for the project, he was approached to take over the project from its approval stage. Mr. Meisel, his client, said something very important to him. He wanted a building to be very proud of. Mr. Valella prepared the plans originally dated 5/26/15, marked A24B, and plans revised to 9/4/15, marked A24A. He has designed a good number of mixed-use development projects. His first effort was to bring the lobby towards the street for a safer and handsome effect, especially at night. It has glass walls and is a visual anchor. The lobby now is in the proper place. He did not feel comfortable with it in the back. Secondly, the garage is closed by a roll-up door. It is safer and climate-controlled. Mr. Valella

also described lighting. Going up, the apartments facing North had balconies on the first and second floors. The impact of the daylight affecting those apartments made him remove the third floor balconies, so they get better daylight. The building will be visible from Broadway. Also an additional unit provides a better façade and improves the appearance from Broadway. The apartment is a one bedroom unit, 736 sf. The apartments increased on the second floor but decreased on the third floor. Two of the six unassigned spaces would go to the apartments, with four going to the retail.

Mr. Valella referred to sheet V4. The building was 32.33' and is going to be 35.23', a difference of 2.9'. The ceiling height in the retail space is going to be 7', and in the apartments 8'4". Everything before you is an improvement. The easy thing was to leave it alone, but it needed a few tweaks. The building is sound.

Questions of the architect followed. Mr. Raimondi questioned the architect. He asked about the ground floor trash room, and if the single container would have to be wheeled out to the street. Mr. Valella responded yes, it will be done. For this size building a trash chute is not necessary. Mr. Raimondi asked about venting. Mr. Valella said there will be a little fan for constant air flow. Noise and smells can be annoying, especially next to the lobby. Mr. Raimondi said he agrees with Mr. Valella about building heights. Ms. Waneck asked about guest parking and aesthetics. The quality of life is more than aesthetic. Mr. Oakes asked how they get furniture upstairs--will they go up the fire stairs. Mr. Valella explained the stairs are wider than normal and can accommodate furniture. It is locked going in, not out. Mr. Harper asked if the elevator goes out will they use the stairs. The response was yes. Mr. Martin asked about the type of elevator proposed. Mr. Valella said the machinery would be on the roof. He was not sure exactly, but indicated there would be no machine room. Mr. Martin commented you would see it on the roof. Mr. Valella will research this and showed the elevator on the plan. These items could potentially change the way the building looks from the outside, Mr. Martin noted. When the elevator is not in service the fire stairs will be used.

Mr. Valella took a few minutes to review the plan for clarification. There are eight apartments--six two-bedroom apartments per floor and two one-bedroom apartments per floor. This plan added one one-bedroom apartment to each

floor. Mr. Oakes commented his charts do not match his drawings. Mr. Valella said he will make the necessary corrections. There were no further questions of the witness, and no interested parties. The matter was carried to the Special Meeting on 10/19/15.

3. 90 Center, LLC, 90 Westwood Avenue, Block 807, Lot 20 - Sign Variance - Scheduled for the 11/9/15 Meeting;

4. Care One, 300 Old Hook Road, Block 2001, Lot 64.01 - Carried to the 11/9/15 meeting with new Notice required;

5. Hernandez, 211 Westwood Boulevard - C Variance - Richard Eichenlaub, applicant's engineer, and Mr. Hernandez, applicant's father, came forward. Mr. Eichenlaub explained when applicant came in she was instructed to bring the plans in this evening. Mr. Hernandez said his daughter gave them to him yesterday, and tonight she is working late. Either this was misconstrued, or she was given the wrong information. Chairman Martin stated they are supposed to be distributed in advance, but asked that they be circulated to the Board now, so they have them. The Plot Plan was dated 5/8/15 and signed by Mr. Eichenlaub on 6/19/15.

The application is still incomplete. In order to make it complete, Mr. Eichenlaub must draft a letter requesting a waiver of additional submission requirements submitted in the letters of Mr. Lydon and Mr. Raimondi. This way it could be addressed at the hearing, with no further delay. The survey will be submitted. The notice was properly made and would be carried to the next meeting. Mr. Rutherford requested the Affidavit of Publication as well for his review. Mr. Hernandez also noted his daughter received a ticket for parking. Mr. Marini instructed her to bring it here. Mr. Martin said the court is a completely separate entity, and this should be addressed in the court. As we resolve the zoning perspective, that should resolve the other issue. The matter was carried to the 11/9/15 meeting, with no additional notice.

10. DISCUSSION: None

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

Respectfully submitted,

MARY R. VERDUCCI, Paralegal

(ZB 10/5/15 Regular Minutes)

Zoning Board Secretary