

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
August 10, 2015**

APPROVED 9/21/15

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 **SPECIAL 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
Marc Truscio
H. Wayne Harper
Michael Klein (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis A. Raimondi, Board Engineer
Steve Lydon, Burgis Associates,
Board Planner
Kathryn M. Gregory, Acting Board Planner
in the matter of 90 Center LLC

ABSENT: George James (excused absence)
Guy Hartman (excused absence)
Cynthia Waneck (Alt #1) (excused absence)

4. MINUTES: None

5. CORRESPONDENCE:

(ZB 8/10/15 Special Meeting Minutes)

1. Letter from John J. Lamb, Esq. dated 8/5/15, RE: Palisades Land Management;

2. Memo from Steve Lydon, Burgis Associates, dated 8/5/15, RE: Palisades Land and Management;

3. Report of Kathryn Gregory, dated 8/10/15 RE: 90 Center LLC;

6. **VOUCHERS:** None

7. **RESOLUTIONS:** None

8. **PENDING NEW BUSINESS:** None

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. **Palisades Land and Management, LLC, 54-58 Jefferson Avenue, Block 909, Lot 15.01** - John J. Lamb, Esq. represented the applicant. Board Attorney Rutherford reviewed the notice and publication documents and found them to be in order. Mr. Lamb presented the application for a sign variance for height. The principal/applicant, Larry Bucciarelli has hired a sign professional to testify. Mr. Bucciarelli, of Palisades, NY, was sworn in and testified as to his connection and involvement in Palisades Land and Management, LLC. He is the managing member and one of the owners of the building. He also owns 60-68 Washington Ave and the Westwood Pet building on Westwood Avenue. The first floor is comprised of offices; the second floor is apartments. Modera Wealth Management occupies the offices. They originally occupied 5,400 sf of the second floor and part of the first. The current tenant on the first floor is expected to move out, and Madero is to take over their space. A sign variance is needed. Exhibit A1 was a set of photos. The locations of the signs of Modera was shown in the first and second photos, followed by signs of Westwood Community Center, Borough of Westwood Community Center, Bank of America, which are similar in nature. Mr. Oakes asked if the sign could come down, and Mr. Bucciarelli responded it could come down a brick or two. The letters are in compliance, Mr. Lamb noted. Mr. Rutherford advised there are two variances, the overall height of the sign of 4", and the overall height of the sign from the ground. Chairman Martin asked if this would be a C2 variance. Mr. Lydon advised it would be a C2 variance. Mr. Harper asked if it

would be neon, and it would not be lit. There were no further questions of Mr. Bucciarelli and none from the public.

Robin Foley, 67 Grand Avenue, Tappan, NY, was sworn in and testified she owns a sign company in Orangeburgh, NY, and she was retained by the applicant to design and place the sign. Modera would be the sole tenant, and the sign was designed as such. It establishes them as the entity in the building well. There were no questions of the sign designer. There were no interested parties. Mr. Lamb advised they had a representative of Modera available, but there were no questions.

Mr. Oakes commented it is a little high and a little large, but since it is the only sign on the building, it will not make much of a difference. The signs in the pictures are a little lower, but they are not businesses. It is not lit, and he doesn't see an issue. Mr. Harper commented it was appropriately sized and identifies the tenant. There were no interested parties requesting to comment. Mr. Martin commented there is a net reduction; it is larger, but necessary to project its identification. It is a better alternative than the zoning required and an asset to the aesthetics of the building and promotes the physical environment. There were no further questions, comments or discussions.

A motion for approval of the sign being 4" taller and the height of the sign from the ground was made by Eric Oakes, seconded by Wayne Harper, and carried unanimously on roll call vote.

(Mr. Oakes questioned the agenda for the Special Meeting. He thought it was for the Westgate storage application. They could not be present, it was explained. Mr. Oakes had questions for the engineer. Mr. Lamb said he would provide a transcript, and the engineer had not yet testified. Mr. Martin stated there are no additional special meetings between now and 9/21/15.)

2. 90 Center LLC, 90 Westwood Avenue, Block 807, Lot 20 - Sign Variance & Goldberg Bagels Seating - Mr. Lydon was recused and departed at approximately 8:25 pm. Kathryn Gregory was sitting in as Board Planner for this application. John J. Lamb, Esq. represented the applicant.

Bruce Meisel was sworn in as Managing Member of the Trust for one of his children. He is also Co-Managing Member with Mr. Gross. This building was always the ugliest building in Westwood. Trying to make it consistent with the height was difficult. His building is across the street and is one and a half stories. When you improve this building you must make the signage higher. It is purely aesthetic. The second part of the application is Goldberg's Bagels. His approach is to encourage the anchorage uses in Westwood. Howie Goldberg is moving from one location that is not so suitable to a primary location. That concluded a summary of the application. Chairman Martin asked if Mr. Zampolin would testify as to signage details, and Mr. Lamb responded that he would.

Sign Variance - Robert Zampolin, Licensed NJ Architect, of Westwood, NJ, was sworn in and accepted. Mr. Zampolin testified he prepared the drawings, which were marked Exhibit A1, Center Avenue Colored Elevations of Center Avenue Side. Mr. Zampolin presented the elevations. Exhibit A2 was the Final Elevation Plan, last revised 8/10/15. All the signs comply except letter size and sign heights for maximum elevation. Ms. Gregory, Board Planner, prepared a report dated 8/10/15. The height of lettering on wall sign was 18" where 12" is permitted; height of wall signs from ground ranged from 18'-4" to 19'11" proposed, where 15' is permitted. Length of signs comply. There are four proposed tenants, and they all have signs. The corner store has two sign locations, which are permitted. Mr. Zampolin described the materials as being high quality, giving details, including crown moldings, stucco, recessed panels holding signage, gabled roofing, and awnings. Lighting will be in compliance as well. This represents a substantial aesthetic benefit to this property and the surrounding area. It is a great improvement over the CVS. The building is undergoing an extensive renovation and will set a great example to the town for people coming in.

Questions by the Board followed. Mr. Raimondi asked about the interior floor plan. He has two copies with different tenants. Mr. Zampolin explained Goldberg's is Tenant #1. Tenant #2 is Oritani Bank on the corner of Westwood and Center. Tenant #3 was currently vacant—that was the interior space on Center. Mr. Lamb distributed the floor plan of Goldberg's Bagels as Exhibit A3. Mr. Raimondi had questions on Drawing A3. Tenant #4 was basically the brick façade along the municipal lot. Mr. Oakes asked if they could reduce the size of the letters. Mr. Zampolin responded it is

a warranted increase in terms of the size and scale of the building. The ordinance does allow for 6" if you have different size letters within the sign and different cases. Mr. Meisel said it would look ridiculous if it were smaller. This building is different from any other building in the area. If smaller, the businesses would not be successful. They spent a lot of money on the façade. Mr. Oakes commented the number of letters in Goldberg and Oritani are much more than ABC Store as shown as an example. Mr. Lamb said they have to figure out how to fit it in. They may not be able to fit the word Bagels after Goldberg's. Mr. Zampolin noted they were asking for a template, not exact signs. Mr. Lamb explained they did not design the signs yet. Mr. Martin commented they are asking for a sign variance, and you are not showing the signs. You usually come in for a sign variance when the tenants have their signs. Mr. Oakes asked for the color of the awnings and if they considered putting the signs on the awnings like other businesses in town. Mr. Zampolin responded grey and no. Mr. Oakes said moving them to the awnings may have them comply. Mr. Klein asked about sign area, and the response was it is 167 sf of sign area and 262 sf is permitted. They are going with less sf and less length.

Chairman Martin commented these signs are enormous and they should go back and take another look. He agrees that the building is higher, but he does not see how those letters will even fit on the sign. They need to work in scale. When you study this in scale, somewhere between 12-15" is appropriate for the façade. They did a great job on the façade, but look at the difference between the sign height between this and the building next door. Some additional studying of the proposed signage is warranted. He is a little concerned it is not in proportion. The other concern he has is the signs are so large and with the signs being up so high, it will be difficult to see which store is which. Mr. Meisel did not have a problem reducing letter size. The Chairman asked for signs of the tenants they already have. Why can't Mr. Zampolin write Goldberg's Bagels and Oritani Savings instead of ABC Stores. Mr. Meisel asked for approval for the height of the signs and to come back for the lettering. Mr. Martin did not have an issue with the height. Mr. Lamb would amend the application for just the height and defer on the lettering. The Chairman asked the Board if they had any issues with the amendment of the application for just height of signage, with lettering being deferred. There were none. There were no further questions or interested parties.

Chairman Martin called for an action motion on just the height of the signs. A motion for approval of just the height of the signs off the ground as depicted with the numbers given and a final scaled drawing, with the sign lettering themselves being deferred to a later date, was made by Mr. Oakes. Chairman Martin advised they would either conform with the lettering or return. Mr. Rutherford advised if they comply with the lettering ordinance, 12", they may not return. Ms. Gregory advised the heights are listed on page four of her report. The motion was seconded by Mr. Truscio. On roll call vote, all members voted yes.

The Board took a recess from 9:35 pm to 9:45 pm.

Goldberg's Bagels seating - Howard Goldberg, 22 Meadow Rd, Westwood, was sworn in. Mr. Goldberg testified they have been in Westwood since 1969. They signed a lease for 90 Westwood Avenue, and it is 1,000 sf larger than their current space. Mainly they want the extra space, but would like the rear access to the municipal parking lot. Much of their business comes from the back entrance. He has two other stores out of the area currently. They are open 6am-6pm Mon-Sat and 6am-3pm Sunday. From 6am-10am they are busiest, then noon to 2pm. Most of the customers are from the stores in the morning and the afternoon customers come in for seating. The maximum amount of customers utilizing seating is a problem because they don't have waiters or assigned seating. They pick their own seats and sometimes occupy a table for four with two people. This takes away from about half of the seating, so he needs twice as much. Sunday is the only day that changes, as people may drive to the location vs. people that are already in the area during the week. AG-1 was the Floor Plan for Goldberg's Bagels. Photos were marked AG-2 and described. Photos showed 2 and 3 people sitting at tables of four, i.e., seven people sitting at tables that could accommodate 16 people. The more customers that come in from the rear entrance would lessen the traffic on Westwood Avenue. Mainly their seating is pretty congested, being so close together, with people bumping into each other, baby carriages, and the like, and they would really benefit from being close to the municipal lot. A sketch was provided, showing seven deuces and three foursome tables. Most of their business is done between 6am-10am when the stores on the avenue are closed. They moved off Broadway because of parking, and now this opportunity has come up for them. They have been in town for 39 years. By moving, he doesn't see any hindrance or problems with parking or anything.

Questions and/or comments by Board Members followed. Mr. Martin clarified when the ordinance was created it allowed certain numbers of tables and chairs, but because of the way people are utilizing the seating, it is somewhat of a hardship the way the business is operating. He will still have parking in the front, but now he will also have a better situation of parking with direct back access to the municipal lot. This would not cause congestion on Westwood Avenue.

Vincent J. Cioffi, Licensed NJ Architect, was available for questions, and was sworn in and accepted. He prepared the Floor Plans for Goldberg's Bagels and testified as to same. There would be better circulation than there is now. There were no questions for Mr. Cioffi, and there were no interested parties. The matter was complete.

Mr. Oakes commented they did a good job with the expansion and seats. They would actually reduce the parking on Westwood Avenue with the access to the municipal lot. A motion for approval to expand the seating to the 29 seats requested from the 16 allowed, due to the actual location and access to municipal lot weighing in as positive criteria, was made by Eric Oakes. The planner confirmed it was a "C" variance. The motion was seconded by Mr. Harper. On roll call vote, all members voted yes.

The unresolved portion of the lettering was carried to 9/21/15 with no further notice.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:20 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary