

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
July 6, 2015**

APPROVED 8/3/15

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

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

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

4. MINUTES: A motion to approve the Minutes of the 6/8/15 Meeting was made by Eric Oakes, seconded by Matthew Ceplo, and carried unanimously on roll call vote. Mr. Harper, Mr. Truscio and Mr. James were not eligible to vote.

5. CORRESPONDENCE:

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1. Report of Louis A. Raimondi, dated 6/29/15 RE: Westgate;

2. Report of Louis A. Raimondi, dated 7/1/15 RE: 90 Center, LLC;

3. Letter from Neil Volant regarding the approval for CVS and parking. Mr. Rutherford to review and advise at the next meeting.

6. VOUCHERS: A motion to approve Vouchers totaling **\$3,631.25** was made by Eric Oakes, seconded by George James and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. Hendrickson, 68 Wheeler Street, Block 204, Lot 8 - Section 68 - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Michael Klein and seconded by Eric Oakes. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Matthew Ceplo, Michael Klein, and William Martin voted yes. The remaining members were no eligible to vote.

2. Bedekian, LLC, 9 Glen Court, Block 302, Lot 11 - Section 68 - 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, Michael Klein, and William Martin voted yes. The remaining members were no eligible to vote.

3. Westwood Valley Properties - Amended Resolution for correction - 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, all members present voted yes.

8. PENDING NEW BUSINESS:

1. Care One, 300 Old Hook Road, Block 2001, Lot 64.01 - Carried to 8/3/15 meeting;

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** - Carried to 8/3/15 meeting;

2. **Marrero, 86 Westwood Boulevard, Block 1907, Lot 15 - "C" Variance** - Survey submitted too late for review; Carried to 8/3/15 meeting;

3. **Third and Elm, 201 3rd Avenue, Block 916, Lot 16 - Site Plan** - Ira Weiner, Esq. represented the applicant. The new owner is seeking to amend the prior owner's site plan and make an application for a new use and different site plan. The previous plan was retail use on the first floor and three apartments on the second floor. They now plan to build a two-family home in a zone that allows two families, with a two-bedroom apartment on each floor, with an enclosed three-car garage, which creates a floor area ratio variance. The impervious coverage is being reduced from what was approved, and they are reducing the parking spaces. Testimony would be provided by the witnesses.

Larry Bucciarelli, 700 Oak Tree Rd, Palisades, NY, was sworn in as the owner of the property, having purchased it approximately six months ago. He has a different plan from what was previously approved and provided a detailed explanation. The prior owner applied for two retail stores and three apartments. The Bucciarelli Family has owned commercial property since 1971. The retail in this area does not really do so well. He was looking for an upscale tenancy. Two apartments within walking distance to the train makes a lot more sense. He has a history in this town with other apartments. The turnover is very light, and the renters are more stable. In a few years, with his family fully grown, he and his wife may take one of the apartments for themselves. Today covered parking is something many people look for. It has served him well, and that is why on this project he is looking to get the garage. There are many detached garages in the area. He prepared a board with photographs, accurately representing homes in the area with garages, taken this week, which was marked Exhibit A1.

Mr. Weiner questioning Mr. Buccarielli, who stated he was going from non-compliant parking, which exists now, to compliance parking. Mr. Raimondi asked about the concrete ramps. The County did that, the applicant explained. Mr. Oakes asked how much impervious coverage they would remove. They

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were looking to add more landscaping, Mr. Buccarielli explained. Mr. Lydon had no questions.

Chairman Martin commented the building was damaged by fire years ago and an applicant came in to rebuild. In the course of the review, the Board allowed the building to get larger. Now we have a change in use, which creates floor area ratio issues and possibly impervious coverage issues. Mr. Lydon commented our ordinance does not break down building coverage. Mr. Martin asked if it complies without the garage and whether this is an amendment of a previous approval or a new application. There were conditions of the original approval that were not carried out. Mr. Rutherford read the conditions imposed from the Resolution in 2008. Applicants are removing the mixed use component. Mr. Weiner advised this is an amendment, not a new site plan. If they were tearing down the building that would be different. They are going with the exact same footprint. He looks upon this as an amendment. Mr. Martin commented the previous owner built a much larger building. Mr. Weiner said they eliminated a more intensive use and are reducing the FAR. They are reducing three of the five units. Mr. Martin said they are increasing coverage. Mr. Weiner commented then they could keep the nine parking spaces.

Chairman Martin expressed concern about adding three garages and asked how many of the garages in the photos are in this zone. Mr. Bucciarelli circled the home on the plans. Nine homes were in the R2 Zone and six were in the R1 Zone. Mr. Oakes asked where the closest three-car garage was, and the response was on Third Avenue - four doors down. Mr. Weiner stated multi-family homes do not require garages in the R1 Zone, but single family homes do. Mr. Oakes had questions about the requirements. The engineer, Mr. Hubschman, would answer. Mr. Bucciarelli commented the Master Plan called for garages. They felt they were closely aligned with the Master Plan. In the future if he moved in, he would use two garages and have the third for a tenant. Mr. Weiner said this was favorable over the nine parking spaces they are permitted to put in the back and would the Board rather have nine parking spaces outside, or four, with one outside. There were no further questions of Mr. Bucciarelli.

Michael Hubschman, NJ Licensed Professional Engineer and Planner, was sworn in and accepted, having been before the Board on numerous occasions. Mr. Hubschman reviewed the plan dated 2/11/15 and had prepared the plan from 2008. He

described the property in the R2 Zone. All the lots on Third Street front the R2 Zone. The retail use on the first floor was damaged by fire, and there were three, one-bedroom units on the second floor. The second floor enters on the side. As you go South there are more residential buildings. The County came in and installed two ramps, and they are proposing to continue the sidewalks. The main change is they are removing a lot of paving and adding covered parking on the side, which generates a new request for a variance. They are proposing arborvitaes around the garage, shrubs and bushes, for a total of 19 trees and other flowering shrubs around the front. Brick pavers are proposed. There will be access to the three garages and fourth parking space on the left. All the roof leaders are connected. All new walkways around the site and landscaping are proposed.

Mr. Hubschman reviewed the three variances: Maximum FAR variance - 40% required; 63.16% previously approved, and 79.40% proposed; Maximum Building Coverage - 40%; 34.71%; 49.93%; and Maximum Impervious Coverage - 60%; 93.68%; 81.30%, respectively. The intensity is decreasing; they are proposing a conforming use. The commercial windows are being removed to make it more residential looking. Extensive landscaping is proposed. Having a garage is consistent with the neighborhood, and under the C2 standards, the benefit outweighs the detriment. A big positive in land use is they are eliminating a non-conforming use. There is no detriment to the zone plan or public good. Having a garage does not create a greater intensity. They meet the building setbacks. They are providing better landscaping on the corner than was there before.

Questions of Mr. Hubschman followed. Mr. Oakes asked Mr. Lydon if the R2 Zone required covered parking, or is it only in R1. Mr. Lydon reviewed the requirements. It is not zone based, Mr. Lydon explained. The maximum is three-car garages. The ordinance does not require garage spaces for other than single family dwellings. Mr. Oakes noted they are reducing the intensity of use and impervious coverage previously granted.

Mr. Weiner commented if the Board felt reducing it to a two-car garage would be a better project, they would be willing to do so, although they do prefer a three-car garage. Mr. James commented it is more preferable. Mr. Weiner noted through Mr. Hubschman if it were a two-car garage, it would reduce the building coverage by 7.4%. Mr. Martin commented

it reduces the bulk of the second building. Mr. Lydon commented if the garage were made smaller, they would move it over, and you would not notice the change in the building coverage. Mr. Weiner commented they do not violate setbacks. They want to work with the Board as much as they can. Mr. Martin commented it would be a positive change.

Mr. Raimondi commented they are gaining open space by reducing the garage. He asked Mr. Hubschman if he submitted drainage calculations. Mr. Hubschman prepared them, but had not yet submitted them. Mr. Martin noted the architect was not present. He asked why is an elevator needed, as shown. Mr. Buccarielli responded it was an electronic lift. It is not going in at this time and will be removed from the plan. The basement will be used for storage. There is a set of stairs in the rear of the building that reach the basement. The second floor stairs are in the front of the building. There were no further questions by Board Members.

There were no additional witnesses. The matter was opened to the public. Bruce Greenberg, 148 Second Avenue, sworn in to address the Board. He has a stand-alone garage on Elm Street. He is on the corner of Second and Elm, living there for 36 years. The property in question was the old Cup and Saucer. If you speak with his neighbors, they mostly use their garage for storage. He is here on behalf of his neighbor. Mr. Martin commented this was an issue, and Mr. Rutherford advised he cannot speak on behalf of someone else. Mr. Greenberg stated having a garage restricts the area and asked why the applicant needs a garage when he has storage in the basement. It will impact his view and his neighbor's view. Mr. Harper commented if you choose not to use your garage, that is your choice. Mr. Greenberg stated the property cuts off the view. It was always open parking. Mr. Martin stated Board Members can ask questions. If the Board stated a two-car garage would be a better situation, would you agree. Mr. Greenberg said he would agree if the garage was moved closer to the building. Mr. Weiner asked if he was aware of the arborvitaes. Right now the neighbor looks at the building; now he will see green.

Mr. Lydon suggested a more residential garage door be considered. Applicant agreed. Also, the architect, Jeff Fellgraff needs to change the title block on his plan. Mr. Oakes asked if a Section 68 was required; Mr. Martin advised no, since the zone permits it. The Master Plan is against two-family homes unless in the two-family zone. Mr.

Rutherford advised the approving Resolution will recognize that it went to a non-conforming, non-permitted use, to a conforming use.

Mr. Weiner gave closing comments on behalf of the applicant and asked for the Board's approval for the reasons stated. It will be a great project for Westwood. Board discussion and a vote followed.

Mr. Oakes commented he liked the two-car garage proposal and the arborvitaes. Mr. Harper felt a finished project vs. an empty building was a positive, as was taking something non-conforming and making it conforming. Then he weighed the garage situation, weighing a good use, but an over use of the property. He likes that the applicant showed flexibility, but struggled with a two-car garage or no garage. He did not see a lot of value in the public's viewpoint.

Mr. Martin expressed concern about too much building on the property. A two-car garage seems very appropriate. The interested party would want the garage reduced and the space between the back of the building and garage more open, as opposed to having space on both sides of the garage, where people may park. If placed in the rear corner, people will be less likely to park in front of the garage. A two-car garage is better than a three-car garage. Mr. James agreed. Mr. Klein asked if anything could be done to the design to make it less imposing. Mr. Bucciarelli stated there is a hip roof design, and this configuration is appropriate and blends with the building. He said he would have a more residential design as to the garage. There were no further questions, comments or discussions.

A motion for approval with a two-car garage, centered, with two spaces on the side, landscaping as shown, a residential-looking garage door, and revisions made to the plans as noted before the Resolution is memorialized, was made by Eric Oakes and seconded by Mr. Truscio. Mr. Lydon reviewed the variances, one "D" and two "C" variances as stated. Mr. Martin added the size of the garage be added, 24' x 24'.25. Mr. Bucciarelli requested 26' for symmetry and a middle divider. Mr. Martin suggested 25' x 24.25'. It was agreed to. There were no further questions, comments or discussions. The conditions were accepted. On roll call vote, all members voted yes. Mr. Hubschman would get the drainage plans to Mr. Raimondi.

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4. **West Gate, Madison/Irvington, Block 806, Lots 2 & 4 - Amended Site Plan** - Carried to a **Special Meeting** on 7/20/15;

5. **90 Center, LLC, 90 Westwood Avenue, Block 807, Lot 20 - Sign Variance** - Carried to 8/3/15 with notice;

10. **DISCUSSION:**

1. **Conflict involving 9/14/15 meeting date due to the Jewish Holiday - September meeting changed to 9/21/15** by motion made by Eric Oakes, seconded by George James and carried unanimously on roll call vote. Same would be published and noticed accordingly.

2. **Special Meeting date for West Gate - Scheduled for 7/20/15** by motion made by Eric Oakes, seconded by Marc Truscio and carried unanimously on roll call vote

11. **ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:00 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary