

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES**

**November 1, 2010**

**APPROVED 12/6/10**

**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:** Eric Oakes  
Michael Bieri  
Raymond Arroyo, Vice-Chairman  
William Martin, Chairman  
Guy Hartman  
Robert Biccocchi  
Christopher Owens  
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:** None

**4. MINUTES:** The Minutes of 10/4/10 were approved as amended on motion made by Mr. Arroyo, seconded by Mr. Oakes, and carried on roll call vote.

**5. CORRESPONDENCE:**

1. Memorandum from Burgis Associates dated 10/20/10 RE; Wiese, 101 Hurlbut Street (completed application to follow);

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2. Letter from Beattie Padovano, LLC, dated 10/27/10, RE: Retro Fitness, 25 Sullivan Street;

6. **VOUCHERS:** A motion to approve vouchers totaling \$4,320.00 was made by Mr. Bicocchi, seconded by Mr. Oakes, and carried unanimously on roll call vote.

7. **RESOLUTIONS:**

1. **Sidler, 131 Langner Avenue, Block 1105, Lot 3 - Application for Pool and "C" Variance** -- Attorney Rutherford read the Resolution of approval into the record. There were no further discussions. A motion for approval of the Resolution was made by Mr. Arroyo and seconded by Mr. Oakes. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Ceplo, and Mr. Martin voted yes. Mr. Bicocchi, Mr. Owens and Mr. McKoy were not eligible to vote.

8. **PENDING NEW BUSINESS:**

1. **Wiese, 101 Hurlbut Street, Block 1608, Lot 3 -** Application received and will be complete soon;

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

**SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS**

The Board Professionals were sworn in

1. **New St. Mark AME Zion Church, 100 Palisade Avenue - Minor Site Plan application** - Adjourned to 12/6/10 at request of applicant.

2. **Fahie - 60 Westwood Boulevard - Application for Certification of Non-Conforming Use** - Brief history given by Mr. Rutherford. The issue that came up is not really a Zoning Board matter. It is not in their jurisdiction and not a reason to delay the Section 68, so the Board will proceed.

Ms. Fahie came forward and was still under oath. Mr. Martin and Mr. Rutherford recalled at the last hearing, Mr. Brown and Mr. Green testified. The issue with the driveway was a matter for the Mayor and Council. All testimony was complete, and the Chairman asked for comments from Board Members. The Chairman

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recalled Mr. Green was a resident of the neighborhood and the character of the dwelling as a two family has existed prior to the ordinance changing, and that testimony was significant. Mr. Arroyo agreed and noted on previous applications of this nature, we have had documented evidence from the Borough and here the applicant was able to bring live testimony from 1967. Mr. Oakes commented the Board has seen inconsistencies in the tax records before but by having a witness is documentation. A motion for approval was made by Mr. Oakes and seconded by Mr. Bieri. On roll call vote, Mr. Bicocchi, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. McKoy, and Mr. Martin voted yes. Mr. Owens abstained. Mr. Ceplo was not eligible to vote.

**3. Pourquoi Pas - 31 Westwood Ave. - Appeal/Variance Application** - Adjourned to 12/6/10 at request of applicant, with extension of time granted and no further notice;

**4. Retro Fitness - 25 Sullivan Street - Variance** - Charles H. Sarlo, Esq. represented the applicant. There was still a notice issue, as cited by Mr. Lamb. Daniel L. Steinhagen, Esq. of Beattie Padovano, represented the objectors, TSI Westwood, LLC, t/a New York Sports Club, Valley Body & Fender, Inc., Unique Inc., Westwood Auto Techs, Pat Barrett Transmissions, Edgewater Mfg. Co., Inc., Lawns by Yorkshire, Inc., and All Seasons Tree Service. Mr. Martin noted there is an issue that has arisen regarding sufficiency of the notice. Mr. Rutherford acknowledged the issue and most recently a letter was submitted by Mr. Lamb, dated 11/1/10. Mr. Sarlo was in receipt of the letter. Mr. Rutherford advised it is a legal issue, not a Board issue.

Mr. Martin advised he was an expert witness for Mr. Sarlo in another matter and did want to disclose that, but did not feel it was an issue of conflict. Mr. Rutherford agreed and asked if there were any objections to Mr. Martin participating. Mr. Steinhagen did not believe so, but would discuss with Mr. Lamb. He did not believe there would be an objection to Mr. Martin's participation tonight. Mr. Owens stated a relative owned a vitamin shop in town and asked if it would be considered a conflict. Mr. Sarlo responded applicant would not be selling vitamins, and they did not have any issues. Mr. Sarlo advised in reviewing the notice that the Borough of Emerson was not noticed and therefore, the Board did not have jurisdiction to hear the matter. He requested a few minutes be taken to resolve

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the issue posed by Mr. Steinhagen, which noted changes to the application and notice. Child care and outdoor play area were not mentioned in the notice. Mr. Rutherford asked Mr. Steinhagen if he had an objection, and Mr. Steinhagen agreed it was a legal issue. Mr. Rutherford advised there would have to be a conference call among the attorneys to agree on some language that would resolve it, and that the Board would have to adjourn the matter. Jurisdiction would have to be satisfied. The matter was carried to 12/6/10 with a new notice.

5. **Go Green Car Wash, LLC, 22 Kinderkamack Road, Block 1608, Lot 14** - Adjourned to 12/6/10 at request of applicant, with time extension and no further notice.

10. **DISCUSSION:** None

**ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 8:40 p.m.

Respectfully submitted,

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MARY R. VERDUCCI, Paralegal  
Zoning Board Secretary