

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
November 19, 2012**

APPROVED 1/7/13

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

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis Raimondi, Brooker Engineering,
Board Engineer
Steve Lydon, Burgis Associates,
Board Planner
Catherine Gregory, Acting Board Planner
for KMACK North/South

ABSENT: None

This meeting was rescheduled from 11/5/12 due to use of meeting room as an Election Day polling station.

4. MINUTES - The **Minutes of the 10/1/12** was approved on motion made by Mr. Bicocchi, seconded by Mr. Owens, and carried unanimously on roll call vote.

5. CORRESPONDENCE:

1. Report from Brooker Engineering, dated 10/29/12, RE: Niarra;

2. Letter from Brian Chewcaskie, dated 10/24/12 RE: Niarra;

3. Memo from Burgis Associates, dated 11/5/12 RE: Niarra;

4. Letter from James D'Elia, Esq., dated 11/14/12 RE: Sickinger;

6. VOUCHERS: A motion to approve vouchers totaling \$987.50 was made by Mr. Owens, seconded by Mr. Oakes, and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. Metro PCS New York, 182 Center Avenue - Variance & Site Plan Approval - (Christopher Owens recused) - The Board Attorney read a summary of the Resolution of Approval into the record. A motion for approval of the Resolution was made by Mr. Oakes and seconded by Mr. Bicocchi. There were no further questions, comments or discussions. On roll call vote, Mr. Bicocchi, Mr. Arroyo, Mr. Oakes, Mr. Ceplo, and Mr. Martin voted yes. Mr. Bieri, Mr. McCoy, and Mr. Hartman were not eligible to vote, and Mr. Owens was recused.

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. KMACK South, 40 Kinderkamack Road, Block 1607, Lots 12, 13 & 14 - Variance & Site Plan Approval - Attorney Lafferty requested the matter be carried to 12/3/12 with extension of time granted;

2. Niarra, 312 Kinderkamack Road; 199 Fairview Avenue, Block 811, Lots 4 & 12 - Variance - Brian M. Chewcaskie, Esq. represented the applicant. Mr. Martin

announced there was an escrow deficiency, to which Mr. Chewcaskie responded payment was in process and would certainly be satisfied prior to the completion of the application. Mr. Chewcaskie continued. They withdrew the movie theatre portion of the application. There will be no physical changes to the site. He acknowledged receipt of Mr. Lydon's most recent report dated 11/5/12 and Mr. Raimondi's most recent report of 10/29/12.

Vincent Cioffi, Licensed Architect, previously sworn, continued under oath. Previously they had a theatre and dry cleaners proposed. Since that time the theatre has been withdrawn, and a use that is being called the "Big Playhouse" is proposed to occupy the largest space in the middle of the building, and additionally, there are two medical uses. The set of Architectural Plans with five sheets, revised to 10/12/12, was marked A1. The Playhouse was described as various rooms that the parents would bring their children to play in, such as a play supermarket, etc., just like at the Bergen County Children's Museum. It is not a daycare. It is a parental-supervised play area.

Mr. Cioffi described the plan. The site is as it was presented at the first meeting, when some questions were addressed. To enter and exit the site, he continued, there are two lots, one off Kinderkamack Road with the building, and one off Fairview in the back. That lot is used 100% for parking. Ingress is off Kinderkamack, and egress is through Fairview or through the adjacent lot. The width of the drive aisle is sufficient to serve two-way traffic. There are nine spaces, 22' x 9'. There would be a concrete pad in the rear for a dumpster. Fencing could have an impact on one of the parking spaces.

Mr. Raimondi reviewed his report dated 10/29/12. Mr. Cioffi addressed the comments #1-9 in detail. Mr. Raimondi asked about the possible effects of any isolux lights on adjoining properties, and if wall mounted, he stated the details of those fixtures should be shown as well. There would be four new footings, which would be reviewed by Mr. Raimondi. Mr. Raimondi asked about the parking pattern, noting they should show construction details. The easement was discussed next. This is the most complicated part of the site. Mr. Raimondi stated the easement is on the property line. It reads that the neighbor is the benefactor of the easement by virtue of the fact that said property owner may use the subject site for ingress and egress. Mr. Chewcaskie

advised the way it functions is different than as shown. They will certainly provide the agreement. Mr. Rutherford advised there must be some documentation that shows the agreement by the adjoining property owner consenting to the parking over the easement, and the Board does not have jurisdiction over this issue.

Mr. Cioffi addressed items raised by Mr. Lydon regarding wood signage. Also, any basement space would be utilized by the three above-ground tenants, and no third party would use that space. Any air handling equipment on the roofing would be appropriately screened as addressed by Mr. Cioffi. Mr. Lydon had questions pertaining to circulation. Mr. Cioffi would make the necessary revisions for the next meeting. There were no further questions of Mr. Cioffi and none from the public.

Tom Barratta and Lorraine Barratta, applicants, were sworn in. Lorraine Barratta explained the Big Playhouse was like a "Mommy or Daddy and Me". They planned for about ten attractions in the building. There is a community area with a Barbie doll station, a salon, café, and rooms for private parties. On the other side there will also be more play areas, such as a barnyard, stuffed animals, auto shop, and construction site with Lego's and little trucks--all imaginative play. The time periods would be mostly after school, from 3-5pm, all day on Saturday, and no Sundays. The child would have to be accompanied by a parent. For employees, there would be two and herself. She would oversee the operations and gift shop. Someone would be at the door and another throughout the building monitoring. It is not a day care. Parents have to be with the child.

The entry cost will be \$17.99 per child, and the parent is free. It is a smaller version of the Children's Museum, which is more of an exhibit type environment, where this is dramatic play. Mr. McCoy asked if there could be one parent with two children. Ms. Barratta said it was possible. Mr. Raimondi asked how many people could be in the facility at one time. Whatever the Fire Department prescribes for occupancy, she would comply with. They could have 20-30 children per hour, per the business plan. That means 40-60 with parents. Mr. Arroyo asked, and Ms. Barratta responded this is brand new, and there is not another one of these facilities in Bergen County. Mr. Martin asked if the café was for play, and she answered everything is play and child-

sized. There were no further questions and no interested parties.

The matter was carried to 12/3/12, with no further notice, and time extended. Escrows would be replenished.

The Board took a recess from 9:35-9:45.

3. Van Grouw, 27 Ruckner Road - Appeal - Scheduled for 12/3/12;

4. Sickinger, 484 4th Avenue - Variance and Site Plan Application - Scheduled for 12/3/12;

5. KMACK North II - Site Plan Approval - David Lafferty, Esq. appeared with the applicant - Steve Lydon recused himself and departed. Catherine Gregory served as Acting Board Planner. There was a small escrow deficiency that was being satisfied. Mr. Rutherford advised that the jurisdictional issue with the Court has been resolved. Mr. Lafferty represented the applicant, and gave a brief overview of the history of the application to date. The site was formerly an auto dealership. They are seeking one variance for convenience store use that would occupy a portion of the building. Other tenants would be permitted uses or would one day have to come before the Board for permission. Potential tenants may include a hair salon. Richard Adelsohn, applicant's engineer, would testify as to the building that was exactly identical to the one previously proposed.

Richard Adelsohn, Licensed Professional Engineer, was sworn in and accepted. The Boundary/Topographical Survey prepared by Borbas Surveying and Mapping, revised to 8/29/11, was marked A1. The Survey includes both properties; however, we are only addressing the northbound side, the lower end. The application proposed to demolish the front portion of the building, stemming it towards the cemetery, making it smaller, with landscaping and parking in the front yard. Exhibit A2 were the Site Plans. The only changes made were in response to Mr. Raimondi's letter of 7/17/12, which included a revision to French drain, and clarifying polling. Mr. Adelsohn set forth the bulk variances, mostly existing, and the variances for parking stall size and signage. There are 28 spaces shown, including two handicapped spaces. Egress to Kinderkamack is shown in two directions. Mr. Adelsohn described the Landscaping and

Lighting Plan. Presently the site has no landscaping. Sheet 5 is the detail sheet, showing the proposed sign.

Questions of the Board followed. Mr. Oakes asked Mr. Adelson about the size of the sign. It is double the size allowed, he explained. Mr. Oakes suggested complying by having the anchor tenant's sign take up one sign half the size. By scaling it down, you could lose one of the variances. The other tenants could have signs on the building. Mr. Lafferty would take another look at it. Mr. Owens asked about the traffic flow. Mr. Simoff's report could be provided and resubmitted by Mr. Lafferty. Mr. Arroyo asked him to review the three minor changes. Mr. Adelson replied it was a French drain detail, setback and clarification of County line. There were no further questions.

The matter was opened to the public for questions of Mr. Adelson. Michael Meisten, 58 Kingsberry Avenue, came forward and had questions of the witness. He asked about the traffic reports, and the Board explained many aspects were proposed previously in the prior application. Applicant will provide us with copies of the traffic report at the next meeting. He had several questions, so Mr. Martin and Mr. Rutherford advised it would be a good idea to have Mr. Simoff at the next meeting to answer questions about traffic flow and its effect to satisfy the interested party's concerns about his property.

Applicants would proceed with the architect and planner on 12/3/12. The matter was carried to that date and heard later in the evening, as Ms. Gregory has another meeting that evening.

6. Vardean - 26 Lake Street - C Variance (Louis Raimondi Brooker Engineering recused) - Louis Raimondi recused himself and stepped down from the dais. David S. Lafferty, Esq. represented the applicant/builder and provided the publication documents, which were found to be in order. Years ago he presented this application in a subdivision, Mr. Lafferty explained, and his client built two homes on Lake Street. At the time it was determined that the deck exceeded the zoning requirements, and the Borough would not issue a C/O. The client was going to reduce the size of the deck, but it would be way too small to accommodate a homeowner. Therefore, the homeowner is bringing this application to extend it to the side of the

house resulting in a building coverage variance of 1.9%, where 22% is permitted and 23.9% is proposed.

Mr. Bezyuem, Licensed Surveyor was sworn in and testified he prepared the survey for the deck and they were not able to get the C/O because it was too large. The lot narrows in the rear and is restrictive. The house is 1,675 sq. ft. and complies. The existing deck complies, but they propose a 150 sq. ft. addition, flush with the East side of the house coming back to the rear portion of the deck. He is not aware of any negative impacts to the surrounding properties. The size of the deck is restrictive and would take away seating area. There is only one variance for building coverage.

Questions by the Board followed. Mr. Oakes asked if there was a home on the lot prior to the subdivision. Mr. Lafferty responded it is a result of the subdivision, but the one of the lots was deeper than the other and irregularly shaped anyway. Mr. Lydon asked if he was offering this as a C1 variance. Mr. Lafferty advised yes, due to the irregular shape. Mr. Martin said if you are claiming a variance due to the shape, it is not really the case. Mr. Arroyo commented if they extended it towards Center Avenue, it would trigger another variance. Mr. Martin asked if they considered a patio. Mr. Lafferty said they opted for a deck because the patio would be difficult. Mr. Martin commented the patio would be difficult to use, so they are seeking a deck with this one variance. There were no further questions.

The matter was opened to the public for comments. Ms. Gallagher, direct neighbor, spoke in favor of the application and stated the deck should go back on as it was originally built. It enhanced the house and deserves to go back up. There were no further comments. Alvaro Reguly, 26 Lake Street, the homeowner, came forward. They have a five year old baby girl, the house has a yard with a slope, and they would appreciate having the deck.

A motion for approval was made by Mr. Arroyo due to the irregular shape of lot and topography, and the most impacted homeowner testified there is no negative impact, with second by Mr. Bicocchi. On roll call vote, all members voted yes.

10. DISCUSSION: None

(ZB 11/19/12 Minutes)

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:30 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary