

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
December 5, 2011**

APPROVED 1/9/12

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: Christopher Owens
Raymond Arroyo, Vice-Chairman
William Martin, Chairman
Eric Oakes
Michael Bieri
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: Robert Biccocchi (excused absence)
Guy Hartman (excused absence)

4. MINUTES - The Minutes of the 10/3/11 and 11/7/11 meetings were approved on motion of Mr. Bieri, seconded by Mr. Owens and carried unanimously on roll call vote.

5. CORRESPONDENCE:

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1. Letter from Brooker Engineering dated 11/9/11 RE: Brightly, 71 Goodwin Terrace;
2. Letter from Brooker Engineering dated 11/14/11 RE: Snyder, 73 Lyons Avenue;
3. Letter from Brooker Engineering dated 11/15/11 RE: Care One, 300 Old Hook Road (pending approval);
4. Letter from Brooker Engineering dated 11/28/11 RE: Royer, 29 Eighth Avenue;
5. Letter from Brooker Engineering dated 11/29/11 RE: Care One, 300 Old Hook Road (pending approval);
6. Memo from Burgis Associates dated 11/11/11 RE; Snyder, 73 Lyons (pending approval);
7. Memo with attachments from Armand Marini, dated 11/21/11 RE: Royer, 29 Eighth Avenue, Block 306, Lot 6;
8. Letter from David S. Lafferty, Esq. dated 11/29/11 RE: KMACK North and South Associates, 39 and 40 Kinderkamack Road;
9. Memo from Burgis Associates, dated 11/11/11 RE: Millennium Health Care Centers;
10. Memo from Burgis Associates, dated 11/7/11 RE: Brightly Development Application;

6. VOUCHERS: A motion to approve vouchers totaling \$3,412.50 was made by Mr. Oakes, seconded by Mr. Bieri, and carried unanimously on roll call vote.

7. RESOLUTIONS: None

8. PENDING NEW BUSINESS:

1. **Metro PCS New York, 182 Third Avenue - Variance and Site Plan Approval** - scheduled for 1/9/12;
2. **Care One at Valley, 300 Old Hook Road - Variance & Site Plan Approval** - scheduled for 1/9/12;

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3. Snyder, 73 Lyons Place - Variance Application -
scheduled for 1/9/12;

**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 North, 39 Kinderkamack Road - Variance & Site
Plan Approval - Catherine Gregory, Substitute Board Planner, was
present for this application.** (Special Meeting 1/30/12)

**2. KMACK South, 40 Kinderkamack Road - Variance & Site
Plan Approval - Catherine Gregory, Substitute Board Planner, was
present for this application.** (Special Meeting 1/30/12)

David Lafferty, Esq. represented the applicant and stated the applicant was in the process of making changes as discussed at the last meeting. A discussion ensued regarding the next hearing date for both of the applications. Ms. Gregory, Substitute Planner, advised she was not available on 1/9/12. A special meeting on 1/30/11, was considered, agreed upon and scheduled. A motion for approval to schedule the aforesaid special meeting on 1/30/12 was made by Mr. Bieri, seconded by Mr. Owens and carried unanimously.

The Board took a recess from 9:25 - 9:35 p.m.

**3. Peck - 18 Sixth Avenue, Block 307, Lot 9 - Variance
Application** - Mr. Rutherford reviewed the publication documents and found them to be in order. Brian W. Peck, applicant, and Scott Bella, Licensed Architect, in Glen Rock, NJ, were sworn in. Mr. Bella gave his credentials as an architect. The Board accepted Mr. Bella. He testified Mr. and Mrs. Peck are seeking to make an addition to the rear of their dwelling for a two car garage, add to an existing den on the first floor, and add a fourth bedroom on the second floor. They are seeking three total variances, for a 3' rear yard setback variance, a 2.8' side yard setback and width of driveway, where it cannot be wider than the garage, and the garage is 22'.

Mr. Martin expressed concern about the garage and if the situation could be mitigated with a landscaped island. Mr. Bella

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said they could make a minimum 10' x 10' landscaped island area for this purpose. Mr. Raimondi felt like the island would be run over many times. They would also put in a turn-around area. Mr. Raimondi asked what trees would be taken down, and they should be shown on the drawings, per the ordinance. Mr. Martin asked them to pursue Mr. Lantelme to show each corner of the house on a revised survey and present it with a revised plot plan. Also they could provide a landscape drawing and come back on 1/9/12. Mr. Lydon asked if there were any compression systems or other exterior equipment. Mr. Peck said no, he did not plan for it. Mr. Martin suggested putting it in the front, 50' away, near the street, and having it properly screened, so none of the neighbors hear it or see it. Lastly, Mr. Martin deferred to Mr. Raimondi about drainage, but did not see any plan. Mr. Bella would submit the drainage plan. The matter was carried to 1/9/12 with no further notice.

4. Royer - 29 Eighth Avenue - Robert J. Mancinelli, Esq. represented the applicant Dennis Royer, the owner of the premises, who was present. Revised architectural plans prepared by Stephanie DeCarlo Pantale, dated 11/18/11, and revised Site Plan by Lantelme, Kurens & Assoc, PC., dated 11/22/11, were submitted. The plans showed the macadam being removed as well as a gravel area by the masonry garage. Mr. Mancinelli presented the changes. Applicant is eliminating the existing spa, and as a result of those changes, their non-conforming condition is reduced from 44.5 to 44.4.

Chairman Martin called attention to the memo from Mr. Marini. Mr. Mancinelli advised there are no existing violations on record. This was triggered when Mr. Royer began to enclose the side portico, and Mr. Marino asked for an as-built survey. They have noticed for the garage. He noted a condition for the prior setback for the shed, emphasizing there are no outstanding fines or permits. Mr. Martin stated there is a non-conforming coverage variance. Mr. Mancinelli advised he would accept the body of Mr. Marini's memo but also had an objection. Mr. Martin said there is no document for the pavers except for the new document. Mr. Royer said everything on the as built survey was inspected by Mr. Marino. Mr. Martin commented the documents do not support the pavers. Mr. Mancinelli advised they noticed for it regardless. Although de minimus, we are seeking approval for it. There are three variances, Mr. Martin reviewed: the shed, the impervious coverage and the distance between the garage and

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the structure of the deck. Also the garage being 10' off was no longer an issue. Mr. Mancinelli commented it was applicant's understanding that he had received all the permits from his predecessor; he understood everything was in order.

Mr. Rutherford reviewed the variances being sought. There is impervious coverage of 44.4% where only 40% is permitted. They relied upon the testimony from Mr. Lantelme and positive and negative criteria, justifying the granting of the variance relief. Mr. Rutherford advised the Board must analyze this from a zoning point of view, and whether the Board finds that the 4.4% is justified by the facts and improvements on the property, regardless of whether it was pre-existing. Mr. Mancinelli commented they tried to minimize and have reduced this variance.

Questions from the Board followed. Mr. Oakes asked if applicant considered removing 3-1/2' from the corner of the deck, which may eliminate a variance and get 10' between garage and deck. Mr. Mancinelli advised it was the applicant's choice, and it is a technical variance. Mr. Oakes was concerned about the space for fire trucks possibly having to come into the yard. They would be able to get 10' closer. Mr. Mancinelli said the fire department could gain access from the driveway.

Mr. Lydon noted the definition of impervious coverage includes pavers and paving stones, in response to Mr. Owens' question. William Martin commented many small properties have difficulty maintaining the 40% limit, and here the applicant has a larger property, and the 4.4% represents about 700 sq. ft. Mr. Martin asked if the applicant is going to try to get closer to the 40%. Mr. Mancinelli advised they have already eliminated some coverage. Mr. Martin commented it was not enough. This type of condition is what causes flooding. He asked Mr. Raimondi about the seepage pit and flooding. Based on the response, Mr. Martin stated the drainage system as designed, is insufficient as to the coverage proposed. Mr. Mancinelli advised he would object, as the Board Professionals already approved this system. He never took the position that the coverage was pre-existing, non-conforming, or that we had previous approvals or grandfathering. Mr. Martin said the engineer said the drainage plan is insufficient. Mr. Mancinelli said that is inconsistent. Mr. Raimondi was asked to clarify whether the proposed 500 gallon seepage pit would handle the runoff. Mr. Raimondi responded without having a topo, he cannot explain tonight

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whether the pit could handle all of the area. Mr. Ceplo asked, and Mr. Royer responded he has never had any problem with the grates. Mr. Ceplo asked if he could move them, and Mr. Royer said he could. Mr. Raimondi commented he cannot tell if any of the neighbors' properties drain into his grates. Also, it depends on the soil too, he added. Mr. Mancinelli represented that at the time of the permit, if the pit has to be enlarged, they could do so. Mr. Rutherford advised it would be a condition of an approval.

The matter was opened to public. Barbara Markus of 40 Eighth Avenue spoke in favor of the application and had positive comments about Mr. Royer. She stated that Mr. Royer has one of the nicest houses on the block and indicated this has kept their property values up. She has learned a lot about flooding at the meeting. She can vouch for his home, his value and his integrity. Mr. Mancinelli asked her if there was ever an issue with flooding, and Ms. Markus indicated no. She is aware that he is renovating and enlarging the existing garage, and she has no objection and believes there would be no adverse impact to her or her property. The house was previously stucco, and Mr. Royer is a perfectionist. He showed her the permits. There were no further questions or comments, and the matter was closed to the public.

Mr. Mancinelli believes they submitted the necessary proofs on the "C" standard analysis. There was a difference, in that the conditions were all previously existing. He demonstrated through the comments from the professionals, that they reduced the impervious coverage. With the conditions as stated, he does not object to a field inspection prior to permits being pulled. He would agree to tie in the drainage of the pool area and increasing the tank on site.

Further, Mr. Mancinelli thanked the Board for its time and although it took longer than typical for a garage, he hoped the concerns were addressed.

Can the pit be resized, Mr. Raimondi was asked, and he responded yes, but depending the condition of the soil. There would no longer be a discharge into the street sewer, but again, he does not have a topo. Mr. Martin said he would leave it up to Mr. Raimondi.

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Mr. Lydon brought up another issue. He noted there are a number of exhibits marked "A" in the packet from Mr. Marini. He was confused as to what these exhibits show. A brief discussion ensued. There were no further questions, comments or discussions.

A motion for approval with conditions as stated was made by Mr. Owens and seconded by Mr. McKoy. On roll call vote, Michael Bieri, Raymond Arroyo, Christopher Owens, Vernon McKoy, Matthew Ceplo, and William Martin voted yes. Eric Oakes was not eligible to vote. In voting, the Chairman Martin commented to the applicant that the quality of the submission, with the proper architectural drawings and addition of the seepage pit, is what helped you in this application. His concern was the pavers, but he is satisfied with Mr. Raimondi reviewing the revised drainage system, and therefore he voted yes.

5. Brightly, 71 Goodwin Terrace - Variance Application -
Scheduled for 1/9/12;

10. DISCUSSION:

1. An Update on Master Plan Re-Examination - Mr. Martin updated the Board on the Master Plan, which the Planning Board approved at its meeting on 12/1/11. A brief discussion ensued.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:15 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary