

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
March 2, 2015**

**APPROVED 4/6/15**

**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 (departed 8:35 pm)  
Eric Oakes, Vice Chairman  
Guy Hartman  
Matthew Ceplo  
H. Wayne Harper  
Marc Truscio  
George James  
Cynthia Waneck (Alt #1)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Louis A. Raimondi, Board Engineer  
Steve Lydon, Burgis Associates,  
Board Planner  
Michele S. Austin, Esq. Substitute Board  
Attorney for MedExpress Application

**ABSENT:** Michael Klein (Alt #2) (excused absence)

The meeting of 2/2/15 was canceled due to snow.

Guy Hartman stated he listed to the C/D of the 1/12/15 meeting and signed a certification.

**4. ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2014** - A motion for approval was made by Eric Oakes, seconded by Guy Hartman. On roll call vote, with one abstention by Ms. Waneck, all members voted yes.

**5. MINUTES:** A motion to approve the Minutes of 1/12/15 Reorganization/Regular Meeting was made by Eric Oakes, seconded by Wayne Harper, and carried unanimously on roll call vote.

**6. CORRESPONDENCE:**

1. Report of Louis A. Raimondi, dated 1/26/15 RE: Fernandez;

2. Memorandum dated 2/7/15 from Steve Lydon RE: NY Sports Club;

3. Memorandum dated 2/9/15 from Steve Lydon RE: Bartlett/Clarke

4. Memorandum dated 2/9/15 from Steve Lydon RE: Pinto;

5. Memorandum dated 2/11/15 from Steve Lydon RE: MedExpress;

6. Report of Louis A. Raimondi, dated 2/16/15 RE: Pinto;

7. Memorandum dated 2/18/15 from Steve Lydon RE: Pinto;

**7. VOUCHERS:** Upon motion of Eric Oakes, seconded by George James, all ayes on roll call vote, with one abstention by Cynthia Waneck, **the Board approved Vouchers totaling \$6,125.00.**

**8. RESOLUTIONS:**

**1. Ponce, 188 Sand Road, Block 1401, Lot 9 - "C" Variance** - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Mark Truscio, and William Martin voted yes. Guy Hartman, George James and Cynthia Waneck were not eligible to vote.

**9. PENDING NEW BUSINESS: NONE**

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

**SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS**  
**The Board Professionals were sworn in.**

**1. Cameron, 10 Lewis Place - Section 68 Certificate -**  
L. Scott Berkoben, Esq. represented the applicant and presented the publication documents, which were found to be in order by Board Attorney Rutherford.

The applicant, Corlie Cameron, was sworn in by Mr. Rutherford. A survey was presented along with proofs that the property has been a two-family home, according to the assessments and tax records. The C/O was conditional when granted, for repairs, not zoning issues. Mr. Rutherford gave an overview of the necessity for Section 68 Certificates for two-family homes in the Borough since the Borough changed the ordinance in 1967.

Mr. Cameron testified he purchased the home as a two-family home in 2002. Mr. Martin commented as to a Tax Office Memo from 1986. Mr. Berkoben provided photos, copies of the Deed and records from the Tax Assessor showing it has been a two-family home for most of its history and continues to be used as such. Mr. Cameron testified it is an up and down two-family, with two separate meters. The property record card states it is a two-family home. Mr. Hartman asked, and Mr. Cameron responded there are other two-family homes in the neighborhood. Mr. Hartman commented in 1978 it stated the home was a two-family. In 1964 it stated one-family. Mr. Martin commented barring anything that it was not converted from a one-family, the tax records state it is a two-family home, in fairness to the applicant. There were no further questions or comments from the Board and none from the public.

Mr. Berkoben gave a summary. Mr. Martin commented it appeared to be a thorough application. There were no further questions, comments or discussions from the Board. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. On roll call vote, Eric Oakes, Guy Hartman, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, and William Martin voted yes.

**William Martin departed at approximately 8:35 p.m., and Eric Oakes took the Chair for the remainder of the meeting.**

**2. VRS 40 Kinderkamack, LLC and MedExpress Urgent Care-New Jersey, P.C., 40 Kinderkamack Road, Block 1607, Lots 12, 13 and 14 - Appeal of Zoning Officer's Decision - David**

Rutherford, Esq. recused himself and stepped down from the dais. Michele S. Austin, Esq. took his place at the dais as Board Attorney for this application. William Martin, recused on the application, had departed. Eric Oakes chaired the meeting for this application.

Carmine R. Alampi, Esq., appeared on behalf of the applicant, VRS 40 Kinderkamack, LLC, the contract purchaser, and Med/Express Urgent Care-New Jersey, P.C., the end user. John J. Lamb, Esq. represented the objector, Westwood Taxpayers Alliance.

**Mr. Oakes requested to discuss Special Meeting dates on the MedExpress matter, since Mr. Marini was not present.** Mr. Oakes inquired about the dates of March 9th or March 30th. Mr. Lamb advised March 9th was not good. Mr. Alampi stated he could insist on March 9th, as the applicant's attorney. Mr. Oakes also mentioned March 16th. Mr. Alampi chose March 16th and March 30th when given the choice on behalf of the applicant. An announcement would be made. Mr. Lamb felt that notice would have to be provided and still had some objections. Ms. Austin advised she will give a legal opinion, and notice the newspaper, post it in the municipal building, and subpoena Mr. Marini for March 16th. Mr. Harper commented he would not be available on March 30th. Transcripts will be made available. **The matter was carried to the March 16th as a Special Meeting.** There were no further discussions.

**Ms. Austin stepped down from the dais, and Mr. Rutherford returned to the dais.**

**3. Vassallo, 71 Sixth Avenue, Block 902, Lot 5 - "C" Variance** - Incomplete; Carried to the 4/6/15 meeting; Board Attorney Rutherford to forward letter to applicant stating unless made complete by the April meeting, the Board will take action to dismiss the application without prejudice;

**4. Bogush, 43 Sullivan Street, Block 2110, Lot 22 - Use Variance** - Incomplete; Carried to the 4/6/15 meeting; Board Attorney Rutherford to forward letter to applicant stating unless made complete by the April meeting, the Board will take action to dismiss the application without prejudice;

**5. Fernandez, 125 Lake Street, Block 710, Lot 21 - Site Plan** - Incomplete; Carried to the 4/6/15 meeting;

**6. Pinto, 460 Fairview Avenue, Block 708, Lot 14 -** Robert J. Mancinelli, Esq. represented the applicant. The application is for a single story addition to expand and enlarge a two and one-half story dwelling, seeking a maximum impervious lot coverage variance and a "D2" variance. The addition will be 645 sq. ft. in the rear yard of their two-family home with a Section 68 Certificate, in the R1 Zone. The owners presently live in Park Ridge and wish to renovate and move into their two-family home. The addition included a larger kitchen, master suite, laundry room, and living room. The variance was noticed. Even though this is a legal two-family, non-conforming, anytime a non-conforming use is expanded, a variance is necessary.

Joseph Bruno, Architect was present and was sworn in. Photographs were taken by Mr. Bruno and described. Mr. Mancinelli questioned the witness as to the Zoning Table and proposed coverage. The intent of the application was not to increase the bedrooms from two bedrooms. Exhibit A2 was Mr. Bruno's architectural plan. Mr. Bruno testified they are not adding any bedrooms nor intensifying the bedrooms. Mr. Bruno described the property and the proposed addition. There will be an enlarged kitchen, bath, laundry room, master bedroom suite with a walk-in closet and bathroom, and a covered open porch.

Mr. Raimondi submitted a report dated 2/16/15, which Mr. Bruno addressed in detail. Christopher Lantelme, Surveyor, stated the lot was flat, but Mr. Raimondi asked for a proposed location of the seepage pit. Mr. Bruno showed it on the plan directly behind the proposed new addition, 15' from the property line. There were some changes made by Mr. Bruno, Mr. Raimondi noted. Mr. Bruno acknowledged there were changes that were being submitted as an exhibit this evening.

Mr. Mancinelli advised he has a licensed professional planner present to testify if necessary, with respect to Mr. Raimondi's comment #12, that the proposed expansion of the two-family home affirms the land use goals and policy of the Borough.

Mr. Bruno continued with the calculations and Zoning Table. Mr. Lydon submitted a report dated 2/9/15, which was also addressed. Mr. Bruno testified as to the parking, stating there were no parking issues. Mr. Lydon questioned Mr. Bruno as to the parking stalls, expressing concerns about the configuration. Mr. Bruno and Mr. Mancinelli noted it is

an existing parking configuration, and there will be paving where there is an existing driveway.

Questions by Board Members followed. Mr. Hartman asked if they considered moving the addition, and Mr. Bruno stated they are adding length and roofing the whole way back.

Mr. Bruno testified the proposed addition would fit in with the character and architecture of the neighborhood, and it is consistent with the way other projects are being done in the area. Mr. Mancinelli had no further questions of Mr. Bruno. He requested to address the "D2" variance and has the planner available to testify and address Mr. Lydon's report regarding the Master Plan and Land Use Goals and Policies of the Borough. It really is more like a flexible "C" variance. Mr. Mancinelli discussed goals and policies of the Borough. MLUL requires you to come before the Board in the expansion of a pre-existing non-conforming use, as it is not the same analysis. Mr. Mancinelli referred to Goal #5, taking a very outdated structure confirmed as far back as 2007 as a non-conforming use, and making improvements. They are not taking a single-family home and converting it to a two-family home. The owners are moving to the home and eliminating a rental condition. The owner will occupy the property. More attention is placed on the property as far as continued maintenance. There are two bedrooms, but the flow is being reorganized and the structure is being rehabilitated. If the Board feels it is necessary, he has the planner available to testify.

Brigette Bogart, Professional Planner, was sworn in and testified she was familiar with the application and reports, the Master Plan and goals. She addressed Goal #6, specifically, "to discourage the proliferation of two-family and multi-family dwellings". That is not what they are doing here. They have an existing two-family dwelling here, which they are looking to rehabilitate. She felt this goal does not even apply here. It is more of a flexible "C" analysis vs. a "D2" analysis. They are decreasing a degree of bulk coverage. There are a number of benefits with this application. They are not talking about a new two-family structure, but an existing one.

Mr. Hartman asked the planner to speak about the landscaping. Ms. Bogart explained they are reducing the impervious coverage, providing more greenery, and drainage is an important aspect. Mr. Hartman asked what she would consider a substantial reduction in impervious coverage. She

answered she would consider any reduction in impervious coverage to be substantial. Ms. Waneck asked Mr. Lydon about how the Borough has applied the goals in prior applications. Mr. Lydon explained how the Borough has struggled with the goals in prior applications. Mr. Rutherford advised each application has to be evaluated on its own set of facts, and the Board must apply proper findings of fact and law.

On a positive note, Mr. Oakes commented they are reducing impervious coverage. Mr. Hartman commented the property will be owner-occupied. Landscaping details were addressed. A revised plan, as marked up with the changes, would be submitted. Ms. Waneck inquired if a condition could be inserted to any approval that the den could not be made into a third bedroom. Mr. Rutherford advised yes. It was stated the number of bedrooms are not increasing. The footprint is becoming larger, but the use is the same.

Mr. Mancinelli summarized the application and his testimony, reiterating they are reducing impervious coverage and the benefits of granting the variance. It is a flexible variance, a balancing. They presented ample testimony and the exhibits, and are providing increased landscaping and a seepage pit. The positive criteria outweighs any potential detriments. The addition is consistent with the architectural style in the surrounding neighborhood. For a "D2" variance, the stated goals and policy statements were addressed, and Goal #5 suggests rehabilitating is a goal, and it is shown in this application. There are no impacts to the Master Plan in the zone. Mr. Mancinelli thanked the Board for its consideration and asked the Board to act favorably on the application.

Mr. Oakes called for any further discussion. Mr. Lydon commented if the Board were to act favorably, he would ask Mr. Bruno to change his drawing for the rear yard, which should be corrected to 57.39', per Mr. Bruno. Mr. Hartman commented the Board is diligent about the review of these applications, and this property can support a modest expansion, and with the upgrades and landscaping, it is well done. He felt it was a pretty good application. Ms. Waneck concurred and commented the detriment was not substantial; there should be a condition that the den will not become a third bedroom, and she was in favor of reducing the coverage. Mr. James and Mr. Harper concurred on the reduction as well. The conditions were summarized by Mr. Rutherford, which also included compliance with Mr. Raimondi's report as stated. He

would mention Goals 5 & 6, and include the landscaping. The motion or approval was so made by Guy Hartman and seconded by George James. There were no further questions, comments or discussions from the Board and no interested parties with questions or comments. On roll call vote, Guy Hartman, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Cynthia Waneck, and Eric Oakes voted yes.

**6. Bartlett/Clarke, 447 Fairview Avenue, Block 709, Lot 1 - Variance** - Nancy Saccente, Esq. represented the applicant. Eric Bartlett was sworn in. The property is in the R1 Zone, on the corner of Fairview Avenue and Grand Street, and applicant seeks to put up a shed. There is a temporary shed present, which will be removed. The property already exceeds the coverage, and they are seeking approval of the pre-existing non-conformities for building coverage, front yard setback and side yard setback. Mr. Rutherford clarified they are just asking for the Board to recognize these existing non-conformities.

Mr. Bartlett testified the house does not have a garage. His son has disabilities and he needs the shed to store his electric scooter. Further, they have 175' of sidewalk that needs to be cleared of snow, and they have no place to put the snow blower, lawn mower, lawn equipment, and bicycles, which are currently stored outside in the yard.

A survey was submitted with the application. Photos were submitted and described.

Mr. Raimondi and Mr. Lydon submitted reports, which Ms. Saccente addressed. Ms. Saccente asked for a waiver of a site plan, since it is a simple application for a "C2" variance for a shed. Based upon the testimony and documentation submitted, Ms. Saccente asked for the Board to approve the application.

Mr. Raimondi asked if the handicapped ramp was in place when the survey was made. Mr. Bartlett stated it was a temporary ramp, and Ms. Saccente stated, according to Mr. Marini, it was not part of the coverage. It is not a permanent structure. There is also a fence shown on the survey. Mr. Raimondi recommended the Board not waive the site plan requirements, since there is no coverage on record, and the ramp remains there as long as they live there.

Mr. Oakes asked for comments from Board Members. Mr. Ceplo asked if it would be permissible for a person to obtain and erect a temporary shed from Home Depot. Mr. Lydon stated they are treated as structures, and a permit is needed. They are looking for a building coverage variance, and that is the only variance the Zoning Officer flagged. Mr. Hartman commented he felt a site plan should be submitted. Ms. Saccente provided a worksheet, marked Exhibit A1, which Mr. Marini used in calculating the coverage. Mr. Hartman asked if it were possible to give an approval pending receipt of the site plan. Mr. Rutherford advised the Board will want to see the site plan with confirmation of the coverages.

Mr. Raimondi commented the ramp is not included in the 27% coverage proposed, as stated in Mr. Marini's letter. Ms. Saccente stated the ramp is collapsible and movable and was not part of that coverage. Mr. Marini did not include it. Ms. Saccente would ask Mr. Marini to put something in writing as to the ramp not being required to be included in the coverage. Mr. Lydon asked if they would remove the temporary shed if the permanent shed is approved. Mr. Bartlett stated it was always his intention to do so.

Mr. Oakes commented it was up to the Board if it wanted the calculations prior to or after the shed is in place. There were no members of the public present. Mr. James commented he understood the need for a shed, but as Mr. Raimondi recommended, he felt the calculations were necessary. Otherwise, he was for approving the shed. The calculations can be provided as a condition. Mr. Hartman concurred it could be a condition. Mr. Oakes commented updating the site plan giving the calculations, including the ramp, was what he was hearing from the Board and called for a motion to move forward with the vote tonight or have them bring in the information prior to a vote.

A motion to approve the application with the submission of a site plan as a condition was made by Cynthia Waneck and seconded by Guy Hartman. Mr. Rutherford clarified the conditions, stating the site plan would be by a professional, with a letter from Mr. Martini stating that the ramp is not part of coverage, removal of the temporary shed, and no electric service to the shed. There were no further questions, comments or discussions. On roll call vote, Guy Hartman, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Cynthia Waneck, and Eric Oakes voted yes.

(ZB 3/2/15 Regular Minutes)

**11. DISCUSSION: NONE**

**12. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:50 p.m.

**Respectfully submitted,**

---

**MARY R. VERDUCCI, Paralegal  
Zoning Board Secretary**