

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
April 1, 2013**

APPROVED

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
Christopher Owens, Vice-Chairman
Michael Bieri
Eric Oakes
Matthew Ceplo
Vernon McCoy
Chris Montana (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Eve Mancuso, Brooker Engineering
Appeared for Louis Raimondi,
Brooker Engineering, Board Engineer
Ed Snieckus, Burgis Associates,
Appeared on behalf of Steve Lydon,
Burgis Associates, Board Planner

ABSENT: Robert Bicocchi (excused absence)
Guy Hartman (Alt #1) (excused absence)

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4. MINUTES - The Minutes of the **3/4/13** were approved on motion made by Christopher Owens, seconded by Michael Bieri, and carried unanimously on roll call vote.

5. CORRESPONDENCE:

1. Review letter dated 3/4/13 from Eve Mancuso, RE: Van Grouw, 27 Ruckner Road;

2. Review letter dated 3/6/13 from Steve Lydon, RE: Estelle Lee, 711 Broadway;

3. Memorandum dated 3/6/13 from Robert Hoffmann, Borough Administrator;

6. VOUCHERS: A motion to approve vouchers totaling **\$181.35** was made by Eric Oakes, seconded by Christopher Owens, and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. KMACK North II, 39 Kinderkamack Road - Application for Site Plan Approval - Resolution of Denial - The Board Attorney read the Resolution of Denial into the record. There were no further questions, comments or discussions. On roll call vote, Michael Bieri, Eric Oakes, Christopher Owens, Matthew Ceplo, and William Martin voted yes. Vernon McKoy and Chris Montana were not eligible to vote.

8. PENDING NEW BUSINESS:

1. Kennedy, 665 Ward Avenue - Checklist Waivers with "C" Variances - Scheduled for 5/6/13;

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 KMACK South, 40 Kinderkamack Road, Block 1607, Lots 12, 13 & 14 - Variance & Site Plan Approval - Withdrawn by applicant, per letter received by Attorney Rutherford;

2. Van Grouw, 27 Ruckner Road, Block 504, Lot 40 - Appeal - Carried to 5/6/13;

3. Sickinger/The Sickinger Family Trust C/O Wayne Henderson, 484 4th Avenue Wash- Variance, Site Plan Application (William Martin recused) - Carried to 5/6/13;

4. Ann Costello, 105 & 108 Fifth Avenue, Block 402, Lots 11 and 9 - Section 68 Certificates - William Martin recused himself and stepped down from the dais, stating the applicant is a client of his. Vice Chairman Owens chaired the meeting. Ed Snieckus of Burgis Associates recused himself, as the applicant is a Planning Board Member and votes on the Burgis Associates' contract.

Mr. Rutherford requested the certified mailing receipts and publication. Ms. Costello came forward. Mr. Rutherford advised she gave the notice and states on March 15, 1013, she gave notice to all persons listed on the property owners list for 105 Fifth Avenue, and on March 18, 2013 she gave notice to all persons listed on the property owners list for 108 Fifth Avenue. Mr. Rutherford advised she should have received an Affidavit of Publication from the newspaper, and she should request same, to be provided to Mr. Rutherford with the green cards for the mailing. The applications were marked Exhibit A1.

The application for **105 Fifth Avenue** was heard first. Ann Costello was sworn in and testified that she purchased the home as a two-family home in 1986, and she has not made any additions. Prior to her purchasing, it was a two-family home. Mr. Owens stated the documentation supports the two-family home status since its existence. There are separate utility bills and two separate apartments, accessed from the front door. One is on top of the other. There were no further questions, comments or discussions. There were no interested parties. Mr. Oakes commented applicant has met all the standards and criteria and made a motion to approve, with second by Michael Bieri. On roll call vote, Michael Bieri, Vernon McKoy, Eric Oakes, Matthew Ceplo, Chris Montana, and Christopher Owens voted yes. William Martin was recused.

The Board moved on to the next property, **108 Fifth Avenue**, which Ms. Costello testified she owned since it was built. The newspaper article dated 12/31/11 was marked Exhibit A2. It has always been a two family home and used as such since 1982, she added. There were no questions from the Board and none from the public. Mr. Bieri commented all the records are very clear and made a motion to approve,

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with second by Eric Oakes. On roll call vote, Michael Bieri, Vernon McKoy, Eric Oakes, Matthew Ceplo, Chris Montana, and Christopher Owens voted yes. William Martin was recused.

5. Eamon O'Brien 7 Christian Villaslada, 15 Oakland Avenue, Block 305, Lot 2 - Section 68 Certificate - The notice and publication documents were found to be in order, as determined by Mr. Rutherford; however, he advised the Affidavit of Service signed by the applicant needed to be sent in.

Eamon O'Brien and Christian Villaslada, the owners were sworn in. Mr. O'Brien testified he believed the home was converted to a two-family home in 1978. They purchased the home in 2006, and it has always been used as a two-family, as indicated by the tax records. There are two separate meters, he noted. The property was reassessed just this past year as a two-family. Mr. Rutherford advised documentation states the home was converted some time between 1964-1978, and they should try to be more specific. Mr. O'Brien had a neighbor present to testify.

Dorothy Voorhos, 25 Oakland, was sworn in and testified she has lived on the block for 25 years. The house has always been a two-family home with separate kitchens. She could not attest to when it was converted, but knew it was a two-family from before she moved in. It has been assessed as a two-family home for all the years. She came down to the hearing to see what the problem was. The Vice-Chairman explained the procedures per the ordinance.

The Board questioned the applicants. Mr. Owens noted a reference to roof and siding permit in 1964, and in 1962 a renovation upstairs. Mr. Rutherford advised the applicant does not need to provide proof beyond a reasonable doubt, just a preponderance of the evidence is necessary. Mr. Owens pointed out the applicants gave a significant amount of proofs. Everything he sees points to it being a two-family, prior to the 1967 amendment, and made a motion to approve, with second by Michael Bieri. On roll call vote, Michael Bieri, Vernon McKoy, Eric Oakes, Matthew Ceplo, Chris Montana, and Christopher Owens voted yes. William Martin was recused.

William Martin and Ed Snieckus returned to the dais. The Board took a brief recess at 8:40 p.m.

6. A Cleaner City/Nail Salon 711 Broadway, Block 701, Lot 8 - Use Variance - L. Scott Berkoben, Esq. represented the applicant. Revised plans dated 2/28/13 prepared by Mr. Fethes, were submitted and marked Exhibit A3. Ms. Lee, the applicant/operator was present. They did not have a professional planner present to testify.

Mr. Fethes, the architect, was previously sworn and continued under oath. He prepared a colorized version on a board, marked A4, which he reviewed. They had not prepared a site plan, relying on a previous plan rejected by the Board. The plan showed proposed parking. The floor plans were basically the same for the dry cleaners, but the yellow the area was the nail salon, and he showed the sections for the pedicure, facials, waxing, bathroom, etc. The façade has changed. They are proposing a new, handicapped ramp and new entrance on the southwest side. There were questions about a loading door, and they styled it consistent with a commercial use by adding large plate glass windows. Original parking in the public right-of-way was taken out and is all within the current boundaries. There is a no-parking zone for people to enter into and exit from the building in the event of an emergency. A couple of areas for dumpsters were also identified. The existing skylights would be removed, and the building will be re-roofed. That summarized the changes.

Questions by the Board followed. Mr. Montana asked about the concrete ramp, and Mr. Fethes responded it would be replaced with a new, wider ramp with railings, allowing for handicapped access. Mr. Oakes asked how close parking spaces 5 and 6 would be to the street. Mr. Fethes illustrated that the street is 10' from the property line. There is no curbing in front, so they feel they would add spots 5 and 6 back in. Only 18 spaces would be provided. No shared parking with other lots was planned. There is no sidewalk in front of the property. Mr. Owens asked about parking. Mr. Berkoben submitted an Order marked A5. Mr. Rutherford reviewed the Order and commented it appeared its purpose was to establish the owner and occupants of this property have the right to traverse the property to the North via Harold Street to use parking spaces 7 through 18. Mr. Rutherford questioned the uses, which were clarified as nail salon and dry cleaning. Mr. Oakes asked if they would be storing chemicals for the dry cleaners.

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Ms. Lee, the applicant/operator was sworn in. She operates the dry cleaning business. The chemicals are stored inside the machine. The suppliers install the chemicals. It is only sorted inside the machine. They use non-toxic chemicals, with no chance of contamination. The State of NJ gives a credit of \$1,500. to change over to this solvent. Mr. Martin noted there were so many stations in the nail salon and the dry cleaners has employees, and noted there could be too many cars having to park on site. Ms. Lee stated a van will bring in the employees. Mr. Martin asked if there was street parking, and Mr. Fethes responded no. Mr. Martin recommended they check for any on-street parking. He noted the over-abundance of space and questioned whether there was a plan for another tenant. Mr. Berkoben said they would have to come back if there were another tenant contemplated. Mr. Martin expressed concern about the inadequate amount of parking. The handicapped parking is not large enough. It needs to be 16'. The parking is very tight he added. Mr. Montana commented there were no diagrams or directionals with ingress to and egress from the site. Mr. Fethes responded it could be provided on the plans. Mr. Bieri suggested adding distances to the drawing.

Ms. Mancuso reviewed her preliminary review letter dated 4/1/13. There were more questions than answers since the documents were not submitted. All easements must be submitted. A site plan was required. She had a number of questions. It seems impossible to get into space #18. It would be well served to provide the survey information requested in December, along with elevations and topography, because of concerns with flooding and ADA compliance. She had more questions that could not be outlined without sufficient documents to review. Mr. Berkoben advised there is a prior site plan on file.

Mr. Martin stated we are facing use variances for these uses, and the Board needs to see how it fits together. The Board needs to see a site plan. Chairman Martin reiterated the Board needs complete information. Mr. Berkoben said he received Ms. Mancuso's letter after 5pm today. Mr. Martin understands he was trying to use the old documents, but the Board needs the information listed on the checklist, and needs to hear from a professional. Mr. Owens asked about the space in front of the loading dock. It was clarified by Ms. Mancuso that they needed to provide the information on the checklist. Mr. Snieckus added to the discussion

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about the site plan issues, asking them to identify the material of the handicapped ramp and the proposed lighting. There were no questions from the public.

The matter was carried to the 5/6/13 meeting with no additional notices. Mr. Berkoben consented to an extension of time.

10. DISCUSSION:

1. Annual Bergen County Bar Association Land Use Symposium scheduled for 4/20/13 - The sign up sheet was at the dais, Chairman Martin noted and encouraged new members as well as old members to attend, as it is always an excellent program, where Board Members may obtain their required Certifications.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:36 p.m.

Respectfully submitted,

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