

BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
April 21, 2014

APPROVED 5/5/14

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 **Special** 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
Vernon McKoy
Matthew Ceplo
Eric Oakes, Vice Chairman
Chris Montana
H. Wayne Harper (Alt #1)
Marc Truscio (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis Raimondi, Brooker Engineering,
Board Engineer
Kathryn M. Gregory, appeared on behalf
of Steve Lydon, Burgis Associates,
Board Planner

ABSENT: Guy Hartman (excused absence/recused)

4. **MINUTES** - None

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **39 Kinderkamack Realty, LLC, 39 Kinderkamack Road, Block 1805, Lot 1** - The Board Attorney read the Resolution into the record. A motion for approval was made by Eric Oakes and seconded by Vernon McKoy. There were no further questions, comments or discussions. On roll call vote, all members voted yes.

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.

The Board appointed **Kathryn Gregory, Gregory Associates**, as Professional Planner for the Zoning Board for the following application by Goodyear, 39 Kinderkamack Realty, LLC:

1. **Goodyear, 39 Kinderkamack Realty, LLC, 39 Kinderkamack Road, Block 1805, Lot 1** - John J. Lamb, Esq. represented the applicant in a continued hearing. Mr. Lamb advised Scott Carlson, An ETD representative, sent letter withdrawing all objections and consenting to application, dated 4/21/14 marked A1.

Mr. Lamb then moved all exhibits from the prior use variance application into this record. This is a bifurcated application, he stated. The use was approved, and they are now going into the details of the site plan. Mr. Lamb gave an overview of the application and witnesses to testify.

Jeffrey Martell, Licensed Professional Engineer, of Stonefield Engineering, was sworn in, previously qualified, and accepted. He had also testified in the use variance portion of the application. Mr. Martell proceeded to testify as to the fully engineered site plan. The Drawing C4, a colorized presentation on the board, was marked A2. The property contains 32,070 sq. ft. The site has an existing showroom and parking. The parking lot currently is configured as a one-way in and one-way out, certainly not appropriate for an upgraded commercial structure in the

community. They redesigned it and moved the driveway South on Kinderkamack Road, per a meeting with the County. The County further asked for a driveway on Crest Street. They met the County half way and designed the Crest Street driveway for egress only, to make a right or left onto Kinderkamack Road.

Mr. Martell discussed ingress and egress, and two waivers were requested. The parking design waivers and variances were described. Mr. Martin inquired of Ms. Gregory whether any of the waivers proposed an issue from a planning perspective. Ms. Gregory indicated they are appropriate. Mr. Raimondi was asked and responded he was concerned with the turning movements. Mr. Rutherford advised that the waivers are really variances and part of the zoning ordinance. Mr. Lamb agreed, and stated they would be addressed as such.

Mr. Martell addressed his plan dated 3/10/14. The site design is appropriate for the vehicles. All new sidewalks are being proposed. Green efforts were focused on in the front, recognizing there are residential properties in the neighborhood. Buffering was provided in the rear. Two 16' lights in front are shielded. They are being mindful of their neighbors. Currently, they are decreasing impervious coverage from 100% to 93.2%, a 6.8% decrease.

Mr. Martell continued. They also sent a traffic impact statement, dated 3/10/14, prepared by his office. The ITE numbers are less than half, stating 100 vehicles in one hour, wherein they estimate 100 vehicles per day. The Vehicular Access Plan was dated 4/14/14.

Mr. Martell addressed Mr. Raimondi's report dated 3/24/14. Stormwater management and drainage were discussed. He stipulated he would comply with Mr. Raimondi's report.

With respect to lighting, there was a waiver for maximum foot candles.

Mr. Raimondi questioned Mr. Martell on the plan with respect to drainage and surface water runoff. He was concerned about icy conditions in the winter with water running onto the curb line. He suggested picking up the water and directing it into a drainage system. They would propose to investigate the pit in the back driveway and

rehabilitate as needed. Mr. Raimondi requested a perc test be performed, which was agreed to.

Mr. Oakes noted the oversized vehicles would not be accommodated in the parking stalls and would stick out in the drive aisle. Mr. Martell agreed factually, but did not believe the impact was that great. The person must pull up to the curb, Mr. Lamb commented. There was a 2' overhang provided for in the ordinance, Mr. Raimondi commented. The spots were 18' with the additional overhang of 2'. They could add signage that these spaces were reserved for oversized vehicles. That alleviated Mr. Oakes' concerns.

Mr. Montana was concerned about the line of sight and stopping distance and asked if any traffic studies were done for vehicles exiting and making a right onto Kinderkamack. He feels that 16' is not enough. Mr. Martell did not do a study, but felt the sight distance here was a pretty clear line of sight. His general observation, as a professional, consumer and resident of the area, is that Crest is a low profile street, and the area is pretty open for sight lines. Mr. Montana asked about the lighting in the rear, if there will be spillage of light onto the apartments. Mr. Martell stated they are about 4' lower than their neighbor. It would be below eye level.

Mr. Harper asked why the handicapped parking was away from the building. Mr. Martell responded there was no reason, and they could put it to the right of the entrance. Mr. Martin asked him to add a second one. Mr. Martell said he did not give it much thought, and did not know if it would be a negative. This could be relocated.

There were no further questions of the engineer by the Board, and the matter was opened up to the public for questions of the engineer.

Michael Meisten, 58 Kingsberry Avenue, came forward and asked about parking, if it could be stipulated that parking would not overflow onto Kingsberry. To the extent you have control over where the customers park, could you make an effort, Mr. Martin asked, and Mr. Lamb suggested a sign. He asked about trucks parking on residential streets. Mr. Rutherford advised with Mr. Martin that these details will be addressed and controlled by the Developers Agreement if the Board saw fit to approve the application.

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Mr. Meisten also asked if lighting in front would project outward, and it was stated no.

Mr. Ceplo asked if they thought of taking away any parking to plant a tree, since they were over the parking requirements. It was stated the spaces were too close to the roadway.

There were no further questions of Mr. Martell. The Board took a recess from 9:30 - 9:40 pm.

Vincent Cioffi, Licensed Architect, was sworn in, previously qualified, and testified to the proposed signage. The signage plan was dated 3/10/14 He designed the "Welcome to Westwood" sign. One wall sign and three signs on Kinderkamack were proposed. The Goodyear boot was part of the sign. 12" high lettering was proposed on Crest Street side, with two 18" signs on Kinderkamack and a sign on the entire service center. The signs would be lit at night. The pylon sign is called for by the Code. It is 5' high x 12' long, and is in compliance with the Code. They will comply with the ordinance for color and lettering height. Mr. Martin asked for a graphic illustration. Mr. Lamb said they would be happy to provide this as a condition of approval. Mr. Montana asked if there would be room for temporary signage, such as banners for services or sub-brands. Mr. Cioffi responded not in terms of anything special. Nothing was brought to their attention. Possibly for a sale or grand opening, as permitted. Safety and directional signs required by OSHA will surely be there.

Ms. Gregory suggested they eliminate the second sign and put it above the overhead door. She did not think it made sense for two 18" signs. Mr. Martin asked if they had put thought into planning this. Mr. Lamb responded this was proposed by the Goodyear corporation, and changing it may have a detrimental effect on the application. Mr. Martin felt it was wrong and detracted from the architecture of the building. It cannot be left that way. Mr. Lamb said he did not have authority, but suggested a stipulation that the signs be reworked to the reasonable satisfaction of the Board.

To that end, Mr. Rutherford advised the Board could authorize a Resolution and give him a chance to go to Goodyear, rather than leave it to reasonable satisfaction. Or, they could continue the hearing as to whether the

change was reasonable. Mr. Montana asked if they will revise the lettering for the next meeting. The signage over the main entrance would be amended. A graphic would be given for the pylon sign.

There were no further questions of Mr. Cioffi and none from the public.

Peter G. Steck, Licensed NJ Planner, was sworn in and accepted. Mr. Steck testified this was a bifurcated application, with the use variance having been approved. He reviewed the ordinances. Mr. Steck prepared and reviewed Exhibit A6, a list of the variances.

Mr. Steck continued. There are improvements in the way they are doing this. There are more conforming setbacks and FAR. There is a great benefit in accessing the side street. Because of a very busy Kinderkamack Road, you would like to have sufficient parking, and there is a benefit to having additional parking. The County has jurisdiction over the driveway on Kinderkamack, and they are satisfied. In terms of the geometry of the driveways, the Crest Street driveway has the same curb cuts. This building needs access to the rear, where there is an active driveway.

Both C2 variances advance the Master Plan, and this building is particularly suited to the automotive use. The 22.5' aisle is appropriate with the 2' overhang. Spaces for longer vehicles could be signed appropriately. The signs are conforming. It is a good policy to allow the applicant to move the signs to be more harmonious with the building.

Mr. Steck stated the application can be granted without substantial detriment to the public good and zone plan. They are advancing purposes of the Master Plan. Handicapped access is provided, and this applicant is bringing back to life a building that has been vacant for a number of years. The benefits substantially outweigh any detriments. There are significant improvements.

There were no questions of Mr. Steck. Ms. Gregory concurred with Mr. Steck's testimony.

There were no interested parties with questions of Mr. Steck.

The matter was opened to the public for questions or comments on the substantive matter of the site plan. No interested parties came forward to address the Board.

Mr. McKoy asked if there was an analysis about cars exiting and turning left. Mr. Martell said there was no formal analysis, but the County is reviewing this as well. Mr. Martin asked if the County gave preliminary approvals and would they be express approvals. Mr. Martell responded there were two reviews already, and they were not concerned.

Mr. Lamb provided a summary of the application and for all reasons stated, requested an approval.

Commentary by Board Members followed. Mr. Oakes commented it was a great re-use of the building, but had concerns about approval without seeing the signage. Mr. Martin asked Mr. Rutherford about the right to review the signage. Mr. Rutherford advised as to the conditions, subject to the Board's approval, and that determination would be made two weeks from tonight. If the Board was not satisfied, the particular signage would be deemed not approved. The wording of the condition would have to include language subject to the reasonable satisfaction of the Board. Mr. Martin commented, the Master Plan supports the re-use of this building, and it will be placed back into service the way it was before. There is sufficient parking, and there does not appear to be any overflow of traffic on Kingsberry. He suggested the site plan and building makes a lot of sense, and we should support this. Chairman Martin called for a motion.

A motion for approval subject to the conditions was made by Vice-Chairman Oakes and seconded by Mr. Harper. Mr. Rutherford read the list of conditions to be incorporated into the Resolution, which were accepted. There were no further questions, comments or discussions. Five affirmative votes were needed due to the FAR. On roll call vote, all members voted yes.

The signage would be reviewed at the next meeting. An extension of time was granted by Mr. Lamb.

10. DISCUSSION:

Mr. Raimondi advised he would be departing from Brooker Engineering on or about 5/1/14. Since their name is listed in his agreement, he would like to continue as he has done in the past. He would also give a list of substitutes as he has in the past, and it would be at the same fee. Mr. Rutherford advised he would review the contract, and a new contract would have to be entered into. We have always contracted with Mr. Raimondi in the past. Mr. Martin commented his services are valued by both Boards and would encourage this to be approved. Mr. Randall and the Borough Clerk would take care of the contract. Mr. Martin asked if we should vote now. Mr. Rutherford would look at the contract for the next meeting.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:55 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary