

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
April 7, 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 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
Vernon McKoy
Matthew Ceplo
Eric Oakes
Guy Hartman
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: None

The Board Chairman announced that former member Christopher Owens had been selected to fill a vacancy on the Borough

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Council. Mr. Owens served as the Board's Vice Chairman. A nomination for a new Vice Chairman was on the table.

A motion by Chris Montana to nominate Eric Oakes as Vice Chairman; second by Vernon McKoy, on roll call vote all in favor, the motion carried.

Motion to close nominations for Vice Chairman, by Chris Montana; second by Vernon McKoy, on roll call vote all in favor, the motion carried.

Motion to elect Eric Oakes as Vice Chairman by Chris Montana, second by Vernon McKoy, on roll call vote all in favor, the motion carried.

4. MINUTES - The Minutes of the **3/3/14** were approved, as amended on motion made by Eric Oakes, seconded by H. Wayne Harper, and carried unanimously on roll call vote.

5. CORRESPONDENCE:

Letter from Carmine Alampi, Attorney representing Pending New Business MVJ Holdings, LLC

6. VOUCHERS: A motion to approve vouchers totaling **\$7,718.75** was made by Eric Oakes, seconded by Chris Montana and carried unanimously on roll call vote.

7. RESOLUTION:

1. Resolution with respect to the faithful service of Christopher Ownes as a member of the Zoning Board of Adjustment of the Borough of Westwood.

Board Attorney David Rutherford read the resolution; motion to adopt by Eric Oakes, second by Guy Hartman; on roll call vote all in favor, the motion carried.

8. PENDING NEW BUSINESS:

1. Murphy - 185 Roosevelt Avenue

The application is incomplete. Mr. Martin addressed any interested parties advising that if the application is complete by May 5th the application will

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be heard; if not it will remain under Pending New Business.

2. MVJ Holdings, LLC

Carmine Alampi was present. His letter pertained to requesting a waiver from requirements of the site plan checklist. Mr. Alampi acknowledged receiving a letter from Brooker Engineering and Burgis Associates recommending against the waiver. Mr. Martin stated that typically the Board does not waiver survey requirements. In Mr. Raimondi's letter he stated that the survey was not legible. Mr. Alampi agreed and will consent to provide a new survey. Steve Lydon, Board Planner commented on completeness and additional correspondence required that may have been received. Mr. Martin announced to any interested parties present MVJ Holdings; LLC will be placed on the May 5th agenda of the Zoning Board pending additional correspondence, and new survey as discussed. No further notice is necessary as notice is in order according to David Rutherford, Board Attorney.

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

Hendricks - 21 Park Avenue - Section 68

David Rutherford, Board Attorney announced that notice is in order, certified receipts were received from homeowners however an actual affidavit of service is required.

Mr. Hendricks was sworn in by David Rutherford, Board Attorney. Mr. Martin asked if 21 Park Avenue was a two family home when Mr. Hendricks purchased it. Mr. Hendricks responded yes. Mr. Martin asked if utilities were separate for each of the families. Mr. Hendricks responded yes. Mr. Martin stated that tax records were received and reviewed showing that 21 Park Avenue has been recorded as a two family home since the 1940's. There has been an unbroken chain of two family uses. The submission was deemed complete. Mr. Martin asked if there were any interested parties with questions. There were none. Mr. Martin asked if there were any questions by Board members. There were none. No further discussion.

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A motion by Mr. Montana based on the fact that 21 Park Avenue has been a two family since the 1940's and that there are separate utilities, second by Mr. Harper, on roll call vote all in favor the motion carried.

Goodyear, 39 Kinderkamack Realty, LLC, 39 Kinderkamack Road, Block 1805, Lot 1 Continued Application - John J. Lamb, Esq. represented the applicant.

Steve Lydon, Board Planner stepped down. Kathryn Gregory of Gregory Associates was sworn in by David Rutherford, Board Attorney.

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

Mr. Hartman asked about his possible conflict and if he should step down. Mr. Lamb commented that there is an interested part present that has an attorney. Scott Carlson, Attorney for the interested party had no comment. It was deemed that Mr. Hartman needed to make the decision as to stepping down. Mr. Hartman decided to do so and left the dais.

Mr. Martin asked Mr. Lamb to bring the Board up to date on the application. Mr. Lamb provided an update. He advised that Mr. Martell is present to discuss the concept plan already distributed to the Board for purposes of the Use Variance application. Mr. Rutherford asks is that plan was marked as A-9 and dated March 3, 2014. Mr. Lamb replied yes.

Mr. Martell was sworn in by Mr. Rutherford, Board Attorney. He described his qualifications which were accepted by the Board. Mr. Lamb marked the A-9 plan with the current date April 7, 2014. Mr. Martell stated that this is the second plan submittal. He described details of the plan commenting that the driveway was relocated to avoid any potential conflict in the area.

Mr. Martin asked that Mr. Martell include that a portion of the building is coming down. Mr. Martell concurred adding that there will be a removal of 2,195 sq. ft at the intersection.

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Mr. Martin asked if there were any questions by interested parties. There were none. Mr. Martin asked if there were any questions by Board members. There were none.

Mr. Lamb called upon his next witness, Mr. James Fein, Equa Lane, Comack, NY. He was sworn in by Mr. Rutherford, Board Attorney. Mr. Fein stated that he is the General Retail Manager of Goodyear North / East for 25 years and manages 250 locations.

Mr. Lamb referred to his notes and questions the Board had from the last meeting. Mr. Lamb asked about Treatment of exhaust in the building. Mr. Fein responded that a ventilating system is out of the roof and is a customary use. Mr. Lamb questioned the largest size truck that would be serviced. Mr. Fein replied pick up trucks or vans, no large box trucks.

Mr. Lamb referred to Exhibit A-10 dated 4/7/2014 which was in view for the Board members containing more details than the prior exhibit. Hard copies were provided for the Board members, professionals and interested parties. Mr. Fein reported that the new oil tank would contain 5W30 conventional oil with a capacity of 225 gallons. 55 gallon drums are used. Referring to the handout he described the following; WF= waste antifreeze storage; AD = air dryer to take water out of the line; both C's = air compressors.

Mr. Lamb asked how new oil gets to the vehicles - Mr. Fein explained how it is pumped in and the drain process.

Mr. Lamb inquired about tires. Mr. Fein advised that 732 new tires are proposed in storage. May not be that many. Used tires are recycled. Mr. Lamb inquired about oil spillage and how it is handled. Mr. Fein advised that they use a safety clean up company and PIG mats are used.

Mr. Lamb inquired about maintenance procedures and how heavy engine work is handled. Mr. Fein reported that cars are not kept longer than 2 days on the property; he does not expect a lot of that kind of work. If this comes up the vehicle would be stored inside the building.

Mr. Lamb addressed scrap metal debris - Mr. Fein stated that metal products are stored in 55 gallon drums in the back room then they are recycled with a local company.

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Mr. Lamb inquired about a test drive route. Mr. Fein stated that Kingsberry Road would not be used, Kinderkamack Road will be. Mr. Lamb addressed noise from the facility. Mr. Fein replied that many of his stores adjacent to residential properties and he receives no complaints pertaining to noise. Mr. Lamb mentioned compressor vs. air gun noise. Mr. Fein said the noise is not significant.

Mr. Lamb asked about the PA system. Mr. Fein advised that it is located in the service manager's office area and that all announcements are internal.

Hours of operation on Sunday - Mr. Lamb advised that the Goodyear tenant application will accept limiting Sunday hours with the right to return before the Board after the facility opens to change this if desired. Mr. Rutherford confirmed that this can be done by amending the application; the Board can consider changing the Sunday hours. Proper notice needs to be in place. New Jersey's Blue Law was discussed. Mr. Martin confirmed for now that Sunday hours would be 11:00 a.m. to 6:00 p.m. Mr. Lamb concurred.

Chairman Martin asked if there were any questions by Board members or Professionals. Mr. Raimondi asked if the tanks in the storage room are double metal lined. Mr. Fein replied yes. Mr. Raimondi asked how they are sealed. Mr. Fein advised that he never saw a tank leak so he had no comment.

Mr. Montana inquired about tire storage. He asked how many used tires can be stored. Mr. Fein responded 300 to 400 tires but he does not expect to store that many. Mr. Montana asked if there is a policy on storing scrap metal. Mr. Fein responded nothing would be stored outdoors he wants to the property neat and clean.

Mr. Harper asked Mr. Fein to define "lacing". Mr. Fein said it is an organized way of stacking tires by size and type. Mr. Harper asked about noise relative to the bay doors being open and for how long. Mr. Fein estimated that the doors would be open approximately 8 months out of the year. He did not feel that there would be overwhelming noise.

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Mr. McKoy asked how the rear of the building would be kept safe. Mr. Fein responded that the rear of the building would be fenced and lights placed.

There were no further questions by Board members or Professionals. Mr. Martin asked if there were questions by interested parties.

Michael Meisten, 58 Kingsberry Road, Westwood. Mr. Meisten advised that he resides across the street from the proposed project for 25 years. His concern was noise. Mr. Fein advised that there is one single point of entry and Mr. Meisten would not hear any noise across the street. Mr. Lamb commented that Mr. Meisten does not reside within the 200 ft. radius of residents that are noticed.

The Board recessed - 9:15 p.m.

The Board reconvened - 9:26 p.m.

The meeting was opened to the public

No public comment

The meeting was closed to the public

Mr. Lamb summarized. His applicant is seeking approval of a use variance subject to site plan approval. The property satisfies positive criteria. The building was built for this use containing high ceilings. The building housed a former car dealership. Car sales will be removed therefore making the business smaller by 2100 sq. ft. Windows will be closed in the rear, no noise and hours of operation were reviewed.

The meeting was opened for Board comment.

Mr. Oakes commented that a lot of our concerns were taken into account; the proposal is bringing an old use back in a smaller way. Mr. McKoy commented that the use fits. Mr. Montana said they addressed our concerns about Sunday hours. Mr. McKoy said initially we were concerned about Sunday hours but not many places are opened on Sunday which is a necessity in this area. Mr. Martin added that the use is close to the prior use and the master plan supports this use.

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Mr. Rutherford will make the Sunday hours (11:00 a.m. to 6:00 p.m.) part of the resolution adding that the applicant will have the right to return to the Board after 6 months.

Mr. Rutherford reviewed the conditions of the approval. A motion by Mr. Oakes, seconded by Mr. McKoy to accept the conditions; on roll call vote, all in favor the motion carried.

A motion by Eric Oakes, seconded by Vernon McKoy to approve the application as conditioned and as discussed; on roll call vote all in favor, the motion carried.

Scott Carlson asked for a special meeting. April 21, 2014 was agreed upon by the Board. A motion by Mr. Montana, seconded by Mr. Oakes for a special meeting to be held on April 21, 2014, on roll call vote, all in favor the motion carried.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:50 p.m.

Respectfully submitted,

Sylvia Kokowski Secretary