

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES**

**June 3, 2013**

**APPROVED 7/1/13**

**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  
Robert Bicocchi  
Michael Bieri  
Eric Oakes  
Matthew Ceplo  
Vernon McCoy  
Chris Montana (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Louis Raimondi, Brooker Engineering,  
Board Engineer  
Steve Lydon, Burgis Associates,  
Board Planner

**ABSENT:** Guy Hartman (Alt #1) (excused absence)

**4. MINUTES** - The Minutes of the **4/1/13** were approved on motion made by Eric Oakes, seconded by Michael Bieri, and carried unanimously on roll call vote. The meeting of 5/6/13 was canceled due to lack of applications to process.

**5. CORRESPONDENCE:**

1. Memo dated 5/29/13 from Steve Lydon RE: ETD, 22 Kinderkamack Road;

**6. VOUCHERS:** A motion to approve vouchers totaling \$3,981.25 was made by Robert Bicocchi, seconded by Matthew Ceplo, and carried unanimously on roll call vote.

**7. RESOLUTIONS:**

1. **Ann Costello, 105 & 108 Fifth Avenue, Block 402, Lots 11 and 9 - Section 68 Certificates (two separate Resolutions)** - The Board Attorney read the Resolutions of Approval into the record. There were no further questions, comments or discussions. On roll call vote, Michael Bieri, Vernon McKoy, Eric Oakes, Matthew Ceplo, Chris Montana, and Christopher Owens voted yes. William Martin was recused.

2. **Eamon O'Brien 7 Christian Villaslada, 15 Oakland Avenue, Block 305, Lot 2 - Section 68 Certificate - The Board** Attorney read the Resolutions of Approval into the record. There were no further questions, comments or discussions. On roll call vote, Michael Bieri, Vernon McKoy, Eric Oakes, Matthew Ceplo, Chris Montana, and Christopher Owens voted yes. William Martin was recused.

**8. PENDING NEW BUSINESS:**

1. **Kennedy, 665 Ward Avenue - Checklist Waivers with "C" Variances** - Scheduled for 7/1/13;

2. **Dickens and DeFeo, 479 Center Ave - Variance** Scheduled for 7/1/13;

3. **Kirk, 66 Kingsberry - Section 68** - Scheduled for 7/1/13 if applicant submits complete application;

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

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

1. **Van Grouw, 27 Ruckner Road, Block 504, Lot 40 - Appeal** - David Van Grouw represented the applicant in a continued hearing. William Hamilton, PE, from Omland Engineering, Hasbrouck Heights, continued under oath. Mr. Hamilton reviewed his revised plan dated 5/22/13, showing a

significant reduction in impervious coverage. They removed the patio around the pool, and are providing a walkway to the shed and a small area for a chair or two. This brought it down to less than 42%, which is less than the amount in 1989. Chairman Martin commented the applicant considered the Board's comments carefully and reduced the coverage, which was appreciated, especially in consideration of the flooding in Westwood. The Board complimented the applicant on the plan and reduction in coverage. The matter was opened to the public but there were no questions or comments. A motion for approval was made by Mr. Owens and second by Mr. Oakes. There were no further questions, comments or discussions. On roll call vote, Mr. Biccocchi, Mr. Bieri, Mr. Oakes, Mr. Owens, Mr. Ceplo, Mr. Montana, and Mr. Martin voted yes. Mr. McKoy was not eligible to vote.

**2. Sickinger/The Sickinger Family Trust C/O Wayne Henderson, 484 4<sup>th</sup> Avenue Wash- Variance, Site Plan Application (William Martin recused) - Carried to 7/1/13 at request of applicant;**

**3. A Cleaner City/Nail Salon 711 Broadway, Block 701, Lot 8 - Use Variance - Carried to 7/1/13 at request of applicant;**

**4. ETD, 22 Kinderkamack, Block 1608, Lot 14 - Holly T. Schepisi, Esq. represented the applicant and gave an overview of the application. Applicant seeks approval to raze a one-story building previously used as a full service automobile station with three bays, to construct a new, two-story building which will house a retail tire sales and installation facility, with six service bays. The building will have 5,160 sq. ft. of total space on a 17,871 sq. ft. lot. Parking will be provided with 18 parking stalls, two of which are single, and 16 are tandem. There will be a green area and a reduction in impervious coverage. The applicant was seeking a "D" variance and certain bulk variances.**

John Boyle, 305 Locust Court, Franklin Lakes, NJ, was sworn in. Ms. Schepisi questioned the applicant. He is the owner of the business ETD, which is 67 years old. Currently he has seven sites. The hours of operation are Monday through Friday, 7am to 6pm and Sat 7am to 4pm; closed Sundays. Approximate number of employees are five to seven, and typically they service about 25-0 vehicles per day for tire sales and service. There are no tractor-trailer deliveries. Rather they are by box truck, first thing in

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the morning. The tires are rolled off and would be put in storage. They try to do all service inside the building. They insure there are no environmental issues by using concrete sealed pits. There will be no public address systems used--now or in the future.

Board questions followed. Mr. Bieri asked, and there will be no air conditioning in the work place. As for the oil changes and tanks, the tanks are approximately 55 gallons. Mr. Montana asked how often they would be filled. Mr. Boyle did not have an answer; it was based on need and sales. Mr. Montana felt it would have an impact on traffic. Mr. McCoy asked about parking. Mr. Bieri asked how this compares with the Hillsdale site. Mr. Boyle responded this would be a larger location than Hillsdale, which is much smaller. If this gets approved, they will seek another facility in Hillsdale and close that one down. Mr. Martin inquired about noise levels. Mr. Lydon asked if there would be any storage of used tires and oil. Mr. Boyle answered it is indicated on the plan. Mr. Rutherford asked for clarification of the services; Mr. Boyle responded 50% is sales of tires and 50% is service, i.e., wheel alignment, brakes and shocks.

Gaetano Falsorano, Rainbow Academy Day Care Center next door, came forward with questions for the applicant, such as how far away their site would be. The response was approximately 10.5' from their own property line. There would be no windows facing them. He asked if there ever were any environmental problems. Mr. Boyle did not, and felt they did not have odors. He asked about noise, since there would be babies sleeping.

Michael Meisten, Westwood, came forward and asked if the second story would be used for residential. The response was no. It would be used for storage. He had environmental questions.

Chairman Martin commented the government has gotten much stricter now than in the 1980's, and asked the applicant to expand on that. Mr. Boyle said they do not sell gas, and that is a large part of it. There is great care in handling the oil, ensuring there is no spillage. They keep an absolutely clean shop.

Stephen V. Carrozza, Licensed NJ Architect, Riverdale, NJ, was sworn in, was qualified and accepted. He prepared a

set of drawings dated 4/16/13, revised to 4/24/13. All four pages of the plan were marked Exhibit A1. Mr. Carrozza described the plan while members of the public were able to review an extra copy of the plan on display. The facility is inviting and comfortable for the customers in the waiting area, equipped with wi-fi. Tires are sent down via a shoot from the second floor storage area. He also described the materials used in construction, non-combustible, either steel or concrete, and it is fully sprinklered. The building is sited more than 10' from the property line, which is completely safe according to fire standards. Mr. Carrozza displayed a colorized drawing, marked Exhibit A2. This plan illustrated the rendering of the proposed building, which included windows where you could see tires and a nice waiting area. There will be sound attenuation blankets baffling some of the sounds to almost perfect. They are proposing stucco to the exterior. There would be a red canopy. He also submitted current photos of the property "as is". Signage was also discussed. The signage would show the public the types of service they provide and the word "express" is displayed often.

Questions by the Board followed. Mr. Bieri asked about building. Mr. Raimondi questioned the applicant as to the sprinklers and fire department access. Mr. Raimondi asked if the tires on the second floor would be standing or on racks. Mr. Carrazza responded whatever looked better; they had not decided yet. Mr. Owens asked about lighting around the site. The site engineer would answer. Mr. Oakes asked if the lighting within would exceed any of the limits. The witness explained the lighting proposed. There will be one downward light over each door. Mr. Martin asked if they would be submitting something about the sound. Certain fencing would baffle some of the noise. Although there was noise from a prior car dealership there, every effort should be made to shield the noise.

The matter was opened to the public for questions of the architect. Gaetano Falsorano asked about sound attenuation equipment and all. Mr. Carrozza sound attenuation blankets would be put in the eave section to take care of the leaks at the roof area and the concrete wall would shield the noise. He was asked if the wall would block the view, and he said it would shield some of the light. The co-owner of the day care center told of the extensive environmental approval process they had to go through. Mr. Carrozza indicated it is fail-safe. The

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concrete pit is specially sealed. With no exterior lighting, she was concerned about thefts, and asked if there would be any exterior lighting. There would be at the front area, and some sight lighting, with one light on their side over the door. Mr. Meisten asked if there would be any fire alarms. The response was yes, and there would be a sprinkler system.

The Board took a recess from 10:05-10:15 pm

Mr. Boyle, previously sworn was brought back to answer questions about the number and capacity of the oil tanks. He called the busiest store in Lyndhurst. There are two tanks, and the size is 275 gallon. Approximately once a month the distributor comes and replaces the oil. As for number of tires to be stored, they intend to store about 2,000 tires at all times and try to sell 9,000 - 12,000 tires per year. There were no questions of Mr. Boyle.

Robert Costa, PE, Licensed NJ Engineer & Planner, Costa Engineering, was sworn in, qualified, and accepted. They applied to the County and met with Eric Timsak. As for traffic flow, the County did not want two-way traffic coming in and out of the site. Mr. Costa's plan was dated 4/12/13. His plan dated 4/22/13 was marked Exhibit A4. The Drainage, Grading and Utility Plan was dated 4/26/13 and marked A5. As far as parking, they could use the tandem spaces and not build as much impervious areas. Variances are needed, but landscaping and buffering take some of the effects away. Because of the day care, they are putting most of the services on the other side of the building. They are planning to make this not look like a tire place. People can have coffee while waiting, like in a café.

Referring to A5, Mr. Costa continued his testimony. They are close on impervious coverage and are adding landscaping, moving the building off the property line and removing the paving. As for drainage, there are no inlets except for trench drains as required by the County. They are creating a rain garden and adding seepage pits. So they are adding drainage where none presently exists There is very little light spillage, and if an issue, they will move the slightly or shield the so they do not affect the neighboring property. They will work with the Board Planner and/or bring in a landscape architect if requested. They would extend the wall from the building out to the curb line. Chairman Martin did not think it had to go all the way out to the street. He described the sound attenuation panels in the

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masonry wall, like a highway sound barrier. Mr. Raimondi agreed.

Mr. Costa added all their paperwork and environmental obligations were in order. There would be tremendous positives if approved. Drainage and grading will be installed. The operator is extremely clean. This is not being built under speculation. There will be decorative landscaping and streetscape. The County requested new curbs. They will pick up the same curbs as the day care.

Questions by the Board followed. Mr. Oakes asked if a path could be installed to the rear for firemen. Mr. Costa said they could use environmental pavers. Mr. Raimondi asked for Stormwater Calculations. Mr. Costa prepared and had submitted Stormwater Management Calculations dated 4/26/13. Mr. Lydon inquired about the procedures when cars came in for wheel alignment, as they enter and exit, which was addressed. Mr. Lydon reviewed his memo dated 5/28/13, commenting there should be a crosswalk shown on the plan. Mr. Costa would comply. Mr. Lydon requested a curb on the west side the property, which they would install. Mr. Owens asked if at the Hillsdale location, they park off site while working on cars. Mr. Boyle responded sometimes they park in Shop Rite, as they have an arrangement. Mr. Owens asked if there have been any complaints from the day care center, and Mr. Boyle responded he knows of none. He also asked if any other parking was blocking the aisles or in front of the doors, and the response was no. Mr. Montana asked about the door in the back, Mr. Boyle stated it was for safety only.

Mr. Costa stated during the break they discussed installing landscaping between the properties and Mr. Costa will work with Mr. Lydon, Board Planner. Mr. Lydon would review same advise, possibly adding arborvitae or spruce. It would not affect fire department access. There is 10' to plant in.

Mr. Martin commented something is going on that site, and they will take into consideration your goals Mr. Falsorano from the next door day care center commented they just invested \$3,000,000. in to their business, and now they will be faced with a gigantic wall. Mr. Rutherford advised this site permits a wide range of uses, and possibly something less desirable could go in there. Mr. Falsorano indicated they are trying to create a safe, nurturing environment. Their environmental requirements are much

stricter. Just by having ETD as their neighbor, Mr. Falsorano stated, they may have to do more testing. Ms. Schepisi advised this type of use does not mandate testing. Mr. Falsorano commented this use may affect their environmental obligations. Ms. Schepisi responded what was previously there is more of an environmental concern. Nothing here on this site will trigger those environmental hazards. It is not akin to underground storage tanks or gas stations. Further, an automobile with an ancillary use is permitted in the zone. Mr. Falsorano stated he would inquire the next day as to any further requirements he would have to meet in order to renew his license.

Chairman Martin deferred to Mr. Rutherford, asking does the Board take this into consideration in its decision making process. Mr. Rutherford advised I have been thinking of that, but I am not sure if it is a relevant consideration of the Board or if the is qualified to opine on that, and it is not in the Board's jurisdiction. Mr. Martin added the Board is unaware of some of the State's requirements for their business.

Mr. Martin announced at 11:25 pm they would carry the application and would continue with the planning testimony at the next meeting. The Board should be able to understand fully the landscaping plan. Mr. Rutherford advised the wall requires variances. Mr. Lydon commented they may also need a front yard and height variance.

The matter was carried to 7/1/13. Ms. Schepisi advised she would not be available that evening. The matter could be carried at that time, or a Special meeting may be scheduled, the Chairman noted.

**10. DISCUSSION:**

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 11:30 p.m.

**Respectfully submitted,**

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