

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
July 22, 2013**

APPROVED 9/12/13

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 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
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 - None

5. CORRESPONDENCE:

1. Memo dated 5/28/13 from Steve Lydon RE: ETD Discount Tire, 22 Kinderkamack Road;

6. VOUCHERS: None

7. RESOLUTIONS: None

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.

1. ETD, 22 Kinderkamack, Block 1608, Lot 14 - Holly Schepisi, Esq. represented the applicant and reviewed from the prior hearing. Robert Costa, applicant's engineer and planner, was the last witness. Applicant also had an architect present. Chairman Martin noted the Board left off with testimony of Mr. Costa, and the matter would be opened to the public for questions of the witness.

The latest plan was marked Exhibit A6, revised to 7/8/13. Mr. Costa explained the plans showed an 8' high, masonry, double faced wall between the site in question and the neighboring residential property, and landscaping as shown on Sheet 5 would be installed.

Mr. Raimondi commented after receiving the revised plans, he sent a revised letter questioning the placement of the trees. He suggested arborvitaes and was concerned with spacing regarding the drainage swale and root system. Mr. Oakes expressed concern about aesthetics and felt arborvitaes would be beneficial, especially in winter. Ms. Schepisi advised they would work in conjunction with same. Mr. Lydon questioned the witness regarding the size of the trash enclosure area; Chairman Martin inquired if it could be made smaller, and suggested the space between the trash enclosure and the proposed brick wall be at least 5'. Mr. Bieri asked if the 8' height of the wall would necessitate a variance. Mr. Lydon responded yes. Ms. Schepisi indicated they would go with a 6' wall if need be; however, it appeared the 8' wall was preferred. The Board asked Mr.

Costa to set forth the variances. Details of the signage and lettering were also discussed.

Steven Carrozza, Licensed NJ Architect, continued under oath. His plan was marked Exhibit A7. Mr. Carrozza distributed a signage detail set by Butler Sign Co. He indicated the red and white letters within the red squares are the only parts that would be illuminated. There would be a variance for the height, width and area. Seven signs were proposed. A Sign Schedule was attached, setting forth the direction the signs would be facing, dimensions, area, height and variance.

Mr. Costa gave planning testimony as to the "D" variance and all variances, giving statutory positive and negative criteria for variance relief and "special reasons", showing that the granting of the variance will effectuate the intents and purposes of the MLUL and advance the goals and objectives of the Master Plan. Further, the proposed variances can be granted without substantial detriment to the public good and the granting of the variances will not substantially impair of the intent and purpose of the zoning plan and zoning ordinance.

The matter was opened to the public for questions of the witness. There were none. The matter was open to the public for comments on the application. Gary Conklin of the Borough came forward and stated there is no reason this project should not go forward, and the positives definitely outweigh the negatives. There is no reason it should be denied. There were no further comments.

Ms. Schepisi summed up and thanked the Board for its time and consideration.

Board discussion followed. Chairman Martin commented the use almost fits the zone, and it certainly could be consistent with the Master Plan; this use could have been overlooked. It is very close. Mr. Owens agreed. Mr. McKoy commented it fits well, and Mr. Ceplo commented and concurred. Mr. Bieri also agreed, and added it is a very difficult site. They did a good job mitigating all the concerns the Board brought up. The discussion was concluded.

There were seven members eligible to vote. A motion for approval was made by Mr. Bieri and seconded by Mr. McKoy. Conditions were imposed and set forth by Board Attorney Rutherford and accepted. There were no further

questions, comments or discussion. On roll call vote, Robert Bicocchi, Michael Bieri, Vernon McKoy, Eric Oakes, Christopher Owens, Matthew Ceplo and William Martin voted yes.

The Board took a recess at 9:00 pm and would go in to Closed Session upon reconvening for discussion of pending litigation.

CLOSED SESSION:

A motion to go into Closed Session to discuss pending litigation was made by Robert Bicocchi, seconded by Eric Oakes and carried. The Board went into Closed Session at approximately 9:10 p.m.

RETURN TO OPEN SESSION:

A motion to return to Open Session was made by Robert Bicocchi, seconded by Eric Oakes and carried. The Board adjourned at approximately 9:17 p.m.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:17 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary