

BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
July 7, 2014

APPROVED 8/4/14

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
Eric Oakes, Vice Chairman
Matthew Ceplo
Vernon McKoy
Chris Montana
Marc Truscio (Alt #1)
George James (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis Raimondi, Brooker Engineering,
Board Engineer
Steve Lydon, Burgis Associates,
Board Planner
Kathryn M. Gregory, Gregory Associates,
Special Board Planner for Westgate

ABSENT: H. Wayne Harper (excused absence)
Guy Hartman (excused absence)

Eric Oakes commented he listed to the C/D of the 6/9/14 Zoning Board Meeting and signed a Certification.

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4. **MINUTES** - The Minutes of the **6/9/14** meeting were approved on motion made by Mr. Ceplo, seconded by Mr. Truscio, and carried on roll call vote.

5. **CORRESPONDENCE:**

1. Letter from John J. Lamb, Esq., dated 6/13/14 RE: Westgate;

2. Letter from Louis Raimondi, dated 6/17/14 RE: 34 Kaufman Drive;

6. **VOUCHERS:** A motion to approve vouchers totaling **\$3,422.50** was made by Mr. Hartman, seconded by Mr. Truscio and carried unanimously on roll call vote.

7. **RESOLUTIONS:**

1. **D'Amato, 157 Lexington Avenue, Block 1408, Lot 3 - Section 68 Certificate** - Board Attorney Rutherford read the Resolution into the record. A motion for approval was made by Marc Truscio and seconded by Chris Montana. There were no further questions comments or discussions. On roll call vote, Chris Montana, Matthew Ceplo, Marc Truscio, and William Martin voted yes.

2. **Fernandez, 125 Lake Street, Block 710, Lot 21 - Section 68 Certificate** - Board Attorney Rutherford read the Resolution into the record. A motion for approval was made by Chris Montana and seconded by Matthew Ceplo. There were no further questions comments or discussions. On roll call vote, Chris Montana, Matthew Ceplo, Marc Truscio, and William Martin voted yes.

3. **Roche, 115 Berkeley Avenue, Block 1404, Lot 4 - "C" Variance** - Board Attorney Rutherford read the Resolution into the record. A motion for approval was made by Chris Montana and seconded by Matthew Ceplo. There were no further questions comments or discussions. On roll call vote, Chris Montana, Matthew Ceplo, Marc Truscio, and William Martin voted yes.

8. **PENDING NEW BUSINESS:**

1. **Polak, 34 Kaufman Drive - "D" Variance** - Not yet complete;

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2.Vassallo, 71 Sixth Avenue - "C" Variance - Not yet complete;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. Murphy, 185 Roosevelt Avenue, Block 1407, Lot 9 - Single Family "C" Variance Addition - Carried to the 8/4/14 meeting at the request of the applicant, as additional time was needed;

2. WW Madison Realty, LLC and 11 Madison realty, LLC (Westgate), 11 Madison Avenue, Block 806, Lot 4 and 37 Irvington Street, Block 806, Lot 2 - Application for Use and Bulk Variances, Subdivision and Site Plan - John J. Lamb, Esq. represented the applicant. The publication documents and Notice documents were found to be in order by David Rutherford, Esq., Board Attorney. Mr. Lamb advised the application consisted of two co-applicants--one is a self storage facility, and the other is a mixed use of retail space and residential apartments on the former Valley Ford site. Lot 5 is not part of this application.

Mr. Lamb gave an overview of the application with exhibits and a brief summary of the variance relief sought. The property is in the CBD Zone, and is currently vacant. The most recent use was for an automobile sales and repair service facility, which closed in approximately 2007. The applicant is proposing a two-lot subdivision, and the new lots would be Lot 2.01 and Lot 4.01, with different dimensions than existing Lots 2 and 4. They propose to demolish the existing commercial buildings on site and construct two new buildings, one on each lot. There are 13 parking spaces and four loading spaces proposed.

On Lot 4.01, which partially fronts on Washington Avenue, they proposed a mixed use building with three stories above grade. There would be retail space of approximately 2,923 sq. ft. on the first floor, with fourteen residential units on the second and third floors. The basement would contain approximately 11,460 sq. ft. of self-storage space, with access from proposed Lot 2.01, which will contain the main self-storage business. A

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totally enclosed, indoor parking area was also proposed on grade level.

On Lot 2.01, which fronts on Madison Avenue, there would be a self-storage facility of approximately 99,885 sq. ft., which is also three stores above grade and one story below grade for a basement. The façade appears as a first floor retail use and second floor residential use. Self-storage spaces, apartments and mixed use buildings and uses are not on the list of permitted uses in the CBD zone, and therefore, require "D" use variances. Bulk and parking variances are also sought, as well as waivers of site plan requirements, as set forth in the application.

Applicant is requesting a Preliminary and Final Minor Subdivision, so the new lots are consistent with the buildings being proposed, as well as major or minor site plan approval. They noticed for the use variance for the self-storage use, and for mixed use, for retail, apartments and storage. The prior automotive use is a non-conforming use, and the proposed mixed use will eliminate the non-conforming automobile dealership and repair facility. The site is currently an eyesore, as it has been vacant for approximately seven years. The property is challenged due to its size and location.

Bruce Meisel, applicant's first witness, was sworn in. A schematic architectural drawing by Vincent Cioffi, AIA, dated 6/4/14 was placed on the easel for reference. The Exhibit was marked "A8". Mr. Meisel described the site as an eyesore for the last several years when Valley Ford went out of business. An enlargement of A5, the photo board containing pictures of the surrounding properties, was shown. The property is a gateway into the downtown from the West. The East side abuts the railroad tracks; the North side overlooks the gas station, the South faces a kitchen and the worst part is the Madison Avenue, or westerly side. That is the biggest hardship. Madison is a one-way street, draining into Irvington, which is a key artery going into the down town area.

Mr. Meisel continued. There is a complete hodge-podge of buildings in this area. This property can currently be developed for the wrong reasons. Together with Mr. Cioffi, a local architect, he personally was involved with working on these plans. It is not a mercantile site. He did his homework on this project. You cannot get a less intensive

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use than a self-storage facility. The Colored Rendering of the Project was shown and described in detail by Mr. Meisel. It is a very difficult parcel to develop, he explained.

Questions of Mr. Meisel followed. Mr. Oakes asked if from the self storage down, would there be parking on both sides of the street. The response was no, it is too narrow. Questions of the layout would be held for the applicant's engineer. Chairman Martin noted Mr. Meisel's testimony, that self-storage is a use that does not generate a lot of activity or parking, and that is located on the busier end of the site. Mr. Meisel commented as you get to Madison Avenue, there is a quieter use proposed.

There were no further questions of Mr. Meisel.

Vincent J. Cioffi, Licensed NJ Architect, was sworn in, and having been previously qualified before the Board, he was accepted as applicant's architect.

Mr. Cioffi testified as to his plans, consisting of seven sheets, Sheets A-101 through A107, dated 6/4/14. The interior is a specialty of the storage facility by Hampshire. The schematic drawing was prepared by him, along with A2-3-4-5. They started with the elevations, A2 - Mixed Use Building Composite Exterior Elevations, containing Drawings A-108.00, Madison/Washington Avenue Elevation, and A-109.00, East Side Elevations (Railroad side), Storage Building. Mr. Cioffi gave details of the exhibits and discussed the usage. The self-storage facility consists of three stories and is a perfect use for the building. The higher section is street-front, and to be sensitive to the height issue, there was consideration to adding storage underneath. The building façade is stucco and light in coloring as depicted. The architect further testified that egress from the storage facility underneath the mixed-use facility was for an emergency exit only. There was no ingress to the storage facility from the mixed-use building.

The Board took a recess from 9:30-9:40 pm.

Questions by Board Members of Mr. Cioffi followed. Mr. James asked about elevators, and Mr. Cioffi responded there is an elevator for the apartments, with two elevators total on site. There is also security by way of a buzzer

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and a gate. Mr. Montana asked about the entryways. Mr. Cioffi explained the entrance from the front is only to the retail space. From a special needs perspective, are there any other entrances, Mr. Montana asked. Mr. Cioffi replied that is the only entrance. Mr. Montana asked if there were any requirements with the distance from the parking lot to the entrance. It is about 120' Mr. Cioffi stated. There were no known requirements. Mr. Montana noted the rear of the building was very basic. Mr. Cioffi said it is 25' from the railroad, and you cannot make it look like storefronts. The present building in terms of height looks to be 32', and the size is approximately the same. They are creating a tremendous amount of vegetation and are dealing with a different scale. They did not want to bring much attention to it. He would rather it be more of a backdrop. Mr. Martin commented you will see mostly landscaping and if NJ Transit puts a platform there, you will see it. You do not want to attract people to cross the railroad tracks to get to a building you cannot get into on that side. Mr. Meisel asked if they could come back to the Board on that point.

Kathryn M. Gregory, Special Board Planner, rendered a report dated 7/2/14 and had questions on the layout. Ms. Gregory questioned the refuse area in the front of the building and inquired how the garbage pickup would work. A discussion ensued. Mr. Meisel addressed the question. On the Jefferson Avenue site, a prior project before the Board, they provide a dumpster for each building. In terms of this site, they purposely tried to separate the dumpsters for the residences and the retail spaces. They tried to put it in an area that is more private. The residential and retail both want to have a separate environment. Mr. Martin commented here it is hidden. As a female, Ms. Gregory said she would not want to walk down to that area and would rather have an entrance from the street than down a garden path or alleyway. Mr. Meisel asked for two weeks to take a look at the issue.

Mr. Montana asked about emergency access. Chairman Martin then requested plans be sent to all the Borough Departments, including Police, Fire, DPW, Shade Tree, and the Parking Authority to get comments back as quickly as possible for the next meeting.

At that time, and due to the lateness of the hour, the applicant requested a **Special Meeting on 7/21/14, at 8:00**

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p.m. A motion for approval was made by Mr. McCoy, seconded by Mr. Truscio and carried unanimously.

The next witness sworn in was Donald J. Engels, Vice President in charge of development of Hampshire Companies a real estate investment firm, a contract purchaser. Mr. Engels testified that they have been involved with the self-storage, facilities asset class for about 15 years. They own, operate, and have purchased self-storage facilities in Bergen County. Currently, they own such a facility on Railroad Avenue in Hackensack, NJ. He described the process of renting on a month-to-month basis. Access would be from 6:00 am to 10:00 pm, Monday through Sunday. During that time, customers can access their units via a punch-code system. Additionally, the office hours are open for access from 9:00 am - 6:00 pm Monday through Saturday. They office is closed on Sunday. The facility will have a maximum of two employees, starting with one. Currently there are four loading spaces and 13 parking spaces. Mr. Engels reviewed the operations of other facilities, which allowed him to see that the parking provided here is satisfactory. He reviewed the exhibits and chose Lodi, Glen Rock and River Edge for comparison, as they have parking and loading similar to this site. The peak time has about six movements in. Exhibit A6 showed Gate Activity of Other Storage Facilities by Hour. People generally stay at the facility less than an hour, Mr. Engels explained.

Louis J. Raimondi, Board Engineer, rendered a report dated 6/23/14 and questioned Mr. Engels as to the sizes of the storage units. Mr. Engels explained the smallest unit was 5' x 5', and the largest was 10' x 30'. Mr. Raimondi asked if there would be people helping customers to move in, to which the response was carts and dollies were available for move-in. Mr. Raimondi continued. Where will they be stored and are they locked up. They will be inside the facility and not left outside, Mr. Engels explained. Also, there would be no electric outlets in the units, and the lights are on motion sensors. Mr. McCoy asked about weight restrictions or restrictions on other types of goods. Mr. Engels said there is a rental agreement entered into with certain restrictions. There are also security cameras, he added. Mr. Martin commented he recalled similar questions with Lockup Storage which came before the Board in the past. Mr. Montana expressed concern with

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moving in heavy items and trucking. Further details would be addressed at the next meeting.

There were no further questions of Mr. Engels.

The matter was carried to a **Special Meeting scheduled for 7/21/14 at 8:00 p.m.** Board Counsel would provide the proper Notice for publication.

10. **DISCUSSION:** None

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

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary