

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
February 22, 2021 (VIA ZOOM)**

APPROVED 4/5/21

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 pm

**Via Zoom Webinar, Meeting ID/Link#:
<https://us02web.zoom.us/j/88206422865?pwd=OE5wL3lHYnJIdmZ3QUZneWdlUkkyUT09> - Meeting ID: 882 0642 2865; Password: 537853**

A court reporter was also present.

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
Eric Oakes, Vice Chairman
Matthew Ceplo
H. Wayne Harper
Peter Grefrath
Alyssa Dawson (arrived approx.8:10pm)
Gary Conkling
Michael O'Rourke (Alt #1)
Tom Smith, (Alt #2)

ALSO PRESENT: Ben Cascio, Esq. appeared on behalf of
David Rutherford, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Louis A. Raimondi, Board Engineer

ABSENT: None

4. MINUTES: A motion to approve the Minutes of the **2/8/2021** meeting was made by Wayne Harper, seconded by Matthew Ceplo, and carried unanimously on roll call vote by those eligible to vote.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS:

1. Resolution Appointing Substitute Attorney Ben Cascio, Esq. for this meeting (David Rutherford, Esq. has an excused absence) - A motion for approval was made by Wayne Harper, seconded by Eric Oakes, and carried unanimously on roll call vote.

8. PENDING NEW BUSINESS:

Mr. Rutherford advised he was in touch with the applicants towards completeness - All carried to 3/1/21:

1. Toflec Properties, LLC, 140 Carver Avenue - Bulk Variance - Carried to 3/1/21;

2. Bross, 60 Boulevard - Bulk Variances, Driveway wider than Garage - Carried to 3/1/21;

3. Perrino, 125 James, Bulk Variance - Carried to 3/1/21;

4. Hodges, 44 Second Ave., Bulk Variances - Carried to 3/1/21;

5. Rise Up Together, LLC- 372 Fairview Avenue - Site Plan to create a parking lot (Zoning application was denied by the Zoning Official which stated that Site Plan approval was required. The applicant started the work anyway) - Carried to 3/1/21;

6. Brown - 20 Westwood Boulevard- Bulk Variances - Matthew S. Capizzi, Esq. is Attorney for Applicant - Carried to 3/1/21;

7. 15 Westwood Realty- 269 Westwood Ave.-Use Variance, Site Plan - Carried to 3/1/21;

8. 561 Broadway, PD387, LLC - D & C Variances with Site Plan - Carmine R. Alampi, Esq. is Attorney for Applicant. Carried to 3/1/21;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. 459 Broadway Realty, 459 Broadway, C & D Variances - Richard Conte, Esq. represented the applicant. Mr. Conte asked if there were any questions of Mr. McClellan. There were none, and he departed. The remaining witness was their Planner. Mr. Conte reviewed the outstanding issues. Dumpster and recycling items were addressed. The courtyard would not be used by the residential tenants. As for landscaping irrigation it is very nominal, and they will take care of it. Brian Callahan, previously sworn commented upon inquiry that at present a handicapped ramp was not required to be installed.

Bridgette Bogart, PP AICP, Applicant's Professional Planner, 205 Franklin Avenue, Wyckoff, NJ was sworn in, qualified and accepted. She is familiar with the Master Plan and Zoning Ordinances. Ms. Bogart reviewed the characteristics of the property and the Board Planner's report. Ms. Bogart noted there is no on-site parking. There is a restaurant/retail space on site. They will rehab the courtyard area. Ms. Bogart gave positive criteria. Mr. Lydon asked Ms. Bogart to address the D2 variance. Ms. Bogart first addressed the C variances. Ms. Bogart gave special reasons for the D2 variance. She addressed the Master Plan in relation to their proposal and the negative criteria as well.

Mr. Conte clarified testimony from the last meeting. The application would substantially improve the runoff by taking rainwater from the neighboring property and directing it to their seepage pit. Chairman Martin noted a revised landscaping plan was received. Ms. Bogart would address the landscaping. There would be a condition of approval. Mr. Lydon questioned Ms. Bogart as to the planters and pavers. Landscaping Plan approval would be left to the Board Planner and Engineer. He asked about a representative line in the municipal lot as shown on the plan next to the rock wall that is to remain. It is not on their property, and she was

unaware, Ms. Bogart responded. Mr. Lydon asked if it were acceptable to her client if the improvements in the municipal lot would have to be approved by the Governing Body. That would definitely be necessary, Ms. Bogart stated and agreed.

Mr. Conte stated their testimony was concluded. A motion to open to the public for questions or comment was made, seconded and carried. There were none, and the matter was closed to the public. Mr. Conte summed up. They met all the criteria for the variances and sought an approval from the Board. Board discussion and commentary followed. There were no further questions, comments or discussions. Positive comments were made.

A motion for approval was made by Gary Conkling with conditions as stated. Mr. Lydon recited the variances: Rear yard setback, minimum side yard, maximum building and impervious coverages, C variances, D2 variance for expansion of non-conforming use. The motion was seconded by Eric Oakes. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Alternates Mr. O'Rourke and Mr. Smith were not needed to vote.

2. Ahluwakshi Investments, LLC, 75 Bergen Avenue - Subdivision and Bulk Variances - Dean Stamos, Eq. represented the applicant and reviewed from the 1/11/21 meeting. All their witnesses testified. There was some discussion about the D4 variance for floor area ratio. They have a redesign showing the interior lot on Bergen Street will completely comply with the FAR and the second floor has a deminimus variance. The architectural plans will show the difference in the second floor.

Stephanie Pantale, Applicant's Architect, previously sworn, continued under oath. The updated architectural plan for the corner lot, revised to 2/21/21 was marked Exhibit A8. The plan for the interior lot with same revision date was marked A9. The footprints are the same. She reduced the second floor, pulling it in to conform with the FAR. This results in no FAR variance for the interior lot. For the corner lot, she did the same. For the overall building the footprint stayed the same. They significantly reduced the FAR to comply. Ms. Pantale reviewed the Board Professional's reports and would not have any issues with the comments, except that they would not be able to raise the garage floor. This may create a third story or story above grade and not

comply. If the Board were to act favorably on the application, they would work with the Board Engineer and Planner to have an approved plan in place

Questions by the Board followed. Chairman Martin noted they removed the D variances, yet are still before the Zoning Board. Mr. Stamos stated there is still a D variance for the corner lot for 1 sf. Mr. Martin asked why they could not comply. They are asking for a de minimus 1 sf variance with no justification. Mr. Stamos rather than withdraw and reapply with the Planning Board they had reduced the FAR from their original proposal in this application. This is where they ended up, with trying to comply with everything requested. There were no further witnesses. Mr. Lydon had no concerns. Mr. Raimondi questioned the architect, asking her to review her comments about not raising the garage floor, which she did. Mr. Raimondi discussed that the house is 5" too tall. They would comply. Mr. Raimondi had an additional engineering comments that was taken under advisement. Chairman Martin commented the second floor plan still looks the same. Ms. Pantale stated it was a double wall and roof and would work on the graphics.

The matter was opened to the public for questions or comments. There were none. Mr. Stamos summed up and sought an approval for two new, beautiful homes, with a de minimus variance and asked for the Board to act favorably on the application. He thanked the Board for its time. Board discussion and commentary followed. There were no further questions, comments or discussions.

A motion for approval was made by Eric Oakes with conditions as stated and compliance with Mr. Raimondi's concerns, and seconded by Gary Conkling. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Mr. Martin commented he is not in favor of voting for floor area ratio variances, but it is de minimus. Alternates Mr. O'Rourke and Mr. Smith were not needed to vote.

3. Cuomo, 10 Westervelt - Bulk Variances - Nancy Saccente, Esq., Attorney for Applicant, presented the application by Paul and Denise Cuomo. The home they own since 2003 contains two stories. They submitted a survey and architectural plans. They are proposing a deck and above ground pool. They previously added a small deck and pavers and were planning to put in an inground pool, but changed

their minds due to the extensive work. They had installed the existing above-ground pool, which is partially in-ground, and Mr. Marini had advised plans had to be submitted and an approval needed to be given. They received a letter of denial and applied to the Board. Board Professional reports were received and they are addressing these comments. All of this was delayed due to Covid. Now that the plans are submitted, and proper notice has been given, they are here before the Board to proceed. Mr. Cascio advised he conferred with Mr. Rutherford, who advised that the notice and publication documents were in order.

Paul Cuomo was sworn in. He testified he lives in the house with his wife, and college age son and college graduate daughter. The home is four bedrooms. The office is the fourth bedroom. Mr. Cuomo gave reasons for the pool. The above-ground pool with a deck around would really be above the fence line, and they would be on a perch, so they felt it was easy to have it sunk in below the ground. It is a much heavier construction with a deck around, which gives you the illusion of an in-ground pool. It is not concrete. The fence is vinyl. A series of ten photographs were marked A1-A10. Mr. Cuomo stated he was not aware he needed approval for impervious coverage or a permit. Chairman Martin stated a permit was required for this work. Ms. Saccente showed the survey and the location of the deck and garden. There is a pre-existing masonry garage.

Applicant's architect, Michael J. Gadaleta, New Milford, was sworn in, qualified and accepted as a NJ Licensed Architect. The architectural plans prepared by him, dated 5/7/19, last revised to 7/30/2020, were marked as Exhibit A12. They have 27.8% building coverage, where the maximum amount is 22%, and a variance is needed. They also need a variance for impervious coverage. Mr. Gadaleta stated they removed existing pavers. Chairman Martin asked him if he designed this or documented what was already there. He responded he documented what was already existing. Ms. Saccente stated they would remove existing pavers to conform. Chairman Martin asked Mr. Lydon, Board Planner to recite the variances we are deciding on. Mr. Lydon stated maximum building coverage and maximum impervious coverage 45% proposed vs. 40% allowed. The proposed new wood deck is not attached to the primary structure and would be considered an accessory structure. If attached this would need a variance for rear yard setback. Mr. Cuomo stated the existing deck is not attached to the house.

Ms. Saccente addressed Mr. Raimondi's report of 12/20/2020 with Mr. Gadaleta. Mr. Martin did not think the architect could address the engineering comments. Mr. Raimondi requested a Stormwater management plan, designed by an engineer. Mr. Gadaleta should not testify to Stormwater management. Ms. Saccente continued. They were not aware of the number of accessory structures permitted on one lot. The two garages and one deck were existing. Mr. Lydon stated the ordinance says buildings, and he did not count the deck as a building. No variance is required for the deck. We just have three variances--building coverage, impervious coverage and rear yard setback.

Questions by Board Members followed. Mr. Conkling asked and Mr. Cuomo answered the pool is 5' deep and 18" above ground. Mr. Martin stated the pool ordinance applies whether above or in-ground. There is also no fencing around the pool itself. Mr. Cuomo was open to suggestions to comply. Mr. Oakes suggested his architect should advise how to reduce the coverage from 5%. Since the deck is already constructed, you may have to remove an accessory structure. Mr. Oakes suggested removing the garage. Mr. Cuomo stated he is removing the pavers around the garage and removing the garage would lower his property value, and he uses the garage and will not remove it. Mr. Martin commented this is extremely difficult. He asked if there were any comments from Board Members. The architect suggested removing the deck and building up the property. Mr. Cuomo stated then he would not even need a variance, and he spent \$8,000. on this application already. Mr. Martin commented to the architect and asked if they could remove part of the driveway how much would that reduction calculate at. It would be 170 sf of covered ground. Mr. Lydon stated it would reduce the impervious coverage by 450', and the variance would be closer to what the ordinance allows. That would bring the coverage down, and would they be willing to do that. Mr. Cuomo agreed it is workable. The Board agreed it was reasonable. Mr. Martin stated the Board can act on this if the applicant agreed to remove the pavers, the planter and that triangle portion of the driveway, to be replaced with grass. Applicant agreed. Mr. Saccente thanked Mr. Martin for the suggestion.

The matter was open to the public for questions or comments. There were none. Positive comments were made.

A motion for approval was made by Eric Oakes, with the conditions stated, with revised plans submitted prior to the

4/5/21 meeting, and verified by Mr. Raimondi and Mr. Lydon. The motion was seconded by Alyssa Dawson. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, and William Martin voted yes. Alternates Mr. O'Rourke and Mr. Smith were not needed to vote.

4. Haenschen, 17 Woodland Cross - Widen Driveway - C1 Variance - Craig Haenschen, the applicant, was present and sworn in. William Martin recused himself, as the property is close to his property. Vice-Chairman Oakes presided as Chair. Applicant presented his application to widen his driveway by 8'. It would accommodate four cars. His home is a three-bedroom home. Mr. Lydon asked for a vote to accept the drawings and grant waivers for everything else not provided. A motion to waive documents not provided was made by Gary Conklin, seconded by Wayne Harper. On roll call vote, all eligible members voted yes. Mr. Haenschen showed maps and documents he provided. The curb cut would be from the sidewalk in. He is mirroring his neighbor's driveway. Mr. Raimondi would want a provision that if part of the curb cut by the sidewalk is damaged that he agrees to repair it.

Questions by the Board followed. Mr. Lydon asked about the material of the driveway, and would the entire driveway be replaced, and applicant responded asphalt with two additions on either side, unless the contractor advises to do the entire driveway. The ordinance limits the width of the driveway to the width of the garage, partly due to aesthetics. It would be appropriate to add plantings to the East. Mr. Haenschen commented the neighbors to the West have beautiful plantings, and if put to the East it would cut them off from each other. Plus there is a large chestnut tree and shrubs that extends out from the front plane of the garages. Low plantings were suggested to help break it up. Applicant agreed. Mr. Grefrath suggested a macadam apron. He would have to widen the curb cut. Applicant agreed.

The matter was open to the public for questions or comments. There were none. Mr. Oakes called for further discussion or a motion. Mr. Conkling commented on the curb cut. Mr. Oakes called for a motion with conditions of curb cuts and plantings.

A motion for approval was made by Peter Grefrath with conditions as stated, and seconded by Gary Conkling. There were no further questions, comments or discussions. On roll

call vote, Matthew Ceplo, Wayne Harper, Gary Conkling, Peter Grefrath, Alyssa Dawson, Michael O'Rourke, and Eric Oakes voted yes. William Martin was recused. Alternate Mr. Smith was not needed to vote.

5. Anthony Errico, 23 Second Avenue - Driveway width wider than garage - Santo T. Alampi, Esq., Attorney for Applicant, was present. Due to the lateness of the hour, 11:20, the matter was not able to be reached, and would be carried to the 3/1/21 as first on the agenda. The notice would be carried with no additional notice.

10. DISCUSSION:

- 1. Submission requirements: Paper vs. Electronic** - Tabled per discussion at prior meeting

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 11:25 pm.

Respectfully submitted,

Mary R. Verducci
Zoning Board Secretary