

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
Municipal Building
MINUTES
March 21, 2022**

APPROVED 4/4/22

1. OPENING OF THE MEETING:

The meeting was called to order at **8:00 pm, at the Municipal Building**, 101 Washington Avenue, Westwood, NJ.

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
Peter Grefrath
Gary Conkling
Matthew Ceplo
Michael O'Rourke
Robert Desmond (Alt #2)

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

ABSENT: Alyssa Dawson (excused absence)
Tom Smith, (Alt #1) (excused absence)

4. MINUTES: Scheduled for the regular meeting.

5. CORRESPONDENCE:

1. Letter from Bruce Meisel RE: KLR 565 LLC, 561-565 Broadway - in favor of;

2. Letter from Westwood Historic Preservation Commission dated 3/7/22 RE: KLR 565 LLC, 561-565 Broadway - in opposition;

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. Whispering Woods Hearing on the court case of Westwood Investments LLC vs. Borough of Westwood Board of Adjustment - Donna Jennings, Esq. Of Wilentz Goldman Spitzer represented the applicant. David Rutherford Esq. gave an overview. The matter was heard two years ago and denied. Applicant challenged the decision, and filed a lawsuit vs. the Zoning Board. The Board and applicant's counsel with applicants met in closed sessions, and as a result, applicant revised their plans which may well be acceptable to the Board. Mr. Rutherford advised a Whispering Woods hearing sets forth a hearing for approval of the settlement and outlines procedures by which that is done. The Board is considering the revised application and site plan before us this evening. If the Board seeks to ratify the settlement as proposed, he will draft a resolution with highlight revisions to the plan. Chairman Martin commented the Board received revised plans, which were reviewed by Board and Professionals for compliance with their reports. Mr. Raimondi was satisfied that the applicant complied with his report. Mr. Lydon commented he did a lengthy report in January. There is an increase in impervious and he does not see the additional plantings recommended. Also, enclosing the dumpster pad has still not been shown. The plans have improved dramatically, but we are still not there. Mr. Rutherford advised Ms. Jennings can address the comments. Mr. Lydon gave details on the plantings and landscaping that is recommended.

Ms. Jennings addressed the Board. There was no way to reduce impervious coverage, and she offered their professional engineer to address the plan and landscaping. Matthew Fox, PE, spoke regarding his plans dated 1/10/22 and last revised 2/5/22. They revised the plan to enclose the dumpster on three sides. Mr. Lydon and Mr. Fox exchanged commentary regarding the issues raised.

Chairman Martin was concerned about maneuverability. Ms. Jennings stated the County approved the plan. Mr. Fox commented they could add plantings and low shrubs, in between two driveways on the Fairview Avenue side, about 100 sf. All agreed this would be a condition of approval. Applicant would look into additional suggestions by Mr. Lydon. Mr. Fox showed where they already have landscaping. Mr. Lydon and Mr. Raimondi will review the proposed landscaping enhancing the Kinderkamack Road elevation.

The matter was opened to the public for questions or comments. There were none. Board comments followed in a positive manner.

A motion for approval with conditions as noted in detail was made by Eric Oakes and seconded by Gary Conkling. Mr. Rutherford referred to Ms. Jennings's letter as to what was being approved. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes.

1. KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan - Eric Oakes recused himself and stepped down from the dais. Matthew Capizzi, Esq., of Tenafly, NJ, represented the applicant. This application involves two properties in the LB-2 zone. On 561-565 Broadway they propose a seven (7) unit apartment complex. They would use the 567 Broadway property for access purposes by way of an access easement. The variances were set forth. Two letters listed above were noted as received.

The applicant seeks approval to develop a two (2) story residential building over at-grade parking, at the intersection of Broadway and Irvington. Sixteen (16) parking spaces are proposed under the building. Included in the 16-parking space count is one barrier-free parking space and three (3) parking spaces reserved for, and equipped with, electric vehicle charging equipment. A recent state regulation requires this type of equipment to be provided in most but not all situations.

The applicant is seeking preliminary and final site plan approval to construct a three (3) story apartment building in the LB-2 zone. Use and several bulk variances are sought, including:

"C"/Bulk Variances:

- Maximum building coverage - 40% allowed v. 57.2% proposed;
- Minimum front yard on Irvington Street;
- Minimum rear yard setback - 30' required v. 24.6' proposed;

- Maximum stories where 2 are permitted and 3 are proposed;
- Loading zones are not permitted in the front yard, and one is proposed;
- Parking spaces under building results in a stilted building, requiring a variance;
- Parking stalls 9'x 19' required vs. 9'x 18' proposed;
- Driveway aisle width 24' required vs. 20' proposed;

"D" Variances:

- Maximum building height - 25' allowed v. 32.32' proposed;
- Maximum FAR - 7,500 allowed v. 1,375 proposed;
- Residential uses not permitted in zone v. Apartment Building proposed.

Robert Zampolin, NJ Licensed Architect, Westwood NJ was sworn in and accepted. The Architectural Plans were dated 3/1/22. The plans were marked A1. A colored rendering displayed. Mr. Zampolin described the site in general. There are a total of 16 parking spaces assigned to the units with three guest spaces, which would comply with the RSIS standards. Spaces 1, 2 & 3 would have charging stations for electric vehicles. On the first floor there are the stair towers and elevator, seven enclosed storage units, trash and recycling room with chutes for the tenants. Maintenance areas and bicycle racks were also provided.

The setbacks were as stated. The proposed building is setback from Broadway ten (10) feet while along Irvington Street the proposed front yard setback is eight and one-half (8.5) feet. The building will be fully sprinklered. The footprint is approx. 8,600 sf. Out of the seven units, which are located on the second and third floors, five are designed as two-bedroom units; there is one three-bedroom unit, and a single one-bedroom unit. They are pulling in the third floor Mr. Zampolin gave details on all of the units. The Chairman noted reference to a penthouse unit is still actually a third-floor unit. He did not want the Board to be confused. Mr. Zampolin was referring to them as penthouses. Mr. Zampolin prepared a roof plan Exhibit with a parapet. Just vent piping and plumbing would go up there with condensers. Nothing would be visible from the streetscape.

Questions by the Board followed. Mr. Raimondi inquired about the basement level, suggesting an emergency pedestrian door. A second vehicular entrance/exit was suggested in his report. The Board would hear more from the engineer. Parking spaces were discussed. Mr. Lydon had comments on the electric vehicle charging stations. He asked if they were building it to LEED standards. They were not sure. Chairman Martin questioned Mr. Zampolin. He

asked if they would go beyond code minimums. Mr. Capizzi said they would go with enhanced insulation. There would be real brick and real cement stucco. This would be a durable building. Chairman Martin asked if they would go to an all-electric building and if they would have quick charge units. They had not gotten that far yet. There were no further questions of Mr. Zampolin.

Perry Frenzel, 30 Madison Ave, Paramus, NJ Licensed Engineer, was sworn in, qualified and accepted as applicant's Engineer. Mr. Frenzel prepared a plan on the easel dated 3/1/22. Mr. Frenzel updated the Board regarding the site plan and the orientation of the site. He described the site and parking. They have 16 spaces, and 14 are required. The drive aisles are 24' in width. The spaces comply with the RSIS. The traffic flow would be in and out from Irvington Street vs. Broadway. A single ingress and egress point is a better solution. Keeps all the traffic on Irvington Street. All major delivery vehicles would stop at a space behind the building. Sidewalks would be replaced along Broadway. There would be a paver sidewalk in front of the building. As far as drainage, there are eight underground chambers designed to catch all the runoff from the roof. There is sconces and bollard style lighting-low level No commercial lighting fixtures would be used.

Mr. Frenzel described the landscaping which was minimal. The refuse room was shown as an ample size. Installing EV charging stations in all the spaces now would be expensive. The high speed is \$2,500-\$5,000 apiece. There is new technology where you drive onto a pad. Every week there is something new in technology. Mr. Raimondi asked about any investigations on existing drainage pipes on Irvington to tap into, but there were none. He asked if there was a curb rounding on Irvington and Broadway as an easement. Right now, the public is walking on this property. Mr. Frenzel noted there are three monitoring wells on the property. They need an LSRP to see if they are active, but they feel they are inactive. The soils are clean. Mr. Lydon asked if there was signage for delivery vehicles. There would be no parking/loading zone signs and moving companies would generally check in with the managers as to where to park. Chairman Martin asked if there would be a traffic report, but they said not for seven units. He asked if there was a benefit to having the traffic going into the garage with a right turn in from Broadway vs. going into the residential neighborhood. There should be no left turns out onto Broadway. Mr. Raimondi commented they need to minimize the traffic not the corner. The train controls the traffic signals which can cause traffic backup on Irvington all the way to Center. Site circulation was discussed. There were no further questions of Mr. Frenzel.

The Board took a ten (10) minute recess at approximately 10:15 pm. Mr. Capizzi advised they would like to carry the matter to 4/4/22, at which time they would set a new date for the continued public hearing. The matter was carried to 4/4/22 without further notice. An extension of time was granted.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 10:30 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**