

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Municipal Building
MINUTES
April 4, 2022**

APPROVED 5/2/22

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 **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: Matthew Ceplo (Acting Chairman)
Peter Grefrath
Gary Conkling
Tom Smith, (Alt #1)
Robert Desmond (Alt #2)

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

ABSENT: William Martin, Chairman (excused absence)
Eric Oakes, Vice Chairman (excused absence)
Michael O'Rourke (excused absence)
Alyssa Dawson (resigned)

4. MINUTES: March 7, 2022 & March 21, 2022 - A motion for approval of the Minutes was made by Gary Conkling, seconded by Pete Grefrath and carried unanimously on roll call vote.

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **Whispering Woods Hearing on the court case of Westwood Investments LLC vs. Borough of Westwood Board of Adjustment - Carried to the next meeting, 5/2/22.**

8. **PENDING NEW BUSINESS:**

1. **Santa, 21 Adams - "C" variance for setback to an in-ground pool - Deemed Complete - set for 5/2/22;**

2. **Bauer, 22 Cypress- Driveway wider than the garage without approvals - Incomplete; carried to 5/2/22;**

3. **Cooper, 34 Clairmont- Bulk variances for side yard and combined side yard setback - Incomplete; carried to 5/2/22;**

4. **OSM Hospitality, 170 Center Ave - Use variance and Site Plan Approval, Rooftop Dining - Deemed Complete - set for 5/2/22;**

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

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

1. **Walsh, 196 Sand Road - Bulk variances for a deck which was constructed without permits. The dwelling already had a non-conforming rear yard setback of 20' - Gregg Paster, Esq. represented the applicant. Mr. Paster presented the application and gave an overview. He distributed a survey dated 4/27/22 made by Steven L. Koestner, PE & LS, Koestner Associates. The survey shows the property before the existing deck was built. The soils were sandy and this deck was built. There is a pre-existing non-confirming minimum side variance and a rear yard setback variance of 1.77' where 30' is required, which can be granted without any detriments.**

Neil & Amy Walsh, owners/applicants, were sworn in and testified. Their family has owned the property for four years. They have done substantial work to the house, as it was not in livable condition. All the work was done with permits. They border the Berkeley School and are across from the park. The back yard is really the side yard. The soils were sandy, and the conditions did not allow for a patio. They are trying to make a safe play area for their children and their family. Originally, they spoke with

a contractor about installing pavers. Instead of pavers, they built the deck, as they were under the impression that pavers were not possible because the soils were too sandy and were advised they should go with a deck. The contractor said the deck would be under the 30" height limit threshold, so they did not need a permit. Thereafter, they received a summons from the Construction Official. Mr. and Mrs. Walsh also explained some of the difficulties they faced. They could not grow grass in the back area, the school's fence has fallen down, and animals have dug holes, where a small child can fall in. There was also a two-story house being built behind them, removing trees. Additionally, there is also a 10% grade level drop in the rear and north.

Mr. Raimondi asked how high the deck rail would be, and they responded waist-high. This would have to be cleared with Mr. Marini. Mr. Lydon noted Mr. Marini's letter said the deck needs two new variances and one is pre-existing. Mr. Rutherford advised there is a pre-existing minimum side yard setback variance for 7.98' where 10' is required, a rear yard variance of 1.77' where 30' is required, and a building coverage variance of 24.21% where 22% is permitted. Board Members had questions of the applicants and discussed the proposal and options. Mr. Paster indicated they would explore other options and come back to the Board. There were no interested parties. The matter was carried to 5/2/22 with no further notice and time extension granted.

2. Cruz, 73 Harding - Bulk Variances for a one-story rear addition and driveway expansion (driveway, covered porch and pergola on right side was completed without a permit); Property is in the AE flood zone - Not heard; Carried to 5/2/22;

3. KLR 565 LLC, 561-565-Broadway - Seven (7) unit apartment complex, D & C variances, lot consolidation and site plan - (Eric Oakes recused) - Carried to a Special Meeting on 4/18/22;

4. Kathy Drake- 177 Woodland Avenue Request for an extension of time for approvals - Tim Drake, owner, was sworn in. The application was for an extension of time of the approvals. Mr. Rutherford advised most of the project is completed and one section is not, as Mr. Drake will testify to. The approvals expire after a year. Mr. Drake will report on any changes to the project since its original approval. Mr. Drake testified there were no changes. They simply ran out of money to put the deck in. His daughter decided to go to NYU but is now graduating. It was due to a lack of funds that they could not complete the deck portion of the project. He is here for an extension of the original approval. Mr. Rutherford noted that coverage variances were granted for the deck.

(WWZB 4/4/22 Regular Meeting Minutes)

Mr. Lydon stated there were no changes to the deck and no new variances. There were no interested parties. There were no further questions, comments or discussions.

A motion for approval was made by Gary Conkling and seconded by Peter Grefrath. On roll call vote, Gary Conkling, Peter Grefrath, Tom Smith, Robert Desmond, and Matthew Ceplo voted yes.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 9:00 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**