

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
Municipal Building
MINUTES
April 18, 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 **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
Tom Smith, (Alt #1) (recused-departed 8:05)
Peter Grefrath
Gary Conkling
Matthew Ceplo
Michael O'Rourke
Robert Desmond (Alt #2)

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

ABSENT: Eric Oakes, Vice Chairman (recused/excused)

. Motion appoint Ben Casio as substitute attorney

4. MINUTES: Scheduled for the regular meeting.

5. **CORRESPONDENCE:** None
6. **VOUCHERS:** None
7. **RESOLUTIONS:**
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. **KLR 565 LLC- 561-565-Broadway, Block 802, Lots 1 & 2 - Seven (7) Unit Apartment Complex, D & C Variances, Lot Consolidation and Site Plan** - Tom Smith & Eric Oakes are recused on this application. Atty Matthew Capizzi, Esq. gave overview from last meeting.

Perry Frenzel, applicant's engineer, continued under oath revised his revised Site Plans, last 4/7/22, marked as exhibits, per comments at last meeting. There will be charging stations for spaces 1-8 within the building, one for each tenant and one for a visitor if necessary. Chambers were shortened, and they also added bollards at end of the space, to prevent a vehicle from driving over the drainage. An easement for the garbage truck is proposed at the southwest corner. The dumpster location in northeasterly corner was described. Mr. Raimondi reviewed his report of 4/14/22 and questioned Mr. Frenkel about the easement to allow the use of Lot 3, Block 802 for ingress and egress over same for garbage/refuse collection. Lot 4 is excluded from the easement. Lot 3 is the key lot for access, and an easement agreement is to be provided. Mr. Capizzi explained the circulation for the garbage truck and the refuse container on Lot 3. He would provide the easement on Lot 3 between Lots 3 & 4 in perpetuity. Lots 1, 2 & 3 would be responsible for its maintenance.

Board questions and comments of Mr. Frenzel followed. Mr. Raimondi reviewed his report dated 4/14/22. He requested a metes and bounds description for the easement that rounds the corner of Broadway and Irvington Street for pedestrian access across the site. Also an emergency passenger exit should be provided at the parking level. This would be inserted on the architect's plan. Mr. Raimondi asked for the sanitary sewer connection for the proposed building, with a profile to the existing main in either Irvington or Broadway, to be shown on Mr. Frenzel's plans, which was agreed to. Also, Mr. Capizzi stated they are in the process of removing

the three monitoring wells, per Mr. Raimondi's report. There were no further questions of Mr. Frenzel and none from the public.

Robert Zampolin, applicant's architect, continued under oath and described his architectural plan, last revised 4/1/22. They shifted and redesigned the penthouse. Better energy efficiency was also looked at and they revised the plan with energy efficient windows and spray foam installation for sound deadening qualities. Common areas and lighting have lighting sensors, toning down the levels. Approximately 3,000 sf of solar panels are being contracted for purchase. They would provide the plans for same. Bike racks were shown in parking garage for about five bikes. Emergency pedestrian access would be shown. Storage units can also accommodate storage of the bikes. The Chairman had clarifying questions. There were no further questions of Mr. Zampolin and none from the public.

Brigitte Bogart, Licensed NJ Professional Planner, 205 Franklin Avenue, Wyckoff, NJ, was sworn in and accepted. She is familiar with the site and area and made a planning analysis. The lot size is almost two times larger than required. She distributed two planning exhibits, Site and Surrounding Development Analysis, a two-page exhibit with photos, dated 3/21/22, marked A4 and A5. Ms. Bogart discussed the variances and recited special reasons. She discussed the goals of the Master Plan that would be advanced and how they conformed with the Master Plan. The site is specifically suited for this use. She addressed the Medici standards for the use. Ms. Bogart addressed the benefits and that the benefits outweighed any detriments. Lastly, Ms. Bogart addressed the negative criteria. There are no detriments to the public good or impairments to the Master Plan. For all the reasons stated, she feels the Board can grant the variances requested. Mr. Lydon commented as to Ms. Bogart's testimony and did not disagree with any of her comments, adding his own. Chairman Martin had questions regarding the energy efficiency, which he commented this applicant addresses, and the Master Plan mentions. The Chairman asked Ms. Bogart to address buffers. There were no further questions and none from the public.

The matter was opened to the public for comments or questions. Bruce Meisel, Westwood, NJ spoke in favor of the application. He has six properties within 200' of the site. He wrote another letter recently and stated this is as close to a suitable use as you can get on this property. It is a challenged traffic corner, and this is a very low traffic generator and does not even need a traffic expert. This application does no detriments, and there are many positives. The building is aesthetically pleasing. This is a very

good use and a positive enhancement to the downtown. There were no questions of Mr. Meisel.

Justin Melao of Westwood came forward and spoke in favor of the development, stating it conforms very well to the Master Plan. Biking is planned for as encouraged. He feels it is a good development for the site and downtown.

Mr. Capizzi gave positive closing comments on behalf of the application and requested the Board's approval. The Board Members commented favorably giving details on the positives, with no negative impacts. It is a good project that fits the intentions of the Master Plan. There were no further questions, comments or discussions.

The Chairman called for a motion. A motion for approval with conditions as stated was made by Gary Conkling and seconded by Michael O'Rourke. There were no further questions, comments or discussions. On roll call vote, Matthew Ceplo, Gary Conkling, Peter Grefrath, Michael O'Rourke, Robert Desmond, and William Martin voted yes.

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 10:00 pm.

Respectfully submitted,

**Mary R. Verducci
Zoning Board Secretary**