

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
May 4, 2020 (VIA ZOOM)**

APPROVED 6/8/2020

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/8166696335?pwd=NGxuTlZPRnREbTNKZ2lmcWQ3WktUUT09>

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
H. Wayne Harper
Michael Klein
Peter Grefrath
Alyssa Dawson
Michael O'Rourke (Alt #1)
Gary Conkling (Alt #2)

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

ABSENT: None

The meeting of 4/6/2020 was canceled per Governor's Order RE: COVID-19 pandemic.

4. MINUTES: A motion to approve the Minutes of **3/2/2020** was made by Eric Oakes, seconded by Wayne Harper and carried unanimously on roll call vote by those eligible to vote.

5. CORRESPONDENCE: None

6. VOUCHERS: None

7. RESOLUTIONS:

1. Habitat for Humanity, 95 Sand Road - "C" Variances
- Board Attorney Rutherford read the Resolution of Approval into the record. There were no further questions, comments or discussion. A motion for approval was made by Eric Oakes, and seconded by Michael Klein. On roll call vote Eric Oakes, Matthew Ceplo, Wayne Harper, Michael Klein, Peter Grefrath, Michael O'Rourke, and Gary Conkling voted yes. William Martin and Alyssa Dawson were not eligible to vote.

2. Care One, 300 Old Hook Road - Amended Site Plan Approval & Variances
- Board Attorney Rutherford read the Resolution of Approval into the record. There were no further questions, comments or discussion. A motion for approval was made by Eric Oakes, and seconded by Gary Conkling. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Michael Klein, Peter Grefrath, Michael O'Rourke, and Gary Conkling voted yes. William Martin and Alyssa Dawson were not eligible to vote

3. Dean Builders, 33 High Street - C & D Variances
- Board Attorney Rutherford read the Resolution of Approval into the record. There were no further questions, comments or discussion. A motion for approval was made by Eric Oakes, and seconded by Wayne Harper. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Michael Klein, Peter Grefrath, Michael O'Rourke, and Gary Conkling voted yes. William Martin and Alyssa Dawson were not eligible to vote

4. 346 KKR, LLC, 346 Kinderkamack Road - Amended site Plan
- Board Attorney Rutherford read the Resolution of Approval into the record. On discussion, the Board revisited the speed bump testimony. There were no further questions, comments or discussion. A motion for approval was made by Eric Oakes, and seconded by Peter Grefrath. On roll call,

vote Eric Oakes, Matthew Ceplo, Wayne Harper, Michael Klein, Peter Grefrath, Michael O'Rourke, and Gary Conkling voted yes. William Martin and Alyssa Dawson were not eligible to vote.

8. PENDING NEW BUSINESS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS: NONE

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

10. DISCUSSION:

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

2. Planning for Future - Virtual Meetings - Traditional Meetings: Mr. Rutherford gave an overview of the current situation per the Governor's Orders during COVID-19 pandemic and advised as to procedures under virtual and traditional meetings. One option is a traditional meeting complying with social distancing guidelines, with gloves and masks. Many of the towns are conducting virtual meetings. We are complying with the Open Public Meetings Act with respect to notice, etc. The issues with virtual meetings are filing of applications and plans, which we started to discuss and may be addressing sooner rather than later, permitting applicants and the public opportunities to sign in,

Mr. Rutherford expressed having some reservations with compliance in this setting, but noted the Board does have an obligation to conduct its meetings. However, if just a month or two goes by, the Board can wait until traditional meetings can be held again. The applicants have given extensions of time; however, they may want to wait and see what the outcome is. There is a question of whether the virtual meeting complies with the law, and applicants would be proceeding at their own risk. This Board gets complicated applications with a number of witnesses, interested parties and their attorneys--somewhat like a trial. These applicants may choose to wait until such time as when we can meet in a traditional way. We have a legal obligation to meet, and we with the staff would make every effort to comply with the law and display exhibits. The Board should also be asking for exhibits to be submitted in advance if a hearing is virtual. There are a lot of moving parts. This meeting went very well tonight, but it can become complex. For some of the simple

matters, we can proceed virtually, but he feels for complicated matters, the attorneys and applicants may want to hold back and present the application traditionally. So in essence it can be done, but it is better for the simple vs. complex matters, which may want to wait a couple of months. Also, the Governor may lift the order and there may be a venue that could afford more room to accommodate social distancing guidelines and make people more comfortable in attending.

Chairman Martin commented the next meeting is listed for June 8th. He suggested, in light of some encouraging reports on pandemic numbers, and if we are permitted, the Board should plan for the next meeting to be in the Community Center with face masks and social distancing, provided we are in compliance with any executive order in effect. Mr. Rutherford advised it would require an amendment to the current order in effect, with notice, and that anyone wanting to examine plans in advance could be accommodated. We should look at this again in a week or two. We would have to send out legal notices. Also all the applicants would have to renotice anyway, after since all this time has passed. Mr. Martin stated we should advise the applicants to file their plans at the Borough Hall, as well. We could also split the applications into two meetings. Mr. Rutherford advised it could be done, and possibly one or two applicants could be completed more quickly to move the calendar forward.

On discussion, Board Members commented applicants could be spaced 45 minutes apart via Zoom, and exhibits would have to be submitted in advance of the virtual meeting. The Chairman and Board Attorney are also looking at how other Boards are proceeding virtually. In any event, the Board will give its best efforts to move forward under the Governor's Orders. The Chairman will keep everyone up to date via email.

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 8:45 pm.

Respectfully submitted,

**MARY R. VERDUCCI, Paralegal
Zoning Board Secretary**