

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MINUTES
August 21, 2023**

APPROVED 9/18/23

1. OPENING OF THE MEETING:

The meeting was called to order at 8:00 pm at the Westwood Municipal Complex, 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 Marti, Chairman
Eric Oakes, Vice Chairman
Peter Grefrath
Gary Conkling
Matthew Ceplo
Michael O'Rourke
Lauren Letizia, (Alt #1)
Frank Mantz, (Alt #2)

ALSO PRESENT: Thomas Randall, Esq., Board Attorney
Steve Lydon, Burgis Associates,
Board Planner
Brandon Goldfine, Boswell Engineering
Board Engineer

ABSENT: Robert Desmond (excused absence)

- 4. MINUTES:** None
5. CORRESPONDENCE: None
6. RESOLUTIONS: None
7. VOUCHERS: None

8. PENDING NEW BUSINESS: None

9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS AND INTERPRETATIONS: The Board Professionals were sworn in by the Board Attorney

1. ZB-2310 - Millenium Health Care Centers II, LLC -Site Plan with C Variances - Care One at Valley, 300 Old Hook Road, Block 2001, Lot 64.01; (Peter Grefrath recused) Marc Leibman, Esq. represented the applicant and gave an overview of the application. Applicant proposes a 240sf. building expansion along the eastern and southern portions of the building for a new walk-in, refrigerated cooler box with freezer. There was a previous application with variances approved on 5/24/2020. Variances required for this application included:

- Minimum side yard setback - 25' required; 12' previously approved; 12.90' proposed;
- Maximum building coverage - 30% permitted; 35.63% previously approved; 35.78% proposed;
- Maximum impervious coverage - 65% permitted; 72.6% previously approved; 72.8% proposed;
- Maximum floor area ratio previously - 0.40 permitted; 0.52 approved; 0.52 proposed;

They received comment letters from Board professionals and addressed the same.

Mr. Leibman indicated he would have four witnesses for a refrigerator cooler box that would serve food for the Care One facility. They also have a dumpster proposed that creates one parking space need, Mr. Martin clarified, who requested the witnesses keep their testimony brief and to the point.

The first witness was applicant's engineer, Joseph Flint, PE, NJ Licensed Engineer, who was sworn in and accepted. He described the subject site on the north side of Old Hook Road, approximately 100' west of the intersection with Carver Avenue, and the surrounding area. Mr. Flint reviewed his Site Plan updated 3/2/23. There were no changes except as proposed for the 240sf walk-in freezer, which would be square to the building and accessed from inside. All previous site improvements have been completed. He recited the increases in setbacks and coverages that Mr. Liebman stated. Other improvements would be to reconstruct the stairs and retaining wall to accommodate the larger patio, and have two

dumpsters. They are also installing an 18' x 18' fence to screen them. As for parking, they have 108 spaces, and 109 spaces are required. They are losing one space for the dumpsters. For lighting, two PSEG lights will be removed per service upgrade, and they will be reinstalled with upgrades. Mr. Goldfine had questions which were addressed. He expressed concern about storage possibly encroaching into the fire lane. Mr. Flint stated they will not store anything on the patio. Mr. Lydon noting this was an inherently beneficial use, asked if this benefits the facility. Mr. Flint responded the facility is larger and the current freezer is neither sufficient or efficient.

The matter was opened to the public for questions of Mr. Flint. Rudy, a neighbor, came forward and was sworn in. He stated he found the outdoor socializing intrusive and asked if this would cause additional intrusion. Mr. Flint said they are just adding a couple of tables and chairs. A 6' high privacy fence is being added, along with the 6' high masonry wall. There will be no parties or gatherings. This is just for the residents to get some air and eat outside.

Christopher, an adjacent property owner came forward and was sworn in and stated he does not there. He has not received a notice of the hearing and also mentioned having a damaged drain, due to work at the subject site. While Mr. Randall was checking the notice and 200' list, Mr. Martin advised how the list is generated and how notice to property owners works, stating the applicant is only required by statute to send the notice and get a receipt for same. He is not obligated to prove that the property owner received the letter. Mr. Randall confirmed that the legal notice was sent to him at the address listed on the list. There were no further questions of Mr. Flint.

The next witness was applicant's architect, Mark Kuberski, NJ Licensed Architect, of Meyer Design Architects, in PA, who was sworn in, qualified and accepted. He works with Dan King, Licensed NJ Architect on this project, whose name is on the plans. Mr. Kuberski described the plan showing the cooler box proposed, to be accessed from inside the building. At present with the current cooler, they cannot. Chairman Martin questioned the architect. They are not heating the floor under the cooler box, as it is not necessary. Mr. Martin was surprised, as he thought it would cause damage. Usually, a heating pad is placed underneath the cooler, but he takes his word. Per Mr. Lydon's inquiry, Mr. Kuberski stated nothing will be on the roof and the acoustics will be buffered.

The cooler is from Kirby manufacturers. There were no questions of Mr. Kuberski from the Board or from the public.

The last witness was applicant's planner, Kate Keller, NJ Licensed Professional Planner and Principal at Phillips Preiss Grygiel Leheny Hughes LLC, Planning & Real Estate Consultants, Hudson Street, Hoboken NJ, who was sworn in, qualified and accepted. Ms. Keller testified to the slight increases in building coverage and floor area ratio and parking, reviewing the requirements as previously stated. This is an inherently beneficial use. There are very minor changes and minor increases, and this is just to enhance the inherently beneficial nature of the use. Parking is de minimum in nature. The southern parking lot is smaller and lesser used. They are losing one space, as it is more important to have the improved dumpster. There will be no negative impacts on the ordinance and zone plan. The increases amount to a very low impact overall. Chairman Martin reiterated that the positive criteria were met, and there are no negative impacts. There were no questions from the Board or the public.

The matter was opened to the public for general comments, but there were none.

On discussion, the Board gave positive comments. Eric Oakes and Chairman Martin spoke in favor. Peter Grefrath commented his mom is at Care One. He takes her outside often and hopes applicant heard public member Rudy's comments about noise and cigarette smoking outside. Mr. Liebman requested to speak with Mr. Randall as he expressed concerned about Mr. Grefrath's comments and relationship. Mr. Grefrath recused himself on the advice of counsel. Chairman Martin commented his mom stayed there for a few days a year ago; however, this will not affect his decision making, and he was included in the vote. There were no further questions, comments or discussions.

A motion for approval was made by Eric Oakes, with a condition to comply with the site plan and testimony as stated, seconded by Gary Conkling. On roll call vote, Eric Oakes, Matthew Ceplo, Gary Conkling, Michael O'Rourke, Lauren Letizia, Frank Mantz, and William Martin voted yes. Peter Grefrath was recused.

10. Open to Public for non-agenda items: A member of the public came forward and inquired about the dates particular applications would be heard, which was addressed.

11. DISCUSSION: None

(WWZB 8/21/23 Minutes)

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned 8:55 pm.

Respectfully submitted,

Mary R. Verducci, Zoning Board Secretary