

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
September 14, 2020 (VIA ZOOM)**

APPROVED 10/5/2020

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/85919700930?pwd=S0RDVEJaTDc5dXJDZVVjVUdwMXRGdz09>. Dial-in number: 646 876 9923 US (New York)
Meeting ID: 859 1970 0930; Password: 154930

A court reporter was also present.

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
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: Peter Grefrath (excused absence)

4. **MINUTES:** A motion to approve the Regular Meeting Minutes of **8/3/2020**, and Special Meeting Minutes of **8/10/2020 & 8/31/2020** was made by Michael O'Rourke, seconded by Eric Oakes (8/3/2020), made by Michael O'Rourke and seconded by Gary Conkling (8/10/2020), and made by Gary Conkling and seconded by Michael Klein (8/31/2020), and carried unanimously on roll call vote by those eligible to vote.

5. **CORRESPONDENCE:** None

6. **VOUCHERS:** None

7. **RESOLUTIONS:**

1. **Canciglia LLC, d/b/a Carture, 354 Old Hook Road, Suite 105, Use Variance - D1** - Board Attorney Rutherford read the Resolution of Approval into the record. There were no further questions, comments or discussions. A motion for approval was made by Gary Conkling and seconded by Michael Klein. On roll call vote, Matthew Ceplo, Wayne Harper, Michael Klein, Michael O'Rourke, Gary Conkling, and William Martin voted yes.

8. **PENDING NEW BUSINESS: All carried to 10/5/2020**

1. **Cuomo, 10 Westervelt - Bulk Variances** - Incomplete; Carried to 10/5/2020;

2. **Bross, 60 Boulevard - Bulk Variances, Driveway wider than Garage** - Incomplete; Carried to 10/5/2020;

3. **Hodges, 105 Center Avenue - Use Variance-D1, Bulk Variances** - Incomplete; Carried to 10/5/2020;

4. **Ahluwakshi Investments, LLC, 75 Bergen Avenue - Subdivision and Bulk Variances** - Pending further review by Mr. Lydon as to why it is before the Zoning Board; Carried to 10/5/2020;

5. **Perrino, 125 James Street - Bulk Variance** - Incomplete; Carried to 10/5/2020;

6. **Hodges, 4 Second Avenue - Bulk Variance** - Incomplete; Carried to 10/5/2020;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. 247 Westwood Ave. Corp., "Five Dimes Brewery", 247 Westwood Ave - Use Variance; Site Plan - John J. Lamb, Esq. represented the applicant, and reviewed from the prior meeting. The only two remaining witnesses to be questioned were Mr. Maris the traffic expert, and Mr. Steck, their planner. Mr. Cioffi testified as to the revised roof plan and wall, dated 8/17/2020. Mr. Lamb advised Mr. Kantowitz, attorney for neighbors, was satisfied with the revised plan. Mr. Lydon questioned Mr. Cioffi. He recommended a new plan depicting an accurate property line, be presented to the Board. Chairman Martin suggested the dotted line be removed, and that should suffice as to the property line, which he sees on the plan. Mr. Lamb advised they would stipulate that all relevant bulk requirements are based on actual area. Mr. Cioffi testified that the property lines are accurately shown. All coverages are based on that dot-dot-dash line to scale on the drawings.

Mr. Lydon asked Mr. Cioffi if they were expanding the parking lot, and Mr. Cioffi responded no. He directed him to the survey, where the rear property line does not look as close to the property line as Mr. Cioffi's drawing. Mr. Cioffi stated the parking spaces are measured to the black top and wheel stops existing, 9' x 16' and will remain as is. Mr. Lydon still questioned this and expressed concern as to whether the circulation pattern works. Mr. Raimondi stated he also had the same questions. Putting the parking spots closer to the lot line would help with traffic patterns. The site plan is inconsistent with the survey, both Mr. Raimondi and Mr. Lydon noted. Mr. Lamb said they could review this again. They could come back if any modifications are needed. The Chairman asked Mr. Raimondi if it was a significant issue. He agrees the parking arrangement should be changed to Mr. Cioffi's Drawing SP-101. Mr. Lydon felt it was a significant issue. The Chairman advised Mr. Lamb this needs to be resolved, as the site plan differs from the survey. Mr. Lamb advised they could bifurcate the application and approve the use variance separately and have the questions answered at the next meeting. Mr. Rutherford stated they have done this in the past, but advised the survey is five years old and there could've been changes. They could get an updated survey. He could also prepare a Resolution if the Board directs. Chairman Martin asked if it would change the coverages and notice. Mr. Rutherford advised it doesn't appear to change

any of the variances. The impervious coverage is not regulated in this particular zone.

Mr. Lydon asked Mr. Cioffi how many seats maximum were on the rooftop surface. The total number of seats would be 28, but whether covered or uncovered would be per the current conditions at the time. If not used on the rooftop, those 28 seats would be redeployed inside. So if there's a storm or not, the number is the same, 82 total seats. Mr. Lydon asked about lighting, and Mr. Cioffi referred to his Drawing SP-102. He asked for color on the lights, but it was not selected. Mr. Lydon asked for a Kelvin of no more than 3,000 degrees. Mr. Lydon asked for closing hours, which is when everyone should be off the rooftop. Mr. Lamb called upon Mr. Alepa, previously sworn as to the operations. Mr. Kantowitz advised rooftop closing hours were amended to: Monday - Thursday 4:00 pm to 10:00 pm, Friday and Saturday 12:00 pm to 11:00 and Sunday at 12:00 pm to 10:00 pm. Mr. Lamb asked for a 15 minute leeway. Mr. Lydon stated the people and servers would be off the roof and the lights shut down 10 minutes after. Mr. Rutherford would limit the hours of operation in the Resolution. All persons would be off the roof within 15 minutes after closing time.

Mr. Lydon asked Mr. Cioffi if customers have access to the basement. Mr. Cioffi stated no, but deferred to Dr. Alepa, as they may be getting a tour of the facility. Mostly it is designed to look down into the basement from behind glass. Dr. Alepa stated they are not planning to give tours in the basement, but from the main floor. Mr. Lydon asked about access to the cooler by the basement. It would be set up inside by the brewery people, probably from one of the other boxes.

Mr. Raimondi commented the key map is not legible and must be changed so you can read it. There is also no zoning reference on the key map as required and no dimension as to the 200' circle of properties affected. All these comments are in his reports, as far back as 11/16/2019. Chairman Martin asked Mr. Cioffi to address these items.

Mr. Conkling asked Mr. Cioffi about plantings on the roof and lighting. They will be in containers or in a soil bed on the roof, Mr. Cioffi responded. The lighting would be low-level mood lighting and not create a streetscape or spill over. There were no further questions from the Board.

The matter was open to the public for questions of Mr. Cioffi. Mr. Kantowitz wanted to confirm there would be a maximum of 28 people outside on the rooftop at any one time, and a total of 68 patrons. Mr. Lamb concurred. There were no further questions of Mr. Cioffi.

Questions of Mr. Maris followed. Mr. Lydon asked about his testimony stating people would come in to the town via public transportation, and that people would walk 1,000' to the site. Mr. Maris said they did not do any study, it was just an opinion from experience. Mr. Lydon asked about his traffic study. Mr. Raimondi asked if he looked at traffic flow to the site. Coming in from Fairview Avenue, you need to make a right or left turn. Mr. Maris said they were not involved with traffic circulation whatsoever, but he understood everything in the parking area has been in existence and used as a two-way, and he would put a sign indicating it was a two-way street. Ms. Dawson, considering that Lyft and Uber dropping people off, she suggested there be a drop off zone like there is in Hoboken, as she envisions people jumping out in the dark on Westwood Avenue. She has seen it happen in Hoboken. Mr. Maris stated he understands, but one of the problems with that is it eliminates parking in an area where parking is prime. You'd have to eliminate two spaces. The drives can drop people off in the rear. Ms. Dawson agreed that is much safer. There were no further questions of Mr. Maris from the Board.

The matter was opened to the public for questions of Mr. Maris. Joe Blundo of Westwood asked if Hoboken would be an equal comparison. Mr. Maris stated no. Mr. Blundo asked how many spaces were needed outside the parking lot, and the response was 26. 82 spaces are available. Mr. Blundo asked for details of when those were counted with calculations. Mr. Maris stated they have a reputation and they check all surveys to validate any information Dr. Alepa gave to him, and it was done the way they would have. They did a parking analysis of Westwood in 2015, and he also checked those numbers, where were very close, within five or ten cars. They studies were done between 5pm and 9pm. Mr. Blundo thanked Mr. Maris. There were no further questions of Mr. Maris.

The application was concluded for the evening at 9:45 pm and carried to 10/5/2020 with no further notice and an extension of time granted. Revised drawings would be submitted and Mr. Lamb asked that any new comments by the Board Professionals be addressed in new review letters.

The Board took a five minute recess and reconvened with a roll call. All remained present.

2. Westwood Investments, LLC, 220 Kinderkamack Rd/459 Fairview Ave - D & C Variances, Subdivision and Site Plan Approval - Donna Jennings, Esq. represented the applicant and gave an overview from the last meeting. Ms. Dawson and Mr. Oakes were absent during the last hearing on this matter and had not listened to the CD. Ms. Jennings advised she needed seven members to vote. Mr. Rutherford advised we could proceed with the hearing, and hold the vote until the next meeting. She could provide the transcript from the court reporter for the 7/13/2020 & 8/3/2020 meetings at which they were absent. Reading the transcript is sufficient.

Ms. Jennings reviewed from the last meeting they filed an amended plan dedicating open space on the office lot and the floor of the units. Two new Exhibits, A10 & A11, were submitted, and she called Matthew Fox, applicant's engineer, previously sworn. The revised plan was revised to 8/26/2020. Exhibit A10, Minor Subdivision Plan, was shown on a shared screen, depicting an approximate 1156 sf recreation area dedicated to the proposed townhouse unit. They also shifted the proposed lot line from 11.0', expanded to 11.9', to meet the minimum lot area for the proposed townhouse project of 7500 sf. Mr. Lydon had advised them as to the measured front setback 18' to the foundation and rear yard for the office building to be approx. 16' to the overhang. He thanked Mr. Lydon for those clarifications. So, the office lot needs a variance for approx. 4'. There is a minor change in the ratios on the office lot. The increase was stated as .52 to .53 where .54 was the existing. The lot depth was slightly improved. The variance would be reduced by 3'. The setback to the overhang would be 16.0'.

Larry Appel, ADG Architects, was previously sworn, testified as to changes they made per comments by the Board. The floor plans were shown. The study is open to entry foyer, with very little defining walls, and no wall separating the study from the entry foyer. They removed the full bath and replaced it with a powder room, per the Board's comments it could be considered a fourth bedroom.

Questions by the Board followed. Mr. Lydon had no questions. Mr. Raimondi had no questions. He never received revised plans. Neither did Mr. Lydon. Ms. Jennings checked

to see if it was sent to them directly. Mr. Rutherford indicated 16 copies were sent to Mr. Marini with a cover letter outlining testimony. The last revision was 8/26/2020. Mr. Raimondi would send his report on the revised plans upon receipt. Ms. Jennings stated she emailed them as well. Mr. Raimondi would check with Mr. Marini tomorrow. Mr. Ceplo asked Mr. Appel to clarify the landscaping. Mr. Appel addressed the landscaping and greenery to be provided. Chairman Martin asked if anything was done to make the townhouse building smaller. Mr. Appel stated they looked at reducing the building size, and with the easement, they could have more passive recreation area. They felt they could give more green space to the townhouse project than if they took out one unit. Essentially they are guided by the setbacks and will take full advantage of the yard. The building would remain the same size. Mr. Martin asked if they thought of going out westerly. Currently it is two through lots with frontage on both Fairview and Kinderkamack, Ms. Jennings stated. Their proposal has one frontage on Fairview and one on Kinderkamack. It would not work with the two uses, Mr. Appel responded.

Chairman Martin was concerned about Unit 4 being 20' away from the gas station. Mr. Martin was concerned if there was a better alternative. Mr. Appel commented they responded to guidance as best as they could. The Chairman remained concerned. Mr. Oakes also expressed concern about residential being so close to a gas station with fumes. He asked if there were any regulations. Ms. Jennings stated there are many gas stations next to residential. They have to make sure they comply with no spillage. It is permitted in the zone. Mr. Rutherford reminded the Board what the jurisdiction is as it relates to the zoning ordinance and apply the analysis. Any approval would be conditioned upon compliance with any and all other regulations.

Mr. Lydon stated his Memo of 6/24/2020 addressed site plan issues. Page 8 stated the development causes a loss in and the office building façade can be improved. He asked about site plan distance according to the Bergen County standards. He did not receive the revised plan as stated. Ms. Jennings felt many of these items were addressed in the first two hearings. Mr. Appel reviewed sight distances. Mr. Lydon asked him to address his Site Plan Sheet No. 1 to confirm the measurement of sight distance 90' from the right-of-way for the restriction on planting. Mr. Appel said it was for sight easement. Mr. Appel stated they are restricted in height. They cannot plant over 30" in height, per the County.

There were no further questions by Board Members. The matter was opened to the public for questions of the two witnesses. There were none.

Ms. Jennings asked if the two witnesses could be dismissed. Mr. Rutherford advised he did not see why not. He asked if the Board Professionals had anything to raise that applicant can respond to at next meeting. Chairman Martin said they also need to see the revised plans and urged them to seek out the revised plans. There was nothing further, and the matter was carried to 10/5/2020 with no further notice and a time extension granted by Ms. Jennings.

Mr. Rutherford and Mr. Martin stated the majority of the meeting should be dedicated to the two matters heard tonight. Any new matters to be scheduled should be listed for the November meeting.

3. 459 Broadway Realty, 459 Broadway, C & D Variances - Robert J. Mancinelli, Esq., attorney for applicant - Carried to 10/5/2020 at request of applicant's attorney;

4. Toflect Properties, LLC, 140 Carver Avenue - Bulk Variance - Applicant did not notice; Carried to 10/5/2020;

10. DISCUSSION:

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

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

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary