

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
February 7, 2011**

APPROVED 3/7/11

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

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.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

After the Pledge of Allegiance, William Martin called for a moment of silence for the victims of the tragedy in Tucson, Arizona.

3. ROLL CALL:

PRESENT: Guy Hartman
Christopher Owens
Eric Oakes
Michael Bieri
Raymond Arroyo, Vice-Chairman
William Martin, Chairman
Vernon McCoy (Alt #1)

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

ABSENT: Robert Bicocchi (excused absence)
Matthew Ceplo (excused absence)

5. MINUTES - The Minutes of the 1/10/11 were tabled to the next meeting on motion made by Mr. Arroyo, seconded by Mr. Bieri and carried on roll call vote.

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6. CORRESPONDENCE:

1. Memo from Burgis Associates dated 1/25/11 RE: CVS Pharmacy Proposed Signage Application;
2. Letter from Brooker Engineering dated 1/25/11 RE; Greentree, 10 & 20 Kinderkamack Road - application Going before Planning Board;
3. Letter from Brooker Engineering dated 1/25/11 RE: CVS Pharmacy;
4. Interoffice Memo dated 1/31/11 RE: New Budget Procedures;

7. VOUCHERS: A motion to approve vouchers totaling \$3,220.00 and \$1,200. for legal advertising for 2011 made by Mr. Arroyo, seconded by Mr. Owens, and carried unanimously on roll call vote.

8. RESOLUTIONS:

1. Porqui Pas, 31 Westwood Avenue - Mr. Rutherford gave an overview of the Resolution of Approval for the record. A motion for approval was made by Mr. Oakes, with second by Mr. Arroyo. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Oakes, Mr. McKoy, and Mr. Martin voted yes. Mr. Owens and Mr. Hartman were not eligible to vote.

2. Go Green, 22 Kinderkamack Road, Block 1608, Lot 14 - Mr. Rutherford gave an overview of the Resolution of Approval for the record. A motion for approval was made by Mr. Oakes, with second by Mr. Arroyo. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Oakes, Mr. Owens, and Mr. Martin voted yes. Mr. McKoy was not eligible to vote.

10. PENDING NEW BUSINESS:

1. Green Tree Developers 10 & 20 Kinderkamack Road - Application going to Planning Board - not a use variance;

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in.

1. DePaola, 112 Prospect Avenue - Certification of Non-Conformity - Scheduled for 2/7/11;

2. Fricke, 25 Emerson Road - Certification of Non-Conformity - Donald Nemcik, Esq. represented the applicant, William Fricke who was sworn in for a Section 68 Application. Mr. Fricke testified Mrs. DiGiacomo and her sister, Mrs. Sposa, were granted life estates when he first purchased the property from Rose DiGiacomo. Thereafter, they moved in together into the first floor apartment. They are both now deceased, and the owner/applicant lives on the first floor and there is a tenant on the second floor. Leases were produced. A list of second floor tenants was included in the application and read into the record. Applicant's Affidavit of Ownership, was also read into the record, stating that Mrs. DiGiacomo stated she continuously lived in the downstairs apartment since 1949 and her father converted the house to a two-family dwelling in 1954. Both apartments have been continuously separately occupied since 1954. Mrs. DiGiacomo signed an Affidavit dated 9/30/97 stating the two apartments have been occupied continuously as separate apartment since 1954, which was further read into the record. Mr. Nemcik also produced a copy of the Deed, copies of the property record cards, tax bills, an appraisal, cable bills, leases, and photos. Mr. Martin summarized we had an Affidavit from a previous owner and a property record card.

There were no further questions, comments or discussions. A motion for approval was made by Mr. Owens, seconded by Mr. Hartman and carried unanimously on roll call vote.

3. CVS-Jefferson and Broadway - Signage - Mr. Owens and Mr. Arroyo stepped down and departed at approximately 8:35 p.m. Carmine R. Alampi, Esq. represented the applicant. The sign expert, Robert Oelenschlager, National Sign Services, LLC, was sworn in, qualified and accepted. Mr. Alampi questioned the witness, who was familiar with the application, and signage package and main elements of the ordinance. They are proposing three façade CVS identification signs, and two signs on the drive-through canopy. The façade signs are 52.1sf where 50sf is

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permitted. The sign would get lost with 24" letters and the architecture feature would not fit in.

Signs were proposed as follows: Broadway Façade Elevation - 1 sign; Canopy above drive-up service window - 2 signs; Jefferson Avenue Façade Elevation - 1 sign; Center Street Façade Elevation - 1 sign. The plan entitled "Exterior Elevations", prepared by Larson Design Group, dated 11/1/10 was marked Exhibit A1. The CVS sign package, entitled, "Signage Drawings", consisting of 2 sheets, colorized, dated 12/21/10, prepared by National Sign Services, LLC, was marked Exhibit A2. Mr. Oelenschlager testified there was no other place to put the signs. The size package is very minimal. The number of signs in a standard CVS package is usually much more. This one is very simple.

The witness reviewed the front and rear elevations. This is a large size building, which warrants the larger signs. He felt it would be aesthetically pleasing. They are not overpowering and fit into the architecture. The letter size is perfect for this building. They are not proposing any free-standing signs even though they are entitled by Code. Mr. Martin commented this was not proposed here and therefore, they are not entitled to them. Mr. Alampi noted this was a more attractive signage package, and Mr. Oelenschlager said it is more in keeping with the building. His company is a consultant, not a manufacturer. There is another company, Larsons Design, that makes the signs. Mr. Martin discussed that the bottom of the sign must be no more than 12' off the ground. Mr. Raimondi asked about the structural stability of the signs. They will be safely attached to the building, Mr. Oelenschlager stated. Mr. Oakes asked about the illumination and the witness responded. He also suggested shrinking the background of the façade to bring it more in compliance. The witness said he would have to confer with the client. Mr. Hartman asked and it was stated the signs stay lit for about 45 minutes after closing and is computerized, so the lights shut off by themselves.

Mr. Martin the witness asked him to bring the exhibit showing the smaller signage. His sign plan could be more properly proportioned and asked him to come back. Mr. Martin would like to see the studies. Mr. Alampi agreed to provide the graphics. Mr. Martin did not see an issue with the height of the size or number of signs. Board Members agreed. Mr.

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Oelenschlager stated he would also bring the informational signs. The "full service words should be removed, Mr. Martin added, and all the signs should be consistent. He asked if they could look towards reducing the size to the most minimum size, since across the street is residential and commented he likes that the letters themselves light up. Bringing it down will reduce about have the variances. Board Members agreed. Mr. Lydon inquired about testimony covering the color of the canopies per the ordinance. Mr. Alampi advised there was no lettering on the canopies, but he would address it at the next meeting. There were no further questions or comments and no interested parties in the audience. The matter was carried to the 3/7/11 meeting.

12. DISCUSSION: The Annual Report would be present at the next meeting.

Mr. Hartman noted solar panels were being put on all telephone poles, and Mr. Martin stated the Board has no jurisdiction over it.

13. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:20 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary