

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
May 2, 2016**

**APPROVED 6/13/16**

**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 **Reorganization and 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  
Cynthia Waneck  
Michael Klein (Alt #1)  
Anthony Zorovich (Alt #2)

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

**ABSENT:** George James (excused absence)  
Marc Truscio (excused absence)

Cynthia Waneck and Anthony Zorovich listed to the C/D's of 3/7/16 and 12/7/16, respectively and signed Certifications.

**4. MINUTES:** The Minutes of **3/7/16 and 4/4/16** were approved on motions made, seconded and carried unanimously on roll call vote.

**5. CORRESPONDENCE:**

**1. Notice of 5/7/16 Land Use Symposium and Certification Class at Bergen Community College** - The Chairman explained Mr. Rutherford was involved in organizing the annual symposium, and they would be in attendance. Mr. Rutherford gave an overview of the day's agenda. This symposium includes Board Member training and continuing education, as well as the required certification for Board Members.

**6. VOUCHERS:** Upon motion of Eric Oakes, seconded by Wayne Harper, all ayes on roll call vote, **the Board approved Vouchers totaling \$5,186.25.**

**7. RESOLUTIONS:**

**1. Oberg, 400 (410) Lafayette Ave, Block 301, Lot 7** - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper, with conditions as stated. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Anthony Zorovich, and William Martin voted yes.

**2. Hall, 60 West End Avenue, Block 410, Lot 26 - "C" Variance** - Board Attorney Rutherford read the Resolution of Approval into the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper, with conditions as stated. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Cynthia Waneck, Wayne Harper, Anthony Zorovich, and William Martin voted yes.

**8. PENDING NEW BUSINESS:**

**1. WestMack - 355 Kinderkamack Road - D6 Variance & Site Plan** - Carried to 6/13/16 under pending new business;

**2. Schrottner, 72 Benson Avenue - Variance** - Carried to 6/13/16 under pending new business

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

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS  
The Board Professionals were sworn in.

**1. Care One, 300 Old Hook Road, Block 2001, Lot 64.01-**  
Donna Erem, Esq. represented the applicant in a continued hearing.

Canon Hughes, Applicant's Planner, was sworn in, qualified and accepted as a Licensed, Professional Planner in NJ. He reviewed the application, with the project team on several occasions, as well as the letters of the Board's professionals. In terms of justification for the variances, the generators are required by law, and the use is an inherently beneficial use. The site lacks a rear yard where you would locate the generator, so it makes sense to locate it near the core of the building. It is a logical location that can accommodate the generator without obstructions. For the height of the wall, the noise and impact are less than before. There will be no substantial impairments to the zone plan. Benefits outweigh the detriments. The coverage variance can be granted on a C2 basis to accommodate the additional physical therapy area. The pergola triggers a D1 variance, but it is only an aesthetic enhancement, so there is no negative visual impact. Each variance can be justified in accordance with the MLUL. Mr. Lydon stated there was a very minor FAR in the notice. The attorneys advised there is actually no change. There were no further questions of applicant's planner and none from the public.

Ms. Erem summed up the application and respectfully asked that the variances be granted and the application approved.

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

Mr. Rutherford advised what remained was the grant for the extension of the approval, which was within the time of the Permit Extension Act, which expires in June 30, 2016. It is difficult to understand, and Ms. Erem questioned whether the approval was still in effect, since all the improvements were not yet completed from the time the permit was issued. It was believed to be consistent with the law for the Board to grant a one-year extension through June 30, 2017.

Comments by Board Members followed. Mr. Oakes commented they took a lot of steps to mitigate his earlier concerns

about impacting the neighbors. The Chairman commented the location is the correct location, and they improved the sound attenuation. The wall is U shaped, will contain the sound and will bounce the sound back on the subject property--not the neighboring property. Earlier in the application, they have heard from the neighboring owner who asked for them to find ways to attenuate the sound, which they have done. The location of the existing building's electrical switch gear makes this a good choice in terms of location. Mr. Harper agreed and felt the applicants did their best and went far beyond the requirements to satisfy the Board's request.

A motion for approval of the application was made by Eric Oakes with conditions as read, including the one (1) year time extension of the prior approval through 6/30/17, the aesthetic pergola, and any minor changes in coverage/height, with second by Wayne Harper. On roll call vote, Eric Oakes, Cynthia Waneck, Matthew Ceplo, Wayne Harper, Michael Klein, Anthony Zorovich, and William Martin voted yes.

**2. Morrison, 5 Lewis Place, Block 1802, Lot 8 - Bulk Variances** - Not present; Not heard; Scheduled for 4/4/16;

**3. Joachim, 40 Clinton Place - Bulk Variances** - Not heard; applicant published one day late. Applicant had a couple of concerns and requested to come forward to address the Board. Mrs. Joachim spoke and expressed that she was not happy with the process of submitting her application and did not receive any assistance or guidance from the Borough. She claimed she was not advised she had to publish at all, no less 10 days in advance of the hearing. She found out from a friend that she had to take out an ad. The Board heard their concerns and comments. When completed, Chairman Martin advised that the Board is like the Court and does not offer representation in presenting their case; rather, the applicants, just like in Court are advised to seek the advice of counsel and/or professionals in presenting their case or application according to the Municipal Land Use Law, the statutes, laws, and guidelines. The Chairman went on to say that it would be a good idea for them to also contact the Borough Administrator and express their concerns as they did here. Further, any questions can be directed to the Chairman or Board Attorney. Their comments were taken under advisement. The matter was carried to the next meeting. The applicants would republish in time.

(ZB 5/2/16 Regular Meeting Minutes)

**10. DISCUSSION: None**

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at 8:50 p.m.

**Respectfully submitted,**

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