

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REORGANIZATION/REGULAR MEETING
MINUTES
January 11, 2016**

APPROVED 2/1/16

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
Marc Truscio
George James
Cynthia Waneck
Michael Klein (Alt #1)
Anthony Zorovich (Alt #1)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis A. Raimondi, Board Engineer
Steve Lydon, Burgis Associates,
Board Planner
Kathryn Gregory, Substitute Board
Planner for Westgate & Center Square
applications

ABSENT: None

Matthew Ceplo stated he listed to the C/D of the 12/17/15 meeting. Guy Harman has retired as Board Member.

4. REORGANIZATION MEETING:

SWEARING IN OF MEMBERS BY BOARD ATTORNEY:

Eric Oakes Regular Member,
Term Expiring 12/31/19

Cynthia Waneck Full Member
Term Expiring 12/31/17

George James Full Member
Term Expiring 12/31/17

Michael Klein Alt. Member #1 - Term Expiring 12/31/16

Anthony Zorovich Alt. Member #2 - Term Expiring 12/31/17

NOMINATIONS FOR CHAIRMAN OF THE ZONING BOARD:

David Rutherford, Esq. called for nominations for the position of Chairman of the Zoning Board.

Upon nomination by Mr. Oakes, seconded by Mr. Ceplo, with no further nominations, **William Martin was nominated as Chairman of the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. Ceplo, all ayes, the Board closed the nominations for Chairman. On roll call vote, all members voted yes.

NOMINATIONS FOR VICE-CHAIRMAN OF THE ZONING BOARD:

Chairman William Martin requested a nomination for the election of a Vice-Chairman:

Upon nomination Mr. James, seconded by Mr. Harper, with no further nominations, **Eric Oakes was nominated as Vice-Chairman of the Zoning Board.**

Upon motion of Mr. Harper, seconded by Mr. James, all ayes, the Board closed the nominations for Vice-Chairman. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF ATTORNEY FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of an Attorney:

(ZB 1/11/16 Reorganization Minutes)

Upon nomination by Mr. Oakes, seconded by Mr. Harper, with no further nominations, **David Rutherford, Esq. was nominated to continue as Attorney for the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. Harper, the Board closed the nominations for Attorney for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL ENGINEER FOR ZONING BOARD:

William Martin advised he received a call from Mr. Marini Additional RFQ's for position of Board Engineer. Received Mr. Raimondi and also from Boswell Engineering. We have to review the two RFQ's and make a decision. We are not bound by anything but our own judgment. He discussed with Mr. Rutherford the appointment of a committee of three members, headed by the Vice-Chairman and two other volunteers, which were Mr. James and Mr. Klein, who volunteered. This is the first time this has been done, Mr. Martin stated, and they would meet and report back by the 2/1/16 meeting. If more time is needed, that is fine. Ms. Waneck questioned whether the Board Members could submit questions for consideration. She would like to ask them what they would be reviewing, i.e., such as experience and past reviews. Mr. Rutherford would advise as to the procedures. Mr. Martin asked if the Board could ask the submitter of the RFQ those questions. That would be permitted Mr. Rutherford advised.

The Chairman called for a motion. A motion for the appointment of a committee of three for the review of the RFQ's for Board Engineer and to report back to the Board, was made by Mr. Oakes, seconded by Mr. Harper, and carried unanimously on roll call vote.

NOMINATIONS FOR APPOINTMENT OF PROFESSIONAL PLANNER FOR THE ZONING BOARD:

Chairman Martin requested a nomination for the appointment of a Professional Planner:

Upon motion of Mr. Oakes, seconded by Mr. Harper, with no further nominations, **Steve Lydon, Burgis Associates, was nominated to continue as Professional Planner for the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. Harper, the Board closed the nominations for Professional Planner, for the Zoning Board. On roll call vote, all members voted yes.

NOMINATIONS FOR APPOINTMENT OF RECORDING SECRETARY:

Chairman Martin requested a nomination for the appointment of a Recording Secretary:

Upon motion of Mr. Oakes, seconded by Mr. James, with no further nominations, **Mary R. Verducci was nominated to continue as Recording Secretary for the Zoning Board.**

Upon motion of Mr. Oakes, seconded by Mr. James, all ayes, the Board closed the nominations for Recording Secretary for the Zoning Board. On roll call vote, all members voted yes.

ADOPTION OF 2016 MEETING DATES:

Upon motion of Mr. Truscio, seconded by Mr. Harper, all ayes on roll call vote, the Board adopted the 2016 Meeting Dates for the Zoning Board as attached. The June 6th date was changed to June 13th. The dates would be forwarded to the Borough Clerk for publication.

ADOPTION OF PROCEDURAL RULES & BY-LAWS: Tabled to the next meeting on motion of Mr. Oakes, seconded by Mr. Ceplo and carried unanimously on roll call vote.

ADOPTION OF THE ANNUAL REPORT OF THE ZONING BOARD FOR 2015: Tabled to the next meeting on motion of Mr. Oakes, seconded by Mr. Ceplo and carried unanimously on roll call vote.

REGULAR MEETING

5. MINUTES: A motion to approve the Minutes dated **11/30/15 & 12/7/15** was made by Mr. Oakes, seconded by Mr. James carried on roll call vote.

6. CORRESPONDENCE:

1. Letter dated December 21, 2015 from Louis Raimondi
RE: Hall - 60 West End Avenue;

2. Letter dated December 22, 2015 from Louis Raimondi
RE: Center Square Plaza;

3. Memorandum dated December 23, 2015 from Steve Lydon
RE: Hall - 60 West End Avenue;

7. **VOUCHERS:** Upon motion of Eric Oakes, seconded by Wayne Harper, all ayes on roll call vote, **the Board approved Vouchers totaling \$7,210.00.**

8. **RESOLUTIONS:**

1. **Westgate - WW Madison Realty, LLC, and 11 Madison Realty, LLC, 11 Madison Avenue, Block 806, Lot 4, and 37 Irvington Street, Block 806, Lot 2 - Amended Site Plan and Application for Amended Approval** - Board Attorney Rutherford read the Resolution of Approval into the record and put the amendments on the record. A motion for approval was made by Eric Oakes and seconded by Wayne Harper. There were no further questions, comments or discussion. On roll call vote, Eric Oakes, Wayne Harper, Marc Truscio, George James, and William Martin voted yes. The remaining members were not eligible to vote

9. **PENDING NEW BUSINESS:**

1. **Vassallo, 71 Sixth Avenue, Block 902, Lot 5 - "C" Variance** - Incomplete/carried to next meeting;

2. **Hall, 60 West End Avenue, Block 410, Lot 26 - "C" Variance** - Incomplete/carried to next meeting;

10. **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-**
Not heard; Carried to the 2/1/16 meeting;

2. **Oberg, 400 (410) Lafayette Ave, Block 301, Lot 7 -**
Not heard; Carried to the 2/1/16 meeting;

3. **142 Westwood Avenue & 301 Center Avenue - Block 808, Lots 3, 10, 16 & 17 - Steve Lydon recused; Kathryn Gregory was appointed as Substitute Board Planner** for this application on motion of Mr. Oakes, with second by Mr. Harper and carried unanimously on roll call vote. John J. Lamb, Esq. represented the applicant and gave an overview. Mr. Raimondi submitted a report dated 12/22/15. Ms. Gregory submitted a report dated 1/4/16. Mr. Lamb indicated they sought to convert second floor from office and store to two-bedroom apartments. They could not go back to the Planning

Board for the change, since they do not have jurisdiction. He brought Mr. Eichenlaub and the site plan that was submitted to the Planning Board. They did not submit the site plan with changes to the Planning Board. They also did not submit the changes to Mr. Raimondi or the Planning Board to double check. They updated the plans now and distributed them. Mr. Raimondi asked how they could submit plans to this Zoning Board that were not submitted to the Planning Board. Mr. Martin asked for clarification. Mr. Lamb indicated these were changes per the Planning Board Resolution, but the only change they made that the Planning Board has not seen is they put on the parking schedule the two bedroom apartments. Chairman Martin asked if there is a conflict for him since he sits on the Planning Board. Mr. Rutherford advised the MLUL does not preclude his sitting on two boards, but if there is anything at the end of the application there are facts he has knowledge about from the Planning Board that are not put forth here, he must put those facts on the record. The Board proceeded with the application.

Richard Eichenlaub, NJ Licensed Professional Engineer was sworn in and accepted. Mr. Eichenlaub testified as to what the Planning Board approved and what the changes were. Instead of office space and storage on the second floor, applicant is looking to put two, two-bedroom residential apartments there. The parking calculation was changed accordingly. The proposed improvements are still being shown. Decorative gates will be added per the Planning Board. Parking was reduced from six to four reserved parking spaces for the residential units. Mr. Raimondi asked for the date of the plan - 9/29/15. Mr. Raimondi had a different plan. Mr. Martin requested Mr. Eichenlaub attend to changes on the plan as housekeeping items, per Mr. Raimondi. Ms. Waneck asked for clarification on the spaces. Mr. Harper commented there is a parking shortage in the Borough. Mr. Eichenlaub explained with respect to parking, they now only have to designate four of the total spaces to residential vs. six for commercial. There are still 117 spaces on Lot 3. They want to have four spaces reserved for the residential apartments in the evening. During the day they do not need to reserve those. Mr. Martin stated the only thing the Board is approving is the change to apartments—not the parking or the retail use or configuration. Mr. James asked for confirmation that the Planning Board approved 123 spaces with a variance for 6 spaces, and now with a variance for 4 spaces, the required spaces would be 121, and they currently have 117 spaces. Mr. Lamb confirmed this. Mr. Rutherford advised parking is a

consideration in granting the use variance. There were no further questions of Mr. Eichenlaub, and he departed.

The Board took a recess from 9:30-9:40 pm.

Robert Zampolin, NJ Licensed Architect, was sworn in and accepted. Mr. Zampolin reviewed the plans for the retail space and changes to the plan from offices to residential on the second floor. The plans dated 12/15/15 Sheets A1-A4, were marked into evidence - Sheet A4 was marked as A6. Previous exhibits were marked A1-A5. There are substantial improvements to the building and an enhancement to the downtown. There were no further questions of Mr. Zampolin.

Bruce Meisel, 263 Center Avenue, Westwood, NJ was sworn in. Mr. Meisel gave a general description of the project. Mr. Meisel also stated the doors may now have frames. Very briefly, he has been looking at this prison wall for a long time and has finally had the opportunity to change it. The space previously occupied by The Gap is 125' deep, and it is very difficult to rent a deep commercial space. The space, a previous theater, is obsolete, and the upper portion is structurally unsound. It is collapsing under its own weight. It negatively impacts Center Avenue and sticks out like a sore thumb. It is a complete aesthetic makeover. All buildings on Westwood Ave are retail on the ground floor with apartments upstairs. These apartments will face the rear and be very appealing. The best thing you could do for downtown and safety is to have apartments.

Mr. Lamb distributed A7 - Certification of Daniel L. Steinhagen, Esq. containing an excerpt of the 12/17/15 Planning Board meeting regarding the application, wherein it was stated the apartments above the stores would be beneficial to Westwood. There were no further questions of Mr. Meisel and none for the audience.

The last witness was their planner, Paul Grygiel, 33-41 Newark Street, Hoboken, NJ, a licensed NJ Professional Planner, gave his credentials and was accepted. He reviewed the application, plan and ordinances. He agreed with Ms. Gregory that the only variance was the use variance for the residential apartments and there was a reduction in the variance for parking spaces. Most typical successful downtowns have a mix of commercial and residential uses. From a planning point of view, it makes sense in this location. Mr. Grygiel reviewed the positive criteria, with special

reasons, and the negative criteria. There are no substantial detriments to the public good or zone plan. The applicant is proposing aesthetic improvements to the site and the downtown area by changing the use from office to residential. The Master Plan is clear about improving downtown Westwood. Mr. Oakes asked if he reviewed whether there were other similar uses in the immediate vicinity. Mr. Grygiel responded there are other apartments above stores on Westwood Avenue that are non-conforming uses. This would not be the first time. Ms. Waneck asked about the housing stock and mix. Mr. Grygiel said you must have other types of housing options besides single family homes. There were no further questions of the witness and none from the public.

The matter was opened to the public for comments, and there were none. Mr. Lamb gave his summation and asked the Board to approve the variance. Mr. Oakes gave an opinion in favor of the application. Mr. Harper requested a summary of what the Board would be voting on. Ms. Gregory obliged. First it would be the use variance for the apartments in lieu of offices on the second floor. She questioned whether the reduction in the parking space variance would be automatically included or needed to be voted on separately. Mr. Martin questioned why we would need to do that. Mr. Rutherford advised the argument for the parking is an important part of the use variance because it would reduce or diminish the parking demand. It is still a variance. A variance for six spaces was given and a variance for four is still needed. It is a use variance with a parking variance, Mr. Rutherford concluded. The parking is at odds, retail by day and residential by night. Ms. Waneck noted the entrance to the apartments is in the rear and she questioned which zone. The variance is in the CBD/SPE zone. Ms. Gregory commented she looks favorably on the apartments for eyes on the street and safety, as a personal perspective. She is an urban/city planner. It has really changed in the last 10-15 years.

A motion for approval of the "D" variance, with two apartments above the retail stores in the CPD/SPE Zone, with parking as proposed and four parking spaces reserved for after hours for the residential use per applicant's attorney, was made by Cynthia Waneck and seconded by Eric Oakes. There were no further questions, comments or discussions. On roll call vote, Eric Oakes, Matthew Ceplo, Wayne Harper, Marc Truscio, George James, Cynthia Waneck, and William Martin voted yes.

11. DISCUSSION:

A brief discussion was had to either reduce meetings to 2.5 hours, or commence at 7:30 pm. Board decided to keep the 8:00 start time, and that no new applications would be started after 10:30 pm. Mr. Rutherford would implement same in the Procedural Rules on a trial basis.

12. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 11:00 p.m.

Respectfully submitted,

MARY R. VERDUCCI, Paralegal
Zoning Board Secretary