

**BOROUGH OF WESTWOOD
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES**

March 5, 2012

APPROVED 5/7/12

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 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

3. ROLL CALL:

PRESENT: Raymond Arroyo, Vice-Chairman
William Martin, Chairman
Robert Bicocchi (8:35 pm)
Michael Bieri
Vernon McCoy
Christopher Owens
Matthew Ceplo (Alt #1)
Guy Hartman (Alt #2)

ALSO PRESENT: David Rutherford, Esq., Board Attorney
Louis Raimondi, Brooker Engineering,
Board Engineer
Kathryn Gregory appeared on behalf of
Steve Lydon, Burgis Associates,
Board Planner (arrived 8:10 pm)

ABSENT: Eric Oakes (excused absence)

4. MINUTES - The **Minutes of the 1/9/12, 1/30/12 and 2/6/12 were approved** on motions, made, seconded and carried. The Minutes of the 2/27/12 special meeting were carried to the 4/3/12 meeting.

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5. CORRESPONDENCE:

1. Letter from Brooker Engineering, dated 2/15/12 RE: Care One at Valley;

2. Memo from Burgis Associates dated 2/28/12 RE: Brightly;

3. Memo #12-22 from Borough Clerk, dated 2/24/12 RE: Email Usage by Board Members;

6. VOUCHERS: A motion to approve vouchers totaling \$8,088 and \$1,000 for legal advertising was made by Mr. Arroyo, seconded by Mr. Bieri, and carried unanimously on roll call vote.

7. RESOLUTIONS: None

8. PENDING NEW BUSINESS:

1. Kowal, 98 Cypress Street - Appeal;
2. Morrison, 24 Clinton Avenue - Variance;
3. Van Grouw, 27 Ruckner Road - Appeal;

The above three matters were not yet deemed complete.

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

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

1. KMACK North, 39 Kinderkamack Road, Block 1805, Lot 39- Variance & Site Plan Approval

2. KMACK South, 40 Kinderkamack Road, Block 1607, Lots 12, 13 & 14 - Variance & Site Plan Approval

David Lafferty, Esq. represented the applicant in a continued hearing and reviewed the changes to the plans since the last meeting.

Richard J. Adelson, Engineer, continued under oath and displayed the revised plans, describing the changes. The plans were revised to 2/14/12 and 2/14/12, "Revisions to Zoning Table, Pylon and Stairs, Street Trees, and Signage on Building". Ms.

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Gregory commented that the plan for the sign did not flow, was too wide and out of proportion. Mr. Martin commented it appeared to be extremely large. Mr. Lafferty advised they did reduce the square footage and size of the sign, and followed the sign of Trader Joe's. Perhaps it could be a little more tasteful and smaller, Mr. Martin commented. Ms. Gregory suggested they pull in the two piers. Mr. Lafferty stated they would present a few options to the Board. The sign ordinance said the background has to be opaque, Mr. Martin noted. He also had questions on Sheet SD-3, as to the stairway. Mr. Adelsohn directed him to SD-2, showing sufficient room to get around the corner with the fence there. Mr. Martin recommended there be at least 3' between the fence and the stairs and 3-1/2' between the fence and the building. Regarding the pylon signage, Mr. Martin felt it could be smaller and requested testimony as to its size. He also recommended the current "Welcome to Westwood" sign also be placed on the side of the new building. Mr. Lafferty responded assuming it is feasible, they will salvage the existing sign.

There were no further questions of the engineer and none from the public.

Hal Simoff, Traffic Engineer, testified as to outbound traffic. He conferred with his client, the applicant, and he agreed to modify the driveway to the South to be restricted to a left turn only. It does not make a difference in the queue. If the Board feels strongly about eliminating the left turn out of the site, it works. There would be left turn only out of Crest. Mr. Raimondi commented it would have to be channelized, signed and run by the County. This would be a better situation, with the queue on site. Mr. Oakes felt the right turn only was not necessary. Mr. Martin asked Mr. Simoff if he examined whether two left turns coming out at the same time would be a problem. Mr. Simoff responded no. The Board discussed the left turn restriction. Mr. Martin asked for Board comments. The Board preferred not to have left turns out of the driveway on the South end. That also eliminates the conflict with the driveway aligning with Lester.

There were no further questions of the witness and none from the public.

Maria Petrou was called and continued testifying under oath. Ms. Petrou analyzed the affect on the CBD Zone as

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requested. This is something that is not conducive to a pedestrian environment or extended stays and will not be in conflict with the CBD Zone. It is general retail service to the area residents. This would help tie in the whole development. Some concern was for extended hours, but in looking at the context of the site, such as the re-opening of the hospital and nursing home, this will provide a service to these extended hours facilities. All of this is oriented towards Kinderkamack Road, not towards the residents. There would not be any more noise that there would be with other uses in the LB3 Zone, such as restaurants. They are also going with a reduced building footprint and landscaping to the area.

Ms. Gregory, referring to Ms. Petrou's testimony, commented a correlation could be made with drive-through banks, which would have circulation around the entire site and would be oriented towards the residents. The Board can consider the orientation of the site in granting the use variance for this property. Mr. McKoy expressed concern about the site being open 24 hours a day. Ms. Petrou responded the 24-hour component would not result in an adverse impact, and it would serve then needs of extended hour workers. Mr. Lafferty noted employees traveling to and from work at the hospital can stop for coffee on the way. Mr. Arroyo did not see how the sites were particularly suited for the retail use and saw a problem with the 24-hour component and also with the Medici proofs. He was also concerned about setting precedence in the area. Ms. Petrou stated you are looking at it in the context of what is there now. It is a vacant site. The activity is concentrated to the front.

Mr. Martin commented this building in its current configuration is being adapted by the applicant to the use he is proposing. The vacant building already lends itself to the suitability argument due to those reasons. He is focusing on the entire package. He sees the site is particularly suited for what is proposed. Re-using the building is a positive attribute. The building could remain in its current condition for some time until another tenant comes in with a proposal. He does have concerns about the hours though. Mr. Martin asked Ms. Petrou to describe what general retail would consist of, and what would be the approximate spaces. He was concerned with parking spilling out onto the streets. Ms. Petrou said possibly the owner could answer some of these questions.

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Nicholas Aynilian, owner and applicant, came forward and addressed the concern of having multiple restaurants, which, generally speaking, would restrict other food uses. 7-Eleven does not want any food uses. Mr. Martin stated variances run with the building, and if 7-Eleven vacated, and something else moves in, there should be only one food use. The owner suggested limiting it to two uses, say in case there is a restaurant and a bakery or bagel store. Mr. Martin asked if a definition could be granted along those lines to alleviate the Board's concerns. Mr. Ceplo expressed concern about children crossing Kinderkamack Road to get to 7-Eleven for "slurpees". Possibly a cross-walk could be put in, Mr. Martin suggested. Mr. Simoff stated they could speak with the County and put in a cross-walk at Lester and Crest. Mr. Lafferty suggested he and Mr. Rutherford work out language regarding conditions.

There were no further questions or comments, and no interested parties. The matter was completed for the evening. The matter was carried to 4/2/12, with consent to an extension of time by Mr. Lafferty.

3. Metro PCS New York, 182 Third Avenue - Variance and Site Plan Approval - Still incomplete - Carried to 4/2/12;

4. Care One at Valley, 300 Old Hook Road - Variance & Site Plan Approval, Block 2001, Lots 51 and 64 - Scheduled for a special meeting on 3/29/12; Mr. Rutherford would advise applicant's attorney; special meeting to be published;

5. Snyder, 73 Lyons Place - Variance Application - Still incomplete - Carried pending matter being reviewed and deemed complete by Board Planner;

10. DISCUSSION: None

11. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approx. 9:43 p.m.

Respectfully submitted,

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