

**Borough of Caldwell  
Zoning Board of Adjustment  
Meeting Minutes  
September 7, 2022**

A Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on September 7, 2022 at 7:00pm via electronically, using Zoom Meetings. Mr. Kurus opened the meeting and read the opening statement.

**STATEMENT OF COMPLIANCE**

**PLEDGE ALLEGIANCE TO THE FLAG**

**ROLL CALL:** Mr. Vere, Mr. Schmidt, Mr. Flack, Mr. San George, Mr. Porcello, Mr. Kurus, Mr. Halal and Ms. Nicholas. Mr. Cosgrove and Mr. Beckmeyer were also present.

**ABSENT:** Mr. Giorgio.

**APPROVAL OF MINUTES:**

The Public Minutes of August 3, 2022 were approved.

**OLD BUSINESS:**

*Carried over from the August 3, 2022 meeting with no further publication or notice required by the Applicant.....*

**Application Z22-003, Josephine Lopez, 10 Westville Avenue, Block 54, Lot 18  
Change of Use**

Mr. Cosgrove provided a brief summary:

- Testimony for the 10 Westville Avenue Application had begun at the last regularly scheduled Zoning Board Meeting (August 3, 2022).
- The Applicant is seeking a D-1 Use Variance, as well as some bulk variances.
- Proposal to convert the ground floor of a two -family residence to a business that is not a permitted use.
- The Applicant had agreed to adjourn to this meeting date.
- Approval for the application would require five affirmative votes from the Board Members.

Mr. Cosgrove asked Ms. Durkin, attorney for the Applicant, Ms. Lopez, if there were any other witnesses to testify.

Ms. Durkin stated that there were no additional witnesses to provide testimony.

Ms. Durkin provided a brief summation for the Board:

- Ms. Durkin reminded the Board that Mr. McDonough, the Planner, and Mr. Qureshi, the Architect, had offered their testimony at the August 3, 2022 meeting.
- Stated that the Applicant was aware that 5 affirmative votes were needed for approval.
- 10 Westville Avenue is located in a transitory area; located next to a bank and in close proximity to a church and school, in an area that has a fair amount of mixed- use properties.

- the Applicant proposes no exterior changes to the building.
- the upstairs tenant will remain. Two car detached garage will remain.
- Ms. Lopez has an existing nurse practitioner business located on Bloomfield Avenue, across from the car wash. She is looking to move her business location to the first floor of 10 Westville Avenue.

Mr. Kurus asked the Board Members if they had any comments or questions.

Mr. Vere asked for a definition of the type of business.

Mr. Cosgrove stated that Ms. Lopez was still under oath.

Ms. Lopez explained that she is a nurse practitioner and gave a description of the types of services she provides: annual physicals, bloodwork, infections that may require prescriptions for antibiotics and some aesthetic procedures as well. She proposes to continue the same type of services that she currently provides at her Bloomfield Avenue office; just changing location.

She reported to the Board that she accepts health insurance, does not provide urgent care, and will not require any heavy medical equipment. She is a board-certified nurse practitioner. Her office will only provide basic primary care. Any difficult cases will be referred out to a Specialist.

Mr. Porcello asked if the D-1 Variance will be related to this specific type of business? If Ms. Lopez moves to another location, will a nurse practitioner business still be allowed on the premises?

Mr. Cosgrove stated that the D-1 Variance approval would be targeted and specific to this application and that the Board was tasked to decide if the proposal will enhance or improve the immediate community, if it can be reconciled with the Borough of Caldwell Master Plan, and will pose no detriment to the common good.

Ms. Durkin clarified to the Board that the use variance would be specifically for the first floor and that the applicant would not be allowed to expand to the second floor.

Mr. Kurus stated that the specific use and limitations would be memorialized in the Resolution.

#### **OPEN TO PUBLIC**

There were no public comments or questions.

The Board Members deliberated on the Application.

Prior to casting votes on the Application, the Board Secretary noted for the record that all Board Members who had been absent for the August 3<sup>rd</sup> Meeting had certified that they had reviewed the testimony and documents from the meeting.

Mr. Flack motioned to approve **Application Z22-003**, seconded by Mr. Vere.

Upon roll call, the votes were as follows:

Mr. Vere	yes
Mr. Schmidt	yes
Mr. Flack	yes
Mr. San George	yes
Mr. Porcello	yes
Mr. Kurus	yes
Mr. Halal	yes

(7-0-0 Application Approved )

Mr. Porcello inquired if the Zoning Board would be conducting meetings in person soon.

The Board Secretary stated that at this time, as a result of the damages in the Borough Council Chambers, the Governing Body has been renting space at the St.. Aloysius Gym (Trinity Academy), but only for Council Meetings due to limited availability.

Mr. Porcello made a motion to adjourn the meeting, seconded by Mr. Halal.

The meeting adjourned at 7:35pm.

Respectfully Submitted.

Kim Conlon  
Zoning Board Secretary