TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING (SPECIAL MEETING) :

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TRANSCRIPT OF PROCEEDINGS
Monday, January 31, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:00 p.m.

*Meeting held virtually via Zoom*
BEFORE:

FRANK FUSARO, CHAIRMAN
CHRIS MASCIALE, VICE-CHAIRMAN
MICHAEL COHEN, MEMBER
ALLYSON HROBLAK, MEMBER
ELDY PAVON, MEMBER
MATT SONTZ, MEMBER
CAROL MOLNAR, MEMBER
CHARLES GELINAS, FIRST ALTERNATE
SAMUEL REISEN, SECOND ALTERNATE
LYNDSAY KNIGHT, ZONING OFFICIAL/PLANNER

APPEARANCES:

None
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MR. MASCIALE: Good evening. This is the 2022 reorganization meeting of the Board of Adjustment for the Town of Westfield. Adequate notice of this meeting was provided by posting on the bulletin board in town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk with the Town of Westfield. All in accordance with the requirements of the Open Public Meeting Act. Madame Secretary, may we have a roll call.

MS. KNIGHT: Michael Cohen.

MR. COHEN: Yes.

MS. KNIGHT: Charles Gelinas.

MR. GELINAS: Here.

MS. KNIGHT: Allyson Hroblak.

MS. HROBLAK: Here.

MS. KNIGHT: Carol Molnar.

MR. MOLNAR: Here.

MS. KNIGHT: Eldy Pavon.

MS. PAVON: Here.
MS. KNIGHT: Chris Masciale.
MR. MASCIALE: Here.
MS. KNIGHT: Sam Reisen.
MR. REISEN: Present.
MS. KNIGHT: Frank Fusaro.
CHAIRMAN FUSARO: Here.
MR. MASCIALE: At this time, we're going to swear --
MR. SONTZ: I'm here too.
MS. KNIGHT: Oh, Matt Sontz.
MR. MASCIALE: At this time will be the swearing of the reappointed and the newly appointed board members. Katherine Razin will swear in Eldy Pavon, Sam Reisen, and the new appointment of Carol Molnar.
MS. RAZIN: I can actually do all three of you at the same time. Ms. Molnar, do you have your oath in front of you?
MS. MOLNAR: I can't find it. I tried to check all my e-mails but I can't find it.
MS. RAZIN: No worries. What I will do then is I'm going to read the oath in parts and you can all repeat in sections, just fill in your name. The first word is "aye," the second word is going to be the blank where you fill in your name.
Just to give you the cue. Okay? So then it's going to be "aye" then fill in your name. Then I will continue and stop and pause and you can just fill in your name. And you would want to raise your right hand. And what I'd like to do because I can't see you on video Ms. Molnar, just for the sake of the public, is that before the next meeting, I would like to just -- I would like to see you actually swear in. I know we've had some technical difficulties this evening, but you and I will do a little exchange before the next meeting to get you visually sworn in. But I will trust that you're raising your right hand and repeating as I will be able to hear you. I will trust that you're raising your right hand and I will be able to hear you repeating after me. Okay? Yes?

MR. MOLNAR: Okay.

MS. RAZIN: Ms. Pavon, Mr. Reisen, Ms. Molnar if you could raise your right hand, please. It's "aye" and fill in your name, please.

(Whereupon, ELDY PAVON, SAMUEL REISEN, and CAROL MOLNAR having been duly sworn were appointed into office.)

MS. RAZIN: Congratulations.

Welcome, and welcome back.
MR. MASCIALE: Congratulations. At this time, we're going to have the nominating committee bring forward their report for the officers of -- the nominating committee consisted of Matt Sontz and Eldy Pavon. Is there a report that you have?

MR. SONTZ: Yeah. The report is the nominating committee of the Westfield Board of Adjustment would like to put forward the following proposal for nominations. For board officers for calendar year 2022: For board attorney, Katie Razin, for Chairman of the Board; Frank Fusaro, and for Vice-chairman of the Board; Chris Masciale.

MR. MASCIALE: Thank you. At this time, we'll take any nominations from the floor if there're any other nominations. I see none. Was there a motion to accept the report of the nominating committee?

(Crosstalk.)

MR. MOLNAR: I make the motion.

MR. MASCIALE: Is there a second?

MR. REISEN: Second.

MR. MASCIALE: All in favor, aye.

BOARD MEMBERS: Aye. The
nominations committee report is accepted.

Congratulations, Mr. Chairman.

MR. FUSARO: Thank you very much. I appreciate the nomination and look forward to working on the board with the rest of you. Thank you very much for your time and your service to the Town of Westfield.

MR. MASCIALE: And thank you from myself as well. At this point, we're going to need to memorialize the resolution supporting Katherine Razin as the board attorney for 2022 for both ordinary and extraordinary services. There was a document sent out. Everyone had a chance to review them. Any questions? I see none. Is there a motion to accept to memorialize the resolutions?

MR. FUSARO: I make a motion to accept both memorialized resolutions appointing Katie Razin as the board attorney for 2022.

MR. MASCIALE: Is there a second?

(Crosstalk.)

MR. REISEN: Second.

MR. MASCIALE: All in favor, aye.

BOARD MEMBERS: Aye.

MR. MASCIALE: Approved.
MS. RAZIN: Thank you. I look forward to working with all of you.

MR. MASCIALE: Swearing in, at this point, the zoning officer, Lyndsay Knight. Lyndsay?

MS. KNIGHT: Yes. I'm actually a planner, so you can swear me in as the planner.

MR. MASCIALE: You are the planner?

MS. KNIGHT: Yes, the town planner.

MR. MASCIALE: Okay. As the planner, as the town planner.

(Whereupon, LYNDSAY KNIGHT, having been duly sworn was appointed into office.)

MR. MASCIALE: At this point, we're going to announce the schedule of meetings for 2022. The first meeting which was January 10 rescheduled as a special meeting tonight January 31. The next February will be February 14, followed by March 14, April 11, May 9, June 13, July 11, August 8, September 12, October 12, November 14, December 8, January 9, and February 13.

That concludes the reorganization meeting of the Board of Adjustment of 2022. Do I have a motion to adjourn?
MR. FUSARO: I make a motion to adjourn.

MR. MASCIALE: Do we have a second?

(Crosstalk.)

MR. REISEN: Second.

MR. MASCIALE: All in favor.

BOARD MEMBERS: Aye.

MR. MASCIALE: Adjourned.

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(The meeting was adjourned at 7:25 p.m.)

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TOWN OF WESTFIELD

BOARD OF ADJUSTMENT

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ALLYSON HROBLAK, MEMBER
ELDY PAVON, MEMBER
MATT SONTZ, MEMBER
CAROL MOLNAR, MEMBER
CHARLES GELINAS, FIRST ALTERNATE
SAMUEL REISEN, SECOND ALTERNATE
LYNDSEY KNIGHT, ZONING OFFICIAL/PLANNER

APPEARANCES:

STICKEL, KOEING, SULLIVAN & DRILL, LLC
BY: KATIE RAZIN, ESQ.
Attorney for the BOARD

SPECTOR FOERST & ASSOCIATES
BY: JAMES A. FOERST
Attorney for APPLICANT ELITE PERFORMANCE
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CARRIED
PNC 1 LINCOLN PLAZA 20
TANYA BRUBAKER 920 IRVING AVENUE 156
FRANCIS SCOTT FERRARO & ANGELA WILKOS 712 OAK AVENUE 95
CARIED
ELITE PERFORMANCE, LLC 918 S. AVE WEST 20
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EXHIBITS WERE NOT PRESENTED

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MR. FUSARO: Welcome everyone. This is a regular meeting of the Town of Westfield Board of Adjustment. I'll read an opening statement. This a regular meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the board considers these applications. Adequate notice of the meeting was provided by posting on the bulletin board of the town hall, mailing of notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk with the Town of Westfield. All in accordance with the requirements of the Open Public Meetings Act.

Katherine Razin, the board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Board of Adjustment is an independent body of the
municipality that has the authority to grant all
six D-type-Variances including use variances. The
board also can hear Bulk C-Variances, including
C-1 Hardship Variances, which are typically based
on the land conditions, and if there is a hardship
or unusual condition in the land or C-2-type Bulk
Variances, which are based on an advancement of
the purposes of the Municipal Land Use Law.
Typically, those variances are heard by the board
when there's not a site planner's subdivision
application that's adjoining those types of
variance applications. And that's it for this
evening.

MR. FUSARO: Thank you, Katie.
Madame Secretary, may I have a roll call.

MR. COHEN: Here.

MS. KNIGHT: Charles Gelinas.
MR. GELINAS: Here.

MS. KNIGHT: Allyson Hroblak.
MS. HROBLAK: Here.

MS. KNIGHT: Carol Molnar.
MS. MOLNAR: Here.

MS. KNIGHT: Eldy Pavon.
MS. PAVON: Here.
MS. KNIGHT: Chris Masciale.

MR. MASCIALE: Here.

MS. KNIGHT: Frank Fusaro.

MR. FUSARO: Here.

MS. KNIGHT: Samuel Reisen.

MR. REISEN: Present.

MS. KNIGHT: Matt Sontz.

MR. SONTZ: Here.

MR. FUSARO: Thank you. Before we get into our regular meeting, I just want to thank Chris Masciale for his service as Chairman of the Board of Adjustment for the past five years, as well as his outstanding service to the board for over 20 years. So, Chris, I want to formally thank you for your hard work.

MR. MASCIALE: Thank you, Frank.

Thank you very much.

MR. FUSARO: Next item on the agenda is the approval of our minutes from the last meeting, which was the minutes of December 13, 2021. We also have a revision to some typographical issues that we had with our meeting minutes of October 13, 2021, meeting. Has everyone had a chance to review those minutes? I'll take that as a yes.
MR. MASCIALE: Yes.

CHAIRMAN FUSARO: Anyone have any questions, comments, concerns or revisions?

BOARD MEMBERS: No.

CHAIRMAN FUSARO: Seeing none, may I have a motion to approve the minutes of October 13 and December 13.

MS. MOLNAR: (Indiscernible.) I can't get back into the meeting anymore.

MR. MASCIALE: We can hear you, Carol. I don't know if you want to mute for a minute.

CHAIRMAN FUSARO: We can hear you fine.

MR. MASCIALE: Frank, I'd like to make that motion.

CHAIRMAN FUSARO: Do we have a second?

MS. PAVON: Second.

CHAIRMAN FUSARO: All in favor.

BOARD MEMBERS: Aye.

CHAIRMAN FUSARO: Opposed. Motion is carried. For the record, the vote of any board member on a full set of memorialized resolutions shall not be construed to include his or her
participation in voting on any resolution related
to an application for which he or she did not vote
or did not vote in favor by the action taken by
the board. Let's do some additional housekeeping.
I believe we have a full agenda this evening.
We'll try and get through as much of it as
possible. Prior to or just after the break, we'll
see where we are and make an announcement of any
applications that need to be carried.

We do have a withdrawal of
Application Number 20-40, Daniel and Lisa Jemal at
16 Breeze Knoll Drive. That application has been
withdrawn. And we also have an application that
is being carried. It's Application Number 21-38
from PNC at 1 Lincoln Plaza. That application is
being carried to our March meeting, not the
February meeting, our March 14 meeting. It will
be carried without further notice. I don't
believe there are any other withdrawals or carried
applications or extensions of the time.

We'll get onto our first regular
meeting. Our first application of the evening is
a carryover. It's Elite Performance, LLC,
918 South Avenue West. Applicant is seeking
approval to construct an addition to the existing
business contrary to Section 11:28E1, 11.28E2, 12.04E3, 17.02C5, 17.05B and 17.10C of the Lane Use Ordinance. Ordinance requires a minimum front-yard setback of 40-feet. Proposed is 23.46-feet. Ordinance requires a minimum side-yard setback of 10-feet. Proposed is 4.55-feet. Ordinance requires a maximum floor area ratio of 50% with 5,000 square feet. The original application was 60.83% and has now been revised to 51.63%. Ordinance requires a minimum number of parking spaces for medical office of 13 spaces. Proposed are 5 spaces. Ordinance requires a minimum driveway width of 20-feet. Proposed is 12-feet. Ordinance requires the maximum illumination at the properly line to be .3-footcandle. Proposed is .5-footcandle.

This evening, I believe we have Mr. Foerst representing the applicant. Welcome, Mr. Foerst.

MR. FOERST: Thank you,

Mr. Chairman.

CHAIRMAN FUSARO: Thank you. If you would let us know who you have with you, Lyndsay will let them in.

MR. FOERST: I think we have
everybody. We have Elite Performance, which is my architect is present in the property with the applicant as well. And she'll be my only witness this evening.

CHAIRMAN FUSARO: As you know, we've heard -- this is the third hearing that we're having on this application. I believe we had a revised set of drawings as well as a summary sheet of some of the proposed changes. Unless there's anything else that I'm missing, please proceed Mr. Foerst.

MR. FOERST: Thank you, Mr. Fusaro, and I did hear in the pre-meeting the summary of the members who were participating. So thank you for that. That took care of my question. Just to clarify, though, we do have seven; correct?

CHAIRMAN FUSARO: That's correct. This is a D-Application, so as you know, we need five affirmative votes for it to pass. We have seven members. The new member of the board Carol Molnar, has listened to the previous two meetings and has submitted an affidavit to our attorney expressing the same. So has Charles Gelinas. He is a member who was missing as at one of the meetings. He listed to the audio
as well and has submitted that same affidavit to our attorney. The only person that I believe will not be participating in this application, she had missed one meeting, was Allyson Hroblak. Everyone else is available to vote on the application.

MR. FOERST: Outstanding, Mr. Chairman. Thank you so much. The only witness I have this evening is Maria Decosimo. Maria has previously been sworn. She's previously been qualified as an expert. Maria, if you can unmute yourself. Ms. Knight, if we can give her the ability to share screen, unless Mr. Nasser has a different screen he was going to share. I'm not exactly sure how they're doing that. And by the way, Mr. Gelinas, welcome. And Ms. Razin, pleasure to meet you.

MS. RAZIN: Thank you. You as well.

MS. KNIGHT: You should be able to share a screen as a panelist.

MS. DECOSIMO: I'm actually on the screen.

CHAIRMAN FUSARO: We asked to share the drawings.

MR. FOERST: Mr. Chair, while she's getting organized, I'll refresh the board's
memory.

MS. DECOSIMO: No. I'm sorry, Jim. I'm not familiar with that. Good evening, everybody, and actually, for us, happy New Year to all of you. If you just bring up the floor plans one by one, it's will be fine.

BY MR. FOERST:

Q. Maria, if you recall, last time, the last time we actually presented at the December meeting where we requested a permission to carry, there were lots of comments by the board. On both of the prior occasions when testimony was presented, not to belabor it, I want you to, please, if you would, just to relate to the board what has changed. They've seen the plans. I think a huge concession was made taking that 60% FAR down to 51.63. Can you show them on the screen the additional changes and summarize them as quickly as possible so as not to take too much more time with the board.

A. Yes. On the first floor, which is the actual facility of the rehab facility, the gym has the ceiling -- we've lowered the FAR by making these changes. So we've lowered the ceiling in the two-story gym area. I have reworked the
entire rear lobby and eliminated the separate ADA 
compliant handicap ramp, and now, anybody will be 
able to use the personal elevator. It will stop 
on this level. By doing that, I was able to 
reduce that whole lobby area.

Q. Maria, are you looking at the plans 
on your screen?

A. Yes.

Q. Because we don't see them. What I 
see is the list of pdf's that you can click on.

A. Sorry.

Q. There's probably a sub-screen. 

There you go.

A. Can you see that now?

Q. No. We still have the same view 
which is the list. In three months, we all forgot 
how to do this.

A. Hold on. Let me see if I can stop 
sharing and --

MR. MASCIALE: Frank, can we just 
establish what's new from the last meeting?

MR. FOERST: That's what I'm trying 
to do Mr. Masciale. I'm really trying to give you 
a summary here.

CHAIRMAN FUSARO: We received a
summary back, I believe, on December 2, which basically had bullet points one, two, three, four, five, six, seven, eight, nine, ten bullet points, which was a summary of the proposed changes. If you could touch upon them, that would be great. I assume everyone on the board has this particular document. There we go.

BY MR. FOERST:

Q. Maria, you put together a summary document. Just run through that document, those ten points?

A. Well, our main reduction here is the FAR. We've reduced it to 51.63%. And we did that by lowering the ceiling in the therapy gym area by reworking the back lobby and taking away separate handicap entry into the therapy and using the personal elevator as the lift for anyone that is handicapped or any ADA requirement. And on the residential level, we've revised the master, which is over the gym. We've pulled it in on both sides and reduced the floor area there. Everything else is just minor tweaks here and there just to massage the number to bring it in as low as possible and still be able to function properly as a home and residence. The side-yard offset, in
reducing the floor area, we've tried to cut the building in as much as we can, knowing that we really didn't address the requirement that the 25-feet linear building length is the maximum length without -- like a straight length. So this is a narrow lot, and the design really can't -- there's really not much to be able to pull on both sides. So since the right side is bordering tall landscaping, parking lot, and an office building, we chose to comply on the left side and cut our building in as much as we can to comply to that ruling. The left side -- the right side, which does not comply, ends up to be 3.88% -- I'm sorry. Also, the rule about glazing, the percentage of glazing to be 5%, on the right side, it ends up to be 3.88%.

The elevator tower stays as it is, but will also service both the business and the residence. The overall design remained quite similar to what it was. It's basically at the aesthetic of the prairie style. And we're using the windows as an element of style, and also as a health bonus for clean air and air movement. They're all operable, and with light and air, it will make for a very nice space inside. The
materials are natural stone and stucco. We have board-trimmed windows, windows with grills. We've changed the windows to have grills. And the building scale has been cut back to give more of a residential scaling and feel. The windows are grouped together. And once again, that relates back to more of the fresh air movement of the prairie style. And the roof is at 4-point -- 4 to 12 slope so that in the future, it can nicely receive any solar energy panels that the client might introduce. Insulation is R30. We've used a 6-inch wall inside of a 4-inch wall. And the attic contains R49 insulation. So the building will be extremely energy efficient. And as I mentioned before about ADA, the entire rehab facility will be ADA compliant.

Q. Maria, as we sat in the last few meetings and listened to the comments of the board, you took those comments, you met with the Nassers, you reviewed that, and basically, we've brought the scale of the building down by doing a couple of things. Reducing that FAR by -- I guess, what is that -- 8 1/2%. And then I think -- I'm not sure what else is on that summary list because my other computer just crashed. I know
there was an issue with regards to parking.

MR. FOERST: Chairman Fusaro, I believe that we had addressed that previously. There are eight on-site spots. And I think as we did the walk down South Avenue, I think we were able to show the board that there wasn't available on-street parking on South Avenue. I think, Ms. Knight, I addressed the EV location as well as the garbage screening. We reduced the number of treatment rooms, which I think was someone's concern. We combined the elevator, removed the half-bath in the basements.

MS. DECOSIMO: It has been removed.

MR. FOERST: And I believe that was everything, Mr. Fusaro.

CHAIRMAN FUSARO: Yes. The treatments rooms and office have been correctly marked -- and I'm reading off of your summary -- have been marked to note that only two real treatment rooms and one office are available in addition to the gym. That having been said, I assume that an office, the gym, and two treatment rooms would have, approximately, four people in it possibly at one time. I'm looking at my notes. I had given you a list of 11 items at one of our
previous meetings. I believe I've narrowed that
down to five or six. I'll read through them real
quick. Perhaps Ms. Decosimo and or yourself can
address them, and then we will ask anyone in the
public if they have any questions for
Ms. Decosimo. My notes basically read that we
were still short on parking. I believe you had
just mentioned eight. The notice mentions five.
I will double-check the plan and see exactly what
we do and don't have. I believe in the basement,
you have a basement storage area which is still
relatively large at 825 square feet. The
continuous wall Ms. Decosimo spoke about, I
believe previously it was, approximately, plus or
minus 80-feet versus the required 25.
Ms. Decosimo, do you know what it currently is or
what you've changed it to?

MS. DECOSIMO: Yes, 26-feet,
2-inches.

CHAIRMAN FUSARO: On the one side.
And the other? The continuous wall length.

MS. KNIGHT: It's like 50-feet.

CHAIRMAN FUSARO: Fifty-feet. Okay.
And then we had -- my other notes basically
pertained to, one of them had to do with the
footcandles. Can either Ms. Decosimo or someone give us a little history or explanation as to why you would like it to be .5-foot-candle, which is almost double the required .3. And then, the other item I had was and I believe we discussed this previously -- if we did not, my apologies -- the driveway is currently 12-feet wide, and I believe we had a minor discussion with perhaps your engineer or your planner with respect to the width of that driveway being only 12-feet for a business use. You know, there may be two-way traffic in that driveway. And 12-foot wide driveway is usually reserved for a single-family residence, not a business. So perhaps someone can give us a little history on that as well.

Those were the notes that I currently have. I don't know if you'd like to address them now or if you'd like me to ask if anyone from the public would like to address any other issues with Ms. Decosimo at this time.

MR. FOERST: Mr. Fusaro, I think I can address them. I just looked at the plan. It's definitely eight spaces. I think we had previous testimony from Ms. Decosimo, as from Dr. Nasser, that obviously with them living in the
property that that is going to be a less intensive use. There're no employees coming and going. They are not traveling from somewhere else and then parking their car. In addition to that, you have the residential component of the building, so theoretically, the usage or the requirement for the parking would be reduced. I'm fairly certain that Ms. Decosimo testified on that. I distinctly recall the engineer testifying on the footcandles. And the issue was the placement where the pole needed to be located, and that's why there was a spillage. I can have Ms. Decosimo readdress that if you needed to because we have all that pavement in the rear and the requirement to have lighting. That's why we have the spillage onto the other lot. A continuous wall, we talked about. And then I think that's all that I have. I do have those 11 points here, Mr. Fusaro, and I do believe we've addressed them all. If there are any questions specifically that you have for the expert, certainly.

CHAIRMAN FUSARO: Thank you. Does anyone else from --

MR. FOERST: Oh, the driveway.

Wait. I'm sorry.
BY MR. FOERST:

Q. Maria, can you talk about the driveway width in terms of why you believe 12-feet is appropriate for this dual-use of a living kind of workspace?

A. Yes. You know most of these issues; parking and the driveway and storage, they're really contingent on the idea that the Nassers have a somewhat of a different type of a practice where they really only service one person at a time. So the type of commercial driveway where you have an in and out really doesn't apply here because there's not that kind of traffic flow. Plus, we have a very narrow lot and existing building that we're trying to work with. So in order to increase that width or to get something different than what we have is really not -- it's not possible. There is also an alternative where you can make the whole front a parking lot and then extend in the back, but that is just not visually -- we didn't feel that it was as visually acceptable as if we kept what was there and tried to work it the best we possibly can.

Q. So we're using the existing curb cut; is that your testimony?
A. We're using the existing curb cut. And the practice that is in this structure is a one-to-one practice, so you don't have the car flow in and out that is required with a wider driveway.

CHAIRMAN FUSARO: Thank you.

MR. FOERST: In fact, Maria -- I'm sorry, Chairman, just one last thing.

BY MR. FOERST:

Q. I note just to emphasize that point in the waiting room you only have two chairs. Is that because there really is -- based on the operation of this business -- there really is this one-on-one, there is not a huge -- it's not a traditional doctor's office where all the appointments are made at nine and they get to you as they get to you, is that the reason that there're only two chairs in the waiting room? It seems odd.

A. There're two chairs in the waiting room to have chairs in the waiting room. But actually, I highly even doubt -- as a person comes in, it's their turn and they are going to be seen and then they exit and another person comes in. This is an established business that's run this
way and I don't see it changing. Once again, the facility was increased so that he could provide better treatment and offer his patients different types of treatments versus gain a whole bigger clientele. That really wasn't the point. The point was to service his clients better and to have better living accommodations above.

Q. Thank you very much.

MS. KNIGHT: Mr. Chairman, just real quick. I just wanted to remind the board as well that the variance does run with the land. So although the professionals are speaking about this specific use, just to keep in mind that the variance stays with the land.

MR. MASCIALE: Lyndsay, we can provide a motion or a condition that there only be two professionals offering services and the type of services, so that if that ever changed, they'd have to come back in front of the board; correct?

MS. KNIGHT: We could. Just to keep in mind it would be difficult to track that in the future.

CHAIRMAN FUSARO: Then I believe Chris, they're saying right now there's only one professional.
MR. MASCIALE: I heard two. I heard the husband and wife both at the same time may be offering services.

MS. DECOSIMO: There are two.

CHAIRMAN FUSARO: There are two.

All right.

MS. DECOSIMO: And also, the placement of the pole, I'm sure that there could be something done with some type of shield to help the spill, even though that it is an empty parking lot. You know, once the light goes on, the office building, it's not occupied. I'm sure a shield of some type can be provided.

MR. FOERST: And Chairman, if you recall on that point too, Mr. Nasser had testified of the schedule for the lights. And that while this is a professional office, it is also his home and he does intend to have those lights turned off in the evening so that family can sleep soundly. And certainly, Mr. Masciale, if a motion was made requiring no more than two professionals to operate in this building at any one time, we would certainly be able to comply with that.

Ms. Knight, I'm not sure how to give you some certainty on that. You did hear Mr. Nasser
testify that this is his forever home. So if
there is some other means or manner by which we
can hold him to his promises, we certainly are
open to anything that's reasonable.

MR. SONTZ: I have a few questions.

Can everyone hear me?

CHAIRMAN FUSARO: Yes, Matt. We can
hear you.

MR. SONTZ: What is the height now
of the gym if it's been cut down?

MS. DECOSIMO: I believe you
received this as an auxiliary supplement drawing.

MR. SONTZ: What page am I looking
at?

MS. KNIGHT: You have to use that.
I believe we told Mr. Foerst that that had to be
used as an exhibit because of the timing in which
that was submitted to our offices was not given in
enough time for us to submit to all the board
members.

MR. FOERST: Matt, to answer your
question, it was 16-6.

MR. SONTZ: What was it before?

MR. FOERST: Three-feet more than
that.
MS. DECIMOS: Right. So the
document is available to post. We'll try to bring
it up.

CHAIRMAN FUSARO: The current plans
that we have still show a two-story height
gymnasium in the front of the building.

MR. FOERST: Yeah. There was a
 supplemental submitted. I believe it's on the
town website. I apologize, I forget that we
needed to introduce that.

MS. DECIMOS: We've dropped the
ceiling height down to 16.6-inches, which --
before it was a two-story space of --

MR. FOERST: There you go. Maria,
just tell us what we're looking at and then I'll
mark this and deliver it to your office tomorrow,
Ms. Knight. Or actually, you have it, so maybe if
you just make a notation of our marking and
introducing this as an exhibit.

MS. DECIMOS: If you could just
this space here, this attic space, by creating
this attic space, we bring the ceiling height down
to a point where it is no longer considered a
two-story space by the zoning regulations and,
therefore, are able to eliminate this whole floor
area ration of doubling the floor area ration for
this one room.

MS. KNIGHT: How tall is that attic
because 7-feet would be -- just so the board knows
-- 7-feet is what would be used towards FAR. So
technically, four more inches, and it would be
double-counted for FAR. So just how big is that
attic space in height and how is it accessed?

MS. DECOSIMO: It's not, it's just
air. It's just -- how else would you, you know,
it's just a term to use for the space.

MR. FOERST: It won't be a drop
ceiling. It will be framed and sheetrocked,
correct, Maria?

MS. DECOSIMO: It's framed and it's
sheetrocked and there're ducts up there and that's
it.

MR. FOERST: Mechanicals and stuff
would be going through there.

MS. KNIGHT: So what is the height?
MS. DECOSIMO: Together, from the
floor to the --

MR. FOERST: No. We have 16.6 usable
area, Maria. And then what is the height of what
you have marked as "attic space"? What is that
specific height?

MS. DECOSIMO: You will have to move this drawing over for me so I can see what the double story is. If you could move it over this way.

CHAIRMAN FUSARO: Also, Lyndsay, while Maria is looking at that, is 16.6 considered a single story? I would think, approximately, I believe 8-feet is a requirement for a story. So at 16.6, isn't that really two?

MS. KNIGHT: Yes.

CHAIRMAN FUSARO: That's what I thought.

VOICE OFF CAMERA: Here's the letter Right there.

MS. DECOSIMO: Here, by Lyndsay Knight, it says: "That area would not be included in FAR. Typically, the areas that are counted are the open-to-below area, which are the entire first and second floor. However, if this portion is less than 7-feet, we would not include it."

CHAIRMAN FUSARO: I believe she meant -- and Lyndsay, I'll leave it to you to formally answer that -- but I believe what you
meant was less than 7-feet in the 16.6.

MS. KNIGHT: Yes.

CHAIRMAN FUSARO: That's what I thought.

MS. DECOSIMO: No. The question actually was, "If the design of the higher first-floor ceiling is lower than the second-floor ceiling, in which the additional height would be the height of the first-floor ceiling plus the floor thickness and the additional height less that 7-feet that open the area still count towards the FAR calculation since as per code a habitable space may not have a ceiling height less than 7-feet? Please advise. Thank you for your time."

MS. KNIGHT: For the record, that space in the attic is 1-foot.

CHAIRMAN FUSARO: The statement that Ms. Decosimo just read basically said that the space needs to be less than 7-feet, which 6-foot-8 is. However, she also stated that that 7-feet includes the thickness of the floor construction. And I'm sure that that floor is more than 4-inches thick where your dining room is shown right now. So if you take the 6-foot-8 and you add anything over 4-inches, that now becomes over 7-feet;
correct?

MS. KNIGHT: The drawing is drawn at 1-foot.

CHAIRMAN FUSARO: Lyndsay, do you see the 6-foot-8 dimension right next to the dining room?

MS. KNIGHT: Yes. And the thickness of the floor is another foot.

CHAIRMAN FUSARO: That's 7-foot-8.

MS. KNIGHT: Yes. And then the measurement of the 8-foot 11 1/2-inches is at the top of the ceiling, I believe is what you're saying.

CHAIRMAN FUSARO: Correct.

MS. KNIGHT: So they're missing that 1-foot in between the 6-foot-8 measurement and the 8-foot-11.

CHAIRMAN FUSARO: Correct. At 6-foot-8 since it now puts us over 7-feet per the description that Ms. Decosimo just read, I assume that it is now no longer under 7-feet, thus, the FAR calculation is incorrect.

MS. KNIGHT: Yes.

CHAIRMAN FUSARO: That's what I thought. Chris, do you concur?
MS. DECOSIMO: No, because -- I need your help.

MR. FOERST: Wait, Maria, hold on.

Mr. Masciale was asked a question by Mr. Fusaro.

MR. MASCIALE: I'm still not sure, Frank. I'm listening and I'm not sure yet.

MS. RAZIN: Can I just add, Mr. Foerst, are you marking this? Did you mark this so we all know what we're referring to?

MR. FOERST: Virtually, I don't know how to do it. I know how that Lyndsay has a hard-copy of it. I don't know if you want me to mark it or --

MS. KNIGHT: Yeah. I can mark it as -- Katie, how would you like for me to mark it?

MS. RAZIN: Are we on A-3? What are we on?

MS. KNIGHT: I think so, yes.

(Crosstalk.)

MS. RAZIN: As I recall, we're on A-3. I'm reading the minutes.

MR. FOERST: I had a photo pack, and then --

MS. RAZIN: Give me a name. I mean I can call it General Building Section Study, but
I just want a date so that we all know what we're referring to here.

MR. FOERST: So let's mark it A-3, General Building Section Study with today's date.

(Whereupon, Applicant's Exhibit A-3, GENERAL BUILDING SECTION STUDY 12/1/2021, was marked for identification.)

MS. KNIGHT: The one that I have the hard copy of is dated December 1, 2021.

MS. RAZIN: Yeah, so give me that one. December 1?

MR. FOERST: 12/1/21, I have the same one. Thank you.

MS. RAZIN: 12/1/21. Thank you.

MS. KNIGHT: Okay.

CHAIRMAN FUSARO: Start again,

Ms. Decosimo.

MS. DECOSIMO: So the first-floor at 8-foot 11 1/2 and the second-floor height of 6-foot-8 plus the floor structure of 1-foot, equals 16-feet-6-inches. We included that 1-foot in that measurement.

MR. FOERST: I think it's safe to say the following which is, you know, if there's obviously a discrepancy in the reading of FAR,
you're going to default, obviously, to your
planner's view of that. Regardless of that, this
is our submission. And our submission, we've
tried, we've reduced, you know, we've done a
number of things to try to get this FAR number
down, and we would ask for deference on this
point. If you want us to reduce the ceiling a
little more to incorporate an additional foot, I
don't know that that can be done, but we certainly
would --

(Crosstalk.)

MR. MASCIALE: Let me ask an
FAR-related question.

MR. FOERST: They really want to
stay in this town and they really -- I get it, I
get it. You know maybe you can't -- but whatever
we need to do to allow you to feel that this is a
good application, it fits Westfield and isn't too
overreaching, we will do.

CHAIRMAN FUSARO: Chris?

MR. MASCIALE: Thank you, Frank. We
heard testimony that the elevator was going to be
for both family members and clients. We haven't
heard any rationale or hardship for the elevator
which is contributing to the FAR in the space that
it takes up. And looking at this drawing here, could you just go over the ingress, egress. Are the clients going to be taking the elevator into the main floor or is the elevator to get the clients upstairs into the family space -- which doesn't make any sense to me. I don't think we've really heard that or heard that the hardship is to even have the elevator, which is contributing to the FAR.

MR. SONTZ: I agree. That was one of my next questions. It doesn't look -- it looked to me, Chris, just on your point, they made the ground level to the business, the first-floor, the access from the outside. So it seems business invitees would have no use for the elevator because they're not going to the basement, it's just storage, and the second and third floors are residential.

MR. MASCIALE: But We just heard from the architect that they would be. So I think we need clarification and an explanation.

MR. COHEN: I thought the proffer at the first meeting was that it was an ADA compliance issue.

CHAIRMAN FUSARO: At the first
meeting, they had two lifts. Maybe one elevator, which was basically serving -- the sole purpose of the elevator was to service the residential unit upstairs and the handicap lift was to service clients. So they've eliminated one; the handicap lift to service the clients. And I assume have adjusted the travel distance of the main elevator now to service all the floors. Is that correct?

MS. DECOSIMO: Yes, that's correct.

MR. SONTZ: But why does a customer have to go to the second, third floor or basement? Those aren't commercial spaces according to this plan.

CHAIRMAN FUSARO: You're correct, Matt. The only thing they would be able to do to preclude that would be -- and it can be done with programming through the elevator operators where you would only be able to access the client level except if you were to put in a keypad code or a key similar to someone who lives in a penthouse of a large apartment building. No one can enter --

MR. MASCIALE: Frank, that's all true. But the thinking is what's the requirement, what's the hardship for the elevator. Remove the elevator and we may be under the FAR and be able
to eliminate it. We've heard no testimony in that regard. I like your ideas about access and security, but I think the fundamental question is we're over FAR, we're being asked to improve it, we've heard no testimony on the elevator, we've heard conflicting testimony. Here's a chance for the applicant, get rid of the elevator and you're under FAR. Let's move this application along.

MR. FOERST: Maria, can I ask you a question on that one please? Maria?

MS. DECOSIMO: Yes.

MR. FOERST: If the elevator was removed from the plan, would the property still be ADA compliant or would we fail on our ADA compliance without that elevator to get to the floor where the treatment is performed?

MS. DECOSIMO: That is correct. We would have to put in a lift. Regardless whether it's a lift or an elevator it's the same type of square foot area.

MR. SONTZ: So I guess I'm misunderstanding it. When someone in a wheelchair or crutches or whatever the need may be, enters the building from the outside, they're not on the same level as the first-floor which is business
level? Like the elevator --

MS. DECOSIMO: They're not, no. Can I use that -- here is the exterior platform to both entrances. If you are capable of walking up the stairs you can see that there are one, two, three, four, five, six steps before you are on the level, the therapy level. The therapy area is not on the ground, it's just the ground level. And therefore, the elevator goes up a half a story.

MR. SONTZ: I think that's all I was asking.

MR. FOERST: The entrance is not on ground level, Maria, correct? You need that elevator to go up the few feet or whatever it is to get into the treatment facility; correct?

MS. DECOSIMO: That is that correct. And in the case of the Nassers, I believe that the elevator would be greatly used because even though the clients are most likely not wheelchair-bound, they're injured in some cases. So going up the stairs --

MR. FOERST: We're talking about a compromised population of people who are going to be coming onto this property. People with knee injuries and back injuries. Right? Is that
correct?

   MS. DECOSIMO: Yes.

   MR. FOERST: If you had to do a
ramp, is it realistic to try to do a ramp on this
size property with this plan or is the elevator
the necessity rather than the ramp? I think
that's what Mr. Sontz is asking you; why is it
needed?

   MS. DECOSIMO: I apologize. The
Nasser's also have wheelchair-bound parents. So
in order for them to visit, the elevator happens
to be a great convenience.

   MS. KNIGHT: Did one of the original
designs have a ramp.

   MS. DECOSIMO: Yes. In the design
that we presented before this one, we had two. We
had a lift and we had an elevator. And the
elevator did not stop on the office or therapy
level. It only was private and there wasn't even
an access to it. So it went directly up only.
And then we had a lift for the ADA compliancy.

   CHAIRMAN FUSARO: Lyndsay, to answer
your question; there was never -- to the best of
my knowledge -- a submission which included a
ramp. Based on Ms. Decosimo's testimony, I'm
looking at the plan, A-3, the stairs, there are six risers leading from the exterior grade to the client area. Six risers at 8-inches per riser is 48-inches. In order to have a ramp at a 1-on-12, which is ADA compliant, you would need 48-feet of ramp; which I don't see how they could fit 48-feet of ramp. In addition, every, I believe it's 12 or 15-feet, you need a flat landing. So that adds another 5-feet. So this ramp would be somewhere in the 60-foot long-range, and I don't believe that is a possibility. Correct, Ms. Decosimo?

MS. DECOSIMO: That is correct, and that's why we provided the lift.

CHAIRMAN FUSARO: And now the elevator.

MR. FOERST: And that's why we have the elevator now. Right, Maria?

MS. DECOSIMO: And that's why we have the elevator now so that would be able to --

(Crosstalk.)

MR. MASCIALE: Thank you. That answers my question.

MS. DECOSIMO: I used every little bit I possibly could. I pulled in that whole entry area. I just actually outlined the square
foot areas that were the larger numbers, but I actually tweaked the whole thing and took it down as tight as I possibly could. If you see something that I missed, please, I'd be happy to revise it. But the whole front of the building is existing, and it's really just the rear part that is new. And, of course, it also relates to upstairs, which is, you know, there's really no luxury space up there.

MR. FOERST: (Indiscernible) --

Mr. Fusaro, I think unless there're other specific questions, I think our presentation is complete.

CHAIRMAN FUSARO: I'd like to try to move this along. Does any board members have any questions for Mr. Foerst or Ms. Decosimo, please go ahead.

MR. SONTZ: I'm just still confused. What happened on the floor area ratio? Is the calculation correct or is it not?

CHAIRMAN FUSARO: In my opinion, it is not. But I'm not the zoning officer, Lyndsay is. And I don't think we've heard a definitive answer from her. I don't know, Lyndsay, if that's something you'd like to review or if you can give us an answer on that.
MR. SONTZ: And that last exhibit, the one that we just saw today that I hadn't seen before today, what's the difference between what was and what's new? Is it just that tiny attic was added?

MR. FOERST: Yes.

CHAIRMAN FUSARO: Correct. It was lowered --

MR. FOERST: In that space.

CHAIRMAN FUSARO: -- about 4-feet.

The ceiling in the gymnasium was lowered from, approximately, 20-feet to, approximately, 16-feet, and they created that dead space in the attic.

MR. SONTZ: So then Lyndsay, what's your take? Is the architect's floor area ratio calculation of 51.63% accurate?

MS. KNIGHT: I would say based on our definition of floor area, I would say it's not accurate. But I did hear Mr. Foerst say that they would be willing to drop that attic space one more foot, and I think that would make up for that foot of floor that wasn't counted.

MR. FOERST: Maria, does that work?

MS. DECOSIMO: Yes, we'll drop it, but the foot is counted it's 16 -- in the height,
in the total height of the room --

MR. FOERST: Maria, but we can still
functionally utilize that area if we drop that
ceiling one more foot; correct?

MS. DECOSIMO: It, it --

MR. SONTZ: The last point I'll
make, I see on the drawing I have, there's a
ceiling drop in the basement to accommodate a
trampoline. And the trampoline is flush with the
first-floor, so if you lower it again, you can
still use the trampoline?

MS. DECOSIMO: No, that is -- the
equipment that Mr. Nasser is introducing into the
therapy area is the reason for the height in the
ceiling. It's not just arbitrary. He's actually
eliminated one of his therapies in order to bring
it down below the two-story height. So if we keep
eliminating it -- you know, I'm sure he's going to
do whatever in order to comply but --

MR. SONTZ: I hear you, but this is
part of my question, it kind of got cut off
before. In this ceiling drop for the basement, it
looks like to accommodate the trampoline you're,
in effect, lowering the floor to get the
trampoline --
MS. DECOSIMO: No.

MR. SONTZ: No?

MS. DECOSIMO: No, there's no -- we can't do that because then a client that is injured or handicapped or ADA compliant, can't use it. So the floor level has to be level. It has to be all one level. We cannot --

MR. SONTZ: You're saying the trampoline has to be level with the floor? Is that what I'm understanding or am I misunderstanding this drawing?

MS. DECOSIMO: Yes.

MR. SONTZ: Because I'm going somewhere with the question. In what I have, it says, "Trampoline walking unit 15-foot length by 7 -- this says 7-inch width -- flush with first-floor." And then in the proposed basement plan is says, "Ceiling drop 7-feet-6-inches." Which I take to mean you're dropping the structure of the first-floor to accommodate the trampoline. So where I'm going with the question -- unless I'm misunderstanding it is -- you're calculating the ceiling height from the first-floor being at one level, but for this area of the trampoline, isn't the floor lower?
MS. DECOSIMO: No.

MR. SONTZ: Okay. So what am I missing?

CHAIRMAN FUSARO: Ms. Decosimo, I think this cross-section, you currently have, "New front basement," it doesn't show a drop in the front basement, which on our plan, A-3, says, "Ceiling drop 7-foot-6." In addition, you mentioned it not being ADA compliant. The basement, I'm assuming, is not ADA compliant anyway because you have six additional risers coming from the current basement level to the new basement level.

MS. DECOSIMO: The basement doesn't have to be ADA compliant because no one is going down there, it's storage. It does not have to be ADA compliant. It's not part of the facility therapy. The trampoline will be -- as the floor material will stop and the trampoline material will continue and the floor level will be continuous. The floor level is continuous with the level of the top of the trampoline. The drop in the ceiling is because the trampoline --

CHAIRMAN FUSARO: Is recessed.

MR. SONTZ: Right. So is it
16-feet 6-inches this gym ceiling height where the trampoline is or is it more than that because the floor of the trampoline is lower?

MS. DECOSIMO: No. No. No, the surface of the trampoline is level with the floor.

MR. SONTZ: Yes.

MS. DECOSIMO: So the top of the trampoline and the floor are all at 16-foot-6 from the underside of the ceiling.

MR. SONTZ: So when you count the ceiling height where the trampoline is, you only go from the top of the trampoline, you don't go to the structural floor? For instance, if I was to bring a trampoline into the 16-foot-6, forget the drop, just put a trampoline that's, say, about 3-feet high, you wouldn't say that the ceiling height is now 13-feet-6-inches because you count from the top of my temporary 3-foot trampoline, you'd still calculate it from the structural floor. So I'm saying if you have a trampoline that for 15-feet is in line with the floor, don't you calculate the ceiling from the structural floor which is lower?

CHAIRMAN FUSARO: Two-foot-six.

MR. SONTZ: Or am I incorrect?
Maybe I'm incorrect, that's why I'm asking the question.

MS. DECOSIMO: That's fine. You know the floor will be continuous and he'll use an elevated trampoline above the floor. That's fine.

CHAIRMAN FUSARO: You're correct, Matt. The area underneath the trampoline, right where that gentleman is standing, that figure where it says "gym" that's with the trampoline is. The floor underneath would be 2-foot-six lower than the main floor. Because the ceiling height in the basement underneath that is currently 10-feet, however, it says that there's a ceiling drop at 7-foot-6 which is a difference of 2-foot-6-six-inches. So you're correct. Underneath where that stick figure is the floor in that area where the trampoline is 2-foot-6 lower than the gymnasium floor.

MR. SONTZ: Right. Okay. So if they decided to leave the floor, the basement at 10-feet, and the structural floor even, to get the floor area calculations where they say it is, they still need to drop the gym ceiling height another foot. Is that correct or incorrect?

CHAIRMAN FUSARO: That's correct, as
far as I can see.

MR. FOERST: And we are willing to do that.

MS. RAZIN: So that will take you back to the calculation that you provided earlier this evening or it's going to take you to a different calculation?

MR. FOERST: As Lyndsay has suggested, the attic area that you see there, if we were to bring that structural ceiling down in the gym an additional foot, I believe Lyndsay said that we would then not count that space twice for FAR.

MS. KNIGHT: Yes, that's correct. Because right now, it's technically -- that measurement of the 7-foot-8-inches -- is technically 7-foot-8-inches because they didn't include that measurement between the floor.

MS. RAZIN: Right.

MS. KNIGHT: You can see the two markings, there's just no measurement there. So if they were to drop the attic you would actually be that 6-foot-8 measurement.

CHAIRMAN FUSARO: The 6-foot-8 would have to become the 5-foot-8 in order for --
MR. FOERST: Correct.

(Crosstalk.)

MS. KNIGHT: Yes.

MS. RAZIN: And then you're back --

MR. SONTZ: And the windows --

CHAIRMAN FUSARO: -- 51.63%. Windows are aesthetic. I'm assuming that they would adjust those accordingly.

MS. KNIGHT: Katie, yes. Then it would be back to 51.63.

MS. RAZIN: It would be back to 51.63 if they dropped it 1-foot?

MS. KNIGHT: Yeah. So the area wouldn't be counted twice.

MR. FOERST: And that gets us to 51.63% FAR.

CHAIRMAN FUSARO: Is there any other board member that has any questions for Ms. Decosimo at this time? I see none. I'd like to open it to the public. Does anyone in the public have any questions for Mr. Foerst or for Ms. Decosimo? Please virtually raise your hand and Ms. Knight will allow you to enter the meeting.

MS. RAZIN: Can I just ask one other
question? I'm sorry. I apologize.

CHAIRMAN FUSARO: Absolutely.

MS. RAZIN: Are there any other variance changes besides 51.63 just so I have a clear understanding?

MR. FOERST: No. The parking spaces, the illumination stays the same, the floor area is changed, the side yard is the same, and the front-yard setback is the same.

MS. RAZIN: Okay. So everything is the same as it was originally requested minus the floor area --

MR. FOERST: Correct.

MS. RAZIN: -- which is now back to where it was assuming that you would drop the attic by 1-foot?

MR. FOERST: That gets us to the 51.63% --

(Crosstalk.)

MS. RAZIN: 51.63, but everything else remains the same? Okay. Thank you.

MS. KNIGHT: And there are no hands raised by the public.

CHAIRMAN FUSARO: I see no hands raised. We'll close the public portion of the
meeting as well as the board questions to any of
our professionals and we'll open it up to board
discussion.

As you see, we've been reviewing
this application for three meetings now and would
really like to move it along since we have a large
agenda and we can just move it along. But whether
we agree to the several conditions that have been
discussed or not. My personal take on it is I
would still like to see some additional parking
spaces. I know there are none that can be worked
into the plan as it is currently laid out,
however, and there is some parking according to
the testimony we've heard from the planner and/or
the engineer at our previous meeting. However, as
Chris had mentioned I had a major concern with
this project if approved the variance go with. If
Mr. Nasser decides to end his practice, move to a
different state, move to wherever or decides to
move to a larger facility and sell this property,
we can now have a medical professional, a dentist
or whoever come in and would require the 13
spaces, if not more. So I'm still a little
hesitant on that. I believe we had also touched
upon it at some of our previous meetings that --
several other items. Number one, please note that there is a significant encroachment on the front-yard setback. Forty-feet is required, they're providing a little more than half of that at 23.46-feet. In addition, we had also mentioned previously that the aesthetics of this building doesn't really fit in with the character of the neighborhood. The residences and the businesses that are to the right and to the left of this particular building are more of a residential-colonial-type look, and this building, in my opinion, has more of a modern look to it.

I'm still a little concerned about the 12-foot driveway. As I said, yes, it's a residence, but it is also a business. And any driveway in any single-family residence, the minimum is 12-feet. Here, we're approving a building that will have clients in it as well residents in it. Other than that, those are my thoughts.

MS. MOLNAR: I think they can hear me.

MR. MOLNAR: We can hear you, Carol. You can mute yourself.

MS. MOLNAR: I was muted the whole
time. I had some questions and I couldn't get on
to ask the questions.

CHAIRMAN FUSARO: In that case, has
any member of the board opposed to us reopening up
the meeting so that Carol can ask questions of the
professionals? Are we all in favor of that?

MR. SONTZ: That's fine.

CHAIRMAN FUSARO: Carol, go ahead.

MS. MOLNAR: No one mentioned the
setback. The average setback is 34.8-feet, and
the applicant is proposing if I'm understanding,
23.46; is that still true?

CHAIRMAN FUSARO: Correct.

MS. MOLNAR: All right. Could
Mr. Foerst one more time tell us what is the total
required parking and what is being provided?
Total for the whole building not just for pieces.
What is total required parking and what are they
providing?

MR. FOERST: I have my calculation.
I believe that 13 spaces are required, and we're
providing 8. But again, I always defer to
Ms. Knight because she's the one that knows this
thing.

MS. KNIGHT: Based on the most
recent submission, it's 14.

MR. FOERST: Fourteen.

MS. MOLNAR: Fourteen for the whole building including -- residential requires three spaces, are you including that in the 14?

MS. KNIGHT: Katie -- I went over this with Katie as well, and after speaking with Katie that the difference 14 and 13 was sufficient for the noticing.

MR. MOLNAR: Right. But what is totally required for the property? Three for the living space, residential, according to our ordinance. If you have three bedrooms, you require three parking spots. It's 14-plus-3, so parking is 17 spaces; correct?

MS. KNIGHT: No. It's 14.

MR. MOLNAR: Fourteen for the medical and for the residential both?

MS. KNIGHT: Total. Yes.

MS. MOLNAR: So three for the residential, only 11 for the medical?

MS. KNIGHT: I'll have to look back over my calculations, but Don Sammet and I both went over the whole entire project and determined that it was only 14.
MR. MOLNAR: Grand total including the residential piece. Okay.

MS. KNIGHT: Yes.

MR. MOLNAR: And the driveway, my gut feeling, the driveway -- how wide is a fire truck? A fire truck has to be able to get through that lane. I don't even know if that's wide enough for a fire truck. Does anybody know the size of a fire truck width?

CHAIRMAN FUSARO: A lane is technically 10-feet, a fire truck can fit through the driveway, yes.

MR. MOLNAR: Okay. All right. Good. That's all I had. Thank you very much.

CHAIRMAN FUSARO: Thank you. And if no one else has any other questions for Mr. Foerst or Ms. Decosimo, I'm going to close it and continue with our board discussion. Any other members of the board have any questions, comments, concerns? I'd like to hear what your thoughts are. Chris?

MR. MASCIALE: Sure, Frank. Couple things. The building to the right, I'm looking at A-1, and the subject property, and you can see the nature of the neighborhood. Yeah. What's being
proposed is modern. The building on the right, I believe we made them build that in a colonial fashion to get the variances I think that they had gotten at that time, and they kind of had that look. This, what's being proposed here doesn't really meet that, and is coming out forward. We heard testimony there're properties on the corner that come out that far, but that's the corner. So I think it has a negative effect coming forward with a modern look. And I think every board member here, except for Carol, has heard me always say when you have an FAR, you kind of look at it and go, "Does it really fit the neighborhood?"

And this is a little bit much. Coming forward with a modern look into the neighborhood where you're granting an FAR at a higher criteria. And this is a tough one.

There is beneficial use to the property. There are a lot of doctor's offices in town that are in residences that have been continuous use, and that continuous use can pass from one owner to the next. I'm pretty comfortable if we limit it to two professionals. That calculation based on the number of professionals and the residents, I think the eight
spots will be okay. But, you know, that has to be enforced. If you do it based on the square footage, then the parking will never work. But based on two professionals and the residents, the eight spaces, I'm okay with. I wish we could have gotten rid of the FAR, you know, and the higher criteria. I'm just having a hard time with it. I appreciate everything the applicant's done to bring the space back down and I realize the benefits to the community. Having the Nassers and the service to the town as a positive criteria that we're looking at this, but it is tough on the FAR. I'm struggling with it. I'd kind of like to hear how the rest of the board feels.

CHAIRMAN FUSARO: Sure any other board members? We're interested in hearing your questions, comments, concerns.

MR. GELINAS: I was going to say -- I just have one theoretical question which is so if we have -- let me make sure my notes are correct -- we're limiting this to two treatment rooms, is that correct, and two professionals or just two professionals?

CHAIRMAN FUSARO: We're -- I'm sorry, Chris. Go ahead.
MR. MASCIALE: I was going to say there was two professionals is the testimony we've heard. We've seen all the different treatment rooms in the plan and all the different services the Nassers are going to try to offer and that's why there's so much space there. Which is very confusing at first. But that is my understanding is that they want to have these additional services, additional treatment rooms, but limiting it to two professionals, which is really him is his wife. But I guess that could change.

MR. GELINAS: Right. That comes back to my thought about subsequent ownership to the practice. If they sell the practice or sell the building or what have you. I know Mr. Foerst had mentioned this as well, if it were self-effectuating, right, if it's only for two professionals if it's limited to that by virtue of our restrictions, our provisions, maybe that whole format would work. But there's a lot of space on that first-floor; right? The other floors are residential in orientation. How would one theoretically enforce the two professional restriction; if at all? And I know it was mentioned -- I can't remember who already
mentioned this -- but it seems difficult to enforce; is that right?

CHAIRMAN FUSARO: In my opinion, I believe it would be. In addition, you have two relatively large floors of residential space. What's to say that in the future they divide the two floors into two separate apartments, which would have additional residents instead of just one family. The way it's laid out, especially with elevator access, you can certainly divide those two floors into two separate apartments.

I'm not saying that their plan is to do that now. But again, if someone purchases the property a year from now, you know, that's certainly on the table.

MR. COHEN: Or theoretically, add treatment space upstairs.

CHAIRMAN FUSARO: Correct. You have access. You have access to it.

MR. COHEN: You have the elevator there, you can do it.

CHAIRMAN FUSARO: That's correct.

Anyone -- Carol, I know you said --

MR. MOLNAR: Yes. Yes. This is a D-variance. In my mind, I don't believe the
applicant will suffer on due hardship if he's compelled to use the property in conformity with the permitted use. He's definitely overbuilding it and he's creating his own hardship. So there's no undue hardship. He has not proven undue hardship. Also, our design standards say that "Design of the building must be compatible with location, the design and construction shall be visibly compatible with the character of the existing appearance on the property and the character of the neighborhood." In my mind, it doesn't fit the character and it doesn't fit the land use ordinance in any way.

CHAIRMAN FUSARO: Thank you. Any other board members?

MR. COHEN: I feel similarly to Charles. I have a couple of other concerns though. One is, I'm not convinced that the building rendered fits in compatibly with the neighborhood. I'm not one-hundred percent sure that we have a sufficient legal confirmation that the entirety of the property, as necessary, ADA compliant. And I'm not sure that the parking is satisfactory. The applicant, I appreciate what they've done to modify their drawings, but I don't
I'm just not sold that the use is appropriate for the structure. Even though it is a beneficial use. I'm really torn on this one.

CHAIRMAN FUSARO: Thank you, Michael. Unless anyone else has any other questions, comments, I think we've kind of beaten this to death, and I think it's time to move it forward. Mr. Foerst, before we do that, is there any summation, any final comments, questions you'd like to ask us, or present any other information before we take a vote?

MR. FOERST: No. I just want to address Mr. Cohen's concerns with regards to the possibility of use expansion later. I mean, that's theoretically possible in any circumstance. You know the building inspector leaves and I guarantee you that there're plenty of attics that are finished the weekend after the certificate. In terms of a mechanism that can hopefully aid in the enforcement, I think as a medical office, I think that we're inspected each year by the health inspector. I think we could require some type of language in a deed that I can file that would revert the property back to -- I don't know, something. I think there're ways to overcome all
of it. But I don't hear it in the board that that's even the greatest concern. I think it's hard to say. And what we're going is we're saying we really don't like the look of it. And I understand that that's your prerogative because we're asking for variances, but you know like style is not something that is dictated by the zoning ordinance, so I would ask that you discount that. That maybe --

MR. MASCIALE: I would disagree, Mr. Foerst, that it has to fit in the nature of the neighborhood.

CHAIRMAN FUSARO: The character of the neighborhood.

MR. MASCIALE: The character of the neighborhood. I would disgrace with your statement.

MR. FOERST: Fair enough, Mr. Masciale. But nevertheless, you have seen them -- I mean these are the kind of people we want to keep here in Westfield.

MR. MASCIALE: Absolutely.

MR. FOERST: We don't want another town, you know. And it is a bit of an intense use for the lot, but the fact that we're only a 51.63,
it's not even 2%. It's really not that traumatic of an FAR. So I just hope that the board will consider the fact that Mr. Nasser has done all that's been asked of this board within reason to still be able to utilize the building as he needs it to function. I mean this is cutting-edge physical therapy. Trampolines and climbing walls and the modalities that he intends to do. You know, I think we'd want to see Westfield as the home of what I think is a new, emerging facet of the physical therapy world.

But with that, I thank the board. You have been very, very great. Very collaborative. I know that the Nassers appreciate that. And I know that we have taken a lot of your time, so I won't take any more. Thank you, Mr. Chairman.

CHAIRMAN FUSARO: Thank you, Mr. Foerst. Why don't we move this along? I'm hearing we would need five affirmative votes in order to pass the D-variance. And if anyone would like to make a motion one way or another, I would appreciate it. If we are going to consider a motion to approve this, then please list motions in the notes that you have and that's what we'll
vote on. If you are strongly against it, then
feel to make a motion to not approve the
application.

MR. SONTZ: Okay. I'll make a
motion to deny the application.

CHAIRMAN FUSARO: Lyndsay, may I
have a roll call, please.

MR. MASCIALE: Do we have a second?

MR. REISEN: Second.

MS. KNIGHT: Was that Sam who
seconded it?

MR. REISEN: Yeah, I seconded it.

It was me.

MS. KNIGHT: Michael Cohen.

MR. COHEN: Yes.

MS. KNIGHT: Charges Gelinas.

MR. GELINAS: Yes.

MS. KNIGHT: Carol Molnar.

MR. MOLNAR: Yes.

MS. KNIGHT: Eldy Pavon.

MS. PAVON: Yes.

MS. KNIGHT: Chris Masciale.

MR. MASCIALE: Yes.

MS. KNIGHT: Sam Reisen.

MR. REISEN: Yes.
MS. KNIGHT: Matt Sontz.

MR. SONTZ: Yes.

MS. KNIGHT: Frank Fusaro.

CHAIRMAN FUSARO: We're voting "yes" to deny the application; correct?

MS. RAZIN: Correct.

CHAIRMAN FUSARO: Yes.

MS. KNIGHT: And then Allyson cannot vote.

CHAIRMAN FUSARO: Mr. Foerst, thank you for your time. Mr. Nasser, thank you for your time and consideration and Ms. Decosimo. I know you guys put a lot of time and effort into this and we appreciate everything you've done, and perhaps if we can change the project and shrink it down and make it a little more compatible, we might be seeing you again.

MR. FOERST: Thank you so much. Lyndsay, good luck with everything.

CHAIRMAN FUSARO: Thank you. Have a good evening. Our application -- it's approaching 9:00. I'd like to get through at least one more before we take break; if that's okay with the board members.

Our next application is 544 Codding
Road. Mr. Benjamin Leavitt, I believe it's pronounced correctly. If I'm not, when he comes back on, please correct my pronunciation of your last name.

Applicant is seeking approval to replace and enlarge existing patio area and add an inground swimming pool contrary to the following sections of the Westfield Land Use Ordinance:

Section 13.02D.3 which requires a minimum side/rear setback of 15-feet. Originally proposed was 6-feet from the rear property line, and the current revision has a 9-foot setback from the rear property line. Section 12.04F.1 which requires a maximum coverage by building and aboveground structures to be 20% and 1,320 square feet. Proposed is 21.4% and 1,413 square feet.

Section 12.04G which requires a maximum coverage by improvements permitted at 50% or 3,300 square feet. Proposed is 55.4% and 3,656 square feet.

Mr. Leavitt, are you available?

There you go.

MR. LEAVITT: Yes.

MR. MOLNAR: Frank, I was not able to listen to the tape, so I will recuse myself from this hearing. I'll be listening in, but I
will not participate.

CHAIRMAN FUSARO: Thank you, Ms. Molnar. Is any other board members -- this is a continuing application as well. I believe this is the third time Mr. Leavitt is before us as well. Hopefully, we can get through this evening. Also, are there any other board members who would not be voting on this application?

MS. HROBLAK: I will not be voting.

CHAIRMAN FUSARO: So Allyson and Ms. Molnar are out. This is a regular C-variance, so it does not require five affirmative votes, so I'm assuming we can just continue with it.

MS. RAZIN: And Mr. Leavitt has been previously sworn?

CHAIRMAN FUSARO: I believe so.

Mr. Leavitt, you're still under oath.

MR. LEAVITT: Yes.

CHAIRMAN FUSARO: Please continue with your application. Any changes that you have made. I believe we have a new package before us. Please continue.

MR. LEAVITT: Thank you guys for seeing me again. I know I've been here a couple of times before, and the first time I received bad
feedback that the project was too big, come back
with something smaller. I did come back with
that. And the last time I was there, we talked
again about what might be acceptable to the board,
and you gave me some additional feedback.
Mr. Chairman, actually you had some good ideas for
me to hit some of the current guidelines. So my
submission today is actually -- I want to make
sure you have the right one. I've removed the
request for a variance on lot coverage. My latest
plan is for 3,299 square feet. So we'll come in
just a nick under that 50% threshold. My plan
still does maintain the 9-foot setback. I do have
-- we'll of course have the fencing appropriate
that the town requires. And we'll also be adding
some landscaping to make sure our neighbor's
privacy is maintained and there's no impact to
them. So I think these were the changes we talked
about last time. I appreciate the boards'
feedback and hearing me again. Do you guys have
the plan? Should I pull that up?
MR. MASCIALE: Yeah. I'd like to
hear what the changes are that got you under 50%,
just to recap it. I know Frank and the board had
made some great suggestions last time.
MR. LEAVITT: Yup. Do you guys see my screen?

CHAIRMAN FUSARO: Yes.

MR. LEAVITT: Essentially, there's been two big changes. The first, as Mr. Chairman suggested was we removed any pavers in the back. I think at our last meeting, I was probably about somewhere around 220 square feet over what was permitted. So just taking this out was a reduction of probably half that overage. And then we took out this area of patio over here. It would have been nice to have, but we understand that it's a lot for the property. And so, those are the two pieces we've eliminated. I think we also took out 1-foot of pavers on this side right here on the right.

CHAIRMAN FUSARO: Thank you. The previous plan you had submitted -- I'll refresh the board's memory -- along the back, there was an area of approximately -- I believe we eliminated a couple hundred square feet back there. What we also had done the last time was the hot tub was originally 5-feet away from the home, it is not 3-feet away from the home. So he's pulled that back as well. The 18-foot dimension that you see
from the edge of the house to the edge of the inground pool was 21-feet, that's been new puled back to 18-feet, which is what allowed the applicant to reduce the rear-yard setback from 6-feet to 9-feet. So that's where he gained that 3-feet. In addition -- and this is a question since the drawing is not dimensioned -- you've heard the applicant testify that the 15-foot dimension from the inground pool to the right side property line is 15-feet. However, we don't know what the dimension of the pavers is and then the grass area. Just from visually looking at this, it appears that it's split down the middle. So you would say 7 1/2-feet from the edge of the pool is the edge of the pavement. I believe that looking at the old drawing, it was reduced approximately a foot or so.

MR. LEAVITT: Yeah. I think it's actually down to 7-feet.

CHAIRMAN FUSARO: So the 15-foot is broken up into 8-feet of grass area, 7-feet of pavers before you hit the edge of the pool from the right-side property line.

MR. MASCIALE: Frank, could we just establish which one we're looking at and which
drawing we're considering. I just want to get it on the record. And if there's a motion made that we refer to the correct drawing.

CHAIRMAN FUSARO: Chris, the current drawing that was included in our package. And Mr. Leavitt, please correct me if I'm wrong, as the latest, there's only one drawing, it's prepared by Harbor Consultants signed and sealed by Victor Vinegra, and it has a Revision Number 2 on it with a date of 12/17/2021. Is that correct?

MR. LEAVITT: Correct.

CHAIRMAN FUSARO: The previous one Chris was Revision Number 1, dated 11/17/2021.

MR. MASCIALE: Thank you.

CHAIRMAN FUSARO: Are there any questions from the board -- the other dimension that I had noted on my drawing here, and perhaps our applicant can let us know what the distance is from the edge of the pool to the pavers in front of the pool before you hit the hot tub. And the area around the hot tub, I'm assuming is all mulch as is indicated on the drawing.

MR. LEAVITT: Yes. I believe it's 4-feet. It's either 4 or five. I'm sorry, I don't have that number completely handy.
CHAIRMAN FUSARO: No problem. I'm going to ask -- I know I've asked this three times already, I'm going to ask you again. Could you please elaborate to the board why you need a separate hot tub instead of incorporating it within the inground pool which would eliminate several more of these variances?

MR. LEAVITT: Yeah. The biggest difference is the year-round usability that a separate unit provides. And, you know, I appreciate -- I've stated to the board that I have a lot of health issues. I'm continuing to work with doctors at HSS, but I'm still -- I'm two years into chronic pain and this is one of the things that has helped me when I've used others and I'm hoping I can make part of my normal routine.

CHAIRMAN FUSARO: I also want to confirm that the drawing in front of us currently shows a 6-foot vinyl fence both on either side of the house. There's a vinyl stockade fence running alongside both side property lines, which we assume is also 6-feet. And along the back, it just says "landscape area." I'm assuming there's a fence drawn there.
MR. LEAVITT: Yes.

CHAIRMAN FUSARO: What type of landscaping are you complimenting?

MR. LEAVITT: You know, I assume there'll be some mulch and probably some small shrubbery, and we'd like to get small trees in as well to help maintain the privacy level.

CHAIRMAN FUSARO: Thank you. The residence behind you, directly behind you, we see that there's a garage, approximately, 3.8-feet or 3.6-feet from your property line, would you happen to be able to tell us how far back that residence is from there?

MR. LEAVITT: I can't tell you exactly. I would tell you their yard depth is probably a little -- I think it's a little greater than mine, so I'd say the house is a good 40-feet from the fence line. And then just, you asked about the fences, let me just confirm. The back fence right now is the 6-foot solid right now that complies. The fencing on the side is currently 6-feet, but it's got the scalloped top, so I know we're going to have to replace those. And also add the gates in front to make sure everything is properly fenced in.
CHAIRMAN FUSARO: Thank you. Are there any board members that have any questions for the applicant? Yes? No? Maybe? No, we're good. At this time, I'd like to ask anyone in the audience if you have any questions for the applicant if you would please virtually raise your hand and Lyndsay will add you to our meeting.

MS. KNIGHT: I'm not seeing any hands raised.

CHAIRMAN FUSARO: I see none. Thank you, Lyndsay. We'll close that portion. Mr. Leavitt, is there any closing statement you'd like to make before I close it and open it up to board discussion?

MR. LEAVITT: Just that I appreciate the feedback you guys have given me and the chance to come back with plans that would be more acceptable. We do have a small yard so I think I've done about everything I can to get this project within reason. And I just appreciate your consideration.

CHAIRMAN FUSARO: Thank you. At this point, I will open the meeting up to board discussion. As you know, as Mr. Leavitt mentioned, this is his third time appearing before
the board. We've made numerous comments over those meetings including the possibility of combining the hot tub and the inground pool. You heard from the applicant as to why he is opposed to that. He has reduced the coverage several times and brought it within the total coverage. So he's eliminated one variance that he was previously seeking. I mean, in my opinion, I believe that the project is doable, however, it's tight. I think you're putting a fair amount of structure into a 55-foot-wide lot. If we were to approve this application, I'm sure someone will add a condition that both the fences on either side yard comply with our 6-foot solid fence ordinance. I don't know if we want to discuss the possibility of adding any additional screening along the back and the maintenance of that, possibly some evergreens. That's why I asked how far back the neighbor's house was. You heard the applicant testify that is, approximately, 40-feet. That having been said, you know, again, I appreciate the applicant taking our recommendations into consideration. I think he's shrunk it down to the bare minimum. Could some additional pavers possibly be removed? Yes. I
don't believe we could or he could pull the pool any closer to comply with that rear-yard setback.
So how does everyone else feel?

MR. MASCIALE: I think the applicant's taken our input and put it to the best practice. I wasn't really sure we were going to get everything in. It is a lot, like you said, Frank. But I think we've done a good job, the applicant, of trying to get it all in to meet his needs, which as he's stated his medical conditions. I'm looking kind of favorably on this even though it is a lot. The fencing is going to be in compliance. It has it be 6-feet. And the testimony we heard about 40-feet back, it looks correct to me from the tax map just taking a look at it on the application. So I don't think it's going to be an immediate effect on any neighbors. So seeing all that and what the applicant has done, I'm supporting the application.

CHAIRMAN FUSARO: Thank you, Chris.

Any other board members care to comment on the application?

MS. HROBLAK: I have a question even though I'm not voting. What would be --

MS. RAZIN: I'm sorry. Who is that
CHAIRMAN FUSARO: It's Allyson.

Allyson Hroblak.

MS. RAZIN: Okay. Good.

MS. HROBLAK: I was wondering why
the hot tub couldn't be adjacent to but
disconnected to the pool? Why does it have to be
in that location? And maybe I missed this in the
past, but that would certainly cut down some of
the coverage.

CHAIRMAN FUSARO: That's a good
question. If you like, I can open it back up to
the applicant and we can ask that question.

MS. HROBLAK: It's really just for
the board's consideration. I'm not voting on
this. My brother had an interesting pool where
his hot tub was adjacent to and raised above so
that actually water flowed into the pool, but
could be turned off and heated separately when he
closed his pool. So I'm wondering if that's a way
to save some space as well.

MR. COHEN: We did propose this idea
at the last maybe two times ago, I don't recall,
and the applicant declined to take us up on that
suggestion.
CHAIRMAN FUSARO: We actually did twice, yes.

MR. SONTZ: I thought he testified he wanted it closer to the house to use it year-round so it would be kind of right outside the door.

MR. MASCIALE: That's correct.

MS. HROBLAK: Well, the year-round usage doesn't -- I mean, it's just a matter of how cold you get between walking.

MR. SONTZ: But that was the reason.

Yeah.

MS. HROBLAK: What was that?

MR. SONTZ: That was one of his reasons.

MS. HROBLAK: That's what he provided, right. Yeah.

CHAIRMAN FUSARO: I believe also when you're constructing a pool separate from the hot tub, basically, and again, perhaps this is a question we ask the applicant as well, the pool is obviously an inground pool. The hot hob could be an above-surface hot tub. In other words, it's just sitting on a regular slab or regular patio pavers or whatever versus I believe the
application that you're talking about Allyson
would require that the hot tub be constructed with
the pool foundation so on and so forth, and
perhaps I would think that might be a cost issue.
But if you like, I can certainly open it back up
and ask the applicant that question.

MS. HROBLAK: Unless a voting member
has some outstanding issue with this then you
don't have to reopen for me.

CHAIRMAN FUSARO: Chris, what do you
think?

MR. MASCIALE: I'm good on the
testimony that the applicant made and the
reasonings for it. I mean, it's a lot in the
space. But with the testimony we've heard, I'm
good with it.

CHAIRMAN FUSARO: Great. Thank you.

Any other board members?

MR. SONTZ: Yeah. I appreciate
Allyson's point. But I agree with Chris, I think
it's okay.

CHAIRMAN FUSARO: Thank you. Any
other board members have any other comments before
we ask for a motion? I see none. Anyone willing
to make a motion?
MR. MASCIALE: Yeah. I'd like to make a motion, Frank, to accept the application with the revised drawing of 12/17/21 Revision 2. As noted, the fencing will meet the 6-foot town ordinance. And we've heard testimony that they're going to include landscaping, I'm going to leave it out of the motion and allow the applicant to do what he feels. I think if we put something in here, it's too close to the pool to be restrictive. I'm good with his testimony that he's going to do it.

CHAIRMAN FUSARO: Thank you. Do I have a second?

MR. SONTZ: Second.

CHAIRMAN FUSARO: Lyndsay, would you please call the roll.

MS. KNIGHT: Michael Cohen.

MR. COHEN: Yes.

MS. KNIGHT: Charles Gelinas.

CHAIRMAN FUSARO: Charles?

MS. KNIGHT: I'll just move on.

Eldy Pavon.

MS. PAVON: Yes. Just for the record, CJ just said his daughter's throwing up so he had to put out of the meeting real quick.
MS. KNIGHT:  Frank Fusaro.
CHAIRMAN FUSARO:  Yes.
MS. KNIGHT:  Sam Reisen.
MR. REISEN:  Yes.
MS. KNIGHT:  Chris Masciale.
MR. MASCIALE:  Yes.
MS. KNIGHT:  And Matt Sontz.
MR. SONTZ:  Yes.
CHAIRMAN FUSARO:  Your application is approved.  Good luck.
MR. LEAVITT:  Thank you, everyone.
CHAIRMAN FUSARO:  At this time, it's 9:18.  I'd like to take a 10-minute recess.  We'll reconvene at 9:28, at which point we'll address the remaining applications.  As I mentioned, we have a full agenda this evening.  I apologize for not getting it moved along or that is has.  However, both the applications that we have gone through were the third go-around.  So hopefully, we'll be able to move quicker.  We'll see everyone at 9:28.  Please turn your mics off.
MS. HROBLAK:  Frank?
CHAIRMAN FUSARO:  Yes.
MS. HROBLAK:  Do you think we'll make it through all the applications by 11?  I
think we have five left on the docket.

CHAIRMAN FUSARO: I don't believe we'll make it through all five. I'd certainly like to get through three or four. I'll discuss it with Chris during the break, and as soon as we return, we'll let you know what's going on. Thank you. Turn your mics off. We'll see you in 10 minutes.

(Break taken.)

CHAIRMAN FUSARO: I apologize. I need to go back and take care of a little housekeeping business which I missed in the beginning of our meeting and that is the memorialization of resolutions from our December 13, 2021, meeting. I assume the board members have had a chance to review those resolutions.

MR. MASCIALE: We did.

CHAIRMAN FUSARO: Are there any corrections, comments, or concerns?

MR. MASCIALE: No.

CHAIRMAN FUSARO: Then I would move to approve the resolutions from our meeting of December 13, 2021. All in favor.

BOARD MEMBERS: Aye.
CHAIRMAN FUSARO: Any opposed. I see none. The resolutions are memorialized. Thank you so much. I apologize for doing that out of order.

Moving forward, our next applicant is Lisa Seliger and Jeremy Keenan, 155 Tudor Oval. Applicant is seeking approval to construct a one-story addition and build a one-car garage contrary to the Land Use Ordinance Section 11.06.E.10 where building coverage permitted is 20% and proposed is 21.06%. And Section 11.06.E.14 where garage requirement permitted is a two-car garage and proposed one-car garage.

And I apologize once again because I didn't bring up the agenda. So let me just put this on hold for one second. I don't know if Francis Scott Ferraro and Angela Wilkos from 712 Oak Avenue are in attendance. If they are, you are number five on the remaining agenda items. We'll give the option of waiting to see where we go. We can address it again in a half-an-hour or if you'd like to be carried to the February 14 meeting, we'll give you that option as well. So if you could please just let us know what you decide.
MR. FERRARO: Hi, this is Francis Scott Ferraro. We have Forefront Designs and EKA with us also, and I don't know if they'll be available all the way through. So I think it might be best if we push it.

CHAIRMAN FUSARO: Carry it.

MR. FERRARO: Yes.

CHAIRMAN FUSARO: Fine. Okay.

Thank you so much. Again, I apologize. We had a long agenda this evening and two returning applications. So at this time, we're going to carry 712 Oak Avenue to our meeting of February 14 without further notice. Thank you for your understanding, Mr. Ferraro. We'll see you on the 14th.

MR. FERRARO: Okay. Thank you.

CHAIRMAN FUSARO: Have a good evening. Thank you.

MR. FERRARO: You too.

CHAIRMAN FUSARO: Mr. Keenan and Ms. Seliger. Am I pronouncing that correctly?

MR. KEENAN: Seliger.

MS. SELIGER: Close.

CHAIRMAN FUSARO: Good evening.

Thank you for waiting. It's been a long evening
and I appreciate your time in bearing with us. Tell us about your application.

MS. RAZIN: I'm sorry. We have to swear them and any of their witness.

CHAIRMAN FUSARO: Sorry. I apologize. We've been continuing all who have been sworn in. This is a new applicant.

LISA SELIGER AND JEREMY KEENAN, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: You have with you -- who do you have with you this evening?

MR. KEENAN: Hildie Lazar our architect.

CHAIRMAN FUSARO: Lyndsay will let her in.

MS. LAZAR: I'm in. I can see you. Can you see my screen?

MS. RAZIN: Hildie, can you just spell your last name for me? Do you mind? I'm sorry.

MS. LAZAR: Sure. L-a-z-a-r.

MS. SELIGER: We also have two neighbors that are signed on, I believe.

MS. KNIGHT: I think we'll promote
CHAIRMAN FUSARO: Ms. Lasar, I know you've appeared before the board on numerous occasions in prior years. Since it's a new year, give us two seconds of your background and we'll swear you in.

MS. LAZAR: Sure, of course. I'm a licensed architect in New Jersey. I have my own firm for 14 years. I graduated from Pratt Institute in 1991. I'm a member of the American Institute of Architects. I'm a member of the National Council of Architectural Registration Boards. And you know, as you've said, I've appeared before the board many times.

CHAIRMAN FUSARO: Thank you so much, Ms. Lazar. Unless any board member has any objection, we'll approve Ms. Lazar as to her testimony as a licensed architect in the State of New Jersey. Please proceed. I'm sorry, Ms. Lazar, I'm going to swear you in.

HILDIE LAZAR, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Please tell us about your application.

MR. KEENAN: Thank you so much to
the members of the board and for all the work that you do. We have been living in our house since 2015. We're a family of five. We have three small children and we've come to love the neighborhood and our proximity cause to the school. And we love our location within the town. We love the town. Our current layout is dated and cramped. We have a hard time with our kitchen and our entry area. There's no good ease of getting in and out of the house without getting mud all over the floors. And so, we've worked with Hildie, and I think we've come up with a thoughtful plan for our house to give us improvements and a little bit more extra living space. So I think really just hand it over to Hildie and let her walk you through that; if that's okay.

MS. LAZAR: Thank you. I have some pictures of what the house looks like right now. This is the front of the house. We're not proposing to do any work to the front, so the front will remain the same. The house -- I will get into zoning in a minute -- the house does not have a garage and --

CHAIRMAN FUSARO: Excuse me. I'm
sorry to interrupt. Do we have these photographs?

MS. LAZAR: Yes. I did submit the photographs. I might have added a few for this hearing, but I did submit photographs as part of the application.

CHAIRMAN FUSARO: Yes, I believe we have them. When you come to any that you've added, please let us know, and we'll have our attorney mark them as an exhibit. Thank you.

MS. LAZAR: Okay. And I can send pdf's to Lyndsay tonight as well. The front of the house is not changing. One of the issues is the back of the house. Here, you can see, there's a lot going on. It's very choppy. They have this large, screened-in porch which we are planning to removed. There's also a shed here which we're planning to remove. You can see the second story hangs over the first. These two windows here are the kitchen, so the kitchen windows look out on the shed. Here's another picture of the back of the house. Another little picture of sort of the choppiness of the backyard. We're really trying to clean that up. This is a picture of the back of the driveway looking into the rear corner of the house where we're proposing to add a mudroom.
Again, more views of the back. This shows that there's a tremendous amount of excess impervious coverage which we are eliminating. Then my next sheet -- so I did just put this together today, and I can send Lyndsay a pdf of this, but I do believe I did already send some 3D views.

This is what we're proposing. I took all of these photographs on September 24, 2020. So again, this is currently the back of the house. This is what we're proposing. We're proposing a small family room addition. Over here, by where the driveway is now, we're proposing a small mudroom addition. And then looking at it from this angle, you can see how we'd be eliminating a lot of impervious coverage. Tucking a mudroom here. Just cleaning up the overall look of the back of the house. So that the complete 3D model ends up looking look this. And then we are proposing a one-car garage. Currently, the property does not have a garage. So looking at the 3D model, just trying to make it a little bit more functional for them and a little bit more aesthetically pleasing. Looking ahead at zoning --

MS. RAZIN: I'm sorry. Ms. Lazar,
do you want to mark -- is that something that you
did put together?

MS. LAZAR: I've never presented the
3D model before, but I do believe that I sent
Lyndsay all of these views.

MS. RAZIN: The pictures. It's up
to you if you want to mark it.

MS. LAZAR: I can send another pdf
to Lyndsay tonight or tomorrow.

CHAIRMAN FUSARO: Yes. We have the
photographs, however, we do not have any of the
renderings or the models.

MS. RAZIN: Why don't we mark this
as like a 3D model set altogether and that way
we'll just be clear. We'll mark it as one
complete set. Is that okay with you Ms. Lazar?

MS. LAZAR: Fine with me.

MS. RAZIN: We're going to mark it
3D model set; is that okay?

MS. LAZAR: Perfect.

MS. RAZIN: And is there a date on
it or do you want to give me today's date.

MS. LAZAR: Today's date. And I can
send pdf's of this entire screen and various shots
of my 3D view over to Lyndsay tomorrow.
MS. RAZIN: I'm going to mark that A-1.

(Whereupon, Applicant's Exhibit A-1, 3D MODEL SET, was marked for identification.)

MS. LAZAR: Zoning, they're in the RS-12 Zone. They have a 9,800 square feet lot. So that's an existing nonconformity. They're there under by 2,200 square feet. The lot is supposed to be 75-feet wide, it's only 70-feet wide. So nonconformity with lot width and lot frontage. Then on the side-yard setbacks, 12 1/2-feet is required, they're nonconforming on both sides. The proposed additions do conform.

Then I do want to point out that the floor area ratio is still under by 136 square feet, so I'm not trying to max out on everything that's allowable, I just want to make this usable and functional for my clients. Building coverage is an issue because of the undersized lot. And since there's no garage, even though a two-car garage is required in this zone, I'm proposing a one-car garage to make an improvement, but it's one of these catch-22s that by proposing a one-car garage, we're now over in building coverage by 103 square feet. So again, given the fact that the
lot size is 2,200 beneath what it should be, I didn't think that that was too excessive. We're trying to find that sweet spot where they can get everything that they want but we're not asking for too much. Also, the impervious coverage is still under by 1,051 square feet. Continuous walling is currently not conforming on the right side. This proposal actually eliminates that nonconformity. And then as I just mentioned, we have a nonconforming garage requirement, where we're required to have two cars, we have zero. I'm proposing one to sort of meet it halfway. But then, of course, that creates more of an issue with building coverage. Looking at the plans, as my clients were just saying, this is the existing first-floor plan. You do have this in your documents.

CHAIRMAN FUSARO: We have the plan, but I don't believe there are any photographs on ours, Ms. Lazar.

MS. LAZAR: You're right. I'm sorry. I added those today. So we can make this --


MS. RAZIN: It's existing first-floor plan with photos.

MS. LAZAR: Yes.

(Whereupon, Applicant's Exhibit A-2, EXISTING FIRST-FLOOR PLAN WITH PHOTOS, was marked for identification.)

MS. LAZAR: And I'll send the whole presentation to Lyndsay tonight. So the proposal is to eliminate this 2,088 square feet. We want to eliminate the sunroom and eliminate that back shed. I threw some pictures on here of what the sunroom looks like. They have three little kids so the sunroom is sort of a playroom. And here's another picture of that sun room overlooking that shed. And then the kitchen is quite tight, it's only 11-foot-7 from front to back. It's only 10-foot-9 from side to side. This is a picture of the kitchen. As can see, they're busting out. Then they've got the front rooms which are actually nice. They've got a big family room here. They've got a living room. The problem is that this family room is so remote from everything else, so they can't have any type of a great room situation with this floor plan and they don't have a very good entertaining space. Back here, it's
very choppy. You come into a side mudroom. It's very congested. You've got this side door, the door to the basement, the door to the tiniest powder room in the world, another door to a closet, then you go into the tight kitchen. This is a very nonfunctional nook where currently they have this tiny table that's right up against the wall. Then they've got their dining room. But then they have the sunroom and the shed which just completely blocks the view to the backyard and the ability to have easy access to the backyard. So the proposed plan is to now add -- so this is the chunk that I'd like to remove. So now I'm just going to hide that in the view for a minute. And I just want to add a little bit of an extension here for a family room, so that's 123 square. Which brings this room to just 15-foot-5 front to back, and 16-foot-10 side to side. So it's not a large room at all. And then we would utilize some of the existing kitchen nook dining room space and turn that into a nice large eat-in kitchen. And this is a breakfast nook. And now we've got a nice floor plan with good circulation, no wasted space, the rooms are all connected. And then I'm also proposing to add a 130 square foot mudroom
addition on the left side. It conforms to the left side-yard setback.

By the way, this family room addition here, by eliminating the sunroom, I'm eliminating the 25-foot continuous wall length. This sunroom is also over the side-yard setback line. The proposed family room is on the side-yard setback line, so we've eliminated that nonconformity. I've also eliminated the 25-foot continuous wall length by pulling it in by 2-foot-5 1/2. Same with the mudroom, I'm pulling it in by 3-foot-7 1/2. So we have a nice jog there. It's well over the side-yard setback line.

And then the proposed garage in the back. So we're proposing the one-car garage because we would like to make an attempt to at least meet the ordinance halfway. Also, once we eliminate the shed back here, it would be nice to have some additional storage area. They can fit a car in there. But it would be nice to have some additional storage area since the shed is coming down. I've eliminated a lot of the impervious coverage. So this whole be back driveway would be coming out and be replaced with grass. And if you do accept this proposal, then the house will end
up looking like this. Here are the elevations. The front does not change. Rear ends up looking like this with our small family room. Big French doors. Lots of light and openness to the backyard. This would be the little breakfast nook overlooking the backyard. This is the entrance to the mudroom right off the driveway and the new garage. And then, the right side of the house, this is the side of that family room. We're proposing to have a direct-vent fireplace back in there. Then this would be the left side where we've got the existing house here, the mudroom addition, some windows for that breakfast bay, and then a side door into that family room.

And that is my testimony. I'm happy to answer any questions, talk through it a little bit more. I'm trying to be concise because I know it's a tight evening tonight.

CHAIRMAN FUSARO: Thank you so much. I appreciate you running through the plans for us. I just noticed that on your V1 I guess your printer printed the site plan upsidedown. I'm just trying to go back and forth.

MS. LAZAR: Oh, yes. Yes. We can look at that site plan. You know what it is, I
try to orient the house so that the front door is front, but, yeah, the site plan was flipped. Sorry about that.

CHAIRMAN FUSARO: Not a problem.

MS. MOLNAR: I have a question about V5. V5, it says, "Front elevation. Garage plate." What exactly is that?

MS. LAZAR: V5, my front elevation.

MR. MOLNAR: It says, the words say, "Garage Plate" next to the front door on the left. What's that?

MS. LAZAR: Sorry about that. I should have taken that off. Basically, that's just the plate height, a structural thing, for the proposed garage.

MR. MOLNAR: It's the front of the house. It says, "Garage Plate."

MS. LAZAR: Yeah, I know. Right here. Garage plate. That's is just a level.

MR. MOLNAR: It says on the left side elevation, it says, "Garage Flap." What is that?

MS. LAZAR: I should have removed that. That's actually the slab-on-grade for my proposed garage which is further towards the back
of the property and the property has a slight
slope. So if you guys do approve the garage, that
would be where the slab would be in the back for a
detached garage.

CHAIRMAN FUSARO: I have a quick
question.

MR. MOLNAR: I have to ask a
procedural question first. This is for Ms. Razin.
Should the application be amended to include a
variance for the family room which eliminated the
garage when it was put in?

MS. RAZIN: I'm not understanding
exactly what the question is though.

MS. KNIGHT: There was no garage.
MR. MOLNAR: There's a family room.
At one time, there was a garage there and a family
room was put in there but no variance was ever
applied for. So the family room eliminated the
garage which is required by ordinance.

MR. MASCIALE: That's more recent --
MS. KNIGHT: It could have predated
the ordinance. So we can't --
MS. MOLNAR: I don't think it's
grandfathered. I don't think it's grandfathered.
MS. KNIGHT: We can only look at the
application based on the way the ordinance is written today.

CHAIRMAN FUSARO: We don't know if and when it was removed. It could have been removed 50 years ago.

MR. MOLNAR: The garage ordinance is fairly new.

CHAIRMAN FUSARO: Correct.

MS. MOLNAR: The garage ordinance is fairly new, I disagree with that. I've been here forever and we've always required garages.

MS. KNIGHT: I can tell you when it was amended.

MS. MOLNAR: Yes, thank you.

CHAIRMAN FUSARO: Ms. Lazar, while Lyndsay is looking that up, I have a quick question for you. You had mentioned in your rear elevation and I believe it's also mentioned in your floor plans that you have a set of French doors leading off of the proposed family room. Is that correct because if you walked out those doors, wouldn't you fall down a couple of feet?

MS. LAZAR: I have basically stationary French doors windows. They'll be stationary.
CHAIRMAN FUSARO: Like I said, I was looking to see if there's a deck out there or you're going to fall down 4-feet.

MS. LAZAR: No. No. Good point.

These will all be the stationary French doors. Basically, stationary windows that are door-sized and then the door that leads to the side stoop would be here on the side.

CHAIRMAN FUSARO: No problem. Thank you. I just wanted to clarify that.

MS. KNIGHT: That ordinance was amended September 29, 2009.


MR. MOLNAR: 2009, to require a two-car garage?

MS. KNIGHT: Yes. That's when the ordinance was amended.

MR. MOLNAR: Okay. So prior to that, you didn't have to have a garage. Okay. Thank you.

MS. KNIGHT: I can't speak on behalf of how it was written previously.

CHAIRMAN FUSARO: Perhaps we can ask -- I'm sorry. Go ahead, Carol.

MR. MOLNAR: I believe Westfield has
always required garages.

(Crosstalk.)

CHAIRMAN FUSARO: Well, as of 2009 --

MS. MOLNAR: Even before the 2009 ordinance.

CHAIRMAN FUSARO: In 2009, it was amended. So we don't know what the ordinance was before that, so we're going to have to go with what's before us right now. I would just ask the applicants; when did you purchase the home?

MR. KEENAN: 2015.

CHAIRMAN FUSARO: 2015. And there was no garage when you purchased it?

MR. KEENAN: Correct.

CHAIRMAN FUSARO: Okay. Thank you. Ms. Lazar, I've reviewed your plans and I think you did a great job of kind of tying it all together knowing that the existing layout is very choppy and does have a lot of wasted space and I think you did a pretty good of putting it all together and making it more useful. I would ask any board member at this time if you have any questions for Ms. Lazar and/or the applicants to please go ahead and ask the questions. Anyone? I
see none. I guess everyone agrees with me that
you did a great job, Ms. Lazar.

MS. LAZAR: Thank you.

CHAIRMAN FUSARO: You're welcome. I
would also just like to point out as you did as
well that the overage on the building coverage is
just 103 square feet. You are meeting us what you
just mentioned halfway on the garage. Certainly,
since we don't know when the other one was removed
and you're offering to install one, we appreciate
that and you bringing it into conformance as well
as the illumination of that 25-foot continuous
wall that being eliminated as well. That having
been said, I don't have any other questions for
you. If none of the other board members do not
have any other questions, then what I would do is
just ask if you have any final questions, comments
for us and then we will move to board discussion
thereafter.

MS. RAZIN: Do you want to just open
it to the public, Mr. Chair?

CHAIRMAN FUSARO: I apologize for
that. Are there any members of the public who
would like to ask any questions of the applicant
and of the architect at this time? Please raise
your hand virtually and Lyndsay will allow you to speak.

MS. KNIGHT: So the only hand that's raised right now is Gregory Ralph, and it's been raised the whole time, so. Wait, here we go Craig Doner.

CHAIRMAN FUSARO: Mr. Doner, can you hear us?

MR. DONER: Yes, I can hear you. Can you hear me?

CHAIRMAN FUSARO: Yes. Please state your name and address for the record.

MR. DONER: It's Craig Doner. I'm at 9 Tudor Oval.

CRAIG DONER, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Welcome and please go ahead.

MR. DONER: I just want to let everyone know that we had a chance to review the plans and elevations with Lisa and Jeremy. We love the designs and think it will extremely fitting. For the house, the neighborhood, we don't feel it has any impact on the aesthetics of the home or the street, nor is it oversized for
the lot. And we don't think it will have any impact on the neighbors here. We think the design is a big improvement for the home and family and enhancing the character of the oval.

CHAIRMAN FUSARO: Great. Thank you so much for your comment. We appreciate it. You have a good evening.

MR. DONER: Thank you.

CHAIRMAN FUSARO: Anyone else that would like to address the application from the public.

MS. KNIGHT: Yeah.

Pawel Kierzkowski.

CHAIRMAN FUSARO: Is he in? We can hear you. Mr. Kierzkowski, please state your name and address for the record.

MR. KIERZKOWSKI: I live at 171 Tudor Oval.

CHAIRMAN FUSARO: Thank you.

PAWEL KIERZKOWSKI, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Please proceed.

MR. KIERZKOWSKI: We're at least two or three houses away from Lisa and Jeremy. And I've reviewed it as well. Especially the front,
there's no change at all. So reviewed all the stuff and it looks like they're actually promoting more grass, so I think that's always a nice thing. And it looks like they're going to have a lot more usage. So it looks like it's going to be very fitting in the neighborhood.

CHAIRMAN FUSARO: Great. Thank you for your comments. We appreciate you calling in and supporting the application. Anyone else from the public who would like to address the application?

MS. KNIGHT: It looks like no more hands are raised.

CHAIRMAN FUSARO: Seeing none, I'm going to close the public portion and open it up to board discussion. As I mentioned briefly before, I think Ms. Lazar did a complementary job on putting the floor plan together, adding the garage. I would also like to point out to the board that this is an undersized lot, a severely undersized lot, approximately over 20%, I believe. So we should review this under C-1 Hardship Variance. It also borders two streets, it has two front yards both on Tudor and Landsdowne. So taking that into consideration, I believe that the
application certainly warrants our approval or my approval. How does the rest of the board feel?

MR. MASCIALE: It's a great job. I think it's going to be a huge improvement for the house. And I think it's a great compromise on the hardships and the improvements they're doing. Instead of coming back and forth three times, I think Hildie nailed it on the first one.

MS. LAZAR: Thank you.

MR. COHEN: I think it's a very well-designed project. It's a much-needed improvement.

CHAIRMAN FUSARO: Thanks, Chris. And Michael, yes, I agree. Looking at the photographs and the plan, Ms. Lazar, showed us some of the photographs of how dated and small some of the areas are. I'm sure it will be a big improvement for their family.

Anyone else on the board have any questions, comments, concerns? Seeing none, can I have a motion?

MS. MOLNAR: Hey, guys. Go ahead. You don't have to wait for me.

MR. COHEN: I'll move to approve the application as submitted.
CHAIRMAN FUSARO: Do I have a second?

MR. SONTZ: Second.

CHAIRMAN FUSARO: Thank you.

Lyndsay, call the roll, please.


MS. HROBLAK: Yes.

MS. KNIGHT: Carol Molnar.

MR. MOLNAR: Yes.

MS. KNIGHT: Eldy Pavon.

MS. PAVON: Yes.

MS. KNIGHT: Chris Masciale.

MR. MASCIALE: Yes.

MS. KNIGHT: Sam Reisen.

MR. REISEN: Yes.

MS. KNIGHT: Matt Sontz.

MR. SONTZ: Yes.

MS. KNIGHT: Michael Cohen.

MR. COHEN: Yes.

MS. KNIGHT: And Frank Fusaro.

CHAIRMAN FUSARO: Yes. Your application is approved. Thank you so much. Enjoy the rest of your evening.

MR. KEENAN: Thank you.
MS. LAZAR: Thank you so much. You too.

CHAIRMAN FUSARO: Good luck with your project. Lyndsay, you had said that Mr. Ralph had his hand raised.

MS. KNIGHT: Yeah. Let me -- Greg?

MR. RALPH: That was an inadvertent click at the beginning of the hearing. I apologize.

CHAIRMAN FUSARO: We won't hold it against you, Mr. Ralph.

MR. RALPH: Thank you.

CHAIRMAN FUSARO: Moving along to our next application; 244 Canterbury Road, Sue Seeley & David Herman. Applicant is seeking approval to construct a two-story addition to enlarge a kitchen, a family room and a primary suite above contrary to the Land Use Ordinance Section 11.07.E.6 where side-yard setback permitted is 10-feet and proposed is 4.88-feet. Section 11.07.E.10 / 12.04F where building coverage permitted is 20% or 1,625 square feet, proposed is 22.6% or 2,137 square feet. And Section 12.04.F.3 where building coverage with a front porch permitted is 24% or 1,950 square feet
and proposed is 25.36% or 2,137 square feet.

Do we have the applicants?

MS. SEELEY: Yes, I'm here.

CHAIRMAN FUSARO: Okay. It's

Ms. Seeley. Is that pronounced correctly?

MS. SEELEY: That's correct. Thank you.

CHAIRMAN FUSARO: Thank you so much.

Can you please state your name and address for the record?

MS. SEELEY: Sure. Full name is Sue Seeley. Address is 244 Canterbury Road.

SUE SEELEY, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Do you have anyone else that we need to allow into the meeting?

MS. SEELEY: Yes. I'm happy to say that Hildie is here to represent me as well.

CHAIRMAN FUSARO: Ms. Lazar, since we've already sworn you in, we'll ask the applicant and/or you to please proceed.

MS. SEELEY: First, thank you so much for taking the time to hear our application. Unfortunately, my husband, David, had his flights canceled from the west coast in the storm on
Saturday, so he is actively taking a red-eye home as we speak and is not able to be with us. We've been in our house almost 11 years this March. We love our neighborhood, our wonderful neighbors. When we moved here, Westfield was our first and last, and only choice, but we do have the smallest house in our immediate neighborhood on the smallest piece of property, and the layout similar to the previous folks that you just heard from. It's very choppy, it's not incredibly functional for us in terms of our kitchen and our living space. So we're looking to change that so that we have the perfect forever home. And I'm going to pass it to Hildie to walk us through the rest of our proposal.

MS. LAZAR: As Susie just said, there are a lot of parallels between this application and my previous application. This is also an undersized lot. Also has a lot of nonconformities. I will do the same thing that I did a minute ago. I took these pictures on February 5, 2021. This is what the house looks likes like now. This little room is above the garage. They use it currently as a gym. As you can see, it's small. I'm going to be getting into
that in a minute because this is the area that's creating our side-yard setback variance that I'm asking for. Here's that little room again. It's a beautiful house. It's on Canterbury Road. Very charming house. Very charming neighborhood. But a bit of choppy floor plan and there's some choppiness happening here on the left side.

Here's the house again from the front. A nice front porch which is lovely, but, of course, adds to building coverage. The back is another story. As you can see, it's very flat. Nothing really aesthetically appealing about it. And we have a lot of little chopped-up roofs back here, which I'm trying to clean up. So going to the next sheet. And I guess we can call this Exhibit-A, just like in the other presentation because I have my 3D model on here.

MS. RAZIN: Okay. So this is Exhibit A 3D Model. Do you have a date? Do you want to put today's date?

MS. LAZAR: Today's date would be great. Thank you.

(Whereupon, Applicant's Exhibit-A, 3D MODEL DATED 1/31/2022, was marked for identification.)
MS. LAZAR: This is the front of the house as it is. This is what I'm proposing to just extend this room all the way to the left so that it lines up with the existing house. It does exacerbate an existing nonconformity and I'll get into that. Also, on the front, just wanted to add a dormer to the top just for a little bit of curb appeal and a little bit of extra room in the attic space, which you'll see. Then here's that front left corner. A lot of little choppy roofs here. Just trying to smooth it out in a simple, efficient way. Then we're looking at the right side of the house. The only thing I'm adding here on the right side is I'm adding this bay, also, to break up 25-foot continuous wall length. And then, in the back of the house, we are proposing to add a small family room with a bedroom above. Again, here's the extension of that upper room, which I'll talk about in the plan. And then, just simple family room addition, bedroom above, chimney fireplace on two levels, and then here it is again.

Looking at zoning data, they're in the RS-10 Zone which requires 10,000 square foot lot, their lot is 8,125. So it's under what's
required by 1,875 square feet. It's also narrow. The lot width is required to be 70-feet, they're only 65-feet. That's an existing nonconformity. That does contribute to our side-yard setback issue. Obviously, lot frontage is also nonconforming. The front-yard setback is nonconforming, but we're not adding anything to the front other than the dormer. The front-yard setback, which was done by EKA Associates, goes to the porch. And as you can see, the porch is substantially in front of the front of the house. So the dormer sits in line with that front wall which is conforming. So we don't have an issue there. Then side-yard setbacks, we're not conforming on both the left and the right side. I'm not proposing to change that, but on the left side, I would like to pull that room out up here. And I'll show you why when we get to the floor plan. Just to make it a bit more functional and just a bit more aesthetic. Currently, actually, you can see in the pictures that this little window right here is actually in this room, and the only closet for this room is tucked underneath this roof. So this room, it can't even be used as a bedroom. And I'll get into that more when we
look at the floor plans.

Going back to zoning, we're not conforming on story height, but we're not exacerbating that because the dormer that I'm proposing has less than a 7-foot ceiling height inside. So that's not a variance for us. I would like to say once again the floor area ratio is under by 131 square feet. Building coverage, we're asking for 211 square feet. Again, not conforming lot size. Building coverage with front porch, we're asking for a variance of 187 square feet. And then the improvement coverage, again, we conform and we're actually under by 260.5. And then for continuous wall length, once again, the right side is slightly nonconforming, but I'm breaking that up with the addition of a bay window. Looking at the floor plans, as Susie was saying, similar situation here. We have a one-car garage on the left side of the house attached, a very large foyer, and a nice living room.

But then at the back of the house, we have a little breakfast room and the garage opens up into the breakfast room. So there's no mudroom space at all. Then we go into the kitchen, which is pretty small. It's
12-foot-5 1/2 from front to back, and 12-foot-5
left to right. So it's square. This is what it
looks like. This is a side view. I was standing
in the breakfast room when I took this picture.
So it's a tight kitchen, yet there's a lot of
floor space in here, but not enough for an island.
So it's sort of some wasted space in there. You
can see a lot of the items that would normally be
in a mudroom are tucked against the wall. We go
from small breakfast room to small kitchen. And
then, this is the family room. And then the
dining room is over here, and this is a really
disproportionately shaped room. So very, very
long and very, very narrow. But in the new plan,
which I'm proposing, we are creating a mudroom
here in this existing place.

First of all, I'd like to say that
this is the only area that I'm proposing to add.
It's an addition of 241 square feet. And I think
it's just enough room to give them a little bit of
a sitting area by the kitchen and create that
great-room feel that everybody wants. Now I'm
going to get that off. I did stop this addition
at the rear-yard setback line so that we were not
nonconforming over there. Obviously, you can
clearly see the addition is right in the middle of
the property so it doesn't create any side-yard
setback issues. Now, in this plan, they would
come through the garage into a mudroom space. In
the current layout, their powder room is right in
the middle of the first-floor. So it just breaks
up the flow and the circulation. But by putting
it here, by creating a mudroom here, I can tuck
the powder room into that mudroom. And then,
they've got this big, open, beautiful floor plan
with great circulation. You come into the foyer.
We turned this into the dining room.

Back to the kitchen. My clients
love to entertain. This is a small family room.
I mean just enough to have a sofa and a few chairs
and a table, but it's certainly adequate. Here's
a little dinette table. We'd like to tuck a bar
in here. And then by converting this long, narrow
room into two rooms, they're just better
proportions. Now, this small office down here is
helped by the addition of this bay. Which it does
add 15 square feet to building coverage, but it is
allowed to encroach into the side-yard setback
because we can't walk into it, it's just a window
seat. So we're not creating a nonconformity here.
What I am doing is I'm breaking up the 25-foot continuous wall length. And it can be pretty. You know, it's a nice, little bay with some brackets. That is the change to the first-floor.

Now, going up to the second floor quickly. The existing floor plan, the existing second floor has a very small bedroom here, which is Susie's office, a medium-sized room here which is David's office, and then there is a bedroom in the back which maybe should be the master suite, but it only has a small powder room -- like a toilet and small sink here, not a shower, no tub. It's got one small closet. And then, really all four of these rooms share this one bathroom. As you can see, here this is a really small gym. This tiny nook is this window here, and you can see it again in the photos. So it's not even really a legit bedroom because there's no closet space. So that's why this part of the application is really separate from everything that I'm proposing in the back, but I just thought from a functional standpoint and an aesthetic standpoint, it makes a lot of sense to at least ask you to grant this. It actually gives them better usage of a room. So what we're proposing here is to
square off this room, enlarge it. This is our variance request. It does line up, obviously, with the room below. And then create a primary suite in the back because currently, my clients actually sleep in the attic since there's only that one bathroom on the second-floor they don't have adequate closet space in that bedroom. So we're just proposing to do a new bedroom back here, line it up with the family room below, have it sit on the rear-yard setback line. And then this bedroom would have a nice, big walk-in closet and its own bathroom with a decent-sized shower, two sinks. Then we can bring a little washer and dryer up here, just a closet. And then, of course, this hall bath then services these three rooms. I was thinking as an architect and being familiar with the neighborhood, I don't think that it's a huge ask because most of the homes in this neighborhood do have four decent-sized bedrooms on the second-floor. So that was what I wanted to show you on the second-floor.

Once again, if this is approved, we now have a front elevation that looks like this with a nice, new dormer up top. Which would be -- let's just show you the attic quickly. The attic
is -- other than adding -- sorry about this. This
is the existing attic. My clients do sleep up
there. And we would just be adding this dormer
which is mainly for curb appeal, but it also gives
them a bit more space in this walk-in closest.
And it doesn't create any variance issues for
them. So it's just a nice thing to have. So the
front elevation would have the new dormer.
Hopefully, this extension, and then in the back,
we would have this family room with another
bedroom above. Hopefully, this extension. Left
side, it's just a lot cleaner. Everything here
lines up. We put an egress window in this small
room. And then on the right side, I'm asking for
this bay, which breaks up 25-foot wall length, and
then makes that downstairs room a little bit more
spacious. And then here's the two-story addition
with the rear wall sitting on the rear-yard
setback line. And that is my testimony.

CHAIRMAN FUSARO: Thank you,
Ms. Lazar. I've got a couple of quick questions
and then we'll open it up to see if any other
board member has some questions or anyone from the
public. Can you speak on -- you didn't mention
anything about the basement. Can you touch on
that a little bit?

MS. LAZAR: Sure.

CHAIRMAN FUSARO: I see that you're adding to the basement a sitting area, an additional wine room from what's there currently, and you're putting an egress window there with a powder room as well. Are there any plans for that to be a future bedroom? Is that what there's an egress window there?

MS. LAZAR: No. No. Absolutely not. We currently have a finished basement, and my clients actually are travelers. They travel all over the world. They have a beautiful wine collection. Currently, it's just sitting here against the wall. And so we figured that if we do this addition, they may as well get a little bit of extra space by doing a full basement down here as opposed to a crawl space. And it would enable them to have a wine room with a nice sitting area to enjoy entertaining and drinking wine. I always like to put an egress window in a basement even though there's no bedroom down here just for a secondary egress route just for safety. There's no intention of making this a bedroom. This is just a powder room here. We don't have a powder
room down in the basement right now, but we have a
laundry room in this back corner. In my proposal,
I'm trying to get that laundry room upstairs to
the second-floor. So we figured since there's
plumbing here already and we're trying to create a
nice entertainment space in the basement, why not
put a powder room in the corner. But we're not
creating any kind of a bedroom down here.

MS. SEELEY: We also asked Hildie to
put the egress window in there because we have one
now and just for the light. We didn't want it to
be completely, completely dark down there.

CHAIRMAN FUSARO: Thank you. I see
and I will notes to the board members as well that
there was a previous variance granted for this
property back in January 2005. I believe it
pertained to the side-yard setback. Hopefully,
everyone from the board had a chance to review
that previous variance that was approved.

Ms. Lazar, I understand your layout. I understand
what you're looking to do. Granted, the parcel is
undersized. However, I do see that you're
basically -- just if someone were to glance at
this at first -- at first glance, you're creating
two dining rooms, two master bedrooms, two offices
for Susie. I think it might be a little much. Perhaps we can see if something can be done to shrink that a little bit. Other than that -- I want to see if I have other notes here, I guess it's considered the existing structure is three stories even though two-and-a-half stories are what's permitted. Lyndsay, correct me if I'm wrong, that work is not being addressed currently, that was addressed in the previous variance; is that correct?

MS. KNIGHT: Yes. They're not expanding upon it.

CHAIRMAN FUSARO: Thank you. I appreciate you adding that bay window on the side there to cut back on that 25-foot continuous wall.

MR. MASCIALE: Do we hear any testimony on the property to the left. It looks like that property comes very close to the border to the property line?

CHAIRMAN FUSARO: A very good point, Chris. I noticed that in the photographs and then I was going to bring up that side-yard setback at 4.-some-odd-feet. So, yeah. Perhaps Ms. Lazar could elaborate on that a little bit. I don't know if you have any other questions for her.
MS. LAZAR: I don't know anything about that property to the left of my client's house. I don't know exactly where it sits on their property line on their property or if they have a nonconforming setback on that right side. I mean, all I can tell you is that with my application, I mean, the way that I see this is, yes, it is considered an exacerbation of the side-yard nonconformity, but since I do just want to align it with this wall, and just by aligning it with this wall, it turns almost a non-usable space into a usable bedroom. And also, if I can just quickly address your other comment about the offices and the dining and everything. What I want to do here is create an eat-in kitchen, and then this would be the dining room. It's not really two dining rooms, it's really an eat-in kitchen which many homes in this neighborhood and of this size have. And then this is actually more of a formal dining room. And then your comment about the two master bedrooms. My clients don't want to have to utilize a finished space up in the attic. They would really like to be on this main bedroom floor. Again, a lot of homes in this neighborhood and of this size have four nice-sized
bedrooms on the second-floor, and then they do have a livable attic area. It is something that my clients inherited when they purchased the house. They just decided that they had to live up there in the attic because they didn't have an adequate master suite on the second-floor. So I just wanted to address that. And then, lastly, the thing about the offices, Susie does work in this little space right now, and David does work in this space, but they are bedrooms. And again, it's just four bedrooms on the second-floor. It's not an oversized house, as you said. We're trying to make the most out of it on a very, very small lot. If she could come down here and not have to be in a bedroom where she had proximity to the kitchen and to outside, it would be very nice. And, of course, the bay window adds a little bit more space and a little bit more light. And then that office up there could be given back to an actual bedroom. That would be the goal. So I just wanted to respond to your observations.

CHAIRMAN FUSARO: Thank you. One other quick question, if you can go up to the second-floor. Is that enlarged gym or even the room that's existing currently, I see that they're
stairs leading up to it, is that on a different --

MS. LAZAR: When you get to this
landing on the staircase that bedroom is basically
at landing level. So, yes. It is about three or
four steps down from the second-floor.

CHAIRMAN FUSARO: Okay. So that gym
is at a different floor level than the
second-floor?

MS. LAZAR: Correct.

CHAIRMAN FUSARO: Approximately,
four steps lower.

MS. LAZAR: Correct.

MS. SEELEY: As to your question
about the neighbor. All of the building was done
over there before we move in, so I don't have a
tremendous amount of knowledge other than the
previous owners of this house told us there was a
variance. But we don't have anything other than
that shared information at that time of closing.

CHAIRMAN FUSARO: When did you
purchase the home?

MS. SEELEY: In 2011.


Chris or any other board members have any
questions for Ms. Lazar or the applicant before I
ask anyone from the public?

MR. MOLNAR: Yeah, I do. It's Carol. The house drainage, it's all being piped out to the street?

MS. KNIGHT: They don't have to pipe out to the street unless it's a new single-family home based on the town code.

MR. MOLNAR: Really?

MS. KNIGHT: Yes.

MR. MOLNAR: The area tends to flood a little bit. So it just pipes out to the property and then -- is the backyard sloped at all to any of the other neighbors?

MS. LAZAR: I think that the backyard is relatively flat. Susie, do you think it's relatively flat back there?

MS. SEELEY: Yeah. I mean, there's not a perceivable slope.

MS. LAZAR: And we are under in impervious coverage.

CHAIRMAN FUSARO: I don't see any grades on any of the drawings. You said EKA prepared a --

MS. LAZAR: EKA did our survey, but we don't have a topographic survey. I do not have
elevations of the property right now.

MR. COHEN: Have there been prior problems with flooding on the property or water?

MS. SEELEY: Not since we've been here.

MR. COHEN: You did okay during Aida a couple of months ago?

MS. SEELEY: We did great. We've survived every -- Sandy and Aida.

CHAIRMAN FUSARO: I'm going to kind of throw this out there. I don't know if anybody has picked up on this or not, and I don't know if we need to address it currently. And again, I apologize, I'm looking at your site plans upsidedown again, Mrs. Lazar. But in the upper left-hand corner of the site plan, there's an existing shed. The shed is currently, approximately, 1-foot off the property line in one direction and a little over a foot off the property line in the other direction. Lyndsay, is something that we need to address at this time since it's a requirement that it be 5-feet off the property line?

MS. KNIGHT: Katie, you can correct me if I'm wrong, but we don't know when the shed
was put in or when -- I mean I know when the ordinance was changed -- but the shed could predate the ordinance, so it's kind of an existing nonconforming.

MS. RAZIN: I agree with that. It's an existing condition. I mean you could ask about it, but if it's there, it's there.

CHAIRMAN FUSARO: I'm assuming -- we'll just ask the applicant -- I'm assuming they did not put that shed there. Is that correct?

MS. SEELEY: No. It was there when we purchased the property.

CHAIRMAN FUSARO: Thank you. That's fine. Any other board members have questions for Ms. Lazar or the applicant at this time?

MR. MOLNAR: I just want to make an observation, and it happened on the other application, if a was variance needed and it wasn't obtained, it is not grandfathered when you buy the house. So there could be a preexisting variance that should be applied for.

MS. KNIGHT: It could have been also done prior at to the ordinance and we don't have the information.

MS. RAZIN: Are you talking about
the shed, Carol?

MR. MOLNAR: Yeah. Yeah.

MS. RAZIN: Right. We don't know.

They could have had a permit. Without having gone -- I don't know if anyone asked for it like a permit for the shed, per se, or if that was supplied.

MS. KNIGHT: Sheds don't require permits.

MS. RAZIN: So there you go. So then there would be almost no record unless there was a variance or it was done prior to.

MR. MOLNAR: Is it a relatively new shed? Does it look new?

MS. RAZIN: I mean it's been there since 2011; right?

MS. SEELEY: Yes, that's correct.

MR. MOLNAR: When I was on the planning board many moons ago, sheds always had to be 5-feet, and that was in the 90s. So I suspect all these ordinances in '09 just carried forward the prior ordinance of the prior planning zones.

MS. KNIGHT: The entire Land Use Ordinance went through an entire rewriting in 2009. There were some major changes that
happened. So we don't really know and it's not part of the application, so I don't think we can really -- besides think about it, I don't think we can really do much more.

MS. RAZIN: Plus, to say also as a further note to that. If they were over on impervious coverage, for example, then you could say and ask them as a reasonable condition to see if they would be able to take it out. Since they're not over on coverage, per se --

MS. MOLNAR: It's so close to the property line, though.

MS. RAZIN: Understood. So you can ask what you want to ask, but from a variance-to-condition relationship, right, your conditions want to match what your variances are. So if they were over on impervious, a reasonable condition might be to either move the shed or remove it entirely so that you get under the impervious coverage. I'm not sure what you're gaining. I mean you're gaining maybe compliance, but it's there, so they're not required to, per se, move it. It does nothing --

(Crosstalk.)

MS. RAZIN: As Lyndsay said, it has
nothing to do with what they're asking for in this particular instance, I would think.

MR. MOLNAR: But if a neighbor complained "this shed is too close" then we would just have to take a look at the ordinance and say, "Hmm. That ordinance said 5-feet back in 1980."

CHAIRMAN FUSARO: Correct. We've had this come up, and Chris, please correct me if I'm wrong, we've had this come up several times and one of the people, one of the applicants that had testified came before us, I believe, last meeting and the meeting prior to that and said, "Well, listen, our neighbor's shed 3-feet from the property line. Why are you busting my chops and asking for me to be 5?" We'll say, "Well, that's what it is." If you have an issue with your neighbor's shed, then please report it to the buildings department and we'll inspect it and so on and so forth, and then we'll address it. But as of right now, I'm kind of familiar with the neighborhood. Many of those homes were built in the 1920s, who knows when that shed was placed there.

MR. MOLNAR: I just want to make sure everyone realizes that a variance is not
grandfathered when you buy the house. If you buy a house and there was a variance that wasn't taken care of, you've got to take care of it.

CHAIRMAN FUSARO: That's correct.

MR. MASCIALE: That is correct.

(Crosstalk.)

MS. RAZIN: If don't have a variance, you mean. Otherwise, it does run with the --

MS. MOLNAR: Right. If you didn't get a variance, but you have a new owner, the new owner is stuck and might have to get a variance.

MS. RAZIN: Depending on the situation. Unless the situation was there, unless the nonconformity was there prior to the ordinance.

MS. KNIGHT: And the way Westfield looks at existing nonconforming conditions is they exist on the property as is. You would only require a variance if you further exacerbate it.

MR. MOLNAR: You're saying it's grandfathered in, in other words.

MR. MASCIALE: No. I wouldn't say it's grandfathered in.

MS. KNIGHT: Unless you're
exacerbating it, you don't require a variance.

MR. SONTZ: I think maybe
"grandfathered" is the wrong word. But if we
wanted to bring a zoning violation, it would be
incumbent upon the town to prove that it violates
the ordinance, and we would have to prove -- right
-- we would have to prove it. We don't just get
to say it doesn't conform, you must prove that it
predates, right, we would have to prove that it
was put in after an ordinance and it violates.
Right? Because I think -- let's just use this
house -- let's say someone brought a zoning
application before us and we found an addition
that didn't conform, we'd have to say the same
question, "Well, does it predate the ordinance or
doesn't it?"

(Crosstalk.)

MS. RAZIN: Right.

MR. SONTZ: And if we saw wood that
had a date, you know, this wood was purchased in
2018, and we can tell, hey, wait, this was done
five years ago, then we could certainly bring a
zoning violation against somebody; right?

CHAIRMAN FUSARO: Correct. That's
my understanding.
MS. RAZIN: Yes. I mean you wouldn't want to bring a zoning violation. You'd want them to fix it, come back, and whatever. You're going back to enforcement. Your job is not the enforcement -- I mean, I'm not saying what your job is, but your job is not necessarily enforcement -- but, yeah, you would want them to come in and get the appropriate relief or take ultimately get the person who's in charge of enforcing it, come back, and then they'd either have to get the relief or take it down. But the appropriate parties all have to take their appropriate steps to do that.

MR. MASCIALE: So the building coverage is over in this case, we could ask the applicant to remove the shed to bring down the building coverage. In this case, I don't think it's warranted because I don't think the difference is going to make a difference on the property. I don't think it's going to make difference on the impact to the neighbors, and then where is that stuff that's in the shed now going to go. In this case, I don't see any benefit of getting rid of the shed. But we are in the right to ask the applicant to remove the shed
for the additional coverage that they're asking for.

MR. MOLNAR: I wouldn't say they remove the shed. But when I was on the planning board, the applicant listed all variances. So if the shed was 1-foot from the property line, which is not allowed by ordinance, they would list it.

MR. MASCIALE: Yeah. It should be listed as a nonconforming condition, Carol. It could be.

MS. MOLNAR: Exactly.

MR. MASCIALE: I don't think you're wrong with that. You know there's a long link of nonconforming conditions on this property, and it's such an undersized lot, but I don't see an issue with the shed currently as it is. But I think we can ask them to remove it.

CHAIRMAN FUSARO: I agree with you.

MR. MOLNAR: In the future, they might include it on their application; the shed and it's too close with the variance. You know?

MR. MASCIALE: You're right. I think it should have been listed on the nonconforming conditions.

CHAIRMAN FUSARO: Anyone else have
any questions before I open it to the public? Any
other board members have questions for Ms. Lazar
or the applicant?

MS. HROBLAK: I have a comment for
the applicant. One of Ms. Molnar's questions was
where does the house pipe out to, where's the
basement. It's not just a matter of being over or
under impervious coverage, but when you make these
increases and you inherently change the grading
and where discharge runs, it would probably be in
your best interest to just check with your
neighbors prior. Because even though you may not
have had flooding, they may have it, and you may
be making it worse. So that's my comment in
general.

MS. SEELEY: Thank you.

CHAIRMAN FUSARO: Thank you,
Allyson. At this point, I would like to ask
anyone from the audience or the public if they
have any questions, comments, concerns for the
applicant and/or Mrs. Lazar, please virtually
raise your hand and Ms. Knight will let you speak.

MS. KNIGHT: I do not see any hands
raised.

CHAIRMAN FUSARO: That you, Lyndsay.
Seeing none, we'll close the public portion of the meeting and we'll move to board discussion unless the applicant or Mrs. Lazar have anything to add at this time.

MS. LAZAR: I don't.

MS. SEELEY: Just thank you so much for the opportunity to present and we appreciate your consideration. Thank you.

CHAIRMAN FUSARO: Thank you. I'm going to open it up to board discussion. As I mentioned in a couple of my comments, my main concern is that side-yard setback of the 4.83% I believe it was. I know Ms. Lazar had mentioned that she was trying to square the building off to make it look more aesthetically pleasing and to make that room a little more usable. I don't how the rest of the board feels with A, the size of the addition and that side-yard setback. Anybody care to elaborate or comment on it?

MR. MASCIALE: I'll follow up real quick, Frank. I was worried about the massing on the side that's why I was asking about the neighbor's property. Their bump out is behind it, this is forward. And since it's lowered, it's not really the full two stories. So I think the
compromise here of it going out but being lower, I don't think it's like a massing that's really doing to affect the neighbor. And that's what I was concerned about. So I think I kind of support it. It's low, it's not that big and I don't think it's going to like block the sun on the neighbor. So I don't think it's a massing issue.

CHAIRMAN FUSARO: Thank you. Thanks for your comment. Does anybody else have any comments regarding the application?

MR. MOLNAR: Is this a flexible C?

CHAIRMAN FUSARO: I'm sorry. Say that again, Carol.

MS. MOLNAR: Is this a flexible C-variance that we're going for?

CHAIRMAN FUSARO: Yes. It's a C-variance based on a hardship. The lot is, approximately, 20% undersized. So I think that Ms. Lazar pointed out quite a few issues with the size of the lot, the width of the lot, the length of the lot, etcetera.

MS. RAZIN: Just to add to that. The variance on the side that you were just discussing could go either way. If there is an existing setback issue below so that part is a C-1
potentially. But the benefits potentially of, you
could argue, of making that room square and making
that aesthetically pleasing could also go to a
C-2. So you could look at that particular
variance from either way you want.

CHAIRMAN FUSARO: Thank you, Katie.

Any other board members have any comments?

MR. REISEN: Yeah. I was just going
to say looking at the numbers, it's not a huge ask
compared to what we usually see for overages. So
I tend to look favorably upon this request.

CHAIRMAN FUSARO: Thank you, Sam.

Anyone else?

MS. HROBLAK: I have a comment. I
agree with Chris about the massing on the side.
It seems just very minimal, and it's making it
more functional. But I did have a question about
the attic and how that plays into floor area
ratio. Can Lyndsay speak to that?

MS. KNIGHT: Sure. The attic, the
FAR is you take the floor plan of the second-floor
and one-third of that is exempt from FAR in the
attic. So say the second-floor was 900 square
feet, 300 square feet in the attic would not be
counted towards FAR.
MS. HROBLAK: I know we have a lot of issues with people putting room up in the attic. They already have a room up there and now we're giving like another room. So FAR architectural stuff is not my forte, but sometimes trying to follow why it's applicable in one case and not in another case. Because the dormer certainly adds a lot of functionality to that room. I'm not for or against it. I'm just curious how this stuff plays together. It doesn't seem like they're over on anything.

MR. MASCIALE: The FAR was revised. We used to be able to go up three stories and the Land Use Task Force brought the overall ceiling height down -- I mean the building height -- which then doesn't allow you to have a full three stories. So people were building a full story attic, to your point Allyson, with stairs going up to it and then saying, "Oh, no. We're not going to do anything with it" and then the next week they're finishing it. So that was one of the main points of the Land Use Ordinance revisions which brought the overall height down and not allow you to have a full, and then the one-third rule which Lyndsay was just making. So I think we're good
here. But that is always a concern.

CHAIRMAN FUSARO: Lyndsay, this FAR calculation, you had obviously take the on-third two-thirds into account and it does apply; correct?

MS. KNIGHT: Yes. And they are compliant, I believe, with FAR as well. It's not part of the variance request.

CHAIRMAN FUSARO: Thank you. Anyone else?

MR. MOLNAR: How close is the FAE? I can't find it.

MS. KNIGHT: It's on the first sheet. They are at 35.38%, 2,875 square feet. And they are permitted a maximum of 37% which would be 3,006 square feet.

CHAIRMAN FUSARO: It's right in the middle --

MR. MOLNAR: So if they filled in the front porch, would that put them over the FAR?

CHAIRMAN FUSARO: Probably.

MS. KNIGHT: It would depend how much the front porch gets filled in. They would have to apply for building permits for that as well. So if they were to apply for building
permits, it would most likely trigger the need for a variance.

MR. MOLNAR: Now, Frank always says on some of the applications as part of the approval he requires they state that the front porch will not be closed in.

MS. KNIGHT: That's typically when they're proposing a front porch.

MR. MOLNAR: Well, there is one there already.

MS. KNIGHT: But they're not proposing as part of the application.

MS. MOLNAR: I see. So it's existing. So you can't request now that it not be closed.

MR. MASCIALE: Sure we can. Absolutely. We can throw it in as a condition that they can't enclose it.

MS. MOLNAR: Okay. Thank you.

CHAIRMAN FUSARO: We usually --

MR. MASCIALE: No, it's a good point because once you give that coverage, technically, they can enclose it without coming back in front of us.

MS. KNIGHT: But they would trigger
MR. MASCIALE: They would trigger a variance?

(Crosstalk.)

MS. KNIGHT: -- by permitable floor area because I mean they're so close on their FAR. When they go to get permits, it would trigger it.

MR. MASCIALE: It would trigger it anyway. Okay. We always like throwing it in anyway. Let's throw it in.

CHAIRMAN FUSARO: Just a general rule of thumb, I'm usually the person that brings that up. But it's usually, as Lyndsay said, it's when there is a porch involved whether it's being added, modified, extended, etcetera. That being not the case here, that's why I didn't bring it up. But certainly, as Chris said, we have no problem adding a condition to that.

MR. MOLNAR: I brought it up for you, Frank.

CHAIRMAN FUSARO: Thank you very much. Anything else? I see no other comments from the board. I would ask for a motion.

MR. MASCIALE: I'll make a motion to accept the application as submitted with the
1 condition that the porch remains open.
2
3 MS. PAVON: I second.
4
5 MS. KNIGHT: Michael Cohen.
6
7 MR. COHEN: Yes.
8
9 MS. KNIGHT: Charles -- Charles is off. Allyson Hroblak.
10
11 MS. HROBLAK: Yes.
12
13 MS. KNIGHT: Carol Molnar.
14
15 MR. MOLNAR: Yes.
16
17 MS. KNIGHT: Eldy Pavon.
18
19 MS. PAVON: Yes.
20
21 MS. KNIGHT: Chris Masciale.
22
23 MR. MASCIALE: Yes.
24
25 MS. KNIGHT: Sam Reisen.
26
27 MR. REISEN: Yes.
28
29 MS. KNIGHT: Matt Sontz.
30
31 MR. SONTZ: Yes.
32
33 MS. KNIGHT: Frank Fusaro.
34
35 CHAIRMAN FUSARO: Yes. Your application is approved. Good luck with your project. Thank you.
36
37 MS. LAZAR: Thank you so much. Have a good night.
38
39 MS. SEELEY: Thank you. Take care.
40
41 CHAIRMAN FUSARO: It's now 10:50.
We have two additional applications. Chris, what are your thoughts? We'll definitely get to 119 South Scotch Plains Avenue. Do we want to ask the Brubakers at 920 Irving if they'd like to hang on or should we reschedule?

MR. MASCIALE: I appreciate -- it's 10:47 Frank. We don't usually start applications after 11:00. My recommendation would be to release the rest and start the Scotch Plains Avenue.

MR. MOLNAR: Scotch Plains is a rather involved one. Could we hold that one over until next month?

MR. MASCIALE: Let's start it.

CHAIRMAN FUSARO: No. We're going to get it started and then we'll continue it.

MS. MOLNAR: Okay. Okay.

CHAIRMAN FUSARO: Is the applicant from 920 Irving Avenue, Ms. Brubaker, is she available? Raise your hand. Do you see anybody, Lyndsay?

MS. KNIGHT: Yeah. I gave her permission to talk.

MS. BRUBAKER: Hi, this is Tonya Brubaker.
CHAIRMAN FUSARO: Thank you so much.
I apologize. It doesn't look like we're going to
get to your application this evening. We will
carry your application to our next meeting which
is February 14 without further notice. Again, I
appreciate your patience. And I apologize for the
delay.

MS. BRUBAKER: Okay. Thank you.

CHAIRMAN FUSARO: Thank you. Have a
great evening. See you next meeting.

CHAIRMAN FUSARO: Moving right
along, we're going to move to 119 South Scotch
Plains Avenue, Stan and Jessica Kopec. Please
correct me if I'm wrong after we let you in.

Applicant is seeking approval to
construct a bedroom over the existing one-story
family room off the rear and finishing the balance
of the attic with compliant dormers as well as
attaching the garage to the existing dwelling and
the mudroom connector contrary to the following
sections of the Westfield Land Use Ordinance:
Section 12.04F where the building coverage
permitted is 20% or 1,373.33 square feet with a
3,600 square foot max. And proposed is 23.02%
which is 1,575.03 square feet. And Section
11.09E-6 where minimum side yard setback on the right side permitted is 10-feet and proposed is 2.44-feet. Are the applicants available?

MR. KOPEC: Yes, we're here.

CHAIRMAN FUSARO: Thank you.

Pronounce your last name. Kopec, is it?

MR. KOPEC: Yes.

CHAIRMAN FUSARO: Thank you so much.

Mr. Kopec, please state your name address for the record.

MR. KOPEC: Yes. It's Stanley Kopec, 119 South Scotch Plains Avenue, Westfield, New Jersey 07090.

STANLEY KOPEC, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Do you have any other professionals? I see Mr. Ralph, there he is. Mr. Ralph, welcome. Good seeing you again. Happy New Year. It's our first meeting of the year. I know you've been before the board numerous times, but can you just give us a brief description of your qualifications so we can confirm it.

MR. RALPH: Absolutely. Bachelor of Architecture from Roger Williams University.
Licensed in New Jersey since 2011. License is in good standing. And I have presented before this board others in the near recent past.

CHAIRMAN FUSARO: Thank you, Mr. Ralph. Please state your address for the record.

MR. RALPH: 1924 Route 22 East, Bound Brook, New Jersey 08805.

CHAIRMAN FUSARO: Thank you. Unless any board members have any objections we'll continue to allow Mr. Ralph to testify as a licensed architect in the State of New Jersey. Mr. Kopec, please proceed with your application and tell us about it.

MR. KOPEC: Thank you for giving us the opportunity to hear the application. My wife Jessica and I have lived here for seven years since January 2015. We're very active with the community; McKinley School, Girl Scouts. So we haven't made any improvements to date other than just normal wear and tear, upgrade electrical outlets, covered radiators indoors. But we're looking to increase the space for our family. I have two younger daughters. We have bedrooms that are extremely small with minimal closet space.
The current flow doesn't allow for essentially any bedroom furniture. One of the bedrooms is eight-by-eight with no room for anything other than a bed. We're looking to add the bedrooms as well as an attached garage. The current garage built here probably 1930s and just not really useable at all. No electricity, no electric doors. It's an old structure. Requires new windows and paint, etcetera. We're looking to complete our forever home. And alongside with me, we have excellent relationships with all of our neighbors. Most importantly, the Powers family. Chris Powers will be here to speak on our behalf as well. I'll just turn it over to Great at this point.

CHAIRMAN FUSARO: Thank you, Mr. Kopec. Mr. Ralph, the floor is yours.

MR. RALPH: Thank you. I'll share my screen. I will walk through --

MS. RAZIN: Sorry, Mr. Chairman, did you swear them? Did I miss that?

MR. RALPH: I might not have been sworn.

CHAIRMAN FUSARO: I have not sworn in Mr. Ralph, I did swear in Mr. Kopec.
MS. RAZIN: I'm sorry. I just want to make sure.

GREGORY RALPH, having been duly sworn, was examined and testified as follows:

MS. RAZIN: Not that I don't trust you, Mr. Ralph. I just wanted to make sure.

MR. RALPH: No, I appreciate it.

Thank you.

MS. RAZIN: Those little things fall off once you get past 10:00 p.m.

MR. RALPH: It's all good. I appreciate you hearing us this late. So we'll walk the variance request, the existing lot, and construction conditions, and then our proposal. I have been inspired by Mr. Lazar. I will share a 3D model and some photos as well, and we will move ahead. Jumping right into it. We're here tonight for two variance requests. We are requested a side yard at 2.44-feet where 10 is required. And we are requesting a building coverage variance of 23.02% or 1,575 square feet, where 20% or 1,368 square feet is the ordinance. So that is a net of 207 square feet of an ask in building coverage. In terms of the lot, I'll actually pull up the survey that was submitted just to talk through it.
So it's a conforming lot 50-by-136 or so. Average 6,800 square foot lot in the RS-6 Zone. Of note, there is a two-and-a-half-story existing dwelling. It was noted in the staff report that there was an existing nonconformity of 5.8-feet at the left side of the house at the one-story porch that has windows and it is conditioned space now. That over on side of the house. And there is an existing detached one-car garage that sits at 3.9-feet from the existing property line. And this will become very important as I move through why we're asking for what we're asking. Because on paper, we very much understand the 2.44 number. It sounds extreme, but we hope to demonstrate with the existing condition and the installation of the adjacent fence actually -- and I'll show in photographs -- that were just taking existing condition and bringing it up and attaching it to the house with minimal other change in terms of that side yard. And then, it was noted also in our staff report in our existing conditions that the existing building coverage is a tenth-of-a-percent or so over. And we are asking for another 3% on that.

So if I dive into the plans
themselves briefly on our drawing A-3. This is the originally submitted drawing. I'll start on the first-floor. We have that sunroom that's at one-story 7-foot-10 ceiling height that has the existing encroachment. You enter right into the living room with a little side hall area, side-mounted stair. Pretty typical center hall colonial with side stair. Pass through space, dining room, and then actually in 2011, there was a building permit opened and completed to construct this which is like a kitchen/family addition on the rear. So that's the existing first-floor with a full bath. And then one of the main motivating factors for the project was this existing second-floor where we have these three bedrooms. And this was the bedroom noted at 8-foot by 8.8. The other bedroom, 11-by-12 with a one-and-a-half foot deep closest. And then the master is 11-by-12 currently. And then we just show the attic because it becomes part of scope. It's an existing walk-up unfinished attic. And then, just for data, that detached garage is about 24-feet away from the dwelling currently. And again, we'll be proposing to move that forward.

We were approached with three
objectives by the Kopecs. The objectives, which
you'll see on the next page, were on three levels.
So on the top level, which was unrelated to the
variance request, is the finishing of the attic
with a number of dormers. Dormer out the front.
Dormers on the sides. I'll show that in the model
momentarily. And we've got one additional bedroom
and playroom for their children up there. Our FAR
complies and we factored in the overage of 1/3.
So this is in some ways a non-factor for the
variance request.

On the second-floor, the objective
was very clear to add an additional bedroom so
that the existing bedroom could function as an
office or a spare room. The two daughters could
have bedrooms, and the Kopecs would be in this
rear master bedroom. This is slightly related to
the variance. As you'll note on the cover page,
we actually are overhanging the driveway space
because we can take advantage of some natural
height of the first-floor being up a couple of
steps. And it allowed us to get a relatively
modest master bathroom at 8-feet dimension, and a
decent-sized master at the 16-foot dimension. So
this overage is, approximately, 3-feet. I will
note that the master bedroom itself would comply at the 10-foot setback, so it would not be a setback issue. It does contribute 43 square feet, so it marginally contributes to the building coverage request.

And then what I would say is the core of the reason for being here tonight and will probably be the core of the discussion -- and I'll zoom in a bit -- was as stated by Mr. Kopec, they have an existing detached garage. It's about 26-feet away from the house. It's not in good repair. It does not have electric. It's not particularly functional even though it sits on the lot. So the objective, the dream, was can we create a functional garage closer to or attached to the house. We reviewed the 15-foot more height of accessory structure setback in our design meetings. We tried the garage in various locations and then we arrived at this, quite literally taking the garage on the lot, moving it forward that 24-feet or so, and attaching it to the dwelling. I'll switch back to the survey so what I'm saying makes sense. It's almost a parallelogram I guess -- or maybe not really. But the front lot line is parallel to the house and
the street and the right of way. The side lot
lines, you can see in this graphic have a slight
taper to them. And so what is 3.9 at this point
in the rear yard, as I slide it forward to
continue my proper driveway and access, I am
becoming closer to the lot line.

So our objective was to not move the
garage closer to the lot line clearly, it was a
byproduct of pulling the garage closer,
maintaining proper access in and out, keeping the
garage door in a reasonable location. We were
very much balancing that value with the function
of this attached garage so that they could
actually pull a car in. So we have a 10 1/2-feet
clear at the connection of the existing house,
12-feet clear at the beck, and 20-foot total
clear.

In terms of any concerns about
access to the yard on the right side of the house,
we included a normal door on the rear, a
3-foot-wide door. This is all grade level
straight through so that access or service could
be that way. And then there's still accessibility
on the left side. And then another, I should
state this attached garage, based on this nature
of this interlocking with the house, is 261 square feet. The existing garage was 230 square feet. So there was a small increase, but we justified that with trying to get the proper space, again, so the car could make its way in and out effectively. And then we have a 9 1/2-foot by 12 1/2-foot -- it's kind of a combination of a lot of things. It's the access from the garage with the proper landing up the five steps with another proper landing so you could get into the kitchen. Pretty typical flow for an attached garage. A closet that can function as a pantry area to serve the kitchen. These hatched areas are benches or built-ins for the kids' things, and then a series of closets. Since there's only one closet up front and it's pretty limited, we felt this was an opportunity to rectify that first-floor storage. And then if you look at the width of this area, you'll see we put a 4-foot opening here and we kept about 4-feet clear and we put a glass door -- which I'll show in the 3D images -- to try to retain light coming into the back of the house. So that's the overall -- I'm going to summarize and throw the 3D on the screen again, and then I'm happy to field questions. I
apologize for my voice. So some of the positive things that happened as part of this -- and I want to point out before I move to the 3D views of the design -- by moving the garage forward that 24-feet, we have increased the continuous open space in the rear yard. So we've improved the rear yard which benefits the rear neighbors, benefits this right neighbor. And we're hoping to demonstrate that as this is a condition that exists on the lot today, and as we matched the dimension and the height generally of the existing garage, and as we just pulled it forward towards the street, the impact on the neighbor who is here tonight is negligible. So that leaves us with our coverage caused by the mudroom and the garage expansion, which we hoped and aimed to offset by reducing the driveway length. As you can see on the proposal, our impervious is about 13% under. Of course, admittedly, they will likely put a small patio, but we're not intending to max out the impervious. We comply on the FAR. So it's really a question of this bulk in the back.

I'll just show the picture in the 3D and then I'll answer questions. I believe Ms. Knight, we submitted these -- according to my
office -- submitted these on September 30. We submitted these -- what I'm not sure is if they're in the possession of the board or this is an exhibit.

CHAIRMAN FUSARO: We have photographs. I'm looking for that particular one. Just bear with me here. We have them. Approximately, 10 or 15.

MR. RALPH: Great. This is Number 15. Sorry for the overboard, I thought it would be descriptive. So one thing that's interesting to note, I pointed out that this house wall is not parallel with the lot line. The lot line tapers towards it. So in reality, this fence could have been installed on an angle coming towards the viewer, but this fence was installed parallel to our house and our driveway. This is the neighbor's fence. It's a relatively new fence. But I thought that it was helpful to show this photo to show that because of the installation location of that fence currently -- which is a new fence as part of this renovated or new home next door -- there's actually additional open space, green space that exists even when I pull that garage up. And then this I gather I'll
need to -- I can submit these as a pdf, so is this Exhibit A-1? 3D --

MS. RAZIN: Yes. Exhibit A-1. What would you like to call it?

MR. RALPH: 3D Images. I'll make up a pdf sheet with the images I show. I'm just going to rotate around the house to show that.

MS. RAZIN: Do you want today's date?

MR. RALPH: That would be perfect.

Thank you.

(Whereupon, Applicant's Exhibit A-1, 3D Images Dated 01/31/2022) was marked for identification.)

MR. RALPH: What I hope to show with this is, you know, one of the things I know you look at especially on a C-2, and I can only speak so much to this as an architect and not a planner, is how it affects the neighborhood and how it affects the streetscape. And right now, as you pass by the house, you see a garage in the distance. And what I'm hoping to demonstrate is that in the future, as you pass by in the distance, you'll also see a garage. So we sought to keep the roofline lower so that we could
minimize the mass at the side yard. Again, this is very similar to the shape and size as the existing one. And then, coming around at the back, the mudroom, itself, which you can see this offset of height. Which is why we need a little more space in here for the stairs. This mudroom has a nice roofline to match the existing and would be generally imperceptible to any neighbor. So I understand what we're asking for, the coverage variance, but I know that the test against those is the bulk and how that relates to FAR and impervious. And since we comply on both of those, and since this is in the rear, I think that the coverage, itself, can be seen as approvable. And after that longwinded spiel, I'm happy and open to questions or comments.

CHAIRMAN FUSARO: Thank you, Mr. Ralph. I understand your reasoning with respect to that side yard tricking down to 2.-some-odd feet. However, since the right side property line is skewed it's not perpendicular to the street or the rear, I see where that's coming into play. Yes, the neighbor's fence does help your cause. Whether that gets removed at some point in the future or not, we don't really know.
I believe that the layout that you've presented is reasonable. I certainly understand the mudroom issue. I am still a little concerned with that side-yard setback. Looking at the photographs that you've submitted, I see that perhaps you can speak a little about the opposite side of the home where the fireplace bump out is. I'm looking at a photograph which I was shot from the rear of the house and it appears that -- is this the neighbor's garage that I'm looking at on the opposite side?

MR. RALPH: I have too many screens going. Can you show me that again?

CHAIRMAN FUSARO: No problem. It's this photograph.

MR. RALPH: Yes. Yeah, let me get that.

CHAIRMAN FUSARO: You were basically -- you submitted several photos --

MR. RALPH: This is the other way of looking at it; right?

CHAIRMAN FUSARO: Right. Correct.

MR. RALPH: This is that plane that you were just showing, except as --

(Crosstalk.)
CHAIRMAN FUSARO: The opposite.

That's correct.

MR. RALPH: That's correct. That is their detached garage.

CHAIRMAN FUSARO: So that's the neighbor's detached garage and that is on your property line?

MR. RALPH: I think it's on the survey. It's 4-feet at that corner. They didn't dimension this corner. It's probably a very similar condition to scale as ours currently.

MS. HROBLAK: It's off the property line, Frank.

CHAIRMAN FUSARO: Yes, it's off the property line. I see that.

MS. HROBLAK: Their curb comes away from their property line.

CHAIRMAN FUSARO: Correct.

MS. HROBLAK: So he's got room. It just kind of looks like they're right on top of them.

CHAIRMAN FUSARO: Correct.

MS. KNIGHT: Yeah. Using a scale on that, it's around 4-feet.

MS. HROBLAK: It's shown in the
survey, dimensions, 4 1/2-feet at the back.

MS. KNIGHT: Yeah. But the bottom part is closer to the property line at 4-feet.

CHAIRMAN FUSARO: That garage is skewed, just like the other garage.

MR. RALPH: It's very similar. It's the whole neighborhood if you look around --

MS. HROBLAK: Tights lots, yeah.

MR. RALPH: -- and in the staff report Ms. Knight provided, there's a nice tax map view that you can see that that's a part of that pattern of development there, they're all close to the lot lines, these garages are close to the lot lines.

MR. MASCALE: Looking at the tax map, there are a lot of garages close to the property lines.

MR. RALPH: When they approached me about the project, it didn't feel unreasonable as a starting point because we always want to approach it that way. As a design professional, is this a non-start or is this reasonable in this specific neighborhood.

CHAIRMAN FUSARO: Thank you for clarifying that. Are there any board members that
have any questions for Mr. Ralph or for the applicant at this time?

MR. MOLNAR: Yeah. It's Carol. Are you doubling the living space?

MR. RALPH: Are we doubling the living space?

MS. MOLNAR: It looks like a big addition. It looks like you're doubling the size of the house. Does it work out in that manner or anything like that?

MR. RALPH: We were at 1,674 in FAR, so the habitable area, and we would go to 2,500 square feet in the FAR.

MS. MOLNAR: You're adding 1,000.

MR. RALPH: Shy of 1,000, correct.

MR. MOLNAR: Thank you.

CHAIRMAN FUSARO: Anyone else from the board have any comments at this time for Mr. Ralph before I open it up to the public? I see none. Is there anyone in the audience who would like to address the application and ask any questions of Mr. Ralph or the applicant? Please raise your hand and Lyndsay will allow you to join the meeting.

MS. KNIGHT: Ryan Fahy.
CHAIRMAN FUSARO: Mr. Fahy, can you hear us?

MR. FAHY: I can. Can you hear me?

CHAIRMAN FUSARO: Yes, we can.

Thank you, Mr. Fahy. Please state your name and address for the record.

MR. FAHY: Ryan Fahy. And I live at 118 Hazel Avenue. Myself and the Kopecs share a rear property line.

RYAN FAHY, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Thank you, Mr. Fahy. I apologize for mispronouncing your name earlier.

MR. FAHY: No problem. It happens all the time. No problem.

CHAIRMAN FUSARO: Please continue.

MR. FAHY: I appreciate everyone's time. I know it's getting late so I'll just cut right to the point here. My main concern -- I don't have any issue with any of the variances they're seeking -- my main issue really is as it relates to drainage. We bought this house in 2017, and shortly thereafter, every time it rains, we noticed the backyard floods. So in 2018, we
spent a significant amount of money to essentially install five catch basins in our backyard to drain off all the water. I took a bunch of pictures back at that time. If anybody is interested in seeing them, I can share them. Since we've installed those catch basins, it did help, but it hasn't eliminated the problem entirely. The way that the properties are pitched to the grade from South Scotch Plains to Hazel, we obviously get a good amount of water that runs off the Kopec's property. I don't know what kind of drainage mitigation they have over there right now, but when we installed our five catch basins in the backyard and including our downspouts, we had everything piped and run out to Hazel Avenue. As part of that, the Kopecs agreed for a small fee they'd put in, I think, three catch basins and maybe one downspout off the garage, buried them, and now, all of that water drains through our system out to Hazel Avenue. At the time, that was really the only option that we had to make our backyard usable. Lyndsay, is it possible to share my screen? Do I have the ability?

CHAIRMAN FUSARO: Lyndsay, can you make that happen?
MS. KNIGHT: Katie, are they allowed
to as a --

MS. RAZIN: Yeah. I mean, if the
board -- yes, you can. Sure. As long as your
testimony is relevant to what we're discussing,
and you've been sworn, so.

MR. FAHY: It actually is relevant
as it relates to drainage.

CHAIRMAN FUSARO: Mr. Fahy, you're
located -- just to clarify for the board -- you're
located directly behind the applicant, and you're
facing Hazel Avenue; is that correct.

MR. FAHY: That's correct.

CHAIRMAN FUSARO: Thank you.

MS. RAZIN: I would like to -- if
you're going to show something, Mr. Fahy, I'd like
to just mark it.

MR. FAHY: I sent Lyndsay an email a
while back and she said all information had to be
presented in front of the board, to offer some
perspective.

MS. RAZIN: Yeah. We'll just mark
it F-1 or whatever once you get it up and then we
can identify it.

CHAIRMAN FUSARO: Go ahead and share
your screen, Mr. Fahy.

MR. MASCIALE: I think he's muted.

CHAIRMAN FUSARO: That's a lot of water.

MR. FAHY: I'm back.

MS. RAZIN: Tell me, is this one photo, or are we going to see a series of photos?

MR. FAHY: I think they're four.

MS. RAZIN: There are four photos. And when did you take them?

MR. FAHY: I believe these were taken in --

MS. RAZIN: Give me just an estimate. That's fine.

MR. FAHY: 2018. Late spring, 2018, I believe.

MS. RAZIN: Okay. So four photos. And they were taken by you?

MR. FAHY: Correct.

MS. RAZIN: I'm going to mark these -- I'm going to use your last name as the initial, okay -- so I'm going to mark them F-1, if that works.

MR. FAHY: That's fine.

MS. RAZIN: F-1, and I'm going to
put four photos. Just give me a description. Is this your...?

MR. FAHY: Sure. This is our backyard. You're looking at the rear of the Kopec's property.

MS. RAZIN: Okay. Thank you. I'm good.

(Whereupon, Exhibit F-1, FOUR PHOTOGRAPHS - MR. FAHY'S BACKYARD) was marked for identification.)

MR. FAHY: SO this the during a rain. There was a decent amount of rain. It had to be a measurable amount of rain to collect like this. So this is essentially the result of what would happen when it would rains. Our property floods because of the way that it is graded. You can see, just over the property line, you can water that pools back there. So this water, a majority of it is not from our property, it's from the surrounding properties.

MR. MASCIALE: Is your property higher than their property?

CHAIRMAN FUSARO: It looks like you're higher than the property in question.

MR. FAHY: No. No. We're
absolutely not. We're the lowest properly around aside from the property that's on our left there. Which they have that cinderblock wall, so I'm assuming they put those cinderblocks there to stop some of this water a while back. But we're lower. And in some of the coming pictures here I can show you that --

CHAIRMAN FUSARO: Perhaps some of the other photos might.

MR. FAHY: Yeah. This is the second photo. You're still looking at our backyard, the Kopec's are over to the right. And you're looking towards First Street. This is where water pools and it will eventually run -- you can see it, it runs -- this our driveway, and directly behind this is Hazel Avenue. This is a better perspective of the grade. But you can see that it runs all the way down along the property line up to our driveway and then out to the street.

MS. HROBLAK: Mr. Fahy.

MR. FAHY: Yes.

MS. HROBLAK: You took the first two photos from within the house; is that correct?

MR. FAHY: Yes.

MS. HROBLAK: And this one is from
within your car, so you're closer to the grade?

MR. FAHY: Yes.

MS. HROBLAK: Ground level?

MR. FAHY: Yes.

MS. HROBLAK: Okay. Thanks.

MR. SONTZ: Mr. Fahy, what is this? Is that a little hill between your house and the Kopec's house? It looks like a little berm. What is that?

MS. HROBLAK: It looks like someone built a berm.

MR. FAHY: It's not really a berm. It's basically -- there's a bunch of mulch and stuff in there. It's raised a little bit, but it's nowhere near that extent anymore. It looks like it, but --

MR. SONTZ: Is that just a pile of mulch and the ground is kind of straight or is that actually, like, dirt goes up that does a little hill?

MR. FAHY: I mean there might be a little bit of dirt there, but the majority of it is mulch.

CHAIRMAN FUSARO: Because the photos still appear, just again, just from our
perspective by looking at the photographs, it still appears that you're either at the same height or that berm is acting as some sort of barrier. But, please, I think you said you might have had one more additional photo. Yes or no?

MR. FAHY: One -- let me see. I have one right here. So this one -- see, I don't know if this helps at all either. This might give a little better perspective. It's basically just standing just off the driveway. This is after we had the work done. So this is all the drains we had put in here. There're a little bit hard to see. You can see one right here, this is the closest one to Hazel Avenue. There's one -- can you guys see my cursor?

BOARD MEMBERS: Yes.

MR. FAHY: There's one probably in this area within, there's one right around this area, one over here, and one in this area.

MR. SONTZ: Mr. Fahy, did you say the Kopecs had a drain put in at the same time you did? Like, they used the same company?

MR. FAHY: We approached -- when we were doing this because we knew that's where the water, the majority, was coming from, so we
approached them and we were like, "Listen, you know, we can't use our backyard. Every time it rains, it floods." And then we have standing water until however long it takes for it to dry out. So we did approach them and say, "Hey, we're having this done, you know, is there anything else that we can do to help offset some of this problem?" So what they did is -- and I can't remember exactly how many they put, at least two catch basins just over this a little berm on either side of this tree, put two catch basins there, they piped this downspout. And I believe they put a catch basin over here at the end of their driveway. I don't know if there's a downspout on that side of the garage or not, but all of that is now piped through our yard to Hazel Avenue. And that made a significant difference, but it didn't stop the problem. We still do get standing water, especially if it rains hard. I know October was a little bit different. I mean you get that amount of rain to places that you'll never see flood, probably flood. But in October, our yard looked like this again during that storm. You know, how often do you have one of those storms? I don't really know.
Basically, what I'm getting at here is that they're going to move the garage, so they're going to move a couple of those catch basins. Listen, I'm not an architect, I did take a look at the plans, but I didn't see any consideration given to drainage. Then that's our concern. Our yard floods and our basement floods. We've done everything that we could on our property to mitigate it. It's not our water. So that's what our concern is, I don't want to belabor the point, but that's kind of my two-sense and perspective on the deal.

MR. RALPH: May we reply to that because that's obviously a serious, real concern. I would say that I've been messaging with Mr. Kopec, and they are open to -- if this was seen favorably -- we're open to some mitigation techniques. We have an opportunity with that master addition and the dormers to work with our gutters and our downspouts and the direction that they go. With the move of the garage out front, we have the opportunity to manage our own water off the garage. Now that it's not detached we can bring it forward towards the street, manage it intentionally with the driveway. I can speak only
so much to exactly what we can do, but I want to
let you, as their neighbor, Mr. Fahy, and also let
the board know that the applicant is open to
taking this opportunity to mitigate.

CHAIRMAN FUSARO: Great. Thank you.

MR. SONTZ: Does anyone have an
elevation of either property?

MR. FAHY: I can tell you, if I may,
I can tell you I measured my slope because I was
doing something else in the backyard, but I ended
up measuring my slope, and from what I can tell,
there at least probably a 6-inch to a foot
difference. Looking at this picture from the top
right to the bottom left, there's probably
6-inches to a foot difference in your yard. I
know that's probably not the answer that you're
looking for. But in my yard, I don't have a
topographic map or anything, but that's what I can
tell you in our yard where it slopes. Their house
sits higher than ours. It absolutely does.

MS. HROBLAK: Mr. Fahy, do you have
a basement?

MR. FAHY: Yes, ma'am. Yes, I do.

MS. HROBLAK: Do you get water in
your basement.
MR. FAHY: We do from time to time, yes, unfortunately.

MS. HROBLAK: When these events occur?

MR. FAHY: Right. And when the yard floods like that, we get water. It seeps into the walls.

MS. HROBLAK: Is it worse or better now that you've put in the catch basins?

MR. FAHY: It's much better.

MS. HROBLAK: Okay. Good.

CHAIRMAN FUSARO: Mr. Fahy, the five catch basins that you've put in -- I'm going to call them lawn drains -- as well as the additional three or four that the applicant has installed, that water is collected and piped out to Hazel; is that correct?

MR. FAHY: Yes. Our hope is that the catch basins were never meant to be permanent. You know, I don't know what the long-term solution is. Maybe we're stuck with them and that's the only thing that we can do. Because we do have small kids and they run around in the backyard and then they run in -- all the catch basins are pitched, you know. Listen, in an ideal world,
we'll abandon them eventually if the water can be mitigated. I don't know if that's ever going to be an option, they were never intended to be a permanent solution to this problem. But you know, we can't necessarily control what everybody else is doing on their property.

CHAIRMAN FUSARO: Realistically, I don't see them -- especially with this amount of water that's shown in this photograph -- I don't see them disappearing any time soon. My other question was going to be -- and Allyson, maybe you could chime in here a little -- I'm thinking of what other measures can possibly be installed. It would appear that a dry well would probably do nothing here. Am I correct in stating that Allyson? If we requested them, the applicant, to put in several dry wells in their backyard.

MS. HROBLAK: Well, that all depends on where the seasonal high groundwater is, whether the water will perk. You can put anything on a plan, it doesn't mean it will work. My immediate thoughts were something along the lines of what Mr. Ralph suggested was catching as much of the stuff that's from catch basins that were put on the Kopec's property. And if the basins in Scotch
Plains allow piping it out there, if you can't make that, you could put in maybe a pit that pumps and have it put to something underneath the driveway that then pumps it out. You know a lot of this has to do with getting the data for the design. But it's a good sign that the drainage system that's in here is helping. So that's at least some good news.

MS. KNIGHT: Can I just ask? So these pictures are from 2018. Were the catch basins put in after this?

MR. FAHY: Yes.

MS. KNIGHT: Okay. So you have images from after?

MR. FAHY: I didn't take any --

(Crosstalk.)

MS. KNIGHT: So these are all from 2018 or this is after the catch basins?

MR. FAHY: This is right after. This is still 2018, but it's right after.

MS. KNIGHT: And there're no more recent pictures?

MR. FAHY: No. I would have taken pictures in October, but it was dark. The catch basins have helped. The other part of this is
that -- listen, it's all good when two property owners work together to mitigate something, and it's fine until the house gets sold and they don't get along anymore. So now, like our -- and I'll say this as nice as possible -- I don't necessarily feel comfortable relying on someone else to make sure that they take care of their drainage so we do have a problem. You know? And maybe that's the hand that we're dealt and that's what we have to deal with, and it is what it is if that's the case. But that's kind of the position that we're in now is that we've done what we could in our yard and the Kopecs have helped, but will that continue in the future, I don't really know. But the integrity of our property and basement, in particular, is reliant in some part of what goes on on that property. But that's the only option we had at the time really.

CHAIRMAN FUSARO: I would think -- and to speak a little to Mr. Ralph's comments -- by moving this garage forward you're now going to have an area of grass where the garage currently is which I would assume would absorb some additional water, be it minimal because you're basically moving the garage forward. However, you
are -- correct me if I'm wrong Mr. Ralph -- you are decreasing the driveway area because you're moving the garage forward --

MR. RALPH: Correct.

CHAIRMAN FUSARO: -- but that proposed mudroom and patio area that's shown -- I know you said the patio was possibly something that might be put in in the future -- that is increasing the impervious coverage that's currently on the lot; is that correct?

MR. RALPH: To clarify, the plot plan that we have on the cover page is an overlay of our work on the existing survey so that you could see both conditions. We would be building the mudroom over what is now impervious patio, and removing the balance of it or reconfiguring some of it. But it's a net offset and then a reduction because the garage pulls in.

CHAIRMAN FUSARO: So you're reducing the impervious area by the size of the existing garage, approximately?

MR. RALPH: That is the best way to say it, correct.

CHAIRMAN FUSARO: So that's going to help --
MS. HROBLAK: How many square feet is that?

MR. RALPH: The existing garage we had at 230 square feet, and then there's about 4-feet of driveway between where the new garage is, so another --

MS. HROBLAK: All I want is the net reduction.

CHAIRMAN FUSARO: About 240 square feet is what I believe you said, right, Mr. Ralph, the net?

MR. RALPH: I'm looking the cover page. Call it 200. So that's going to help --

MS. HROBLAK: That helps. That helps things.

CHAIRMAN FUSARO: It's going to help a little bit Mr. Fahy. I don't think it's going to solve your problem, but every little bit helps. Other than putting some dry wells in here, normally, when we have drainage issues that are kind of glaring, we would ask the engineering department to look into it. And the general rule of thumb, the engineering department does not address drainage on residential properties, usually just on commercial projects that are
brought before the board unless we specifically ask them to. Which in this case, I believe we can. Am I correct, Lyndsay, in saying that or no? And can we ask the engineering department to go out and take a look at this and see if they would have any suggestions to help mitigate the drainage on the property or not?

MS. KNIGHT: Yeah, absolutely. We can ask Dave.

MS. HROBLAK: Just to clarify, I actually spoke to Dave a couple of days ago about something else and he said he was reviewing certain things for drainage now. So he's perfectly happy -- he seems happy to do it.

CHAIRMAN FUSARO: Great. Okay, good.

MS. KNIGHT: He's more than willing.

CHAIRMAN FUSARO: Excellent. So that's certainly something we can do. We'll ask the township engineer to review the drainage and see if he can come up with some additional suggestions other than, like I said, a dry well, and possibly adding some additional basins. Certainly, as Allyson had mentioned, if it works grade-wise and some additional catch basins can be
added -- I'm going to call them "lawn drains" --
added in the applicant's backyard and piped out to
Scotch Plain Avenue, that would be spectacular.
However, I have a feeling that from what
everyone's telling me that the grade would
preclude that from happening and that's why it's
currently being piped to Hazel and not to Scotch
Plains.

MS. HROBLAK: Maybe. Maybe not.
Depends how deep the catch basins are and Scotch
Plains.

MR. SONTZ: But also because we
don't know any of the elevations, there's a lot of
information we don't know. The water could be
coming from the two side neighbors too.

MS. HROBLAK: That's why Dave should
look at this.

CHAIRMAN FUSARO: Yeah. That was
another comment I was going to make. That's
probably why Mr. Fahy showed in his photographs as
well that someone built a block, one course of
block on the side property line, and that was
probably to block some additional water -- when I
say "block" I mean "see them used" to block some
additional water from entering Mr. Fahy's property
from the side as well. So it looks like that this entire area has some issues. Perhaps I would suggest that Mr. Ralph and the applicant provide us with some grading, some elevations, etcetera, and, you know, I think that would help us review the application a little closer. And we certainly don't want to create any additional water issues by approving the application. Chris, what are your thoughts? Should we --

MR. MASCALE: I'd like to see what would be done with the addition with bringing the water that they can forward and with a plan that would show that it would go forward with what they can capture. So let's say that the new garage has moved forward, are they going to be able to run that water to their front yard down to the street or are they still going to go backwards into the neighbor?

CHAIRMAN FUSARO: I would think that the driveway -- perhaps Mr. Ralph or the applicant can let us know -- the current driveway, I'm assuming that the current driveway is pitched towards the street; is that correct? Otherwise, all the driveway water would be going into your garage.
MR. RALPH: Stan, do you want to comment on that? In the pictures it's indiscernible. It's close.

MR. KOPEC: It's close. But we also have a drain that drains, you know, right on by the garage door as well that we put in.

CHAIRMAN FUSARO: So you have a trench drain in the front of your garage door so that water from your driveway doesn't enter your garage.

MR. KOPEC: Right.

CHAIRMAN FUSARO: That would lead me to believe that the driveway is pitched towards Mr. Fahy's property and not towards Scotch Plains.

MS. HROBLAK: Maybe not the whole driveway, but at least part of it.

MR. RALPH: It appears that the corner of the house where the addition was is a crest, a very subtle crest, and it does look in the photos like from that corner between the kitchen addition and the main house, very gently tapers back towards the street. Which is why if we can show it to you, the objective would be to capture the water, put it in the driveway that's naturally rolling into Scotch Plain which would be
a pretty large improvement from everything spilling in the backyard currently.

MR. MASCIALE: I think for 23% which is being asked is a big ask. We usually don't approve above 22%. I think we need to see that plan quantified. There're no guarantees for drainage, but I think before I was voting on something of this size, I'd like to know where the water is running. That's my take.

CHAIRMAN FUSARO: I agree, Chris. Perhaps at this point, we can ask the applicant and Mr. Ralph to go back to their engineer who prepared the survey give us some grading shots and tell us, especially along the driveway, which way is pitched, which way the water is running. I add to piggyback on what Chris said, if we can look at the grades and see even if a portion of the driveway is pitched towards Scotch Plain Avenue, we can put a leader at that location in the gutter and run that amount of water to the street. I mean you would eliminate half the water coming off this property from going into Mr. Fahy's yard, which I wouldn't say would solve the problem but I think it would be a great improvement. Then also, Mr. Ralph, if you could go back and take a look at
the plan again and see if there's any square
footage that you can reduce per Mr. Masciale's
comment, that would be appreciated as well. And
if you could get that back to us, we'll take a
look at it and try to get this approved for you.

MR. RALPH: May I ask, just for the
sake of expediency, we could engage the engineer
for spot elevations along the critical areas
versus a full topo. I just want to be clear if
that would be acceptable if it painted the picture
or if the request is a full topo at this time.
Because, of course, if we were approved, it might
make sense to do then do the full topo and work
with engineering to make it happen. But for the
sake of demonstration, I'm curious if spot
elevations might do it.

CHAIRMAN FUSARO: I think if
there're enough spot elevations. I mean,
basically, a topography is connecting the dots
between the spot elevations.

MR. RALPH: Yeah. I'd be looking at
the right half of the lot. Basically, I would
have him traverse the driveway from the street all
the way to the backyard --

MR. MASCIALE: If your spot
elevations cover the additions you're doing. You
know, I want to make sure it covers the additions
that you're doing before voting on it.

MR. RALPH: We can furnish him with
the plans so he knows where all the corners are
and he can shoot all of them as a spot.

CHAIRMAN FUSARO: And also some
along the rear of the property, obviously.

MR. RALPH: It's just a quicker --
you know, that might be able to be next month
versus two months if we can, which is why -- but I
don't want to short the board any information.

CHAIRMAN FUSARO: That's fine. And
while we're asking, if Mr. Fahy agrees, perhaps we
can get a couple of spot elevations 4/5-feet onto
his property as well. He would have to allow your
surveyor to do that.

MR. FAHY: And that's probably fine
if that's what they need to sort through this. If
I can say one last thing. I'm not here to stand
in the way of anything. You know, what people
want to do on their own property is completely up
to them. That's not why I'm here. You know, if
we can come to a reasonable conclusion, it's
probably not going to be a hundred percent
solution. But as long as it's reasonable and in
good faith, I don't think we have an issue.

CHAIRMAN FUSARO: We appreciate

that. Thank you, Mr. Fahy.

MS. HROBLAK: Frank, just also some
additional information. Spot elevations, also you
can pick up the nearest catch basins in Scotch
Plains as well as all the catch basins that were
recently installed. They need to know the inverts
of those.

CHAIRMAN FUSARO: Okay. That would
be fine. I'm sure those catch basins -- the spot
elevations of the five catch basins on Mr. Fahy's
property and the three or four on this one
shouldn't be a problem whatsoever. That's
relatively simple.

Chris, I just want to ask do you
think we should see if there's anyone else in the
public who would like to comment before we kind of
wrap this?

MR. MASCIALE: Yeah. Let's finish
covering it. Frank, I think that's a good idea.

MS. KNIGHT: Chris Powers.

CHAIRMAN FUSARO: Mr. Powers, thank
you. Can you please state your name and address
for the record?

MR. POWERS: Yes. My name is Chris Powers, and my address is 640 First Street.

CHAIRMAN FUSARO: Are you to the right or the left of the subject property?

MR. POWERS: I am to the right. So I'm the white fence that you saw. That's my property.

CHRIS POWERS, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Please continue.

MR. POWERS: Perfect. I really appreciate you guys taking the time to hear me tonight. Myself, my wife, and three children, we are just so happy to have the Kopecs as your neighbors. They are a great piece of the community. They are involved in everything from McKinley PTO to Girl Scouts, as they had mentioned. And we see this addition as a positive for the Kopecs, making them more comfortable. We see it as a positive for the neighborhood, keeping them around so that they don't move or go anywhere. And for us, we do not see this as an inconvenience or any issue with our property whatsoever. Today, the garage is pretty much in
the same exact spot that it will be hopefully in a
couple of months. You can also see that the fence
is up, so we don't have a true view of the garage,
the fence covers most of it. We also don't have
any issues with the addition whatsoever. We're
looking forward to it, and we're happy to be a
part and give our approval in any way that we can.

CHAIRMAN FUSARO: Thank you,

Mr. Powers. A couple quick questions as far as
drainage is a big topic on this application. Does
your rear yard flood at this time, and if you have
a basement, what are the conditions there during a
heavy rainstorm?

MR. POWERS: Yeah. So we do not
have any drainage issues in the backyard. We do
-- if you were looking at our house from the front
on the right-hand side of the yard to almost
sloping down towards Hazel -- we have a little bit
in that corner. As pretty much everybody in
October, we had massive flooding in our basement,
so we are putting in French drains and a sump
pump, which we did not have, which we will now
have hopefully in two weeks. Other than that,
there's no real pooling in our yard. I would say
no major issues at all in the backyard or the
front yard. I would just say in that one little area towards the Hazel sides.

CHAIRMAN FUSARO: Thank you, very much Mr. Powers. We appreciate your time.

MR. POWERS: No problem.

CHAIRMAN FUSARO: Anyone else from the audience like to address the application please virtually raise your hand and Lyndsay will allow you to speak.

MS. KNIGHT: There is no one else in the audience.

CHAIRMAN FUSARO: I see none. We'll close that portion. Okay. Just to kind of recap real quick. Mr. Ralph and Mr. Kopec, you're going to get us some spot elevations, you're going to submit that to us. We will take a look at that. Please include as much information as possible, especially along the driveway. Along the rear of the property, please include the spot elevations of the basins that were put in in 2018. And Mr. Ralph, while you're at it, take a look at the overage that Mr. Masciale questioned with regards to the size. Do you have any questions?

MR. RALPH: No questions. And I appreciate all the feedback.
CHAIRMAN FUSARO: Thank you, so much. Chris, I guess we can carry this to the next meeting provided that the information comes in on time, which is February 14.

MR. MASCIALE: Without need for further notice, correct.

MR. RALPH: Okay. Thank you.

CHAIRMAN FUSARO: Thank you, and have a great evening. Okay. I guess -- sorry to have this meeting run to 11:45. I guess it's not the greatest start to the year, but we're going to have a busy year. So hopefully we'll be able to move through it a little quicker. Does anybody have any other comments, questions real quick or do we have a motion to adjourn.

MS. HROBLAK: I'd like to make a motion to adjourn so Lyndsay can go to bed. She looks tired.

MS. KNIGHT: I'm nine months pregnant, so I am tired.


CHAIRMAN FUSARO: Thank you very much. Our meeting is adjourned. Thank you, everyone.
MR. MASCIALE: Great job, Frank.

Great job.

CHAIRMAN FUSARO: We'll see you next month. Have a good one. Good night everyone.

Thank you.

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(The meeting was adjourned at 11:46 p.m.)

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