TOWN OF WESTFIELD

BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :

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TRANSCRIPT OF PROCEEDINGS
Monday, February 14, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

*Meeting held virtually via Zoom*
BEFORE:

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

APPEARANCES:

STICKEL, KOEING, SULLIVAN & DRILL, LLC
BY: KATIE RAZIN, ESQ.
Attorney for the BOARD
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CHAIRMAN FUSARO: Good evening. This is the regular meeting of the Westfield Board of Adjustment. If everyone can please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Thank you. This is a regularly scheduled 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 this 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 of the Town of Westfield. All in accordance with the requirements of the Open Public Meeting 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. Last month, I explained that one of the roles of the Board of Adjustment is to hear and grant or deny C and D-type Variances. In addition, the Board also has the ability to hear and decide on appeals of the zoning officer and the zoning ordinance under Sections 70A and B of the Municipal Land Use Law, and to make interpretations and rulings on those appeals when asked to do so by applicants.

CHAIRMAN FUSARO: Thank you, Katie.

MS. RAZIN: Thank you.

MR. SAMMET: Shall I take the roll, Mr. Chair.

CHAIRMAN FUSARO: Yes. Do we want to swear in Don, first, Katie?

MS. RAZIN: Sure. Why don't we do the roll first and then I'll swear him in.

MR. SAMMET: Roll call for tonight's attendance. Mr. Cohen.

MR. COHEN: Here.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Here.

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Here.

MR. SAMMET: Mr. Masciale.
MR. MASCIALE: Here.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Here.

MR. SAMMET: Ms. Pavon is absent this evening. Mr. Sontz.

MR. SONTZ: Here.

MR. SAMMET: Mr. Gelinas.

MR. GELINAS: Here.

MR. SAMMET: And Mr. Reisen.

MR. REISEN: Present.

MR. SAMMET: Thank you, everyone.

(Whereupon, DON SAMMET, was duly sworn.)

CHAIRMAN FUSARO: Moving right along. Our next order of business is the approval of the minutes from our last meeting. Has anyone had a chance to review the minutes?

MR. MASCIALE: Yes.

CHAIRMAN FUSARO: Any adjustments, comments, questions, concerns?

MS. MOLNAR: Yeah. The minutes are usually nine pages long, this was 133 pages.

CHAIRMAN FUSARO: It's 233 pages, actually, and it's a new format that I guess the Board will be using since we have a stenographer
with us. I'm assuming that going forward this is
the format that we'll be receiving them in. Is
that correct, Maria?

MS. BREIEN: (Indicating.)

CHAIRMAN FUSARO: She's nodding her
head "yes." We can discuss it a little further at
some point, Carol, and if we need to make some
modifications, we'll certainly do the best we can.
Having heard that there are no changes to last
month's meeting minutes, can I have a motion to
approve the minutes?

MR. MASCIALE: So moved.

CHAIRMAN FUSARO: A second.

MS. MOLNAR: Second.

CHAIRMAN FUSARO: All in favor.

BOARD MEMBERS: Aye.

CHAIRMAN FUSARO: Opposed. I see
none opposed. The minutes are approved.

We have the memorialization of
resolutions from the January 31st meeting. Has
everyone had a chance to review the resolutions?

MR. MASCIALE: Yes.

MR. SAMMET: Mr. Chairman, I think
we're going to take a roll call vote on each
resolution at the recommendation of legal counsel.
CHAIRMAN FUSARO: Yes. I saw that the format has changed slightly from what we've done previously. So that will be fine.

The first resolution is 544 Coddington Road. Mr. Benjamin Leavitt. Everyone has reviewed the resolution, are there any questions or comments? No. May I have a motion to approve that resolution?

MR. MASCIALE: So moved.

MS. MOLNAR: Second.

CHAIRMAN FUSARO: Roll call,

Mr. Sammet.

MR. SAMMET: I saw Mr. Masciale, seconded by Ms. Molnar.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SAMMET: Mr. Cohen.

CHAIRMAN FUSARO: You're on mute, Michael. We can't hear you.

MR. SAMMET: If can nod your head in
the affirmative. He's nodding in the affirmative.

MR. COHEN: (Indicating.)

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: And Ms. Pavon is absent. I believe Katie that is who is eligible to vote on this particular resolution.

MR. SONTZ: Am I not eligible to vote?

MS. RAZIN: Who said that?

MR. SONTZ: Matt Sontz.

MR. SAMMET: Mr. Sontz.

MR. REISEN: Hold on one second.

MR. SAMMET: Oh, I see. Hold on. It carries on the next page. Forgive me.

Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Reisen.

MR. REISEN: Yes.

MR. SAMMET: I apologize for that.

CHAIRMAN FUSARO: The resolution is approved.

The next resolution we had a revision to. So please, hopefully, everyone had a chance to review that revision. It's the
application for 244 Canterbury Road. Sue Seeley
and David Herman. Any questions, comments, or
revisions to that resolution. Seeing none. May I
have a motion to approve the resolution?

    MR. MASCIALE: So moved.

    MS. MOLNAR: Second.

    CHAIRMAN FUSARO: So moved by

Mr. Masciale. Seconded by Ms. Molnar. Don,
please call the roll.

    MR. SAMMET: Mr. Fusaro.

    CHAIRMAN FUSARO: Yes.

    MR. SAMMET: Mr. Masciale.

    MR. MASCIALE: Yes.

    MR. SAMMET: Ms. Molnar.

    MS. MOLNAR: Yes.

    MR. SAMMET: Mr. Cohen. Mr. Cohen

is nodding his head in the affirmative.

    MR. COHEN: (Indicating.)

    MR. SAMMET: Ms. Hroblak.

    MS. HROBLAK: Yes.

    MR. SAMMET: Ms. Pavon is absent.

    Mr. Sontz.

    MR. SONTZ: Yes.

    MR. SAMMET: Mr. Reisen.

    MR. REISEN: Yes.
CHAIRMAN FUSARO: The resolution is approved.

Our third resolution for the evening from our January 31 meeting is for 155 Tudor Oval. Lisa Seliger and Jeremy Keenan. Has everyone had a chance to review the resolution?

MR. MASCIALE: Yes.

CHAIRMAN FUSARO: No questions, comments, concerns. May I have a motion to approve the resolution?

MR. MASCIALE: So moved.

MS. MOLNAR: Second.

CHAIRMAN FUSARO: Mr. Sammet, please call the roll.

MR. SAMMET: Motion by Mr. Masciale. Second by Ms. Molnar.

Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SAMMET: Mr. Cohen. Mr. Cohen nods his head in the affirmative.

MR. COHEN: (Indicating.)
MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: Ms. Pavon, absent.

Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Reisen.

MR. REISEN: Yes.

MR. SAMMET: The resolution is approved.

CHAIRMAN FUSARO: Thank you, Don.

For the record, the vote of any board member on the 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 of the action taken by the Board. Yes, Matt?

MR. SONTZ: I'm wondering; do we need that anymore if we're going to be doing each resolution individually? We may not need that anymore.

CHAIRMAN FUSARO: Kate?

MS. RAZIN: I don't you do. I listened to what you said, but I just want to review it again. But I'm pretty sure that's
correct. You probably don't need that anymore because the point of taking individual votes is to make sure that exact purpose is met, essentially.

CHAIRMAN FUSARO: One less thing.

MS. RAZIN: One less. Adding one thing, taking away one thing. Right.

CHAIRMAN FUSARO: Thank you so much.

MS. MOLNAR: It's good to clarify it though for the public so they know.

CHAIRMAN FUSARO: Let's see, do we want to just touch base, which I guess is a bit of a housekeeping item which I may have mentioned previously. I wanted to touch base so everyone knows the that zoning and planning office has prepared an annual report forgot the Zoning Board of Adjustment. It was just sent to us this week. We will be reviewing it and we will be commenting on it at our next meeting. I would ask all the board members to please review it and see if there are any questions, comments, concerns, or revisions that need to be made. And just so that everyone knows, last year, we had a grand total that we saw or heard a grand total of 123 applications. Which is quite a hefty number. I want to thank everyone for their participation,
and please read through the report and we will
discuss it in a little more detail at our next
meeting.

MS. MOLNAR: Should we e-mail Don
the changes that we have?

CHAIRMAN FUSARO: Sorry?

MS. MOLNAR: Should we email Don any
changes?

CHAIRMAN FUSARO: Yes. You can
email Don any proposed changes. That's correct.

Yes, Chris?

MR. MASCIALE: I just want to point
out it's also an opportunity for the Board to make
suggestions. We've made suggestions in previous
years on changes like the solar panels on the
front of housing, you know, with the aesthetic
pleasing. And there's been other suggestions that
have come through from the Board. Suggestions
like tracking how many applications the Board
modifies from the way they're proposed is one in
the past that's been made. Just to know that the
Board doesn't approve everything. But, yeah,
suggestions like that. This is our once-a-year
shot. I just wanted to remind board members if
they can prepare any thoughts and present them. I
think it's always good for the Board to discuss them.

CHAIRMAN FUSARO: Yes. Thank you, Chris. I appreciate the input. Yes, it's very important that any concerns or modifications that you'd like to make or suggestions that you'd like to make going forward for the following year, it would be greatly appreciated. We could also bring those suggestions to the attention of the planner, the attention of the town council, etcetera, and, hopefully, they would be passed and put into motion based on our recommendations.

I believe we have two applications, I just want to mention that are being carried. The first application is for 119 South Scotch Plains Avenue, Application Number 21-37, Stan and Jessica Kopec. That application, we started hearing that application at our last meeting, and they were going to make some modifications and make a resubmission. So that application will be carried to the March 14 meeting without further notice. And the second application that will be carried to the March 14 meeting is Application Number 21-38 for PNC Bank, located at 1 Lincoln Plaza. That is also carried to the March 14
meeting without further notice.

MS. MOLNAR: Is there a special order of things? What would be the order?

CHAIRMAN FUSARO: I believe the order of those carried applications would be South Scotch Plains Avenue first provided we receive revised drawings from the applicant. And then PNC would be second. They would be moved to the top of the agenda for next month's meeting.

There are no considerations for extensions of time. I don't believe there is any unfinished business that we need to discuss. Does anybody have anything? No. Okay. Seeing none, we will move into our first application of the evening which is Tonya Brubaker. If you are attending the meeting, if you could please raise your hand so Don will allow you to enter the meeting. And if you have any of your consultants with you as well, please let us know and we will let them into the meeting as well.

MR. SAMMET: Good evening, Ms. Brubaker. I've added, who I believe is your architect, Mr. Abrams.

MS. BRUBAKER: That's right.

Kenneth is my architect.
MR. SAMMET: Is there anyone else here with you this evening you'd like me to bring in to testify?

MS. BRUBAKER: Nope. Just the two of us. Thanks.

MR. SAMMET: Thank you very much.

CHAIRMAN FUSARO: The application is for 920 Irving Avenue, Ms. Tonya Brubaker. Application is seeking approval to construct a one-story addition to the left side of the property adjacent and behind the existing one-story structure contrary to the Land Use Ordinance Section 11.04.E.6 where side-yard setback permitted is 10-feet and proposed is 4.75-feet. And Section 12.04.F.1 where maximum coverage by buildings permitted is 20% or 3,600-square feet and proposed is 25.9% or 1,247.25-square feet.

Ms. Brubaker, if you could please raise your right hand I'll swear you in. Please state your name and address for the record.

MS. BRUBAKER: Tonya Brubaker, 920 Irving Avenue in Westfield.

TONYA BRUBAKER, having been duly sworn, was examined and testified as follows:
CHAIRMAN FUSARO: Thank you so much.

Please tell us about your application.

MS. BRUBAKER: First, thank you all for your time and consideration this evening. As I mentioned I'm Tonya Brubaker, the owner of 920 Irving Avenue. We bought the house in 2014 and we love the house, we love the neighborhood here. But our needs have since evolved a bit. We now have two older boys in high school. And like many of us, I'm now working from home full-time, so what used to be our den is now my permanent office. So what we're looking to do is just expand this room that I'm actually sitting in right now a bit just to have a separate office and family room space. So with that, I'll hand over to Kenneth, my architect on this project.

CHAIRMAN FUSARO: Good evening, Mr. Abrams. If you could please state your name and address for the record.


CHAIRMAN FUSARO: Thank you.

Mr. Abrams, since you haven't appeared before the board this year and we have several new board members; if you could please list a little history
about yourself and your --

MR. ABRAMS:  Credentials.

CHAIRMAN FUSARO:  -- credentials and

as an architect.

MR. ABRAMS:  I have a bachelor's
degree from Georgia Tech, master's degree from
Arizona State University, and I've been licensed
in New York and New Jersey since 2003.  I've been
on the Board but not this year -- or at least not
in front of the Board.

CHAIRMAN FUSARO:  And your license
is active?

MR. ABRAMS:  Yes.

CHAIRMAN FUSARO:  Thank you.  We'll
continue to recognize you as an expert in the
field of architecture.

MR. ABRAMS:  Thank you.

CHAIRMAN FUSARO:  Please proceed.

MS. RAZIN:  Let's swear him in.

CHAIRMAN FUSARO:  Yes.

KENNETH ABRAMS, having been duly
sworn, was examined and testified as follows:

CHAIRMAN FUSARO:  Please proceed.

MR. ABRAMS:  I'll try and share my
screen so you don't have to go through all the
paperwork, but if not, then we'll revert to that.

Bear with me. Here we go. I just want to go through exactly what the existing conditions are of the site and then we can kind of explain exactly what we're looking to do, and then we can go from there. Basically, as you're looking at that survey, the house is on an existing nonconforming lot, which is, approximately, 4,800-square feet. For the zone, it's about 6,000-square feet. So it's a little bit tighter. Not too-too much, it's mostly in the width. But the house, itself, is existing nonconforming. The location of it is, as you can see, to the right side you can see that it is 4.7-feet from the property line. And then in respect to the overall property as the numbers state, the 25.9 is what we're asking for but the actual impervious or building coverage -- impervious coverage -- sorry, building coverage that's existing is actually 24.25% so we're actually asking for only 81.25-square feet more than what's actually existing. As you can see on the survey and the markup survey, that small box behind the piece of the structure that's off to the -- right off of the 4.7 feet off of the side yard is actually what
we're trying to infill and extend the dense space and try to give her a little bit more office space, plus, additional dense space for the rest of the family. We tried to move it around in other parts of the house, but as you can see, you can't put it next to the garage, it would be too close. If you put it centrally located, it actually blocks the flow of the house out onto the property. And we tried to minimize the impact to the backyard so we can pretty much maximize the landscaping and the usage of the back without impacting it too much. So the logical or the natural location of it is actually to infill that little block in the back. And I'll show you some pictures.

As you can see, from the front elevation -- these are all pictures that I submitted with the package, the variance package -- this side piece off to the left side is actually the existing structure. From the back, you can see the structure right here, but also you can see where we're trying to infill where that existing concrete pad is. So we're truly not making the setback any worse than what it is already, and we're just extending it and basically
squaring off the house one story. And then
another view, you can see that the proximity to
the adjacent house they have a driveway, their
house, then you have the fence, then you have the
4.7 feet, and then the Brubaker's structure. So
again, we're not making anything worse than what
it is. And what we're trying to do is minimize
any impact to the neighbors by -- it's really only
one-story, so it's not getting any larger or
taller and it doesn't affect them pretty much in
any way, and we tried not to.

Basically, what we're trying to do
is as you can see from the proposed left-side
elevation, is that we're just extending it all the
way to the back of the house, we're changing the
roofline so it basically becomes a shed roof
instead of a peaked roof that was there before.
So it actually drops down a little bit farther, so
it's less impact that you can see from the fence,
and then slopes towards the house, itself. So it
really doesn't -- again, it's minimizing any
impact to the neighbor's property.

I'll show you the front again, bear
with me. These are the guinea pigs for me doing
this the first time. As you can see, on the right
side, you have the peak, the peak will change to a shed roof. So that high peak, that high point is actually going to drop down to where the gutter line is shown on the drawing. Basically, just looking at the numbers themselves, again, just to reiterate, we're adding 1.65% more than what is actually existing, which comes out to that 81.25% more than the 24.25% existing nonconforming. And the same thing with the setback line is that we're not making it any worse. We're literally running the house towards the back of the house and basically squaring it off. I'm open to any questions, I think we've heard enough.

MR. MASCIALE: How many square feet is the property again?

MR. ABRAMS: The lot itself?

MR. MASCIALE: Yes.

MR. ABRAMS: Is 4807.68.

CHAIRMAN FUSARO: 4808 is a considerably undersized lot in an RS-6 Zone which should be 6,000.

MR. ABRAMS: Correct.

CHAIRMAN FUSARO: It's 20% smaller than it should be.

MS. MOLNAR: How does this addition
affect the drainage?

MR. ABRAMS: Right now, it's actually being built over -- if you look at the pictures which -- bear with me -- you could see that it's being built over an existing concrete pad, so there will be no change to pretty much any change to drainage. There's no change to impervious coverage.

MS. MOLNAR: There will be runoff; correct?

MR. ABRAMS: There may be runoff, but actually, the runoff can be toward the back of the property and not towards the side. Right now, the drainage comes down the side of the house and it actually goes into that side yard. But we can actually relocate it going towards the back if necessary.

MS. MOLNAR: Can you vent it to the street?

MR. ABRAMS: It's going to have a continuous run towards the front. I mean we can probably aim it towards the street. It has a slight slope towards the front of the house, so if you put it onto the grass, it would probably, you know, flow towards the street.
MS. HROBLAK: Not all -- Carol --
runoff. The goal isn't to get every drop of
runoff to the street. It's actually better to
recharge as much as you can to the ground first,
then excess. Well, that's the direction that the
DEP goes.

MS. MOLNAR: Right now, though, it
goes into the side property out to the neighbor;
correct?

MS. HROBLAK: Once the roofline is
changed, the gutter can flow to the front yard --
MR. ABRAMS: Or the back.
MS. HROBLAK: -- and then discharge
onto the lawn, and if there's grading towards the
street, as there should be, you know, whatever
excess that doesn't get absorbed will naturally
flow over.

CHAIRMAN FUSARO: Correct. Ideally,
as Mr. Abrams mentioned, you're not increasing any
impervious coverage because there is currently a
concrete pad there. Any additional runoff from
the roof, I would assume would be -- since the
roofline is changing and he's lowering it, which
would help the view to the neighbor's property as
well, I assume that either one or two downspouts
can be or would be installed and they can either be directed towards the rear yard which has a significant grass area to absorb the runoff. Or to the front yard, which it looks like from our site plan, is, approximately, the same size as the rear yard. So we would leave that to Mr. Abrams as to which direction he would like to run the downspouts to. My comments about the application would be that I certainly understand the reasoning behind it. Assuming, Mr. Abrams, that the existing pergola will remain?

MR. ABRAMS: Yes. We're just cutting it back. It actually extends farther back on that one side. We're actually just modifying it so it can accommodate the new addition. It's basically getting smaller.

CHAIRMAN FUSARO: As I mentioned previously, I believe that the new roofline that you're changing from a gabled roof to a shed roof would certainly be advantageous to the neighbor since the new addition will be lower than what's currently there.

Does anyone else on the Board have any questions for either the applicants or Mr. Abrams before I open it up to any public
MS. HROBLAK: I just want to ask the architect if there's a basement to the existing structure?

MR. ABRAMS: There is in the main house, but not underneath the addition -- not underneath the side porch piece.

CHAIRMAN FUSARO: And there will not be, obviously, any under the new addition as well?

MR. ABRAMS: Correct. There will just be a crawl space.

MS. HROBLAK: Thank you.

CHAIRMAN FUSARO: Any other board members have any questions or comments? I see none. I would open it up to public commentary. If anyone in the public wishes to ask the architect or the applicant any questions or make any comments regarding the application, please raise your hand virtually and Mr. Sammet will allow you to enter the meeting.

MR. SAMMET: Anyone with questions or comments, please raise your hands. There's no one, Mr. Chairman.

CHAIRMAN FUSARO: Thank you, Mr. Sammet. Seeing none, we'll close that portion
of the meeting and open it up to some further board discussion unless anyone else has any other comments for Mr. Abrams or the applicant.

As I mentioned previously, I would believe that we should approve this application based on the C-1 Criteria. As Mr. Masciale had mentioned, the lot is, approximately, 20% undersized, where the current lot is 4,808-square feet in an RS-6 Zone which would require a 6,000-square feet lot. So it's considerably undersized. Based on that, as I mentioned also, he was taken into account the neighbors, the view from the neighbors, the aesthetic by changing the roofline which I think is a positive aspect to the project. I don't see any issues that I have. How does the rest of the Board feel?

MS. MOLNAR: Could you describe what a shed roof is just so I know?

CHAIRMAN FUSARO: Yes. Looking at the photograph that -- I'm sorry, was that for me, Carol?

MS. MOLNAR: For anyone.

MS. HROBLAK: Aren't we closed, Frank?

MR. MASCIALE: We are closed.
CHAIRMAN FUSARO: Yeah, we are closed, so I'll answer that question. If need be, we'll bring Mr. Abrams back in. Carol, the shed roof that I mentioned is -- this is the gable roof that you currently see on the photograph up on the screen which basically matches the gable roof that's on the top of the house. The shed roof is going to be at the eaves height, which is the gutter height that you currently see here. And it's going to be -- the low portion is going to stay where the gutter is slightly above the windows, and that gable is going to come off and it's going to be a continuous minimum fixed-shed roof from where you currently see those three windows back to where the chimney is. So it will be a shed-type roof. If you look at our drawing that was submitted, you will see it. Drawing A-1, if you look at elevation, proposed left-side elevation, you'll what the neighbor -- which is Detail Number 4 -- you'll see what the neighbor would be seeing; that shed roof with the three little skylights. And if you wanted to see what the side of it would look like, if you look at Detail Number 5 which is proposed partial front elevation, you will see that there as well as
Detail Number 6. That's a shed roof that you see there, and what you see in the photograph is a gabled roof.

MS. MOLNAR: I see.

MR. SONTZ: Actually, if you look at the house in that photograph we're looking at, the neighbor's house, they have a shed roof. Do you see that?

CHAIRMAN FUSARO: There go. That's a shed roof.

MS. HROBLAK: Good eye, Matt.

CHAIRMAN FUSARO: Thank you, Matt, for pointing that out. Any other board members have any comments?

MR. MASCIALE: I just want to point out I think the 81 additional square feet is just going to fill in a void and it's going to provide a lot of utilization and only be a one-story. It's not going to have an impact on the neighbor. I support the application.

CHAIRMAN FUSARO: Thank you, Chris. Any other board members? I see none. May I have a motion?

MR. MASCIALE: I'll make a motion to accept the application as submitted.
MS. HROBLAK: Second.

MR. SONTZ: I'll second it.

MR. SAMMET: I saw Ms. Hroblak?

CHAIRMAN FUSARO: Yes.

MS. HROBLAK: Yes.

MR. SAMMET: Shall I take the roll Mr. Chairman?

CHAIRMAN FUSARO: Yes, please, Don.

MR. SAMMET: This is a vote to approve the application. Mr. Cohen.

MR. COHEN: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SAMMET: Ms. Pavon is absent.

Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Sontz, affirmative.

Mr. Gelinas.

MR. GELINAS: Yes.
MR. SAMMET: And Mr. Reisen.

MR. REISEN: Yes.

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

MR. ABRAMS: Thank you.

CHAIRMAN FUSARO: Thank you. Good luck.

Our next application is Application 21-72, 712 Oak Avenue, Frances Scott Ferraro and Angela Wilkos. Applicant is seeking approval to construct a one-story addition on the rear of the house contrary to the Land Use Ordinance Section 11.09E-6 where minimum side-yard setback permitted is 10-feet and proposed is 8.89-feet. Section 12.04F-1 where maximum building coverage permitted is 20% and proposed is 21.57%. Section 11.09E-14 where minimum garage space permitted is 1 and proposed is 3/4. And Section 12.04F-3 where maximum all buildings coverage permitted is 24% and proposed is 25.14%.

If Mr. Ferraro and Ms. Wilkos are here. There we go, Don will let you in as well as Mr. Bailey. Do you have anyone else that needs to be let into the meeting?
MR. FERRARO: We do. We have a planner from EKA Associates. He has a conflict. He said he'll be available in a half-hour. So we were hoping if potentially we could let someone else go in front of us and then go through our submission; if that's possible.

CHAIRMAN FUSARO: I don't see an issue with that. Do any board members have an issue with that? I see none. We will see you back hopefully in a half-an-hour. We will proceed to our next application.

MR. FERRARO: Thank you. Thank you very much.

CHAIRMAN FUSARO: See you in a little bit.

Our next application is 301 Vernon Place, Kenneth Band. Is Mr. Band available?

MR. SAMMET: I see a Kenneth. I'm going to --

CHAIRMAN FUSARO: I assume that's him.

MR. SAMMET: I also see a Mr. Joseph Kaiser who's raised their hand. Mr. Kaiser is the architect.

CHAIRMAN FUSARO: Okay. That's
correct. Mr. Kaiser and there's Kenneth. Why
don't I read the application and then we'll see if
there's anyone else and we'll swear them all in.

Application is for 301 Vernon Place.

Applicant is seeking approval to construct a
second story addition contrary to the following
sections of the Westfield Land Use Ordinance.

(Audio interference.)

If you could please mute yourself
for one second. Thank you so much.

As I was saying, applicant is
seeking approval to construct a second-story
addition contrary to the following sections of the
Westfield Land Use Ordinance. Section 12.04F
where building coverage permitted is 20% and
proposed is 21.71%. Section 11.09E5 where street
side-yard permitted is 20-feet and proposed is
15-feet 6-inches. Section 2.11G where maximum
continuous length at zoning side-yard permitted is
25-feet and proposed is 31-feet 10-inches.

Mr. and Mrs. Band, if you could
unmute yourself. There you go. If you could both
raise your right hand, I'll swear you in.

KENNETH BAND and FELICE BAND, having
been duly sworn, were examined and testified as
follows:

CHAIRMAN FUSARO: Thank you very much. Please tell us a little bit about your application and then we will bring in your architect and he can continue.

MS. RAZIN: I'm sorry for interrupting, but Ms. Band, can you tell me your first name just so I have it for the record?

MS. BAND: Felice.

MS. RAZIN: Felice, F-e-l-i-c-e?

MS. BAND: Yes.

MS. RAZIN: Thank you so much. I apologize. Go ahead.

CHAIRMAN FUSARO: I also forgot to ask if you could please state your address for the record.

MR. BAND: Yes. 301 Vernon Place, Westfield.

CHAIRMAN FUSARO: Thank you. Please proceed.

MR. BAND: We live in a Cape Cod right now. We moved in 2005, and we really want to just add a second floor to the house. We want to improve our living conditions. Since we've moved here, it's very small up there to live in.
There's no bathroom, there're no doors on the bedrooms. We want to add a second floor to our existing structure. And I'd like to pass it on to our architect Joseph Kaiser.

CHAIRMAN FUSARO: Mr. Kaiser, welcome. If you could please state your name and address for the record.

MR. KAISER: Joseph Kaiser, I'll give you my office, 45 River Road, Summit, New Jersey 07901.

CHAIRMAN FUSARO: Thank you, Mr. Kaiser. Since you have not appeared before the Board this year and we have several new board members, if you could please give us a little history of your credentials, that would be appreciated.

MR. KAISER: I'm an active, licensed architect in the State of New Jersey. I have an office in Summit. I've been up there for two years. I'm a graduate of NJIT. I've appeared before the board in Summit twice, and then also Berkeley Heights, and have done several projects in Westfield. This is my first time appearing before this board.

CHAIRMAN FUSARO: Thank you. We
will recognize you as an expert in the field of architecture. If you could please raise your right hand.

JOSEPH KAISER, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Please proceed.

MR. KAISER: As Kenny mentioned here, this is a survey of their property. It's an undersized lot. It's a corner property in the RS-6 Zone. It's about 6,300-square feet for a corner lot, 7,200-square feet is required. There's some existing nonconformities. One -- the main one I would say that we're requesting relief from is the street side-yard setback. The existing house is at 15.5-feet right here. And to build the second floor and align with the house and make it look like a nice, clean colonial, we need relief in that area. With that, there's this existing patio with a canopy and a hot tub which align with the house. But because they align with the house, they're also considered nonconforming. The applicants are also over on building coverage, and in an effort to help with their case or with their appeal, they're going reduce the existing building coverage, but we also need relief for
that just because it's the house, the front porch, and the garage takes up most of the lot coverage. There's an existing wooden porch on the side here for the door to the kitchen. That's also being removed as part of this application. As I understand, that is what's currently dictating their side-yard setback to the street, and it's 8 1/2-feet so we just really want to align the addition with the existing first floor of the house.

With that too, we're requesting relief for the 25-foot rule because the second floor is going to align with this, which is 29-feet, it cantilevers in the back. That's our 31-feet, that's our request for relief for that. And we're asking for that so that if we were to do a bay window or some other adjustment to the wall, we'd either reduce the size of the second floor or bring us closer to the street side yard and we would need further relief for that. So that's why that's also on that list there.

Quick pictures of their house, if they're showing up on the screen share. As Ken mentioned, it's a relatively small house. Their bedroom and their sons' bedrooms are up here.
It's tight up there, it's not that big of a house. And we just want to align the second floor addition with that. This is the existing wooden porch on the side. This is the door to the kitchen. This is all being removed as part of their application. That's the canopy and the hot tub which are in line with the house. They're actually closer or better complying, they're at 19-feet instead of 15-feet. But that's also, as I understand, need relief for that as part of the application for the house.

MR. MASCIALE: Need relief for what exactly?

MR. KAISER: The existing canopy and hot tub are also too close to the side street.

CHAIRMAN FUSARO: In the street, side-yard setback.

MR. KAISER: Yes, correct.

MR. MASCIALE: Got ya'.

MR. SONTZ: Those were put up without going through zoning. Is that what happened?

MR. KAISER: It is my understanding that they were put up and put in the wrong location. They did get a permit for the electric
for the hot tub, and it was moved over. I think it was originally supposed to go closer to the garage but was shifted towards the side of the patio. I wasn't there for that so I don't want to misspeak or speak on the applicant's behalf, but that's my understanding. It was built in the wrong spot, but the electric was permitted I think two years ago.

MR. BAND: Yes. The canopy was not -- we did not have a permit for that. We didn't know we needed one. I'm sorry about that. And the hot tub, we did get a permit for. I didn't know it had to stay in the spot towards the garage. When the electrical guy came out, the hot tub was down in the spot where it's at, he approved it, so I assumed that was fine there. So we just hooked it up there.

MR. SAMMET: Would a permit be required for the canopy?

CHAIRMAN FUSARO: Say that again.

MR. SAMMET: Would a permit be required for the canopy?

MR. BAND: What?

MR. GELINAS: I think he said was a permit required for the canopy.
MR. BAND: I don't know. I think it just puts us over. It has to do with the building coverage right now.

MR. MASCIALE: The canopy would count for building coverage.

MR. BAND: Right. Then it might be an issue, but I didn't know we needed an actual permit for that.

MR. GELINAS: If we could go back to the pictures for one second. Just for my edification, what's the blue tarp in front of the -- is that just a...

MR. KAISER: There was a temporary above-ground pool there.

MS. BAND: We're taking that away.

MR. BAND: It's gone already.

MS. BAND: Yeah. That is gone.

MR. KAISER: If it helps to clarify, the canopy is included in our building coverage. Along with the garage, everything on my screen -- I'm still sharing -- everything in blue here is being counted for building coverage. So we're including it as part of our application. I don't know if it had previous zoning approval.

CHAIRMAN FUSARO: Mr. Kaiser, I'm
looking at the site plan that you have Sheet 1-of-3, the one you currently have up now, and I noticed in the front where your existing driveway is it has "existing driveway to remain, 870-square feet." And then you have a proposed driveway in purple there just to the left of it for an additional 163-square feet. Can you please elaborate on why you're increasing the size or the width of the driveway?

MR. KAISER: Sure. It's more of a convenience. Right now, it's a single-car driveway. As we know, on the corner there, so it's a little tight to park in front of the house, in front of the stop sign there. And so it's a convenience for the applicants to have a two-car width driveway rather than parking the cars tandem. Along the driveway, if someone has to get out and go to work, they have to move the cars and jockeying the cars around. The proposed lot coverage or impervious coverage does conform under the application. There're some things to be removed, but that was the request, to widen the driveway there.

MS. MOLNAR: I thought our zoning code doesn't allow parking in the front yard.
MR. SAMMET: You can have a driveway leading to a parking area. So that driveway would have to lead to a garage. Sorry, I'm having trouble seeing the site.

MS. MOLNAR: He's built a new space which is in the front yard that doesn't lead to the garage.

MR. SAMMET: Hold on, I'm having trouble seeing that plan.

MS. MOLNAR: That would require a variance to have parking in the front yard like that.

MR. SAMMET: So the dark purple color is a widened driveway?

CHAIRMAN FUSARO: Yes. By 163-square feet, and then I'm assuming that's a sidewalk in front of it.

MR. SAMMET: Yeah. That's really a parking space in the front yard, in my opinion.

MS. MOLNAR: That would require a variance, another variance which was not advertised.

CHAIRMAN FUSARO: We'll bring that up. Let's continue with the other aspects of the application and then we can certainly address that
now that we've made the applicant and the
architect aware of that. That would trigger an
additional variance, additional noticing, revised
application, etcetera.

MS. MOLNAR: I have another
question, Don. Don, is this considering a partial
demolition.

MR. SAMMET: Lyndsay did not note
this as -- well, as a partial demolition. Yeah.
I would say it's a partial demolition, not a total
demolition. Lyndsay didn't note it as a total
demolition. Partial.

MS. MOLNAR: So partial, if it's
total, then you lose all your variances.

MR. SAMMET: Correct. That's
correct.

MS. MOLNAR: Here, you don't lose
the variances. So it is a partial, not a full.
Okay. Also, one more question. Sorry, Don. Does
our zoning code allow cantilevered floors?

MR. SAMMET: Yes.

MS. MOLNAR: It does. Good. Thank
you.

MR. SAMMET: I'm going to take back
my statement that the widened driveway requires
the variance.

MS. MOLNAR: Why is that?

MR. SAMMET: I think they're good.

My reading of the code isn't doing it.

MS. MOLNAR: It's my understanding you cannot have parking in your front yard. And to me, that is in his front yard.

MR. SAMMET: Correct.

MR. GELINAS: Again, for my edification, would there be any work on the curb that needs to be done with respect to that driveway?

MR. KAISER: There is no Belgium block or concrete curb at Vernon Place.

CHAIRMAN FUSARO: So you're not widening the entrance to the driveway, per se?

MR. KAISER: We're widening the entrance to the driveway. Let me grab a photo here which may show.

MR. GELINAS: It looks like it says block curb, but...

MS. HROBLAK: Right on the survey.

MR. GELINAS: On the survey.

MR. SAMMET: What I'm going to say is the zoning officer in review of the application
did not cite that as a variance. So I'm going to agree with her interpretation.

MR. MASCIALE: I'm thinking if you only have a one-car garage you can have a double driveway.

MR. SAMMET: Right. Exactly.

Exactly.

MS. MOLNAR: Yeah. But you're not allowed to put it in your front yard. My neighbor had to go for a variance because he had parking in his front yard.

MR. GELINAS: Can we have an official ruling from legal counsel on that what the thought is?

MR. MASCIALE: Well, it's more of a zoning official --

(Crosstalk.)

MS. RAZIN: It's a zoning question for the zoning official. Don, could you just tell me what section you're looking at so I can also see the section? I agree that it's not necessarily my ruling, but I just want to see the section, if you don't mind, also.

MR. SAMMET: 17.03E1.

MS. RAZIN: I'm sorry, 17 -- go
ahead.

MR. SAMMET: 17.03E1.

MS. RAZIN: Okay. Why don't you give Don and I a minute and you guys continue?

CHAIRMAN FUSARO: We'll continue with the rest of the application. I have a couple of questions and then we can get back to Don's determination on that driveway.

You had mentioned, the applicants had mentioned, that the existing pool has been removed and it will not be reinstalled; is that correct?

MR. BAND: Right.

MS. BAND: Correct. We took that down. It was only just for the year of Covid because we always belonged to the Westfield Pool. And we want to do landscaping and make it look nice after construction is done.

CHAIRMAN FUSARO: That's fine.

Thank you. Yes, I noticed in the photographs that the pool was up.

MS. BAND: Then it's down.

CHAIRMAN FUSARO: Chris, perhaps you can help me here. If that pool were to remain, would that trigger the 6-Foot Fence Ordinance,
Solid Fence Ordinance even though it's a temporary pool?

MR. MASCIALE: Yeah. I mean above-ground pool, it doesn't matter if it's inground or above-ground from my recollection.

CHAIRMAN FUSARO: That's why I asked that question.

MR. MASCIALE: It gets a little tricky with some of these Intex pools now that are, you know, kind of like big kiddy pools.

MR. BAND: Yeah. It was like 3-feet.

MR. MASCIALE: There's got to be a determination. I don't know it off the top of my head, but that looks substantial enough to be considered a pool.

CHAIRMAN FUSARO: The applicants have testified that the pool is going not back. We'll take them at their word. And that will take care of the 6-foot fence issue currently.

The hot tub and the canopy, are there any plans to relocate that to bring it within the side-yard setback, or are we going to leave them where they are?

MR. KAISER: We are requesting to
leave them where they are. Let me grab my plan here. It's 17.5 from the property line to the canopy, and 19-foot-2 to the existing hot tub. We're requesting relief for the house at 15.6. And, of course, the distance is greater for both the hot tub and the canopy, so we are requesting to leave them where they are.

CHAIRMAN FUSARO: Okay. That's fine. While we're still looking at the determination for that front driveway area, can you please continue reviewing or explaining the rest of the architectural plans to us having to do with the cantilevered second floor, etcetera? Why don't you just go through the rest of the plans and then we'll jump back to that site plan.

MR. KAISER: Okay. That's great. This is the existing and proposed first floor. There's a living room, there're two small bedrooms and a hall bathroom. And then there's an eat-in kitchen here, and this is that deck that's being removed as part of the application. We're showing a new roof over the stoop. And then it's a modest, in my opinion, it's a modest second-floor plan with three bedrooms and two bathrooms, and a walk-in closest. We're also proposing a partially
finished attic on the right here. It's listed as a playroom, it might be an office. But normal under the roof, everything that's included in our FAR. Here's a 3D of the outside of the house. In my opinion, it looks very similar to what's being built in Westfield and in their neighborhood in particular. It's my opinion that it suits the neighborhood and blends with the neighborhood well.

The third page, we have some line drawings just showing that this is the existing first floor to remain. We are cantilevering 2-feet over the back, and then a portion of the front where it's inset for the living room. Just because it's a tight floor plan to start with, we're trying to maximize and better use the space upstairs to try and get the bedrooms to fit and be comfortable; relatively normal-sized bedrooms without having to squeeze it in too much. So that's where we're cantilevering just to gain a little bit of space up there.

CHAIRMAN FUSARO: Thank you. I have a question about the cantilevers. I certainly understand -- if you can go back to your floor plan, Sheet 2, and the proposed second-floor plan
there -- I certainly understand the cantilever
along the rear of the building because you
certainly don't want to cut -- I see that you
would need it for that bedroom along there, the
walk-in closet, the shower. If you cut that back
2-feet that master bedroom -- of that master
bathroom, I'm sorry -- would shrink substantially.
However, in the front, the cantilever in the
front, which basically is being used to increase
the size of the master bedroom an additional
2-feet, that room is already, approximately,
16-by-almost-17. It's a relatively large room.
Has any consideration been given to not
cantilevering the front and only cantilevering the
second floor in the back?

MR. KAISER: Yes. It's been
considered and we tried to make it work.
Originally, we did have a closest over here, and
to gain access to that, we needed the space
between the bedroom and the walk-in closet. Now,
the closet that I'm referring to is part of
Bedroom 4 here. You know, it's kind of an
irregular-shaped room here because of the hallway.
So I think space is usable. It's still not -- I
don't think it's too big of a bedroom. Same thing
with the back here, it's trying to get these walls to align. And, again, it's not a lavish bathroom I don't think by too many means. It's got double sinks and a decent-sized shower, but there's no big tub or anything too crazy or lavish.

The other thing about the cantilever in the front is that it is over the living room where this blue line represents it. So we're not going further than the existing front yard. We're not coming any closer to the street than the existing house does where the front door and this bay window is.

CHAIRMAN FUSARO: Yeah. I certainly understand. As I said, I understand it along the back. It would be a big detriment to that bathroom if you cut the 2-feet out. I was just wondering what consideration was given to the front being that you're 1.17% over and perhaps that eliminating that 2-foot overhang in the front might help mitigate that. Let's see what else I have here. You had mentioned the continuous wall which is being proposed at 31-foot-10 versus the maximum 25. Let me just take a look at the first-floor plan. Could you just slide your view -- there you go. Good. So that is currently I
believe the application had said it was currently 20-some-odd-feet or is it already the 31-foot-10?

MR. KAISER: This length here at the left side wall is 29-foot-10 which would be the same distance 2-feet less than the cantilever. I don't know off the top of my head if this existing deck here mitigated that or changed it because there's no roof, it's just an open deck. So the wall length, arguably, the length of the wall is the same. We're removing this deck and then the second floor above it with the two-foot cantilever is extending the continuous wall-length here.

CHAIRMAN FUSARO: On your first-floor plan, the jog that you have next to the existing eat-in kitchen, what is that? Just above the deck.

MR. KAISER: Here?

CHAIRMAN FUSARO: Right there, yes.

MR. KAISER: That is a garden window.

CHAIRMAN FUSARO: It's a window well. Okay.

MR. KAISER: No. It's a kitchen window, like, for plants.

CHAIRMAN FUSARO: Got it. I see it.
Now, if -- and Don, perhaps you can correct me if I'm wrong, in order to mitigate that 25-foot continuous wall if a bay window or a box bay or something were added there, would that contribute to the side-yard setback?

MR. SAMMET: We do have an exemption for a certain square footage of a box or bay window. To break up continuous wall length, we, by ordinance or by interpretation require that that box or bay extend down to the ground. But just for a box or bay to help the visual aspect of it, we do have an exemption, and I'm going to look for you.

MR. KAISER: It's up to 15-square feet, is my understanding.

MR. SAMMET: That sounds right.

That's correct, 15-square feet.

CHAIRMAN FUSARO: Mr. Kaiser, if you were to add some sort of box bay or bay window in that existing eat-in kitchen that would eliminate one of the variances; is that correct?

MR. KAISER: I believe it's something we've considered. From the kitchen plan, there's the existing bay window here, and there're kitchen cabinets shown from about where
this door is all along that wall here. There's an existing bathtub in the bathroom there, and then there's this very small -- it's currently the room they're sitting in, the office. And I believe if it made any sense in the kitchen, it still would require -- I think it's the distance from where the bay window would start without interrupting the kitchen cabinets to the back of the house or to the new rear of the second floor, is still pretty close to 25-feet, if not more. That was I believe why it wasn't something that was considered. I can get that dimension for you, but I believe that was part of it because there was not a good location in these three areas. And then to make it work in the kitchen, I don't think it solved the problem. But I can check that dimension for you.

CHAIRMAN FUSARO: You certainly wouldn't want it in your bedroom and certainly not in your bathroom. That's why I had mentioned perhaps in the kitchen and we could eliminate that one variance. Don, have you had enough time to review that driveway?

MR. SAMMET: Yes. A variance would not be required. The code provision allows for
parking in a driveway area, and for a
single-family dwelling plus this parking area
leads to a garage.

CHAIRMAN FUSARO: Thank you, Don.

Do any board members have any additional questions
either for the applicant or for the project
architect before we open it up to the public for
questions? Anyone? No? Okay. If anyone in the
public would like to address the application and
have any questions for either the architect or the
applicants, please virtually raise your hand and
Mr. Sammet will allow you into the meeting.

MR. SAMMET: Anyone with questions,
please virtually raise your hand. There's no one,
Mr. Chairman.

CHAIRMAN FUSARO: Thank you, Don.

We'll close the public portion of the meeting.

Any other board members have any questions or
comments one last time for the applicant or the
architect before we close that portion and open it
up to board discussion? I see none. We'll close
that portion as well and open it up to board
discussion. As I had mentioned, I had several
concerns when I first saw the application. One
was that pool. The applicants have testified that
the pool is no longer there and will not be coming back. If it did, obviously, it would trigger several other variances including the six-foot solid fence that's required. You heard from the applicants and the architect that two of the variances they're requesting pertain to both the hot tub and the canopy. That they will remain where they currently are and that's why there is a variance request for that. I looked briefly at that 25-foot wall requirement. You heard from the architect that they did consider locating a bay window along that wall, however, it doesn't work out with their kitchen layout and there currently is an existing bay window at the front of the house. And finally, my other comment pertained to the 2-foot cantilever in the front. While I believe it's certainly justified in the rear, I'm still a little bit on the fence about whether something can be done along the front to mitigate that variance.

MS. RAZIN: I'm sorry. Can I just ask for clarification on what you spoke about the variance to the accessory structures because if they're in line with the home, are --

CHAIRMAN FUSARO: They're not in
line with the home; I don't believe.

MS. RAZIN: They're not. Are they sticking out, Mr. Kaiser? Can we reopen it just for that clarification so I understand, so I have it clear? Mr. Kaiser, are they in line? I thought they weren't, but can you just go back to that picture for a second?

CHAIRMAN FUSARO: Right there.

MR. KAISER: They are further from the street than the proposed house -- I'm sorry, where the existing house and proposed addition. The hot tub and the canopy are further away from the street.

MS. RAZIN: But they still require variance relief from setback relief.

CHAIRMAN FUSARO: Yes.

MR. KAISER: It's my understanding from our application that it's --

(Crosstalk.)

MS. RAZIN: That they do.

MR. KAISER: -- it was not listed separately, it was listed as part of the house overall setback if that's the -- I'm not sure on how the properly word it. We originally applied for three separate variances; one for the house,
one for the hot tub, one for the canopy, and we were asked to revise it just to include just the one distance which was to the house.

MS. RAZIN: To the house, because that's the closest setback?

MR. KAISER: Yes.

CHAIRMAN FUSARO: That's correct. The 20-yard(sic) side-yard setback, the house is at 15-foot-6, the hot tub is at 19-foot-2, and the canopy is at 17-foot-5. So the house encroaches --

MS. RAZIN: Is the closest.

CHAIRMAN FUSARO: That's correct.

MS. RAZIN: Okay.

CHAIRMAN FUSARO: Anything else, Katie?

MS. RAZIN: Thank you, no. I'll work on that. Thank you.

MR. KAISER: One additional comment, if I may.

CHAIRMAN FUSARO: Yes.

MR. KAISER: We were originally told at one point that the existing deck that was here was considered the closest to the street and would count for the setback and it was at 8-foot-six or
so, 8-foot-8, and the applicants are removing that
so that we're just requesting relief for the house
for that 15-6 and then the other two --

MS. RAZIN: Right. Don, would the

variance for the setback just be required than
just to the home because that's the closest
setback? I mean it counts for building coverage
in terms of what they're proposing and for other
coverage. But in terms of setback?

MR. SAMMET: It's technically a
different section of the code.

MS. RAZIN: Because it's an

accessory.

MR. SAMMET: It's an accessory

structure.

MS. RAZIN: So whatever variance.

So if they need an accessory setback, that's what
they're going --

MR. SAMMET: Yeah.

MS. RAZIN: Yes. But I'll
double-check that.

MR. SAMMET: Right. It looks like
there will be two because the hot tub and the
pergola are treated separately or different code
sections in terms of required setbacks. So it's
not just one additional variance, it would be two
additional accessory structure variances.

MR. MASCIALE: The deck is actually
a patio and it's in the rear yard, not the side
yard. If it came out further, I think it would be
in the side yard. So I think that's good.

CHAIRMAN FUSARO: Actually reducing
because they're eliminating that landing and a
portion of the rear deck.

MR. SONTZ: Isn't the patio in the
front yard? Doesn't this house have two front
yards?

CHAIRMAN FUSARO: Yes. The street
front yard and the side. That's correct.

MR. SONTZ: So there is no side
yard, right, or there is a side yard?

CHAIRMAN FUSARO: It's a street-side
yard.

MR. MASCIALE: Street-side yard.

MR. SAMMET: The street-side yard is
along Boulevard.

MR. SONTZ: Okay.

MS. HROBLAK: Are we going to close
it then, Frank?

CHAIRMAN FUSARO: Yes. Unless
anyone else has any other questions.

MS. MOLNAR: I have a comment. I have a question or a comment rather. The new parking space is not part of the previous driveway. To me, that is not good planning. We're setting a precedent. We've never allowed parking in the front yard. So I would urge that that spot be removed. And I agree with you, the cantilever in the front should be eliminated.

CHAIRMAN FUSARO: Okay. Well, Don has made -- hes' the zoning officer and --

MS. MOLNAR: I understand. If it's allowed, then we have to change our ordinance back again because it's just not good planning. It's setting a precedent if we allow that parking in the front yard.

MR. COHEN: There's a lot of houses in that neck of the woods that have two-car garages and one-car garage (indiscernible.)

MR. MASCIALE: That's correct.

CHAIRMAN FUSARO: Any other questions before --

MR. COHEN: On my street, my house is the only one that has a one-car garage. The other houses have (indiscernible.)
MS. HROBLAK: I can barely hear Michael.

CHAIRMAN FUSARO: Mike, I know we had a little issue with --

MR. COHEN: I'm having a technical issue.

CHAIRMAN FUSARO: That's good. We can hear you now. If you speak at that level, you're fine. That's great. Thank you. Any other questions before I close it to the applicants and the architect so we can continue with our board discussion? Anyone else? Seeing none, we'll close that portion and we'll continue with our board discussion.

You've heard my comments, we've heard from Carol as well. Don has made a determination that the driveway is as drawn is acceptable and does not require a variance. We can revisit that in our annual reports and comments and concerns that we have going forward. Anyone else have any other questions? How does the Board feel? Any other members like to chime in and see? I'd like to hear some comments from everyone else.

MR. MASCIALE: I'd just make a
comment, Frank, that this is a big change because you're going to a two-story. But when you look around the neighborhood, there's not many capes that remain. We've seen in the applications a lot of houses that have either been knocked down and then built conforming two-story or modified to be two-story. You know what it comes down to really is the percentage coverage that they're asking for and it's under the 22% that we like to see things under. But it is a big change. And I'm not sure if we take away that cantilever in the front, I think we're going to take away some of the character or some of the appeal if we remove that. I know we're kind of questioning whether we need it or not. But how do the board members feel if we take that away, what are we going to look at the front of the house. That's really my only concern there.

CHAIRMAN FUSARO: I don't think we're going to still bring it under the coverage, it would still be over. And I would recommend that we review this application under the C-1 Variance. It is an undersized lot by almost 1,000-square feet, by 900-square feet; 6,302 versus 7,200-square feet. So there is a hardship
there with respect to the size of the lot in an R-6 Zone. Anyone else?

MS. MOLNAR: Yeah. I do notice that the maximum height of the building allowed is 32-feet and this is exactly 32-feet. They're building to the max.

MR. SONTZ: To me, this is what's happened in this neighborhood. The south of Jefferson neighborhood kind of between Summit Boulevard area. I think we've seen three or four of these in the last couple of years doing this exact thing to the capes. I don't see what's so different about this than all the other ones we've approved.

CHAIRMAN FUSARO: Thank you, Matt. I agree.

MS. HROBLAK: To that point, we're changing all the capes to whatever just because we've seen it before. It's just there's no longer any affordable houses if we change them all to this. This changes the nature of the housing stock in this section of town. So before long, there will be no small capes for anybody to buy. I'm not in favor of the parking spot in front, although, it is on Vernon. And I'm with Frank
that -- I don't know, the bedroom could be
smaller. It's a pretty big bedroom.

MR. SONTZ: Just to address the
parking, just so you know. I don't know where
that ordinance or the thought came that you're not
allowed to park in the front. On my block alone
probably more than half the houses have a driveway
in the front yard and they park in the front and
they've been here forever. And that's all over
Boulevard and Summit. You know there is no
parking on one side of Boulevard south of
Jefferson, so everybody has like a front yard
driveway. I don't know where that came from. Is
that maybe something in a bigger zone besides R-6
that you're not allowed to park in the front yard?
Because that's everybody over here.

MS. HROBLAK: But in this case, they
have a driveway that goes all the way to the back
and the garage. So when there's no opportunity to
do that, they'd put it in front; no? To get the
cars off the street.

MR. SONTZ: Maybe if they put them
over impervious coverage I'd say we have a
problem. But it doesn't; right?

CHAIRMAN FUSARO: That's correct.
MR. MASCIALE: There's no variance required for the --

CHAIRMAN FUSARO: Coverage.

MR. MASCIALE: -- for the coverage.

MS. RAZIN: Right. There's no variance required, so there's nothing that prohibits them from parking that way under the ordinance.

MS. HROBLAK: Who asked the question about curb cutting? The photos do show something with the curb. I'm not sure if someone was trying to make a point there. It escaped me.

CHAIRMAN FUSARO: Yes. The curb -- the survey that we see that was submitted with the package does show a curb cut. It is widened at the street. I'm assuming that if similar -- if you're looking at the plan I just mentioned, you see how it widens in one direction. I'm assuming that it would widen in the other direction. The curb cut will stay the same, but once you enter the curb, you'll be able to immediately park to the left. That's what I assumed would happen because Mr. Kaiser's plan doesn't show any curbing at all. However, the survey does show the curb along the street as a block curb. Actually, both
streets. Both on Boulevard and Vernon Place. So I'm assuming just like we see a "Y" figure there, we'll see a "Y" in the other direction to that proposed parking space there. And as Matt mentioned and Chris, they are under on coverage, otherwise, we certainly would request that they eliminate that portion of the driveway, the driveway addition; I should say.

And Allyson, while I understand your concern about the smaller ranch cape-type homes, based on what Matt has said since he's from the neighborhood, and I believe Michael as well, if you look at the numerous photographs that were included in our package for this application, it looks like pretty much everyone else in that neighborhood has built a larger home whether it's new, a teardown and a new home, or whether it's an added level or an expanded width. I'm looking at you know, at least half a dozen or more photographs in the package which show those larger-type homes I guess with open floor plans that everyone wants nowadays. It seems to be the norm rather than the exception.

That's all I have. Anyone else have any questions or comments?
MR. MASCIALE: Are we granting a separate variance for the coverage in the back over the hot tub, the canopy?

CHAIRMAN FUSARO: Katie?

MS. RAZIN: My understanding is it's part -- they included it. What I heard was that they included it as part of the overall building coverage, but that the setback issues are going to be addressed from -- the closest setback is to the dwelling, that line minus the porch, but that there will -- accessory variances, we'll just have to double-check to see if there's an accessory setback variance to either the hot tub or the structure. And so I'm going just to confirm whether those are conforming or need setback variance. But I believe they're included in the coverage calculations. That's what I heard in testimony.

MR. SAMMET: That's my understanding.

CHAIRMAN FUSARO: I think the architect testified to that, yes.

MR. SONTZ: I know they're included, but I just want to make sure. My thought would be they'd be separate because you know it was
testified that the hot tub was supposed to be closer to the garage and they moved it. And I don't want them to keep -- you know, we say it's 15-6 to the street, now they do whatever they want in the backyard up to 15-6. That's not --

MS. RAZIN: You mean from a coverage standpoint or a setback standpoint?

MR. MASCIALE: Setback.

MR. SONTZ: Coverage is included but from a setback standpoint.

MS. RAZIN: Coverage is included. That's why I'm saying. Okay. So right. The setback, we're going to need -- then what you can do is -- one thing you can do is ask for an "as-built" plan and you can say that it has to resemble or you can ask for a plan -- I mean you can show -- you can ask that it has to resemble the plan that's shown what we've done so far. In the three resolutions that I've done is say that it has to resemble the plans that have been shown and testified to during the hearing. And then you can also ask for an "as-built" if you like to confirm that that's been done.

MR. SONTZ: And Katie, do they need to re-notice because these are new variances that
weren't provided to the public?

MS. RAZIN: I have to look at the notices, but my inclination is that there's a catch-all and they're probably okay. And the closest setback is really to the dwelling. So I'm comfortable that as long as they noticed for the closest setback that they're probably okay.

MR. MASCIALE: Another solution is to ask them to move it and to conform.

CHAIRMAN FUSARO: Correct. That's why I asked specifically if they were planning on moving either of those two structures and they said, no, that's why they were requesting the variances. To Matt's point, however, I can certainly understand where Matt's coming from if we grant the variance of the street side-yard setback at 15.6, what's to stop them or a future homeowner of his property to move whatever additional structure, enlarge the existing --

MS. RAZIN: To 15 because I'm going to dimension out what -- I'm going to specify what -- I want to know what that exact accessory structure setback would. Another variance would be granted specifically to that. The dwelling's variance is going to be the 15. The accessory
structure variance -- that's why I asked the
question -- the accessory structure variance is
going to be separate than the dwelling.
Obviously, do whatever you're comfortable with.
I'm not saying you have to decide anything. What
I'm just saying my intention was if you were
inclined to grant it would be to grant a specific
dimension to each of those structures, match it
also to the plan that was given. And then if
you're also inclined, you could also ask for an
"as-built" plan ensuring that it's complying once
it's completed. That's just another safety
measure for you if you like.

CHAIRMAN FUSARO: An "as-built" plan
is usually required by the building department
when a project is --

MS. RAZIN: Understood. But it's
not always -- I haven't seen in the resolutions
that I've looked at, I mean, and the ones we've
done so far, we haven't required it. But just in
this case, if you wanted to take a look at it just
to make sure in this case because there was
something built without --

MR. SONTZ: Right. But isn't this
-- isn't this, as an "as-built" 17-5 and 19-2?
MS. RAZIN: Yes. So you're right. You just want to make sure that it matches. But the distances would be -- the variances would be to those would not be to 15. It wouldn't be an all-inclusive to 15. It would be to those structures, to where those dimensions are.

MR. SONTZ: Right. That's what I was thinking. Yes.

CHAIRMAN FUSARO: If we were to grant the variance then, yes, Katie, we would ask that when the resolution is written it specifically mentions the 19-foot-2 to the hot tub setback and the 17-foot-5 to the existing canopy setback. The dimensions be incorporated in the resolution. We can also make that a condition, I believe.

MS. RAZIN: Yes. That would be specified in the actual grant of relief that was given.

CHAIRMAN FUSARO: Okay. Good.

MR. SAMMET: Katie, you'll want the code sections from me then, right, to work on that?

MS. RAZIN: Yes. And I can get that from you offline. If you can email them to me
that would be great. Thank you.

CHAIRMAN FUSARO: Okay. Great.

Anyone else from the Board have any comments before we make a motion? I see none. (Technical interference.) If the applicants could just mute themselves, that would be great.

Do we have a motion on the application?

MR. MASCIALE: I'll make a motion to approve the application with the conditions that the existing canopy remain at 17.5, 17-feet-5-inches, and the hot tub 19-feet-2-inches, and that the canopy remains open.

CHAIRMAN FUSARO: Do we have a second?

MR. REISEN: Second.

MR. SAMMET: Who made the --

CHAIRMAN FUSARO: Who was the second?

MR. REISEN: I did, Sam Reisen.

MS. RAZIN: I also have the condition that the pool does not come back without returning to the Board. Just for the record, that's a condition I took down.

MR. SAMMET: Good.
CHAIRMAN FUSARO: Thank you.

Mr. Sammet.

MR. SAMMET: There's a motion and a second to approve the application with conditions. I'll take the roll.

Mr. Cohen.

MR. COHEN: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: No.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: No.

MR. SAMMET: Ms. Pavon is absent.

Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Gelinas.

MR. GELINAS: Yes.

MR. SAMMET: And Mr. Reisen.

MR. REISEN: Yes.

MR. SAMMET: The application is approved.

CHAIRMAN FUSARO: Thank you. Your
application is approved with conditions. Thank you. Enjoy the rest of your evening.

MR. KAISER: Thank you.

MS. BAND: Thank you so much.

MR. BAND: Thank you very much. We appreciate everything. You guys are very good.

Thank you.

CHAIRMAN FUSARO: You're welcome.

Have a good evening.

We're going to jump back. Do we want to take a quick break now or do we want to jump back to our second application which was 712 Oak Avenue? How does the Board feel? Yes? No? Maybe?

MR. MASCIALE: I'm fine.

MR. REISEN: I'm fine with that.

CHAIRMAN FUSARO: Okay, let's move ahead. We're going to check back in with applicants for 712 Oak, which I believe are Francis Ferraro and Angela Wilkos. Hopefully, their planner is here. I see Mr. Bailey is up on our screen. So he's here. Don, if you can find the rest of the group that would be great.

MR. FERRARO: It's Jim Watson from EKA Associates. He texted me.
MR. SAMMET: Mr. Watson. There he is.

CHAIRMAN FUSARO: Mr. Watson was the one delaying us; I see. There we have the applicants and Mr. Watson. Okay. I believe we have everyone. Katie, do you need me to reread the variance?

MS. RAZIN: You did it before, but you could just -- you don't have to. If everyone's familiar -- if recalls the application from earlier this evening. Yes?

MS. HROBLAK: Yes.

MS. RAZIN: We did not swear anybody in, however.

CHAIRMAN FUSARO: I'm aware of that. We'll take care of that. We have our applicants with us. I see Mr. Ferraro and I assume that it's Ms. Wilkos. If you could please state your name and address for the record.

MR. FERRARO: Francis Scott Ferraro, 712 Oak Avenue, Westfield.

MS. WILKOS: Angela Wilkos, 712 Oak Avenue, Westfield.

CHAIRMAN FUSARO: Thank you. If you could please raise your right hand.
FRANCIS SCOTT FERRARO AND ANGELA WILKOS, having been duly sworn, were examined and testified as follows:

CHAIRMAN FUSARO: Thank you so much.

If you could tell us a little about your application and then we'll move to your professionals.

MR. FERRARO: We have lived in our home going on six years now and we love the area, we love the neighborhood. And we are looking to expand slightly to maximize the space and add a bathroom to the ground floor and to make the kitchen more practical to increase the size slightly.

CHAIRMAN FUSARO: Thank you.

Mr. Bailey, I see you. I know you haven't testified before us I believe this year yet. We do have a few new board members. If you could run through your credentials real quick that would be great.

MR. BAILEY: Yes. I have a bachelor's degree in architecture and I'm licensed in architecture in the State of New York and also in the State of New Jersey. I received my New Jersey State license in 1990. My New York State
license in 1989. I've had my own firm, Forefront Designs, since 1996. I've appeared before this board numerous times. I've appeared before more than 20 different boards throughout the State of New Jersey.

CHAIRMAN FUSARO: Thank you,

Mr. Bailey. Unless anyone on the Board has any comments, we will continue to recognize Mr. Bailey as an expert in architecture. If you could please raise your right hand.

DAVID BAILEY, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Thank you. I believe I may not have asked you for your address. If you could please give us that for the record.

MR. BAILEY: Yes. The office address is 225 Lenox Avenue, Westfield, New Jersey.

CHAIRMAN FUSARO: Thank you. Please proceed.

MR. BAILEY: Would the Ferraros like to start with why you need to expand the house?

MR. FERRARO: Just to maximize the space. Our family is growing, to just meet the needs of our growing family.
MS. WILKOS: Also, to maximize the space. Make the space that is currently here more practical. And to be able to be more -- basically user-friendly. Some areas are quite small and difficult to maneuver around.

CHAIRMAN FUSARO: Thank you.

Mr. Bailey.

MR. BAILEY: I want to share a screen. Does the Board see the files?

CHAIRMAN FUSARO: Yes.

MR. BAILEY: This first sheet here, EX-2, these are existing floor plans. So on Drawing 1 here, that's the existing basement of the house. This is the front of the house with a porch above. There's a partially finished basement. There's an attached garage, slab-on-grade. And there's an existing deck in the rear. This is the existing first-floor plan. So the existing front porch, existing living room, existing dining room, existing very small kitchen and the stairs here, and detached garage. The Ferraros need to expand their home because as you can see, the kitchen is very tiny, there's no mudroom, there's no flow from the kitchen into the rest of the spaces. The garage is undersized. It
exists nonconforming in size. It exists roughly 9-foot-clear by 16-foot-9-deep. So it's not really a functioning garage, to begin with. We're not proposing making it any smaller, but it is a small garage, very tiny kitchen, and very cutup floor plan. This is the existing second floor. There're three bedrooms and one bath on the second floor. We're not proposing changing the second floor. These are the existing elevations. This is the existing west side elevation; Number 1. And Drawing 2 is existing rear elevations. We're proposing to knock out the back rear elevation of the house on the first floor. And this is the existing east side where we're going to change the windows, knock out the back wall and expand towards the back yard. This is the existing attached garage. This is the existing kitchen. And again, we're going to knock out the back wall here and go towards the backyard.

I'm going to the plans. This is the proposed floor plan. In Drawing 1 here, we're proposing to build the one-story addition on the back of the house over a full basement. So we're going to expand the existing living space in the basement into the addition. We're going to
relocate that existing bathroom into the addition. So we open up a nice large rec room here, create a little office space here on the side, create a laundry room here, and then we're going to finish all the basement including it into the extension. The extension proposed for the addition is only 8-foot deep by the width of the house. Except we did pull in along the back of the house where the garage is.

Here on proposed first-floor plan, we're proposing to relocate the existing door to the attached garage, straight up the stairs to the basement, relocate the door to attached garage on the back of the garage. We open directly from the back of the garage into proposed mudroom. We're going to move -- create a powder room here in the corner of the existing house. Then the 8-foot expansion here towards the rear that will be a part of the mudroom. And we'll open up the walls inside the house and expand as a great room into the 8-foot addition on the back, create a nice island kitchen, open floor plan with wide archway and a nice eating area, and then French doors to a stoop to the backyard.

This is proposed second-floor plan.
No change to the second floor. You just see the hip roof of the one-story addition here. We're going to proposed elevations. This is the proposed elevations Drawing 1 on the top, this is along the garage. So this is the 8-foot addition on the back, it's got a hip roof, one-story, we got the new stoop going into the backyard. No change to the second floor. This is proposed rear elevation. Again, it's the one-story addition.

It's pulled in from the corner, it's got a hip roof, it's got nice windows, French doors to a stoop to the backyard. This the east side, where again, the addition, one-story, hip roof, over a full basement, again, the stoop to the backyard.

The site plan. So these are the site plans. The one here is existing site plan. So currently, there's an existing large wood deck and existing storage shed. We're proposing removing that deck and shed. Existing front porch here. This is proposed site plan. The red shaded area is the proposed one-story addition. Again, it's 8-foot deep by 29-foot-2 wide. And then the purple area here is proposed stoop to a back patio.

So the current building coverage for
the existing first floor and existing shed, existing building coverage is 852-square feet, 17.5%. You can discount the front porch under the Front Porch Ordinance. The proposed building coverage here in the red area, the first floor we'll be expanding the addition to 1,038-square feet; we still discount the front porch. And we have a proposed stoop of 32-square feet, we've eliminated the deck and the shed. So the proposed building covered is 1,070-square feet, which is 21.57-square feet. Now, the maximum building coverage allowed is 20% and that is not above 999-square feet. So the proposed building coverage with the stoop is only 71-square feet over the maximum allowed, and 32-feet of that 71-square feet is for the new stoop. It's only about 39-square feet. The variance for building coverage is for the living space. The other 32-square feet is for the stoop where it's required by code to go from the doors down to the patio.

The side-yard setback variance is existing nonconforming. So here on the right side of the house, existing side yard is 8.89-feet, we're proposing to expand that line 8-feet. So we
go to the proposed floor plans. So by extending that wall 8-feet here, we get a nice open kitchen with an island. If you pull that wall over to a 10-foot required setback, you have an awkward jog in your kitchen wall. Because the chimney is there, we're still okay with sidewall massing.

So we're just asking for relief for side-yard setback for existing nonconformance. We're only extending that nonconformance 8-feet. And, again, we want a straight wall because that's along the kitchen cabinets. And then the garage, is existing nonconforming garage. We're not making it any smaller, we're just relocating the entrance door from side to the rear to work better with the floor plans.

CHAIRMAN FUSARO: Thank you, Mr. Bailey. Do we want to hear from our planner before we ask any questions of Mr. Bailey or Chris, would you prefer that we take them one at a time? Chris?

MR. MASCIALE: Sorry guys. I suggest we allow questions to the testimony we just had while it's fresh.

CHAIRMAN FUSARO: As to not confuse anyone and ask too many questions all at once.
Okay. Great. That having been said, do any board members have any questions for Mr. Bailey and/or the testimony that we've heard from the applicants?

MS. MOLNAR: Yes. I have a question. It might be for Don Sammet. They're enlarging the basement. Is the basement square footage included in the FAR calculation?

MR. SAMMET: No, it is not. Only when the basement becomes what the town considers a story level would it count. In this case, that has not happened.

MS. MOLNAR: This the not a story level?

MR. SAMMET: Correct.

MS. MOLNAR: How do you define a story level?

CHAIRMAN FUSARO: Above-grade.

MR. SAMMET: There're three categories. It's if any portion of the basement becomes 10-feet up out of the ground if the average grade from the base to the finish floor level is 4-feet or greater. There's one other category I'm forgetting.

MS. MOLNAR: For the architect.
What does this addition do to the runoff?

MR. BAILEY: Let me go back to the site plan. On the improvement coverage, we're allowed 50% and even with the additions, we're well under the improvement coverage 37.94; 50% is what's allowed. As far as FAR living space, we're allowed 37% and even with the proposed addition, we're only 31.68%. We're well under the maximum improvement coverage, so I don't think it'd be an issue with runoff since we're conforming with improvement coverage. We're under the maximum allowed.

MS. MOLNAR: I was just wondering about runoff when it rains, the drainage.

MR. BAILEY: Well, the building codes, the building department requires that roof gutters be run and piped to the street when possible. So they would be underground piping from the gutters to run the water to the street.

Then the next testimony will be from Jim Watson who is also a civil engineer. But the building department on the permits requires that roof gutters run underground piping to the street when feasible. And it should be feasible here.

CHAIRMAN FUSARO: Mr. Bailey, just a
quick question, and perhaps this would help the Board as well as far as drainage and runoff goes. Does the lot grading, is it from front to rear or rear to front? Do you happen to know?

MR. BAILEY: Let's go to the photographs here. These are the existing photographs.

CHAIRMAN FUSARO: I see there's a downspout on the side of the garage in your photograph on the lower left.

MR. BAILEY: Right here, there's a splash block pipe. It looks like currently. The gutters don't drain to underground piping. But certainly, to get building permits in Westfield, we ask for that. The yard looks fairly level. The Ferraro's might be able to testify if there's any drainage issues when there's a heavy rain. It looks fairly flat to me.

CHAIRMAN FUSARO: Yes. The applicant, have you had any issues with any water accumulation, flooding, etcetera, in your rear yard as a result of some of the recent storms?

MR. FERRARO: We did, but it was because we just hadn't had the gutters cleaned. So once we had them cleaned, that fixed that
problem. We had actually a neighbor's tree fall on the house and that clogged the gutters and we didn't have them cleaned so we had flooding in the basement. But other than that it's drained into the yard. I mean it's puddled up for the big storms, but nothing I don't think out of the ordinary.

CHAIRMAN FUSARO: Did I hear you say that you did have some basement flooding during the recent storms or not?

MR. FERRARO: Yes, because -- oh, during the recent storms?

MS. WILKOS: No. No. We had rain about -- during the spring of 2020 due to the fact that our gutter -- this was totally our fault -- the gutters had not been cleaned and they were overfilled from damage to our neighbor's home when their tree fell. We never had the gutters cleaned. So that once they were cleaned, that resolved the whole problem.

MR. FERRARO: And we have Rainbow Gutter come regularly to address that issue.

MR. SAMMET: Mr. Chairman, may I ask a question?

CHAIRMAN FUSARO: Yes. Absolutely.
MR. SAMMET: This is either for -- I guess for the applicants. The garage depth of 16-foot-9 inches exists and has existed, do you use your garage to park a vehicle, and if so, any trouble fitting a vehicle in there? That's maybe the better way to ask it.

MR. FERRARO: We have not since we've lived here. We use it for storage. We don't park in the garage.

MR. SAMMET: Yeah. It's difficult. But do you feel if the garage was emptied out, so to speak, do you think one of your vehicles will fit in there?

MS. WILKOS: The way that the -- because I park in the driveway -- so the way it lines up with the door with my Subaru Forester is the width of the door and that wouldn't even -- I think if I was able to squeeze it in, which I wouldn't even attempt because I'd be afraid of damage -- the doors wouldn't be able to open. We wouldn't be able to open the doors.

CHAIRMAN FUSARO: Unless you have a smart car, it's not going to fit in the garage.

MR. SAMMET: Right.

MS. WILKOS: Yes. A
battery-operated vehicle.

CHAIRMAN FUSARO: Thank you. Any other board members have any questions for the applicant or Mr. Bailey at this time? Seeing none, why don't we continue with Mr. Watson from EKA at this time.

MR. WATSON: Good evening. Can everybody hear me?

CHAIRMAN FUSARO: We can hear you and see you, Mr. Watson. Welcome. If you could please state your name and address for the record.

MR. WATSON: Do this first?

(Indicating.)

CHAIRMAN FUSARO: Sure.

JAMES WATSON, having been duly sworn, was examined and testified as follows:

MR. WATSON: My name is James Watson, W-a-t-s-o-n. I work for EKA Associates located at 328 Park Avenue, Scotch Plains, New Jersey. I'm a licensed land surveyor in the State of New Jersey as well as New York. I'm also a licensed professional planner. I've been doing this for over 30-years. Appointed positions in my career have been town planner for the Township of Union and the Borough of Carteret,
as well the planner for the public advocate of the Township of Warren. I'm here on a regular basis. I think I was here last month; if I recall correctly.

CHAIRMAN FUSARO: Yes, you were, Mr. Watson. You'll be testifying this evening as a planner?

MR. WATSON: Yes.

CHAIRMAN FUSARO: Unless any board members have any questions or concerns, we'll continue to recognize Mr. Watson as an expert witness with testimony in the field of planning. Please proceed Mr. Watson.

MR. WATSON: All right. Thank you. I'm going to refer for the variances to the Staff Report prepared by Lyndsay Knight on January 13, 2022. We're talking about four variances. The first one is for the minimum side-yard setback permitted is 10-feet, proposed is 8.89 and it actually should be 8.11 because it's closer at the front than at the back. As you push this addition towards the rear yard, that rear setback gets even bigger. But that's a preexisting nonconformity. You can grant approval under C-1, which is undo hardship. Because the
only way to fix the existing condition is to tear
down part of the house. The new portion of that
variance we can grant under C-1, again for an
undersized lot, and under C-2 for positive versus
negative. The next one is the maximum coverage by
buildings and above-grade structures, you're
permitted 20% and we are proposing 21.57%. That,
we're going to ask for relief under C-2. The next
one is the minimum garage space. Permitted is 1,
and because it's undersized, we do not comply.
It's not counted as a space. So that's, again, a
preexisting nonconformance. And finally the
maximum coverage for buildings and above-grade
structures with ingress/egress platforms, porches,
and decks; permitted is 24% proposed is 25.14.
Again, we're going to proceed under C-2 for that.

Starting the testimony with the C-1,
the reasoning for the C-1 is that we have an
undersized lot. Roughly 5,000-square feet is
what's existing. That's 83% of your minimum
required lot area. Interestingly, Westfield has
no residential zone that supports a lot under
6,000-square feet. In this neighborhood, you have
a lot of -- not a lot, but a good amount of
undersized lots. You also have a preponderance of
existing building coverage violations. If we were
a conforming lot, we would be a totally conforming
application with the exception of the side-yard
variance that we are requesting for the extension
of the rear portion of the house. I believe we
have good C-1 arguments, but in addition to that,
I believe we can apply under C-2, which is your
positive versus negative. We have to talk about
five things. First, about a specific parcel. The
next thing we have to do is address the positive
criteria which come from the Municipal Land Use
Law Purposes of Zoning. We have to examine the
negative criteria associated with it. The fourth
inghing we have to do is weigh this out. And
finally, the fifth thing, we have to come to a
conclusion that there will be no substantial
detriment with the approval of this application.

Starting with the specific parcel,
only one other lot within 200-feet is the same
size as ours. Everything is bigger. So we are
smaller than everything within 200-feet with the
exception of our neighbor. We do match the
50-foot minimum lot width which is prevalent in
the area. Of the lots within 200-feet, you have
22 of them, 16 of those lots' which is 72% have
the 50-foot lot width. And where we're deficient
is you require a 120-foot dept to give you that
6,000. We just don't have it. We're 100-feet
deep.

The next thing is the positive
criteria and they come from the Purposes of
Zoning; like I said. The first one I think we
comply with is "A" which is to "encourage
municipal action and guide the appropriate use and
development of all lands in the state in a manner
in which will promote the public health, safety,
morals, and general welfare." Going to general
welfare "allowing existing residents to stay and
improve existing housing stock improves the
neighborhoods overall, and it actually increases
real estate value surrounding them."

The next thing I believe we comply
with is "E" which is to "promote the establishment
of appropriate population densities and
concentrations that will contribute to the
wellbeing of persons, neighborhoods, communities,
and regions, and the preservation of the
environment." Layman's terms streetscape; can you
match what's there. Like I said, 72% of the lots
within 200-feet are 50-foot wide. We just don't
have that required depth of 120-feet. Nine of the
lots within 200-feet don't comply with the
building coverage. That's 38%. Two of the lots
within 200-feet don't even have a garage
associated with the dwelling. So we're not the
prevalent pattern, but we're not out of the
ordinary. And as Mr. Bailey testified to all of
the improvements are going to the rear of the
existing dwelling. Nobody will see any of that.

The next purpose or positive I
believe we comply with is "I" which is to "promote
a desirable visual environment through creative
development techniques, good civic design, and
arrangements." Like I said before, while we're
asking for a building coverage variance, and
Mr. Bailey stated this earlier, we comply with
your total coverage and your FAR. And I think
those are your keys to overdevelopment. It's
always been the case with Westfield that you look
to those two numbers to see if there is massing
and overdevelopment of a lot. With the total
coverage, we're at 38% roughly, 50% is what we're
allowed, so we're 600-square feet more or less
below the threshold. And the FAR, we have 32%
roughly versus 37%. We could go -- if there was a
place to put it -- you could ask for another 266-square feet of living space. But I think this is a good application. It's sized correctly, and it is a good creative design to allow upgrades and modernization of an existing dwelling.

And finally, I believe we comply with "M" which is to "encourage coordination of various public and private procedures and activities shaping land development with a view on lessening this cost of such development into the more efficient use of land." Again, all utilities are in place, you don't need a knockdown. The only thing that we're asking for is development or improvements to the rear which won't be seen by the existing neighborhood.

Leaving the positive criteria and addressing the third thing, which is the negatives. In this case, I don't think there are any associated with this application. Light and noise and traffic concerns, they don't increase from what's there now, and they're anticipated with this type of development in a residential zone. So there's nothing out of the ordinary that is happening here that should be of concern.

Stormwater is not a concern because we're still
below that maximum threshold for total lot improvement. All of the original design for storm sewers and stuff use that 50% number. And what people try to do with new applications is offset any new impervious area with some stormwater management. But I think the suggestion of piping all of the leaders out to the street is a good one. Especially from the front. You want some recharge into the existing ground so you may want to leave some of it. But looking at the pictures, it seems that the typical residential development pattern is in place here where everything goes away from the building. And then everything from the rear line of the building out to the street is graded along swales that are usually along the common property line. I don't see any need for any stormwater management here. It's de minimis at the most.

The fourth thing that we have to talk about is weighing this out. And just a quick recap, keep in mind this house was built in 1929. It's an undersized lot by 17%. Again, no zones in the Town of Westfield allow 5,000-square foot lots, and we would conform totally if this was a 6,000-square foot lot. The minimal overage on the
building coverage is 71-feet, and as Mr. Bailey said, the stoop is 32. So if you took that out you have 39-square feet, that's not even a sheet of plywood. It's minimal. It's a minimal ask. I think you can do this without any problems. We matched the existing streetscape. Like I said, 50-foot lot width is prevalent in the area at 72%. We do meet the purposes of zoning with the positives. Again, all the improvements are to the rear and out of sight of any neighbors. And there's really no impact to the rear neighbors because there's a split -- there're two neighbors that back up to our rear lot, so they don't even see except for maybe 25 or 30-feet of our back yard. We're tucked in the very extreme of their rear yard. So we really don't impact them at all. We don't violate the maximum improvement coverage limits or the FAR limits. Which, like I said, usually control your overdevelopment reasoning.

And again, this keeps a growing family in town by allowing modernization of an older home, which is what the trend is these days. You try to avoid knockdowns if you can. Westfield likes the character of the existing homes and you want to keep these. So this is what is proposed
here tonight and what I think is a good thing in
the area. And finally, you have to come to the
same conclusion that I do, and it is my opinion
that you can grant the variance requested tonight
with no substantial detriment to the zoning
ordinance or the Master Plan of the Town of
Westfield. There you go.

CHAIRMAN FUSARO: Thank you,
Mr. Watson. Anyone from the Board have any
questions for Mr. Watson at this time? Seeing
none. At this portion, I would open it up to
public comments. If anyone in the audience would
like to address the application or have any
questions for either the applicant or the
architect or the planner, please virtually raise
your hand at this time and Mr. Sammet will allow
you to enter the meeting.

MR. SAMMET: Anyone with questions,
again, please virtually raise your hand. No one,
Mr. Chairman.

CHAIRMAN FUSARO: Thank you,
Mr. Sammet. Okay. We will close the public
portion of the meeting and open it up to Board
discussion unless any board members have any
questions for either the applicants or the
architect or the planner at this time. Anyone?

Anyone questions? Seeing none, we'll close that
portion of the meeting and open up to Board
discussion.

As you've heard from the applicants, from Mr. Bailey, and Mr. Watson, the current lot is undersized as are several others or numerous others in that area. I believe that they are 1.57% above the maximum coverage by buildings. We kind of have a rough rule of thumb that we like to keep that below 22% which it certainly is. I don't have any issue with that. The addition is in the rear as we've mentioned earlier this evening and we usually routinely mention during these applications. The trend nowadays is for that open look, the open floor plan, which Mr. Bailey is proposing. The addition is in the rear of the home. As Mr. Watson said, it will not be visible from the street. And if you look at the tax map which is in our packet, the rear of the home abuts the two properties that are Baker and North Chestnut in the most remote portion of their rear yards. So it shouldn't have any impact or minimal impact on the neighbors. I'm glad that the applicants and the professional have
eliminated that shed, eliminated that rear deck, which will certainly help with their coverage calculations. They are under the maximum improved coverage by a substantial amount; 50% is the max and they're at just under 38%. And they are under the FAR 37% is the max, and they're slightly below at 32 at 31.68.

I'm glad that Mr. Sammet, and I'm sure a couple of other of us on the Board, have concerns regarding the one-car garage. However, it is existing. Looking at the floor plan and how the home is currently constructed and situated, I really don't see what can be done with that garage other than it would have to be converted to some other room and a separate garage be built on the property which would just create additional coverages and additional variances and certainly add to the runoff. That being said, how does the rest of the Board feel?

MR. MASCIALE: Real quick, Frank. I think the C-1 hardship is real and we can give relief under C-1 based on the size of the lot and the hardships there. Under C-2, I was a little concerned about this pushing back further in the backyard, but since it's one-story, I think the
negative at one-story, the blocking the light and
the impact on the neighbor is minimal. Where if
it were two stories, I'd have some concerns. But
as one-story, I don't see it, and I think we can
approve it under C-2.

CHAIRMAN FUSARO: Thank you, Chris.

I would agree. Any other board members have any
comments?

MS. HROBLAK: I would like to make a
comment or a request for a condition or at least
discuss the trend in, you know, providing relief.
In this case, it seems like a good application,
but I was wondering if it wouldn't be prudent to
start having the increase in coverage treated as a
separate type of -- outside of the piping into the
street. So I guess what I'm getting at is if it
could pipe the or just have the runoff coming from
the addition just have it spill out to the
backyard. And unless that becomes a problem, then
they can come to the town and ask if they can have
it piped to the street. I'm thinking that
increases in coverage, you know, they do cause
drainage problems regardless of whether they're
below the design limits. We're such a tightly
packed town that those tend to cause problems.
Just changing, changing and adding. So, yeah, in this case, it would just be don't pipe it to the street and have it spill onto the backyard, the addition.

CHAIRMAN FUSARO: Yes. There's still a substantial amount of area in the backyard. We did hear from the applicants that perhaps during a major storm event, a 50 or 100-year storm, there would be some ponding back there. However, I would venture to guess that that's probably the case in 25 to 30% of the lots in town. I have no issue, Allyson, with putting a condition in there that they direct the downspouts to the rear yard unless it becomes an issue and at that point, they could approach the town regarding it being run out to the street.

However, and perhaps Don can chime in here. I believe Don mentioned in one of the previous applications that the town requires the downspouts to be piped underground; is that correct, Don?

MR. SAMMET: That is -- it doesn't come through my office, through the engineering, but new, brand new homes, brand new construction does require piping to the street. For additions
to homes, I do not believe it's required. I recall Mr. Bailey testifying that it is recommended, but not required.

CHAIRMAN FUSARO: Thank you, Don. We can certainly, Allyson, as you mentioned, certainly add that condition to an approval if that's the way we're leaning. Anyone else have any other questions or comments?

MR. MASCIALE: I just want to comment that agree with Allyson on where it goes. But isn't it better that we leave it as a call onto the professionals than the Board trying to dictate whether it should go to the front or the back in each case? Each application is different and I don't know if we should get in the habit of each application saying where the water is going to go. We should be leaving it up to the professionals in my mind. I agree with Allyson in this case --

MS. HROBLAK: In the direction?

MR. MASCIALE: Yeah. It's more of what are we doing? We're bringing up the drainage on each case now and where it's going to go and dictating in each.

MS. HROBLAK: Well, I dictate -- I'm
not really dictating any design, just that it flows across the ground as opposed to being piped.
I don't care what direction it goes in.

MR. MASCIALE: I think that's a good call on your part, I agree with you. I'm just kind of saying is are getting in the habit of each application dictating where it goes or should we depend on the professionals. I just want to bring it up as kind of a point here. I mean, I agree with you on this case.

MS. HROBLAK: My thoughts are just in general that increases in coverage should try to be handled by not sending it to the street since we already have issues with our storm sewers. And so, we should first try to recharge it into the ground, and the easiest way is to just let it, you know, dump onto the lawn. You know if something else were needed, then we can start getting into more elaborate design questions I think. It's actually cheaper to dump it on the ground.

MR. MASCIALE: Right.

MS. HROBLAK: It requires less piping and things.

CHAIRMAN FUSARO: I think the
difficulty that -- and perhaps this is why this keeps coming up -- is most of the applications that come before us do not have a grading plan. So we don't know if the lot is graded towards the back, if it's graded towards the front, if it's graded towards the side; one neighbor versus the other. If you recall, we usually ask if any of the neighbors, you know, appear before us we ask, "Hey, is there any runoff from this property coming onto yours?" But without having a grading plan, it's kind of difficult for us to determine where that water is going to go or perhaps where it should go. I agree with Allyson that absolutely anything that can be recharged into the ground should certainly be done so instead of dumping it out into the street. And quite often, it's almost -- especially on a flat lot -- it's impossible to drain it to the street because you just don't have a pitch. Okay. Anyone else? Seeing none, may I have a motion on the application?

MS. HROBLAK: I'll a motion to accept the application as designed with the condition that the stormwater runoff from the roof of the addition be discharged to the ground.
CHAIRMAN FUSARO: If possible. Is that okay or, no, Allyson?

MS. HROBLAK: If possible.

CHAIRMAN FUSARO: Do we have a second?

MR. REISEN: Second.

MR. SAMMET: Seconded by Mr. Reisen.

I'll call the roll. This is to approve the application.

Mr. Cohen.

MR. COHEN: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes. I'm sorry. I was on mute.

MR. SAMMET: Ms. Pavon is absent this evening. Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Gelinas.

MR. GELINAS: Yes.
MR. SAMMET: And Mr. Reisen.
MR. REISEN: Yes.
MR. SAMMET: Actually, one moment.
I apologize folks. Mr. Reisen is our second alternate. Katie?
MS. RAZIN: Yeah. I know you've been calling him. It's okay. I'm going to take his vote off the -- when I count it, I'm going to take him off.
MR. SAMMET: Okay. But Mr. Reisen, I believe, seconded the motion to approve.
MS. RAZIN: I apologize. Is there somebody else that would second that motion?
MR. MASCIALE: I think he can still do it. The motion, I just think it's the vote.
MS. RAZIN: He might be able to still do the motion.
MR. SAMMET: Okay. I wasn't sure.
MR. MASCIALE: I'm pretty sure he can.
MS. RAZIN: But his vote's not going to count for purposes of approving it. No offense, not that you don't count.
MR. REISEN: I get it. I get it.
MS. RAZIN: Not to rub it in a
little bit more.

CHAIRMAN FUSARO: Your application is approved. Good luck and enjoy the rest of your evening. Thank you.

MR. FERRARO: Thank you very much.

CHAIRMAN FUSARO: It's 9:43, let's take a 10-minute break. We'll resume at 9:53. We still have two applications on the agenda. I'll try to get through both of them this evening. Please mute your mics and your video, if need be. We'll see everyone in 10 minutes. Thank you.

(Break taken.)

CHAIRMAN FUSARO: Let's continue.

The fourth application this evening is 440 Topping Hill Road. Thomas and Stacey Shepherd. Applicant is seeing approval to construct a roof over the existing second-floor balcony contrary to the Westfield Land Use Ordinance Section 11.07E6 where side-yard coverage permitted is 10-feet and proposed is 7.39-feet.

If the applicants -- I see are coming aboard here. There's Mr. Shepherd and Mr. Algarin. Is there anyone else that we need to let into the meeting Mr. Shepherd?

MR. SHEPHERD: No.
CHAIRMAN FUSARO: Mr. Shepherd, please state your name and address for the record.

MR. SHEPHERD: Sure.

Thomas Shepherd, 440 Topping Hill Road in Westfield.

THOMAS SHEPHERD, having been duly sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Thank you so much.

Mr. Shepherd, tell us a little bit about your application.

MR. SHEPHERD: Sure. We have a second-floor balcony in the back of the house, and we'd like to roof over it. We've had a lot of water problems in our dining room coming down through that area. And we've lived in the house since 2009, and it's been a recurring problem. So we'd like to take care of it.

CHAIRMAN FUSARO: Thank you very much. I'm assuming Mr. Algarin will fill us in on the details. Welcome, Mr. Algarin. Please state your name and address for the record.

MR. ALGARIN: My name is Robert Algarin, A-l-g -as in George- a-r-i-n. I have an office at 224 East Broad Street in Westfield, New Jersey.
CHAIRMAN FUSARO: Thank you. Since you have not appeared before the Board this year we have some new board members. I know we haven't seen you in a little bit. Perhaps you could just go through some of your credentials for us.

MR. ALGARIN: It's a little embarrassing. First of all, happy Thanksgiving -- Thanksgiving -- I mean happy Valentine's Day everybody. It's 10:00 at night, so whatever romantic evening I was spending with my wife is obviously gone. Luckily, I wasn't planning one, so it's okay. I'm a little older than some of the other people. I know Joe Kaiser, he's a great guy, a friend of mine. Anyway, I graduated from The City College - City University of New York, School of Architecture in 1979. I became licensed in New York State in '86, and '87 in New Jersey. I've been in private practice in New Jersey since 1989. I've served four years on the Architectural Review Board in Westfield, three years as the chairman. The first chairman in history. And I served two years on the Historic Commission in Westfield as well.

CHAIRMAN FUSARO: Thank you, Mr. Algarin. Unless any board members have any
concerns we will continue to recognize Mr. Algarin
as an expert in architecture. If you could please
raise your right hand.

ROBERT ALGARIN, having been duly
sworn, was examined and testified as follows:

CHAIRMAN FUSARO: Please proceed.

MR. ALGARIN: I'm going to share my
This is the rear of the house. Let's go back for
a second. I'm not an expert at this -- okay,
that's the front of the house, let's start here.
As Tom said, the impetus behind this whole
extravaganza is dealing with these flat roofs on
this house. The house leaks like a sieve
everywhere. They've had it fixed many many times.
And they're done with the water dripping on the
dining room table. So we came up with a scheme
here to put pitched roofs on the house. Okay.
And it kind of looks like this. You can see this
3D view here of the front of the house. This is
an idealized view. Let's go back to the
photograph here. You'll see that this rear
section of the house is really hard to see.

MR. SONTZ: My screen didn't change.

I'm still looking at the picture with --
CHAIRMAN FUSARO: We still have the same photograph, Mr. Algarin. The same original photograph.

MR. ALGARIN: This one here, the one in the front of the house?

CHAIRMAN FUSARO: No. It's the rear of the house with the porch in the rear.

MR. SAMMET: The balcony.

CHAIRMAN FUSARO: The balcony.

MR. ALGARIN: This is the one you have.

CHAIRMAN FUSARO: That's correct. We have it in our packet. We have two photographs. We have one which is the current one on the screen. And then you have a separate one, which is the front of the house. It's in our packet, but not on the computer screen.

MR. ALGARIN: For some reason, I'm sharing it on my screen. I'm jumping back and forth between these two pictures right now, and for some reason, it's not working for you guys.

CHAIRMAN FUSARO: That's okay. We have the photograph as part of our package.

MR. ABRAMS: So you have it.

Anyway, there's nothing on this screen or in this
presentation that you don't have a physical copy of. I know that because I've downloaded and sent it all to the town. So we have the exact same thing. The reason we're here even though -- you're not seeing this drawing now, I take it? I have the drawing file, but the 3D image is open. So you can turn to your drawing, I think it's the third sheet of the set. It's the 3D views.

CHAIRMAN FUSARO: Yes.

MR. ALGARIN: Do you see that? Take it from A-3 with 3D views. So we're trying to solve the drainage problem on this house by putting pitched roofs on it. The minimum recommended pitch for a shingle roof is 3-on-12. And since our main problem here, and the whole reason for doing this is to get the water away, we're doing 4-on-12, which is still a relatively shallow pitch for a shingle roof. And we don't want this roof to stand out. Luckily, because of the nature of the architectural design of this house, we don't want to lose that character. So the actual street is a full story down from the first floor of this house. So the roof that we're putting onto this house you're not going to see that much. We're going to minimize the pitch,
minimize the overhang, and keep the shingle into a silver/gray color matching the stucco on the house. But it's all going to be pitched. That's neither here nor there.

The only reason we are here -- none of that has anything to do with the variance -- the only reason we're here, if you look a Drawing A-3, the lower right-hand corner of the plan, the rear 3D view northwest you see that balcony there with the railing going around it, okay. The roof, itself, is not even a zoning violation. The only zoning violation here is the owner really wanted that railing to follow the curve of the bow window below. And the bow window below is in the rear side-yard setback. If you look at the survey, I think it's 7.39-feet or whatever it is, you have that there also.

Again, a roof overhang doesn't count in a setback unless it's more than 3-feet or something like this; it's in the ordinance. And I reviewed this with Lyndsay Knight at the very very beginning when we did it, and if we had come up the corner of the house straight and we didn't curve the railing, we wouldn't even be here, we wouldn't need a variance. But the owner wants the
railing to curve and a couple of those posts there
to attach the rail to. So it's an existing
nonconformity as to -- if you look at Drawing A-1,
you have -- and I'm sharing on my screen now, but
for some reason, you're not getting that -- if you
look at Drawing A-1, the preliminary second-floor
plan, that sundeck on the top right-hand corner of
the preliminary second-floor plan, that is the
worst leaking area of the house, currently. That
roof just gets a lot of snow, a lot of rain. It's
right above the dining room. That is the biggest
problem in the whole house.

So not only by putting a roof over
that roof deck, which is existing, the door is
there, the railing is there. You saw that in the
picture that we can't change. We can see the back
of the house. It's a balcony, it's always been a
balcony since the house was constructed. We're
putting a roof over it. And the roof, itself, is
not a zoning violation, but the railing and the
two columns at the edge of the railing are within
the setback. And the tangent point, I believe, if
I go into here -- you have a mocked-up plan, you
have a survey in your packet. And in red letters
on the survey, it says "existing balcony to
receive new roof and railings." Right? So you
can see on that survey, the beautiful survey,
7.39-feet that is the existing setback from the
side property line to the tangent line of the
curve of that bow window on the ground floor. And
basically, we're repeating that detail on our
balcony with our railing.

And Lyndsay just felt that -- well,
I guess, she corrected me -- we are, technically,
if somebody is standing on that rail, although
inches inside that rail, they may be 8, 9-feet
from the property line, you know, within the
setback. But if the railing came straight off the
corner, it would meet the 10-feet side yard.
Because you can see the corner of the house where
the railing would start is 9.83-feet. And as we
go further back, the house skews away from the
property line. But for aesthetic reasons -- and
we didn't think it that big of a deal quite
frankly -- that's why we're here.

I don't know how -- I don't want to
beat it to death and waste the Boards' time,
that's it. You see the photograph of what we've
got. You see the 3D view of what we're proposing.
The violation is the railing and those two columns
of, approximately, 7 1/2 -feet from the property line. And even that point, it's only a tangent point, the curve, you know, smoothes away from the property line, so it's only in that one spot that we have setback issue of that magnitude. Does anybody have any questions? I know I'm going fast, but there's not much to discuss here really.

CHAIRMAN FUSARO: I have one quick question, Mr. Algarin. And thank you for running through the application with us. In the photograph that you currently have up on the screen, it looks the existing deck has two walls, one with a door and a window, and then one continuous wall with no openings. If you look slightly above that, is that a shingled roof that we see?

MR. ALGARIN: Yes. There is currently in the middle of the house, in the mid-section of the house, there is a hip roof that goes over, I don't know, approximately -- Tom would know better -- maybe 30, 40% of the house. But the pitched roof doesn't come to the edge of the house. The pitched roof that's there, it's a hip roof, it pitches in four directions, it's conventional asphalt roof shingle, but it dumps
into a gutter that goes like a pool around the whole edge of the house within the confines of the house. So, you know, this shed roof doesn't shed the water away from the house, it dumps the water right over the living space. You know. It's the worst possible condition. The thing fills up with water, it's snow and ice, it freezes at night, the sun hits it during the day, it melts. You know the heat from the house rises, it melts, it freezes at night. You know the freeze/thaw cycle is the worst possible thing for a roof, along with the straight UV from the sun. And there's no way of stopping this thing from leaking.

I mean it's interesting architecturally, this house. I mean, it's a bow house, internationally-styled house. We also know there aren't many houses like this in Westfield. It's got pool a pool, right? And we're trying to treat it -- you know the homeowner loves it. They bought it for that reason. And we're trying to treat it very judiciously and keep as much of the character as it has now, and just try to keep it dry. So it is true that if you're across the street on the second floor of a house in a bedroom looking straight at this house, you will see our
new pitched roof. But if you're standing on Topping Hill Road looking up, you would hardly see it at all because the grade is so lower from the house and the pitch of our roof is so modest. But the back, the driveway in the rear where the site is relatively flat, you know, you'll see the roof. It's not going to disappear completely.

CHAIRMAN FUSARO: All right. I understand.

MR. COHEN: Is there a privacy problem? Is there currently a privacy problem?

MR. ALGARIN: Tom -- I don't live here. Tom, do you want to answer that.

MR. SHEPHERD: In terms of?

MR. COHEN: Looking into the neighbor from the second-floor balcony? I don't know how far away the neighbor is.

MR. SHEPHERD: Yeas, I guess.

MR. COHEN: And are we exacerbating that if it exists?

MR. SHEPHERD: I guess I'm not understanding the question.

CHAIRMAN FUSARO: Mr. Shepherd, you see, we're looking at the photograph that's on the screen, okay. You're current balcony lines up
with the straight wall of the house. You're asking us to approve a side-yard variance which would bring you're railing out to the curved part of your bay window underneath. Just to the left of that, we see a bunch of arborvitae trees which
I assume is screening between yourself and your neighbor.

MR. SHEPHERD: Yes.

CHAIRMAN FUSARO: Now that your deck is going to -- your walkable area, if you want to call it that -- is going to protrude an additional 2 or 3-feet further than your current railing. You're going to be closer to your neighbor, and we don't know how close that neighbor is to your deck or to that evergreen line there. That's the question that Mr. Cohen is asking.

MR. SHEPHERD: Yeah. Well, I guess -- I don't know what the -- there's a fence between us and the neighbor at ground level. I guess as Rob has pointed out, from the apex or the tangent of that curve to the neighbor's -- or I guess to the property line, is 7.39-feet. On the other side, I don't know the exact measurements, but the closest to us on the other side is the neighbor's garage, and then at some point past
that, is their living space. So I'm not sure
there is really a privacy issue there because
we're not getting that much closer. There's a
fence, an arborvitae in between us, and a couple
of other trees. So I would say, no.

MR. ALGARIN: Also, if I remember
correctly, the house next door is brick, it's also
kind of lower and in a different angle because the
street's curving; isn't it? So the house next
door, isn't it a little lower than yours and at a
slightly different angle to the street than yours?

MR. SHEPHERD: Yes. It is at a
slightly different angle.

MR. ALGARIN: And you've been using
this balcony. How long have you lived in this
house?

MR. SHEPHERD: Since 2009.

MR. ALGARIN: So I mean that fence
and that tangent point is going out about two more
feet, but I can't imagine that's making a world of
difference. I mean you're going to be sitting out
there on deck chairs and stuff like that; right?

MR. SHEPHERD: Correct.

MR. ALGARIN: And not hovering over
the railing, you know, chugging down beers or
something.

MR. SHEPHERD: No.

CHAIRMAN FUSARO: I guess our concern was also we don't know house close the house on the existing lot adjacent to yours is to that property line, whether there's a driveway there which would provide 15 or 20-feet. Whether, as we heard from Mr. Shepherd, there apparently is a garage there and not a swimming pool or whatever.

MR. SHEPHERD: I was going to add; so I'm talking to you from the sunroom there where you see the two doors, and I'm looking next door. The fence is I guess the 7.39-feet from that apex, and I'm looking past the fence. I'm going to guess it's about 10-feet to the next house, which part of the house closest to us that I'm seeing right now is their garage. So their garage is toward us, so that's what's facing us that I can see right here.

MR. ALGARIN: Their garage must be in the back of the house?

MR. SHEPHERD: Yes, it is.

MR. ALGARIN: They have a weird garage access like you do?
MR. SHEPHERD: Yeah. They come up the other side of the lane and they come into their garage in the back closest to us.

CHAIRMAN FUSARO: Mr. Algarin, I understand your answer to my previous question with respect to that existing asphalt roof. I'm assuming basically there's a flat roof around the perimeter of that. I see the scupper leading to the downspout which certainly is an area of concern where water would accumulate. That having been said, the ridgeline that we currently see on the roof on the existing shingled portion of the roof, the new roof that your building, how much higher than that current ridgeline that we see in the photograph will your new roof be? Is it about the same? About a foot higher? About two feet higher? Roughly, would you be able to --

MR. ALGARIN: I couldn't give you an exact answer without studying the drawing, but it's definitely going to be higher. I would probably guess maybe the 2 or 3-feet-range from ridge height to ridge height. You know, 30-inches maybe in the middle. You know our roof is also a hip, so it's pitching in all directions. But our ridgeline will be further back. That ridgeline is
closer to the front of the house because that hip roof only covers a portion of the front of the house. Our hip roof goes along the entire house. So while it might be higher, it also will be further back from the street.

CHAIRMAN FUSARO: Thank you. Any board members have any questions for Mr. Algarin or the applicant this time? Seeing none, we'll open it up to public commentary. If anyone in the audience has any questions, comments, or concerns for the applicant or the project architect at this time and would like to speak about the application, please virtually raise your hand, and Mr. Sammet will allow you into the meeting.

MR. SAMMET: Someone has raised their hand. They're identified as Googlepixel. If you unmute your microphone, we should be able to hear you.

CHAIRMAN FUSARO: Nothing yet.

MR. SAMMET: Nothing yet. The person who's identified as Googlepixel, you do have permission to speak, you just need to unmute.

MS. RAZIN: Mr. Algarin, do you want to un-share for a minute so maybe we can see the participants.
MR. ALGARIN: Yes. I'll stop sharing.

MS. RAZIN: Thank you.

CHAIRMAN FUSARO: Googlepixel is on the screen, has her hand raised but is still muted.

MR. MASCIALE: It doesn't look like the hand is raised anymore.

MR. GELINAS: Can they use the chat function just to indicate that they're trying to speak?

CHAIRMAN FUSARO: Sure.

MR. SAMMET: I'm going to change the chat function. The person identified as Googlepixel, you can try using the chat function now if you'd like to type in your question or comment. Nothing is coming up. Let me try...

MR. GELINAS: Did they just undo their hand up there or does that disappear automatically?

MR. SAMMET: I think they take it down.

CHAIRMAN FUSARO: It looks like their hand came down.

MR. SAMMET: Yeah. I'm just not
CHAIRMAN FUSARO: Okay.

MR. ALGARIN: Tom, do you maybe have a neighbor named Googlepixel? The guy next door, is that his name?

CHAIRMAN FUSARO: Well, the member of the public who is trying to dial in, we're going to continue with our meeting with this application for now. If you have any comments that you'd like to provide -- whoop, here we go. Don, something is in the chat.

MR. SAMMET: That was me. I'm trying to reach out to them.

CHAIRMAN FUSARO: Don will continue trying to reach out to you. If you have any comments, please type it in the chat function which is located on the bottom of your screen, along the bottom of your screen, and we will get back to you as soon as Don recognizes your question. And if your hand was raised inadvertently, it's not an issue. Let's move on.

Any board members have any other questions for the applicants or the architect before we close that portion and open it up to Board discussion?
MS. MOLNAR: I have one quick question. Are there any long-term plans down the road to fill in the balcony and enlarge the second floor?

MR. SHEPHERD: Not at the moment. We're really just trying to take care of the main water issue. There are others in the house which this roof hopefully will help, but the main offender is the dining room right now.

CHAIRMAN FUSARO: Thank you. I would assume, Carol, that if we were to approve the application that one of the conditions would be -- it's usually one that I always throw in --

MS. MOLNAR: You're famous for that.

CHAIRMAN FUSARO: -- which is that three sides remain open. In this case, it would be two sides.

MS. MOLNAR: Two sides remain open.

CHAIRMAN FUSARO: Yes. Any other board member? I see none. We'll close that portion of the meeting and open it up to Board discussion.

As you've heard from the project architect and the applicants, they're main function or main reason for, one of the reasons
for bringing this application before us is that there're numerous leaks in the existing home which they are remedying by adding a pitched roof to it which does not trigger any variances. And the reason that they are before us is simply because they'd like to extend the existing roof deck out, approximately, 2-feet from where it currently is on the second floor. Currently, the first floor already extends out that 2-feet, and they basically want to match it with the upper floor and have that radius, as I'm assuming, an architectural function to the home. I don't see any issue with it. I was a little concerned and I'm glad that Michael brought up the question of privacy since we don't have anything before us that tells us where the neighbor's home is or what is immediately adjacent to that side yard portion of the property. But we've heard from the applicant that it is a garage, we'll take him at his word. And doesn't appear that there would be any privacy issues if it were a garage. It looks like from I can tell in the photographs, there's some pretty heavy foliage there, and those arborvitaes seem to be growing pretty tall. And I'll assume they'll continue to grow in height
which would provide some additional screening at that point.

I would agree with Carol that we should include a condition that two sides of that sunroof or sundeck, I should say, remain open. And is that -- one other -- and perhaps we may need to reopen this as a question to the architect or the applicant -- I believe the drawings call for that room that is below this deck, they call it out as a sunroom, and I don't know if it makes any difference to anyone on the Board. I was curious as to whether that was a three-season room or a regularly habitable space. If no one seems to --

MR. MASCIALE: I don't think it matters, Frank, because it's not exceeding any variances. It's not causing a variance, so I think we can leave it.

CHAIRMAN FUSARO: Okay. That's fine. Those are my comments. How does the rest of the Board feel? Anyone?

MS. HROBLAK: I like it.

CHAIRMAN FUSARO: You like it?

MS. HROBLAK: It looks good, and I think extra bonus points for the use of the word
"tangent" on multiple occasions.

CHAIRMAN FUSARO: Only us engineers would appreciate that, Allyson. Anyone else? No? Don, I assume that Mr. Googlepixel has not raised their hand or provided anything in the chat.

MR. SAMMET: No, sir.

CHAIRMAN FUSARO: So at this time, if no one else has any other further comments, can we have a motion? Anyone?

MS. HROBLAK: I'll make a motion to approve as designed.

CHAIRMAN FUSARO: Okay. We want to attach a condition, Allyson.

MS. HROBLAK: Yes, that's right.

Carol had a condition. The condition that the area remains open.

CHAIRMAN FUSARO: On two sides.

MS. HROBLAK: On all sides, Frank.

Yes, on two sides.

CHAIRMAN FUSARO: Thank you so much. Do we have a second?

MR. GELINAS: Second.

CHAIRMAN FUSARO: Second by Mr. Gelinias. Mr. Sammet, please call the roll.

MR. SAMMET: Mr. Cohen.
MR. COHEN: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.

MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SAMMET: Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Gelinas.

MR. GELINAS: Yes.

MR. SAMMET: And Mr. Reisen.

MR. REISEN: Yes.

MS. RAZIN: Do not call -- remember.

MR. SAMMET: I called him anyway.

MR. REISEN: I got it in.

MS. RAZIN: I know. You got it in.

You're in.

MR. ALGARIN: They should all be

this easy. Thank you very much.

CHAIRMAN FUSARO: Good luck with

your roof leaks. Thank you.

MR. SHEPHERD: Thank you.
CHAIRMAN FUSARO: Okay. Our final application of the evening is 620 Lenox Avenue. Mr. Ralph Capasso. Applicants is seeking approval to construct a one- and two-story addition on the rear of the house contrary to the Westfield Land Use Ordinance Section 12.04F-1 where maximum building coverage permitted is 20% and proposed is 20.29%. Section 11.07E-8 where maximum eave height permitted is 22-feet and proposed is 22-feet 6-inches. And Section 12.04F-3 where maximum all building coverage permitted is 24% and proposed is 25.88%.

I see Mr. Capasso is with us. Do you have any other professionals? I see Mr. Bailey, again. Do you have anyone else that you need us to allow into the meeting?

MR. CAPASSO: Nope. That's it.

It's just us and Mr. Bailey.

CHAIRMAN FUSARO: Mr. Capasso and you're Mrs. Capasso, I assume.

MR. CAPASSO: Yes. This is Rachel.

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

MR. CAPASSO: Name is Ralph Capasso. Address is 620 Lenox Avenue, Westfield, New
CHAIRMAN FUSARO: Mrs. Capasso.

MS. ECKERLING: Rachel Eckerling.

Hi. And same address, 620 Lenox Avenue.

CHAIRMAN FUSARO: Thank you. Please raise your right hand.

RALPH CAPASSO and RACHEL ECKERLING, having been duly sworn, were examined and testified as follows:

CHAIRMAN FUSARO: Tell us a little bit about your application.

MR. CAPASSO: Sure. We moved to Westfield about six months ago. We're new here in town. We have young children. We're a growing family. We bought this beautiful Victorian-style house on Lenox Avenue. The layout is dated, so we'd like to modernize it and make it more open-plan so we can see the children a little better and improve access to the backyard and the play area.

CHAIRMAN FUSARO: Thank you.

Anything else you'd like to add before we turn it over to Mr. Bailey?

MR. CAPASSO: Nope. I think we'll turn it over to David now.
CHAIRMAN FUSARO: Mr. Bailey, you've been sworn in earlier this evening. Katie, do we need to swear him in again?

MS. RAZIN: Mr. Bailey, you remain under oath; right?

MR. BAILEY: Yes, that's fine.

CHAIRMAN FUSARO: Just for the record, since we have an audio of it as well, please state your name and address for the record once again.


CHAIRMAN FUSARO: Thank you, Mr. Bailey. And as Ms. Rasin just mentioned, I'd just like to remind you that you're still under oath. Please proceeded.

MR. BAILEY: I'd like to share some files. Do you see the files?

CHAIRMAN FUSARO: No. We see your list of files, your pdf file list, but not the actual drawings. There we go.

MR. BAILEY: We'll go to existing plans. This is EX-2, Drawing EX-2. And Sheet EX-2, and Drawing 1 on EX-2 is existing first-floor plan. So as the Eckerlings and
Capassos just stated, this is existing first-floor plan. So on the back of the house here, they have this kitchen, it's an awkward kitchen, not really very large, it has no flow to the family room that exists here. There's a powder room, there's a wall. It's a very cut-up floor plan. The family room has no windows or direct porch to the backyard and the backyard patio. There's an existing wraparound porch here that's mostly screened in. There's a dining room and there is a little French door off the kitchen to the large decks across the back of the house. And on the existing second floor, there're three, kind of, four bedrooms. This fourth bedroom is this oversized kind of sunroom/laundry room. And then the existing master bedroom has a small bathroom and small closet. So it's a very awkward floor plan. Tiny bathrooms. Very awkward laundry. So we're proposing to knock out the back wall of the house.

And I'll show you the other two existing plans. This existing third floor, there're some unfinished areas here in the attic. It's got relatively low ceilings. There's an awkward old bathroom here, again, with low
ceilings. And then there's a basement that's partially finished and unfinished, and then leads to the wraparound porch in the back above. So on the elevations, these are the existing elevations. Here's the existing front of the house on, this is EX-1.1. There's an existing screed porch that wraps around the house. This is the side of the house, the south side. This is the driveway side of the house, the north side. And it shows an open-front porch here, and then it shows this large wood deck in back that exists. This is the existing rear elevation. It's got this big deck coming off the back of the house. You can see there're no windows. The door is off the existing family room there. Here's that screened porch along the side.

We've got existing photographs. These are existing photographs up here on PH-1. Number 1 on PH-1, this is existing front elevation. Again, you can see this wraparound screened porch that exists. You can see the second floor with this tower. You can see the third floor with small dormers. This is existing rear of the house. You've got this big wood deck and wood patio. You've got French doors off the
kitchen. You've got this family room with no windows. You've got that awkward laundry room slash sunroom there. And then this is existing front of the house with the open porch part here, the driveway. This is the existing detached garage. The large two-car garage is in very good shape, and the Eckerling/Capassos use it and they'd like it to remain. This photograph in the center shows the screen porch area that wraps around the house. And this is the rear elevation showing the driveway coming down from the street. And the wood deck and the sliding glass doors coming off the kitchen.

So what we're proposing; on the first floor here, proposed first floor on Sheet A-3, we're proposing to expand the rear of the house. So the family room we're expanding with a relatively modest addition going out 5-feet. So this part of the expansion on the first floor is this 5-feet. And over here, we're expanding the kitchen. Going out, again, a modest 9 1/2-feet. And then we're proposing to rebuild the deck to be more modest. And the deck will be about 13.7-by-12.3. And both the expanded family room and expanded kitchen will have French doors
opening on the deck, and the deck will have stairs
down to the new patio. Where, currently, the
house has no mudroom, and powder room is in an
awkward place. So we pushed the powder room to
the center of the house; made it more private. We
create a mudroom, so there's an actual mudroom
now. And created an open plan between the eat-in
kitchen and the family room. Open up the wall
here, you know, a wall with sliding glass doors
going to the backyard. You've got a nice island
kitchen with a breakfast banquet with the box bay.
So again, relatively modest additions here to make
this more functional. And we're proposing to
remove the screen so it's now an all open porch
wrapping around the house.

On the second floor, again, with
modest additions, 5-foot addition here. We're
expanded and we're widening this part, so it's a
relatively modest addition on the second floor,
and that will allow us to have a real master
suite. The master suite starts here with a big
sleeping room, nice walk-in closest, nice master
bath with the vanity, shower and tub. We made the
hall bath nicer, and we created a laundry room in
the center. It's not the largest room in the
house, and the other rooms are very much intact. On the next page, the proposed addition. And this is a better indication on how much we're expanding the footprint. So this is the expanded footprint, the 5-foot here. On the basement side, 14.3 here, and it will be an unfinished basement. Opening off the existing basement, we're refinishing part of the basement for rec rooms and music rooms.

And in the attic, we're rebuilding the dormers to match the existing front dormers so we have more finished space with decent headroom. We conform with the number of stories, so we're not creating a variance issue with stories, we're still considered two-and-a-half stories. And the additional FAR, which gets added to the FAR, but we're fine with that. Going to the elevations. This is the proposed front elevation. Again, we're proposing to remove the screen to open up the wraparound porch so it's totally open. This is the proposed side elevation where again you can see the open porch here. And this is the dormer we're proposing to build on the side of the attic floor to create more headroom there.

And then we're also showing the 5-foot addition here. There're two stories on the
back. You can see in the background the bigger
one-story addition that expands to the eat-in
kitchen with the box bay. This is a new deck on
the back. The next page, this is the new rear
elevation. So the part that sticks out further is
one-story. That's the eat-in kitchen with the
nice box bay. This is that master bedroom area
with the large windows. The addition to hip roof
that match existing. We've got the wall of French
doors off the expanded family room, it opens to
the deck and goes to the backyard. And again, the
porch is now open, wraparound, no longer screened.

This is the driveway side. You can
see the one-story addition here expanding a little
further past a second-floor room here. We've
added this bay addition here to break up the
side-wall massing. So we conform with the
side-wall massing. Because if we go back to the
proposed plans, that 2-foot cantilever here with
the window is part of the walk-in closet of the
master suite. So we don't have any side-wall
massing issues because we have that 2-foot bump
out here, existing bay here, living room. Going
to the site plan. This is an existing site plan,
so the yellow-shaded area is the area we're able
to discount with the front porch ordinance. We're only able to discount a small amount because the rest of the existing porch is screened in. So that, we're not allowed to discount from building coverage. So on the existing porch, we're only allowed to discount about 236-square feet. There's this large wood deck that exists back here and then a wood patio. And this is the oversized garage for this zone. This is an RS-10 Zone and it only requires a one-car garage. This existing garage is 609-square feet. A required one-car garage is only 250-square feet, so the garage is 359-square feet larger than it needs to be for the zone. But again, it's in good shape and the Eckerlings and Capassos use it for storage and parking, so they would rather not tear it down.

The porch is existing to the house, we don't want to tear down the part here that can't discount with the front porch ordinance, the shady area, it's maximum. Now, when you open up the screens, we can discount the front porch ordinance. It accounts for 420-square feet, the 4%. So this represents the maximum we can discount in building coverage. This is the excess porch that exists. And we have this oversized
existing detached garage. So the proposed variance for building coverage, we're asking for 20.29%. We're 31-square feet over the maximum 20%. 20% is 2,100, we're asking for 21.31-square feet. So we're 31-square feet over the maximum 20%. And again, we've got a garage that's 359-square feet larger than it needs to be. And then again, you've got a porch parch that can't fully be discounted. Neither of those are living space. The porch and the garage aren't living space. So I think 31-square feet is not a big addition to create a more living-useful floor plan.

On the shaded areas here, the blue shaded area is the second-floor area so it's a pretty minor addition on the second floor here. This blue area kind of looks purple here. And then the red shaded area is the one-story addition. And again, that expands the family room and the kitchen. This is the new deck as we're tearing down the old decks. The eaves heights, we'll go into the eave height variance. The existing eave is slightly taller than allowed. It's 20-foot-6-inches, and the addition is extending the existing soffit and gutter line.
We're extending the existing eave with the additions, which I think will look better than dropping them 6-inches. It's a relatively minor addition we're asking for, the 6-inches to be at proposed 22-foot-6-inch eave height, instead of 22. Again, that's an existing condition. There's a lot of rooflines to break up the massing, so it's not a blank boring wall with all the offsets and gutter lines and soffit lines. And again, it's existing. Most of the house conforms with 22, it's just where the grade starts to dip down, it's a little over the 22, foot cutoff. It's about 22 1/2-feet.

We're okay with the maximum height we proposed at the dormer additions. The existing nonconforming height is just that tower in the front, which is remaining, not being touched. But the rest of the roof, the house, and all the additions -- proposed additions for the additions, conform at the maximum height. We conform with the number of stories with the proposed dormer additions. We're not in the variance area for the number of stories. Going back to the site plan, we conform to FAR. Maximum FAR allowed is 32% we're proposed at 24.76%. So we conform to FAR by
quite a bit. Maximum improvement coverage allows
50% we're at 44.88%. With proposed, it's just
slightly higher than the existing improvement
coverage at 49-square feet. We're not changing
the driveway or the front walkways. So we're just
changing the improvement coverage back here by
replacing these two big decks. The smaller deck
and a patio and, of course, the additions. So we
conform with the improvement coverage, we conform
with FAR. So the two variances we're requesting
for building coverage and all building coverage
is, again, mainly because you have an oversized
garage and an oversized wraparound porch. Neither
of which are living space. Neither of which can
be living space. And I think addressed all of the
variances.

CHAIRMAN FUSARO: Thank you,
Mr. Bailey. I had originally planned on asking
you a question on the continuous wall exceeding
25-feet on your Drawing A-3. However, you pointed
out during your presentation that the second floor
you are adding a box out there which would break
that up. So thank you for taking care of that.
Do we know how much over on maximum height that
peak is?
MR. BAILEY: I think, yes. I put a number here. So I scaled off -- it's about 34-foot-10-inches. So it's just that one little tower that exists that's nonconforming the maximum height for this zone. Everything else seems to work, especially, the additions.

CHAIRMAN FUSARO: But at 34-foot-10, you're over 1-foot-4, basically up from the 33.6; right?

MR. BAILEY: Right. Yes. That's existing. Going back to photographs, we're not touching that part of the house. And the two dormer additions we're doing up there conform with the height because they're lower than the main roof. This little tower here, the little decorative tower, we're not touching that roof, it exists. That's the part that's nonconforming to height. This existing dormer in the front is the one we're trying to match for the new dormer on the and in the rear. They're small dormers that exist on the side and the rear, and there's very little headroom in the existing attic. So we need better headroom, so we're just trying to match that front dormer.

CHAIRMAN FUSARO: And those
overhangs, are they currently 24-inches? If you
look, the photograph you have right now, the
Photograph Number 1.

MR. BAILEY: Yes. The existing ones
are more than 24. On the distance, we only have
like 18-inch overhangs. Yes, those existing ones
along the front are about -- looks like about
3-foot which is an allowed overhang to have before
they start counting as building coverage in the
zoning code. Where we have the additions, we're
having smaller overhangs. But, yeah, those
existing overhangs are 3-feet along the front
there.

CHAIRMAN FUSARO: It appears that
your overhangs that you're proposing are 12-inches
on the first floor, 15-inches on the second floor,
and 24-inches on the attic area.

MR. BAILEY: Yes. Correct.

CHAIRMAN FUSARO: I am familiar with
the neighborhood. I actually live a couple of
blocks away from there. I'm familiar with the
house as well. It certainly is in keeping with
the neighborhood. And since they are opening up
that porch, that will certainly help; and removing
that large deck in the back. Do we have anyone
from the Board have any questions for either
Mr. Bailey or the applicants at this time?

MS. MOLNAR: I have a question. The
third floor of the attic is being renovated. How
does that fit into the FAR? Maybe it's a
Don Sammet question.

MR. BAILEY: I added FAR. Go back
to the site plan. So I added part of the attic
FAR that's not discounted. So over here, the
shaded area. So on the proposed attic plan, the
green shaded area is 5-foot higher in living
space. So I was able to -- the entire FAR
proposed for the third floor is 433-square feet
which is 34.8% of the second floor. We're able to
discount for the third floor 1/3 of the area of
the second floor from the third floor. So
18-square feet of the proposed FAR of the third
floor counts towards the FAR calculation because
again, you can discount up to 1/3 of the second
floor from the FAR. So it's just a minor increase
in FAR. But even with that increase because of
the size of the property, we're still way under
for FAR. We're still less than 25%. We're
allowed 32% even counting 8-feet for the proposed
attic.
MS. MOLNAR: Thank you.

MR. BAILEY: They're relatively low ceilings up there. So there wasn't much we're adding in with the 7-foot or higher, the blue shaded area. It's really low ceilings up there. So even the area that's 7-foot higher from the attic floor to the top rafter, that's only 235-square feet, about 27.72% of the second floor. That's 7-foot or higher from the attic floor to the top of the rafters. So it's a very modest attic; hardly any headroom. We're just proposing to add dormers that match the existing dormers so we're not making the attic any higher than it is now, we're just widening a couple of the areas that we want to finish. The dormers on the side and the rear, again, will match style-wise the existing front dormer. And they're okay with the height.

CHAIRMAN FUSARO: Mr. Bailey, SP-1 Drawing, your proposed zoning chart, under the FAR there, you are eliminating that 433-square feet for the proposed third floor. Is that what part of the discount is?

MR. BAILEY: Yes. That's the total square footage of the third floor, and that's why
I crossed out and added underneath it, I put the part that I had to add in. So I didn't have to count the entire 433-square feet. But even if you did, it would still be under the maximum. That's what that cross-out means. I just underneath that substituted, but that's the actual area of the third floor, 433-square feet, that's finished space. But because of the discount, I only had to add in 18-square feet. The same thing with the front porch. I'm able to discount 420-square feet from building coverage, but not above that. So that gray shaded area on the proposed site plan is the area of the wraparound porch, so I could not discount.

CHAIRMAN FUSARO: Correct. Thank you.

MR. BAILEY: So that's where the math comes in.

CHAIRMAN FUSARO: Thank you. Any other board members have any questions or comments for Mr. Bailey or the applicants at this time? Seeing none, I will open it up to the public. If anyone in the audience would like to address the application, has any questions, comments or concerns, at this time, please virtually raise
your hand and Mr. Sammet will allow you to enter
the meeting.

MR. SAMMET: Do any one of our two
remaining attendees have any questions or comments
for the applicant or Mr. Bailey? Please virtually
raise your hand. No one is doing so, Mr. Chair.

CHAIRMAN FUSARO: Thank you. We'll
close that portion of the meeting. Unless any
other board members have any questions or comments
for Mr. Bailey or the applicant, we will move to
Board discussion. One last call. Anyone? Seeing
none, we'll close that portion of the meeting as
well and open it up to Board discussion.

MR. MASCIALE: I agree with your
summary before about what they're doing and the
opening and the massing. I think you kind of hit
head-on. I think it's a great addition for the
neighborhood, and it fits the character of the
neighborhood.

CHAIRMAN FUSARO: Yes. It's your
typical Westfield grand-old home that was built in
the 1920s. I assume this falls into that time
period. As I said, I live in the neighborhood,
and my home was built in 1927. It is a
decent-sized lot. They are under the FAR as
Mr. Bailey has stated. The maximum building coverage at 20.29% is de minimus. As I mentioned earlier, we usually try to hit a goal of less than 22%. Certainly, that falls into the category here. And they are I think as several other applications we've heard this evening, again, they're looking for -- they have an expanding family looking for that open concept. They are opening up the porch, which I believe will make the home look even more fitting into the neighborhood. Yeah. As it stands, I don't have any issues with the application. As Mr. Bailey said, the garage is oversized, but it is existing. We're certainly not going to ask anyone to take down a working garage simply to conform with a minor variance that they're asking as far as that comes into play. That having been said, any other comments from the Board? Anyone? I'd like to hear your opinions. Yes? No? Looks like everyone is tired.

MS. HROBLAK: I have one comment.

CHAIRMAN FUSARO: Yes, please.

MS. HROBLAK: I would just make the same condition that I did earlier in the evening that the roof runoff be discharged at grade for
the addition area.

CHAIRMAN FUSARO: Okay. Thank you, Allyson. And I would also suggest our usual comment or condition. I would say regarding the porch, that it remains open on three sides. Other than that, I think the application fits the neighborhood. I think Mr. Bailey and the applicants put a lot of thought into it. And it maintains the character of the home and the neighborhood. Anyone else? Seeing no other board member with any comments, I would ask for a motion at this time.

MR. MASCIALE: I'll make a motion to accept the application with the condition that the porch remains open on the three sides mentioned, and that the drainage from the new addition be put to grading.

CHAIRMAN FUSARO: Do we have a second?

MS. MOLNAR: Second.

MR. SAMMET: Second by Ms. Molnar.

I'll take the roll. Mr. Cohen.

MR. COHEN: Yes.

MR. SAMMET: Mr. Fusaro.

CHAIRMAN FUSARO: Yes.
MR. SAMMET: Ms. Hroblak.

MS. HROBLAK: Yes.

MR. SAMMET: Mr. Masciale.

MR. MASCIALE: Yes.

MR. SAMMET: Ms. Molnar.

MS. MOLNAR: Yes.

MR. SAMMET: Ms. Pavon is absent.

Mr. Sontz.

MR. SONTZ: Yes.

MR. SAMMET: Mr. Gelinas.

MR. GELINAS: Yes.

MR. SAMMET: And I won't call Mr. Reisen.

CHAIRMAN FUSARO: Your application is approved. Good luck with the project. Thank you and have a great evening.

MR. SHEPHERD: Thank you very much.

CHAIRMAN FUSARO: Do we have a motion to adjourn? We were able to get it under 11:00 as requested by Mr. Cohen, and we didn't start a new application after 10:30 as requested by Ms. Molnar. So we're two for two.

MS. HROBLAK: Good job.

MS. MOLNAR: Can we go off recording? I want to say something about
LinkedIn.

CHAIRMAN FUSARO: About, I'm sorry?

Lincoln?

MS. MOLNAR: About LinkedIn. I'll e-mail you.

CHAIRMAN FUSARO: Yeah. Send an email to Don.

MS. MOLNAR: No, I'll send it to you.

CHAIRMAN FUSARO: Okay. That's fine. Do I have a motion to adjourn?

MR. MASCIALE: So moved.

MS. HROBLAK: Motion to adjourn.

MR. REISEN: Seconded.

MS. MOLNAR: We're back in person in April; correct?

CHAIRMAN FUSARO: Yes. Next meeting is March the 14th, it is a virtual meeting because that already has been noticed as such. We'll hopefully be back in person for our April 11th meeting. Thank you, everyone. Happy Valentine's Day. Have a great evening.
(The meeting was adjourned at 10:53 p.m.)