

MINUTES
Town of Westfield Board of Adjustment
May 10, 2021

The Westfield Board of Adjustment met on Monday, May 10, 2021. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

Chris Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

Diane Dabulas, Board of Adjustment Attorney, gave a brief statement explaining the Board's powers, purpose, and criteria for granting variances.

ROLL CALL: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Samuel Reisen and Carla Bonacci
ABSENT: Allyson Hroblak and Charles Gelinias
Also present: Diane Dabulas, Esq., and Lyndsay Knight, Zoning Officer and acting Board
Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the March 8, 2021, meeting. Frank Fusaro made a motion to adopt the minutes; Samuel Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Samuel Reisen and Carla Bonacci
OPPOSED: None
ABSTAINED: None
ABSENT: Allyson Hroblak and Charles Gelinias

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the April 12, 2021, meeting. Frank Fusaro made a correction to the Stanek application located at 251 East Dudley Avenue to state 27.5%:

Lawrence & Donna Darrow, 4 Carol Road, application approved with conditions.
Jeffrey & Elaine Heintz, 564 Sherwood Parkway, application approved with conditions.
Adam & Jessica Weinstein, 417 Baker Avenue, application approved with conditions.
Daniel Jemal, 16 Breeze Knoll Drive, application approved with conditions.
Cara Tabatchnick, 1000 Wychwood Road, application approved with conditions.
Alex Mednick & Allison Stone, 621 Short Hills Court, application approved with conditions.
Pawel Kierzkowski, 171 Tudor Oval, application approved with conditions.
Thomas Sevchuk, 888 Winyah Avenue, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
 Samuel Reisen and Carla Bonacci
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Allyson Hroblak and Charles Gelinas

Motion carried.

Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

CARRIED FROM APRIL 12, 2021:

Monica Alvarez & Alvaro Quintana, 158 North Euclid Avenue 10/1/2020
 Applicants are seeking approval to construct an addition contrary to Section 11.08E6 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed setbacks are 7.6 feet/11.5 feet. **Application deemed complete on November 24, 2020. 120 day decision date is March 24, 2021.**

Chairman Masciale swore in Carol Hewitt, architect for 158 N Euclid Ave. (468 Ellison Drive in Mantaloking, NJ) and the board recognize her credentials. Chairman Masciale swore in Monica Alvarez & Alvar Quintana (158 N. Euclid Ave). Ms. Hewitt stated there is no master bedroom and the existing powder room complies. The existing sunroom is 7.6 feet and is in the RS-8 zone and is required a 10-foot setback. Ms. Hewitt stated everything else complies except for the existing nonconforming side yard of 7.6 feet. The existing sunroom is 20 feet by 9.5 feet and the powder room behind it is 4.5 feet by 6.7 feet and the addition will be directly above it and will be 280 square feet. Ms. Hewitt all four existing bedrooms are small. Chairman Masciale asked what drawing would best show the floor plan that Ms. Hewitt was describing. Ms. Hewitt stated there are 4 bedrooms upstairs and the proposed addition will add a closet to an existing bedroom and a master bathroom and the new bedroom will be 13 feet by 17 feet.

Ms. Hewitt said the proposed addition will match the existing house and will try to fit in as best as possible.

Mr. Fusaro asked if any consideration has been given to cutting back the walk-in in closet width so that it lines up with the area where the tub is and would meet the 10-foot setback and thought it would help the situation. Ms. Hewitt said anything is possible but structurally it is a lot easier to line up the outside walls and to pull that wall in she would have to add extra beams and disrupt the room than she would like to.

Open to public questions and comments. None.

Closed to public questions and comments.

Chairman Masciale agreed with Mr. Fusaro about cutting back the wall but questioned how much of an impact it would really have on the design and if it would impact the neighbor. Ms. Bonacci asked if it was within the coverage. Ms. Knight confirmed it was within the permitted coverage. Mr. Cohen asked if it was the only one variance needed. Ms. Bonacci stated she looked at it more favorably since it is filling out a footprint and not increasing the building coverage. The Board agreed the existing nonconforming is pretty standard for the neighborhood and does not see a massing issue.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve this application as presented; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Samuel Reisen and Carla Bonacci
OPPOSED: None
ABSTAINED: None
ABSENT: Allyson Hroblak and Charles Gelinaz

Motion carried.

Application approved.

Gilberto Arroyo, 230 Elizabeth Avenue

9/9/2020

Applicant is seeking approval to construct an addition to the rear, front and side of the home contrary to Section 12.04F1, 11.08E5, 11.08E6, 11.08E7, 12.04E, 11.08E13/2.11G, 11.08E14 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 31.3%. Ordinance requires a front yard setback of 42 feet 6 inches. Proposed is 22 feet 4 inches. Ordinance allows a maximum floor area ratio of 37%. Proposed is 51%. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 26 feet 9 inches. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 6.67 feet and 4.9 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 38 feet and 39 feet. Ordinance requires an attached front facing garage to have a minimum offset of 2 feet behind the main façade. Proposed is 1 foot 6 inches. **Application deemed complete February 16, 2021. 120 day decision date is June 16, 2021.**

The applicant's attorney Mr. Goodman asked Ms. Knight if the submissions from Mr. Hughes had been received and distributed. Mr. Goodman stated they are returning from the March meeting where the Board stated the hose was too large and there were too many variances. Mr. Goodman stated they took into account the Board's concerns and made changes. They have reduced the variances and the amount of the demolition so the home would no longer be considered a new single-family home. Mr. Goodman stated the applicant reduced the number of variance requests from 5 to 2, one of which he believes is de minimis. Overall, the house was reduced from almost 3,000 square feet to 2,100 square feet and they have done as much as they can to bring it into compliance.

Chairman Masciale said Mr. Hughes (185 Myrtle Street, Somerset, NJ) had been sworn in and recognized in architecture. Mr. Goodman asked Mr. Hughes to confirm significant changes have been made and that it would no longer be considered new construction and would be simply a renovation and addition. Mr. Hughes stated the previous submission was removing a substantial amount of the original home and fell under the full demolition. This time, the applicant will be removing less than 75% and would fall under the category of renovation/addition not new single-family home. Mr. Hughes went through the zoning table provided to the board and stated no variances needed for rear yard setback and building height, a variance for building coverage as the new calculation is 20.5%. The applicant no longer requires a variance for maximum continuous wall length and FAR (lowered to 36%). Chairman Masciale asked for confirmation on the front yard setback, Mr. Hughes confirmed the front yard setback would be 23 feet. Chairman Masciale recognized the changes were less than the original submission. Chairman Masciale asked if the step back for the garage was still a part of the variance request. Ms. Knight confirmed it was stepped back more than 2 feet and no longer required relief. Mr. Fusaro asked for clarification on a discrepancy between the drawings and the existing survey. Ms. Knight stated the part of the existing building was being demolished and the new garage would be setback. Mr. Hughes confirmed a portion of the existing home would be removed.

Chairman Masciale asked if there were any other variances that needed to be addressed. Mr. Goodman said no and they were down to the two requests. Chairman Masciale stated that it would actually be three variances requested now for Maximum Building Coverage, Side yard setback and Front yard setback. The Board discussed the application.

Opened to public questions and comments. None. Closed to public questions and comments.

The Board agreed the applicant had taken the advice from the board and made changes to come closer to the requirements.

The Board reopened to public commentary.

Mr. Fusaro asked Mr. Hughes to discuss the proposed metal roof. Mr. Hughes confirmed a metal roof was still being proposed.

Closed to public questions and comments.

The Board discussed the application.

The Board reopened to public commentary.

Mr. Goodman confirmed the metal roof would be over the portico.

Closed to public questions and comments.

Chairman Masciale for a motion. Frank Fusaro made a motion to approve with the proposed conditions; Samuel Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Samuel Reisen and Carla Bonacci
OPPOSED: None
ABSTAINED: None
ABSENT: Allyson Hroblak and Charles Gelin

Motion carried.

Application approved.

Maureen Higgins, 526 Hanford Place

1/14/2021

Applicant is seeking approval to construct an inground swimming pool and expanded patio contrary to Section 12.04G and 11.09E14 of the Land Use Ordinance. Ordinance requires a one car garage. Proposed is no garage. Ordinance allows a maximum coverage by improvements of 50%. Proposed is 53.6%. **Application deemed completed March 4, 2021. 120 day decision date is July 2, 2021.**

Chairman Masciale swore in Maureen and William Higgins (526 Hanford Place). Mr. Higgins stated they had previously made renovations to the home to make it more handicap accessible for their son which included removing a garage, this was not a zoning requirement at the time. Ms. Higgins described the proposed pool. Chairman Masciale asked the applicant about the existing property and previous variance received. Ms. Higgins explained the driveway is necessary for wheelchair accessibility.

The board discussed the application.

Open to public comments and questions.

Chairman Masciale swore in Gerard Kieczkowski (248 W. Dudley Ave) stated they have no objection to the proposed plan.

Chairman Masciale swore in Betty Round (240 W. Dudley Ave) stated her property does not abut their property but was notified of the development. Ms. Round asked the board to take drainage into consideration.

Closed to public comments and questions.

The Board expressed potential concern over drainage and discussed the application further.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with conditions; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak, Charles
Gelin
OPPOSED: Carla Bonacci
ABSTAINED: None

ABSENT: Allyson Hroblak and Charles Gelinas

Motion carried.

Application approved.

Jacob Kriss, 1300 Overhill Street

1/28/2021

Applicant is seeking approval to construct a second story addition contrary to Section 12.04G, 11.08E9, 12.04F1, 12.04F2, 13.01B of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 50%. Proposed is 53.90%. Ordinance allows a maximum floor area ratio of 37%. Proposed is 37.17%. Ordinance allows a maximum building coverage of 20%. Proposed is 24.83. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 31.02%. Ordinance requires accessory structures to be located at a minimum setback of 15 feet from the principal structure. Proposed is 9 feet. **Application deemed completed March 12, 2021. 120 day decision date is July 10, 2021.**

Chairman Masciale swore in the applicants Jasmin and Jacob Kriss (1300 Overhill) and architect Hildie Lazar. Ms. Kriss provided background on the property and the application. Ms. Lazar shared photos and 3D models of the project and explained the proposed changes. Diane Dabulis had Ms. Lazar confirm the date the photos were taken and that they accurately portray the street. The existing nonconforming conditions of rear yard setback and side yard setback will not be further exacerbated by the addition. Ms. Lazar said the RS-8 zone where the home is located requires a garage, by adding a garage to the site it is triggering most of the variances being requested. The applicants will require a variance to do any updates to the home because they do not have a garage. Ms. Lazar explained the FAR variance is only needed because of a bump out on the side wall to break up the 25-foot continuous wall length. The architect believed the 13 square feet over the permitted FAR is de minimis.

Chairman Masciale asked about the lot sizes of the properties adjacent to 1300 Overhill. The board confirmed this lot is similar in size to the adjacent properties. Mr. Sontz asked if the existing retaining wall would be removed and Ms. Lazar confirmed it would be removed and replaced with a new wall. Mr. Sontz asked if the existing shed and pad could be removed to give the applicants more square footage towards their project.

Chairman Masciale expressed concern over the board attempting to narrow down square footage on the property and asked if the applicants would revisit the design and come back with some of the numbers down. The rest of the board agreed.

Open to public comments and questions.

Chairman Masciale swore in Andrea Chadwick (1290 Overhill Street) stated they are the neighbors and shared their support for the project and they had no problem with the bay window being removed.

Chairman Masciale swore in Simon Lee (1316 Overhill Street) he believed the second story addition has been a long time coming and his only concerns were the inconvenience of not having a garage and asked when the construction begins to control the debris.

Chairman Masciale swore in Elaine Fabian (1325 Overhill Street) who supported the application. Closed to public comments and questions.

Chairman Masciale swore in Garrett Rossotti (1350 Overhill Street) supported the project and the proposed project is an enhancement for the street.

Closed to public comments and questions.

Chairman Masciale wanted to be clear that something could have been worked out with the board to revisit the design but the applicant chose to move forward without a garage. Diane Dabulis asked Hildie Lazar to state the variances needed. Ms. Lazar stated the only variances required are for number of garage spaces and maximum continuous wall length.

The board discussed the

Chairman Masciale asked for a motion. Frank Fusaro made a motion to approve with the proposed conditions; Charles Gelinas seconded. Chairman Masciale asked if the applicants would be agreeable to coming back. Ms. Lazar asked the board if they would prefer the garage to not be proposed and eliminate most of the variance relief needed for this application. The board discussed the changes and agreed. Frank Fusaro confirmed the only variances that would be needed would be the 25 maximum continuous wall length and no garage space. Mr. & Ms. Kriss agreed that giving up the garage would be acceptable.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak, Carla Bonacci, Charles Gelinas

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon, Matt Sontz, Samuel Reisen

Motion carried.

Application approved.

Kimberly Tosh, 617 Lawrence Avenue

1/28/2021

Applicant is seeking approval to expand the garage contrary to Section 13.01G1B of the Land Use Ordinance. Ordinance requires accessory structures having a coverage greater than 500 square feet to be setback a minimum of 10 feet from the rear lot line. Proposed is 3 feet.

Application deemed completed March 12, 2021. 120 day decision date is July 10, 2021.

Chairman Masciale swore in Kim Tosh (617 Lawrence Ave). Ms. Tosh explained the proposed plans and explained the existing conditions of the garage. Chairman Masciale swore in David Bailey (225 Lenox Avenue, Westfield), and the board accepted his credentials in architecture. Mr. Bailey showed pictures of the existing garage and explained there is an existing overhang that will become a part of the garage.

Open to public comments and questions.

Chairman Masciale swore in Barbara Berko (258 Sinclair Place), she is the property owner adjacent to the proposed garage. She asked if the addition would be the full width of the garage. Mr. Bailey confirmed it would be the same size and the existing tree would be removed. Ms. Berko expressed support for the application.

Closed to public comments and questions.

The board discussed the application. Chairman Masciale expressed support for the application and Ms. Fusaro agreed the proposed plan was an improvement and supported the application.

Chairman Masciale asked for a motion. Frank Fusaro made a motion to approve with the proposed conditions; Samuel Resen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak, Charles Gelinias
 OPPOSED: None
 ABSTAINED: Carla Bonacci
 ABSENT: Allyson Hroblak and Charles Gelinias

Motion carried.

Application approved.

BHB Company, 215 South Avenue East

12/15/2020

Applicant is seeking approval to replace the existing freestanding monument sign contrary to Section 16.04E4 and 16.04E1 of the Land Use Ordinance. Ordinance allows a freestanding sign only as an alternative to a wall sign. Proposed is a freestanding sign. Ordinance allows only 1 wall mounted sign. Proposed are 2 wall mounted signs. **Application deemed completed March 22, 2021. 120 day decision date is July 20, 2021.**

Chairman Masciale swore in Jenifer Porter, the attorney for the applicant. Ms. Porter described the history of the property and the proposed changes at the property.

Chairman Masciale swore in Phil Smith (151 Bay Stream Drive, Toms River), testifying in the capacity of signs and his knowledge of the plans submitted. Mr. Smith explained the design of the signs and the ways the signs will be hung on the property.

Chairman Masciale asked how the new sign differed from the existing sign. Mr. Smith explained the new sign would be about the same height, it may be a little higher and would have a solid base. Mr. Fusaro asked how far the proposed sign will be from the existing property line. Ms. Porter said she could bring up the survey. Ms. Knight stated the previous resolution stated the sign was 6' x 5'-3" and the proposed sign is 6' x 4' and would be slightly smaller than the existing. Ms. Bonacci asked how high the letters were on the proposed sign. Mr. Smith stated the letters would be 8". Ms. Bonacci asked if the ordinance has the letter height restricted and Ms. Knight stated the ordinance does not restrict the letter size but it restricts the size of the sign.

The board further discussed the application.

Chairman Masciale swore in the property owner Tom Fuller (769 Shun Pike Road, Green Village, NJ). Mr. Fuller explained this is not a franchise and he owns four car washes n new jersey. He further explained the other locations have the same signage and branding at all found locations.

The board discussed the application and expressed interest in seeing a rendering.

Chairman Masciale stated a lot of work went into the previous submission and discussed the conditions on the previous approval.

Open to public comments and questions.

Chairman Masciale swore in Lois Healy (126 Hazel Avenue). Her and her husband own property nearby and oppose the application as they think the signs are substantially larger and much more garish. Ms. Healy stated they did oppose the sign in 2009 as it was done somewhat tastefully and they allowed one of their trees to be trimmed by the car wash and they regret their leniency. Chairman Masciale stated a Mr. James Healy opposed the prior application and Ms. Healy confirmed that is her husband. Chairman Masciale also explained that the proposed sign had smaller dimensions than the existing sign. Ms. Healy stated there are a number of illegal signs in the ground.

Diane Dabulis explained that the signs Ms. Healy is speaking about are considered a violation and not a part of this application.

The board felt the applicant needs to provide more information. The specifically asked for the most up to date plan including any illumination. The site plan should show the property lines and where the sign is being proposed. In addition, the board would like to see the existing sign and it compared to the proposed sign. Chairman Masciale said he agreed with Mr. Sontz but would be more inclined for the proposed sign to remain the same size as the previously approved sign.

Chairman Masciale requested the applicants to provide more detail and to be carried to the June 14, 2021 meeting.

Chairman Masciale announce the following application will be carried to the June 14 2021, meeting:

1929 Central Avenue, LLC., 1929 Central Avenue

2/24/2020

Applicant is seeking approval to construct an addition contrary to Section 12.04E, 11.09E5, 12.04F1, 12.03C, 11.09E7 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 25%. Ordinance allows a maximum floor area ratio of 37%. Proposed is 39%. Ordinance requires a minimum front yard setback of 40 feet. Proposed 35.2 feet. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 14 feet 5 inches. Ordinance requires a minimum rear yard setback of 35 feet. Proposed 22 feet 2 inches. **Application deemed completed March 25, 2021. 120 day decision date is July 23, 2021.**

Lauren & Marc Shanker, 1621 Rising Way

2/1/2021

Applicants are seeking approval to install an open style fence contrary to Section 13.02D5 of the Land Use Ordinance. Ordinance requires a pool to be enclosed by a 6-foot stockade, board on board or other solid fence. Proposed is a 6-foot open fence. **Application deemed completed March 26, 2021. 120 day decision date is July 24, 2021.**

Craig Hunsinger, 150 Stanmore Place (736 Clark Street)

2/8/2021

Applicant is seeking approval to construct an addition contrary to Section 11.08E6 and 11.08E13 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 8.73 feet. Ordinance allows a maximum continuous wall length of 25 feet.

Proposed is 28 feet 8 inches. **Application deemed completed March 26, 2021. 120 day decision date is July 24, 2021.**

Matthew Archer, 1601 Boynton Avenue

2/17/2021

Applicant is seeking approval to expand an existing deck contrary to Section 13.02C2 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 25 feet for a deck. Proposed is 18 feet. **Application deemed completed March 31, 2021. 120 day decision date is July 29, 2021.**

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:47 pm.

Respectfully submitted,

Lyndsay Knight
Acting Board Secretary