

~~NO~~
~~NO~~
~~NO~~

BOA 20-16
TOWN OF WESTFIELD
APPLICATION

45 day 5/17/20
120 day decision
date 8/15/20

I. Identification:
This appeal is from (applicant's name) Daniel Josephs
street address 1032 Rahway Avenue telephone 917-533-8413
e-mail daniel.josephs@gmail.com fax _____
for property in Westfield, NJ located at (street address) 1032 Rahway Avenue

II. To: (check one)

Planning Board
 Board of Adjustment
Board Secretary: Ms. Linda Jacus 908-789-4100 extension 4602
Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

	<u>Submission Requirements</u>	<u>Checklists</u>	<u>Procedures</u>
<input checked="" type="checkbox"/> *C variances	4.03A, 9.02, 9.03, 9.11		4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *D variances	4.03A, 9.02, 9.03, 9.11		4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04		8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08		8.06, 8.08, 8.13, 8.14, 8.23
<input checked="" type="checkbox"/> Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09		4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input checked="" type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10		8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05		8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06		4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07		8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03		4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2		4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2		4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3		7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3		4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F		8.13, 8.14

*Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application

RECEIVED
4/2/20

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

Applicant proposes to improve the subject property with an inground pool, patio and pool house, and to reconfigure the existing driveway (reduce by 919 sf) and walkways (increase front walk by 101 sf, and decrease the rear walk by 166 sf).

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

The proposed improvements are accessory uses and structures common to the permitted residential use. One existing variance requires an increase in an existing non-conformity (total impervious coverage; from 8,247 to 9,742 sf) which, however, does not require a variance from the 30% permitted Lot Coverage, due to the Property being an oversized lot (33,328 sf). The increase to the existing variance can be granted w/o substantial detriment to the public good and w/o substantial impairment of the Zone Plan or Ordinance.

See attached Statement in Support for additional information.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 1032 Rahway Avenue

Zone district RS-12 Block No. 4603 Lot No. 5

•Dimensions of lot 125'+/- x 269' +/- Area of lot 33,328 sq. ft.

•Use of premises present single-family residence
proposed no change

The proposed use is: permitted by ordinance a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment
 a use permitted by variance a nonconforming (i.e. "grandfathered") use not a permitted use

Name of Owner Daniel & Alexis Josephs Telephone No. 917-533-8413
Street address of Owner 1032 Rahway Avenue Fax No. _____

•Does the above owner also own any property that abuts the subject property?

No Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? No Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? No Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? No Yes If yes, list here and attach a brief description of each.

Handwritten:
4/2/20

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

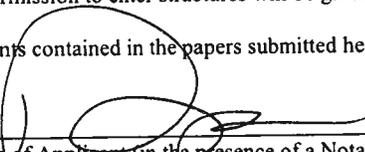
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Stephen Hehl, Esq. Telephone No. 908-687-7000,
Attorney's firm Javerbaum Wurgaft Fax No. 908-687-7028
Street address 370 Chestnut St., Union, NJ 07083

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.



Signature of Applicant (in the presence of a Notary)

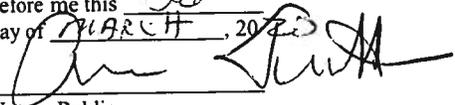
Print Name : Daniel Josephs

Address: 1032 Rahway Avenue
Westfield, NJ 07090

Home phone 917-533-8413

Business phone _____

Sworn and Subscribed to ~~my~~
before me this 30
day of MARCH, 2020

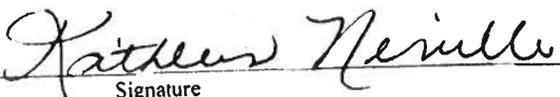


Notary Public

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
 - _____ Zoning violation notice, No. _____, copy enclosed.
 - _____ Municipal Court complaint, docket No. _____, copy enclosed.
 - _____ Other pending action, (describe) _____
 - _____ None of the above



Signature

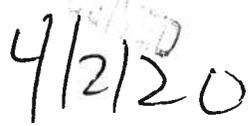
TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?
 No Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 4/17/20 

Signature



TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.10.E(6)	Nature of Deficiency: Minimum Side Yard Setback	
	Permitted: 12.5'	Present: 10.8' & 19.2'	Proposed: no change
2.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
3.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
4.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:


4/2/20

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 12.04 (G)	Nature of Deficiency: Max. Coverage by Improvements
	Permitted: 30%; 8,000 SF	Present: 24.7%; 8,246 SF Proposed: 29.1%; 9,705 SF
2.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

RECEIVED
4/2/20

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Daniel Josephs, of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) owner or duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) Block: 4603; Lot: 5

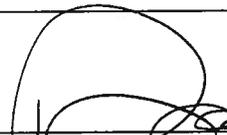
Street Address(es) 1032 Rahway Avenue, Westfield, NJ 07090

Check one:

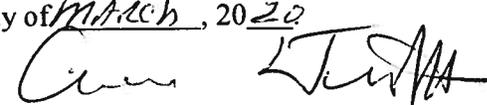
1. As the owner (or officer of), I am the Applicant in the within application.
2. As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

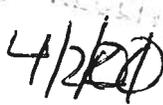
b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____



(Signature of Owner/Officer of Owner) Daniel Josephs

Sworn and subscribed to
before me on this 20th
day of MARCH, 2020


Notary Public



than 30.0%. The Applicant owns the property, which is in the RS-12 District, and is making no changes to the existing residential use which is permitted.

The variance continuation and increase required for this submission is minor in nature, as the oversized lot keeps the percentage of coverage below 30.0% and Applicant will produce expert testimony that: (1) the benefits of the project outweigh any detriments; (2) the proposal will not create any substantial detriment to neighboring properties or the public good; and (3) will not substantially impair the zoning ordinance or the zone plan.

* * * * *

As existing, the property presents a pleasing visual and aesthetic appearance consistent with the look and feel of the environs, and on a scale that suits the subject property. For these reasons and those Applicant's experts will provide at the hearing, the Board of Adjustment should approve the proposed site plan and variance continuation with increase.

RECEIVED
4/2/20

Westfield, New Jersey



Block/Lot/Qual:	4603. 5.	Tax Account Id:	7518
Property Location:	1032 RAHWAY AVE	Property Class:	2 - Residential
Owner Name/Address:	JOSEPHS, DANIEL & ALEXIS	Land Value:	620,500
	1032 RAHWAY AVENUE	Improvement Value:	899,300
	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	1,519,800
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

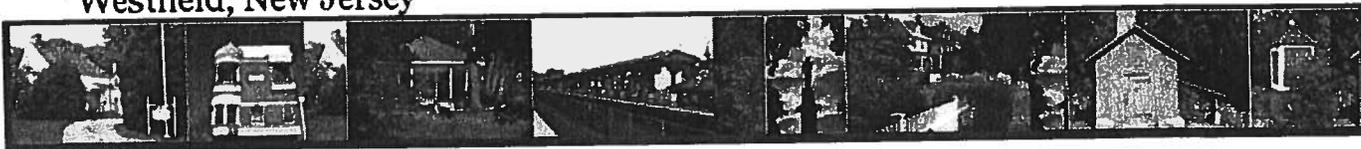
Taxes Utilities

Make a Payment		View Tax Rates		View Current Bill		Project Interest	
Year	Due Date	Type	Billed	Balance	Intarest	Total Due	Status
2020	02/01/2020	Tax	8,168.93	0.00	0.00	0.00	PAID
2020	05/01/2020	Tax	8,168.92	8,168.92	0.00	8,168.92	OPEN
Total 2020			16,337.85	8,168.92	0.00	8,168.92	
2019	02/01/2019	Tax	7,467.82	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	7,467.81	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	8,862.44	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	8,877.63	0.00	0.00	0.00	PAID
Total 2019			32,675.70	0.00	0.00	0.00	
2018	02/01/2018	Tax	7,426.85	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	7,426.85	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	7,508.78	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	7,508.78	0.00	0.00	0.00	PAID
Total 2018			29,871.26	0.00	0.00	0.00	
Last Payment: 02/05/20							

[Return to Home](#)

RECEIVED
4/2/20

Westfield, New Jersey



Block/Lot/Qual:	4603. 5.	Tax Account Id:	7518
Property Location:	1032 RAHWAY AVE	Property Class:	2 - Residential
Owner Name/Address:	JOSEPHS, DANIEL & ALEXIS	Land Value:	620,500
	1032 RAHWAY AVENUE	Improvement Value:	899,300
	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	1,519,800
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Taxes Utilities

Click on the Utility Account Id to see more information or to make a payment.

Account Service	Due Date	Current Bill	Current Balance	Delinquent Balance	Interest	Total
7292-0 Sewer	04/01/2020	195.00	0.00	0.00	0.00	0.00
Account Total		195.00	0.00	0.00	0.00	0.00

[Return to Home](#)

Handwritten:
4/2/20

OWNER & ADDRESS REPORT

03/02/20 Page 1

WESTFIELD

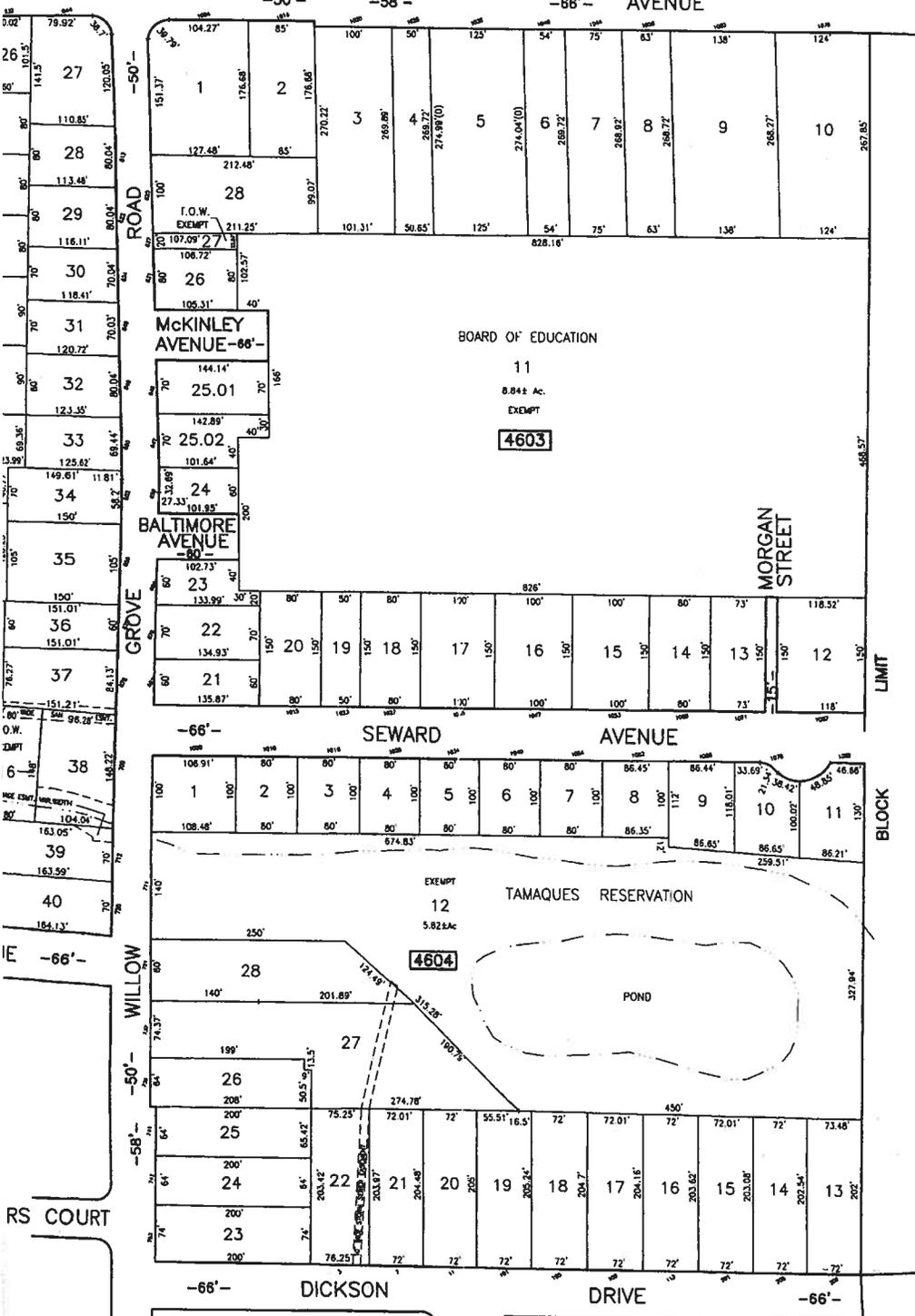
1032 RAHWAY AVE

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
4603	2		2	VECCHIO, LAWRENCE P & METHASANI, G 1016 RAHWAY AVE WESTFIELD, NJ 07090	1016 RAHWAY AVE	
4603	3		2	CASSARO, SALVATORE R & KATHRYN 1020 RAHWAY AVE WESTFIELD, NJ 07090	1020 RAHWAY AVE	
4603	4		2	CMIELEWSKI, MICHAEL L & CORIGLIANO, JM 1028 RAHWAY AVENUE WESTFIELD, NJ 07090	1028 RAHWAY AVE	
4603	5		2	JOSEPHS, DANIEL & ALEXIS 1032 RAHWAY AVE WESTFIELD, NJ 07090	1032 RAHWAY AVE	
4603	6		2	BEYAZOVA, MARTHA L & PANAYOT P 1040 RAHWAY AVE WESTFIELD, NJ 07090	1040 RAHWAY AVE	
4603	7		2	HESEDING, CAROLINE 1044 RAHWAY AVE WESTFIELD, NJ 07090	1044 RAHWAY AVE	
4603	8		2	ARORA, SUMIT & DHOND, AVANI 1050 RAHWAY AVE WESTFIELD, NJ 07090	1050 RAHWAY AVE	
4603	9		2	PINELLI, FRANCESCO & FRANCESCA 1060 RAHWAY AVE WESTFIELD, NJ 07090	1060 RAHWAY AVE	
4603	11		15A	BOARD OF EDUCATION 302 ELM ST WESTFIELD N J 07090	641 WILLOW GROVE ROAD	
4603	28		2	SERME, LISA & ABDAMANE 625 WILLOW GROVE ROAD WESTFIELD, NJ 07090	625 WILLOW GROVE ROAD	
4702	57		2	HONCHAURK, MICHAEL G & THERESA N 1027 RAHWAY AVE WESTFIELD, N J 07090	1027 RAHWAY AVE	
4702	58		2	FAHMY, SHERIF & DUFFIN, JUSTINE S 1025 RAHWAY AVE WESTFIELD, NJ 07090	1025 RAHWAY AVE	
4702	59		15F	KAPLAN, HERBERT 1011 RAHWAY AVE WESTFIELD, NJ 07090	1011 RAHWAY AVE	
5117	28		2	CUOMO, MICHELE & JOYCE 1051 RAHWAY AVE WESTFIELD, N J 07090	1051 RAHWAY AVE	
5117	29		2	BALAKUMARAN, ARUN & PAWELCZYK, EDYTA 527 CLIFTON ST WESTFIELD, NJ 07090	527 CLIFTON ST	
5117	30		2	TAYLOR, MICHAEL & ANDREA 525 CLIFTON STREET WESTFIELD, NJ 07090	525 CLIFTON ST	



CLIFTON STREET

AVENUE



52

No.

SHEET

RS COURT

45

SHEET

No.

53

NEW ENGLAND DRIVE

VILLAGE GREEN

THIS SHEET DESIGN (CAD WILLIAM N. F. THE AREAS, ARE DERIVED AERIAL SURVY AGENCIES FC

THIS SHEET WAS FORMALLY CERTIFIED ON 9/15/12, ASSIGNED SERIAL # 1003, SIGNED BY JUDY MILLER, CTA AND SUE DAVSON, CTA.

TC UNIOI SCALE: PUBLIC

4/2/20





