

BAD
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60120-13
**TOWN OF WESTFIELD
APPLICATION**

45 day
review 4/24/20
120 day decision
date 7/31/20

I. Identification:

This appeal is from (applicant's name) Manny Sieira (contract purchaser)

street address 1077 Cranbrook Road Union NJ 07083 telephone (908)868-5519

e-mail Manny.Sieira@gmail.com fax _____

for property in Westfield, NJ located at (street address) 108 Florence Avenue Westfield NJ

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:
Submission Requirements Checklists Procedures

<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 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 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

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

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.

The nature of this application is to request approval from the board of adjustment to install an addition on a single family dwelling on a single lot. The subject lot, known as 108 Florence Avenue, is in zone RS-6 (Single Family Residence District) and the existing and proposed structure's use is a detached single family residence and accessory parking structure. The subject lot and existing structures are conforming in use, but have existing non-conformities pertaining to yards and lot coverage. The nature of the proposed improvements is the demolition of the existing 2 car garage, construction of a new 1-car garage, and the construction of a 2 story addition on the rear of the existing single family dwelling. The proposed work mitigates several of the existing non-conformities and does not exacerbate any of the existing non conformities.

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

The proposed alterations promotes a desirable visual environment which complements the style of adjacent homes and will enhance the character of the surrounding neighborhood and Town as a whole. None of the existing non-conformities would be exacerbated by the proposed plans. The lot and associated structures were in place before the zoning laws were adopted in the zoned district. Given the narrowness of the lot, there are no means to mitigate the existing non conformities while harmonizing with the character of the neighborhood. The proposed alteration on the property will not adversely affect the public or the value of adjacent homes, nor will it impair the intent of the zone plan and zoning regulations.

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 108 Florence Avenue
Zone district RS-6 Block No. 2816 Lot No. 31

•Dimensions of lot 40' X 136' Area of lot 5455 sq. ft.

•Use of premises present Detached Single Family Residence
proposed Detached Single Family Residence

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 Estate of Esther Emery by Rodney Emery Telephone No. (617) 763-0626
Street address of Owner 38 Lawrence St - Apt 3 - Boston MA 02116 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.

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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)

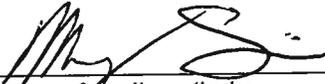
If applicant (or owner) is to be represented by an attorney, please furnish the following information: Self

Attorney's name _____ Telephone No. _____
Attorney's firm _____ Fax. No. _____
Street address _____

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)

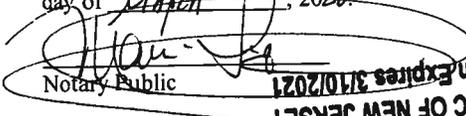
Print Name : Manny Sieira

Address: 1077 Cranbrook Rd
Union NJ 07083

Home phone 908 868 5519

Business phone _____

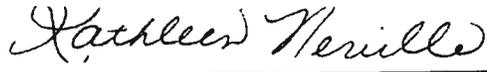
Sworn and Subscribed to before me this 10th day of March, 2020.


Notary Public **MARIA FIGUEROA**
My Commission Expires 3/10/2021

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 4/2/20 
Signature

FILED
3/10/20

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.

When 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: LUL 11.09.E.1	Nature of Deficiency: Less than regulated minimum lot area		
	Permitted: 6,000SF	Present: 5,455SF	Proposed: 5,455F	
2.	Section: LUL 11.09.E.2	Nature of Deficiency: Less than regulated minimum lot width		
	Permitted: 50'	Present: 40'	Proposed: 4'	
3.	Section: LUL 11.09.E.3	Nature of Deficiency: Less than regulated minimum lot frontage		
	Permitted: 50'	Present: 40'	Proposed: 40'	
4.	Section: LUL 11.09.E.5	Nature of Deficiency: Less than regulated minimum front yard depth		
	Permitted: 25'	Present: 24.8'	Proposed: 24.8'	
5.	Section: LUL 11.09.E.6	Nature of Deficiency: Less than regulated minimum side yard width		
	Permitted: 10'	Present: 1.2'	Proposed: 5.0' AT NEW WORK	
6.	Section: LUL 11.09.E.10	Nature of Deficiency: Greater than maximum allowable coverage by structures		
	Permitted: 20% (1,091SF)	Present: 22.42% (1,223SF)	Proposed: 22.40% (1,222SF)	
7.	Section: LUL 11.09.E.11	Nature of Deficiency: Greater than maximum allowable impervious coverage		
	Permitted: 50% (2,727.5SF)	Present: 55.42% (3,023SF)	Proposed: 49.86% (2,720SF)	

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3/10/25

Section: LUL 13.01.G.1.A Nature of Deficiency: Less than regulated minimum setback to adjacent property lines

Permitted: Rear-10', Side-5' Present: Rear-2.8', Side-3' Proposed: Rear-10', Side-5'

Revised
4/3/20

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: LUL 11.09.E.1 Nature of Deficiency: Less than regulated minimum lot area
Permitted: 6,000SF Present: 5,455SF Proposed: 5,455SF *ENC*

- 2. Section: LUL 11.09.E.2 Nature of Deficiency: Less than regulated minimum lot width
Permitted: 50' Present: 40' Proposed: 40' *ENC*

- 3. Section: LUL 11.09.E.3 Nature of Deficiency: Less than regulated minimum lot frontage
Permitted: 50' Present: 40' Proposed: 40' *ENC*

- 4. Section: LUL 11.09.E.5 Nature of Deficiency: Less than regulated minimum front yard depth
Permitted: 25' Present: 24.8' Proposed: ~~24.8'~~ / 16.8' *ENC*

- ① Section: LUL 11.09.E.6 Nature of Deficiency: Less than regulated minimum side yard width
Permitted: 10' Present: 1.2' Proposed: ~~5.0'~~ AT NEW WORK *4.95'*

- ② Section: LUL 11.09.E.10 (12.04F1) Nature of Deficiency: Greater than maximum allowable coverage by structures
Permitted: 20% (1,091SF) Present: 22.42% (1,223SF) Proposed: ~~22.40%~~ (1,222SF) *23% 1,255 sf*

- ③ Section 12.04F3 permitted 24%
max. allowable building coverage w/ porch exclusion proposed 26.2%

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**TOWN OF WESTFIELD
 REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.**

**THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES,
 AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS**

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE: RS-6 APPLICANT: Manny Sieira STREET ADDRESS: 108 Florence Avenue PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	LOT No. 31	VARIANCE?*
11.09.E.1	Minimum gross area	sq. ft.	6,000	5455	Yes
11.09.E.2	Minimum area within first 120 ft. of depth	sq ft.	50	4800	Yes
11.09.E.2	Minimum width	ft.	50	40	Yes
11.09.E.3	Minimum frontage	ft.	50	40	Yes
11.09.E.4	Minimum depth	ft.	120	136	No
11.09.E.5	Minimum front yard (per Sections 12.03C & D & E)	ft.	25	24.8	Yes
11.09.E.6	Minimum Sideyard (L)	ft.	10	5.0' AT NEW WORK	Yes
11.09.E.6	" (R)	ft.	10	10.6	No
11.09.E.7	Minimum rear yard	ft.	35	72	No
11.09.E.10	Maximum building coverage (without deck)	%	20	22	Yes
11.09.E.10	Maximum building coverage (with deck)	%	22	22	Yes
11.09.E.9	Maximum FAR or total habitable floor area	%	37	36	No
11.09.E.8	Maximum building height	ft.	32	29.75	No
11.09.E.11	Maximum all improvements coverage	%	50	49.5	No
13.01.G.1.A	Other: Setback between accessory structure and side lot line	ft	5	5	No
13.01.G.1.A	Other: Setback between accessory structure and rear lot line	ft	10	10	No
	Other:				

NOTE: This table must be consistent with the two variance lists, if they are included in the application.
 * Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, RODNEY C. EMERY, 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 2816 Lot 31

Street Address(es) 108 Florence Avenue Westfield NJ

Check one:

1. _____ As the owner (or officer of), I am the Applicant in the within application.
2. X 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: _____

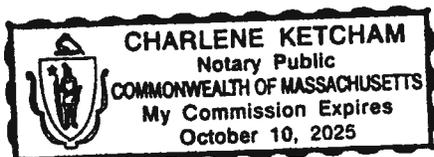
b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____

Manny Seira

Rodney C. Emery
(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 10th
day of March, 2020.

Charlene Ketcham
Notary Public



FILED
3/10/20

Notes Exist

Block: 2816
 Lot: 31
 Qualifier:
 Owner: EMERY, EVERETT M
 Prop Loc: 108 FLORENCE AVE S Account id: 00004404

General	Assessed Value	Additional	Billing	Deductions	Balance	All Charges	Add/Omit	Notes
Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance		
2020	2		2,272.94	2,272.94	.00	2,272.94		
2020	1		2,272.94	.00	.00	.00		
2020		Total	4,545.88	2,272.94	.00	2,272.94		
2019	4		1,876.36 *	.00	.00	.00		
2019	3		2,177.36	.00	.00	.00		
2019	2		2,011.01 *	.00	.00	.00		

Other Delinquent Balances: .00 Interest Date: 03/10/20
 Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 01/06/2020

TOTAL TAX BALANCE DUE

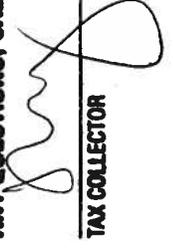
Principal: .00 Penalty: .00
 Misc. Charges: .00 Interest: .00 Total: .00

* Indicates Adjusted Billing in a Tax Quarter.

CERTIFICATION
TAXES PAID UP TO DATE

NEXT TAX DUE 5/1/2020

ANY QUESTIONS, CALL 908-789-4051

TAX COLLECTOR 

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OWNER & ADDRESS REPORT

WESTFIELD

108 FLORENE AVE

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2701	5		2	PINTO, HELEN K 774 W BROAD ST WESTFIELD, N J 07090	774 W BROAD ST	
2701	6		2	MANGOLD, ERIC & ELYSIA 782 W BROAD STREET WESTFIELD, NJ 07090	782 W BROAD ST	
2701	7		2	ROBUSTELLI, CHRISTOPHER & LORRAINE 786 W BROAD ST WESTFIELD, NJ 07090	786 W BROAD ST	
2701	8		2	KEVILLE, PASCALE 790 W BROAD ST WESTFIELD, NJ 07090	790 W BROAD ST	
2701	9		2	RYES, LAURA ANN & MAUTI, MONA LEE 798 W BROAD ST WESTFIELD, NJ 07076	794 W BROAD ST	
2704	30.011		2	TROMBLEY, BENJAMIN & GWEN 110 N FLORENCE AVE WESTFIELD, NJ 07090	110 N FLORENCE AVE	
2816	23		2	GLEASON, MICHAEL & TERESA 125 LAMBERTS MILL RD WESTFIELD, NJ 07090	125 LAMBERTS MILL RD	
2816	24		2	KAPLUN, MICHAEL & ALICE R 121 LAMBERTS MILL RD WESTFIELD NJ 07090	121 LAMBERTS MILL RD	
2816	25		2	WEISS, ANN 119 LAMBERTS MILL RD WESTFIELD, N J 07090	119 LAMBERTS MILL RD	
2816	26		2	DE FREITAS, MICHAEL & CAROLINE 793 W BROAD ST WESTFIELD, NJ 07090	793 W BROAD ST	
2816	27		2	MONDORO, LILLIAN C 791 W BROAD ST WESTFIELD, NJ 07090	791 W BROAD ST	
2816	28		2	FANTINI, ERNEST P.O. BOX 132 FANWOOD, NJ 07023	787 W BROAD ST	
2816	29		2	HALTERMAN, CARL & ROBIN 783 W BROAD ST WESTFIELD, N J 07090	783 W BROAD ST	
2816	30		2	MIRANDA, LOURENCO & ALINE 100 FLORENCE AVE S WESTFIELD, NJ 07090	100 FLORENCE AVE S	
2816	31		2	EMERY, ESTER, ESTATE OF 108 FLORENCE AVE S WESTFIELD, N J 07090	108 FLORENCE AVE S	
2816	32		2	POWELL LIVING TRUST 90 OLD STIRLING RD WARREN, NJ 07059	110 FLORENCE AVE S	
2816	33		2	MAIORANA, FRANK L & KATHLEEN B 120 FLORENCE AVE S WESTFIELD, NJ 07090	120 FLORENCE AVE S	
2816	34		2	SCARPIGNATO, PAUL 124 FLORENCE AVE S WESTFIELD, N J 07090	124 FLORENCE AVE S	
2816	35		2	RODRIGUEZ, LEO F & HANNAH 128 FLORENCE AVE S WESTFIELD, NJ 07090	128 FLORENCE AVE S	

OWNER & ADDRESS REPORT

WESTFIELD

108 FLORENE AVE

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2817	12		2	LANDAU, ROBIN R 754 FIRST ST WESTFIELD, NJ 07090	754 FIRST ST	
2817	13		2	BIEBER, MICHAEL & RENATE 125 FLORENCE AVE S WESTFIELD, NJ 07090	125 FLORENCE AVE S	
2817	14		2	CASTILLO, JOEL & KINSELLA, C 117 FLORENCE AVE S WESTFIELD, NJ 07090	117 FLORENCE AVE S	
2817	15		2	113 FLORENCE AVENUE, LLC. 115 PARK STREET WESTFIELD, NJ 07090	113 FLORENCE AVE S	
2817	16		2	DE PROSPERO, R G & BRAUN, L M 107 FLORENCE AVE S WESTFIELD, NJ 07090	107 FLORENCE AVE S	
2817	17		1	101 FLORENCE AVE., LLC 115 PARK STREET WESTFIELD, NJ 07090	101 FLORENCE AVE S	
2817	18		2	ONACKI, JOHN A & MARY ANN 755 W BROAD ST WESTFIELD, NJ 07090	755 W BROAD ST	

