

MINUTES
Town of Westfield Board of Adjustment
January 14, 2019

The Westfield Board of Adjustment met on Monday, January 14, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

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.

RE-ORGANIZATION MEETING

ROLL CALL: Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle, James Keenoy
ABSENT: None
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary.

Carla Bonacci gave a report of the Nominating Committee, nominating Chris Masciale as Chairman, Frank Fusaro as Vice Chairman, and Diane Dabulas as Board Attorney. Mr. Masciale called for nominations from the floor, there were none.

A motion was made and seconded to adopt the recommendations of the Nominating Committee.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Matt Sontz, Allyson Hroblak
OPPOSED: Robert Benacchio
ABSTAINED: Mary Doyle and James Keenoy
ABSENT: None
Motion carried.

A motion was made and seconded to appoint Diane Dabulas, Esq. as Board Attorney to carry out ordinary and extraordinary duties of the Board for the year ending December 31, 2019.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Matt Sontz, Allyson Hroblak
OPPOSED: Robert Benacchio
ABSTAINED: Mary Doyle and James Keenoy
ABSENT: None
Motion carried.

A motion was made and seconded to appoint Linda Jacus as Board Secretary for the year 2019.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Eldy Pavon, Matt Sontz, Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Ms. Dabulas swore in the new Board members, Allyson Hroblak, James Keenoy, Mary Doyle, and Matt Sontz. Ms. Dabulas swore in Donald Sammet to allow his testimony as Town Planner for the year 2019.

Chairman Masciale announced the Board of Adjustment meeting dates for 2019.

A motion to adjourn was made, seconded and carried. The meeting adjourned at 7:11pm.

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, Robert Benacchio, Frank Fusaro, Carla Bonacci, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle, James Keenoy

ABSENT: None

Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the December 10, 2018 meeting. Frank Fusaro made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Eldy Pavon

OPPOSED: None

ABSTAINED: Matt Sontz, Allyson Hroblak, Mary Doyle, and James Keenoy

ABSENT: None

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the December 10, 2018 meeting:

Vineet Jain & Shweta Jain, 700 Boulevard, application approved with conditions.

Rebecca & Jonathan Schaffer, 538 Colonial Avenue, application approved with conditions.
Westfield Senior Citizens Housing Corp., application approved with conditions.
Jeffrey Rush, 801 Harding Street, application approved with conditions.

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

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Eldy Pavon
 OPPOSED: None
 ABSTAINED: Matt Sontz, Allyson Hroblak, Mary Doyle, and James Keenoy
 ABSENT: None
 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).

Chairman Masciale made the following announcement:

The following application has been carried to February 13, 2019, meeting:

CGFR LLC., C/O Ralph Rapuano, 214 E. Grove Street

CARRIED FROM DECEMBER 10, 2018:

Marcus Acord, 835 Wallberg Avenue

9/20/2018

Applicant is seeking approval to construct a patio contrary to Section 12.04G & 13.02D5 of the Land Use Ordinance. Ordinance allows a maximum all improvement coverage of 40% (7,076 square feet). Proposed is 42.3% (7,484 square feet). Ordinance requires a pool be enclosed by a 6-foot solid fence. Proposed is a portion of 4-foot open fencing. **Application deemed complete October 15, 2018. 120 day decision date is February 12, 2019.**

Chairman Masciale swore in Marcus & Anastasia Acord. Ms. Acord stated we are requesting a variance for 42.3% coverage to add a patio around the pool that was constructed this past summer. A variance to retain two sections of fencing which are 4-feet rather than 6-feet is also being requested. Ms. Accord stated we have letters of support from our neighbors who face those sections of fencing, stating they would rather see bushes behind a four-foot fence than a solid 6-foot fence. Ms. Accord described the plot plan submitted to the Board, and stated the fencing in the front of the property on the left side is only 4-feet. The balance of the fencing around the backyard is 6 feet, except the section by the driveway, which is also four feet. There will be 6-foot-tall cypress/arborvitae planted by the fencing on the garage side. The fencing in front of the property already has a lot of tall bushes around it. Mr. Acord stated last time we submitted our application to the Board the coverage was over 45 percent because we had an extended patio area. A whole section of patio has been removed, which included an outdoor kitchen and grill. The coverage has gone down 55 percent from what was previously requested. Mr. Acord stated we were not aware of the coverage requirements and did not realize how much coverage the driveway took up.

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

The Board agreed there was not an issue with the 4-foot fence on the driveway side, but there was some concern about visibility of the pool from street with the 4-foot fence in the front yard. A condition of approval would be additional plantings, such as arborvitae, should be planted by the four-foot fence in the front yard to screen the pool from the street.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve with the above condition; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Matt Sontz
 OPPOSED: Carla Bonacci and Allyson Hroblak
 ABSTAINED: Mary Doyle and James Keenoy
 ABSENT: None
 Motion carried.

Application approved.

Matthew Strycharz, 120 Marlboro Street

8/8/2018

Applicant is seeking approval to construct an addition contrary to Section 11.09E6, 11.09E13, and 11.09E14 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 8.1 feet and 9.5 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is \pm 35 feet. Ordinance requires a one-car garage. Proposed is no garage. **Application deemed complete on November 5, 2018. 120 day decision date is March 5, 2019.**

Chairman Masciale swore in Donna Strycharz, and her architect Arthur Henn (20 East Summer Avenue, Roselle Park). The Board accepted Mr. Henn's credentials as a licensed architect.

Ms. Strycharz stated we are looking to increase our living space and because we have a pool, which was there when we bought the house, there is not any space to add a garage. There is a shed on the property which is used for storage. Mr. Henn stated we are requesting a total of three variances, which include the side yard setback, continuous wall length, and not having a garage. A one-story addition is being proposed. The house is a cape-cod, and we are going straight off the back and not going any closer to the property line. The two side yard setbacks are pre-existing non-conforming and will remain unchanged. The continuous wall was broken up by adding a window towards the back on one side, and two windows were added on the other side off of the dining area. Mr. Henn stated on the plot plan there is a rectangle to represent a possible location for a garage. It was put there to show a garage would be too close to the pool and there would not be any room to get a car in and out.

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

The Board agreed the continuous wall is broken up, and the architect even with the narrowness of the property, did a good job with the design. There will be a better flow to the house with addition and it will be straight back so you can't see it from the front. If the garage was built it would be very difficult for a car to get in and out, and the addition puts the house more in character with the neighborhood.

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

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Matt Sontz
Carla Bonacci and Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Kenneth & Donna Pace, 638 Kimball Avenue

9/21/2018

Applicants are seeking approval to construct an addition contrary to Section 12.04F1, 12.04F3, and 11.09E14 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 22.2%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed is 24.7%. Ordinance requires a one-car garage. Proposed is no garage. **Application deemed complete on November 6, 2018. 120 day decision date is March 6, 2019.**

Chairman Masciale swore in Kenneth & Donna Pace. Mr. Pace stated as you can see from the plans, we are proposing a one-story addition at the back of the house and on the side of the house, a two-story addition; all the work will comply with the setback requirements. The one-story addition will replace an existing deck, and will include a family room. The two-story addition will include a laundry room on the first floor, and on the second floor a new master bathroom is proposed. Ms. Pace stated the architect tried to keep in mind the aesthetics of the neighborhood when designing the plan. When asked about not having a garage, Mr. Pace stated there is a shed for storage and the backyard is too tight with a lot of foliage. A garage would take up a large portion of the backyard space, and the driveway is long enough for both cars to be parked. There are a number of properties in the neighborhood that do not have a garage. The lots which are narrower have a shed and the wider lots have garages.

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

The Board agreed there are some challenges with the property being narrow and the character of neighborhood is mix of homes that either have a shed or a garage. The one-story addition is taking the place of an existing deck and the second story addition is only in one section. A garage on the property makes little sense when there is not enough room, and would create another non-conformity.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve the application; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Matt Sontz
Carla Bonacci and Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Jeffrey Keim, 35 Azalea Trail

9/25/2018

Applicant is seeking approval to construct a front porch addition contrary to Section 12.03D of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 39.74 feet. Proposed is 37 feet 2 inches. **Application deemed complete on November 16, 2018. 120 day decision date is March 16, 2019.**

Chairman Masciale swore in Jeffrey Keim, and his architect David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as licensed architect.

Mr. Keim stated we use the front yard a lot so the variance being requested is for a front porch addition. The façade of the house will be redone, we are looking to make it more of a colonial style in spirit of the new homes in the area. Mr. Bailey went through the plans with the Board. He stated the home is a Tudor style, and we will be making it to more of a colonial style by changing the siding, taking off the brick veneer off the first floor and putting in stone. A front porch is being proposed, and if the porch was brought in to comply with the front yard setback, it would be too narrow and not functional. The porch will barely come out past the wall of the attached garage so coming down the street, there is not much of a projection from the house. Mr. Bailey stated we tried to keep the symmetry of the center mass of the house. Mr. Keim stated the porch will only be protruding 2 feet 7 inches into the front yard setback. The design of the porch is not all to one side and it will be slightly concealed because of vegetation up and down the street. There nothing across the street so we will not be taking anything away from the site lines of the neighbors.

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

The Board agreed the setback of the homes on the street are approximately the same distance as the proposed porch addition. The porch is open so it would not be blocking the site lines, and the depth is minimal for a functioning porch. A condition of approval would be the porch remain open.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve the application with the above condition; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Matt Sontz
Carla Bonacci and Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

NEW APPEALS:**Raymond & Gail Mooney, 815 Dartmoor**

11/7/2018

Applicants are seeking approval to install a fence contrary to Section 12.07C of the Land Use Ordinance. Ordinance allows a maximum fence height of 4 feet. Proposed is a fence height of 6 feet. **Application deemed complete December 18, 2018. 120 day decision date is April 17, 2019.**

Chairman Masciale swore in Raymond & Gail Mooney, and their architect Greg Blasi (779 Carleton Road). The Board accepted Mr. Blasi's credentials as a licensed architect.

Ms. Mooney stated they have lived at the property since 1986. The house has been renovated and there is an existing pool, which had a 6-foot fence that has been replaced over the years. The property is a corner property and with the construction, the landscaping has been redone and the driveway has been moved. Ms. Mooney stated there was work done to the pool and during the permit review, a violation was issued by the Zoning Officer for not having a fence. The fence was removed while the renovations of the backyard and pool were taking place. A temporary fence has been installed. Mr. Blasi stated the original house had the driveway coming into the backyard. Now the driveway is only in the side yard area, and the applicants are reclaiming some of the backyard. A new six-foot fence is proposed, which will be located in the front side yard. The ordinance allows a maximum fence height of four feet when the fence is in the front or street side yard.

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

The Board felt it is a low traffic area and there would not be a line of sight issue with the placement of the fence.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve the application; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Matt Sontz
Carla Bonacci and Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Devin Clarke, 529 Wychwood Road

11/6/2018

Applicant is seeking approval to construct an addition and retain a one-car garage contrary to Section 11.06E14 of the Land Use Ordinance. Ordinance requires a minimum two-car garage. Proposed is a one-car garage. **Application deemed complete November 29, 2018. 120 day decision date is March 29, 2019.**

Chairman Masciale swore in Kerry & Devin Clarke, and their architect, Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Eldy Pavon recused herself from the application.

Mr. Algarin marked photos as Exhibit A-1, and stated the house is understated. The ceiling heights are under 8 feet on both floors, the second-floor bedrooms have sloped ceilings, and there is not any useable attic space. The applicants are looking to enlarge the kitchen and add living space on the first floor; all work will be at the rear of the house. The proposed work on the second floor will include a master bedroom suite. There are not any setback issues, coverage issues, or f.a.r issues with the application. The only reason we are before the Board is because the house has a one-car garage, which will remain unchanged, and the zone requires a two-car garage. The proposed work will not be visible from the front of the house, nor does it come

close to the rear or side setback lines. The lot size is 10,634 square feet, which is consistent of a property in the RS-10 zone. The requirement for a two-car garage did not exist when the house was built. If the lot was the proper size as required in the RS-12 zone, it would be able to accommodate a two-car garage. The lot is substandard for the zone district and is a corner property, which has more setback requirements than an interior property. The lot coverage with the addition would 16.7% and there would be 350 square feet of building coverage left. Since there is hardship with the lot size, and there is an existing garage with two off-street parking spaces, Mr. Algarin stated I do not feel the existing non-conformity would not cause any detriment to the surrounding properties.

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

The Board agreed the undersized lot is a hardship. It seems the houses in the neighborhood are also undersized for RS-12 Zone which requires a two-car garage. Also, this being a corner property is a challenge because of the additional setback requirements. There is still 350 square feet of coverage available so a second garage could be added without having to a request another variance.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Matt Sontz, Carla Bonacci, Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: Eldy Pavon and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Brett Kahn, 606 Benson Place

10/12/2018

Applicant is seeking approval to construct a first and second floor addition and a two-car garage contrary to Section 11.09E5, 11.09E7, and 11.09E13 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 30.1 feet. Proposed is 29.5 feet. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 22 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 28 feet. **Application deemed complete December 10, 2018. 120 day decision date is April 9, 2019.**

Matt Sontz recused himself from the application.

Chairman Masciale swore in Brett Kahn, and his architect Brian Tavior (95 Watchung Ave, North Plainfield). The Board accepted Mr. Taylor's credentials as a licensed architect.

Mr. Khan stated we are looking to improve and modernize our house, and make it more in line with the other houses in the neighborhood. The kitchen and family room will be updated, and a master bedroom and bathroom will be added. There is a one car garage, which is undersized, and a two-car garage is proposed, which would bring one car off the street.

Mr. Taylor stated there are three variances being requested: the front yard setback, rear yard setback, and the continuous wall length. The established front yard setback is 30.1 feet, and the existing home will remain the closest portion to the front yard setback at 29.5 feet. We are not

going any closer to the front property line. Mr. Taylor stated we are requesting a rear yard setback variance because an existing portion of the house is 22 feet from the rear property line. This is an existing condition and we not increasing the encroachment in the rear yard. The continuous wall length variance is also a pre-existing condition. The existing chimney to the corner of the house is 28 feet, and because we are adding the second-floor addition, a variance is required. The variances are all the result of taking the existing footprint of the house and building above it, the addition will not trigger any additional variances. A rendering of the proposed addition was marked as Exhibit A-1. Mr. Taylor stated as you can see from the rendering, the height is being increased, and we are proposing a two-story home. A two-car garage with a new driveway is also proposed, which will get cars off the street. Mr. Kahn stated my neighbors had some concern about drainage so I looked into a drywell to mitigate stormwater runoff. A letter from Morgan Engineer & Surveying was marked as Exhibit A-2. Mr. Kahn stated he will plant additional landscaping to help alleviate some of the water concerns, and he would be agreeable to a condition that the drywell be constructed.

Open to public questions and comments.

Cliff Ross (605 Salter Place) stated our backyards face each other, and couple of years ago some trees removed. Since the removal of the trees, we have had some water in our backyard, and are concerned about the additional removal of soil. Mr. Ross said he was satisfied with the drywell the applicant was proposing to install.

Closed to public questions and comments.

The Board felt the way architect broke the house up there is not a massing issue from the front. There was concern about some overcrowding in the back of the house and the 22-foot rear yard setback, but because of the irregular shape of the lot and the way the house is situated, it would be difficult to meet the 35-foot rear yard setback. The architect did good job with the plan, and the applicant is willing to address the stormwater runoff issue. A condition of approval is a dry well should be installed subject to the review of the town engineer.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application with above condition; Allyson Hroblak seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Carla Bonacci, Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: Matt Sontz and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Lori Spector, 132 Marlboro Street

10/29/2018

Applicant is seeking approval to construct an addition contrary to Section 11.09E6 and 12.04F1 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet.

Proposed is 8 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 20.07%. **Application deemed complete December 11, 2018. 120 day decision date is April 10, 2019.**

Chairman Masciale swore in Lori & Ryan Spector and their architect, David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as licensed architect.

Ms. Spector stated we moved into the house in August and have been working with our architect to design a mudroom and garage. Mr. Bailey went through the plans with the Board and stated, if a detached garage was proposed the large shade tree in the backyard would have to be removed. Currently, there is not a garage or mudroom so when you come into the house, you are entering right into the kitchen. An attached one-car garage and a mudroom addition are being proposed. A variance is required for the side yard setback because we are 2 feet into the 10-foot side yard setback. The garage will be 11 feet 3 inches by 21 feet deep; a smaller garage would not be functional. The mudroom will square off the kitchen, and we are not going any further into the rear yard. An existing deck is being removed and a stoop and stairs are proposed to access the patio. The stoop counts toward building coverage, which is only 5 square feet over the maximum building coverage allowed. Mr. Bailey stated the addition is at the back of the house and not visible from the street, and there will be windows installed that will face the neighbors.

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

The Board agreed this a modest plan and the coverage is only .07% over the allowed maximum. There are attached garages in the neighborhood so the garage will not be out of character.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve the application; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Carla Bonacci, Matt Sontz, Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Jacqueline Stelling, 146 Harrison Avenue

7/30/2018

Applicant is seeking approval to construct an open front porch contrary to Section 11.09E6 and 11.09E14 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 5.6 feet. Ordinance requires a one-car garage. Proposed is no garage.

Application deemed complete December 14, 2018. 120 day decision date is April 13, 2019.

Chairman Masciale swore in Jacqueline Stelling and her architect Greg Talmont (615 Fourth Avenue). The Board accepted Mr. Talmont's credentials as a licensed architect.

Ms. Stelling stated we are looking to continue not having a garage and are adding a porch, which would be only be 5.6 feet from the property line. The house was built in 1905, and the lot is only 46 feet wide. There are several large trees in the backyard so having a garage would be difficult. There is a shed on the property, which is used for storage. Mr. Talmont referred to the photos on the plan, and stated our proposal is to recreate the porch at 210 Harrison Street. The house at 210 Harrison Street is the sister house to the applicant's house. Currently, the house is 5.6 feet from the side property line. The porch will be 280 square feet, serve as an ingress and egress platform, and would extend forward the width of the house, continuing the 5.6-foot non-

conformity. Mr. Talmont stated the large trees in the backyard indicate there could not have been a garage on the property in the past 70 years.

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

The Board agreed the porch does not come forward too much and will fit in with the character of the neighborhood. A 46-foot-wide lot is hardship and there is not too much you can do with the side yard setback. A condition was imposed that the porch remain open.

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

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Carla Bonacci, Matt Sontz, Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

Robert Rossitto, 817 Lenape Trail

11/9/2018

Applicant is seeking approval to construct an addition contrary to Section 11.04E6 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 15 feet. Proposed is 11.88 feet to the house and 9.13 feet to the chimney. **Application deemed complete December 17, 2018. 120 day decision date is April 16, 2019.**

Chairman Masciale swore in Robert & Rosemary Rossitto. Mr. Rossitto stated we purchased the property in July and were not aware of the existing nonconformity. The left side of the home is 11.88 feet off the property line, when the ordinance requires it to be 15 feet off the property line. We worked with the architect and are planning a substantial renovation of the home. The existing footprint is remaining; we are proposing an addition on the back of the house, and we are building over the top of the garage; neither one has anything to do with the left side of the home. The Zoning Officer felt since we are doing a substantial renovation, we should appear before the Board for a variance for the 11.88-foot side yard, which is an existing nonconformity. The neighbor on the left side does not have an issue with plans or the side yard setback. The house is situated so far to the left side, the setback on other side is about 60 feet. Mr. Rossitto stated we are not adding anything on the left side, there is an existing chimney which will be replaced, and will be the same square footage.

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

The Board agreed there is a substantial change to the property and could understand why the Zoning Officer wanted it to be reviewed. Although the left side is tight, there is ample room on that side so there is not a safety issue and it will not affect the neighbor.

Chairman Masciale called for motion. Robert Benacchio made a motion to approve; James Keenoy seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Eldy Pavon, Carla Bonacci, Matt Sontz, Allyson Hroblak

OPPOSED: None

ABSTAINED: Mary Doyle and James Keenoy

ABSENT: None

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:08 pm.

Respectfully submitted,

Linda Jacus
Board Secretary