

MINUTES
Town of Westfield Board of Adjustment
December 10, 2018

The Westfield Board of Adjustment met on Monday, December 10, 2018, 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.

REGULAR MEETING:

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

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

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Frank Fortino, Mary Alice Ryan

ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Also present: Vince Loughlin, Esq., Board Attorney, Donald Sammet, Town Planner and Linda Jacus, Board Secretary.

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the November 14, 2018, meeting. Robert Benacchio made a motion to adopt the minutes; Frank Fortino seconded.

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Frank Fortino, Mary Alice Ryan

OPPOSED: None

ABSTAINED: None

ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the November 14, 2018, meeting:

David Feniger, Appealing Zoning Officer's Decesion 10 Hawthorn Drive, appeal denied.

Paul Horowitz, 10 Hawthorn Drive, application approved with conditions.

Timothy & Christine Booher, 200 East Dudley Avenue, application approved with conditions.

Robert Dufkis, 5 Thomas Court, application approved with conditions.

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

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci,
Frank Fortino, Mary Alice Ryan
OPPOSED: None
ABSTAINED: None
ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

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 January 14, 2019, meeting:

Marcus Acord, 835 Wallberg Avenue

CARRIED FROM NOVEMBER 14, 2018:

Vineet Jain & Shweta Jain, 700 Boulevard

9/12/2018

Applicants are proposing to construct an addition contrary to Section 11.07E5, 11.07E6, and 11.07E13 of the Land Use Ordinance. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 14.48 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 4.8 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 51.25 feet & 50.25 feet. **Application deemed complete September 27, 2018. 120 day decision date is January 25, 2019.**

Chairman Masciale swore in the applicant, Vineet Jain, and his architect, Thomas DiGiorgio (414 Central Avenue). The Board accepted Mr. DiGiorgio's credentials a licensed architect.

Mr. Jain stated he and his family moved into the house 7 years ago, and they need more space. It is only two-bedroom house and they would like to increase the size by adding additional bedrooms and an office.

Mr. DiGiorgio went through the plan with the Board. He stated the property is ranch and a second-floor addition is being proposed. The living room and garage are being maintained, and the kitchen area will be expanded. There will be new stairs to the second floor and the stairs to the basement will be relocated. An existing bathroom will remain, and what was the master bedroom will be the family room, and an existing bedroom will be a study. The footprint is remaining the same. A 3-bedroom addition with 2 bathrooms is proposed. The laundry room was brought upstairs to the second floor, and there will be an open sitting room. A gable will be added over the garage, and a bay window will be added to break up the elevation so it does not look so boxy. The required lot size for this zone is 10,000 square feet, and the lot is undersized at only 7,198 square feet. Mr. DiGiorgio reviewed with the Board the two pre-existing non-

conforming setback violations, and stated even with the addition we will be under the maximum height, far, and building coverage.

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

The Board felt the architect made an effort to add some architectural interest to the design and the different rooflines mitigates a massing effect. There was some concern about the continuous wall length, but the addition of the second story fits with the neighborhood.

Chairman Masciale called for a motion. Mary Alice Ryan made a motion to approve the application; Frank Fusaro seconded.

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci,
Frank Fortino, Mary Alice Ryan
OPPOSED: None
ABSTAINED: None
ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Motion carried.

Application approved.

Rebecca & Jonathan Schaffer, 538 Colonial Avenue

9/7/2018

Applicants are proposing to construct a two-story addition contrary to Section 11.06E14 of the Land Use Ordinance. Ordinance requires a two-car garage. Proposed is a one-car garage.

Application deemed complete October 11, 2018. 120 day decision date is February 8, 2019.

Chairman Masciale swore in Rebecca Schaffer. Ms. Schaffer stated she and her family have lived in the house for 10 years. A two-story addition, about 422 square feet is proposed, and it would include an enlarged kitchen and a family room, and a master suite and a master bath. The zone requires a two-car garage, but the lot is undersized and it would not fit on the property. The lot is 9,750 square feet where 12,000 square feet is required. If the garage was built it would increase the building coverage, and take away the backyard space. The addition is below the maximum building coverage and it would comply with the required setbacks. A photo board was marked as Exhibit A-1. Ms. Schaffer described the photos and stated the house was built in 1951 and is a lot of little rooms so we cannot fit everyone in one space. This is the smallest house on the street and we would like to stay here and live comfortably. Three additional photos were marked as Exhibit A-2. Referring to the photos, Ms. Schaffer stated the backyard is small and there would not be any room for a two-car garage. Both cars fit in the driveway and one car fits in the garage so there would not be any cars parked on the street.

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

The Board agreed this is the smallest lot in the neighborhood, and there is a functioning garage. There is enough room for the storage of equipment and one car. There is a hardship with the undersized lot and a two-car garage would be creating another non-conformity.

Chairman Masciale called for a motion. Mary Alice Ryan made a motion to approve the application; Carla Bonacci seconded.

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci,
Frank Fortino, Mary Alice Ryan
OPPOSED: None
ABSTAINED: None
ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Motion carried.

Application approved.

Westfield Senior Citizens Housing Corp., 1129 & 1131 Boynton Avenue 10/5/2018

Applicant is seeking approval to construct an addition to the existing building contrary to Section 11.17E4, 17.02C1c, 17.02E3, 13.01D, 13.01I1, 17.03C2, 13.01E of the Land Use Ordinance. Ordinance allows a maximum of 16 units per acre. Proposed is 19.52 units per acre. Ordinance requires 294 parking spaces. Proposed is 145 parking spaces. Ordinance requires 8 off street loading spaces. Proposed is 1. Ordinance allows a maximum floor area of 750 square feet for an accessory structure. Proposed is 1,644 square feet. Ordinance allows a maximum height of 15 feet for an accessory structure. Proposed is 15.67 feet. Ordinance requires a parking area to be setback a minimum of 50 feet from a property line. Proposed is 24 feet. Ordinance requires an accessory structure to be located in the rear yard. Proposed is the front yard. **Application deemed complete October 18, 2018. 120 day decision date is February 15, 2019.**

Steve Hehl, Esq. (370 Chestnut St., Union) appeared on behalf of the applicant, and stated the applicant is proposing to add 31 residential units to the existing building on lot 9. Although the use is permitted in the zone, we are before this Board because a density variance is required. The maximum density in the zone is 16 units per acre and the density would be increased to 19 units per acre.

Chairman Masciale swore in Elizabeth Fennik (108 Marion Avenue), Executive Director of Westfield Senior Citizens Housing Corp. Ms. Fennik stated we provide housing to seniors who are 62 and older and income eligible. The Westfield Senior Citizens Housing Corp. has been in operation since 1977. There are waiting lists for both buildings, which are between one and three years. The proposed 31-unit addition has been carefully planned, and will be towards the rear of the property so it will not overwhelm the site or be a problem for our neighbors. The expansion of the garage is to allow for proper storage for our bus and for maintenance equipment.

Open to the public for questions.

Scott Lim (1116 Ripley Avenue) asked for clarification of how many additional units and parking spaces are proposed with the addition.

Closed to public questions.

Chairman Masciale swore in Teal Jefferis (801 Orchard Ave, Runnemedede). The Board accepted Mr. Jefferis as a licensed engineer.

A colorized copy of Sheet C-2.0 of the site plan was marked as Exhibit A-1. Mr. Jefferis described the existing conditions on the property. The property is located on the northern side

of Boynton Avenue, which is bordered by residential properties, and access to the site is provided off of Boynton Avenue. Building I has 173 units and 135 parking spaces, and there is a small garage use for maintenance and storage. Building II has 131 units and 121 parking spaces. There are three areas of improvements proposed, which include a building addition, an additional parking area, and the expansion of the existing garage. The addition will be located on the eastern side, behind Building II. It will be screened by the existing building and the wooded perimeter. The addition will be three stories with 31 units and a total of 8,900 square feet. An additional parking area of 24 spaces will be added, which will include a handicapped accessible space. An addition is proposed for the existing garage, which will remain the same height and will allow for the bus to be parked inside. There was testimony given about the stormwater system and controls that the applicant would be providing. Mr. Jefferis stated we do not anticipate that there would be any negative impacts to the subject property or to any of our neighbors from this new work. Mr. Jefferis went through the variances being requested, and stated a variance for building density is necessary. The maximum building density permitted is 16 units per acre, and 19.5 units per acre is proposed. There are three variances associated with the garage. The maximum floor area allowed for a garage is 750 square feet, and with addition, the floor area will be 1,694 square feet. The existing garage is already over the maximum size allowed so it is an existing, non-conformity. A height variance is required for the expansion of the garage. The height limit is 15 feet and the existing garage height is 15 feet, 8 inches. We are keeping the same height so a variance is required to maintain the existing roofline at 15 feet, 8 inches. The existing garage is located within the front yard setback of Azalea Trail, which is not permitted and is an existing nonconformity; any modification to the garage would require a front yard setback variance. A variance for the parking is necessary as 294 parking spaces are required. Currently, there are 121 parking spaces, and 145 proposed parking spaces are proposed. A variance for the setback of the parking area is required. The minimum setback required is 50 feet and 24 feet is proposed.

Open to public questions. None. Closed to public questions.

Chairman Masciale made an announcement that the following applications were carried to the January 14th meeting:

CGFR LLC., C/O Ralph Rapuano, 214 E. Grove Street
Matthew Strycharz, 120 Marlboro Street
Kenneth & Donna Pace, 638 Kimball Avenue
Jamie Keim, 35 Azalea Trail

Chairman Masciale swore in Steven Cohen (63 Moran Avenue, Princeton). The Board accepted Mr. Cohen as a licensed architect.

Mr. Cohen marked an aerial photo of the subject property as Exhibit A-2 and a rendering showing the addition as Exhibit A-3. Mr. Cohen stated the proposed addition will match the existing three-story building and the same structural system will be used between each apartment so the floor line will line up with the current first, second, and third floor. A floor plan showing the additional units was marked as Exhibit A-4. The new units will be 650 square feet, one-bedroom, and will be ADA compliant with an open kitchen, separate bedroom, living room, and

bathroom. The building materials will be green and sustainable and will match the existing building. There will not be any exposed rooftop mechanical equipment. There will be a new gazebo with new trees in the area, which will create a very nice landscaped area at the rear of the building. A rendering looking into the courtyard was marked as Exhibit A-5. A partial site plan was marked as Exhibit A-6 and a rendering showing all of the additional work on the property, including the location of the proposed landscaping and lighting was marked as Exhibit A-7. The new addition will allow the building to continue to have limited visibility from anywhere off the property.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Joseph Staigar (245 Main Street, Chester). The Board accepted Mr. Staigar as licensed traffic engineer.

Mr. Staigar stated we prepared a traffic impact study to assess what is going on at the site. There were traffic counts and parking counts done to determine the volume. The site is self-contained so all the traffic on the site uses the driveway off of Boynton Avenue. This site is in the A-B range during the peak hours, which is a delay of no more than 10-15 seconds so we have good operating conditions, and that will not change with the proposed units. To determine how many vehicle trips those 31 units will generate we used two sources. We counted how many cars went in and out and used the ITE data. The site data and the ITE data were both the same. Senior housing is not an intensive trip generator as most people are retired and are not commuting day in and day out. The trip generation is not as high as it would be at a non-age restricted development. We found from using the counts we took and ITE data, the additional units will generate 6 additional trips in the morning peak hours and 7 additional trips in the evening peak hours. Mr. Staigar stated based upon the analysis and the actual counts, only 95 parking spaces are actually needed, and we would have 50 excess spaces, which is justification for the parking variance.

Open to public questions.

Scott Lim (1116 Ripley Avenue) stated when the soccer field is used it adds to traffic in the area. As somebody who lives in the neighborhood, the traffic is much different scenario when the soccer field is in use.

Closed to public questions.

Chairman Masciale swore in Paul Grygiel (33-41 Newark Street, Hoboken). The Board accepted Mr. Grygiel as a licensed planner.

Mr. Grygiel stated the site is an existing developed property and is zoned for senior housing, which is a permitted use. There will be an increase in the number of dwelling units on site, which provides a very valid public purpose. The D variance relief required in this case is due to the density of the units proposed, which requires that the applicant establish that the site can accommodate the proposed usage. The appropriateness of the use has been demonstrated by the site being zoned for and actually utilized for many years for senior housing. There will not be any substantial detriment to the public good given the site layout and the location of the proposed

addition. The parking itself is further into the property and will not impact the neighboring residences. It is a perfect location behind an existing building. The c variances requested can be granted under the c2 criteria given the site is already developed with a beneficial use. Mr. Grygiel stated this new work meets the goals of the master plan which is to provide different types of housing. He urged the Board to approve this application as there would not be not any substantial detriment to the master plan or zoning ordinances, and the requested variances would not substantially impair the public good.

Open to public questions. None. Closed to public questions.

Open to public comments.

Scott Lim (1116 Ripley Avenue) stated he empathizes with the need for senior housing. However, as neighboring resident he is concerned about the negative impact of the site being expanded. The considerable increase in the number of units will have a short term and long-term effect on my property and other neighboring properties. He requested more trees to be planted to lessen the impact of the addition.

Dan Librot (1127 Ripley Avenue) stated he lives adjacent to the property, and has two concerns. He is concerned about privacy and the safety of the residents who cut through the subject property to get Ripley Avenue.

Closed to public comments.

Mr. Hehl stated the additional 31 units are beneficial and crucially needed. The plan is well designed and the applicant will address the concerns made by the neighbors. There has been an effort to preserve as much green space on the lot as possible, and where the addition is proposed, there is a substantial buffer between the subject property and the neighbors. Mr Hehl asked the Board to grant the application.

The Board agreed that senior housing is a beneficial use and if the town is truly interested in increasing senior housing, it should be in a place where it is already being provided. The following conditions should be imposed if approved. The applicant will proceed with the construction as presented, a tree removal and preservation plan should be submitted to the tree preservation committee, plans are subject to the review of the Town Engineer, the applicant will pay all fees associated with the application, the applicant will obtain all applicable permits or approvals from the DEP and/or Soil Conservation, an additional buffer area be provided at the northeast property line such as evergreen arborvitaes, the applicant should work with the Town for safe access to Ripley Avenue, and a barricade be placed at some of the other through streets similar to the one on Columbus Avenue, if acceptable to the police and fire department.

Chairman Masciale called for a motion. Frank Fortino made a motion to approve with the above condition; Carla Bonacci seconded.

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci, Frank Fortino, Mary Alice Ryan

OPPOSED: None
ABSTAINED: None
ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Motion carried.

Application approved with conditions.

NEW APPEALS:

Jeffrey Rush, 801 Harding Street

8/24/2018

Applicant is seeking approval to construct a second story and retain a patio in the front yard contrary to Section 11.09E6, 11.09E13, and 13.02I1 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is ± 7.8 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is ± 52 feet. Ordinance does not allow a patio in the front yard. Proposed is a patio in the front yard. **Application deemed complete November 1, 2018. 120 day decision date is March 1, 2019.**

Steve Hehl, Esq. (370 Chestnut St., Union) appeared and stated the applicant had a tree fall on his home and repairs are necessary. While the doing repairs, he worked with their architect to come up with a plan for a second story addition. The Board granted approval in 2002 for a similar addition and it was never constructed.

Chairman Masciale swore Jeffrey Rush and Carol Hewitt (84 Elm Street). The Board accepted Ms. Hewitt's credentials as licensed architect.

Mr. Rush stated he has lived in the house for 5 years. A very large tree fell on the house and broke three skylights and damaged the peak. While making the repairs, it was decided to take the opportunity to make the house a two-story home and create some additional living space. Ms. Hewitt marked photos as Exhibit A-1 and the resolution of approval from 2002 as Exhibit A-2. Ms. Hewitt stated we are here for three variances. We have an existing side yard setback of 7.8 feet on the right side, where a minimum of 10 feet is required. There is an existing patio in the front yard, which is along Harding Street, and that was there when the applicant brought the home. The last variance is for the continuous wall length on the right side. The maximum continuous wall length allowed is 25 feet and that wall is currently 52 feet. The building coverage, far, and other setbacks will comply with the ordinance. The property is in the R-6 zone, and is a corner property. The way house is situated, the front door is on Wells Street and the kitchen and the sliding glass door are on Harding Street, which is why the patio is where it is. Harding Street is the shorter distance so that is considered the front yard and Wells Street is the secondary front yard. Ms. Hewitt stated she appeared in 2002 for the previous homeowner who received an approval for an addition, but it was never built. The second story addition will include a master bedroom and bathroom and a new bedroom and new bathroom. The far will be increased by 850 square feet. If the continuous wall variance was eliminated, the space being created would not be suitable for anything. Five windows will be added to the right elevation to break up the continuous wall. Most of the other houses in the neighborhood are two-story so the proposed work will be keeping with the neighborhood. There are holly trees and evergreen trees between the applicant's property and neighbors on the right side, which does provide some screening. Two pictures from the 2002 application were marked as Exhibit A-3 & A-4. Mr.

Rush stated we did speak to the neighbors on the right about the plan, and they did have questions about the continuous wall, but were ok with what is being proposed.

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

Mr. Hehl stated the application has been designed to address the existing conditions on the site, and the house will fit in nicely with the neighborhood.

The Board agreed there are some pre-existing conditions with property. The existing patio in the front yard is not visible and it would be more of a hardship to have it removed. The second story does fit in with the neighborhood and there is not much that could be done to avoid the continuous wall.

Chairman Masciale called for a motion. Mary Alice Ryan made a motion to approve the application; Frank Fusaro seconded.

ROLL CALL: Chairman Chris Masciale, Robert Benacchio, Frank Fusaro, Carla Bonacci,
Frank Fortino, Mary Alice Ryan
OPPOSED: None
ABSTAINED: None
ABSENT: Robert Whitehead, Eldy Pavon, James Kelly

Motion carried.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:10 pm.

Respectfully submitted,

Linda Jacus
Board Secretary