

MINUTES
Town of Westfield Board of Adjustment
May 13, 2019

The Westfield Board of Adjustment met on Monday, May 13, 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.

REGULAR MEETING:

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

ROLL CALL: Chris Masciale, Frank Fusaro, Robert Benacchio, Eldy Pavon, Allyson Hroblak, Matt Sontz, Mary Doyle, James Keenoy
ABSENT: Carla Bonacci
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 April 8, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Eldy Pavon seconded.

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

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the April 8, 2019, meeting:

Eric Muchalski, 909 North Avenue, application approved with conditions.
Brian & Susannah Lucas, 209 Benson Place, application approved with conditions.
Richard & Lan Cadigan, 714 Boulevard, application approved with conditions.
Mark & Karen Hamilton, 907 Bailey Court, application approved with conditions.

Robert Benacchio made a motion to adopt the resolutions; Frank Fusaro seconded.

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

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 have been carried to the June 10, 2019, meeting:

**Ken Wu, 1128 Central Avenue
 Guillaume & Kelly Grillon, 4 Stanley Oval
 Pedro Pizha, 612 Ripley Place
 YMCA 138 Ferris Place & 220 Clark Street**

NEW APPEALS:

Pradip & Rehka Paul, 122 Livingston Street

1/30/2019

Applicants are seeking approval to construct a two-story addition contrary to Section 11.12E6, 11.12E13, 11.12E14, 17.02C, 17.03B1, 11.12E9, 17.05A of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 4.75 feet and 4.8 feet. Ordinance requires allows a maximum continuous wall length of 25 feet. Proposed is 49.6 feet. Ordinance requires a one-car garage. Proposed is no garage. Ordinance requires 2 off-street parking spaces. Proposed is 1 space. Ordinance does not allow parking in the front yard. Proposed is parking in the front yard. Ordinance allows a maximum floor area ratio of 37%. Proposed is 38.75%. Ordinance allows a maximum all improvement coverage of a front yard of 50%. Proposed is ±72%. **Application deemed complete April 1, 2019. 120 day decision date is July 30, 2019.**

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. He stated the application required a d variance for the f.a.r., but the f.a.r. variance has been eliminated because the addition has been reduced. The other variances associated with the application have also been slightly reduced. This is a challenging lot and structure, and an effort was made to break up the continuous wall length. The issue with the front yard coverage variance is a challenge because there is a common driveway, which is subject to an old easement. You cannot park on the driveway because it is a common driveway, and that is why are proposing a driveway in front of the house just to be used for parking. There was a proposed walkway that lead from the street to the steps, but after the analyzing the plans, we do not need the walkway and can use just the driveway, which increases the green space in front and reduces the improvement coverage to from 72% to 64.4%. The proposed addition is modest, less than 500 square feet, and the house is in need of renovation. Th addition and proposed improvements will transform the home, and will eliminate the garage, which is useless.

Chairman Masciale swore in Paritosh Kumar (472 Westfield Avenue, Clark). The Board accepted Mr. Kumar's credentials as a licensed architect.

Mr. Kumar went through the plans with the Board. He described the existing conditions, and stated the lot is only 25 feet wide, the setback on each side is only about 5 feet, and the depth is 169 feet. The house is a very small structure, and what we are trying to do is improve the architectural character and make the house more attractive. The other homes and lots in the neighborhood are much larger, and there are some 2 family homes. The existing floor plan includes an open porch in the front of the house, living room, a family room, and behind that is a dining room and kitchen. The second floor has two bedrooms, a room too small to be used for a bedroom, and a bathroom. The basement is partially finished and is in very bad condition and needs repair. The proposed first floor plan includes an addition in the rear, which will increase the size of the family room, extend the kitchen, and add a bathroom; the existing dining and living room are remaining the same. On the second floor, another bedroom will be added, the existing bathroom will be updated, and a laundry closet will be added. In the basement we will add a bathroom and an entertainment area. The f.a.r. will be reduced and complied with by making either the kitchen or the new bedroom smaller, or a combination of both rooms being reduced. Mr. Kumar with through the elevations, and stated, in the between the windows, there is a row of wood paneling that the client is looking to use to break up the monotony of the vinyl siding. Exhibit A-1, a two-page handout was marked, the first page is a revised rendering, and the second page shows the elimination of the walkway. The large sidewalk from the front of the property to the porch will be replaced, and there will be a space for one car to be parked on the left side.

Open to the public for questions. None. Closed to public questions.

Chairman Masciale swore in Paul Grygiel (622 Salter Place). The Board accepted Mr. Grygiel's credentials as a licensed planner.

Mr. Grygiel stated the property is in an area with a mix of land uses. The RM-6 zone requires a lot size of 6,000 square feet and the existing lot is only 4,022 square feet. The property is only 25 feet wide, which is half as wide as what is required. A modest addition is being proposed with the existing garage being removed. The variances being sought are for the side yard setback, continuous wall length, lack of garage, number of parking spaces required, parking in the front yard, and improvement coverage in the front yard. The f.a.r variance has been eliminated, and now the applicant is seeking c variances which are related to a number of conditions on the property. The existing lot width of 25 feet makes it impossible to comply with the side yard setback because you would have a 5-foot-wide house, which is not functional and is a C-1 hardship variance. There is not anyway to access the garage and the shared driveway does not serve any purpose as it is not being used. A need for the parking spot in the front exists because of a hardship of the property. The change in coverage for the front yard is a benefit which outweighs any detriment as it provides for ample parking. The application can be granted 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 or have any negative impact on the surrounding area.

Open to the public for questions. None. Closed to public questions.

Mr. Hehl stated the property is a narrow lot and the applicant is trying to update and modernize the house. There are some challenges with the property, but the applicant has made an effort to eliminate the f.a.r., break up the continuous wall, and has reduced the coverage in the front yard.

Open to public comments.

Howard Johnson (123 Windsor Avenue) stated he thinks the garage should not be demolished and be converted to a shed.

Closed to public comments.

The Board was concerned about the proposed addition and the number of variances, but the applicant has removed the f.a.r. variance, which could have been an issue. An attempt was made to break up the continuous wall, and there really is not much else that could have been done to make the house conform with the ordinance due the size of the lot.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the following conditions: the plans be revised showing the f.a.r. variance eliminated, the elevations be revised as show in Exhibit A-1, and the plans be revised to show the change to the front sidewalk and the improvement coverage being reduced to 64%; Mary Doyle seconded.

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

Motion carried.

Application approved.

MJ Builders, LLC., 15 Amy Drive

3/25/2019

Applicant is seeking approval for an addition and patio contrary to Section 11.06E5, 11.06E7, 12.04E1, and 11.06E8 of the Land Use Ordinance. Ordinance requires a front yard setback of 36.78 feet. Proposed is 26.3 feet. Ordinance requires a rear yard setback of 35 feet. Proposed is 28.58 feet. Ordinance allows a maximum floor area ratio of 30%. Proposed is 38.81%. Ordinance allows a maximum story height of 2 1/2 stories. Proposed is 3 1/2 stories.

Application deemed complete April 16, 2019. 120 day decision date is August 14, 2019.

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. He stated this application requires a d variance for f.a.r. The home is in very poor condition with an abandoned pool, and is in need of signification renovation. The pool will be removed and a modest addition is proposed. The grade of the property and the way the house is situated triggers the variances associated with the application. Because of the grade, the basement area is exposed, and it is included in the f.a.r. If the lot was level, the basement would not be included in the f.a.r. The proposed home, despite the variances, is an improvement to the property and the neighborhood.

Chairman Masciale swore in Thomas DiGiorgio (414 Central Avenue). The Board accepted Mr. DiGiorgio's credentials as a licensed architect.

Mr. DiGiorgio went through the plans with the Board. He stated there is an existing, one-story ranch on the property, with a large pool, and the site is irregularly shaped. The pool is in terrible

condition and the house needs a major face lift. There will be a 2nd story addition on part of the house. A 2 1/2 story home is allowed, and with the grade, the house will be a 3 1/2 story structure. If the basement was not 4 feet above grade, it would not be an issue. If the basement was not calculated, the f.a.r. would be 29.90%, and a variance would not be necessary. The f.a.r with the basement included, is 38.81%, where a maximum of 30% is allowed. We eliminated the continuous wall, which was 30 feet 2 inches, the building coverage is below the maximum allowed, and the maximum eave height is less than the 22 feet.

Mr. DiGiorgio stated the floor plan will be an open plan concept. On the first floor, at the rear of the house, there will be the family room and an open kitchen area. In the front of the house will be the dining room, an open foyer, play room, half-a-bath, study, and in-law suite with a bathroom. The pool and deck will be eliminated, and a patio area will be added. On the second floor, there will be master bedroom and bathroom, three bedrooms, and a common bathroom. Exhibit A-1, photos showing the homes in the surrounding neighborhood, was marked. Mr. DiGiorgio stated we tried to keep this home in scale with homes in the neighborhood, which are being upgraded and much larger.

Open to public questions.

Jeff Bash (11 Amy Drive) stated he lives next door to the property, and had a question about the f.a.r. and where the second-floor addition will be built. Mr. Bash spoke about the new construction in the neighborhood, and stated that he is ok with the proposed plan. He asked that the fence and landscaping be improved if possible.

Laning Zhang (7 Max Place) stated he lives behind the subject property and is concerned about the height of the home and privacy.

Closed to public questions.

Chairman Masciale swore in Paul Grygiel (622 Salter Place). The Board accepted Mr. Grygiel's credentials as a licensed planner.

Mr. Grygiel stated the main variance associated with this application is the f.a.r. variance, which is d variance. The extra floor area can be accommodated without detriment to the neighborhood. The existing floor area is there today, the basement, and there is not any increase to the building footprint. If the topography was different on the site, the floor area variance would not be needed. The shape of the lot is irregular and that with topography makes it difficult to comply with the floor area. There are new homes in the neighborhood that are much larger than what is being proposed. The existing house is obsolete, with a pool that is in poor condition, and the applicant is looking to improve the conditions with something that fits in the area. The front and rear setback variance, as well as the height variance, can be granted under the c-2 criteria. Those setbacks are pre-existing and are not being worsened. The proposed change is consistent with the larger homes in the neighborhood. The benefits of allowing the expansion of the residence would outweigh any detriment.

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

The Board agreed that an update to the house is needed. There are less one-story properties left in the neighborhood. The basement is above grade, which is triggering the f.a.r. variance so it's not a massing issue. If the property was knocked down, the grade could be lowered and a much larger house could be built. The home is in disrepair and the applicant did what they could with the property. They are working within the existing structure and willing to add to it, rather than knocking it down, and replacing it with a new larger home.

Frank Fusaro made a motion to approve with the condition the fence be replaced, a drainage, and landscape plan be submitted, the applicant comply with the tree ordinance, and any outstanding taxes be paid; Mary Doyle seconded.

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

Motion carried.

Application approved.

Kara Goldman, 1024 Harding Street

4/15/2019

Applicant is seeking approval to construct an addition contrary to Section 12.04F1 and 12.04F2 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 20.69%. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 23%. **Application deemed complete April 20, 2019. 120 day decision date is August 20, 2019.**

Chairman Masciale swore in Justin Goldman and David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Goldman stated we are renovating the kitchen and powder room, and are looking to make a new entryway which will improve the flow coming into the house. Currently, there is an open kitchen with counter space only around the outside, which is not functional. We are looking to also improve the functionality of the kitchen by putting in an island, and to make sure we have sufficient space around the island, we are going to push the kitchen out two feet.

Mr. Bailey went through the plan with the Board. He stated you enter the house through the attached garage, which goes right into the living area. On the left side of kitchen is tiny laundry room and powder room, which you have to go through the kitchen to get to. The proposed plan includes an addition that is 2x12, a total of 24 square feet, which will eat up part of the existing rear deck. Proposed is a new entryway from the garage which will go straight into the laundry room/mudroom. We changed the orientation of the powder room by adding a vestibule so you do not have to go through the laundry room to get to the bathroom. The addition will be one-story, which will also include a new center island. The current building coverage is over the

20% maximum at 20.4%. With the proposed addition, the coverage is being slightly increased to 20.69%. The coverage with the deck is 23%, which is already over without the addition, and is not changing. The f.a.r. conforms, the improvement coverage is under 50%, and all the setbacks are being met.

Open to the public for questions comments. None. Closed to public questions.

Open to public comments.

Michael Ludwig (1020 Harding Street) stated he lives next door to the applicant and does not have an issue with proposed plan.

Closed to public comments.

The Board agreed the application makes a lot of sense and it gives a lot more functionality on the first floor. You would not be able to see the addition from the front and there is not much impact on the side. On Harding Street there has been a lot of change with new construction being built, and the addition keeps the character of the neighborhood

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

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

Motion carried.

Application approved.

Chairman Masciale announced the Board will be adjourning into executive session.

The Board entered executive session at 10:00pm.
The executive session adjourned at 10:55pm.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:55pm.

Respectfully submitted,

Linda Jacus
Board Secretary