

MINUTES
Town of Westfield Board of Adjustment
May 11, 2020

The Westfield Board of Adjustment met on Monday, May 11, 2020. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

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, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak Mary Doyle, Samuel Reisen
ABSENT: Eldy Pavon
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 13, 2020, meeting. Frank Fusaro made a motion to adopt the minutes; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: Eldy Pavon

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolution for the application acted upon at the April 13, 2020, meeting:

R&A Holdings, LLC., 530 Parkview Avenue, extension approved.

Frank Fusaro made a motion to adopt the resolutions; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak, Mary Doyle, Samuel Reisen
OPPOSED: None

ABSTAINED: None
ABSENT: Eldy Pavon

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 an announcement that the following applications have been carried to the June 8, 2020 meeting:

Tamra & Tim Healy, 825 Standish Avenue
466 West Broad Street, LLC., 466 West Broad Street
Matthew Ceberio, 415 East Dudley Avenue

EXTENSION OF TIME:

Thomas Moore, 1121 Wychwood Road
Applicant requests a one-year extension of approval.

Chairman Masciale swore in Thomas Moore. Mr. Moore stated they received their variance approval in 2019. It took a while to find the right construction company and bank, which was not completed until February 2020. Our contractor was supposed to have filed for permits in late February, and we found out on March 31st that contractor never submitted building permits. We are requesting an extension of one year. The financing will be finalized at the end of May, and our building permits have been submitted.

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

The Board felt the applicant submitted a detailed explanation for the extension request, and there was not an issue with approving the one-year extension.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the extension for one year; Carla Bonacci seconded.

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

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Eldy Pavon

Motion carried.

Extension approved.

OTHER BUSINESS:

◆ Adoption of the 2019 Board of Adjustment Annual Report

The Board thanked Don Sammet for doing a great job preparing the annual report, and revising the report to reflect the suggested changes.

Frank Fusaro made a motion to adopt the 2019 Annual Report; Carla Bonacci.

CARRIED FROM APRIL 13TH:

Joseph and Jennifer Giordano, 816 Lenape Trail

1/14/2020

Applicants are seeking approval to construct a swimming pool and install a fence contrary to Section 12.04G, 12.07C, 13.01E, 13.02D3, 13.02D5 of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 40% (7,200 square feet). Proposed is 36.5% (8,398 square feet). Ordinance allows a maximum fence height of 4 feet when located in the front yard, street side yard or in any portion of the rear yard which is closer to the abutting street than the principal building on the lot, or the minimum street side yard setback. Proposed is a 6-foot fence in the street side yard along Munsee Way. Ordinance does not allow an accessory structure in the front or street side yard. Proposed is an arbor in the street side yard. Ordinance requires a minimum setback of 57.3 feet for the pool. Proposed is 37.1 feet. Ordinance requires a pool to be enclosed by a solid fence not less than 6 feet tall. Proposed is a 6-foot decorative post and wire fence. **Application deemed complete February 21, 2020. 120 day decision date is June 20, 2020.**

James Foerst, Esq., (159 Millburn Avenue, Millburn) appeared on behalf of the applicant.

Mr. Foerst stated we appeared before the Board in March, and there was some concern about some of the variances. The Board seemed content with the setback of 37.1 feet for the pool. The property is under the coverage percentage, but there was some concern about the coverage being over the 7,200 square foot cap, which has been reduced since the last meeting. The remaining variances are for the style of the proposed fencing, which has also been revised as requested by the Board.

Chairman Masciale swore in Greg Spadaro (534 Hort Street). The Board accepted Mr. Spadaro's credentials as a licensed landscape architect.

Mr. Spadaro marked a copy of the site plan rendering as Exhibit A-1, Exhibit A-2 a copy of the fence exhibit was marked, a view from the western property line was marked as Exhibit A-3, a view from the northern property line was marked as Exhibit A-4, and a view from the eastern property line was marked as Exhibit A-5. Mr. Spadaro stated the maximum coverage allowed is 40% or 7,200 square feet. The new coverage proposed is 33.6% or 7,715 square feet, which is a reduction of 2.9 % or 683 feet from what was previously submitted. The pool was reduced by 152 square feet and the size of the patio was also reduced from 872 square feet to 700 square feet. While reworking this we realized we included the patio area under the covered porch in our coverage calculations. That patio area has been taken out of our calculations, and that is a reduction of 359 square feet. We are asking for a total exception of 515 square feet above the 7,200 square foot maximum allowed. In March when we were originally before the Board, we were proposing open wire decorative fencing. Based upon the Board's comments, the fencing has been changed to a white opaque picket fence with 3 ½ foot wide slats. The boards of the fence will be on the inside so it is not climbable. A substantial landscaping buffer exists on the property already, and any gaps between vegetation will be filled in with supplemental plantings. Mr. Spadaro stated we have satisfied the concerns of the Board by reducing the coverage and changing the open fencing to opaque fencing.

Open to public questions.

Monica Bergin (609 St. Marks Avenue) asked what kind of material the proposed fence is made of.

Closed to public questions.

Open to public comments. None. Closed to public comments.

The Board agreed the applicant listened to the concerns made at the previous meeting and returned with the requested changes of reducing the coverage and providing better screening for the pool. The following conditions will be imposed upon approval, the landscaping must be maintained, the pool equipment must be kept away from the rear and side yard, the drainage calculations shall be reviewed by the town engineer, and the sight triangle will remain clear and unobstructed.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with recommended conditions; Matt Sontz seconded.

- ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
- OPPOSED: None
- ABSTAINED: Samuel Reisen
- ABSENT: Eldy Pavon

Motion carried.

Application approved with conditions.

Jose Leal, 419 Summit Avenue

2/6/2020

Applicant is seeking approval to construct decorative pillars at the driveway entrance contrary to Section 12.07C of the Land Use Ordinance. Ordinance allows a maximum height of 4 feet for a freestanding wall when located in the front yard. Proposed is 5.5 feet. **Application deemed complete February 28, 2020. 120 day decision date is June 27, 2020.**

Chairman Masciale swore in Mr. Leal, who stated decorative pillars are proposed at the entrance of the driveway. The pillars will be 5.5 feet in height where 4 feet is the maximum height allowed by ordinance. The setback for the pillars will be 13 feet from the curb. There was some concern by the Board about safety that the height of the pillars could obstruct the line of sight. Backing out of the applicant's property could be difficult, and there was concern the pillars could also affect the line of sight for the commercial parking lot next door. Another concern was the grade on the property rises so if the setback for the pillars was pushed back another 2 feet, they would appear even higher.

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

The Board felt there was not any reason to overrule the town ordinance by allowing pillars that are over the height allowed. There was concern about safety and how the line of sight would be inhibited and how traffic might be impeded. There were not a lot of details submitted with the application. Additional analysis should be done by the applicant with regard to pulling out of

their driveway and the commercial property's driveway next door, and also what kind of affect it would have on pedestrian traffic. This is a busy street near the train station, and the Board would like to see a study from an engineer or the town engineer. It was requested if possible, to have the pillars 10 feet from the sidewalk and at least 17 feet from the curb. Also details on the pilaster should also be submitted.

The applicant agreed to provide additional information to the Board, and the application will be carried to the June 8th meeting.

Lora & Tipton Ford, 40 Sunnywood Drive

1/27/2020

Applicants are seeking approval to construct a front porch contrary to Section 12.03D of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 34.70 feet. Proposed is 30.58 feet. **Application deemed complete March 9, 2020. 120 day decision date is July 7, 2020.**

Chairman Masciale swore in the applicants. Mr. Ford stated we moved to NJ a year ago and purchased our home, which was a little tired, but the potential was there. We decided to do major renovations. The majority of the project has gone smoothly and we are asking for a minimal variance.

Chairman Masciale swore in Hildie Lazar (328 Park Avenue, Scotch Plains). The Board accepted Ms. Lazar as licensed architect.

Ms. Lazar stated a front porch addition is proposed which will give much needed curb appeal and create a functional entryway. The proposed porch will encroach 4.12 feet into the front yard setback, and it is 22 square feet over the allowable threshold of 35 square feet for an ingress and egress platform. The porch is larger than the 35 square feet permitted because the footprint will align with the proposed improvements to the front façade and roofline. Ms. Lazar stated the lot is undersized for the RS-16 zone, a minimum of 16,000 square feet is required, and the subject property is only 14,000 square feet. The lot depth is also under the minimum required for the zone, a lot depth of 140 feet is required, and the subject property has a lot depth of 124 feet. The building coverage, f.a.r., and height are under the maximum allowed. The proposed improvements will not cause any detriment to the surrounding neighbors.

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

The Board felt the architect gave a detailed presentation. The design is very nice and the request is minimal, the applicants are not requesting variances for the maximum that is allowed. A condition that porch remain open will be imposed upon approval.

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

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

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Eldy Pavon

Motion carried.

Application approved with conditions.

NEW APPEALS:**Brian & Lisa Cheripka, 824 Embree Crescent**

3/3/2020

Applicants are seeking approval to construct a private home office and additional closet space in an unused portion of the existing garage contrary to Section 12.04E1 of the Land Use Ordinance. Ordinance allows a maximum floor area ratio of 25%. Proposed is a floor area ratio of 28%.

Application deemed complete March 9, 2020. 120 day decision date is July 7, 2020.

Michael Bonner, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Bonner stated that the application meets the criteria for a home occupation use. Some of the requirements being met are traffic will not be generated by the home occupation, no person other than the members of the family residing in the dwelling shall be employed by the home occupation, dwelling units containing a home occupation shall retain the appearance of a residence, and any sales to the public is prohibited.

Chairman Masciale swore in the applicants. Ms. Cheripka stated she owns her own design firm and works from home in the basement. Her business has grown over the years, but the space has not. Her current work area is next to the play area for the kids. The proposed office space is existing and unfinished space that is used for storage only. There will not be any exterior changes to the home, and the only way to access the space is through the master bathroom. Ms. Cheripka stated she does not have any clients that come to the house; all clients are met on site or at outside vendors.

Chairman Masciale swore in Roger Winkle (947 Park Avenue, Plainfield). The Board accepted Mr. Winkle as a licensed architect.

Mr. Winkle went through the plans with the Board, he stated the lot is only 62 1/2 feet wide and is very deep. Because of the narrowness of the site, we came up with putting the garage at the very rear of structure. The garage is 24x22, and the unfinished space above is not heated and was meant for storage space. The master bath is adjacent to unfinished space so there is a door off the master bathroom for access or you can access the space through the garage. The space will be finished with a small closet and the remainder will be office space.

Chairman Masciale swore in Keenan Hughes (33 Newark Street, Hoboken). The Board accepted Mr. Hughes as a licensed planner.

Mr. Hughes stated this is a straight forward application, there is a f.a.r. variance being requested. The maximum f.a.r. allowed is 25% and 28% is proposed. The site can accommodate the proposed use, as there are not any changes to the footprint. Home occupation uses are permitted by the ordinance and this meets all the necessary requirements in the ordinance. There will not be any visual impact and there will not be any additional traffic or activity proposed. Mr. Hughes stated there will not be any detriment to the public good as the variances will not impair the ordinance or impact the community at large.

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

The Board felt the house can carry the proposed use and the applicants are using and finishing existing space, not expanding the footprint. Some conditions imposed upon approval would no future plumbing should be installed, no new door leading from the exterior should be installed, and use of the space should be limited home occupation use only.

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

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz,
Mary Doyle
OPPOSED: Allyson Hroblak, Carla Bonacci
ABSTAINED: Samuel Reisen
ABSENT: Eldy Pavon

Motion carried.

Application approved with conditions.

Manny Sieira, 108 Florence Avenue

3/10/2020

Applicant is seeking approval to construct a two-story addition at the rear house and a new one-car garage contrary to Section 11.09E6, 12.04F1, 12.04F3 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 4.95 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 23%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed is 26.2%. **Application deemed complete April 2, 2020. 120 day decision date is July 31, 2020.**

Chairman Masciale swore in the applicant, and his architect Richard Pierce (9 Stratford Terrace, Cranford). The Board accepted Mr. Pierce as a licensed architect.

Mr. Pierce stated the existing house is on an undersized lot. The minimum lot size required is 6,000 square feet and the lot is only 5,455 square feet. One of the existing side yard setbacks is short at only 1.2 feet. We are proposing a two-story addition at the rear of the house. The existing two-car garage will be demolished and a new one car garage will be constructed. The proposed work does mitigate several of the existing non-conformities on the property. A five-foot side yard is proposed in lieu of the existing 1.2-foot side yard. The existing garage was not compliant and is oversized. We are proposing to take down the garage and use the lot coverage from that for the addition. The driveway will be reduced and reconfigured so the impervious coverage will be reduced. Mr. Pierce stated we are trying to make the house more functional while trying to keep the character of the existing neighborhood.

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

The Board agreed the lot being undersized is a challenge. The applicant is trying to keep the coverage down by removing the oversized garage. The architect did a good job making the house more functional will trying to bring the property into compliance.

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

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz,
Allyson Hroblak, Carla Bonacci, Mary Doyle
OPPOSED: None
ABSTAINED: Samuel Reisen
ABSENT: Eldy Pavon

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:53 pm.

Respectfully submitted,

Linda Jacus
Board Secretary