

MINUTES
Town of Westfield Board of Adjustment
June 8, 2020

The Westfield Board of Adjustment met on Monday, June 8, 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
ABSENT: Eldy Pavon, Sam Reisen, Mary Doyle
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 May 11, 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
OPPOSED: None
ABSTAINED: None
ABSENT: Eldy Pavon, Mary Doyle, Samuel Reisen

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for the applications acted upon at the May 11, 2020, meeting:

Joseph and Jennifer Giordano, 816 Lenape Trail, application approved with conditions.
Lora & Tipton Ford, 40 Sunnywood Drive, application approved with conditions.
Brian & Lisa Cheripka, 824 Embree Crescent, application approved with conditions.
Manny Sieira, 108 Florence Avenue, application approved with conditions.

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

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

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 July 13, 2020 meeting:

Tamra & Tim Healy, 825 Standish Avenue
 Matthew Ceberio, 415 East Dudley Avenue
 Ethan Blumenfeld & Lori Guistiniani, 26 Fairhill Road
 Jose Leal, 419 Summit Avenue

CARRIED FROM MAY 11, 2020:

466 West Broad Street, LLC., 466 West Broad Street

11/4/2019

Applicant is seeking approval to construct two separate one-family attached dwellings contrary to Section 11.12E1b, 11.12E2b, 11.12E3b, 11.12E8, 11.12E6, 12.04E2, 17.02A7 of the Land Use Ordinance. Ordinance requires a minimum lot area of 8,400 square feet. Proposed 8,323 square feet. Ordinance requires a minimum lot area of 8,400 square feet within 134 feet of the front lot line. Proposed is 7,772 square feet. Ordinance requires a minimum lot width of 70 feet. Proposed is 58 feet. Ordinance requires a minimum lot frontage of 70 feet. Proposed is 58 feet. Ordinance requires a maximum building height of 32 feet. Proposed is 32.8 feet. Ordinance allows a maximum story height of 2 1/2 stories. Proposed is 3 stories. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 9 feet to the balcony. Ordinance allows a maximum habitable floor area of 42% (3,600 square feet). Proposed is 45.78% (3,810 square feet). Ordinance allows a maximum of 3 garage spaces per residential property. Proposed are 4 garage spaces. **Application deemed complete March 4, 2020. 120 day decision date is July 2, 2020.**

Gary Goodman, Esq (23 North Avenue East, Cranford) appeared on behalf of the applicant.

Mr. Goodman stated there will not be any changes to the number of units on site, and there are a number of pre-existing conditions. We are increasing the f.a.r. by 210 square feet, and are proposing a two-family home that will be side by side.

Chairman Masciale swore in Ed Dec (131 N. Michigan Avenue, Kenilworth). The Board accepted Mr. Dec's credentials as a licensed engineer.

Mr. Dec stated the side yard setback variance is being eliminated and will meet the 10-foot setback requirement. The height variance is also being eliminated and will comply with the maximum height allowed of 32 feet. Mr. Dec went through the existing conditions, and stated

currently there is an existing 2 family dwelling on the site with a garage, and the rest of the site is sidewalks and patio. The site will remain pretty much the same except for the changes to the structure. Some of the pre-existing, non-conformities are the lot area, lot width, and frontage. The f.a.r. is 210 square feet over what is allowed, we are at 45.78% where 42% is the maximum f.a.r. allowed. We feel the additional 210 square feet makes the structure a better design and makes the home more livable. We comply with the building coverage and lot coverage, and exceed the minimum square footage required for the unit. A variance is required for parking in the street side yard, the two driveways are on Osborn Avenue, which is considered the street side yard and West Broad is considered the front of the property. A variance is required for the number of garage spaces permitted, 3 spaces are the maximum number allowed, and we are proposing 2 spaces each for each unit, for a total of 4 garage spaces. We are not increasing the intensity on the site as there is a currently a two-family home on the site which is not changing.

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

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

Mr. Winkle stated we are proposing a three story, two family dwelling, and each unit will have a two-car garage. The design for both units is the same, except the unit on the right which faces West Broad Street, has an additional door. The ground floor includes a mudroom and utility room, and the second floor, which is an open floor plan, has a half bath, kitchen, living room, and a dining room which opens to a balcony that is 2-feet-deep. The third-floor has a master bedroom and one additional bedroom; each bedroom has their own bath and walk in closet. Materials that will be used will include stone and hardie plank siding.

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

Chairman Masciale swore in Robert Hudak (1208 3rd Avenue Toms River). The Board accepted Mr. Hudak as a licensed planner.

Mr. Hudak stated a d variance is being requested. The f.a.r. is being increased by 210 square feet over what is permitted. The site can accommodate the proposed f.a.r as the use is not being intensified and the building will not be out of character for the neighborhood. There will not be any change to the number of dwelling units as it is currently a two-family home, which is permitted in the zone, and the property will be continued to be used in the same manner. The existing non-conformities on the site, the lot area, lot width, and frontage are not being exacerbated. An additional variance is required for the number of parking spaces. A maximum of three parking spaces are allowed, and four spaces are proposed. The four onsite parking spaces are more harmonious than the maximum three parking spaces allowed. An even number of spaces will provide a more desirable visual environment. Mr. Hudak stated the variances can be granted without any substantial impact to the zoning ordinance or the master plan, and there will not be any detriment to the public good. The property can accommodate the proposed plan, and the proposed development is more aesthetically in line with the rest of the neighborhood.

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

The Board felt the application is providing off-street parking, and the proposed line of site is much better than what is there now. The design of side by side units seems to a desirable configuration especially with the separate driveways. The requested f.a.r. is over what is allowed, but the rooms in each unit are not oversized, and two variances are being eliminated which is a positive. The proposed building setback is an improvement and it will be a positive for the neighborhood. Conditions imposed upon approval would be confirmation that the height variance is eliminated and the height does not exceed the maximum of 32 feet, confirmation the

side yard setback variance is eliminated and the setback does not exceed the maximum of 10 feet, and a geo technical report be provided to the town engineer to confirm the stormwater recharge system is adequate.

Chairman Masciale called for a motion. Allyson Hroblak made a motion to approved with above the conditions; Michael Cohen seconded.

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

Motion carried.

Application approved with conditions.

Chairman Masciale made an announcement that the following applications have been carried to the July 13th meeting:

Daniel Josephs, 1032 Rahway Avenue
John & Alison Flood, 745 Highland Avenue

NEW APPEALS:

Shaan Realty, LLC., 809 Central Avenue

3/27/2020

Applicant is seeking amended site plan approval to reface and internally illuminate several existing signs contrary to Section 16.03E1 and 16.03E2 of the Land Use Ordinance. Ordinance prohibits internally illuminated signs of any kind, freestanding or wall mounted. Proposed is an internally illuminated freestanding sign. Ordinance requires the light source of illuminated signs to be shielded so that the light source shall not be visible. Proposed is LED price point lighting for the freestanding sign. **Application deemed complete on April 14, 2020. 120 day decision date is August 12, 2020.**

Christopher Erd (400 Crossing Boulevard, Bridgewater) appeared on behalf of the applicant. Mr. Erd stated this application is to add LED price point lighting to an existing freestanding sign.

Chairman Masciale swore in James Henry (1904 Main Street, Lake Como). The Board accepted Mr. Henry's credentials as a licensed engineer.

Mr. Henry stated the property was renovated in 2019 from a Sunoco station to a Shell station. The hours for the gas station will be 6am to 10pm, and the sign will shut off at 10pm. The sign detail plan was marked as Exhibit A-1. The sign will be rep paneled and it will be upgraded with led price points, which will be in red and green. This is a state-of-the-art way for the operator to change the price, and the improvement to the sign will increase visibility. The sign does not face any residential uses and there will not be any significant illumination from the sign itself.

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

Chairman Masciale swore in John McDonough (101 Gibraltar Drive, Parsippany). The Board accepted Mr. McDonough's credentials as a licensed planner.

Mr. McDonough marked a series of GIS maps and photos as Exhibit A-2. He stated the subject property is on the corner of Central and Elizabeth Avenue, and has been a gas station since 1956 so this use has been associated with this site for a long time. This proposal calls for a modernization of the use which is something promoted by state regulations which requires that signs be visible to the motoring public. The subject sign is tucked in the corner and away from the nearest home on Elizabeth Avenue or on E. Grove Street. The signage is already on site and is being rebranded and repainted, and we are swapping out the three-price indicators to a more modern electronic display. The property was cleaned up and renovated in 2019. This sign is the only indicator of the brand on the property, and should be visible to the public passing by. The photos of the surrounding neighborhood demonstrate that the sign is not visible to the neighbors, and any visibility of the sign will be intercepted. There are other LED lights in area from surrounding uses so it is not out of character to have them in the area. Safety is a concern so the sign being able to be switched with a remote control is important, an employee does not have to physically go change the sign and stand in the driveway. The sign is existing and is away from the signalization on Central Avenue so it would not have any adverse impact on drivers. Mr. McDonough state granting the variances for the signage will not substantially impair the ordinance or master plan, and the benefits will outweigh and detriments.

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

The Board agreed the property owner did a great job renovating and cleaning up the property. Some conditions of approval would be the sign gets turned off at 10pm, the signage maintains the industry standard color scheme, and only the price points are to be internally illuminated.

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

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

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon, Mary Doyle, Samuel Reisen

Motion carried.

Application approved with conditions.

Rangan Gangavaram, 1020 Summit Avenue

2/28/2020

Applicant is seeking approval to construct an attached two car garage contrary to Section 11.07E7, 12.04F, 12.04E, 12.0F3 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 20 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 23.36%. Ordinance allows a maximum floor area ratio of 32%. Proposed is 34.24%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed 24.9%. **Application deemed complete on May 15, 2020. 120 day decision date is September 12, 2020.**

Chairman Masciale swore in Greg Blasi (779 Carleton Road) and the applicant.

Chairman Masciale stated in reviewing the application, we noticed there was a prior application that was heard by Board in 2013 which was denied. There is some concern that the current application has very similar characteristics. For the Board to hear the current application, it has to be substantially different from the prior application which was denied. Mr. Blasi and the applicant agreed to revise the application and carry it to the July 13th meeting without further notice.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:03 pm.

Respectfully submitted,

Linda Jacus
Board Secretary