

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**July 13, 2020**

The Westfield Board of Adjustment met on Monday, July 13, 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, Eldy Pavon, Sam Reisen, Mary Doyle  
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 June 8, 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, Eldy Pavon, Sam Reisen, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: None

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for the applications acted upon at the June 8, 2020, meeting:

**466 West Broad Street, LLC., 466 West Broad Street**, application approved with conditions.  
**Shaan Realty, LLC., 809 Central 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, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, Eldy Pavon, Sam Reisen, Mary Doyle

OPPOSED: None  
ABSTAINED: None  
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 an announcement that the following applications have been carried to the August 10, 2020 meeting:

**Rebecca Scangas-Verma & Aditya Verma, 935 New England Drive  
Matthew Ceberio, 415 East Dudley Avenue**

The following application has been withdrawn:

**Jose Leal, 419 Summit Avenue**

**REQUEST FOR EXTENSION:**

**Mark Dow, 247 Prospect Street**

Applicant is requesting a one-year extension of approval to July 2021.  
The applicant is requesting a one-year extension for the approval which expires on July 9, 2020.  
All construction is being paid for out of pocket and additional time is required to complete the project.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the extension to July 2021; Matt Sontz seconded.

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

Motion carried.

Extension approved.

**CARRIED FROM JUNE 8, 2020:**

**Tamra & Tim Healey, 825 Standish Avenue** 10/18/2019  
Applicants are seeking approval to construct a rear covered porch and reconstruct a patio contrary to Section 11.06E6, 12.04F1, 11.06E14, 12.04F3 of the Land Use Ordinance.

Ordinance allows a maximum building coverage of 20%. Proposed is 23.7%. Ordinance requires a side yard setback of 12.5 feet. Proposed is 9.89 feet. Ordinance allows a maximum building coverage with a porch of 24%. Proposed is 24.3%. Ordinance requires a minimum 2 car garage. Proposed and existing is a one car garage. **Application deemed complete January 27, 2020. 120 day decision date is May 26, 2020.**

Chairman Masciale swore in Tamra & Tim Healey. Mr. Healey stated they came before the Board in March, and there was some concern about the size of the porch and the increase in the building coverage. The application has been revised since the previous hearing, and the depth of the porch was reduced by 36 feet square feet. One variance was eliminated in the revised application, the variance for the maximum building coverage with a front porch has been removed. The other revision to the application is the non-conforming side yard setback, it was increased from 9.89 feet to 10.64 feet. A variance of 23.32% for the building coverage is being requested, and a variance from the minimum two car garage requirement is being requested, as there is not any room for a two-car garage on the property. We are looking to construct the covered porch for shade and privacy. Mr. Healey stated we would like to enjoy the backyard which faces south, but the sun is so intense it makes the backyard unusable. Our neighbor on the right side recently added a two-story addition, which looks into our backyard so we would like a covered porch for some privacy. The property is a corner lot and is undersized, the zone requires a minimum lot size of 12,000 square feet and the property is only 9,845 square feet. Mrs. Healey stated the surrounding homes are far enough away and there is screening between their property and the neighbor on the left. Mr. Healey stated they tried to keep the design of the porch consistent with the Colonial style of their home, and they wanted a porch large enough to be able to put a table and chairs on it.

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

The Board agreed the applicants did make an effort to revise the application by removing one of the variances, reducing the size of the porch addition, and improving the side yard setback. The property is a challenge being an undersized lot and having an irregular shape. The covered porch will add privacy from the neighbor's addition and will shield the sun. Two conditions imposed upon approval will be the porch remain open and the landscape buffer be maintained.

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

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

Motion carried.

Application approved with conditions.

**Daniel Josephs, 1032 Rahway Avenue**

4/2/2020

Applicant is seeking approval to construct an inground pool, patio, and pool house, and to

reconstruct the existing driveway contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 30% (8,000 square feet). Proposed is 29.1% (9,705 square feet). **Application deemed complete on April 17, 2020. 120 day decision date is August 15, 2020.**

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Hehl stated this an application to construct an inground pool, patio, and pool house. This property is in the RS-12 zone, where the minimum lot size required is 12,000 square feet, but the lot size of the subject property is 3 times the required size at 33,000 square feet. According to the ordinance, no matter what the lot size is, there is an 8,000 square foot coverage by improvements limitation. There is also a 30% coverage limitation which we comply with, but we are requesting a variance for the maximum 8,000 square foot requirement. The applicant is looking to remove a portion of the driveway and walkway to reduce the coverage. A subsurface retention system is proposed to mitigate any stormwater runoff and a significant landscaping plan is proposed, which would be a nice buffer to the surrounding neighbors.

Chairman Masciale swore in Jeff Egarian (271 Route 46, Fairfield). The Board accepted Mr. Egarian's credentials as a licensed engineer.

Mr. Egarian described the existing conditions on the property, and testified about the proposed improvements which include an inground pool, pool house, and patio. A retaining wall will be added on the south side of the pool, and a portion of the driveway in the rear and in the front of the property will be removed to reduce the impervious coverage; 453 square foot of pavement will be removed in the front and 530 square feet of pavement will be removed in the rear. There is a 1,290-gallon seepage tank proposed which will capture any stormwater runoff. All runoff from the lawn, drains, and gutters will be routed to the tank.

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

Chairman Masciale swore in Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Algarin stated the design for the pool house is a pavilion that is open on three sides and is enclosed on the on the westerly side, which is solid for privacy. It has an outdoor kitchen, storage space, lounge area, fireplace, and a full bath. The variance being requested is for the improvement cap. The 8,000 square foot coverage cap applies regardless of the size of the property, and this property is three times the minimum lot size required for the zone. Mr. Algarin stated there will not be any affect to the surrounding neighbors, Tamaques field is behind the property, and the neighbor on the westerly side has a shed on their property which would block any view of the proposed improvements.

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

Chairman Masciale swore in Esper DeLeon (153 Central Avenue). The Board accepted Ms. DeLeon's credentials as licensed landscape architect.

Ms. DeLeon stated there are existing evergreen trees on the property, and we are proposing to continue the evergreen trees on all sides and at the rear of the property. The evergreen trees will be 8-10 feet in height. Also proposed are mature flowering trees and shrubs along the side and rear perimeter and around the pool area. The landscaping will help absorb any surface water runoff and the back-garden area will be built up to prevent any runoff to adjacent properties. The proposed fencing will be a solid fence which will comply with the ordinance.

Open to public questions.

Caroline Preucil (1044 Rahway Avenue) asked if a tree removal permit was secured to remove the mature trees from the perimeter of the property last year. The trees removed were not in the area where the construction of the pool is proposed.

Closed to public questions.

Chairman Masciale swore in the applicant, Daniel Josephs. Mr. Josephs stated in 2019 there were a number of trees that came down in our yard. In addition, there was one oak tree that came down and caused significant damage. Those trees which were damaged or dying were removed, but there are still a significant number of trees on the property.

Open to public questions.

Sumit Arora (1050 Summit Avenue) asked if the school board was notified about the application. Mr. Arora stated he was concerned about water runoff on the school property.

Closed to public questions.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as licensed planner.

Mr. Watson stated we are looking to construct an outdoor entertainment area. There is a pre-existing variance for the side yard setback, 12.5 feet is required and 10.5 feet exists. The only way to alleviate this variance is to take down the existing building so this a hardship and would be a C-1 variance. The other variance being requested is for the impervious coverage. The impervious coverage will be increased from 24.7% (8,246 square feet) to 29.1% (9,705 square feet), which is an increase of 1,705 square feet. Pools act as a detention system, and there will not be any runoff for the pool, which is a major consideration for impervious coverage requirements. All improvements meet the setback standards, everything is taking place in the rear yard; you will not see any change driving down the street. The property will not be overcrowded and provides for remediation of the runoff. There is not a sense of overdevelopment on the lot, the f.a.r. is not being exceeded and is way under because of the removal of some existing pavement. Mr. Watson stated there will not be any substantial detriment to the master plan or zoning ordinance, and there will not be any adverse impact from the proposed project.

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

Open to public comments:

David Preucil (1044 Rahway Avenue) stated the application hinges on the idea that the coverage on the allowed coverage of 8,000 square feet is ok because it is under the 30% coverage ratio. The code says a property in this zone can have a maximum of 30% coverage and not exceed 8,000 square feet, which is opposite of what is proposed.

Closed to public comments.

The Board agreed the property owners made an effort to minimize or eliminate any potential runoff from the property by adding the enhanced landscaping and retention system. It has been established the proposed project does not overload the property and can handle what is proposed, the lot size is triple the minimum size required for the zone. The Board also like that the

applicant is removing some pavement to help reduce the coverage numbers. Conditions to be imposed upon approval, that the landscape along the perimeter will be maintained, the pool house will not become habitable space and shall remain open on three sides, a Perc test be prepared, and the drainage retention system shall be approved by the Township Engineer, and the fencing plan provided will comply with the zoning requirements of a solid fence.

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, Matt Sontz,  
Eldy Pavon, Allyson Hroblak  
OPPOSED: Carla Bonacci  
ABSTAINED: Mary Doyle and Samuel Reisen  
ABSENT: None

Motion carried.

Application approved with conditions.

An announcement was made the Board will be adjourning into executive session.

The Board entered executive session at 10:36pm.  
The executive session adjourned at 11:05pm.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:36pm.

Respectfully submitted,

Linda Jacus  
Board Secretary