

*NOT FOR  
LPO. MCO*

**TOWN OF WESTFIELD  
APPLICATION**

*45 days  
wiled  
5/31/20  
120 day decision  
date 5/9/16/20*

**I. Identification:**

This appeal is from (applicant's name) BLUMENFELD ETHAN & GUISTINIANI LORI

street address: 26 FAIR HILL ROAD WESTFIELD telephone \_\_\_\_\_

e-mail lbgusti718@gmail.com ; ethan@ethanblumenfeld.com fax \_\_\_\_\_

for property in Westfield, NJ located at (street address) 26 FAIR HILL ROAD WESTFIELD

**II. To:** (check one)

Planning Board

Board of Adjustment

Board Secretary: Ms. Linda Jacus 908-789-4100 extension 4602  
Both Boards: 959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

**III. For a Hearing For:** (Check all applicable)

**Specific Applicable Sections of the Westfield L.U.O. for:  
Submission Requirements Checklists**

	<u>Submission Requirements Checklists</u>	<u>Procedures</u>
<input checked="" type="checkbox"/> *C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10	8.06, 8.11
<input type="checkbox"/> Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

*4/16/20*

\*Public noticing is required pursuant to Section 4.03 & 4.04 \*\* A major site plan review is also required with a conditional use application

*add as a project. The scope of work for some projects is the construction of a new home winging a portion of the existing home.*

**IV. Application Description:** Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

We are expanding the existing garage towards the front of the house. We are expanding the rear of the house on the first floor, towards the rear yard, to include an expanded kitchen, eating area, family room, and a newly added mud room space. The first floor will also receive a new front porch, and a new covered patio in the rear. The second floor will be gutted and expanded to include 4 bedrooms and 4 bathrooms, with a laundry room. There will be a walk up stair to a finished attic, the use of which may be a future bedroom and bathroom. The existing basement will remain, and will be cleaned up and re-finished. All footprint expansion areas will be on crawl space and will not contribute to the existing basement area. Finally, the exterior of the house will be updated with new windows and finishes.

**V. Reasons:** Briefly summarize the reasons why you believe this appeal should be granted.

The subject property is an irregularly shaped lot which creates an irregular buildable envelope. The proposed improvements along the front of the house are intended to improve the curb appeal and reduce the inconvenience associated with street parking on an already narrow R.O.W. Improvements along the left side yard of the house are intended to ease maneuverability in the garage and provide for enough parking for all the driving members in the family.

The lot is an undersized pie shaped, using the ordinance values to design on the property and cater to all the needs of this large and diverse age group family is not possible without creating an odd shaped structure that will not only significantly reduce the curb appeal of the property but also create genuine hardships for the family.

The first floor expansions at the garage and the family room encroach at a similar magnitude to existing non-conforming setbacks at that level. The second floor has been designed to entirely conform, with the exception of the front wall which is an existing non-conformity to be reconstructed. It is the intent of this application to conform in all aspects of the zoning ordinance, with the exception of the side yard setback encroachments, and the continuation of the existing front yard encroachment.

**VI. Property Description:** Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 26 Fairhill Road, Westfield, NJ 07090

Zone district RS16 Block No. 203 Lot No. 5

•Dimensions of lot 190' X 160' Area of lot 0.312 AC / 13.590 sq. ft.

•Use of premises present Residential  
proposed Residential

The proposed use is:  permitted by ordinance  a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment  
 a use permitted by variance  a nonconforming (i.e. "grandfathered") use  not a permitted use

Name of Owner BLUMENFELD ETHAN & GUISTINIANI LORI Telephone No. \_\_\_\_\_  
Street address of Owner 26 Fairhill Road, Westfield, NJ 07090 Fax No. \_\_\_\_\_

•Does the above owner also own any property that abuts the subject property?  
 No  Yes If yes, address: \_\_\_\_\_

If yes, is the abutting property subject to the Loechner-Campoli rule of merger?  No  Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property?  No  Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority?  No  Yes If yes, list here and attach a brief description of each.

APPROVED  
4/16/20

**VII. Attorney Identification:** Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

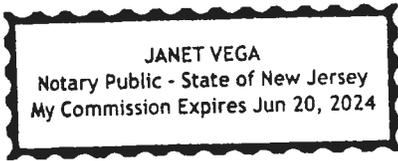
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

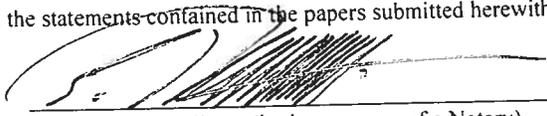
Attorney's name \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Attorney's firm \_\_\_\_\_ Fax. No. \_\_\_\_\_  
Street address \_\_\_\_\_

**VIII. Notarization:**

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.



  
Signature of Applicant (in the presence of a Notary)

Print Name: Ethan Blumenfeld

Address: 26 Fairhill Rd

Westfield NJ 07090

Home phone 201 390 4451

Business phone \_\_\_\_\_

Sworn and Subscribed to  
before me this 12<sup>th</sup>  
day of March, 20 20  
  
Notary Public

**IX. Do not write in the following spaces:**

**TO BE COMPLETED BY THE ZONING OFFICER:**

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
  - \_\_\_\_\_ Zoning violation notice, No. \_\_\_\_\_, copy enclosed.
  - \_\_\_\_\_ Municipal Court complaint, docket No. \_\_\_\_\_, copy enclosed.
  - \_\_\_\_\_ Other pending action, (describe) \_\_\_\_\_
  - \_\_\_\_\_ None of the above

  
Signature

**TO BE COMPLETED BY THE BOARD SECRETARY:**

Has there been any previous appeals(s) involving these premises?  
 No      [ ] Yes      If yes, attach copies of resolution(s)

**TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:**

Application accepted as complete on 5/19/20   
Signature

RECEIVED  
3/13/20

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:11.05 E5(Per SEC C)	Nature of Deficiency: Front Yard Setback
	Permitted: 45'	Present: 43.4' Proposed: 43.4'
2.	Section:11.05 E5 (Per SEC D & E)	Nature of Deficiency: Front Yard Setback
	Permitted: 46.33	Present: 43.4' Proposed:43.4'
3.	Section:11.05 E6	Nature of Deficiency: Side Yard Setback (Left)
	Permitted: 15'	Present: 11.7' Proposed: <del>11.97</del> 11.7
4.	Section:11.05 E6	Nature of Deficiency: Side Yard Setback (Right)
	Permitted: 15'	Present: 12.4' Proposed: 10.73' (At Addition)
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

4/16/20

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

**SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION**

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.05 E5 (Per SEC C)	Nature of Deficiency: Front Yard Setback
	Permitted: 45'	Present: 43.4' Proposed: 43.4'
2.	Section: 11.05 E5 (Per SEC D & E)	Nature of Deficiency: Front Yard Setback
	Permitted: <del>50.16</del> 46.33	Present: 43.4' Proposed: 43.4'
3.	Section: 11.05 E6	Nature of Deficiency: Side Yard Setback (Left)
	Permitted: 15'	Present: 11.7' Proposed: 11.97' 11.7'
4.	Section: 11.05 E6	Nature of Deficiency: Side Yard Setback (Right)
	Permitted: 15'	Present: 12.4' Proposed: 10.73' (At Addition)
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

4/16/20



**TOWN OF WESTFIELD  
UNION COUNTY NEW JERSEY**

**AFFIDAVIT OF OWNERSHIP**

I, **BLUMENFELD ETHAN**, of full age, being duly sworn  
(Print Name)

according to law, do hereby certify that I am the (check one)  owner or duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) 203

Street Address(es) 26 Fair Hill Road, Westfield, 07090

Check one:

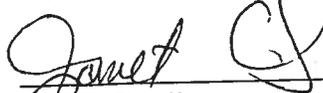
1.  As the owner (or officer of), I am the Applicant in the within application.
2.  As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

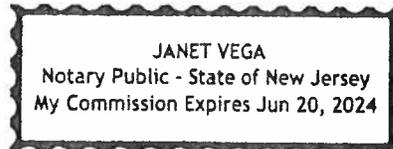
a. Authorized Individual/Entity: \_\_\_\_\_

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): \_\_\_\_\_

  
\_\_\_\_\_  
(Signature of Owner/Officer of Owner)

Sworn and subscribed to  
before me on this 12th  
day of March, 2020

  
\_\_\_\_\_  
Notary Public



3/13/20

Notes Exist

Block: 203  
 Lot: 5  
 Qualifier:  
 Owner: BLUMENFELD, ETHAN & GUSTINIANI, LORI  
 Prop Loc: 26 FAIRHILL RD  
 Account Id: 00000190

Year	Qtr	Type	Billed	Principal Balance	Deductions	Balance	All Charges	Add/Omit	Notes
2020	2		4,775.00 *	4,775.00			.00	4,775.00	
2020	1		4,775.00 *	.00			.00	.00	
2020		Total	9,550.00	4,775.00			.00	4,775.00	
2019	4		2,163.41 *	.00			.00	.00	
2019	3		3,953.84	.00			.00	.00	
2019	2		6,116.37 *	.00			.00	.00	

Other Delinquent Balances: .00 Interest Date: 03/03/20   
 Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 02/06/2020

TOTAL TAX BALANCE DUE  
 Principal: .00 Penalty: .00  
 Misc. Charges: .00 Interest: .00 Total: .00

\* Indicates Adjusted Billing in a Tax Quarter.

CERTIFICATION  
 TAXES PAID UP TO DATE  
 NEXT TAX DUE 5/1/2020  
 ANY QUESTIONS, CALL 908-789-4051  
 TAX COLLECTOR

3/13/20

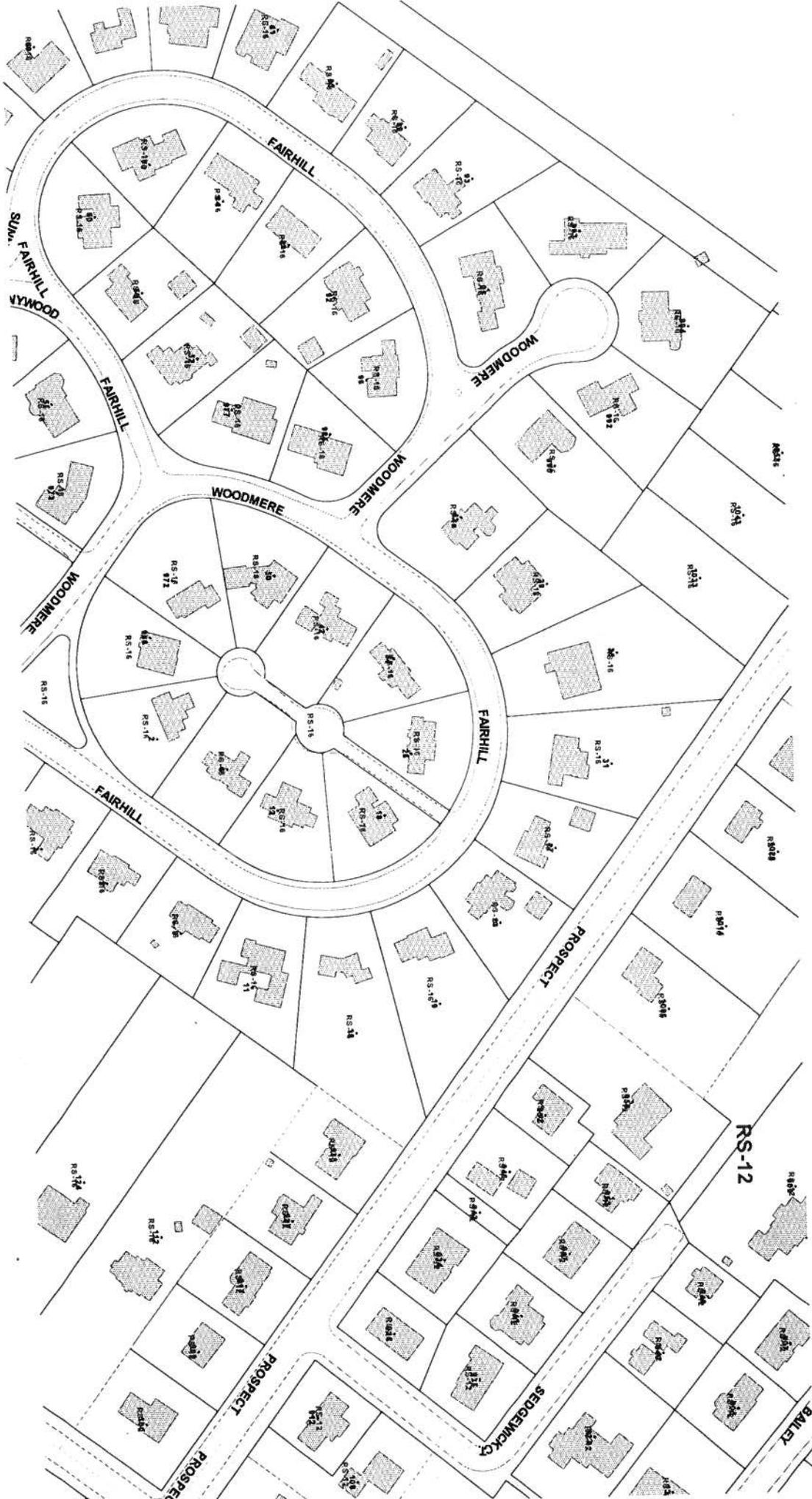
OWNER & ADDRESS REPORT

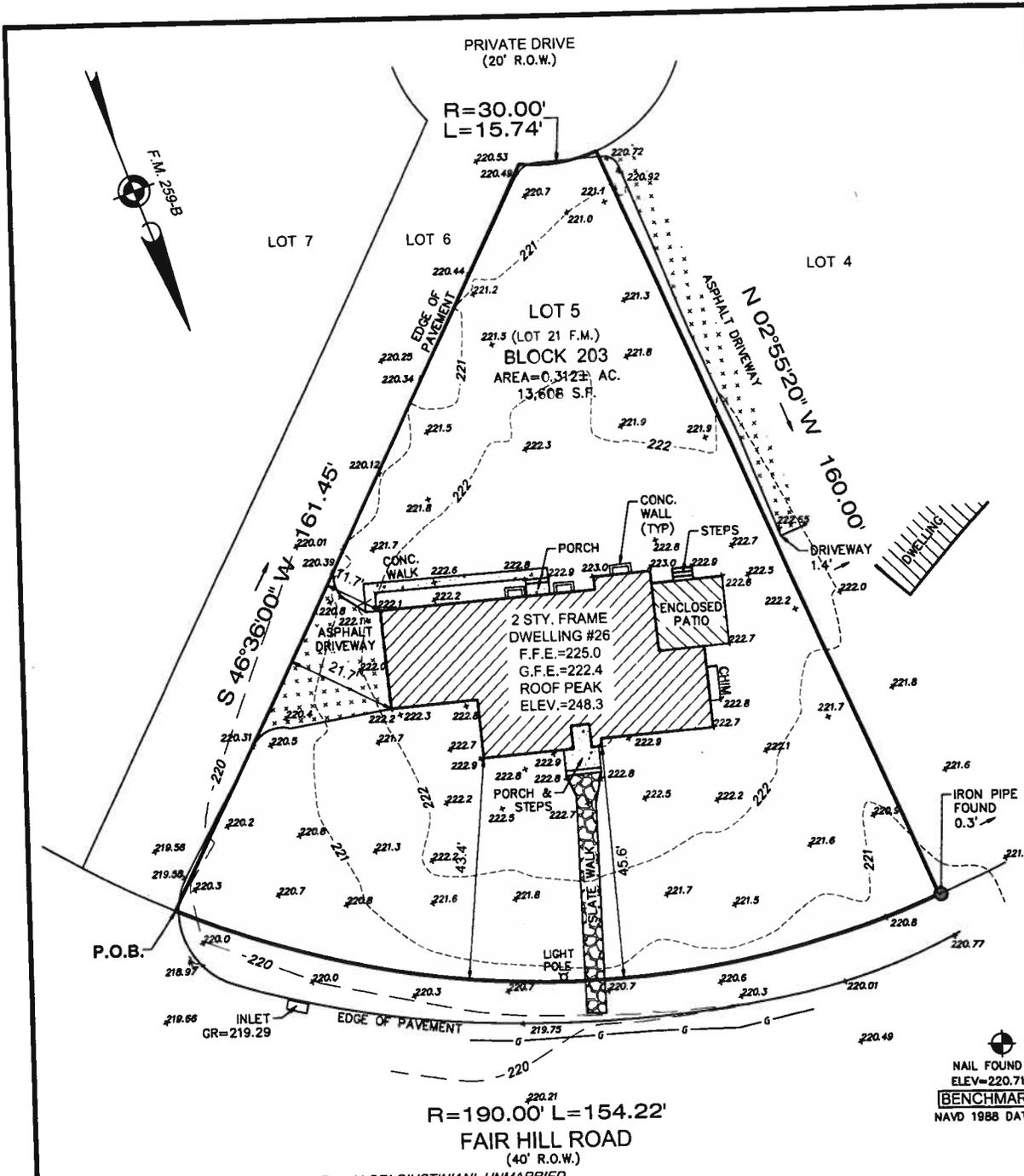
03/06/20 Page 1

WESTFIELD

26 FAIRHILL ROAD

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
201	21		2	CLANCY, KEVIN & ANN 35 FAIR HILL ROAD WESTFIELD, NJ 07090	35 FAIRHILL RD	
201	22		2	PATEL, HERSH & MONAL 31 FAIRHILL RD WESTFIELD, NJ 07090	31 FAIRHILL RD	
201	23		2	LIMA, JOHN R & ALSINA F 27 FAIR HILL RD WESTFIELD, NJ 07090	27 FAIRHILL RD	
201	24		2	O'BRIEN, JOHN G & PHYLLIS E 23 FAIRHILL RD WESTFIELD, NJ 07090	23 FAIRHILL RD	
201	25		2	TROIANO, KAREN 19 FAIRHILL RD WESTFIELD, NJ 07090	19 FAIRHILL RD	
201	26		2	LIPTON, LINDA C 1855 RICHMOND AVE STATEN ISLAND, NY 10314	15 FAIRHILL RD	
201	46		2	MOGILA, STEPHEN J & SHANNON 39 FAIRHILL RD WESTFIELD, NJ 07090	39 FAIRHILL RD	
201	47		2	LESSNER, RICHARD & NANCY 43 FAIRHILL ROAD WESTFIELD, N J 07090	43 FAIRHILL RD	
203	1		2	FELDMAN, RON & TAMRA 972 WOODMERE DRIVE WESTFIELD, NJ 07090	972 WOODMERE DRIVE	
203	2		2	KUPFER, LAWRENCE J & JOAN BATZOLD 50 FAIRHILL RD WESTFIELD, NJ 07090	50 FAIRHILL RD	
203	3		2	GIORDANO, LEE J & CARRIE L 42 FAIRHILL RD WESTFIELD, NJ 07090	42 FAIRHILL RD	
203	4		2	VALENTINE, JEFFREY S & CHRISTINE A 34 FAIRHILL ROAD WESTFIELD, NJ 07090	34 FAIRHILL RD	
203	5		2	BLUMENFELD, ETHAN, ET ALS 26 FAIRHILL RD WESTFIELD, NJ 07090	26 FAIRHILL RD	
203	6		1	PRIVATE DRIVEWAY NOT ASSESSED 00000	22 FAIRHILL RD	
203	7		2	DE SANTIS, JAMES F & SINNOTT, NICOLE 293 INDIAN TRAIL MOUNTAINSIDE, NJ 07092	18 FAIRHILL RD	
203	8		2	YUDD, ANTHONY P & JACALYN M 12 FAIRHILL RD WESTFIELD, N J 07090	12 FAIRHILL RD	
203	9		2	MORAN, CHRISTOPHER & JEANNINE 6 FAIRHILL RD WESTFIELD, NJ 07090	6 FAIRHILL RD	
203	10		2	BEENE, JASON BRENT & TAMELA A 2 FAIRHILL RD WESTFIELD, NJ 07090	2 FAIRHILL RD	
203	11		2	SERRA, STEVEN M & KATHARINE M 966 WOODMERE DRIVE WESTFIELD, NJ 07090	966 WOODMERE DRIVE	





PREPARED FOR: ETHAN BLUMENFELD and LORI GIUSTINIANI, UNMARRIED

NOTE: ALL ELEVATIONS ARE IN NAVD88 DATUM THROUGH GPS OBSERVATIONS USING LEICA RTK GPS NETWORK.

Filed Map Reference: REVISED MAP OF BRIGHTWOOD, WESTFIELD, N.J., SECTION NO. 2	Filed Map Block: -	Filed Map Lot: 21	Filing Date: FEB. 25, 1936	Filed Map No. 259-9
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IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 5/4/20 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE, SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED AND/OR UNRECORDED.
- UNDERGROUND UTILITY LINES SHOWN HEREON BASED ON A MARKOUT DONE BY OTHERS.

DB 2920 PG 931

CERTIFICATE OF AUTHORIZATION: 24GA28229800

**MORGAN**  
engineering & surveying

P.O. BOX 5232  
TOMS RIVER, N.J. 08754  
TEL: 732-270-9690  
FAX: 732-270-9691  
www.morganengineeringllc.com

*David J. VonSteenburg*

**DAVID J. VONSTEENBURG**  
PROFESSIONAL LAND SURVEYOR  
N.J. LIC. No. 34500

**BOUNDARY AND TOPOGRAPHIC SURVEY**

LOT 5 BLOCK 203  
TOWN OF WESTFIELD  
COUNTY OF UNION NEW JERSEY

Scale: 1"=20'	Drawn By: DVP	Date: 5/4/20	JOB #: E20-00122	CAD File #: E20-00122TOPO	Sheet #: 1 of 1
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