

Handwritten notes:
12/29/19
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BOA 19-52
TOWN OF WESTFIELD
APPLICATION

Handwritten notes:
45 day review 12/29/19
120 day doc sum date is 7/2/20

I. Identification:

This appeal is from (applicant's name): **466 West Broad St, LLC**

street address: **108 North Union Avenue, Suite 5, Cranford, NJ 07016 Telephone: (908) 301-1000**

e-mail: **needlepointhomes@gmail.com fax: (908) 276-4322**

for property in Westfield, NJ located at (street address): **466 West Broad Street, Westfield, NJ 07090**

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:

	<u>Submission Requirements</u>	<u>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

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

RECEIVED
11/14/19

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.

This is an application to demolish an old existing 2½ story frame two-family dwelling and detached garage and replace it with a single structure containing two (2) separate one-family attached dwellings. Each of the dwellings will contain two bedrooms, 2½ baths, kitchen, dining room and living area on the first floor. Each unit contains 1,773 square feet, inclusive of the first floor garage and utility area. The living areas on the first and second floors contain 1,343 square feet. The property, due to its size and shape, has existing non-conforming conditions related to lot area, width, frontage and parking. The building to be constructed is three stories/32', in a zone where 2½ stories, 32' is the maximum allowed. Thus, a height variance is also necessary. The new structure is a proper use in the RM6 zone and will replace the obsolete 2½ story structure and garage.

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

The applicant is of the opinion that the relief should be granted for the following reasons: (1) The use is a proper use in the RM6 zone and is consistent with the Town's Master Plan. (2) The odd shape of the property creates existing non-conforming conditions which can not be reconciled with the zoning ordinance requirements. (3) the existing non-conforming lot area conditions are the result of the size and shape of the lot. No other land is available. Lot area is deficient by 628 square feet at the 120' line and overall by 77 square feet. Both of the deficiencies are di minimus. Minimum lot width in the zone is 70'. The subject property has a lot frontage of 58' on West Broad Street. Existing parking is in the side yard of the property, which is not permitted. After construction, parking will be in the first floor garages fronting on Osborne Avenue. This is an application for C2 variances as the benefits to be derived will exceed any detriment to the zone plan or zoning ordinance.

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: **466 West Broad Street, Westfield, NJ 07090**

Zone district: RM6 Block No. 2512 Lot No. 33

•Dimensions of lot: **58' x 143.81'** Area of lot: **8,323 sq. ft.**

•Use of premises Present: **existing two-family dwelling**
Proposed: **two (2) attached one-family dwellings**

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: **466 West Broad St, LLC Telephone No. (908) 301-1000**
Street address of Owner: **108 North Union Avenue, Suite 5, Cranford, NJ 07016 Fax. No. (908) 276-4322**

•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).

11/14/19

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

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)

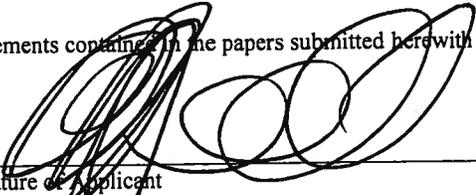
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name: Joseph J. Triarsi, Esq. Telephone No. (908) 709-1700
Attorney's firm: Triarsi Betancourt Wukovits & Dugan, LLC Fax. No: (908) 272-4477
Street address 186 North Avenue East, Cranford, NJ 07016

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

Print Name : **466 West Broad St, LLC By: Steve Needle**

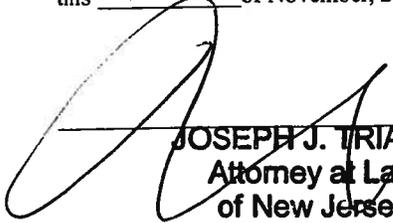
Address: **108 North Union Avenue, Suite 5**

Cranford NJ 07016

Cell: (908) 337-6636 Work: (908) 301-1000

Sworn and Subscribed to before me

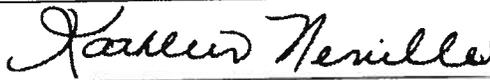
this 13th of November, 2019


JOSEPH J. TRIARSI
Attorney at Law
of New Jersey

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:

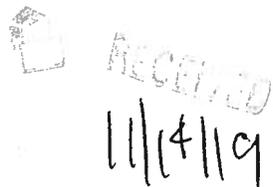
Has there been any previous appeals(s) involving these premises?
[] No [x] Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 3/4/20



Signature



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.

When 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.

Section: 11.12 E.1.b	Nature of Deficiency: minimum lot area		
Permitted: 8,400 sq ft	Present: 8,323 sq ft	Proposed: 8,323 sq ft	
Section: 11.12 E.2.b	Nature of Deficiency: minimum lot area at 120'		
Permitted: 8,400 sq ft	Present: 7,772 sq ft	Proposed: 7,772 sq ft	
Section: 11.12E.2b & 3b	Nature of Deficiency: minimum lot width and frontage		
Permitted: 70'	Present: 58'	Proposed: 58'	
Section: 17.03 B.1	Nature of Deficiency: parking in street side yard		
Permitted: not allowed	Present: yes	Proposed: yes, in attached garage	
Section:	Nature of Deficiency:		

Revised 2/24/20

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, 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: 11.12 E 1b	Nature of Deficiency: minimum lot area	Permitted: 8,400 sf	Present: 8,323 sf	Proposed: 8,323 sf.
2	Section: <u>Sec. 11.12 E 2b.</u>	Nature of Deficiency: <u>minimum lot area at 120' within 134 feet of lot depth</u>	Permitted: 8,400 sf.	Present: 7,772 sf	Proposed: 7,772 sf.
3.	Section: 11.12 E 2b	Nature of Deficiency: minimum lot width	Permitted: 70'	Present: 58'	Proposed: 58'
4.	Section: 11.12 E 3b	Nature of Deficiency: minimum lot frontage	Permitted: 70'	Present: 58'	Proposed: 58'
5.	Section: 11.12 E 8	Nature of Deficiency: maximum permitted building height	Permitted: 32'	Present:	Proposed: 32' 8"
6.	Section: 11.12 E 8	Nature of Deficiency: maximum permitted story height	Permitted: 2 1/2 stories	Present:	Proposed: 3 stories
7.	Section: 11.12 E 6	Nature of Deficiency: <u>min:</u> side yard set back	Permitted: 10'	Present:	Proposed: 9' to balcony
8.	Section: 12.04 E 2.	Nature of Deficiency: maximum allowable habitable floor area	Permitted: 42% (3,600 sf max)	Present:	Proposed: 3,810 sf. "d" variance (45.78%)
9.	Section: 17.02 A 7	Nature of Deficiency: maximum number of garage spaces permitted on a residential property.	Permitted: 3	Present:	Proposed: 4

**TOWN OF WESTFIELD
 REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.**

**THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES,
 AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS**

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE: RM-6 **APPLICANT:** 466 West Broad St, LLC **STREET ADDRESS:** 466 West Broad Street **PROPOSED**
USE SEPARATE COLUMN FOR EACH LOT

<u>REG. NO.</u>	<u>REGULATION</u>	<u>UNITS</u>	<u>REQUIRED</u>	<u>LOT No.</u>	<u>VARIANCE?*</u>	<u>LOT No.</u>	<u>VARIANCE?*</u>
11.12 E.1.b	Minimum gross area	sq. ft.	8,400 sq ft	33	Yes-ENC		
11.12 E.2.b	Minimum area within first ft. of depth	ft.	8,400 sq ft	33	Yes-ENC		
11.12E.2b&3b	Minimum width	ft.	70'	33	Yes-ENC		
11.12E.2b&3b	Minimum frontage	ft.	70'	33	Yes-ENC		
	Minimum depth	ft.					
	Minimum front yard (per Sections 12.03C & D & E)	ft.					
	Minimum Sideyard	ft.					
	" "	ft.					
	Minimum rear yard	ft.					
	Maximum building coverage (without deck)	%					
	Maximum building coverage (with deck)	%					
	Maximum FAR or total habitable floor area	%					
11.12 E.8	Maximum building height	ft.	2 1/2 stories, 32'	33	Yes-ENC*		
	Maximum all improvements coverage	%					
17.03 B.1	Other: Parking in street side yard		Not permitted	33	Yes-ENC		
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						

NOTE: This table must be consistent with the two variance lists, if they are included in the application.
 * Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, **STEVE NEEDLE**, of full age, being duly sworn

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 2512, Lot 33

Street Address: 466 West Broad Street, Westfield, NJ 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) **Steve Needle**

Sworn and subscribed to before me on this

13th day of November, 2019

JOSEPH J. TRIARSI
Attorney at Law
of New Jersey

11/14/19

Westfield, New Jersey



Block/Lot/Qual: 2512. 33.	Tax Account Id: 3630
Property Location: 466 W BROAD ST	Property Class: 2 - Residential
Owner Name/Address: 466 WEST BROAD STREET, LLC	Land Value: 244,800
108 N UNION AVE	Improvement Value: 185,300
SUITE 5	Exempt Value: 0
CRANFORD, NJ 07016	Total Assessed Value: 430,100
Special Taxing Districts:	Additional Lots: None
	Deductions:

Taxes: **Utilities**

		Make a Payment	View Tax Rates	View Current Bill	Project Interest		
Year	Due Date	Type	Amount	Interest	Total Due	Status	
2020	02/01/2020	Tax	2,311.79	2,311.79	0.00	2,311.79	OPEN
2020	05/01/2020	Tax	2,311.79	2,311.79	0.00	2,311.79	OPEN
Total 2020			4,623.58	4,623.58	0.00	4,623.58	
2019	02/01/2019	Tax	1,803.62	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	1,803.62	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	2,817.81	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	2,822.10	0.00	0.00	0.00	PAID
Total 2019			8,447.15	0.00	0.00	0.00	
2018	02/01/2018	Tax	1,793.73	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	1,793.72	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	1,813.51	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	1,813.51	0.00	0.00	0.00	PAID
Total 2018			7,214.47	0.00	0.00	0.00	

Last Payment: 11/07/19

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OWNER & ADDRESS REPORT

WESTFIELD

466 WEST BROAD ST

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2512	1		2	REBRYN REALTY LLC 66 ELM ST WESTFIELD, NJ 07090	447 DOWNER ST	
2512	2		2	JOHNSON, VANESSA 445 DOWNER ST WESTFIELD, N J 07090	445 DOWNER ST	
2512	3		2	RABADEAU, GERARD R & EVELYN F 443 DOWNER ST WESTFIELD, NJ 07090	443 DOWNER ST	
2512	4		2	SIEGLER, DAVID M & CUTTI, AMPARO 441 DOWNER ST WESTFIELD, NJ 07090	441 DOWNER ST	
2512	5		2	SMITH, DIANNE 439 DOWNER ST WESTFIELD, NJ 07090	439 DOWNER ST	
2512	6		2	BOVINO, BENJAMIN 9455 W. GLAGLER ST. #508 MIAMI, FL 33174	435 DOWNER ST	
2512	7		2	PEREZ, LOURDES CORDERO 433 DOWNER STREET WESTFIELD, NJ 07090	433 DOWNER ST	
2512	8		2	ARGENTIERE, FLOYD 15 CHELTENHAM PLACE SAYREVILLE, NJ 08872	429 DOWNER ST	
2512	9		2	CRISAFULLI, CARMELO & MARIA 425 DOWNER ST WESTFIELD, NJ 07090	425 DOWNER ST	
2512	28		4A	CENTENNIAL LODGE 1BPO ELKS OF WORLD 444 W BROAD ST WESTFIELD, N J 07090	444 W BROAD ST	
2512	29		2	HARVIN, DIANNE E 448 W BROAD ST WESTFIELD, NJ 07090	448 W BROAD ST	
2512	30		2	D VILLANE CONSTRUCTION, LLC 2376 SOUTH AVENUE SCOTCH PLAINS, NJ 07076	450 W BROAD ST	
2512	31		2	VILLANE, DON E & MARY L 633 CUMBERLAND ST WESTFIELD, NJ 07090	458 W BROAD ST	
2512	32		4A	B JEM DIAMOND CORPORATION 462 W BROAD ST WESTFIELD, NJ 07090	462 W BROAD ST	
2512	33		2	466 WEST BROAD STREET, LLC 108 N UNION AVE SUITE 5 CRANFORD, NJ 07016	466 W BROAD ST	
2512	34		1	UNKNOWN OWNER WESTFIELD, N J 07090	110 OSBORN AVE	
2708	19		2	MISNER, WAYNE L - TRUST 4 DOWNING DR EAST BRUNSWICK, NJ 08816	511 DOWNER ST	
2708	21.01		2	REIDY, GERARD 505 DOWNER ST WESTFIELD, NJ 07090	505 DOWNER ST	
2708	22		2	CIULLO, MARIO 421 DOWNER ST WESTFIELD, NJ 07090	503 DOWNER ST	

OWNER & ADDRESS REPORT

WESTFIELD

466 WEST BROAD ST

11/01/19 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2708	23.01		2	DRANE, CHARLES E & THERESA C 115 OSBORNE AVE WESTFIELD, NJ 07090	115 OSBORN AVE	
2708	24		2	CLARK, NINA - CREESE, BARBARA 500 W BROAD ST WESTFIELD, N J 07090	500 W BROAD ST	
2708	25		2	BARNES, JOHN WILLIAM 195 W LINCOLN AVE RAHWAY, NJ 07065	502 W BROAD ST	
2708	26		2	MINNICKS, STERLING L & VICTORIA F 504 W BROAD ST WESTFIELD, NJ 07090	504 W BROAD ST	
2708	27		2	RODRIGUES, ISABELLA M 506 W BROAD ST WESTFIELD, NJ 07090	506 W BROAD ST	
2708	28		2	LOTUS PROPERTIES, LLC 125 MECHANIC ST RED BANK, NJ 07701	508 W BROAD ST	
2901	17		2	JASHARI, AGRON & BAJRO, ABDUL 6 OSBORN AVE WESTFIELD, NJ 07090	6 OSBORN AVE	
2901	18		2	KLEIN, THOMAS R JR 455 W BROAD ST WESTFIELD, NJ 07090	455 W BROAD ST	
2901	19		2	WEST BROAD, LLC 14 LINABARY LN CHESTER, NJ 07930	451 W BROAD ST	
2901	20		2	EDWARDS, GLADYS M 449 W BROAD ST WESTFIELD, NJ 07090	449 W BROAD ST	
2901	21		2	VILLANE, TIMOTHY 760 CLARENCE ST WESTFIELD, NJ 07090	441 W BROAD ST	
2901	22		2	VILLANE, CARL 612 SALTER PL WESTFIELD, NJ 07090	439 W BROAD ST	
2901	23		2	VELKOV, EVGENIY & DIANE 437 W BROAD ST WESTFIELD, NJ 07090	437 W BROAD ST	
2911	1		15A	BOARD OF EDUCATION 302 ELM ST WESTFIELD N J 07090	500 FIRST ST	



WBS-AMFH
339

WBS-AMFH
415

GB-1

MUNICIPAL PARKING LOT 1

S.W. STATE 28

W. STATE 28

CUMBERLAND

CUMBERLAND

DOWNER

DOWNER

W. BROAD

W. BROAD

W. BROAD

FIRST

RAYWAY

RAYWAY

WATTE

RM-6

GB1

Map containing numerous lot numbers including: 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

APPEAL OF 466 W. BROAD STREET, LLC
466 W. Broad Street

At the meeting of the Zoning Board of Adjustment for the Town of Westfield which was scheduled and took place on December 12, 2011, the Board heard and considered the within appeal.

Based upon the evidence presented, and the Board's familiarity with the Land Use Ordinance, the subject property, and the surrounding neighborhood, the Board found and determined as follows:

1. The applicant appeared through Joseph Triarsi, Esq., of Cranford, New Jersey, to present this case to the Board. It is noted that the applicant is seeking approval to convert an existing mixed use structure into a two-family dwelling which is contrary to the requirements of the following sections of the Land Use Ordinance; and

Section 11.12E1b requires a minimum lot area for a two family dwelling to be 8,400 sq. ft. In this case the lot area is 8,323 sq. ft.; and

Section 12.E2b requires a minimum lot area of 8,400 sq. ft. within 120 ft. of the front lot line, the lot in this case measures at 7,772 sq. ft.; and

Sections 11.12E2b and 3b requires a minimum lot width and frontage for the property of 70 ft., the lot has 58 ft.; and

Section 17.03B1 restricts parking to the driveway, proposed is parking in the street side yard.

2. The attorney for the applicant explained to the Board the proposal to convert the existing "mixed use building" on the property to a two-family use. The attorney for the applicant pointed out to the Board that, "A two-family use of the property is a permitted

use under the Ordinance." Mr. Triarsi explained the prior usage of a portion of the property (ground floor) "as a candy store, a luncheonette," and he further stated, "There have been other businesses which have been attempted for the building which have not proved to be successful." Mr. Triarsi stated to the Board that, "The best use of the property would be as a two-family dwelling which would fit into the neighborhood and be consistent with other two-family dwellings like this in the immediate neighborhood." The attorney for the applicant in addition to explaining to the Board the prior history and usage of the property, also pointed out to the Board the applicant's intention to show the Board that not only was this a suitable usage of the property, but also it "would bring the property more into conformance with the existing zoning and the Master Plan".

3. The attorney for the applicant then described the existing non-conformities at the property which he stated related to the dimensions of the lot as now exists, and the location of the building on the property. The attorney advised the Board that, "The variances which are needed in this case which relate to pre-existing conditions are not being made worse by the proposed usage, and in fact the applicant will be making improvements to the property which would justify the variances we are seeking."
4. The attorney for the applicant advised the Board that, "We will be basically doing a face-lift for this property, and not expanding the footprint or size of the dwelling in any way. Also we will have a detached garage in the back of the property which will be adequate for two cars in the garage and two cars on the driveway."
5. The applicant then offered testimony to support this case from the project engineer Mr. Ed Dec. Mr. Dec utilized two pages of the plans he had prepared for the premises which he referred to in explaining the

existing conditions on the property. He located for the Board all improvements in relationship to the adjoining streets, West Broad Street, and Osborne Avenue. Mr. Dec indicated to the Board that the conditions on the property as to the "gently sloping grade" would be largely unaffected by the conversion which was being requested in this case. Mr. Dec reviewed the size and shape of the property in relationship to the pre-existing deficiencies in required size, width, and other measurements that the Land Development Ordinance requires. Mr. Dec acknowledged that although there are a number of single family and two family dwellings in this immediate neighborhood and in this zone, "The two-family useage of the property under the Ordinance requires a larger lot area and lot width than what we have." Mr. Dec. further explained to the Board that, "We are proposing façade improvements only for the existing building and a new two-car garage to be constructed on the property." Mr. Dec then reviewed with the Board the "existing non-conformities and conditions which are deficient from the Ordinance requirements which are now eight in number". He stated, "The bulk area deficiencies which relate to the size of the lot itself will remain." Mr. Dec confirmed for the Board that variances would be needed for required lot area, lot area as measured within 120 ft., required lot width, and required lot frontage. He again pointed out to the Board that, "The existing conditions can not be eliminated and are not being worsened by this proposed conversion."

6. Mr. Dec then stated, "The parking we are proposing which is in front of the new garage also triggers a variance." Mr. Dec pointed out to the Board that, "Access to the garage will now be off Osborne Avenue which is a quieter street than West Broad Street and which will allow a better useage of the property overall." In follow-up discussion about this with the Board, Mr. Dec located possible access points to the property off West Broad Street. After locating where a

driveway would have to be located on Broad Street, and how it would function, Mr. Dec commented to the Board "not only would we have to squeeze a driveway in along West Broad Street, but it would not function as well".

7. Mr. Dec reviewed with the Board the municipal letter dated November 13, 2011 permitting the applicant to close the original driveway. Mr. Dec then explained to the Board the location of the new driveway proposed for the property, and a new entryway from Osborne Avenue to reach the new garage which he stated would be 20 ft. by 20 ft. Mr. Dec also confirmed that the "underground drainage requirements suggested by the Municipal Engineer will be complied with by the applicant". The Municipal letter in question was marked as an exhibit into evidence. The Board then discussed with Mr. Dec and the applicant moving the driveway back 15 ft. from West Broad Street to have it 65 ft. away from the corner. The Board stated it felt this would allow and permit safer ingress and egress from the proposed new driveway. The applicant stipulated and agreed to this requirement. The Board then discussed with the applicant that the driveway and garage must be utilized by only the residential tenants occupying the new proposed two-family dwelling. The applicant responded that this would in fact occur and be arranged for by the applicant. The Board then also discussed with the applicant the old existing asphalt along the front of the building and behind the building. This led the Town Planning Consultant, Mr. Drew, to also note in his review he had done of this application that the deteriorated sidewalk on the Osborne Avenue side of the property should be "removed and reinstalled". The Board questioned Mr. Dec and the applicant about the use of what was described as "a paved area behind the building" which was not being shown as being removed as part of the new work proposed in this case. The applicant first indicated that this would be retained as "overflow parking", and that only the existing parking area along Osborne Avenue would be removed.

This then caused the Board to suggest to the applicant that the asphalt area behind the building which was being described as "available for overflow parking" also be removed. The applicant stipulated and agreed to remove all of this asphalt as was being suggested by the Board. The applicant also acknowledged that the sidewalk along Osborne Avenue would in fact be removed and properly reinstalled according to the municipal requirements. The Board also discussed removing a portion of the concrete (2 ft.) in front of the building and replacing it with landscaping. The applicant agreed to this as well.

8. The applicant then offered testimony from the project architect, Mr. David Bailey of Westfield, New Jersey. Mr. Bailey described the work he had done as the project architect for this case "to turn around the ground floor area which is now being used for commercial use and make it into a residential unit". Mr. Bailey stated that, "In the "façade work and outside work that's being proposed for the building, I have attempted to mimic the English-Tudor style of the building with the architectural." During Mr. Bailey's testimony and explanation of the plans for the façade work on the outside of the building, two pages of his architectural drawings referring to same were marked into evidence. Mr. Bailey utilized the exhibits marked by Mr. Dec, and the photographs marked into evidence with his architectural to explain to the Board, "What we are basically doing is healing the building, top to bottom."
9. The Board then questioned Mr. Bailey about whether he felt, as the architect, the apartments being proposed for this dwelling as a two-family residence would be adequate in size. The Board asked the project architect, Mr. Bailey, to specifically give the size of the new dwelling units proposed. Mr. Bailey stated, "The first floor unit will have two bedrooms and be approximately 706 sq. ft. The second floor apartment will be slightly bigger and will also have two

bedrooms." The architectural plans showing the layout of both floors were then marked as exhibits into evidence. Mr. Bailey again explained to the Board that the details of the improvements being proposed were "consistent with the existing architecture of the building and will be enhancing". As a follow-up on the architect's testimony as to "changes to the front façade", the Board questioned Mr. Bailey as to the use of the basement of the building. Mr. Bailey responded, "This is storage only for the two tenants and will have no other use whatsoever." This question was raised by the Board in order to ensure that only a two-family dwelling with a separate apartment on each of the two floors was being approved by the Board in this case. The Board then questioned the project architect, Mr. Bailey, as to whether "you will be carrying the same appearance of the improvements all across the front of the building?" Mr. Bailey confirmed that this would be the case.

10. The Board then requested that the Town Planner, Mr. Drew, review with the Board the variances needed in relationship to this case which Mr. Drew discussed in referring to the exhibits that had been marked into evidence.
11. The Board in review of the proposed conversion of this mixed use building to a two-family dwelling unit, noted that this represented a "transitional type use to get the building back to residential". The Board also noted that with the removal of blacktop and the other improvements being made by the applicant to the façade of the building and with a new sidewalk and other improvements to the property, including removing blacktop and/or the concrete sidewalk in front of the building, and also removing the "paved area to the rear", that there would in fact be clear improvements and enhancements now being made to the property. The Board also noted that by adding a two-car garage there would be not only a better appearance and functioning to the property overall, but also additional cars

would be taken off the street, thus making a better condition for on-street parking. The Board discussed with the applicant again the conditions that would be required to move the driveway to 65 ft. from the corner of West Broad Street, remove the excess paving, to make sure that the basement was used for tenant storage only, to make sure that the garage was used by the tenants who rent the building only, to cut back the front sidewalk by two feet, and to place plantings and landscaping in this area as was discussed with the applicant during this case, and which had been again now agreed to by the applicant. The applicant and his representatives stipulated and agreed to all of these conditions and requirements.

12. There was no opposing testimony, evidence nor other arguments heard by the Board in connection with this case.

The Board finds and concludes that the applicant has demonstrated that the subject property is particularly suitable for use as a two-family residence, which is a zoned-for purpose allowed in the Ordinance. In that regard the Board finds it to be advantageous for the subject property and also others in this immediate neighborhood and zone for the mixed useage of the building for commercial and residential purposes to be discontinued and now replaced with a two-family dwelling unit. The Board finds a two-family residence to be a better useage of the property overall, and a transitional useage to other residential uses in this immediate neighborhood and zone.

The Board finds and concludes that with the improvements that would be made to the property as part of the conversion to a two-family residential useage by the applicant, and with the elimination of the commercial useage from the property, which is a more intensive use of the property and one which has a greater need for comings and goings from the property which is located on a busy street where access to the property and parking is difficult, that this application should be approved. Further, the Board finds that the applicant's proposal to remove the existing curb cut for the property and to replace same with

ingress and egress to the property by virtue of a new driveway to be located on Windsor Avenue, which is a "quieter street", all cause the Board to conclude that not only will the physical work and conversion of the building that the applicant is to undertake be enhancing and a clear improvement to the property overall but also the change from mixed commercial and residential use to purely residential useage all cause the Board to conclude that this is a good useage and appropriate useage of the property overall that should be permitted by way of variance relief to the applicant in this case.

The Board finds and concludes that there would be only positive benefits and advantages to the applicant and for the subject property by the conversion to a two-family useage that the applicant is seeking in this case. The Board finds the pre-existing deficiencies and non-conformities of the property which relate to lot size and bulk requirements as a practical matter to be completely unaffected by the conversion proposed by the applicant in this case since the footprint of the building will not be increased. Further since impervious coverage will be reduced and other improvements undertaken at the property by the applicant which will cause and create only positive benefits and advantages to not only the subject property but for conditions in this immediate neighborhood as well.

The Board can find no negative impact nor measureable negative effect by virtue of the conversion which is requested in this case. In weighing positives and negatives the Board finds and concludes that the positive benefits and advantages arising by virtue of the conversion for the property clearly justify the variance relief requested by the applicant herein. The Board further finds and concludes that the conversion of this building from an existing mixed use structure into a two-family dwelling unit which is a permitted use under the current requirements of the Ordinance, even though requiring variance relief from the Board, is appropriate to permit and allow to the applicant consistent with the goals and purposes of the Land Development Ordinance and the Master Plan for the Town of Westfield. These measures are designed and intended to allow and permit suitable uses to be made to properties when the premises in question and the immediate neighborhood and other properties

in the zone would clearly benefit from such improvements. The applicant demonstrating to the Board in this case that the proposed useage of the building as a two-family dwelling unit, with the physical work that the applicant will do to improve the premises as discussed with the Board and made a part of the record in this case, and in accordance with the plans submitted to the Board detailing such work, all cause the Board to conclude that the variance relief requested by the applicant in this case is now appropriate for the Board to permit to the applicant as requested.

Based upon all of the above, the variance request of 466 West Board Street LLC from the requirements of Section 11.12E1B as to minimum lot area required for a two-family dwelling, 8,400 sq. ft. required, existing is 8,323 sq. ft., Sections 11.12E2B and 3B which require a minimum lot area of 8,400 sq. ft. for this property as measured within 120 ft., now existing at 7,772 sq. ft., and with the Ordinance requiring a minimum lot width and frontage of 70 ft. and the property having 58 ft. in this case, **BE AND HEREBY ARE ORDERED GRANTED AND APPROVED.** This Resolution and the applicant's further use of the property are subject to the following terms, conditions, and requirements:

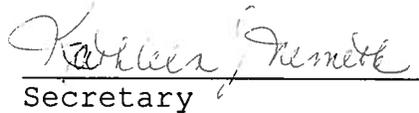
1. That the applicant is to obtain building permit prior to any work at the property in accordance with the rules, regulations, or requirements for the Town of Westfield; and
2. That prior to obtaining building permit the applicant is to pay any and all fees, deposits, escrows as necessary or required for the conversion of the mixed use structure into a two-family dwelling. This to include but not be limited to any required fee, payment, and/or escrow required under any Affordable Housing Ordinance or regulation for the Town of Westfield, or which may exist or be applicable by New Jersey State Statute or Regulation; and
3. As discussed with the applicant in this case, the driveway on the Osborne Avenue side of the property is to be moved back to 65 ft. from the intersection with

West Broad Street. The applicant is also to remove the asphalt paving area behind the building. The applicant is to cut back the concrete in front of the building facing Broad Street a distance of 2 ft. and to utilize this area for foundation plantings in accordance with a plan to be submitted for same, subject to the reasonable review and approval of the Town Engineer, the applicant is to also take out the existing sidewalk along Osborne Avenue side of the property and replace it with a new sidewalk subject to a plan for such work which is to be subject to the reasonable review and requirements of the Town Engineer. The plantings in front of the building, removal of the asphalt paving behind the building, the replacement of the sidewalk along Osborne Avenue are all required to be undertaken and completed by the applicant prior to the applicant receiving Certificate of Occupancy for either of the two dwelling units to now be approved at the subject property; and

4. The garage at the property and the parking spaces and the driveway in front of the garage are to at all times to be utilized only by the tenants and occupants of the subject property, and are not to be utilized by any other persons or parties whatsoever. There is to be no business useage of the garage whatsoever; and
5. The basement of the building is to be used for tenant storage only as represented to the Board by the applicant in this case and as stipulated by the applicant during these proceedings; and
6. There is to be no change in the useage of the building or premises from a two-dwelling unit residential property without the then owner of the property first applying for permission to undertake such change in useage from the Zoning Board of Adjustment for the Town of Westfield; and
7. There are to be no additions to the residence or garage, modifications or changes to the dwelling or

the garage, nor any other structure added to the premises, nor any other work or useage for the property undertaken by the then owner of the property beyond what is permitted in this Resolution at any time in the future without the then owner of the property first applying for permission to undertake such structure, modification, or other change in usage from the Zoning Board of Adjustment for the Town of Westfield.


Chairman


Secretary

Dated: January 9, 2012