

2/13/20
BOA
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BOA 20-20
TOWN OF WESTFIELD
APPLICATION

45 day
review 7/13/20
today decision
date 11/24/20

I. Identification:

This appeal is from (applicant's name) STUART MAXWELL

street address 519 Mountain Avenue telephone 732 567 2324

e-mail Stuart.maxwell@iff.com fax _____

for property in Westfield, NJ located at (street address) 519 Mountain Avenue

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 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

5/29/26

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

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.

There will be an addition at attic level for two bedrooms and a full bathroom. There will be an addition at second floor for an office and expansion of existing master bedroom. There will be a window seat box bay addition at second floor for bedroom #3. There will be a side portico addition at remodeled mudroom/ powder room area. There will be a new wider staircase installed to existing basement. There will be a new sunken patio and French door installed to access existing finished basement from exterior. The existing second floor will be remodeled to install a new staircase to attic level addition.

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

The increase in the building coverage is to install ingress/egress landings and steps to mudroom and existing basement and to increase Second floor for a home office. The increase in building coverage from existing is only 86 square feet. The proposed box bay window at second floor is to improve aesthetics of front elevation. The eave height variance is for a small dormer at attic for new bedroom which is the same size as existing second floor dormer below.

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 _____

Zone district RS-8 Block No. 1110 Lot No. 15

•Dimensions of lot 70' x 160' Area of lot 11,200 sq. ft.

•Use of premises present Single Family Dwelling
proposed Single Family Dwelling

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 _____ Telephone No. _____
Street address of Owner _____ 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.

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5/29/20

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]
Signature of Applicant (in the presence of a Notary)

Print Name: STUART MAXWELL

Address: 519 Mountain Avenue
Westfield NJ 07090

Sworn and Subscribed to before me this 20 day of May, 2020

[Signature]
Notary Public

EUGENE S. CERULLI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/26/2022

Home phone 732 567 2324
Business phone 732 329 5405

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 7/27/20

[Signature]
Signature

5/29/20

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:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
2.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
3.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
4.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
5.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
6.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	

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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: 12.03C, D, & E	Nature of Deficiency: Estimated front yard setback	
	Permitted: ^{49.7} 50.04'	Present: ^{53.04} 49.04'	Proposed: 47'-6"
2.	Section: 12.04F-1	Nature of Deficiency: Maximum building coverage	
	Permitted: 20.0%	Present: 20.91%	Proposed: 21.68%
3.	Section: 12.04F-2	Nature of Deficiency: Maximum building coverage w/ deck	
	Permitted: 22.0%	Present: 21.39%	Proposed: 22.16%
4.	Section: 12.04F-3	Nature of Deficiency: Max. bld'g. cov'g. w/ deck & porches	
	Permitted: 24.0%	Present: 24.94%	Proposed: 25.69%
5.	Section: 11.08 E-12	Nature of Deficiency: Maximum eave height	
	Permitted: 22'	Present: 17'-6"	Proposed: 24'-7"
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

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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: RS-8 APPLICANT: Stuart Maxwell STREET ADDRESS: 519 Mountain Avenue PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT		
				LOT No.	VARIANCE?*	LOT No.
11.08E-1	Minimum gross area	sq. ft.	8,000	11,200	No	
11.08E-2	Minimum area within first 134 ft. of depth	ft.	8,000	9,380	No	
11.08E-2	Minimum width	ft.	60	70	No	
11.08E-3	Minimum frontage	ft.	60	70	No	
11.08E-4	Minimum depth	ft.	120	160.03	No	
11.08E-5	Minimum front yard (per Sections 12.03C & D & E)	ft.	50.04	47'-6"	Yes	
11.08E-6	Minimum Sideyard	ft.	10	16.07	No	
11.08E-6	"	ft.	10	11.30	No	
11.08E-7	Minimum rear yard	ft.	35	57'-6"	No	
12.04F-1	Maximum building coverage (without deck)	%	20	21.68	Yes	
12.04F-2	Maximum building coverage (with deck)	%	22	22.16	Yes	
12.04E-1	Maximum FAR or total habitable floor area	%	32	30.65	No	
11.08E-8	Maximum building height	ft.	32	32	No	
12.04G-1	Maximum all improvements coverage	%	50	47.95	No	
11.08E-12	Other: Maximum eave height	Ft.	22	24'-8"	Yes	
11.08E-13	Other: Max. bld'g. mass @ zoning side yard	Ft.	25	24'-7"	No	
11.08E-14	Other: Minimum garage space	#	1	1	No	
12.04F-3	Other: Max. bld'g. cov'ge w/ deck w/ porches	%	24.0	25.69	Yes	
	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.

5/29/17

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, STUART MAXWELL, 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) 1110, 15

Street Address(es) 519 Mountain Avenue

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): _____

Stuart Maxwell
(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 20
day of May, 2020

Eugene S. Cerulli
Notary Public

EUGENE S. CERULLI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/26/2022

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[Delete](#)
[Previous](#)
[Next](#)
[Detail](#)
[Letter](#)
[Help](#)

Block: 1110 ... Notes Exist

Lot: 15

Qualifier:

Owner: MAXWELL, STUART & ZOE

Prop Loc: 519 MOUNTAIN AVE ... Account Id: 00001842 ... Tax Bill PTR Form Restricted Edit

General Assessed Value Additional Billing Deductions Balance All Charges Add/Omit Notes

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2020	2		4,003.09	.00	.00	
2020	1		4,603.09	.00	.00	
2020		Total	5,207.38	.00	.00	
2019	2		5,000.11	.00	.00	
2019	3		4,991.56	.00	.00	
2019	2		4,211.54	.00	.00	

Other Delinquent Balances: .00 Interest Date: 05/26/20 Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 05/21/2020

TOTAL TAX BALANCE DUE

Principal: .00 Penalty: .00

Misc. Charges: .00 Interest: .00 Total: .00

* Indicates Adjusted Billing in a Tax Quarter.

5/29/20

CERTIFICATION
TAXES PAID UP TO DATE
 NEXT TAX DUE 8/1/2020
 ANY QUESTIONS, CALL 908-789-4051


 TAX COLLECTOR

OWNER & ADDRESS REPORT

WESTFIELD

519 MOUNTAIN

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1109	1		2	BRENNAN, KRISTIAN & LIANA SPANO 508 BRADFORD AVE WESTFIELD, NJ 07090	508 BRADFORD AVE	
1109	2		2	PURDO, DEBEK & JEFFRIES, ERICA 512 BRADFORD AVE WESTFIELD, NJ 07090	512 BRADFORD AVE	
1109	3		2	RUSSO, MARK JR & FINK, EMILY 516 BRADFORD AVE WESTFIELD, NJ 07090	516 BRADFORD AVE	
1109	4		2	LAWRENCE, DANIEL C & JANET K 520 BRADFORD AVE WESTFIELD, N J 07090	520 BRADFORD AVE	
1109	5		2	BRAUN, ANDREW E & VANDERLAAN, C 526 BRADFORD AVE WESTFIELD, NJ 07090	526 BRADFORD AVE	
1110	3		2	DORMAN, PAULA 516 DUDLEY CT WESTFIELD, NJ 07090	516 DUDLEY CT	
1110	4		2	LEDDY, PATRICK & DEBORAH 520 DUDLEY COURT WESTFIELD, NJ 07090	520 DUDLEY CT	
1110	5		2	SAXON, MICHAEL & JILL 524 DUDLEY CT WESTFIELD, NJ 07090	524 DUDLEY CT	
1110	10		2	MARCUS, LEO & BATCHEV, RENEE E 531 BRADFORD AVE WESTFIELD, NJ 07090	531 BRADFORD AVE	
1110	11		2	MILLER, THOMAS B & SANELA P 527 BRADFORD AVE WESTFIELD, NJ 07090	527 BRADFORD AVE	
1110	12		2	FILIPKOWSKI, THOMAS & AMY 525 BRADFORD AVE WESTFIELD, N J 07090	525 BRADFORD AVE	
1110	13		2	SHEETS, STEVEN & DONNA 515 BRADFORD AVE WESTFIELD, NJ 07090	515 BRADFORD AVE	
1110	14		2	BAKER, JOHN C & KIMBERLY A 509 BRADFORD AVENUE WESTFIELD, NJ 07090	525 MOUNTAIN AVE	
1110	15		2	MAXWELL, STUART & ZOE 519 MOUNTAIN AVENUE WESTFIELD, NJ 07090	519 MOUNTAIN AVE	
1110	16		2	LOWERS, JENNIFER J & WINSTON 515 MOUNTAIN AVE WESTFIELD, NJ 07090	515 MOUNTAIN AVE	
1110	17		2	JAMES, MITCHELL & BARBARA - TRUST 509 MOUNTAIN AVE WESTFIELD, NJ 07090	509 MOUNTAIN AVE	
1110	18		2	PALCZAK, SZYMON & TERESA 503-505 MOUNTAIN AVE WESTFIELD, NJ 07090	503-505 MOUNTAIN AVE	
1110	19		2	RATHS, JOSEPH T & LISA A 437 DUDLEY AVE E WESTFIELD, NJ 07009	437 DUDLEY AVE E	
1203	1		2	MAIMON, OLGA 500 MOUNTAIN AVE WESTFIELD, NJ 07090	500 MOUNTAIN AVE	

OWNER & ADDRESS REPORT

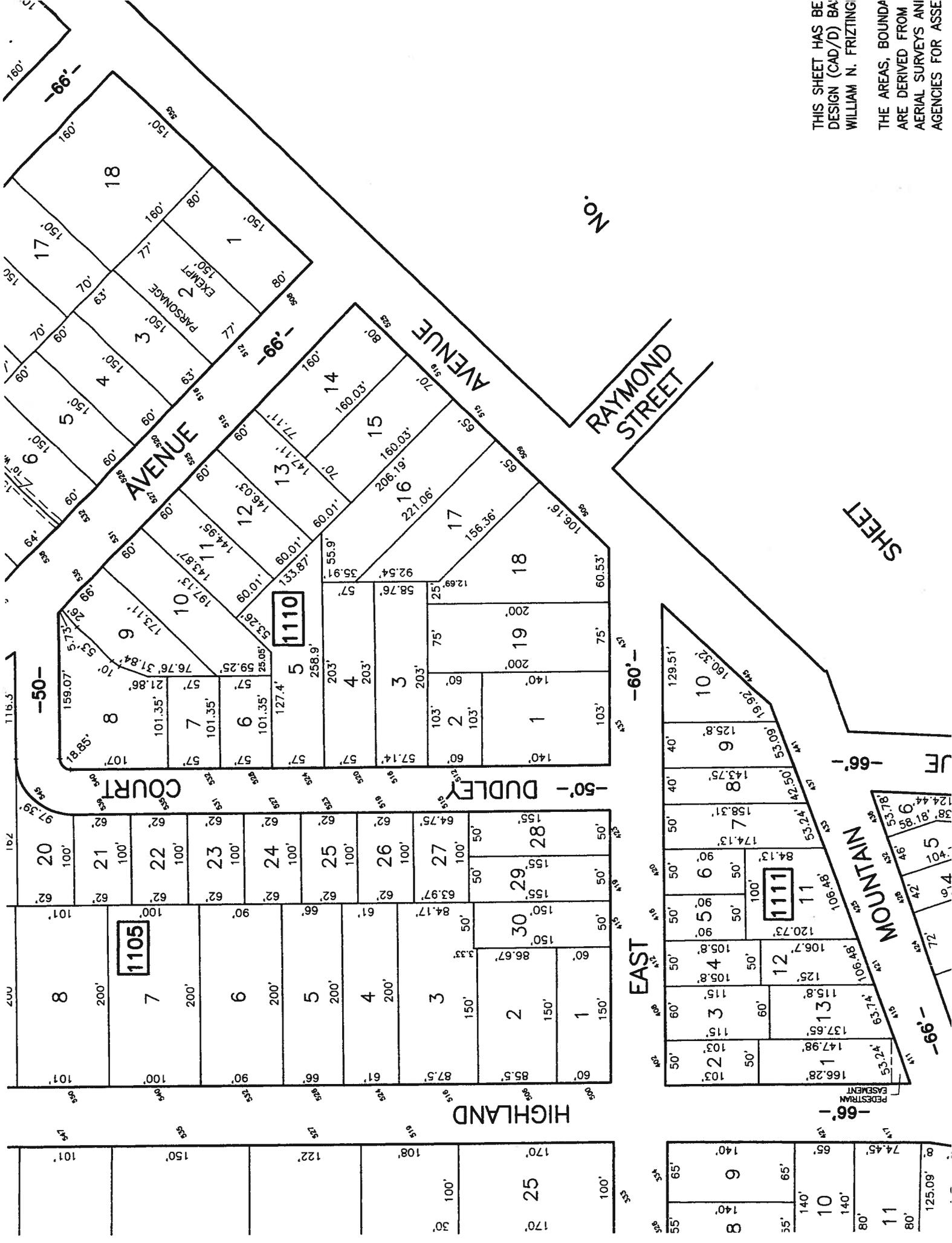
WESTFIELD

519 MOUNTAIN

06/04/20 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1203	2		2	ERASMUS, AMY 504 MOUNTAIN AVE WESTFIELD, NJ 07090	504 MOUNTAIN AVE	
1203	3		2	EDELSTEIN, BRAD A & ROBIN 510 MOUNTAIN AVE WESTFIELD, NJ 07090	510 MOUNTAIN AVE	
1203	4		2	DEACON, KEVIN ROSS & ANNA 514 MOUNTAIN AVE WESTFIELD, NJ 07090	514 MOUNTAIN AVE	
1203	5		2	JUDY GORDON MENTLIK LIVING TRUST 520 MOUNTAIN AVE WESTFIELD, NJ 07090	520 MOUNTAIN AVE	
1203	6		2	PINCUS, MITCHELL & JAN FINE 526 MOUNTAIN AVE WESTFIELD, NJ 07090	526 MOUNTAIN AVE	
1203	7		2	SALZMAN, JOSHUA & JAMIE 530 MOUNTAINS AVENUE WESTFIELD, NJ 07090	530 MOUNTAIN AVE	
1208	6		2	MARTINEZ, FERNANDO A & MARIA T 472 MOUNTAIN AVE WESTFIELD, NJ 07090	472 MOUNTAIN AVE	

THIS SHEET HAS BE
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 WILLIAM N. FRITZING
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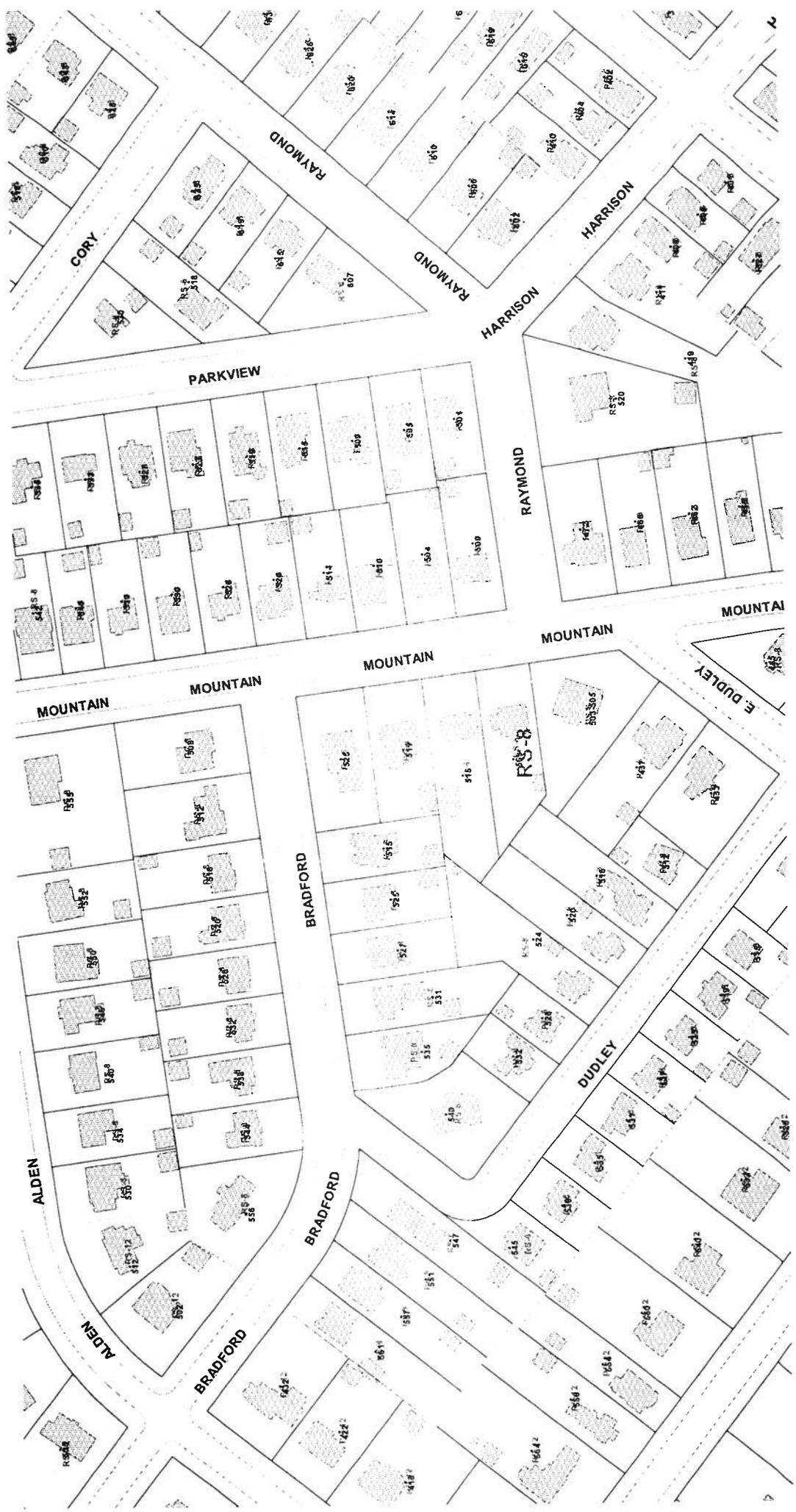
MOUNTAIN AVENUE

HIGHLAND AVENUE

COURT

AVENUE

RAYMOND STREET



**APPEAL OF John C. and Kimberly Baker
519 Mountain Avenue**

At the meeting of the Board of Adjustment held on September 9, 2002, 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 applicants appeared to present their case directly to the Board. It was noted that the applicants are seeking permission to erect a garage at their property which is contrary to the requirements of Sections 12.04 F 1 and 13.01 11 of the Land Use Ordinance. The proposed construction of the applicant would create maximum building coverage of 21.5 percent of the Lot as the Ordinance restricts building coverage to 20 percent. Also, the height of the garage with a cupola proposed is 16 feet 9 inches whereas the Ordinance allows only a 15 foot high garage.

2. The Board expressed its familiarity with the subject property and the location of all improvements now located on same. The Board Chairman noted that the applicant has a covered porch which is approximately 4.4 percent of lot coverage (493 sq. feet). In accordance with established coverage, credit and/or coverage reduction considerations now pending in the Zoning Ordinance Revision and in accordance with the established practice of the Board as to this design feature of homes, it was felt that the applicants were entitled to some sort of reasonable relief as to the coverage aspect of this case.

3. The Board noted with the applicant its concern about the height of the garage as proposed. The Board felt that the height of the garage had to be rigorously enforced due to the possibility (on this property and elsewhere) of creating an undesirable visual effect and/or misuse of the structure in the future. The applicant agreed to remove the cupola from the plans and this requested Variance was deleted from the case.

4. After the cupola was deleted from the case, the Board addressed the merits of this case which involved a small increase in building coverage proposed. The Board felt that the garage to be constructed was in fact appropriate for the property and needed for the continued effective use of the property as a single family residence. The coverage credit as a result of the porch at the property (covered porch) was felt to be a situation in accordance with established custom and practice of the Board and pending Ordinance Revisions in the Town of Westfield for which the

applicant was entitled for reasonable coverage increase for the balance of structures at the premises. The Board felt and concluded that the proposed garage was not an overuse of the site.

5. 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's home with present dimensions (including covered porch) constitutes practical difficulties and hardship in the continued effective use of the property as a single family residence. The Board finds and concludes that the garage to be built by the applicant as sought in this case is not an overuse of the property. The Board further finds and concludes that the garage is reasonably related to the continued effective use of the property as a single family residence which is consistent with the Zoning Ordinance and the Master Plan for the Town of Westfield. Therefore reasonable Variance Relief should be allowed and permitted to the applicant as sought in this case.

The Board finds and concludes that there would be considerable benefits and advantages to the applicant through the grant of Variance sought in this case and no negative impact whatsoever could be expected or anticipated for neighboring properties or others in the area in which the applicant's property is located.

The Board therefore finds and concludes based upon all of the above and the applicant's agreement to remove the cupola from the proposed garage so that the only Variance sought in this case is for coverage is a Variance request that is reasonable and appropriate. Therefore the Board HEREBY GRANTS to John C. and Kimberly Baker a Variance from the requirements of Section 12.04 F 1 of the Land Use Ordinance to permit the construction of a garage at the property which will increase building coverage to 21.5 percent rather than the ordinance maximum of 20 percent. This approval is subject to the plans and testimony before the Board in this case and again subject to the applicant's agreement to restrict the height of the garage proposed to the Ordinance Requirements of 15 feet or less and to have the garage constructed without a cupola as stipulated and agreed by the applicant in this case.

Also, subject to the applicant undertaking the construction of the garage consistent with the existing building materials and aesthetics of the home and for the applicant to obtain building permit prior to any work at the site in accordance with the requirements for the Town of Westfield.

Arceat Wild
Chairman

Colleen Mayer
Secretary

Dated: October 21, 2002

