

7/13/20
45 day
review
120 day
decision
date w/ 12/5/20

BOA 20-22
TOWN OF WESTFIELD
APPLICATION

45 day
review 7/13/20
120 day
decision
date w/ 12/5/20

I. Identification:

This appeal is from (applicant's name) Lisa and Peter Vieites

street address 723 Clark St telephone 908 654 0878

e-mail Lisacvieites@msn.com fax _____

for property in Westfield, NJ located at (street address) 723 CLARK STREET

II. To: (check one)

Planning Board

Board of Adjustment

Board Secretary: 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

Procedures

*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

*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

Conceptual Site
Plans & Subdivisions

9.04

8.07

Minor Site Plan

9.02, 9.03, 9.08

8.06, 8.08, 8.13, 8.14, 8.23

*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

Final Major Site Plan

9.02, 9.03, 9.10

8.06, 8.11

Minor Subdivision

9.02, 9.03, 9.05

8.01, 8.06, 8.09, 8.13,
8.14, 8.23

*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

Final Major Subdivision

9.02, 9.03, 9.07

8.06, 8.11

**Conditional Use

9.02, 9.03

4.04, 8.06, 8.13, 8.14

*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

*Structure on lot not abutting street

7.01F2

4.04, 7.01F, 8.04,
8.06, 8.13, 8.14

*Board of Adjustment "a" appeal/
administrative officer error

7.02B2 & 3

7.02A & B, 8.04, 8.06, 8.13, 8.14

*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

Residential cluster

9.02, 9.03, 9.06, 8.12, 11.03F

8.13, 8.14

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*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 A FRONT PORCH ADDITION. THERE WILL BE A THIRD FLOOR ADDITION TO ADD TWO BEDROOMS AND A BATH. THE EXISTING SECOND FLOOR WILL BE RENOVATED TO ADD A NEW STAIRCASE TO THIRD FLOOR ADDITION.

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

THE EXISTING ENTRY FOYER WILL BE DEMOLISHED TO MAKE ROOM FOR A SMALLER DEPTH FRONT PORCH ADDITION. THE SITTING SIZED PORCH WILL ONLY EXTEND 5'3" INTO FRONT YARD SETBACK. THE THIRD FLOOR ADDITION WILL BE DESIGNED TO APPEAR AS A HALF STORY WITH FORMERS. THE SIDE YARD SETBACK VARIANCE IS AN EXISTING NON-CONFORMANCE.

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 723 CLARK STREET
Zone district RS-6 Block No. 707 Lot No. 38

• Dimensions of lot 52.5' x 221' Area of lot 11,603 sq. ft.

• Use of premises present SINGLE FAMILY RESIDENCE
proposed SINGLE FAMILY RESIDENCE

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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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)

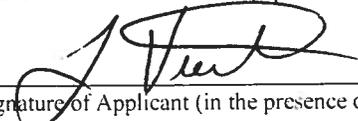
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

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: Lisa Carletta-Vierck

Address: 723 Clark St
Westfield NJ 07090

Home phone 908 654 0878

Business phone 917 715 1896

} Notarize

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


Notary Public

NEAL AUMAN
Notary Public of New Jersey
ID #2165766
Commission Expires May 25, 2024

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

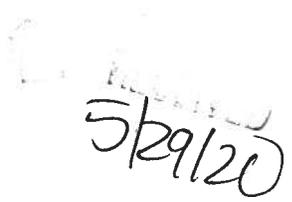
Signature

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 8/7/20 Linda Jacey
Signature



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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:

X

TOWN OF WESTFIELD

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

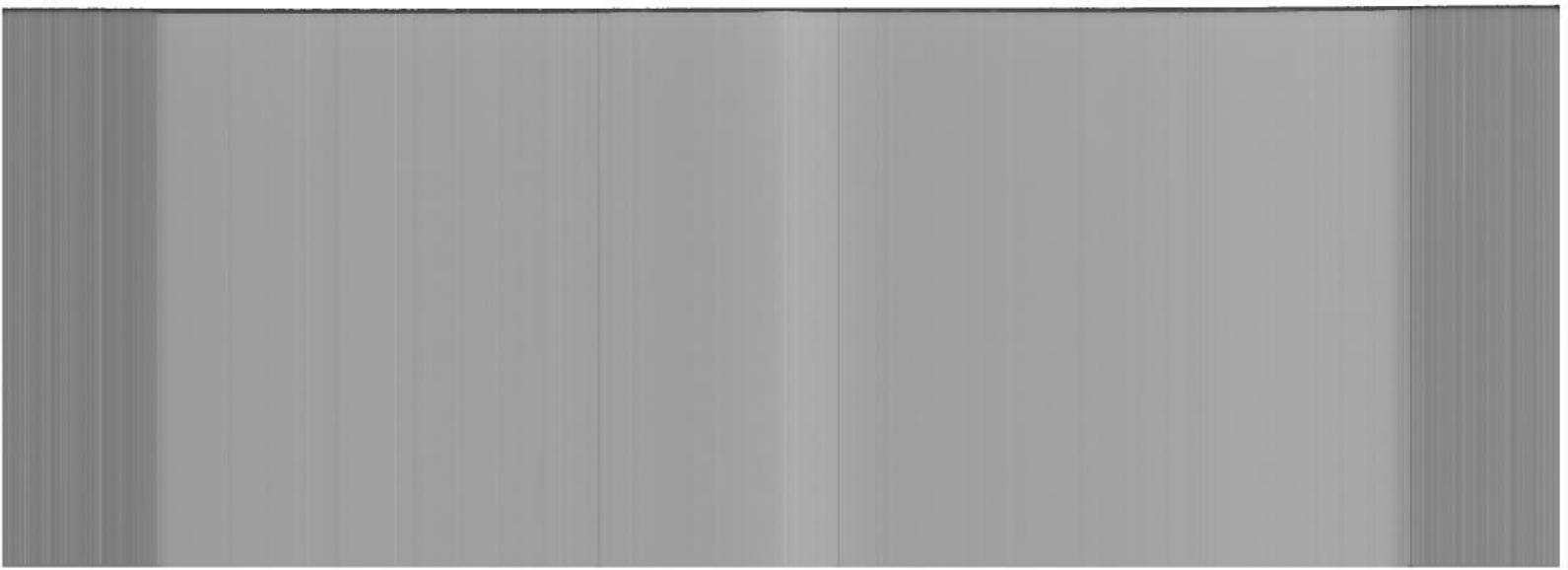
SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

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: <u>11.09E-5</u>	Nature of Deficiency: <u>MINIMUM FRONT YARD SETBACK</u>
	Permitted: <u>43.93</u>	Present: <u>41.14'</u> Proposed: <u>38.59'</u>
2.	Section: <u>11.09E-6</u>	Nature of Deficiency: <u>MINIMUM SIDE YARD SETBACK</u>
	Permitted: <u>10'</u>	Present: <u>9.44'</u> Proposed: <u>9.44'</u>
3.	Section: <u>11.09E-8</u>	Nature of Deficiency: <u>MAXIMUM NUMBER OF STORIES</u>
	Permitted: <u>2 1/2</u>	Present: <u>2</u> Proposed: <u>3</u>
4.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
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:

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

5/20/20

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: _____ APPLICANT: _____ STREET ADDRESS: _____ PROPOSED _____

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT		
				LOT No.	VARIANCE?*	LOT No.
11.09E-1	Minimum gross area	sq. ft.	6,000	11,603	NO	
11.09E-2	Minimum area within first 120 ft. of depth	ft.	6,000	6,300	NO	
11.09E-2	Minimum width	ft.	50	52.5	NO	
11.09E-3	Minimum frontage	ft.	50	52.5	NO	
11.09E-4	Minimum depth	ft.	120	221	NO	
11.09E-5	Minimum front yard (per Sections 12.03C & D & E)	ft.	43.93	38.59	YES	
11.09E-6	Minimum Sideyard	ft.	10	9.44	YES	
11.09E-6	"	ft.	10	4.83	EXIST.	
11.09E-7	Minimum rear yard	ft.	35	131	NO	
12.04F-1	Maximum building coverage (without deck)	%	20	13.97	NO	
12.04F-2	Maximum building coverage (with deck)	%	22	—	—	
12.04E-1	Maximum FAR or total habitable floor area	%	32	21.18	NO	
11.09E-8	Maximum building height	ft.	32	31	NO	
12.04G-1	Maximum all improvements coverage	%	50	41.91 ^A	NO	
11.09E-12	Other: MAXIMUM EAVE HEIGHT		22	18.69	NO	
11.09E-13	Other: MAX. SLOPE MASSIVE SIDE YD.		25	17	NO	
11.09E-14	Other: MINIMUM GARAGE SPACE		2 1/2	1	NO	
11.09E-8	Other: MAX. NO. OF STORIES		2 1/2	3	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.

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

notarize

AFFIDAVIT OF OWNERSHIP

I, Lisa Carletta-Vieites, 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) 707, 38

Street Address(es) 723 CLARK STREET

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]
(Signature of Owner/Officer of Owner)

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

[Signature]
Notary Public

NEAL AUMAN
Notary Public of New Jersey
ID #2165766
Commission Expires May 25, 2024

5/29/20

Notes Exist

Block: 707

Lot: 38

Qualifier:

Owner: VIEITES, PETER & LISA CARLETTA

Prop Loc: 723 CLARK ST Account Id: 00000975 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		4,069.95	4,069.95	.00	4,069.95
2020	1		4,069.95	.00	.00	.00
2020		Total	8,139.90	4,069.95	.00	4,069.95
2019	4		3,016.04	.00	.00	.00
2019	3		3,608.48	.00	.00	.00
2019	2		4,527.64	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 04/22/20 Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 02/07/2020

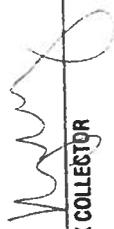
TOTAL TAX BALANCE DUE

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

5/29/20

OWNER & ADDRESS REPORT

WESTFIELD

723 CLARK ST

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
707	1		2	SMITH, JAMES W & ROSARIA 706 EMBREE CRESCENT WESTFIELD, NJ 07090	706 EMBREE CRESCENT	
707	2		2	RIOS, JOSE & DONNA VALLARIO 712 EMBREE CRESC WESTFIELD, NJ 07090	712 EMBREE CRESCENT	
707	3		2	GRANSTRAND, NEIL - ST DIZIER, SUZANNE 716 EMBREE CRESC WESTFIELD, N J 07090	716 EMBREE CRESCENT	
707	4		2	GRAFFIGNA, LORRAINE 720 EMBREE CRESC WESTFIELD, N J 07090	720 EMBREE CRESCENT	
707	5		2	FINVER, JAMES & SHERI 726 EMBREE CRESC WESTFIELD, NJ 07090	726 EMBREE CRESCENT	
707	6		2	SOLOMON, RICHARD & AMY SEID 728 EMBREE CRESC WESTFIELD, NJ 07090	728 EMBREE CRESCENT	
707	7		2	GAMBRINO, CLAIR M & JOHN 732 EMBREE CRESC WESTFIELD, NJ 07090	732 EMBREE CRESCENT	
707	34		2	DI NUNZIO, MARK ANTHONY & JULIE ANN 751 CLARK ST WESTFIELD, NJ 07090	751 CLARK ST	
707	35		2	ASWAD, MICHAEL E & CATHERINA M 741 CLARK ST WESTFIELD, NJ 07090	741 CLARK ST	
707	36		2	SAUTNER, EUGENE K & MARYJANE 735 CLARK ST WESTFIELD, NJ 07090	735 CLARK ST	
707	37		2	WICKS, KENNETH - WENK, CAROL 731 CLARK ST WESTFIELD, N J 07090	731 CLARK ST	
707	38		2	VIEITES, PETER & LISA CARLETTA 723 CLARK ST WESTFIELD, NJ 07090	723 CLARK ST	
707	39		2	CARROLL, DANIEL & EILEEN 721 CLARK ST WESTFIELD, NJ 07090	721 CLARK ST	
707	40		2	TOGLIA, MATTHEW & ELSA 717 CLARK ST WESTFIELD, NJ 07090	717 CLARK ST	
707	41		2	KURSTEDT, DAVID J & ROSANNE L 715 CLARK ST WESTFIELD, NJ 07090	715 CLARK ST	
707	42		2	COVINGTON, HUGH R & ARLYN 709 CLARK ST WESTFIELD, N J 07090	709 CLARK ST	
707	44		2	RICH, THOMAS M & NANCY C 116 EAGLECROFT RD WESTFIELD, N J 07090	116 EAGLECROFT RD	
707	45		2	REITZ, SUSAN DALY 122 EAGLECROFT RD WESTFIELD, N J 07090	122 EAGLECROFT RD	
707	46		2	RANALDO, PAUL & BARBARA 126 EAGLECROFT RD WESTFIELD, N J 07090	126 EAGLECROFT RD	

OWNER & ADDRESS REPORT

WESTFIELD

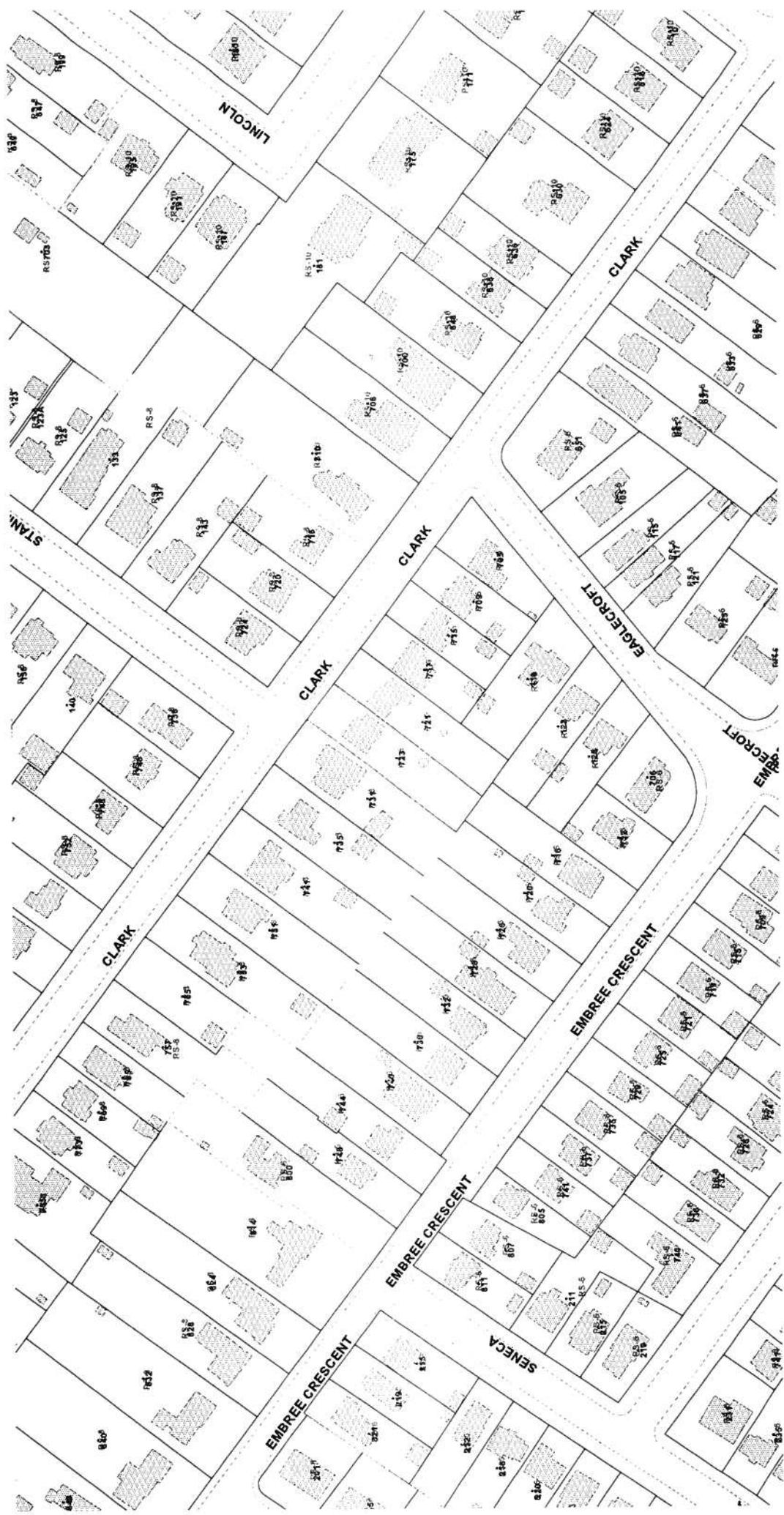
723 CLARK ST

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BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
709	1		2	HUNSINGER, CRAIG & KRISTINE 150 STANMORE PL WESTFIELD, NJ 07090	736 CLARK ST	
709	2		2	HOOVER, KENNETH K 746 CLARK ST WESTFIELD, N J 07090	746 CLARK ST	
1001	1		2	SCHUSTER, JAY S & LEVY, D LOUISE 724 CLARK ST WESTFIELD, NJ 07090	724 CLARK ST	
1001	33.01		2	REDDEN, KEVIN F 710 CLARK ST WESTFIELD, NJ 07090	710 CLARK ST	
1001	34		2	JOHNSON, JAMES P & CAROLYN B 716 CLARK ST WESTFIELD, N J 07090	716 CLARK ST	
1001	35		2	RODGERS, LORRAINE 720 CLARK ST WESTFIELD, NJ 07090	720 CLARK ST	



THIS SHEET
9/15/12, A



APPEAL OF PETER AND LISA VIEITES
723 Clark Street

At the meeting of the Zoning Board of Adjustment which was held and took place on October 15, 2007, 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 this case directly to the Board. It is noted that the applicants seek permission to construct a one story addition to the rear of the house which is used as a single family residence. The applicants also propose a second floor addition over the existing garage, with a front foyer enclosure also to be added. This proposed construction and usage is contrary to the requirements of Sections 11.09E6 and 12.03D of the Land Use Ordinance. The Ordinance requires a side yard setback of 10 ft. for this property, present and proposed is a setback of 5 ft. The Ordinance also requires a front yard setback of 41.68 ft. (Estimated Front Yard Depth) and in this case the front yard setback is proposed at 41.16 ft.
2. The applicants explained the extent of the construction proposed in relationship to the house as now exists.
3. The applicants pointed out that the rear yard addition was "consistent with the existing setback and would not increase the present non-conformity regarding this part of the property". The applicants stated that they had undertaken in the proposed addition in the rear to be as minimal as possible.
4. The applicants then explained the front yard variance that was needed for the "foyer enclosure". The applicants stated that since they had purchased the house in the year 2004 they had noticed the need for these improvements. The Board discussed with the applicants the existing open front porch in relationship to the proposed construction of the foyer enclosure. The applicants explained the floor plan and circulation of the first floor of the home which in their opinion made it necessary for some sort of shelter and protection to be added such as now was being proposed with

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.

Vincent Wild
Chairman

Colleen Mayer
Secretary

Dated: October 21, 2002

