

~~PAID~~  
~~FILED~~  
~~NO~~  
~~NO~~

**BOA 20-27**  
**TOWN OF WESTFIELD**  
**APPLICATION**

45 day  
review 8/15/20  
20 day decision  
date is 12/15/20

**I. Identification:**

This appeal is from (applicant's name) Jane & John Fietkiewicz  
street address 806 Harding St telephone 908-403-2117  
e-mail fitzgo@comcast.net fax \_\_\_\_\_  
for property in Westfield, NJ located at (street address) 806 Harding St

**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

Procedures

<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

RECEIVED  
7/1/20

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

**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.

See attached

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

see attached

**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 806 Harding St Westfield  
Zone district RS-6 Block No. 3402 Lot No. 13

•Dimensions of lot 51.5' x 170' Area of lot ~~8755~~ 8755 sq. ft.

•Use of premises present residence  
proposed 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 Jane/John Fietkiewicz Telephone No. 908-403-2117 (Jane)  
Street address of Owner 806 Harding St 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.

   
7/1/20

**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 N/A 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.

Jane M. Fietkiewicz  
Signature of Applicant (in the presence of a Notary)

Print Name: Jane M. Fietkiewicz

Address: 806 Harding St  
Westfield NJ

Home phone 908-233-7851

Business phone 908-403-2117

Sworn and Subscribed to  
before me this 29th  
day of JUNE, 2020

John M. Fietkiewicz  
~~Notary Public~~  
Attorney-at-Law  
State 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  Yes If yes, attach copies of resolution(s)

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

Application accepted as complete on 8/7/20 [Signature]  
Signature

7/11/20

**IV. Application Description:**

BRIEFLY DESCRIBE THE NATURE AND SCOPE OF THIS APPLICATION, INCLUDING PROPOSED USES AND IMPROVEMENTS.

Our deck is 31 years old; one portion existed when we bought the house in 1984 (and was not 'new' at that time). Every few years, we have had a contractor inspect the deck for safety. This year, the contractor inspecting the deck advised us that the older portion of the deck was unsafe and should be used cautiously. Thus, we would like to rebuild the deck, and to expand it to make it more usable for our family. SEE ALSO THE STATEMENTS IN V.

**V. Reason:**

BRIEFLY SUMMARIZE THE REASONS WHY YOU THINK THIS APPEAL SHOULD BE GRANTED.

In 1989, we resurfaced the older portion of the existing deck (the left side when viewed from the back of our property) and replaced the railing as part of an addition to our kitchen. During that construction project, the contractor added a new portion of the deck to adjoin the old portion (the right side when viewed from the back of our property). However, when the contractor designed the new deck, he did so leaving us with an awkward angle between the old and the new, as well as sub-optimal useable deck space. Moreover, after the deck was constructed, he installed a bay window, which was not part of the original design, that significantly cut into the usable deck space on the newer portion of the deck.

Now that we have to rebuild the deck, we would like to make it more user friendly for our family. Our plan is to cut out the angle, extend the deck 3 feet, and make the deck more symmetrical. As the Board recognized when it granted us a variance in 1989, a patio is not feasible given the nature of our property. Our property slopes significantly from the front to the back (therefore the higher elevation on the deck), making it difficult to use our backyard for sitting or entertaining. Almost all of our outdoor sitting and entertaining is done on the deck.

The additional deck space will be only approximately 150-160 square feet, which by our calculation would bring our lot coverage to approximately 21%. This will be consistent with the character of our neighborhood. First, our yard is very deep, and we would still have approximately 80 feet from the back boundary of our property to the proposed deck. (See the survey and attached pictures.) Thus, there will be significant yard space between our deck and our neighbors to the rear. Second, the additions that have been done on the properties next door and in our neighborhood exceed the length to which our proposed deck will extend. Thus, the minimal additional depth of our deck would be at least consistent with the additions and new construction that has been approved on our block and surrounding blocks, and will not have any negative impact on our neighbors.

We thus respectfully request that the Board allow us to make these additions to our deck.

RECEIVED  
7/1/20

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: <i>11.09.E.6</i>	Nature of Deficiency: <i>Minimum Side Yard Setback</i>	
	Permitted: <i>10'</i>	Present: <del>10'</del> <i>5.7'</i>	Proposed: <del>10'</del> <i>5.7'</i>
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:

*7/1/20*

**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: 12.04.F.1	Nature of Deficiency: Maximum coverage by above grade structures	
	Permitted: 20%	Present: —	Proposed: 20%
2.	Section: 11.09.E.6	Nature of Deficiency: Min. side yard	
	Permitted: 10'	Present: 5.7'	Proposed: 5.7'
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:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

TOWN OF WESTFIELD  
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Jane + John Fietkiewicz, 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) 3402 13

Street Address(es) 806 Harding St

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): \_\_\_\_\_

Jane M Fietkiewicz  
(Signature of Owner/Officer of Owner)

Sworn and subscribed to  
before me on this 29th  
day of JUNE, 2020

John M. Fietkiewicz  
Notary Public  
attorney-at-law  
State of New Jersey

RECEIVED  
7/1/20

# Westfield, New Jersey



<b>Block/Lot/Qual:</b> 3402. 13.	<b>Tax Account Id:</b> 5548
<b>Property Location:</b> 806 HARDING ST	<b>Property Class:</b> 2 - Residential
<b>Owner Name/Address:</b> FIETKIEWICZ, JOHN & JANE 806 HARDING ST WESTFIELD, N J 07090	<b>Land Value:</b> 499,700
	<b>Improvement Value:</b> 191,000
	<b>Exempt Value:</b> 0
	<b>Total Assessed Value:</b> 690,700
<b>Special Taxing Districts:</b>	<b>Additional Lots:</b> None
	<b>Deductions:</b>

Taxes **Utilities**

<a href="#">Make a Payment</a>		<a href="#">View Tax Rates</a>		<a href="#">View Current Bill</a>		<a href="#">Project Interest</a>	
Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	3,712.52	0.00	0.00	0.00	PAID
2020	05/01/2020	Tax	3,712.51	0.00	0.00	0.00	PAID
2020	08/01/2020	Tax	3,757.41	3,757.41	0.00	3,757.41	OPEN
Total 2020			11,182.44	3,757.41	0.00	3,757.41	
2019	02/01/2019	Tax	3,993.07	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	3,993.06	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	3,428.51	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	3,435.41	0.00	0.00	0.00	PAID
Total 2019			14,850.05	0.00	0.00	0.00	
2018	02/01/2018	Tax	3,971.16	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	3,971.16	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	4,014.97	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	4,014.96	0.00	0.00	0.00	PAID
Total 2018			15,972.25	0.00	0.00	0.00	
Last Payment: 04/15/20							

[Return to Home](#)

RECEIVED  
7/1/20

**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-6      APPLICANT: Jane + John Fletkiewicz      STREET ADDRESS: 806 Harding St      PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT		
				LOT No.	VARIANCE?*	LOT No.
	Minimum gross area	sq. ft.	6,000	NO		
	Minimum area within first ft. of depth	ft.				
	Minimum width	ft.	50'	NO		
	Minimum frontage	ft.	50'	NO		
	Minimum depth	ft.	120'	NO		
	Minimum front yard (per Sections 12.03C & D & E)	ft.	40'	NO		
	Minimum Sideyard	ft.	10'	YES		
	"	ft.				
	Minimum rear yard	ft.	35'	NO		
	Maximum building coverage (without deck)	%	20%	YES		
	Maximum building coverage (with deck)	%	22%	NO		
	Maximum FAR or total habitable floor area	%	37%	NO		
	Maximum building height	ft.	32'	NO		
	Maximum all improvements coverage	%	50%	NO		
	Other:					
	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.

## OWNER &amp; ADDRESS REPORT

WESTFIELD

806 HARDING ST

07/14/20 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3401	5		2	FALVEY, ANNE 823 HARDING ST WESTFIELD, NJ 07090	823 HARDING ST	
3401	6		2	WEHLE, THOMAS & LORENA 817 HARDING ST WESTFIELD, NJ 07090	817 HARDING ST	
3401	7		2	TAKONIS, VIRGINIA 815 HARDING ST WESTFIELD, N J 07090	815 HARDING ST	
3401	8		2	CAHILL, JAMES G & CAREY E 809 HARDING ST WESTFIELD, NJ 07090	809 HARDING ST	
3401	9		2	FLAHERTY, JOHN & JANET 805 HARDING ST WESTFIELD, N J 07090	805 HARDING ST	
3401	10		2	RUSH, JEFFREY R & DOLCIMASCOLO, P 801 HARDING ST WESTFIELD, NJ 07090	801 HARDING ST	
3402	5		2	PFEIFER, JUSTIN & SUSAN A 823 COOLIDGE ST WESTFIELD, NJ 07090	823 COOLIDGE ST	
3402	6		2	BOWE, MICHELLE K 819 COOLIDGE ST WESTFIELD, NJ 07090	819 COOLIDGE ST	
3402	7		2	PARK, SANGHYUN & CHOI, JUNG AH 815 COOLIDGE ST WESTFIELD, NJ 07090	815 COOLIDGE ST	
3402	8		2	AMIN, SAMIUL & KARIM, SADAF 811 COOLIDGE ST WESTFIELD, NJ 07090	811 COOLIDGE ST	
3402	9		2	HYLAND, T G & QUINN, F M 421 WELLS ST WESTFIELD, N J 07090	421 WELLS ST	
3402	10		2	WESTFIELD LUXURY HOMES LLC 118 CLIFTON ST WESTFIELD, NJ 07090	415 WELLS ST	
3402	11		2	ORSINI, JOHN & MICHELE 411 WELLS ST WESTFIELD, NJ 07090	411 WELLS ST	
3402	12		2	KAPLAN, MICHAEL J & GRISEL A 800 HARDING ST WESTFIELD, NJ 07090	800 HARDING ST	
3402	13		2	FIETKIEWICZ, JOHN & JANE 806 HARDING ST WESTFIELD, N J 07090	806 HARDING ST	
3402	14		2	GREEN, DEYVID & ROSSINI, JENNIFER 810 HARDING ST WESTFIELD, NJ 07090	810 HARDING ST	
3402	15		2	KENNEDY, KEVIN & MEREDITH 814 HARDING ST WESTFIELD, NJ 07090	814 HARDING ST	
3402	16		2	SANISLOW, ROBERT & JUDITH 818 HARDING ST WESTFIELD, N J 07090	818 HARDING ST	
3402	17		2	MORANO, JAMES & JESSICA SPRING- 822 HARDING ST WESTFIELD, NJ 07090	822 HARDING ST	

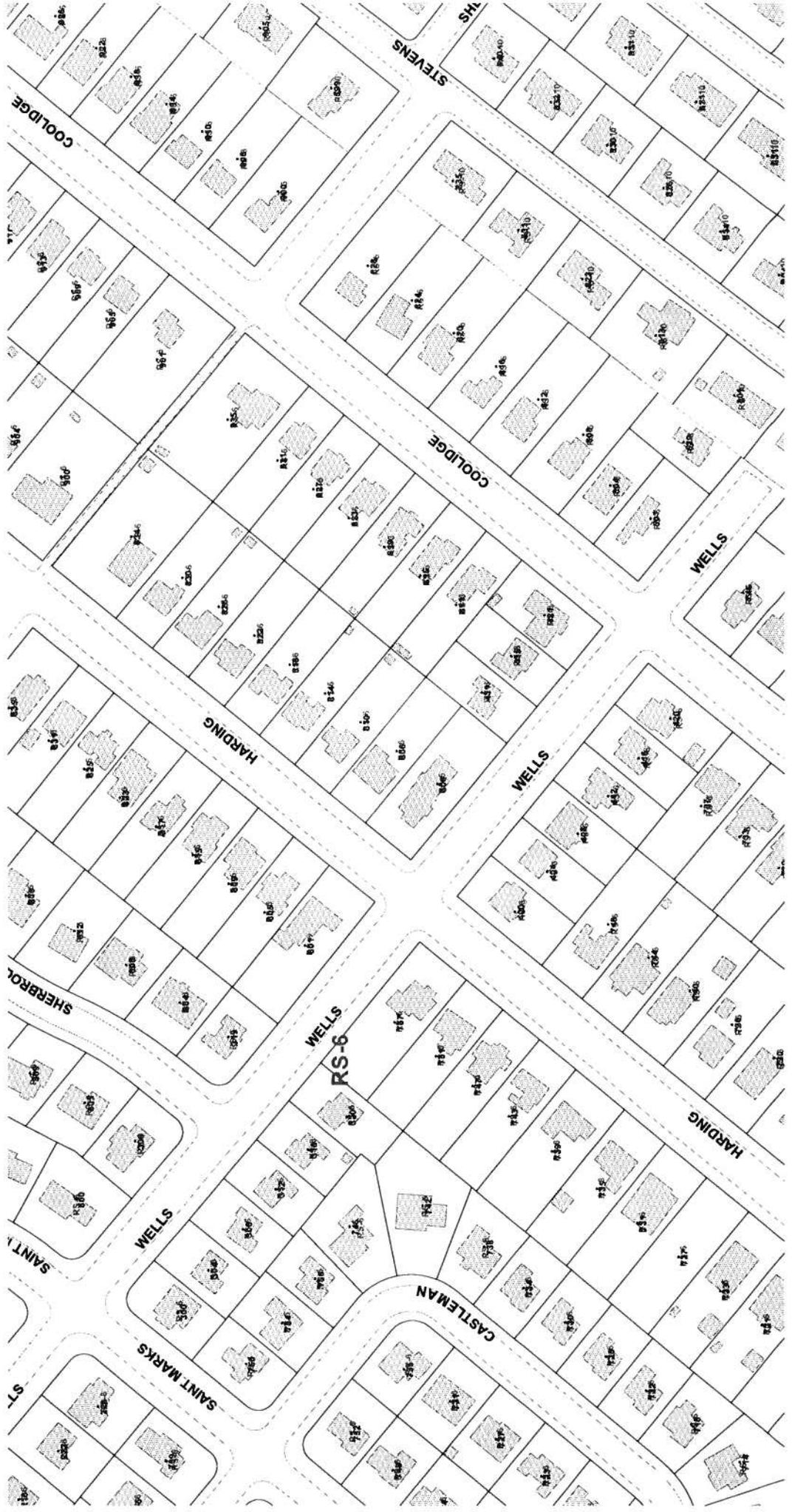
OWNER & ADDRESS REPORT

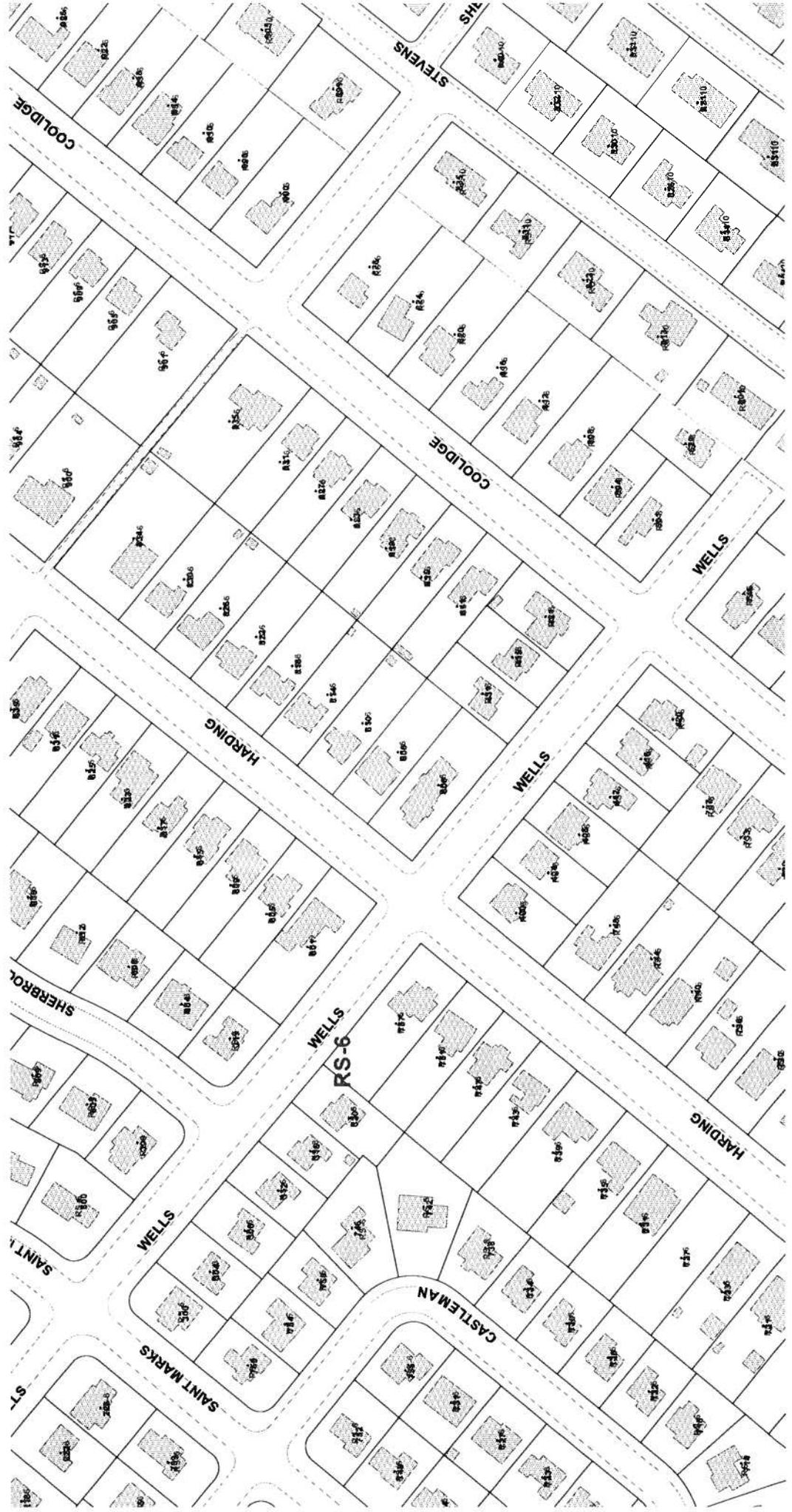
WESTFIELD

806 HARDING ST

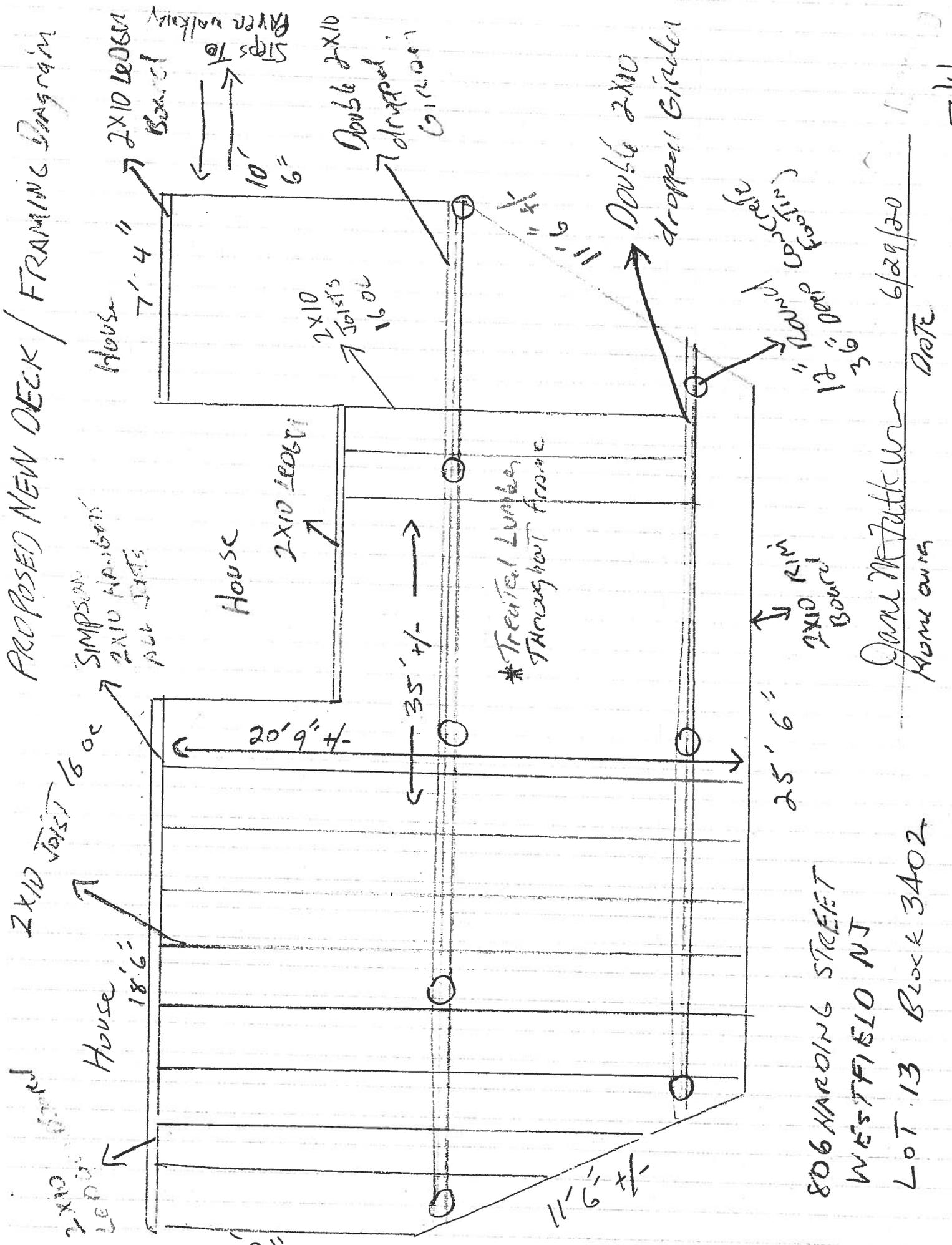
07/14/20 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3410	1		2	MAYS, LAUREN M & ALEXIS TICE 400 WELLS ST WESTFIELD, NJ 07090	400 WELLS ST	
3410	2		2	BACHMAN, DOROTHY J, EST OF 404 WELLS ST WESTFIELD, NJ 07090	404 WELLS ST	
3410	3		2	O'BRIEN, KEVIN & MARISA 408 WELLS ST WESTFIELD, NJ 07090	408 WELLS ST	
3410	4		2	MINKEN, ARON & WEISS, NANCY I 412 WELLS STREET WESTFIELD, NJ 07090	412 WELLS ST	
3410	5		2	O'BOYLE, JAMES C & DOREEN 416 WELLS ST WESTFIELD, N J 07090	416 WELLS ST	
3410	6		2	ENTMAN, BRIAN K 420 WELLS ST WESTFIELD, NJ 07090	420 WELLS ST	
3411	7.01		2	CHEEK, DAVID M & PATRICIA M 757 HARDING ST WESTFIELD, N J 07090	757 HARDING ST	





# PROPOSED NEW DECK / FRAMING DIAGRAM



806 HARDING STREET  
 WESTFIELD NJ  
 LOT 13 Block 3A02

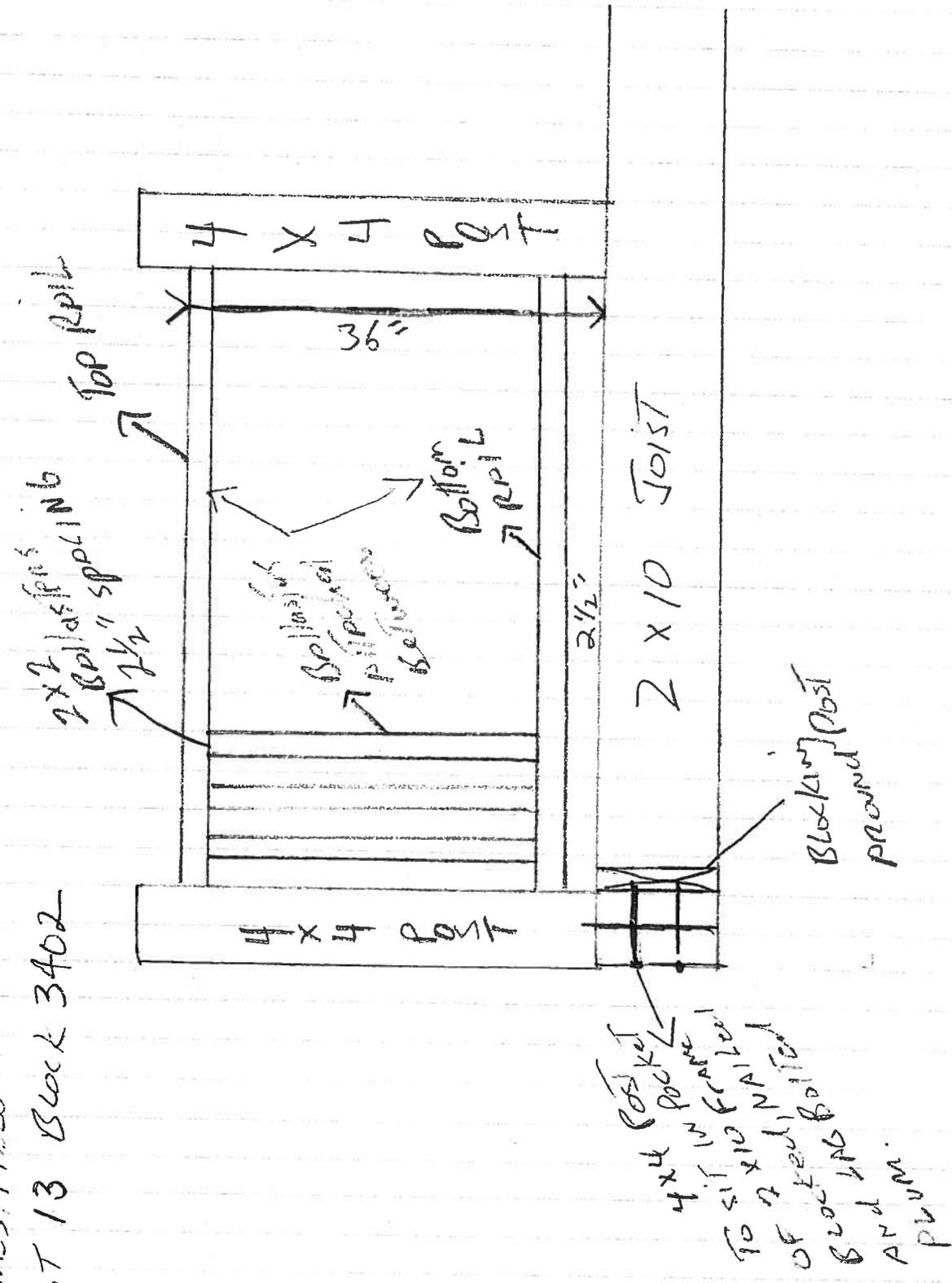
Jane M. Zatkun  
 Home owner  
 DATE 6/29/20

7/1/20

PROPOSED NEW DECK/RAILING DETAIL

806 HARDING STREET  
WESTFIELD NJ  
LOT 13 Block 3402

House



6/29/00  
 Date  
 Homeowner  
 Signature

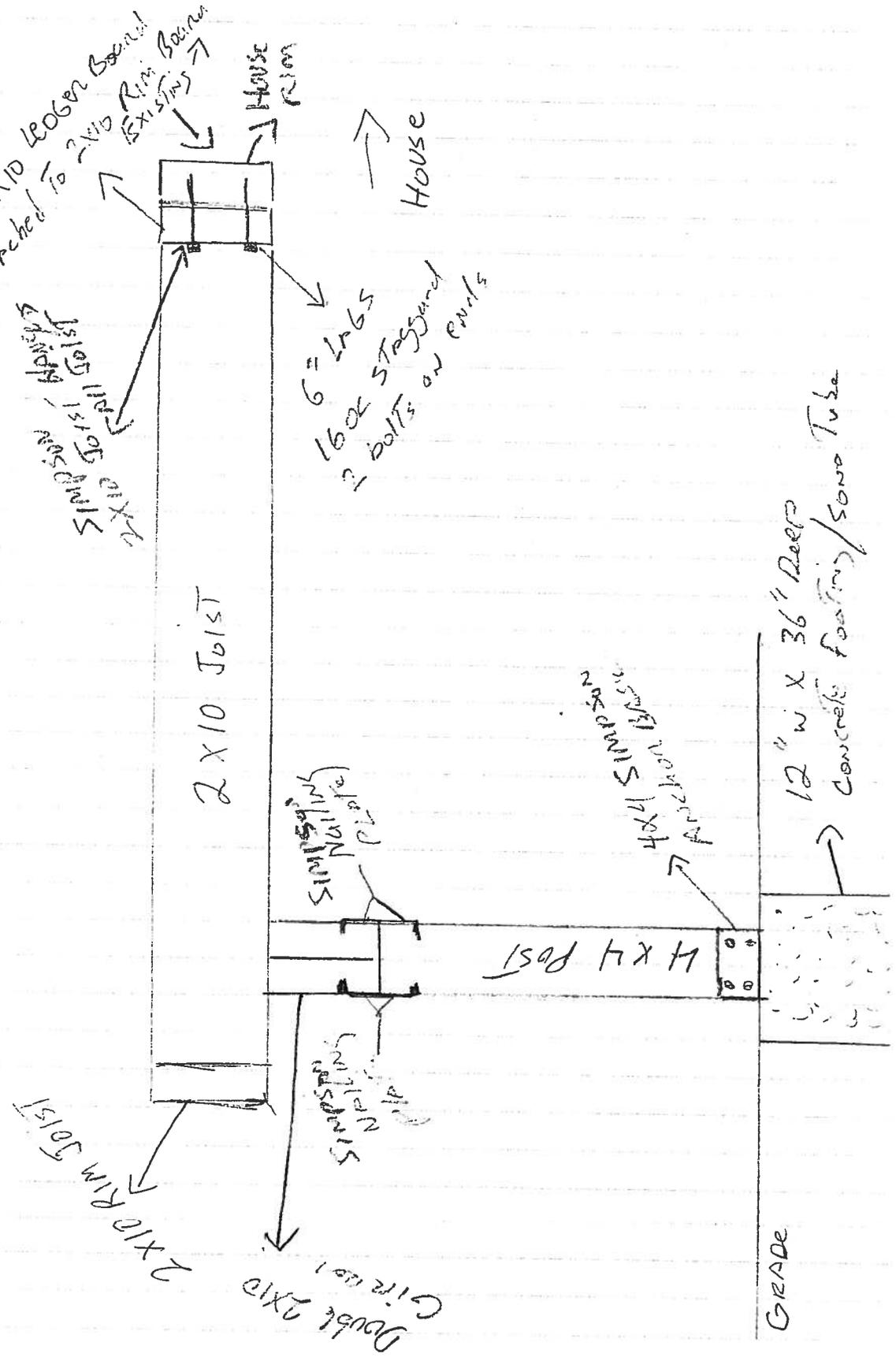
806 HARDING STREET  
WESTFIELD NJ  
LOT 13 Block 3A02

\* Footing diagram \*  
FRAMING

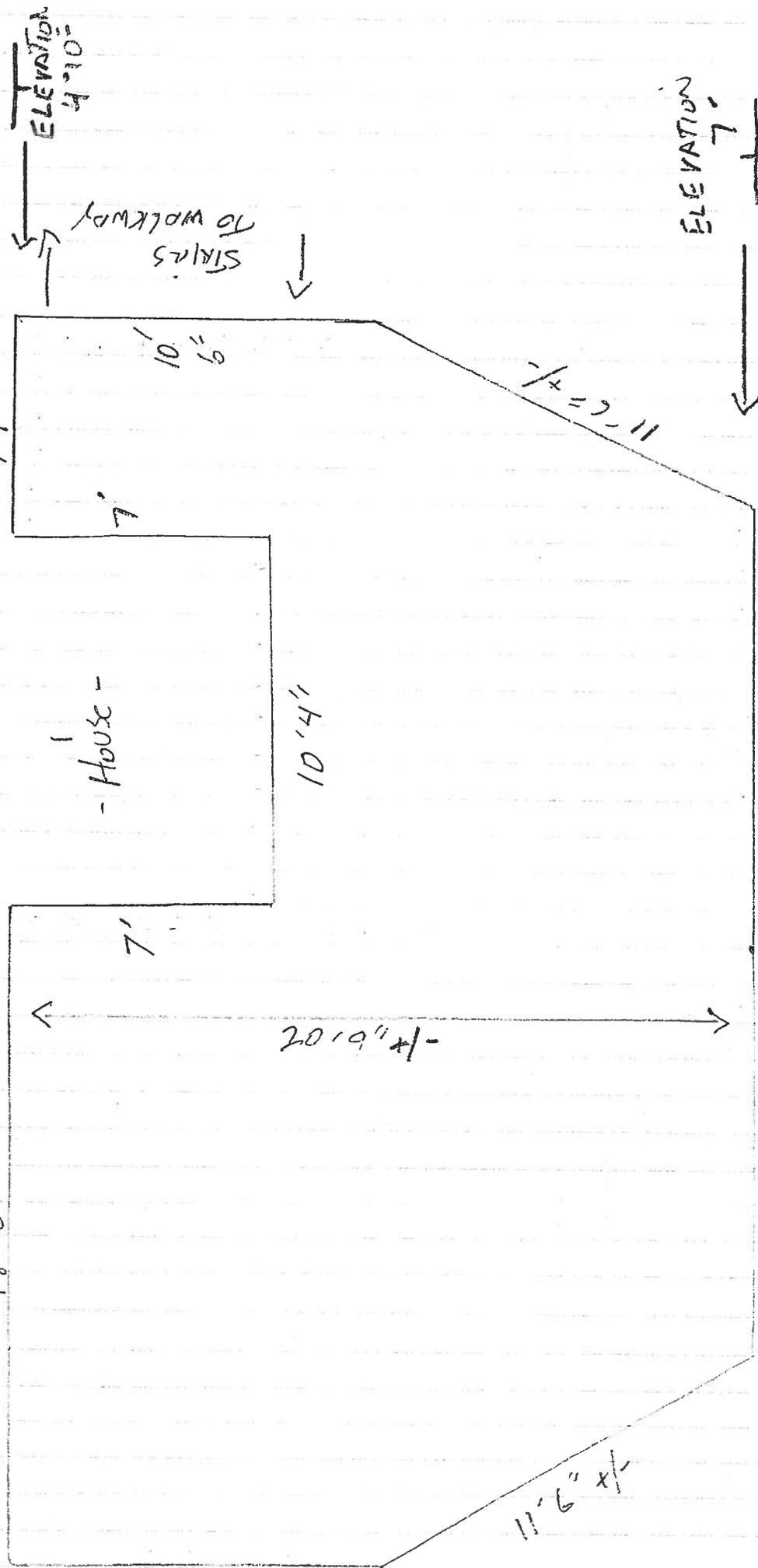
Garrett Tuffour  
Homeowner

6/29/20  
DATE

→ House



- overview - Proposed New deck / diagram \*  
 DIMENSIONS  
 + ELEVATION  
 1/4" = 1'



806 HARDING STREET  
 WESTFIELD NJ

LOT 13 Block 3402  
 Jane M. Tuttle  
 6/29/20

# NOTES:

- FRAME To be certified Treated Lumber
- 2x10 Joists
- 2x10 Girders (doubled)
- All approved fasteners for Treated material
- 4x4 Posts
- 12" x 36" deep concrete Footings
- 2x10 Simpson Joist hangers on all joists attaching to house rim.
- Stair stringers to be 2x12 Treated Lumber
- Railings will be at 36" height
- NO RAILING sections more than 8' apart
- Ballast no more than 2 1/2" spacing
- 5/4 x 6 decking (Treated) applied on deck
- proper fast base, hangers, caps, nails, plates on all connections
- lattice work will be primed Treated Lattice
- Vapor House Membrane applied between house and new ledger board.
- Fields removed and disposed of in proper certified container

806 HARDING ST

WESTFIELD NY

Block 3402 Lot 13

Jane M. Tutken  
Homeowner

6/29/20  
DATE