

2/28/20
1/16/20

BOA 20-02
TOWN OF WESTFIELD
APPLICATION

45 day review 2/28/20
120 day decision date 4/6/20/20

I. Identification:

This appeal is from (applicant's name) Joseph and Jennifer Giordano

street address 816 Lenape Trail, Westfield telephone 973-258-9200

e-mail james.foerst@spectorfoerst.com fax 973-258-0666

for property in Westfield, NJ located at (street address) 816 Lenape Trail, Westfield

II. To: (check one)

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

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

Specific Applicable Sections of the Westfield L.U.O. for:
Submission Requirements Checklists 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 checked="" 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

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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.

Applicant seeks to construct a swimming pool and add a fence around the property. The property is large for zone.
The property is under for the coverage percentage (36.5% where 40% is allowable) but does exceed for the stated 7,200 sf
Maximum (8,398 SF where 7,200 maximum is allowed). Also, as the property is a corner lot, the frontage on Munsee is at 37.1'
Where 30' is required. The remainder variances pertain to the style and location of the proposed decorative fence.

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

The property is an oversized corner lot that doesn't exceed percentage of coverage which is evidence that the improvements are
Reasonable as to size for this lot in this zone. Further, the screening and buffering that is proposed will mitigate any impact
Upon the street side yard on Munsee.

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 816 Lenape Trail

Zone district RS-24 Block No. 605 Lot No. 1

•Dimensions of lot 198 x 115 (IRR) Area of lot 22,987 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 Joseph and Jennifer Giordano Telephone No. 973-258-9200
Street address of Owner 816 Lenape Trail Fax. No. 973-258-0666

•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.

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)

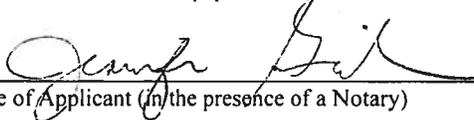
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name James M. Foerst, Esq. Telephone No. 973-258-9200
Attorney's firm Spector Foerst & Associates Fax. No. 973-258-0666
Street address 159 Millburn Avenue, Millburn, NJ 07041

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 : Jennifer Giordano

Address: 816 Lenape Trail
Westfield, NJ 07090

Home phone 973-258-9200

Business phone _____

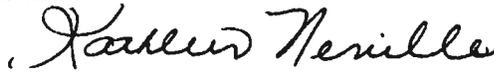
Sworn and Subscribed to before me this 10th day of Nov, 2019

Notary Public JAMES M. FOERST
Attorney-at-Law
State of New Jersey
02826

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 2/21/20



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: 11.04(E)(1)	Nature of Deficiency: Minimum Lot Area		
	Permitted: 24,000 S.F.	Present: 22,987.0 S.F.	Proposed: 22,987.0 S.F.	
2.	Section: 11.04(E)(2)	Nature of Deficiency: Minimum Area within first 185ft. of depth		
	Permitted: 24,000 S.F.	Present: 20,431.6 S.F.	Proposed: 20,431.6 S.F.	
3.	Section: 11.04(E)(2)	Nature of Deficiency: Minimum Lot Width		
	Permitted: 130 ft.	Present: 112.4 ft.	Proposed: 112.4 ft.	
4.	Section: 11.04(E)(3)	Nature of Deficiency: Minimum Lot Frontage		
	Permitted: 130 ft.	Present: 114.2 ft.	Proposed: 114.2 ft.	
5.	Section: 11.04(E)(5)	Nature of Deficiency: Front Yard Depth		
	Permitted: 50 ft.	Present: 49.7 ft.	Proposed: 49.7 ft.	
6.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	

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2/19/20

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(G)	Nature of Deficiency: Maximum Coverage by Improvements
	Permitted: 40% (max 7,200 S.F.)	Present: 28.3% (6,505.7 S.F.) Proposed: 36.5% (8,398.0 S.F)
2.	Section:12.07(C)	Nature of Deficiency: Fences
	Permitted: fences shall not exceed 4ft. in height when located in the front yard, or in the case of a corner lot, when located in the front yard, street side yard or in any portion of the rear yard which is closer to the abutting street than 1) the principal building, or 2) the minimum street side yard setback	Present: N/A Proposed: prop. 6 ft. high fence along the street side yard along Munsee way
3.	Section:13.01(E)	Nature of Deficiency: Accessory Structure: Front Yard Setback
	Permitted: Not permitted in front or street side yard	Present: N/A Proposed: Arbor proposed in the street side yard
4.	Section:13.02(D)(3)	Nature of Deficiency: Private Swimming Pool Setback (Side and rear yard)
	Permitted: 57.3 ft. side (adjacent lot front yard),	Present: N/A Proposed: Side: 37.1 ft
5.	Section:13.02(D)(5)	Nature of Deficiency: Enclosure and screening.
	Permitted: The pool shall be enclosed by a stockade, board-on-board or other solid fence, but not chain-link, which fence shall be not less than 6ft. tall.	Present: N/A Proposed: 6ft. tall decorative post and wire fence

2/19/20

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-24 APPLICANT: Joseph and Jennifer Giordano STREET ADDRESS: 816 Lenape Trail

BULK REQUIREMENTS (ZONE RS-24)

SECTION NUMBER	SECTION	REQUIRED	EXISTING	PROPOSED
11.04(E)(1)	MIN. LOT AREA	24,000 S.F.	22,987.0 S.F. (ENC)	22,987.0 S.F. (ENC)
11.04(E)(2)	MIN. AREA WITHIN FIRST 185 FT. OF DEPTH	24,000 S.F.	20,431.6 S.F. (ENC)	20,431.6 S.F. (ENC)
11.04(E)(2)	MIN. LOT WIDTH	130'	112.4' (ENC)	112.4' (ENC)
11.04(E)(3)	MIN. LOT FRONTAGE	130'	114.2' (ENC)	114.2' (ENC)
11.04(E)(4)	MIN. LOT DEPTH	160'	194.1' (C)	194.1' (C)
11.04(E)(5)	FRONT YARD DEPTH	50'	49.7' (ENC)	49.7' (ENC)
11.04(E)(5)	STREET SIDE YARD DEPTH	25'	25.6' (C)	25.6' (C)
11.04(E)(6)	MIN. SIDE YARD	15'	15.2' (C)	15.2' (C)
11.04(E)(7)	MIN. REAR YARD	50'	79.6' (C)	79.6' (C)
12.04(F)(1)	MAX. COVERAGE BY BUILDING AND ABOVE-GRADE STRUCTURES	20% (MAX OF 3,600 S.F.)	*3,122.6 S.F. (13.6%) (C)	ARBOR 17.2 S.F. *3,139.8 S.F. (13.6%) (C)
12.04(F)(3)	ALLOWED INCREASE FOR PORCHES, INGRESS/EGRESS PLATFORMS AND DECKS	3.5% (MAX OF 730 S.F.)	DECK 261.4 S.F. PORCH 458.6 S.F. TOTAL 720.0 S.F. (C)	DECK 261.4 S.F. PORCH 458.6 S.F. TOTAL 720.0 S.F. (C)
12.04(G)	MAXIMUM COVERAGE BY IMPROVEMENTS	40% (MAX OF 7,200 S.F.)	28.3% (6,505.7 S.F.) (C)	36.5% (8,398.0 S.F.) (V)
13.01(E)	ACCESSORY STRUCTURE: FRONT YARD SETBACK	NOT ALLOWED IN FRONT OR STREET SIDE YARD	N/A	ARBOR PROPOSED 9' FROM STREET SIDE YARD (V)
13.02(D)(3)	PRIVATE SWIMMING POOL SETBACK (SIDE AND REAR YARD)	57.3' SIDE (ADJACENT LOT FRONT YARD) 15' REAR	N/A	SIDE: 37.1' (V) REAR: 35.7' (C)
*MAXIMUM COVERAGE BY PORCHES, INGRESS/EGRESS PLATFORMS, AND DECKS EXCLUDED FROM SECTION 12.04(F)(1)				
(C) = COMPLIES				
(V) = VARIANCE				
(ENC) = EXISTING NON-COMPLIANCE				

2/19/20

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Jennifer Giordano, 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) Block: 605, Lot 1

Street Address(es) 816 Lenape Trail, 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: _____

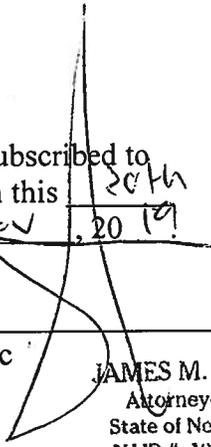
b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____



(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 20th
day of Nov, 2019

Notary Public


JAMES M. FOERST
Attorney-at-Law
State of New Jersey
NJ ID #: 1999-02826

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Westfield, New Jersey



Block/Lot/Qual:	605. 1.	Tax Account Id:	808
Property Location:	816 LENAPE TRAIL	Property Class:	2 - Residential
Owner Name/Address:	GIORDANO, JOSEPH & JENNIFER	Land Value:	831,600
	816 LENAPE TRAIL	Improvement Value:	1,516,500
	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	2,348,100
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Balance Includes any Adjustments to Your Account

Taxes Utilities

[Make a Payment](#) [View Tax Rates](#) [View Current Bill](#) [Project Interest](#)

Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2020	02/01/2020	Tax	12,621.04	0.00	12,621.04	0.00	12,621.04	OPEN
2020	05/01/2020	Tax	12,621.04	0.00	12,621.04	0.00	12,621.04	OPEN
Total 2020			25,242.08	0.00	25,242.08	0.00	25,242.08	
2019	02/01/2019	Tax	3,830.37	6,870.49	0.00	0.00	0.00	PAID
2019	05/01/2019	Tax	3,830.36	6,870.48	0.00	0.00	0.00	PAID
2019	08/01/2019	Tax	14,529.49	0.00	0.00	0.00	0.00	PAID
2019	11/01/2019	Tax	14,552.96	0.00	0.00	0.00	0.00	PAID
Total 2019			36,743.18	13,740.97	0.00	0.00	0.00	
2018	02/01/2018	Tax	5,663.18	0.00	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	5,663.17	0.00	0.00	0.00	0.00	PAID
2018	08/01/2018	Tax	1,997.56	0.00	0.00	0.00	0.00	PAID
2018	11/01/2018	Tax	1,997.55	25,191.80	0.00	0.00	0.00	PAID
Total 2018			15,321.46	25,191.80	0.00	0.00	0.00	

Last Payment: 10/21/19

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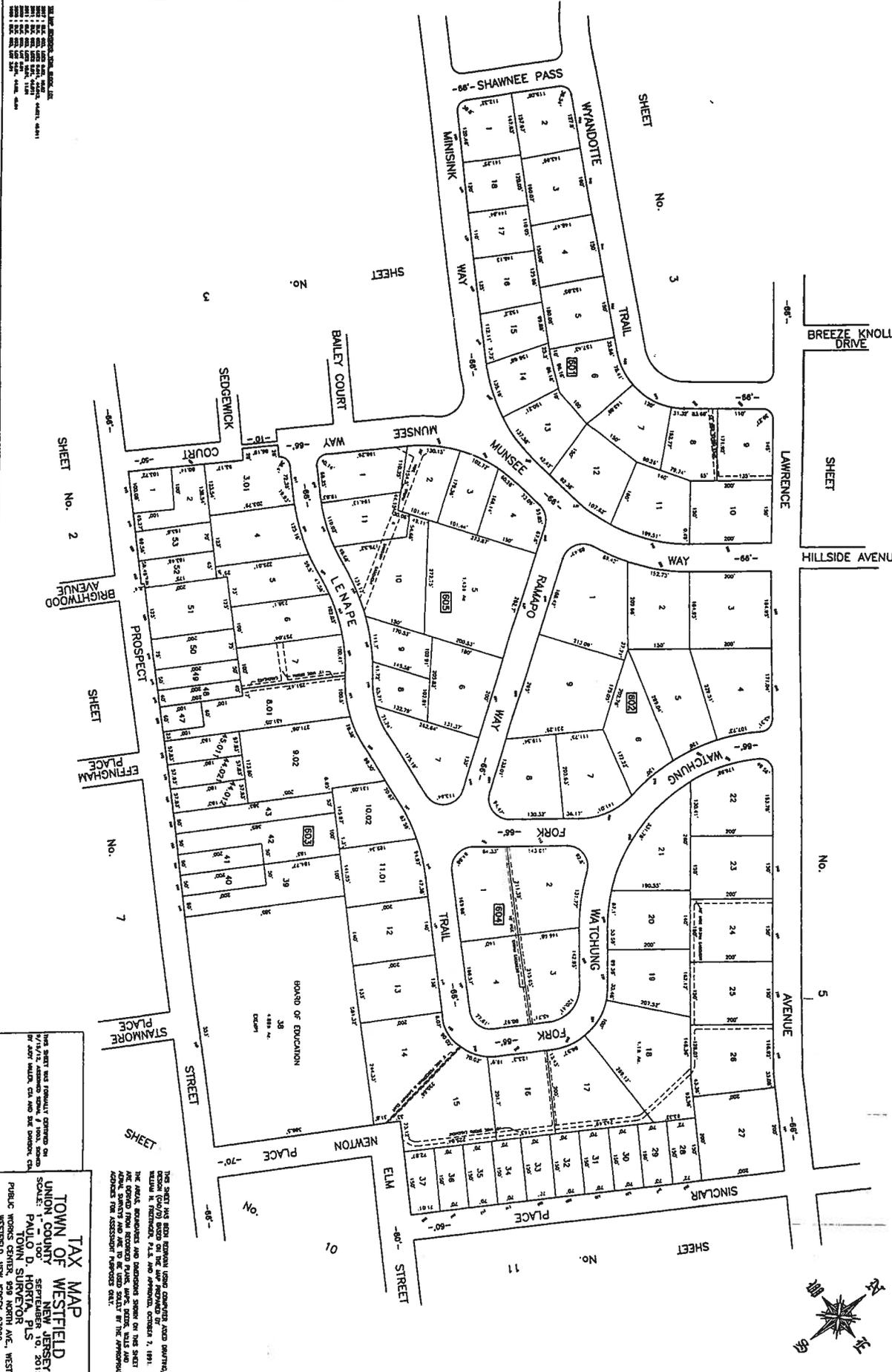
OWNER & ADDRESS REPORT

WESTFIELD

816 LENAPE TRAIL

11/26/19 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
306	34		2	BOYLE, PATRICK D & MARYBETH N-TRUST 905 MINISINK WAY WESTFIELD, NJ 07090	905 MINISINK WAY	
306	35.01		2	KENNEDY, TONI M 900 BAILEY CT WESTFIELD, NJ 07090	900 BAILEY COURT	
306	36.01		2	CHAN, ARTHUR W - CHO, MARY J 902 BAILEY CT WESTFIELD, NJ 07090	902 BAILEY COURT	
306	43		2	GRALLA, HOWARD-SWEETWOOD, JONI 139 MUNSEE WAY WESTFIELD, N J 07090	139 MUNSEE WAY	
306	44.01		2	SCHATZ, MILTON & ELENA 123 MUNSEE WAY WESTFIELD, NJ 07090	123 MUNSEE WAY	
603	3.01		2	ROSSITTO, ROBERT S & ROSEMARY C 817 LENAPE TRAIL WESTFIELD, NJ 07090	817 LENAPE TRAIL	
603	4		2	O'HERN, PAUL & CLARISSA 809 LENAPE TRAIL WESTFIELD, NJ 07090	809 LENAPE TRAIL	
603	5		2	SQUERI, STEPHEN J 801 LENAPE TRAIL WESTFIELD, NJ 07090	801 LENAPE TRAIL	
605	1		2	GIORDANO, JOSEPH & JENNIFER 816 LENAPE TRAIL WESTFIELD, NJ 07090	816 LENAPE TRAIL	
605	2		2	GONZALEZ, DAVID & VILMA 200 MUNSEE WAY WESTFIELD, NJ 07090	200 MUNSEE WAY	
605	3		2	DONOVAN, TIMOTHY M & GAIL F 206 MUNSEE WAY WESTFIELD, NJ 07090	206 MUNSEE WAY	
605	5		2	DIANE NIGAM, ABBY RD PROPERTY TRUST 837 RAMAPO WAY WESTFIELD, NJ 07090	837 RAMAPO WAY	
605	10		2	PETROVICIK, KEVIN P & SUSAN M 796 LENAPE TRAIL WESTFIELD, NJ 07090	796 LENAPE TRAIL	
605	11		2	RICE, ANDREW & JOANNA 812 LENAPE TRAIL WESTFIELD, NJ 07090	812 LENAPE TRAIL	



THE TOWN ENGINEER, JOHN B. BROWN, JR.
 HAS REVIEWED THIS MAP AND FINDS IT TO BE
 ACCURATE AND COMPLETE AND THAT THE
 INFORMATION THEREON IS TRUE AND CORRECT
 TO THE BEST OF HIS KNOWLEDGE AND BELIEF.
 JOHN B. BROWN, JR.
 TOWN ENGINEER
 100 WESTFIELD AVENUE, WESTFIELD, N.J. 07090

TAX MAP
TOWN OF WESTFIELD
 UNION COUNTY
 NEW JERSEY
 SCALE: 1" = 100'
 PAUL D. HORTA, PLS
 SUPERVISOR
 PUBLIC WORKS DEPARTMENT
 WESTFIELD, NEW JERSEY, 07090

THIS SHEET HAS BEEN REPRODUCED USING COMPUTER AIDED DRAFTING/
 DESIGN (CAD) BASED ON THE MAP PROVIDED FOR
 RECORD TO THE TOWN ENGINEER, JOHN B. BROWN, JR., ON OCTOBER 7, 1991.
 THE PUBLIC WORKS DEPARTMENT AND ENGINEERING DIVISION OF THE TOWN OF
 WESTFIELD, NEW JERSEY, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE
 ABOVE MAP AND DOES NOT WARRANT THE ACCURACY OF THE INFORMATION
 THEREON. THE TOWN ENGINEER, JOHN B. BROWN, JR., IS NOT RESPONSIBLE FOR
 THE ACCURACY OF THE ABOVE MAP AND DOES NOT WARRANT THE ACCURACY OF
 THE INFORMATION THEREON.

