

MINUTES
Town of Westfield Board of Adjustment
August 12, 2019

The Westfield Board of Adjustment met on Monday, August 12, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Acting Chairman Benacchio opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Robert Benacchio, Carla Bonacci, Matt Sontz,
Eldy Pavon Allyson Hroblak, Mary Doyle
ABSENT: Chris Masciale, Frank Fusaro, James Keenoy
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

ADOPTION OF MINUTES:

Acting Chairman Benacchio called for a motion to adopt the minutes of the July 8, 2019, meeting. Carla Bonacci made a motion to adopt the minutes; Eldy Pavon seconded.

ALL IN FAVOR: Robert Benacchio, Carla Bonacci, Matt Sontz,
Allyson Hroblak, Eldy Pavon, Mary Doyle
OPPOSED: None
ABSTAINED: None
ABSENT: Chris Masciale, Frank Fusaro, James Keenoy

Motion carried.

ADOPTION OF RESOLUTIONS:

Acting Chairman Benacchio called for a motion to adopt the following resolutions for applications acted upon at the July 8, 2019, meeting:

Alan Gibbemeyer 521 Carleton Road, application approved with conditions.
Walter Bonilla, 1002 Ripley Avenue, application approved with conditions.
Gurinder Singh, 317 Belmar Place, application approved with conditions.
Joseph & Lisa Raths, 437 Dudley Avenue East, application approved with conditions.
Sandra Lema, 313 Myrtle Avenue, application approved with conditions.
Kevin McKeown, 1907 Grandview Avenue, application approved with conditions
Vincent & Mary Giglio, 501 Wells Street. application approved with conditions

Matt Sontz made a motion to adopt the adopt the resolutions; Carla Bonacci seconded.

ALL IN FAVOR: Robert Benacchio, Carla Bonacci, Matt Sontz,
Allyson Hroblak, Eldy Pavon, Mary Doyle
OPPOSED: None
ABSTAINED: None
ABSENT: Chris Masciale, Frank Fusaro, James Keenoy

Motion carried.

Acting Chairman Benacchio stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

Acting Chairman Benacchio made the following announcement:

The following applications have been carried to the September 9, 2019, meeting:

YMCA, 138 Ferris Place & 220 Clark Street
Pedro Pizha, 612 Ripley Place
John & Kathryn Reed, 12 Tudor Oval
Jennifer Khichi, 229 E. Dudley Avenue

NEW APPEALS:

Robert Nash, 1915 Grandview Avenue

6/17/2019

Applicant is seeking approval to construct two dormers contrary to Section 11.09E8 of the Land Use Ordinance. Ordinance allows a maximum story height of 2 1/2 stories. Proposed is 3 stories. **Application deemed complete June 27, 2019. 120 day decision date is October 25, 2019.**

Acting Chairman Benacchio swore in Robert Nash. Mr. Nash stated he has lived at the property for 27 years, and the house is small with very little storage space. The current attic contains the furnace and a/c unit with accompanying duct work which takes up a large amount of space. The proposed dormers would allow for more room for storage, better ventilation, and would increase the curb appeal. The construction of the dormers began but the work was stopped because there were not permits issued. Mr. Nash stated the footprint of the house is not being expanded and the height will be similar to other houses in the neighborhood. Exhibit A-1, photos of the surrounding neighborhood were marked.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt it was a straightforward application, which will increase the amount of storage space. The proposed height of 30.25 feet is still under the maximum height allowed.

Acting Chairman Benacchio called for a motion. Carla Bonacci made a motion to approve; Eldy Pavon seconded.

ALL IN FAVOR: Robert Benacchio, Carla Bonacci, Matt Sontz,

Allyson Hroblak, Eldy Pavon, Mary Doyle
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Chris Masciale, Frank Fusaro, James Keenoy

Motion carried.

Application approved.

Garrick & Ann Stavrovich, 314 Edgewood Avenue

5/15/2019

Applicants are seeking approval to construct a dormer addition contrary to Section 11.09E7, 11.09E8, 12.04E of the Land Use Ordinance. Ordinance allows a maximum floor area ratio of 37%. Proposed is 46.6%. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 34.4 feet. Ordinance allows a maximum story height of 2 1/2 stories. Proposed is 4 stories. **Application deemed complete July 3, 2019. 120 day decision date is October 31, 2019.**

Acting Chairman Benacchio swore in Garrick & Ann Stavrovich, and Andrea Carminio. The Board accepted Ms. Carminio's credentials as a licensed architect.

Ms. Stavrovich stated they bought the property in 2008, which was new construction. The layout of the home does not work because the house is narrow with a central hallway and stairway dividing most of the rooms. We are looking to add a dormer addition to create another bedroom and bathroom.

Ms. Carminio went through the plans with the Board. She stated the house was built before the ordinance was changed, and all the variances being requested are preexisting non-conforming. The dormer in the attic will not change the existing number of non-conforming stories, which is 4. The basement is included in the f.a.r. calculations, which is triggering a variance. If the basement was not calculated, the f.a.r. with the proposed dormer would be 37%, and a variance would not be necessary. With the basement included in the f.a.r, 46.6% is proposed, where a maximum of 37% is allowed. The dormer is only adding 99 square feet to the existing attic, which is accessible by an existing stairwell that continues from the second floor. A rear yard setback variance is required, as there is an existing non-conforming rear wall which is setback at 34.4 feet, and is not being changed. The highest point of the roof is currently 38 feet, which is an existing non-conformity, and the height of the proposed dormer is under 32 feet which is the maximum height allowed.

Open to public questions and comments.

Richard Radice (310 Edgewood Avenue) stated he lives next door and supports the application. The proposed work will not have any negative impact to his home or the neighborhood.

Closed to public questions and comments.

The Board agreed the home was at one time compliant with the ordinance before it was changed. The f.a.r. does stick out as a high number, but the current f.a.r is 45.6% and is being increased by

1%; if the basement was not included in the f.a.r., a variance would not be necessary. There would be little impact to neighborhood with proposed dormer which is only 99 square feet.

Acting Chairman Benacchio called for a motion. Allyson Hroblak made a motion to approve; Mary Doyle seconded.

ALL IN FAVOR: Robert Benacchio, Matt Sontz, Allyson Hroblak, Eldy Pavon, Mary Doyle
 OPPOSED: Carla Bonacci
 ABSTAINED: None
 ABSENT: Chris Masciale, Frank Fusaro, James Keenoy

Motion carried.

Application approved.

Curt Cimei & Leslie Bridgman, 414 Hillside Avenue

3/27/2019

Applicants are seeking approval to construct a two-story addition and a garage addition contrary to Section 12.03D, 13.02A, 13.01D of the Land Use Ordinance. Ordinance allows a maximum floor area for an accessory structure of 750 square feet. Proposed is 1,723 square feet. Ordinance requires a minimum front yard setback of 53.72 feet. Proposed is 45 feet. Ordinance requires an accessory structure to be located in the rear yard. Proposed is an existing accessory structure located in the front yard. **Application deemed complete July 18, 2019. 120 day decision date is November 15, 2019.**

Carla Bonacci recused herself from the application.

Acting Chairman Benacchio swore in Curt Cimei & Leslie Bridgman, and their architect, Thomas Baio (343 Millburn Avenue, Millburn). The Board accepted Mr. Baio's credentials as a licensed architect.

Mr. Cimei stated he purchased the home in 2011. The house was built in 1901 and does not meet the current needs of their family. A new two-story addition is proposed on the left side, along with the rear wall of the garage being moved 24" towards the rear of the property to expand the garage.

Mr. Baio went through the plans with the Board. He stated the house was built askew to the street and is not parallel to Hillside Avenue. Exhibit A-1 photos of the surrounding neighborhood and Exhibit A-2 photos of the subject property were marked. The side of the house where the addition is proposed is closer to the front yard setback, which is existing non-conforming. Currently the setback is 46 feet, and 45 feet is proposed. Mr. Baio stated there is a row of boxwoods that will screen the addition. We tried to be sensitive with the addition, which will be in keeping with the style of the original home. The other two variances are for the floor area of the garage, and the location of the garage, which is considered to be in the front yard and is an existing non-conformity. The rear wall of the garage will be moved back two feet, which allow the garage to be expanded and be more functional. In order to minimize the effect on the neighborhood, the street side view and height of the garage will remain unchanged. There was an effort to preserve the historical look of the home while making it more functional.

Open to public comments and questions. None. Closed to public comments and questions.

The Board felt the applicant did a good job trying to make an existing home with historical significance more functional. The proposed changes are minimal and 2 of the 3 variances being requested are preexisting nonconforming.

Acting Chairman Benacchio called for a motion. Eldy Pavon made a motion to approve; Allyson Hroblak seconded.

ALL IN FAVOR: Robert Benacchio, Matt Sontz, Allyson Hroblak, Eldy Pavon, Mary Doyle
OPPOSED: None
ABSTAINED: Carla Bonacci
ABSENT: Chris Masciale, Frank Fusaro, James Keenoy

Motion carried.

Application approved.

An announcement was made the Board will be adjourning into executive session.

The Board entered executive session at 8:35pm.
The executive session adjourned at 10:15pm.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:15pm.

Respectfully submitted,

Linda Jacus
Board Secretary