

MINUTES
Town of Westfield Board of Adjustment
December 9, 2019

The Westfield Board of Adjustment met on Monday, December 9, 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:

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

ROLL CALL: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

ALSO PRESENT: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the November 13, 2019, meeting. Robert Benacchio made a motion to adopt the minutes; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the November 13, 2019, meeting:

Darryl Steinberg, 12 Manchester Drive, application approved with conditions.

17-33 Elm Street, LLC., 17-33 Elm Street, application approved with conditions.

Ariel & Matthew Amster, 114 N. Scotch Plains Avenue, application approved with conditions.

Alex Caprio, 912 Stevens Avenue, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Robert Benacchio seconded.

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

Motion carried.

Chairman Masciale 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).

Chairman Masciale announce the following applications are carried to the January 13, 2020, meeting:

**Joe & Chrissy Chan, 509 Boulevard Unit A
Lawrence & Kimberly Rolnick, 545 Boulevard**

CARRIED FROM NOVEMBER 13TH:

Neil Wolitzer, 13 Breeze Knoll Drive

9/17/2019

Applicant is seeking approval to finish an existing basement contrary Section 12.04E1 and 11.04E8 of the Land Use Ordinance. Ordinance allows a maximum floor area ratio of 25%. Proposed is 31.6%. Ordinance allows a maximum building height of 2 1/2 stories. Proposed is a building height of 3 stories. **Application deemed complete October 2, 2019. 120 day decision date is January 30, 2020.**

Chairman Masciale swore in Neil Wolitzer and David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey as a licensed architect.

Mr. Wolitzer stated he is looking to finish his basement; the house was built in 2003 before the ordinance was revised in 2009. The revision in the ordinance is what is causing the basement to be counted as a story and the finished space in the basement to be counted towards the f.a.r. All work will be done in the basement and the footprint will not be expanded.

Mr. Bailey went through the plans with the Board. He stated we are not changing the height of the house, the ordinance change now considers the home 3 stories, the maximum story height allowed is 2 1/2 stories. The existing f.a.r. is 28.42%, which includes the basement of 984 square feet. The proposed f.a.r. with the finished basement space is increased to 31.6%, and the square footage is being increased from 984 square feet to 1,774 square feet.

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

The Board agreed the front of the house hides the basement story so you don't really see it and the sides are screened well. The house is set back enough and the proposed work is being accomplished within the footprint of the home. There will not be any impact or any detrimental effects to the neighbors.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with condition the attic will not be finished; Robert Benacchio seconded.

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

Motion carried.

Application approved with conditions.

Miriam & Joe Verga, 360 Orenda Circle

9/9/2019

Applicants are seeking approval to construct a dormer addition contrary Section 11.06E6 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 12.5 feet. Proposed is 10.5 feet. **Application deemed complete on October 9, 2019. 120 day decision date is February 6, 2020.**

Chairman Masciale swore in Miriam & Joe Verga, and Hildie Lazar (328 Park Avenue, Scotch Plains). The Board accepted Ms. Lazar as a licensed architect.

Ms. Verga stated we purchased the home in March. We are not adding a large addition onto the house which is a ranch, we prefer to keep it on the small side. The variance being requested is to build a dormer so we can add a closet to an existing bedroom.

Ms. Lazar stated the dormer will add 50 square feet on the left side. We received the approval to build a dormer on the right side, and are requesting the variance so we can get approval for this dormer to create symmetry. The existing side yard setback is 10.5 feet, where a minimum setback of 12.5 feet is required. Although the dormer will not be encroaching any further into left side yard setback, it is being exacerbated at the second floor. Ms. Lazar stated we are still under the f.a.r. with the proposed work, and the additional space is required to provide a functional closet for a shared bedroom.

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

The Board agreed it is well designed, a modest request, and is functional by providing additional closet space. The dormer will not be coming out too far, and will make the house look more symmetrical.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle
OPPOSED: None
ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

Joseph Epstein, 1030 Irving Avenue

8/7/2019

Applicant is seeking approval to construct an addition contrary Section 11.09E7 and 12.04F1 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 25.5 feet. Ordinance allows a maximum building coverage of 20% (1,702.6 square feet).

Proposed is 23% (1,976 square feet without trellis) and 27.2% (2,316 square feet with trellis).

Application deemed complete on October 16, 2019. 120 day decision date is February 13, 2020.

Chairman Masciale swore in Joseph Epstein & Lynn Danzker, and Greg Blasi (779 Carleton Road). The Board accepted Mr. Blasi's credentials as a licensed architect.

Ms. Danzker stated we moved to Westfield a few months ago. We are proposing an addition that allows the existing bedroom to have a connected bath and walk-in closet. There is only one full bath upstairs, and we have elderly parents who would be unable to walk upstairs when they come to visit.

Mr. Blasi went through the photos submitted with the application. This property is unusual because there is a narrow space between the garage and house which is about 14 feet. We are proposing a terrace in that space between the garage and house with a non-connected open trellis above to provide a sense of privacy for a table and seating. The rear yard setback required is 35 feet, and we are asking to extend into the rear setback, by 9 feet 6 inches. The existing garage is setback at 26.3 feet, and the proposed trellis will offset the existing garage wall, almost appearing in line with the garage. The existing building coverage is 21.4%, and the new bathroom and closet addition will increase the building coverage by 1.59% to 23%. The trellis adds an additional 3.9% to the building coverage, which increases the total to 27.2%.

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

The Board understood the necessity of the bathroom addition, and not having a full bathroom on the first floor. The trellis is increasing the coverage numbers, but there is some hardship with the positioning of the garage and the lot size. There is not any tie in between the house and garage, and the trellis creates a connection between the two structures.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the condition the trellis remain open; Robert Benacchio seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Matt Sontz, Mary Doyle

OPPOSED: Allyson Hroblak

ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

Augusto Russo, 506 Summit Avenue

9/10/2019

Applicant is seeking an amendment to a previous approval granted September 11, 2017, contrary to Section 12.04F1, 12.04F2, 12.04F3 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 26.3%. Ordinance allows a maximum building coverage of with a deck of 22%. Proposed is 27.9%. Ordinance allows a maximum building coverage with porch of 24%. Proposed is 28.4%. **Application deemed complete on October 18, 2019. 120 day decision date is February 15, 2020.**

Frank Guagliardi, Esq. (370 Chestnut Street) appeared on behalf of the applicant. Mr. Guagliardi stated the applicant owns 500 & 506 Summit Avenue, and resides at 500 Summit Avenue next door to the subject property. The property is a two-family home, which was approved in 2017 to be improved and modernized. This application is to get approval for an enclosure that already exists for the rear stairs. The decision to build the enclosure was approved on site, it was suggested by the contractor as means of safety and to protect the open stairs from the elements.

Chairman Masciale swore in Roger Winkle (947 Park Avenue, Plainfield). The Board accepted Mr. Winkle's credentials as a licensed architect.

Mr. Winkle referring to the original plan from 2017, stated the basement was designed so each tenant has direct and private access to the basement. The stairway before the enclosure was built was an open stair with a railing. Now that the stairway enclosure was built, it counts toward building coverage and adds 66 square feet to the variances that were previously approved. The building coverage was 25.3% and is now 26.3%; the maximum building coverage with deck was 26.6%, and is now 27.9%; and the maximum building coverage with a front porch was 27.1% and is now 28.4%. Mr. Winkle stated an additional variance is needed for the distance between the house and garage, which should be a minimum of at least 15 feet. When the distance from the house to the garage was originally measured, it was 15 feet; but the distance now between the garage and the stair enclosure is 12.67 feet, not 15 feet.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson as a licensed surveyor & planner.

Mr. Watson marked Exhibit A-1 & A-2, a grading plan, and stated the applicant received an approval for two-family house in 2017, and to cover 57.6% of the property. The steps were enclosed for safety reasons and we are just trading pavement for an enclosed stair. If the stairs were not enclosed, a variance would not be necessary. The variances can be granted under the C-2 criteria. The garage hides the stair enclosure, and the main drive for the enclosure is for safety. Approval of the variances would not substantially impair the intent and purpose of the zoning plan, and it would not cause any substantial detrimental to the public good.

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

The Board felt after listening to the testimony, this enclosure is a better idea and design, which is only 66 square feet. Even though it bumps up the coverage numbers even more, it ultimately does serve a purpose.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

Aldona Haines, 870 New England Drive

9/25/2019

Applicant is seeking approval to construct an addition contrary Section 12.03D of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 51.5 feet. Proposed is ± 46 feet to main house new front gable design and 41.5 feet to the new 60 square foot front addition.

Application deemed complete on October 28, 2019. 120 day decision date is February 25, 2020.

Chairman Masciale swore in Aldona Haines. Ms. Haines stated we doing some renovations and are trying to make our home more livable. We are adding a master bedroom above the garage, a one-story front entrance bump out to enhance our entrance hall, and are adding dormers on our roofline. Referring to the survey, the home next to us, lot 17 has been torn down, and is presently vacant. The home at lot 18 is new construction, and lot 19 is not calculated in the average front setback since it is a corner lot. Our front yard setback does not meet the minimum front yard setback of 51.5 feet. We are looking to use the current porch as an enclosed entryway. The proposed setback to the main house will be 46 feet and 41.5 feet to the new front porch addition.

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

The Board agreed the front setback being proposed will not block the streetscape and will not seem out of place. The variance would not be necessary if the corner home on lot 19 was considered in determining the front yard setback. The hardship is due to angled street front which reduces the setback.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

NEW APPEALS:**James & Denise Harper, 1404 Boulevard**

10/7/2019

Applicants are seeking approval to install a hot tub contrary Section 12.04F1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21.1%.

Application deemed complete on November 6, 2019. 120 day decision date is March 5, 2020.

Mary Doyle rescued herself from the application.

Chairman Masciale swore in James Harper. Mr. Harper stated he purchased a hot tub, and was told it was necessary to apply for a variance because the hot tub is considered a permanent structure and is counted towards building coverage. The hot tub is 64 square feet, and the tub rests on a mat which is removable and not permanent. The location of the hot tub is such that two lots would be able to see the hot tub from their front yard, which is applicant's rear yard. No other neighbor would be able to see the hot tub. The tub is being installed for personal use and therapeutic purposes as his wife has back issues.

The Board in its review of the plans discussed the location of the hot tub. There was discussion of placing trees or a fence in front of the hot tub for privacy. The Applicant proposes to enclose the area from the corner of the house to the driveway, but not including the driveway. The screening would be parallel to the existing shrubs and Belmar Road.

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

The Board agreed it was straightforward application, where the coverage is only increasing by 64 square feet. The proposed screening would lessen the impact to the neighbors.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Allyson Hroblak seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz

OPPOSED: None

ABSTAINED: Mary Doyle

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

David & Lauren Bollinger, 676 Shadowlawn Drive

10/1/2019

Applicants are seeking approval to construct an addition and new front porch contrary Section 12.04F1, 12.04F4, 12.03D of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 22.5%. Ordinance allows a maximum building coverage with a front porch of 24%. Proposed is 25.1%. Ordinance requires a front yard setback of 38.2 feet. Proposed is 32.96 feet.

Application deemed complete on November 13, 2019. 120 day decision date is March 12, 2020.

Chairman Masciale swore in David & Lauren Bollinger. Mr. Bollinger stated we purchased our home 3 and 1/2 years ago. An addition of 139 square feet is proposed, which will include a mudroom and eat-in-kitchen. Referring to sheet A-1, the back of the house out will be pushed out, which will include the rear bedroom. The depth of the rear bedroom is only 8 feet, and we want to make a bigger space for our son to grow into. A front porch addition of 7'x35' is also proposed. Mr. Bollinger stated neighbors on both sides have porches. The building coverage is already over the maximum allowed because there is an oversized, two-car garage on the property; the RS-8 zone only requires a one-car garage.

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

The Board felt the open porch would be in character with the neighborhood. Many homes on Shadowlawn Drive have porches. The addition is only 139 square feet and will have a huge impact for the applicants, but will have minimum effect on the neighbors. The garage is oversized for the zone, and is adding to the building coverage.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve with the condition the porch remain open; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Robert Benacchio, Frank Fusaro, Allyson Hroblak,
Matt Sontz, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:17 pm.

Respectfully submitted,

Linda Jacus
Board Secretary