

MINUTES
Town of Westfield Board of Adjustment
January 13, 2020

The Westfield Board of Adjustment met on Monday, January 13, 2020, 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.

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

RE-ORGANIZATION MEETING

ROLL CALL: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen
ABSENT: None
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

Carla Bonacci gave a report of the Nominating Committee, nominating Chris Masciale as Chairman, and Frank Fusaro as Vice Chairman. Mr. Masciale called for nominations from the floor, there were none.

A motion was made and seconded to adopt the recommendations of the Nominating Committee.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: None

Motion carried.

A motion was made and seconded to appoint Linda Jacus as Board Secretary for the year 2020.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: None

Motion carried.

Ms. Dabulas swore in the new and reappointed Board members, Michael Cohen, Samuel Reisen, Chris Masciale. Ms. Dabulas swore in Donald Sammet to allow his testimony as Town Planner for the year 2020.

Chairman Masciale announced the Board of Adjustment meeting dates for 2020.

A motion to adjourn was made, seconded and carried. The meeting adjourned at 7:15pm.

REGULAR MEETING:

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

Diane Dabulas, Board of Adjustment Attorney, gave a brief statement explaining the Board's powers, purpose, and criteria for granting variances.

ROLL CALL: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen
ABSENT: None
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 December 9, 2019 meeting. Carla Bonacci made a motion to adopt the minutes; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: None

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the December 9, 2019 meeting:

- Miriam & Joe Verga, 360 Orenda Circle**, application approved with conditions.
- Joseph Epstein, 1030 Irving Avenue**, application approved with conditions.
- Augusto Russo, 506 Summit Avenue**, application approved with conditions.
- Aldona Haines, 870 New England Drive**, application approved with conditions.
- Neil Wolitzer, 13 Breeze Knoll Drive**, application approved with conditions.
- James & Denise Harper, 1404 Boulevard**, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz, Mary Doyle, Samuel Reisen

OPPOSED: None

ABSTAINED: None

ABSENT: None

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 made the following announcement:

The following applications have been carried to February 10, 2020, meeting:

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

NEW APPEALS:

Donald Hinds, 1036 Columbus Avenue

11/6/2019

Applicant is seeking approval to retain a six-foot fence in the street side yard contrary to Section 12.07C of the Land Use Ordinance. Ordinance allows a maximum fence height of four feet in the street side yard. Proposed is 6 feet. **Application deemed complete on December 4, 2019. 120 day decision date is April 2, 2020.**

Chairman Masciale swore in Donald Hinds. Mr. Hinds stated he is looking to replace a six-foot fence on the property, which will be located in same place as the existing fence. The current fence is wooden and is in disrepair. The neighbor on Grandview Avenue installed a 6-foot fence in the street side yard, which they were granted a variance for in 2018. Mr. Hinds stated the proposed fencing will line up with the fence line of the neighbors.

Opened to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed the fencing is consistent with the neighborhood and it is far enough back from the corner not to cause a line of sight issue. A condition was recommended the line of sight be reviewed by the Town Engineer.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the above condition; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz

OPPOSED: None

ABSTAINED: Mary Doyle and Samuel Reisen
 ABSENT: None

Motion carried.

Application approved.

Hannah Custom Homes, LLC., 1420 Boulevard

9/25/2019

Applicant is seeking approval to construct an addition contrary Section 12.04F1 and Section 11.09E5 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21%. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 15.1 feet. **Application deemed complete December 10, 2019. 120 day decision date is April 8, 2020.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. He stated the applicant intends to keep the majority of the first floor and the detached garage. The side yard setback is an existing non-conformity at 15.1 feet, and the intent is to maintain the 15.1-foot setback. Mr. Foerst stated to fully utilize the kitchen it will be expanded, and will increase the building coverage by 71 square feet.

Chairman Masciale swore in Richard Pierce (9 Stratford Terrace, Cranford). The Board accepted Mr. Pierce's credentials as a licensed architect.

Mr. Pierce described the existing conditions and stated a two-story addition is proposed at the back of the house. The lot is an undersized corner lot and the depth is 111 feet, where 120 feet is required. The street side yard setback required is 20 feet, and the existing and proposed setback is 15.1 feet. There is a partial second floor, and we are proposing an addition extending it to a full second floor. Four bedrooms are proposed on the second floor, and the kitchen will be expanded on the first floor. A covered porch is proposed, which will be inside the existing side yard setback. The building coverage is over by 71 square feet, and the kitchen and master bedroom would be tighter, about 2 feet shorter, without the building coverage variance.

Opened to the public for questions and comments. None. Closed to the public for questions and comments.

The Board was concerned what was being proposed was a little too much, and the coverage could be reduced to conform with the ordinance. The reduction in building coverage would make the house look more in proportion with the rest of the neighborhood. The Board agreed to carry the application to the February 10th meeting to have applicant reduce the coverage to be more in conformance with the ordinance.

Glen & Cristina Benson, 618 Tremont Avenue

10/22/2019

Applicants are seeking approval to construct a garage contrary to Section 13.01G and Section 13.01I of the Land Use Ordinance. Ordinance requires a minimum rear yard setback for an accessory structure of 5 feet. Proposed is 3 feet. Ordinance allows a maximum height of 15 feet for an accessory structure. Proposed is 19 feet. **Application deemed complete December 11, 2019. 120 day decision date is April 9, 2020.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant.

Chairman Masciale swore in Glen & Cristina Benson, and their architect David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Benson stated our garage was destroyed when a tree fell on it during a storm, and we are looking to rebuild the garage similar to what was there previously. The garage would be two-stories, and the upper portion will be used for storage only.

Mr. Bailey went through the plans with the Board, and stated the garage was a two-story garage, 1920s style, and matched the style of the existing home. A similar garage is proposed; it will be a two-car garage, 20x20. Mr. Bailey stated not to encroach too much into the existing driveway and on the house, we are asking for a 3-foot setback in the rear yard, where a 5-foot setback is required. If the garage was moved to the required 5-foot rear yard setback, the driveway would need to be changed. The building coverage and improvement coverage are under the maximum allowed, and there are not any changes to the f.a.r. A height variance of 19 feet is being requested because that was the height of the previous garage. The historic homes in the area have steep pitched roofs, and a flat pitched roof for the garage would not be in keeping with the character of the 100-year-old home and the neighborhood.

Opened to public questions. None. Closed to public questions.

Open to public comments.

John Castaldo (617 Fairmont Avenue) stated he lives behind the applicants and does not have an issue with the proposed garage, and supports the application.

Susan Dickstein (623 Fairmont Avenue) stated she lives behind the applicants and the proposed garage goes with the neighborhood, which is a historic street, and she supports the application.

Carol Tener (619 Tremont Avenue) stated she has seen what the applicants are proposing and it is in character with the neighborhood, and she supports the application.

Closed to public comments.

The Board agreed that carriage houses are part of the charm of Westfield. On a street like Tremont Avenue, these type of carriage houses are a big part of the neighborhood. The only difference with the new carriage house is it is slightly bigger to accommodate modern vehicles. The neighbors did speak in favor of the application, and what is being proposed will not intrude on the nature of the neighborhood, or to the immediate neighbors. A condition that the second floor of the garage be storage only was recommended.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application with the above condition; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen
Allyson Hroblak, Matt Sontz

OPPOSED: None

ABSTAINED: Mary Doyle and Samuel Reisen

ABSENT: None

Motion carried.

Application approved.

Paul Nicholson, 2165 Bayberry Lane

12/18/2019

Applicant is seeking approval to retain an existing shed and construct a garage contrary to Section 13.02A and 13.02B of the Land Use Ordinance. Ordinance allows a garage in the rear yard only. Proposed is a garage in the street side yard. Ordinance allows a shed in the rear yard only. Proposed and existing is a shed in the street side yard. **Application deemed complete December 26, 2019. 120 day decision date is April 24, 2020.**

Chairman Masciale swore in Paul Nicholson. Mr. Nicholson stated he purchased a classic car which needs to be garage kept. We use our existing, two car attached garage, and need a third garage to store the classic car. Also, we are looking for have some additional storage space and to create a gym. Two photos showing the existing screening were marked as Exhibit A-1; bushes were planted from one end of the yard to the other. The garage would be 20x20 and is a pre-fabricated steel building, the color will be pewter gray/light gray. Mr. Nicholson stated in the process of applying for the variance, we were notified that we were in violation with the location of the shed. The existing shed is used for storage of yard equipment, and the placement does not take away from our lawn area. A variance is being requested because the garage in the side yard, closer to Lamberts Mill Road and Tamaques Park, would have less impact to the neighbors. If the proposed garage was put in the rear yard, it would have to be extended off the existing garage and would be visible to the Scotch Plains neighbors.

The Board was concerned about the look of structure as it appears to an industrial type building on a residential lot. It was requested details/pictures of the materials that will be used for the garage be provided so the Board can see how it will fit in with the house and the neighborhood. It was also suggested the applicant reduce the size to a one-car garage; application was carried to the February 10th meeting.

Mary Rispoli, 722 Castleman Drive

11/12/2019

Applicant is seeking approval to construct an addition contrary to Section 11.09E7, 12.04F1, 12.04E1, 11.09E13, 13.02B1 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is a rear yard setback of 27.9 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 25%. Ordinance allows a maximum floor area ratio of 37%. Proposed is 42.33%. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 28 feet. Ordinance requires a shed to be located in the rear. Proposed is the side yard. **Application deemed complete December 27, 2019. 120 day decision date is April 25, 2020.**

Chairman Masciale swore in Paul & Mary Rispoli, and their architect Greg Ralph (1924 Route 22, Bound Brook). The Board accepted Mr. Ralph's credentials as a licensed architect.

Mr. Ralph went through the plans with the Board, and stated there are two existing nonconformities we are continuing. The minimum lot depth required is 120 feet, and the lot depth will remain at 100 feet, and the left side wall length is 28 feet, and is not being changed. The rear yard setback is an existing nonconformity, 35 feet is required and we are proposing 27.9 feet. The building coverage is already over the maximum of 1,200 square feet. We are currently at 1,272 square feet and 1,500 square feet is proposed. A f.a.r of 42.33% is proposed where a maximum of 37% is allowed. The property is in the RS-6 zone, and the property is 20 feet shallower than what is required, but it abuts a block on Harding Street which is 57 feet deeper than what is required by the ordinance. An addition is proposed off the rear of the home, which will fill in an existing corner. It will expand the existing kitchen and will provide space for a

fourth bedroom on the second floor. The renovations only require the ridge height to be raised less than 2 feet to accommodate the addition off the rear. Mr. Ralph stated we tried to keep all the work at the back of the house, and wanted to maintain the front elevation, which is keeping with the neighborhood.

Opened to the public for questions and comments. None. Closed to the public for questions and comments.

The Board felt what was being proposed is a big increase, and the f.a.r is well over the maximum allowed. The rooms are large enough if they were reduced slightly, they would still be decent size rooms, and it would reduce some of the numbers. Based upon the Board's comments, the applicants agreed to revise their plans and carry the application to the February 10th meeting.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:52 pm.

Respectfully submitted,

Linda Jacus
Board Secretary