

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**October 16, 2019**

The Westfield Board of Adjustment met on Wednesday, October 16, 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, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, James Keenoy  
ABSENT: Eldy Pavon and Mary Doyle  
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 September 9, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Robert Benacchio seconded.

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

Motion carried.

**ADOPTION OF RESOLUTIONS:**

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

**Pedro Pizha, 612 Ripley Place**, application approved with conditions.  
**John & Kathryn Reed, 12 Tudor Oval**, application approved with conditions.  
**Jennifer Khichi, 229 E. Dudley Avenue**, application approved with conditions.

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

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, James Keenoy

OPPOSED: None  
ABSTAINED: None  
ABSENT: Eldy Pavon and Mary Doyle

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 application has been carried to the November 13, 2019, meeting:

**YMCA, 138 Ferris Place & 220 Clark Street**

**EXTENSION OF TIME:**

**Lori Spector, 132 Marlboro Street**

Applicant requests a one-year extension of approval.

Chairman Masciale swore in Lori Spector. Ms. Spector stated we are requesting to extend our approval to February 2021. There have not been any changes to the plans approved by the Board. The reason for the extension is we received several estimates by different contractors for the proposed work, and the estimates were more expensive than what we planned.

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

Chairman Masciale called for a motion. James Keenoy made a motion to approve the extension to February 2021; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, James Keenoy

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon and Mary Doyle

Motion carried.

Extension of time approved.

**CARRIED FROM SEPTEMBER 9TH:**

**Philip Ellenbogen, 1700 Boulevard**

6/27/2019

Applicant is seeking approval to construct a deck addition contrary to Section 12.04F2 of the Land Use Ordinance. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 23.6%. **Application deemed complete August 12, 2019. 120 day decision date is December 10, 2019.**

Chairman Masciale swore in Philip Ellenbogen. Mr. Ellenbogen stated we are looking to make small changes to the deck that was there when we bought the property. We are asking to increase to the deck size by 137 square feet. Our yard has two separate small outdoor living spaces, a patio and deck. There isn't enough room for a table and chairs or to be able to congregate on the deck so we are between the two spaces with our guests and two small children. We are reducing the size of the patio once the deck work is completed. A seven-foot extension of the depth of the deck is proposed and will be in line with the wall of the house. It is a minor change and will not be creating a rear yard setback variance.

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

The Board agreed the applicant is asking for a modest increase, which will give them a lot of more utility, and it would not impact the surrounding neighbors.

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

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

Motion carried.

Application approved with conditions.

**Darryl Steinberg, 12 Manchester Drive**

6/27/2019

Applicant is seeking approval to construct an inground pool, pergola, outdoor kitchen area, outdoor fireplace, and patio area contrary to Section 12.04F1 and 13.02D3 of the Land Use Ordinance. Ordinance requires a minimum setback for an inground pool of 15 feet. Proposed is 8 feet. Ordinance allows a maximum building of 20%. Proposed is 20.5%. **Application deemed complete August 26, 2019. 120 day decision date is December 24, 2019.**

John Delaney, Esq. (53 Cardinal Drive) and Darryl Steinberg appeared. Mr. Steinberg stated the proposed design was built around our property which is new construction so we are limited with what we can do. Our backyard is wide, but shallow, and we did not want the pool in the middle of the backyard. We designed this project with the thought of safety and to be considerate to our neighbors. The reason we situated the pool in the proposed location is for safety and for a full viewing area from the kitchen. Our adjacent neighbor's property is very large, it has a setback of about 150 feet, and has about 15 feet of brush. Exhibit A-1, a photo of the property line was marked. Mr. Steinberg stated there will be 6-foot solid fence and a variety of plants and trees which will limit the neighbors view of the pool.

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

Chairman Masciale swore in Richard Cording (58 Ringwood Avenue, Ringwood). The Board accepted Mr. Cording as a licensed landscaped architect.

Mr. Cording went through the plans with the Board. Exhibit A-2 an aerial photo from Google was marked. He stated given the challenges of the backyard, our goal was to create a desirable space, while addressing the applicant's concern about safety. Where the pool is situated now, gives the maximum sight from within the house and is far enough away from the door. From the edge of the pool water to the property line is 8 feet in the side yard and rear yard. Mr. Cording stated the lawn area in the backyard serves a double purpose to break up the hardscape from a design perspective and give more space from the back door. If the project is approved, an engineer would be involved to do the design for the water runoff and drainage.

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

Open to public comments.

Caitlin Alongi (15 Manchester Drive) stated she supports the application.

Ehab El Sherif (10 Manchester Drive) stated he supports the application.

Closed to public comments.

The Board agreed there was some concern about the setback of 8 feet for the pool. The proposed design is nice, but it would be better to have the pool meet the setback requirements. It was agreed the applicant should revise the plan and try to get the pool as close to the 15-foot requirement as possible. The application was carried to the November 13, 2019, meeting.

**Darren Mass, 944 Wyandotte Trail**

7/23/2019

Applicant is seeking approval to construct an inground pool, patio, spa, and outdoor kitchen area contrary to Section 12.04G and 12.04F2 of the Land Use Ordinance. Ordinance allows a maximum improvement coverage of 7,200 square feet. Proposed is 8,680 square feet. Ordinance allows a maximum 400 sq. ft. over the maximum allowable coverage permitted of 3,600 sq. ft. per Section 12.04F1 of the Ordinance. Applicant is proposing a deck and an above grade patio which exceed the permitted 400 sq. ft. by 173 sq. ft. **Application deemed complete August 27, 2019. 120 day decision date is December 25, 2019.**

Chairman Masciale swore in Darren Mass (56 Tamaques Way) and Robert Roselli (67 Fisk Road, Wayne). The Board accepted Mr. Roselli as a licensed engineer.

Mr. Roselli stated we were before the Board in July, and the application was withdrawn. We reduced the amount of the variance in response to the comments made by the Board and neighbors at the previous meeting. Referring to Sheet 1 of the plans, Mr. Roselli stated we reduced the amount of coverage and hired a landscape architect to surround the perimeter of the property with additional landscaping. The landscaping is isolating the yard hydrologically from the neighbors. The border of plants and trees will create a landscaping berm and absorb any runoff. There are two drywells on the property to catch runoff and to minimize the flooding effect on adjacent properties. The pool is an average size inground pool, and if we did not have the patio and access walkway to the pool, we would not need a coverage variance. It was determined if the deck elevation was under a foot, it would be considered a patio, and a variance would not be necessary.

Mr. Mass stated we have installed two 1,000-gallon seepage pits to cutdown on any runoff or flooding issues. There will be no less than 40 trees surrounding the side and back of the property. Any existing trees will remain, and they will be worked into the landscape design. The improvement coverage is under the 40 percent maximum, and we are asking to remove the cap of 7,200 square feet because for a bigger lot, the 7,200 square foot cap is unfair. The coverage was reduced by 244 square feet from the previous application. Mr. Mass stated he is ok with reducing the deck elevation which will remove the additional variance being requested.

Open to public questions.

James Wissel (955 Lawrence Avenue) stated he lives behind the subject property. He asked Mr. Mass to confirm if any trees will be removed, and about the drainage requirements for new construction.

Simon Benito (967 Lawrence Avenue) stated he lives behind the property. He asked Mr. Mass to confirm if any trees will be removed, and if the roots of any trees would be damaged during construction of the pool. Mr. Benito asked about the grade being raised on the property.

Exhibit A-1, a topographic map was marked.

Carl Cetera (948 Wyandotte Trail) stated he has water issues on his property and had to install French drains. Now with the construction at 944 Wyandotte Trail, there are even more drainage issues on his property as a result of the ongoing construction.

Closed to public questions.

Open to public comments.

James Wissel (955 Lawrence Avenue) stated when the application was initially heard, it was stated variances are not granted for new construction. There is not a hardship other than a self-imposed one. At the last meeting the Board was not inclined to approve this application, and the applicant was asked to make changes. The only change was a reduction of 244 square feet. Mr. Wissel stated the Board should not approve this application as it is the same as what was previously submitted.

Simon Benito (967 Lawrence Avenue) stated the hardship is self-imposed. The applicant needs to show that the benefits of the variance will outweigh any detriment, and the applicant has not given any proofs. The application should be denied.

Eltion Frasherri (940 Wyandotte Trail) stated he has no objection to the application.

Closed to public comments.

The Board felt there was not a large enough revision from the first application, as it is still 17 percent over the allowed square footage, and is a great concern to the neighbors. What is being requested is a big ask, and further reductions could have been made.

Chairman Masciale called for a motion. Frank Fusaro made a motion to deny the application; Carla Bonacci seconded.

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

ABSENT: Eldy Pavon and Mary Doyle

Motion carried.

Application denied.

Chairman Masciale made the following announcement:

The following applications have been carried to the November 13, 2019, meeting:

**Neil Wolitzer, 13 Breeze Knoll Drive  
Ariel & Matthew Amster, 114 N. Scotch Plains Avenue**

**NEW APPEALS:**

**Charles & Jamie Parks, 411 Everson Place**

8/27/2019

Applicants are seeking approval to construct a two-story addition and covered porch contrary to Section 11.08E14 and 12.03D of the Land Use Ordinance. Ordinance requires a one car garage. Proposed is no garage. Ordinance requires a front yard setback of 35.7 feet. Proposed is 35 feet. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

Chairman Masciale swore in Robert Algarin (225 Lenox Avenue) and Charles & Jamie Parks. The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Algarin marked photos of the property as Exhibit A-1. He stated a two-story addition is proposed, as well as a front porch. A variance is required for the front porch as it encroaches 8 inches into the front yard setback. The other variance is for not having a garage which the applicants are not planning to construct. The setback deficiency is minor and enhances the appearance of the front of the house. The sitting porch is will be an asset, and does not cause any detriment. Mr. Algarin stated the front porch will remain open, and there is still about 138 square feet of building coverage available for a garage. If the current shed was removed, there would be 258 square feet of building coverage available, if a garage was to be added in the future.

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

The Board agreed this is a straightforward application, there is off-street parking, and the square footage is available to add a garage in the future.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; James Keenoy seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, James Keenoy

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon and Mary Doyle

Motion carried.

Application approved.

**Joe & Chrissy Chan, 509 Boulevard Unit A**

9/6/2019

Applicants are seeking approval to retain a shed contrary to Section 13.01G1a and 13.02B2 of the Land Use Ordinance. Ordinance requires a minimum side yard setback for a shed of 5 feet. Proposed is a setback of 1.68 feet. Ordinance allows a maximum shed size of 150 square feet. Proposed is 159 square feet. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

Matt Sontz recused himself from the application.

Chairman Masciale swore in Joe & Chrissy Chan. Mr. Chan stated we installed a shed in July because we needed it for storage. We are requesting variances for the size of the shed and the location because it is only 1.68 feet from the property line. That location for the shed was chosen because that is the limited common area for both units. Mrs. Chan stated our unit is the front unit so we do not have a backyard space. If the shed was moved over to comply with the ordinance, it would be in the backyard for unit b. We believe the shed is aesthetically pleasing and high quality.

Open to public questions and comments.

Lei Chen (509 Boulevard Unit B) stated he has concerns over the shed. That common area where the shed is located is to be shared by the two units and is designated for parking. Mr. Chen stated the shed is partially located in his yard, as it larger than what it should be. The shed limits the use of his backyard space, and it creates a hazardous condition with the angle it creates when accessing his car.

Closed to public questions and comments.

After listening to the applicants, and the concerns from the neighbor, the Board requested that an updated survey be provided clearly marking the dimensions of the stone area. The updated survey will confirm if the shed does encroach into the neighbor's yard. The application was carried to the November 13, 2019, meeting.

**17-33 Elm Street, LLC., 17-33 Elm Street**

9/13/2019

Applicant is seeking amended preliminary and final major site plan approval to amend condition #5 of the resolution to allow for a change to the façade of the building from what was previously approved by the Board. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. Mr. Foerst stated we are looking for an amendment to a resolution of approval that was granted in June 2018. Condition #5 stated there will not be any changes made to the façade of the building. The applicant is proposing to update the façade and make minor interior changes.

Chairman Masciale swore in the applicant, Eileen Ward Conway (325 Casino Avenue, Cranford) and James Ramentol (312 Springfield Avenue, Berkeley Heights). The Board accepted Mr. Ramentol's credentials as a licensed architect.

Referring to the plan, Mr. Ramentol stated when the application was approved in 2018, there were not any changes to the façade proposed. We decided to update the façade and create an upscale look. Our inspiration is from a property in New York City, and the front door was moved to give more dimension. An image of what the proposed façade will look like was marked as Exhibit A-1.

The Board was concerned that the façade update would not fit in downtown. At the time the application was approved, there was testimony that there will not be any major changes to the exterior. The application was carried to November 13, 2019, to allow the applicant to revise the design.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:28pm.

Respectfully submitted,

Linda Jacus  
Board Secretary