

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**February 8, 2021**

The Westfield Board of Adjustment met on Monday, February 8, 2021. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

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 stating the Board concluded an executive session, and called all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz,  
Allyson Hroblak, Charles Gelinias, Samuel Reisen  
ABSENT: Eldy Pavon and Carla Bonacci  
Also present: Diane Dabulas, Esq., Board of Adjustment Attorney, Donald Sammet,  
Town Planner, Lyndsay Knight, Zoning Official, and Linda Jacus, Board  
Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the January 11, 2021, meeting. Frank Fusaro made a motion to adopt the minutes; Matt Sontz seconded.

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

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for the applications that were acted upon at the January 11, 2021, meeting:

**Ryan & Lori Spector, 132 Marlboro Street**, extension approved.  
**Matt & Julie Sachs, 24 Hawthorn Drive** application approved with conditions.  
**Evan Molloy, 846 Cedar Terrace** application approved with conditions.  
**Jeffrey Singer, 1141 Tice Place**, application approved with conditions.  
**Simon Block, 527 Coleman Place**, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Sam Reisen seconded.

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

Motion carried.

Chairman Masciale called for a roll call vote to adopt a court ordered resolution reversing the denial for the applicant CGFR, 214 Grove Street.

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

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 the March 8, 2021, meeting:

**Monica Alvarez & Alvaro Quintana, 158 North Euclid Avenue  
Kenneth & Nancy Leonard, 206 Dickson Drive  
Lisa Varandas, 120 Wychwood Road**

The following application has been withdrawn:

**Francis Scott Ferraro, 712 Oak Avenue**

\*Carla Bonacci joined the meeting at 7:45 p.m.

**CARRIED FROM JANUARY 11, 2021:**

**Christine Escribano, 415 Mountain Avenue**

8/27/2020

Applicant is seeking approval to construct a driveway turnaround, patio expansion, and a front and rear porch addition contrary to Section 12.03D, 13.02I, 12.04G, 12.04F1, 17.05A of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is 18.04 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 21.39%.

Ordinance allows a maximum improvement coverage of 50%. Proposed is 52.7%. Ordinance allows a maximum driveway width of the 24 feet. Proposed is 28.6 feet. **Application deemed complete on November 10, 2020. 120 day decision date is March 10, 2021.**

Chairman Masciale swore in John Pizzi, Christine Escribano, and Scott Turner (261 Cleveland Avenue, Highland Park). The Board accepted Mr. Turner's credentials as a licensed engineer.

Mr. Turner stated when we here last month, the Board was concerned about the side yard setback and the coverage at 57.2%. Based upon those comments by the Board, we reduced the variances. The patio side yard setback variance has been eliminated, and the front yard setback has been increased to 18.04 feet by reducing the porch width to 8 feet. The improvement coverage was 57.2% and we reduced it to 52.7%, and the maximum driveway width was reduced from 31 feet to 28.6 feet. Mr. Turner stated we took into consideration the concerns by the Board at the last meeting and tried to create a functional space while trying to comply with the ordinance the best we could.

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

The Board appreciated the applicants coming back with substantial changes and reducing the size of the variances. The patio space was reduced and was pulled to the back yard and the driveway turnaround area was modified to reduce the coverage. The Board understood the need for the driveway turnaround for safety reasons which will not have any impact to the neighbors. Conditions imposed upon approval include there will not be any parking in the turnaround area, the screening will be maintained, and the front and rear porch will remain open.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the recommended conditions; Sam Reisen seconded.

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

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Eldy Pavon

Motion carried.

Application approved.

**Neil Dias, 1416 Boulevard**

10/13/2020

Applicant is seeking approval to construct a new deck contrary to Section 12.04F2 of the Land Use Ordinance. Ordinance allows maximum coverage by decks of 2% (400 square feet).

Proposed is 5% (300 square feet). **Application deemed complete on November 24, 2020. 120 day decision date is March 24, 2021.**

Chairman Masciale swore in Neil Dias and Manisha D'Souza. Mr. Dias stated they have lived in the home for about 10 years and would like to replace the existing deck. The current landing is made of wood and is in dilapidated condition which needs to be replaced as soon as possible. A 15 by 20 feet deck (300 square feet) is proposed, and will be built along the rear of the home. Mr.

Dias stated we are only permitted to build a deck that is 70.9 square feet, which is the reason for the variance request. Ms. D'Souza stated we would like to build a deck that would safe and functional for the family to use and enjoy. The survey was reviewed and discussed. The lot is slightly smaller than required for the RS-6 zone. A minimum lot depth of 120 feet is required and the lot depth is only 111 feet. The lot area is also under the minimum required for the zone, 6,000 square feet is required, and the lot is only 5,914.8 square feet. There was significant discussion of where the stairs would be located and if the stairs are included in the 15 by 20 feet. The applicants agreed to and confirmed that the deck platform without the stairs would be 15 by 15, and the stairs would be 5 feet. A 15 by 15 deck would increase the coverage to 3.8% as opposed to 5%.

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

The Board discussed the testimony regarding the size of the deck and the inclusion of the stairs, and agreed it would be acceptable if the deck did not exceed 15x20 with the main platform of the deck being 15x15 and the stairs an additional 5 feet. The Board acknowledged the larger deck would more functional for the applicants with little impact on the neighbors. It was agreed that there is a need for the applicants to submit drawings to scale when filing for permits.

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

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

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Eldy Pavon

Motion carried.

Application approved.

**Howard & Nadine Mandel, 25 North Wickom Drive**

10/14/2020

Applicants are seeking approval for a shed and basketball backboard contrary to Section 13.02F1, 13.02F3, 12.04F1 of the Land Use Ordinance. Ordinance allows a basketball backboard in the rear yard only. Proposed is the street side yard. Ordinance requires a minimum setback of 15 feet for game courts. Proposed is 6 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 21.2%. **Application deemed complete on November 24, 2020. 120 day decision date is March 24, 2021.**

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

Mr. Foerst stated there are three variances being requested, two for the location of the basketball court, and one for increased building coverage for the shed.

Chairman Masciale swore in Howard & Nadine Mandel. Mr. Mandel stated they purchased the property a year ago which was new construction. The fence was installed several months after moving in, as well as the asphalt pad and basketball hoop. Instead of putting the basketball hoop

in the driveway and always having to move the cars back and forth, it was easier to put the hoop in the side yard.

Referring to survey, Mr. Mandel stated when we installed the fence, we did not realize it was in the town right of way. When the shed was purchased, we were not aware that it would count towards coverage; we are 117 square feet over on coverage. Mr. Foerst went through photos submitted with the application. The fence and basketball hoop and pad runs along Tamaques Way. It was determined that the shed is on the property line and needs to have a minimum setback of 5 feet. Mr. Mandel confirmed if the application was approved and they were able to retain the shed, it would be moved to the required 5-foot setback. The shed is not a permanent structure and there is not any poured concrete. Mr. Foerst stated a violation was issued by the town for the location of the basketball court and fence and we are trying to rectify that by applying for the variances. Some of the changes the applicants are willing to make include moving the fence as per the letter from the town engineer. Kris McAloon issued a letter stating the height of the fence is acceptable, and is not located in the sight triangle, but the location of the fence does have an adverse impact on public safety operations, more specifically snowplowing operations. Mr. McAloon recommended that if the application was approved, a condition of approval would be the fence be relocated to a minimum offset of 5 feet from the face of the curb. Mr. Mandel stated the hoop could be moved to the other end of the court and a portion of asphalt would be removed so the fence could be moved 5 feet off the curb line, and that the shed would be moved 5 feet off the property line. Mr. Foerst stated this a unique lot with two front yards and it is a hardship using the property. Any improvements in the town right of way requires a hold harmless agreement which the applicants are willing to do, they are also willing to move the hoop and remove some asphalt which would still requires variances but we are trying to mitigate the impact.

Open to public questions and comments.

Seth Zimmerman (20 North Wickom Drive) stated he lives across the street and was not aware the fence location was an issue; he stated he does not have an issue with the fence or basketball court.

Michael Wirkowski (66 Tamaques Way) stated he lives diagonally across the street from property and is not in favor of the application. He shared google map images and photos he took. Mr. Wirkowski showed how the property looked previously before the fence was installed, and stated the hardship of two front yards is common in the neighborhood. He referred to other properties in the neighborhood who installed their fencing within the required setback and stated he is concern about safety; in a backing out situation even if the fence was retracted to 5 feet, there is still a safety concern.

Seth Markensohn (21 North Wickom Drive) stated he understands the situation with not having much of a backyard and does not have any concern with what is being proposed.

Chris Bassolino (23 North Wickom Drive) stated he does not think the fence is out of place and does not have a problem with it.

Frank Cerullo (62 Tamaques Way) stated he lives across the street and does not think the fence is an eyesore or a problem.

Closed to public questions and comments.

The Board was concerned that there is nothing else like this along Tamaques Way. There was concern with the neighbor on the right side backing out of their driveway, and if everything was moved back at least 5 feet, it does not resolve the issue and may not be far enough. The fencing

and basketball court where it is located is out of character for the neighborhood. The Board was not in favor of the application and suggested the applicant move everything back at least 15 feet from the property line. The applicants agreed to revise the application and asked if it could be carried to the next meeting. The application will be carried to the March 8th meeting.

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Chairman Masciale announced the following applications are carried to the February 18th special meeting:

- Daniel Jemal, 16 Breeze Knoll Drive**
- Cara Tabatchnick, 1000 Wychwood Road**
- Alex Mednick & Allison Stone, 621 Short Hills Court**
- Pawel Kierzkowski, 171 Tudor Oval**
- Thomas Sevchuk, 888 Winyah Avenue**

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**Stephanie Nash, 237 Munsee Way** 10/14/2020  
 Applicant is seeking approval to construct an inground swimming pool and a cabana contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 30% (8,000 square feet). Proposed is 34.38% (9,130 square feet). **Application deemed complete on November 24, 2020. 120 day decision date is March 24, 2021.**

Chairman Masciale swore in the applicants, Stephanie Nash and Joshua Kuntz, and their architect, Michael Moritz (99 Morningside Road, Colonia) and their landscape architect, Mark Nissim (1520 Pine Grove Avenue). The Board accepted Mr. Moritz's credentials as a licensed architect and Mr. Nissim's credentials as a licensed landscape architect.

Ms. Nash stated when we designed our home, we tried to be conscious about the scale of the project, how it fits with the character of the neighborhood, and did not max out the building coverage or lot coverage. We are proposing to construct an inground swimming pool and cabana. We comply with all the setbacks and will plant additional screening. Inground pools are common in our neighborhood and we will not be over on building coverage, just over on the lot improvement coverage, which we are mitigating by using minimal decking, on grade wood decking instead of stone pavers, and a drywell which will help with drainage.

Mr. Moritz stated everything proposed is within the setbacks and we are under on building coverage, but the one area we are over on is the impervious coverage. The property has a current improvement coverage of 27.9% (7,418 square feet). The proposed pool, patio/decking, and cabana will bring the improvement coverage to 34.33% (9,130 square feet), and the maximum permitted improvement coverage is 30% (8,000 square feet). A drywell is proposed to address the overage on impervious coverage, and instead of doing hard surfaces, we are using a deck structure with slats that will allow any water drain. A pool house of 450 square feet is proposed, 566 square feet is proposed for the deck, and the pool will be 684 square feet. Mr. Moritz stated what we are proposing will not cause any detriment to the neighborhood, and there are other pools in the area.

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

Mr. Nissim stated there will be trees removed with proposed application. We are going to be removing two 18-inch trees and replacing them with 6 trees, one 30-inch tree will be removed and 7 trees will be planted, and one 24-inch tree will be removed and 5 trees will be planted. In total 18 trees will be planted which will be trees that are on the approved tree list.

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

The Board felt the applicants put a lot of thought into the plan. Pools are consistent with the neighborhood and the applicants are being proactive by putting in a drywell and using materials that will allow water to drain which will minimize any impact to the surrounding properties. Conditions recommended include the applicants will apply to the Tree Preservation Commission for a permit and approval of the trees being removed and replaced, and the cabana may not be used as habitable space.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Sam Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz,  
Allyson Hroblak, Charles Gelinaz  
OPPOSED: Carla Bonacci  
ABSTAINED: Samuel Reisen  
ABSENT: Eldy Pavon

Motion carried.

Application approved.

**David & Amy Nathanson, 1 Breeze Knoll Drive**

10/7/2020

Applicants are seeking approval to construct a two-story addition at the rear of the existing three-car garage contrary to Section 12.04G and 11.04E13 of the Land Use Ordinance. Ordinance allows maximum improvement coverage of 30% (8,000 square feet). Proposed is 34.5% (11,877.2 square feet). Ordinance allows a maximum building mass at the side yard of 25 feet. Proposed is +/-50 feet. **Application deemed complete on November 30, 2020. 120 day decision date is March 30, 2021.**

Chairman Masciale swore in David Nathanson and his architect Tom Conway (16 Maple Street, Summit). The Board accepted Mr. Conway's credentials as a licensed architect.

Mr. Nathanson stated we are proposing an addition to the rear of the three-car garage. We need more storage room and we would like to be able to park the cars in the garage to secure our vehicles. There is a steep incline the rear yard so it would be difficult to add another structure for storage. The proposed addition will be at the rear of the house and will not be visible from the street.

Mr. Conway stated the property is in the RS-24 zone, and the scope of the project is a two-story addition to the rear of the existing three car garage. All work we are proposing will meet the required setbacks but we are looking for relief for the improvement coverage and the side wall length. The proposed first floor plan will provide storage for gear and pool equipment with access to the back yard and driveway. On the second floor, there will be a new walk-in closet for the master bedroom. Mr. Conway stated the proposed alterations will be designed to blend in with the architecture of the house, and the new addition will match the stone exterior, siding, roofing, and trim details. The maximum improvement coverage allowed is 8,000 square feet and we are already at 33.3% (11,480 square feet), and we are proposing to increase that coverage to 34.5% (11,887.2 square feet). The existing driveway, walkway, and retaining wall will be reconfigured for the new addition which is adding to the coverage. The patio is being modified

as the addition pushes out the garage area 8 feet, so there is a need to extend the driveway behind the garage in the rear of the property. The proposed right-side elevation shows the second-floor addition over the garage which takes away the deck on the second floor, and exacerbates the wall length; it is broken up with architectural detail and is already 42 feet long. The patio is being modified as the addition pushes out the garage area 8 feet so there is a need to extend the driveway behind the garage in the rear of the property.

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

The Board questioned why the coverage is already over the maximum allowed which appears to be related to the patio which was installed by a contractor. The town professionals advised that the pool and patio construction was permitted as of right as the 8,000 square foot limit was not in existence.

There was discussion of the gates and the existing and proposed fencing. The applicant must meet the current fence ordinance when the fencing is replaced, or the applicant will replace the fencing with stone wall and a gate.

The Board agreed the addition proposed is a good design and the lot is significantly larger than what is required so it can handle the additional coverage. There were not any negative comments from the neighbors, and there will not be any negative impact on the neighborhood. There has been significant detail and effort put into the design of the side wall which justifies the variance. The approval is conditioned upon a brick wall at a height of 6 feet replacing the fencing in the rear of the driveway, with the gate being replaced with a solid door, and that the drawings be revised to reflect the step back on the second floor.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:50 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary