

MINUTES
Town of Westfield Board of Adjustment
February 18, 2021

The Westfield Board of Adjustment met on Thursday, February 18, 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.

SPECIAL 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, Matt Sontz, Carla Bonacci,
Eldy Pavon, Samuel Reisen

ABSENT: Michael Cohen, Charles Gelinias, Allyson Hroblak

ALSO PRESENT: Diane Dabulas, Esq., Lyndsay Knight, Zoning Officer, and Linda Jacus,
Board Secretary

Daniel Jemal, 16 Breeze Knoll Drive

10/16/2020

Applicant is seeking approval to install an inground pool and a six-foot open fence contrary to Section 12.04G and 12.07C of the Land Use Ordinance. Ordinance allows a maximum improvement coverage of 40% (7,200 square feet). Proposed is 48.4% (10,733.5 square feet). Ordinance requires a pool to be enclosed by a solid fence not less than 6 feet tall. Proposed is a 6-foot open style fence. **Application deemed complete on November 30, 2020. 120 day decision date is March 30, 2021.**

Chairman Masciale swore in the Daniel & Lisa Jemal and their landscape architect, Marc Nissim (1520 Pine Grove Avenue). The Board accepted Mr. Nissim's credentials as a licensed landscape architect.

Mr. Jemal discussed how they have tried to address coverage issues while also providing for a pool and patio which they desire. A google map was shown to show other pools in the area. A drawing was shown which shows the survey of the property as it exists, the property when it was purchased, and the proposed improvements. Also shown was a compilation of the data from the tax records regarding the width, depth, and acreage of the property. Mr. Jemal stated their property is 25% smaller than the average of all the properties on Breeze Knoll. There are 16 homes on Breeze Knoll and there are seven with pools. It is also a narrow lot at 100 feet wide where 120 feet is required. A drywell will be installed to address the additional runoff and recharge the ground water. The variances being requested are for the improvement coverage and the fencing. The improvement coverage is existing nonconforming at 40.5%/8,900 square where the maximum allowed is 40%/8,000 square feet. The addition of the pool and patio will bring

the improvement coverage to 48.4%/10,733 square feet. There is an existing six-foot-tall open fence with a dense landscape border. Mr. Jemal requested that brand new fence not be replaced with a solid six-foot fence as required by ordinance. The current fencing and landscaping provide enough screening as a solid fence.

Mr. Nissim testified regarding the landscape plan, and stated he has worked with the applicants to find the best location for the pool, while trying to keep as much of the back yard open due to the minimum width of the property. The pool will be located behind the driveway, and there will also be a patio. The applicants will be adding 1,700 SF including the pool water. The drywell will mitigate any runoff caused by the pool and patio. There will be significant landscaping surrounding the existing fence, and that the entire perimeter of the pool area will be connected to the drywell. Mr. Jemal testified that the neighbors on the left have a solid fence which borders their property. There are a significant number of trees which are large in size in front of the fence, and the landscaping is well established.

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

There were some concerns by the Board that the improvement coverage proposed does greatly exceed what is allowed. Although the lot is slightly undersized, what is proposed is excessive, and some reductions should be made to reduce the coverage. There were also concerns about the fencing not being solid, the Board wanted to be consistent with the solid fence requirement for pools. The Board, in its review of the plans, discussed whether the circular driveway is needed and if the size could be reduced. Mr. Jemal stated the house was designed with the circular driveway and the architecture would be affected if the driveway was removed. The driveway is 12 feet wide, and there was a discussion of whether reducing some of the square footage off the back of the driveway would reduce the coverage. The Applicants agreed to that concession. The Board felt there was well-established landscaping on the property, and it is a slightly undersized lot. Most of the neighbors will not see what is going on at the property and the landscaping will conceal the pool and provide screening like a solid fence.

**Allyson Hroblak joined the meeting at 8:15pm.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a land surveyor.

Mr. Watson testified regarding the survey. The fence along the rear line is on the property line and if there is another fence required there would be a double fence. Only if the neighbor took down the fence the applicant should be required to replace fence due to ordinance.

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

Open to public comments.

Ellan Ben-Hayon (17 Breeze Knoll) stated he lives across the street and the work being proposed will be a great addition and does not have any objection to the application.

Ron Pelletier (12 Breeze Knoll Drive) stated he lives to the left of the applicants and thinks their yard is densely landscaped and that the work proposed will be sufficiently screened.

Closed to public comments.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application with the condition that the landscaping be maintained, the solid fence on the pool side be maintained, the drywell being installed will be maintained, and 450 square feet at the turn around area of the driveway will be removed; Eldy Pavon seconded.

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

Motion carried.

Application approved.

Cara Tabatchnick, 1000 Wychwood Road

10/20/2020

Applicant is seeking approval to install a generator contrary to Section 13.02113 of the Land Use Ordinance. Ordinance does not allow generators to be located in the front or street side yard. Proposed is a generator located in the street side yard. **Application deemed complete on December 3, 2020. 120 day decision date is April 2, 2021.**

Chairman Masciale swore in Cara & Craig Tabatchnick who are seeking approval to install a generator on the street side of the property. Ms. Tabatchnick stated due to Covid, we are both working from home, and because of the nature of my husband's job, any lapses in the internet connection could cause a large monetary error resulting in the loss of his job. We live in an area that has older, mature trees and power outages do occur frequently in the area. The property is a corner lot located at the corner of Wychwood Road and Woodland Road. The side yard would be an ideal location for the generator because there is already pool equipment on that side of the property which is enclosed by a large fence & gate, and a smaller fence around the equipment itself. Also, the proposed location would not be a burden to our neighbors. By locating the generator on the street side, we would not have to worry about noise or fumes to our neighbors and there are large plants that block any visibility to that side of the house. The rear neighbor would be impacted if the generator was placed in the rear yard since the yard is small. The generator company recommended the proposed location for the generator.

Open to public questions and comments.

Chuck Kozora (513 Woodland Avenue) stated he does not have any objection to the proposed generator.

Closed public questions and comments.

The Board agreed the proposed location of the generator is the most logical place to install it with other existing equipment in the side yard. The Board noted the positive use of the generator and the lack of negative impact on the neighborhood with the addition of the screening. A

condition of approval would be the landscaping installed for screening at the location of the generator be maintained.

Chairman Masciale called for a motion. Frank Fusaro made a motion; Samuel Reisen seconded.

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

Motion carried.

Application approved.

Alex Mednick & Allison Stone, 621 Short Hills Court

10/22/2020

Applicants are seeking approval to install a 6-foot fence contrary to Section 12.07C of the Land Use Ordinance. Ordinance allows a maximum fence height of 4 feet. Proposed is 6 feet.

Application deemed complete December 4, 2020. 120 day decision date is April 3, 2021.

Chairman Masciale swore in Alex Mednick & Allison Stone. Mr. Mednick stated we are looking to install a six-foot vinyl fence abutting the rear property line to replace the existing 4-foot chain link fence. The lot is a through lot and has frontage on Short Hills Court and Whittier Avenue. The backyard is adjacent to the dead end on Whittier Avenue, and is easily accessible from the street. Throughout the day numerous landscapers, delivery drivers, and other providers park their trucks behind their home. Also, the service providers of the group home come and go at all times of the day and night. With our current four-foot fence, everyone who walks or drives past our backyard has a direct line of sight into our yard, and there is not any privacy. Additionally, the rear fence has a gate and, on many mornings, we have found the gate open despite closing it each night. The fence will be the same color as that existing next to the property, and the fence location will be the same as the existing fence location except that there will be a jog in the left-hand side of the property. There is existing landscaping which will remain and there will be additional landscaping planted along the fence line to improve the aesthetics.

Open to public questions and comments.

Weldon & Alma Chin (459 Whittier Avenue) stated they understand the privacy issue, and discussed the fencing and landscaping being proposed with the applicants. One concern we had was the application mentions that the fence would be seven feet off the property line, however it was confirmed that the fence would be located on the existing fence line.

Andrew Wasserman (471 Channing Avenue) stated there are variety of people parked behind their home and the staff from the group home can be disruptive. He understands the need for privacy, and he is in support of the fencing and landscaping proposed.

Larry Hipschman (455 Whittier Avenue) stated he spoke to the applicants, had some questions and concerns about the location of the fence. But he understands the privacy issue and is in support of the application.

Closed to public questions and comments.

The Board agreed the applicant has a relatively unique property in that it is a “pass thru-lot” with access on two streets. The Board felt the fence could be added without changing the character of the property. There is support of the fence from the neighbors and there will not be any negative impact. Two conditions imposed upon approval, the landscaping will be maintained and the fencing will be installed at the current location.

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

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

Motion carried.

Application approved.

Pawel Kierzkowski, 171 Tudor Oval

10/23/2020

Applicant is seeking approval to install a six-foot fence and an inground swimming pool in the front yard contrary to Section 12.07C and 13.02D3 of the Land Use Ordinance. Ordinance allows a maximum fence height and above grade wall height of four feet in the front yard. Proposed is 6 feet. Ordinance requires a swimming pool to be located in the rear yard. Proposed is the front yard. **Application deemed complete December 4, 2020. 120 day decision date is April 3, 2021.**

Chairman Masciale swore in Pawel & Karolina Kierzkowski. Mr. Kierzkowski stated we purchased the property 4 years ago, and we have renovated the interior of the home, but have not done anything to the exterior. We are looking to install an inground pool in what is defined as the front yard and add a 6-foot fence. Since the proposed pool location is defined as the front yard, variances are required, as the town does not allow pools or a fence height of six feet in the front yard. The lot has frontage on Tudor Oval and Landsdowne Avenue and is classified as a through lot. There are no other variances needed for the pool such as coverage. Mr. Kierzkowski stated we were granted a previous variance in 2018 for a fence, however the fence was never constructed. We decided to install a natural fence which could not be maintained. The fencing we are proposing would be tongue and groove in natural wood, or vinyl in a wood like color; the fence will be located approximately 20 feet from the street. The fencing will not interfere with the mature trees already existing on the proposed fence line.

Open to public questions and comments.

Liz Molinari (165 Landsdowne Avenue) stated she lives across the street. Ms. Molinari stated she is concerned about seeing a line of fences. She supports keeping the existing greenery and maintaining the 20-foot setback for the fence.

Closed to public questions and comments.

The Board agreed the pool is located in the best location, and liked that the fence is 20 feet back and there is existing the greenery. The comments made by the neighbor are important as no one wants to be staring at a line of fencing. Two conditions of approval include a tree removal permit be applied for if required and the screening along Landsdowne Avenue be maintained.

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

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

Motion carried.

Application approved.

Thomas Sevchuk, 888 Winyah Avenue

11/14/2020

Applicants is seeking approval to construct an addition contrary to Section 11.06E6, 11.06E14, 12.04F1 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 12.6 feet. Proposed is 8.6 feet. Ordinance requires a 2-car garage. Proposed is a one-car garage. Ordinance allows a maximum building coverage of 20%. Proposed is 21.3%. **Application deemed complete December 17, 2020. 120 day decision date is April 16, 2021.**

Carla Bonacci recused herself from the application.

Chairman Masciale swore in Thomas Sevchuk and Caroline Riordan, and their architect, David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Sevchuk stated we purchased the house in August 2020, we are not currently living in the home as we would like to get some of the work done before moving in. The work proposed includes extending the house for a bigger family room and kitchen. The current two car garage is not big enough for 2 cars so we were going to use part of the garage as the mudroom and make it a one car garage.

Mr. Bailey stated the existing den will be demolished and a one-story addition is proposed at the rear of the house. The addition will be built over the crawl space. The addition will include a family room and expanded eat-in kitchen. The existing two car garage will be renovated to include a new mudroom and a one-car garage will be created. The existing kitchen and dining room will be gutted and renovated to expand the rear addition. There are several homes in the neighborhood that have only a one-car garage. This property is in the RS-12 zone, and is

undersized. It is only 8,812 square feet where the minimum required is 12,000 square feet. The side yard setbacks are existing non-conforming and the proposed addition does not extend any closer to the property line than the existing house.

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's credentials as licensed land surveyor and planner.

Mr. Watson stated we are requesting relief for three variances for the side yard setback, one car garage where a two-car garage is required, and building coverage. We are in the Wychwood section, which is in the RS-12 zone. There are 18 surrounding properties with 11 of those lots having less than 12,000 square feet which is required in the zone. Five of the 18 lots have only a one car garage. Our lot is only 8,812 square feet which is a hardship, and there are also the existing two side yard violations. The variances can be granted under the C1 and C2 criteria as this is an undersized lot in the zone, which is causing some of the variances. The existing building will be modernized and updated, and will match other homes on the block. A one car garage is not the predominate design in the area, but there are other lots with one car garages. All the improvements will be at the rear except for the mudroom. The application satisfies the purposes of zoning, and the coverage variance would not be required if the property was properly sized for the zone. Mr. Watson testified that there is no detriment to the zoning ordinances or the master plan.

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

The Board agreed there is a hardship with the lot being undersized, and the amount of functionality the applicants will be getting from a minimal amount of change to the outside is phenomenal.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Matt Sontz, Eldy Pavon,
Allyson Hroblak, Samuel Reisen

OPPOSED: None

ABSTAINED: Carla Bonacci

ABSENT: Michael Cohen, Charles Gelinas

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:53 pm.

Respectfully submitted,

Linda Jacus
Board Secretary