

MINUTES
Town of Westfield Board of Adjustment
March 8, 2021

The Westfield Board of Adjustment met on Monday, March 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 calling all present to join in the Pledge of Allegiance to the Flag.

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, Eldy Pavon, Michael Cohen, Matt Sontz,
Charles Gelinas, Samuel Reisen
ABSENT: Allyson Hroblak, Carla Bonacci
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner, Lyndsay Knight,
Zoning Officer, and Linda Jacus, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the February 8, 2021, meeting. Frank Fusaro made a motion to adopt the minutes; Sam Reisen seconded.

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

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the February 8, 2021, meeting:

Christine Escribano, 415 Mountain Avenue, application approved with conditions.
Neil Dias, 1416 Boulevard, application approved with conditions.
Stephanie Nash, 237 Munsee Way, application approved with conditions.
David & Amy Nathanson, 1 Breeze Knoll Drive, application approved with conditions.

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

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

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 April 12, 2021, meeting:

Kenneth & Nancy Leonard, 206 Dickson Drive
Howard & Nadine Mandel, 25 North Wickom Drive

Chairman Masciale announced the Board would be going into an Executive Session to discuss a jurisdictional issue for the appeal filed by Lisa Varandas, 120 Wychwood Road. A motion to adjourn to an Executive Session and disconnect from the public meeting was made, seconded and carried at 7:35 p.m. The Board rejoined the public meeting 7:48 p.m. Chairman Masciale announced the Board found that they do not have jurisdiction to hear the appeal of 120 Wychwood Road. Ms. Dabulas stated the appeal presented was an appeal of an interpretation of a resolution, which is better suited for a prerogative writ action and this is not the right venue for that action.

Chairman Masciale called for a motion. Frank Fusaro made a motion to dismiss the appeal for lack of jurisdiction by the Board of Adjustment; Samuel Reisen seconded.

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

Motion carried.

CARRIED FROM FEBRUARY 8, 2021:

Monica Alvarez & Alvaro Quintana, 158 North Euclid Avenue

10/1/2020

Applicants are seeking approval to construct an addition contrary to Section 11.08E6 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed setbacks are 7.6 feet/11.5 feet. **Application deemed complete on November 24, 2020. 120 day decision date is March 24, 2021.**

Applicants not present for meeting; will be carried to the April 12th meeting.

NEW APPEALS:

Lawrence & Donna Darrow, 4 Carol Road

11/13/2020

Applicants are seeking approval to install a generator contrary to Section 13.02I13 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 December 21, 2020. 120 day decision date is April 20, 2021.**

Chairman Masciale swore in Lawrence & Donna Darrow. Mr. Darrow stated we are requesting a variance for a generator to be installed in the side yard facing the street. We live on the corner Carol Road and Lynn Lane. My wife is a care giver for her 90-year-old mother, and in the event of a power failure, we would like to have a place for her to go. Our issue is the way our house is situated, we cannot locate the generator in the opposite side yard because there is only 8 feet from the screened porch to the property line, and the generator has to be at least 5 feet from the property line. The backyard is a hardship because there is not any access to electrical service with the existing asphalt driveway. It makes the most sense to put it on the street side where the utilities are located. There are two a/c compressors in the area where the generator will be located. A pad will be installed for the generator and bushes will be planted to screen the generator.

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

The Board felt there is a challenge with this being a corner property. The generator will be back enough with ample screening which is a good solution even though it will be in the side street.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the condition the plantings be maintained; Samuel Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Charles Gelinias, Samuel Reisen

OPPOSED: None

ABSTAINED: None

ABSENT: Allyson Hroblak, Carla Bonacci

Motion carried.

Application approved.

Alyssa Stanek, 251 East Dudley Avenue

11/16/2020

Applicant is seeking approval to construct an inground swimming pool and a patio contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum coverage by

improvements of 20%. Proposed is 30.5%. **Application deemed complete December 28, 2020. 120 day decision date is April 27, 2021.**

Chairman Masciale swore in Allyssa Stanek, and her landscape architect Mark Nissim (1520 Pine Grove Avenue). The Board accepted Mr. Nissim's credentials as a licensed landscape architect.

Ms. Stanek stated we purchased the property in 2017, and we are looking to construct a pool and patio.

Mr. Nissim stated the lot is almost 3 times of what the zone requires at 64,889 square feet. The home is a very old home, which has a carriage house, a very long driveway which take up a lot of coverage, and there is a tennis court on the property. We do not want to disturb the tennis court, driveway, or the carriage house to install the pool. There are however some areas we are looking to trim. A small shed (77 square feet) will be removed, 408 square feet of the driveway will be removed, and 140 square feet of the front walkway will be removed. A new swimming pool and an at grade patio are proposed. The pool will be 20 feet by 48 feet for an increase in coverage of 980 square feet. In addition, the applicants are proposing an at grade patio surrounding the pool that will account for 1,700 square feet of additional coverage. The existing improvement coverage for this lot is 17,743 square feet/27.3% and is an existing nonconforming condition. The addition of the patio and swimming pool will result in an increase of 2,035 square feet for a total improvement coverage of 19,775 square feet/30.5% where 20% is permitted. A fence for the pool will be installed that complies with the 6-foot solid fence requirement; it would go around the perimeter of the yard. Mr. Nissim stated because of the unique nature of the property we are working with a lot of existing conditions that were built in 1903. The lot is 3 times larger than what is required in the zone, and we are hindered by the 20% maximum coverage. It difficult to comply with the coverage and be conforming when the driveway is over 4,257 square feet, and there is a tennis court that over 6,942 square feet.

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

There was concern about the proposed coverage with the pool and patio being 1/3 over what is allowed. It was agreed there is too much being put on the property; it would be better to come back with something that is closer to compliance. The Board felt a resizing of the pool or tennis court would be received as favorable. The applicant agreed to revised the application and carry it to the April 12th meeting.

Jeffrey & Elaine Heintz, 564 Sherwood Parkway

12/4/2020

Applicants are seeking approval to construct a garage, patio, and driveway contrary to Section 12.04G and 12.04F1 of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 50%. Proposed is 51.5%. Ordinance allows a maximum building coverage of 20%. Proposed is 22.6%. **Application deemed complete January 19, 2021. 120 day decision date is May 19, 2021.**

Chairman Masciale swore in Jeffrey & Elaine Heintz, and their architect Anastasia Harrison (26 North Avenue, Garwood). The Board accepted Ms. Harrison's credentials as a licensed architect.

Mr. Heintz stated we are looking to improve the back yard to make it a more usable space. We would like to construct a garage, on grade patio and driveway. The property is the only one in the area without a garage. The previous owners in 2000 built an addition and were over on coverage so the garage was removed to reduce the coverage.

Ms. Harrison stated that there is a grade difference on the property which is approximately 15 feet from the front to the back of property. Thus, there is a need for a foundational wall at the garage. The garage will be consistent with the architectural design of the house. There will be a sliding door on the side of the garage for easier access to storage. The existing shed which is 65 square feet will be removed to mitigate the coverage on the lot. The existing coverage is 1,519 square feet and proposed is 1,722 square feet; an addition of 203 square feet is proposed. Ms. Harrison testified that the Ordinance requires a one car garage in the zone. The garage will abide by the side and rear setbacks and the driveway will be extended only to meet the garage entry.

Chairman Masciale swore in Marc Nissim (1520 Pine Grove Avenue). The Board accepted Mr. Nissim's credentials as a licensed landscape architect.

Mr. Nissim stated there is a proposed spa that was added to the lot coverage. There was testimony about the installation of the spa, and it was determined that the spa needs to be included in the above grade building coverage calculations and requires a locked cover. The spa will be 7 1/2 by 7 1/2, and will add amend the application to add 56.25 square feet to the building coverage.

Open to public comments and questions.

Todd Weiss (568 Sherwood Parkway) stated the applicants have been transparent throughout the process. The location of the proposed garage is where other neighbors have their garage and he does not have an issue with the application.

Closed to public comments and questions.

The Board agreed that the location of the proposed garage is consistent with the neighborhood and will be an improvement for the property. Some conditions of approval include the application will be amended to reflect the spa, the cover on the spa will remain locked, the garage will be used for storage only and not as habitable space, and that the retaining wall not exceed four (4) feet in height.

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

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

Motion carried.

Application approved.

Gilberto Arroyo, 230 Elizabeth Avenue

9/9/2020

Applicant is seeking approval to construct an addition to the rear, front and side of the home contrary to Section 12.04F1, 11.08E5, 11.08E6, 11.08E7, 12.04E, 11.08E13/2.11G, 11.08E14 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is

31.3%. Ordinance requires a front yard setback of 42 feet 6 inches. Proposed is 22 feet 4 inches. Ordinance allows a maximum floor area ratio of 37%. Proposed is 51%. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 26 feet 9 inches. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 6.67 feet and 4.9 feet. Ordinance allow a maximum continuous wall length of 25 feet. Proposed is 38 feet and 39 feet. Ordinance requires an attached front facing garage to have a minimum offset of 2 feet behind the main façade. Proposed is 1 foot 6 inches. **Application deemed complete February 16, 2021. 120 day decision date is June 16, 2021.**

Gary Goodman (23 North Avenue Cranford) appeared on behalf of the applicant. Mr. Goodman stated there are a number of bulk variances being requested because the property is an undersized lot. The lot is 6,058 square feet where 8,000 square feet is required; the property is in the RS-8 zone. There are a number of pre-existing conditions on the property, and the proposal is to renovate and expand the house.

Chairman Masciale swore in Gilberto Arroyo. Mr. Arroyo stated when I purchased the property the intent was to renovate and expand the home which is extremely small. The home has not been well taken care of. We are proposing to double the size of the home, it is only 1,447 square feet. The front of home will stay intact with cosmetic changes proposed but the addition will be to the rear and the detached garage will be torn down and rebuilt at the left front side of the home; removing the garage will open up the rear yard. Mr. Arroyo stated the current size of the home does not work for us and the lot is an awkward shape. There are homes in the area which are 4,000-5,000 square feet. There were pictures included on the plan that show what is existing in the neighborhood. Most of the work we are doing is in the rear of the property and the only change to the front is cosmetic.

Chairman Masciale swore in Kermit Hughes (185 Myrtle Street, Somerset). The Board accepted Mr. Hughes's credentials as a licensed architect.

Mr. Hughes stated the property has existing non conformities. The lot depth required is 120 feet and the lot is only 100.36 feet, the lot area required is 8,000 square feet and is only 5,993 square feet. The lot width required is 60 feet and existing 50 feet. There will be an addition to the rear, front and side of the house. The 1st and 2nd floor will be reconfigured and the low ceilings in the basement will addressed. The existing detached garage will be removed and a portion of the house addition will be dedicated to a one-car garage. The materials used will be a hardi-board wood look siding, a raised seam metal roof, and a fixed glass window at the accent cantilever. There will be an entry porch which is triggering the front yard setback variance, 42 feet 6 inches is required and 22 feet 4 inches is proposed. The rear yard setback required is 35 feet and 26.9 feet is proposed. The existing side yard setbacks are existing nonconforming at 8.7 feet and 4.9 feet. The setback of 4.9 feet will remain unchanged and the other side yard setback will be 6.67 feet. Although there are many variances being requested which also includes an increase in the building coverage and f.a.r., the home will be closer to the scale of the surrounding homes. The overall coverage is being reduced by reducing some of the existing pavement and eliminating the detached garage.

There was concern by the Board that the size of the home is being doubled. The home is in disrepair and needs to be updated, but the proposed f.a.r. is an exorbitant number and is way over what the Board would approve. All of the larger homes in the neighborhood are on larger lots and what is being proposed here is putting a large home on a smaller lot. There are also a lot of discrepancy in the plans, and what is being asked for is not agreeable to the board. The applicant agreed to rework the plan and carry the application to the April 12th meeting.

Adam & Jessica Weinstein, 417 Baker Avenue

12/14/2020

Applicants are seeking approval to construct a covered front entry portico contrary to Section 12.04F1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21.84%. **Application deemed complete February 16, 2021. 120 day decision date is June 16, 2021.**

Chairman Masciale swore in Adam & Jessica Weinstein, and their architect Laurence Appel (220 South Orange Avenue, Livingston). The Board accepted Mr. Appel's credentials as a licensed architect.

Ms. Weinstein stated we purchased the home in 2016 and are looking to make some exterior improvements. A new covered front entry is proposed which will replace the existing uncovered platform and steps.

Mr. Appel stated the proposed alteration is to address the water damaged siding and other required exterior maintenance. The proposed work will provide protective overhangs which will minimize future water damage. This work will also create an opportunity to provide architectural design to the façade and be consistent with other homes in the neighborhood. Currently the building coverage is over what is allowed at 21.66% and the proposed increase due to the portico roof cover over the entry platform is 0.18%. The portico will be 5.3 feet deep and 9.6 feet wide. There are also two preexisting side yard setback conditions, and those setbacks will be unchanged.

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

The Board agreed what is proposed will look great and the architect did a great job. The coverage is currently over and the 0.18% is de minimus. A condition the portico remain open on three sides (except for the area attached to the garage) after the proposed work was suggested.

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

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Charles Gelinas, Samuel Reisen

OPPOSED: None

ABSTAINED: None

ABSENT: Allyson Hroblak, Carla Bonacci

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:27 pm.

Respectfully submitted,

Linda Jacus
Board Secretary