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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :
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TRANSCRIPT OF PROCEEDINGS
Monday, May 9, 2022

Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

MATT SONTZ, MEMBER

6

CAROL MOLNAR, MEMBER

7

CHARLES GELINAS, FIRST ALTERNATE

8

SAMUEL REISEN, SECOND ALTERNATE

9

10 DON SAMMET, ZONING OFFICIAL/PLANNER

11

A B S E N T:

12

ALLYSON HROBLAK, MEMBER

13

ELDY PAVON, MEMBER

14

15 A P P E A R A N C E S:

16

WELLS, JAWORSKI & LIEBMAN, LLP

17

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

18

19

NORRIS MCLAUGHLIN

20

BY: CHRISTOPHER A. ERD, ESQ

Attorney for APPLICANT DAYBASE, INC.

21

22

SPECTOR-FOERST & ASSOCIATES

23

BY: JAMES M. FOERST, ESQ.

Attorney for the APPLICANTS WARSHAW, STITES

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ADOPTION OF RESOLUTIONS

166 MOUNTAIN AVENUE 10

920 CRANFORD AVENUE 11

857 HIGHLAND AVENUE 11

145 LINCOLN AVENUE 12

1020 SUMMIT AVENUE 13

- - -
A P P L I C A T I O N S
- - -

WITHDRAWN

None

CARRIED

ZBA 21-084 (*CARRIED TO JUNE 6, 2022*)
MICHAEL KING
437 HILLSIDE AVENUE 13

ZBA 22-022
(*CARRIED TO MAY 16, 2022 - SPECIAL MEETING*)
DAYBASE INC.
231 EAST BROAD STREET 15, 31

- - -

ZBA 22-004 (*APPLICATION TRANSFERRED TO PLANNING BOARD AGENDA*)
CHARLES PIJANOWSKI
240 ORCHARD STREET 14

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ZBA 21-074
TOM BARTOLUCCI
4 TAMAQUES WAY 19

WITNESS PAGE

TOM BARTOLUCCI 20
GALILA BARTOLUCCI 20
ANDREA CARMINIO 21

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NONE

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MICHAEL TORNEY 40

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15	LOUIS AND DIANA VOZZA		
16	507 BIRCH AVENUE		102
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18	LOUIS VOZZA		103
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519 PARKVIEW AVENUE 121

WITNESS PAGE

STEVEN STITES 126

EXHIBIT DESCRIPTION PAGE

NONE

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P R O C E E D I N G S
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(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Good evening.

This is a regularly scheduled meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board of town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act.

Katherine Razin, our Board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Zoning Board has the power to grant D1 through D6 Variances as well as C Variances as well as hear appeals under 70A, and interpretations under 70B.

1 CHAIRMAN FUSARO: Thank you.
2 Mr. Secretary, may I please have the roll call?
3 MR. SAMMET: Certainly, Mr. Chair.
4 Mr. Cohen.
5 MR. COHEN: Present.
6 MR. SAMMET: Mr. Fusaro.
7 CHAIRMAN FUSARO: Present.
8 MR. SAMMET: Ms. Hroblak is absent
9 this evening. Mr. Masciale.
10 MR. MASCIALE: Here.
11 MR. SAMMET: Ms. Molnar.
12 MS. MOLNAR: Here.
13 MR. SAMMET: Ms. Pavon is absent.
14 Mr. Sontz.
15 MR. SONTZ: Here.
16 MR. SAMMET: Mr. Gelinias.
17 MR. GELINAS: Here.
18 MR. SAMMET: Mr. Reisen.
19 MR. REISEN: Present.
20 CHAIRMAN FUSARO: Thank you. Has
21 everyone had a chance to review the meeting
22 minutes from our April 11 meeting?
23 MR. MASCIALE: Yes.
24 CHAIRMAN FUSARO: Any comments,
25 questions or concerns?

1 MS. MOLNAR: They're long.

2 CHAIRMAN FUSARO: Seeing none. Can
3 I have a motion to approve the minutes?

4 MR. MASCIALE: So moved.

5 MS. MOLNAR: Second.

6 CHAIRMAN FUSARO: First and
7 seconded. Minutes are approved. I don't think we
8 need to call the roll, Mr. Sammet, for that?

9 MR. SAMMET: No, you don't have to
10 do all the members.

11 CHAIRMAN FUSARO: I'll just carry
12 it. We have a --

13 MR. SAMMET: Do we have an "all in
14 favor"?

15 CHAIRMAN FUSARO: All in favor.
16 Sorry.

17 BOARD MEMBERS: Aye.

18 MR. SAMMET: Any abstentions.

19 MR. MASCIALE: No.

20 CHAIRMAN FUSARO: We have the
21 memorialization of the resolutions from our
22 meeting. I believe there were five; one, two,
23 three, four, five. Has everyone had a chance to
24 review the resolutions? Any questions, comments,
25 concerns? Seeing none.

1 The first resolution is Bee Kind
2 Pediatrics, 166 Mountain Avenue, Block 2403,
3 Lot 31. Mr. Sammet, please call the roll.

4 MR. SAMMET: Do we need a motion?

5 CHAIRMAN FUSARO: Someone make a
6 motion to approve.

7 MS. MOLNAR: So moved.

8 MR. MASCIALE: So moved.

9 MR. SAMMET: Ms. Molnar, seconded by
10 Mr. Masciale.

11 CHAIRMAN FUSARO: Yes.

12 MR. SAMMET: Mr. Fusaro.

13 CHAIRMAN FUSARO: Yes.

14 MR. SAMMET: Mr. Masciale.

15 MR. MASCIALE: Yes.

16 MR. SAMMET: Ms. Molnar.

17 MS. MOLNAR: Yes.

18 MR. SAMMET: Ms. Pavon is absent.

19 And Mr. Sontz.

20

21 MR. SONTZ: Yes.

22 CHAIRMAN FUSARO: The motion is
23 approved.

24 The second application -- I'm sorry
25 -- resolution is for Laura Stankiewicz?

1 920 Cranford Avenue, Block 3605, Lot 7. Can I
2 have a motion to approve the resolution?

3 MS. MOLNAR: So moved.

4 CHAIRMAN FUSARO: Ms. Molnar.
5 Second.

6 MR. MASCIALE: Second.

7 CHAIRMAN FUSARO: Mr. Masciale.
8 Mr. Sammet.

9 MR. SAMMET: Mr. Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Mr. Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MR. SAMMET: Ms. Pavon is absent.

16 And Mr. Sontz.

17 MR. SONTZ: Yes.

18 CHAIRMAN FUSARO: The next
19 resolution is Ed Laczynski, 857 Highland Avenue,
20 Block 501, Lot 17. May I have a --

21 MS. MOLNAR: So moved.

22 CHAIRMAN FUSARO: So moved. Thank
23 you.

24 MR. MASCIALE: Second.

25 CHAIRMAN FUSARO: First and

1 seconded. Mr. Sammet.

2 MR. SAMMET: Mr. Fusaro.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: Mr. Masciale.

5 MR. MASCIALE: Yes.

6 MR. SAMMET: Ms. Molnar.

7 MS. MOLNAR: Yes.

8 MR. SAMMET: Ms. Pavon is absent.

9 Mr. Sontz.

10 MR. SONTZ: Yes.

11 CHAIRMAN FUSARO: We're getting
12 there; two more. The next resolution is Joshua
13 and Melissa Ring, 145 Lincoln Road, Block 1005,
14 Lot 3. May I have a motion?

15 MR. MASCIALE: So moved.

16 MS. MOLNAR: Second.

17 CHAIRMAN FUSARO: First and

18 seconded. Mr. Sammet.

19 MR. SAMMET: Mr. Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MR. SAMMET: Mr. Masciale.

22 MR. MASCIALE: Yes.

23 MR. SAMMET: Ms. Molnar.

24 MS. MOLNAR: Yes.

25 MR. SAMMET: Ms. Pavon is absent.

1 And Mr. Sontz.

2 MR. SONTZ: Yes.

3 CHAIRMAN FUSARO: Our final
4 resolution is Mr. Venkat Ragan Gangavaran,
5 1020 Summit Avenue, Block 5102, Lot 1. May I have
6 a motion?

7 MR. MASCIALE: So moved.

8 MS. MOLNAR: Second.

9 CHAIRMAN FUSARO: Mr. Masciale and
10 Ms. Molnar. Mr. Sammet.

11 MR. SAMMET: Mr. Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MR. SAMMET: Mr. Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Ms. Pavon is absent.

18 Mr. Sontz.

19 MR. SONTZ: Yes.

20 CHAIRMAN FUSARO: Thank you. There
21 are no more resolutions from our last meeting. We
22 don't have any applications being withdrawn.
23 However, we do have one application that requested
24 to be carried once again. It's Application Number
25 ZBA 21-084, Mr. Michael King, 837(sic) Hillside

1 Avenue. Carried to our June 13th meeting without
2 further notice.

3 MR. MASCIALE: I think it was 437.

4 MS. MOLNAR: I think that's 437.

5 CHAIRMAN FUSARO: What's that?

6 MR. MASCIALE: 437.

7 MS. MOLNAR: 437.

8 CHAIRMAN FUSARO: 427?

9 MR. MASCIALE: 437. 437 Hillside
10 Avenue.

11 CHAIRMAN FUSARO: Thank you for that
12 correction. That will be carried to our June 13th
13 meeting without further notice.

14 MR. SAMMET: And Mr. Chair, we may
15 just want to notice that the application for
16 240 Orchard Street has been found to be under the
17 jurisdiction of the Planning Board. So that
18 application will be held at that board and public
19 notice will be given of that hearing. So if
20 anyone is here for 240 Orchard, expect a notice
21 for a Planning Board hearing. But it's not going
22 to be heard by the Board of Adjustment.

23 CHAIRMAN FUSARO: Thank you. That's
24 Application Number 6 on our agenda for this
25 evening. Once again, 240 Orchard Street will not

1 be heard by the Zoning Board. It was being moved
2 to the Planning Board and it will be re-noticed
3 appropriately.

4 At this time, I would like to ask if
5 the attorneys for Daybase are in the audience. If
6 you could please come forward. Good evening.

7 MR. ERD: Good evening,
8 Mr. Chairman. Chris Erd from Norris McLaughlin on
9 behalf of Daybase.

10 CHAIRMAN FUSARO: Thank you. You
11 are Number 4 on our agenda this evening. I just
12 wanted to -- since it's a D Variance, which I
13 believe is -- a D1 Variance -- which I believe is
14 going to take quite some time and we have a
15 relatively full agenda this evening; seven items,
16 actually, down to six now. I just wanted to make
17 you aware -- or ask you, actually -- how many
18 professionals and how much time do you think you
19 will need this evening? How many professionals do
20 you have?

21 MR. ERD: We have three
22 professionals and one lay witness. We expect it
23 to at least go a couple of hours.

24 CHAIRMAN FUSARO: What I am going to
25 suggest; I'm going to give you two options.

1 Number one, you can request a special meeting, in
2 which case, you'll be number one, and the only
3 person at that special meeting. And we,
4 hopefully, will be able to get through it in one
5 meeting. If not, this evening, we're going to
6 limit your testimony to one hour since we have a
7 full agenda. So what would like to do if you
8 chose to be heard this evening is we'll limit you
9 to, approximately, an hour, 50 minutes, an hour
10 and 5 minutes; we'll finish up with one of your
11 professionals, ask the public if they have any
12 questions for that specific professional, and then
13 the rest of it will be continued at the next
14 meeting. Is that okay?

15 MR. ERD: If I can just ask a couple
16 of things. We're still -- because the agenda
17 doesn't have numbers on them, the order still
18 would remain the same, so we'd still remain fourth
19 on the agenda?

20 CHAIRMAN FUSARO: That's correct.
21 The way it's listed on the agenda is the order
22 that the applications will be heard. And then,
23 basically, that order is established by our zoning
24 official. It has to do with when the applications
25 are deemed completed. And as soon as they are,

1 they are put on the agenda.

2 MR. ERD: Thanks. I just want to
3 make sure things weren't going to get rearranged
4 before we made our decision on what to do.

5 CHAIRMAN FUSARO: There're three
6 applications before you. You would be number four
7 of six this evening.

8 MR. ERD: Do you have any idea of
9 how long the first three to four might take?

10 CHAIRMAN FUSARO: I'm sorry. That,
11 I can't provide to you.

12 MR. ERD: That's fine. Now, as far
13 as special meetings go -- and I'm sorry to take up
14 time --

15 CHAIRMAN FUSARO: No. No. Please.
16 That's why I asked you to come up.

17 MR. ERD: The special meetings, what
18 dates do you have for those, and are there
19 additional fees for the special meetings?

20 CHAIRMAN FUSARO: I was handed a
21 list of what dates are not available.

22 MR. ERD: Okay.

23 CHAIRMAN FUSARO: I think, Don --

24 MS. RASIN: You can keep going.

25 I'll just tell you what mine aren't.

1 CHAIRMAN FUSARO: The dates that are
2 not available are --

3 MR. ERD: I'm not sure how I deal
4 with that on my calendar, just the ones that are
5 not available. So it's every Monday through
6 Thursday other than these dates?

7 CHAIRMAN FUSARO: That's correct.

8 MR. ERD: Okay. Unless you have a
9 regular meeting already scheduled for that night?

10 CHAIRMAN FUSARO: That's correct.
11 These dates, Don, correct me if I'm wrong, I
12 believe the dates that you gave me are dates that
13 --

14 MR. SAMMET: The meeting room isn't
15 available.

16 CHAIRMAN FUSARO: -- this meeting
17 room is occupied, so any other days, Monday
18 through Thursday, other than these dates, the room
19 is available, and we would be able to hear your
20 application, hopefully, in its entirety.

21 MR. ERD: Okay.

22 CHAIRMAN FUSARO: The dates that are
23 not available; you're ready?

24 MR. ERD: Yep.

25 CHAIRMAN FUSARO: Obviously, this

1 evening, May 9; May 10, tomorrow evening, there's
2 a council meeting; May 19, and May 24. Those are
3 not available. And I'm going to give you some
4 June dates. June 2, June 6, June 13 -- which is
5 our next meeting -- June 14, June 16, and June 28.

6 MR. ERD: We can look at dates that
7 are Monday to Thursday, but not those dates over
8 the next two months.

9 CHAIRMAN FUSARO: Correct.

10 MR. ERD: Okay. So we'll discuss
11 that. And I don't, obviously, want to interrupt
12 somebody else's application.

13 CHAIRMAN FUSARO: After the first
14 application, which, hopefully, we'll get through
15 in short order, I'll ask you to come back up again
16 or if I forget, please raise your hand, and we'll
17 ask you to come up and you can give me your
18 decision.

19 MR. ERD: Thank you very much.

20 CHAIRMAN FUSARO: Thank you so much.
21 Moving right along. Our first application this
22 evening is one that was carried. Application
23 Number ZBA 21-074, Mr. Tom Bartolucci, 4 Tamaques
24 Way. Applicant is seeking approval to construct a
25 second-floor addition onto existing one-story home

1 contrary to the following sections of the
2 Westfield Land Use Ordinance: Section 11.08E6
3 where minimum side yard permitted is 10-feet and
4 proposed is 7.73-feet to the building wall and
5 5.73feet to the second-floor walk-out bay; Section
6 12.04F where maximum building coverage permitted
7 is 20% and proposed is 20.9%. Good evening.

8 MR. BARTOLUCCI: Good evening. How
9 are you doing?

10 CHAIRMAN FUSARO: Fine, thank you.
11 Please state your name and address for the record.

12 MR. BARTOLUCCI: I'm
13 Thomas Bartolucci at 4 Tamaques Way in Westfield,
14 New Jersey.

15 CHAIRMAN FUSARO: Ma'am.

16 MS. BARTOLUCCI: Galila Bartolucci.
17 Same address.

18 MS. RASIN: Can you spell your name?

19 MS. BARTOLUCCI: Sure. G-a-l-i-l-a,
20 B-a-r-t-o-l-u-c-c-i.

21 CHAIRMAN FUSARO: Thank you. Please
22 raise your hand. I'm going to swear you in next.

23 THOMAS BARTOLUCCI and
24 GALILA BARTOLUCCI, having been duly sworn, were
25 examined and testified as follows:

1 CHAIRMAN FUSARO: Thank you. Please
2 tell us a little bit about your application, and
3 then I'll swear the -- I believe you're the
4 architect?

5 MR. BARTOLUCCI: Yes. So we've been
6 in town for the last 11 years. We have a
7 single-floor home. We now have three boys in a
8 three-bedroom house that we need one of the rooms
9 for a home office. So we're just trying to create
10 some space so we can stay at the location that
11 we've loved for the last 11 years. So we want to
12 add a second floor to create four modest bedrooms
13 for ourselves and our three boys. And so we can
14 effectively just stay in town and continue to
15 enjoy where we live.

16 CHAIRMAN FUSARO: Thank you. Ma'am,
17 do you want to state your name and address for the
18 record first?

19 MS. CARMINIO: Andrea Carminio, I'm
20 the architect, 515 Coleman Place, Westfield.

21 ANDREA CARMINIO, having been duly
22 sworn, was examined and testified as follows:

23 CHAIRMAN FUSARO: Have you appeared
24 before the Board this year?

25 MS. CARMINIO: This year, I think

1 so.

2 CHAIRMAN FUSARO: You think so?

3 MS. CARMINIO: I think so. Did I?

4 MR. MASCIALE: Yes.

5 CHAIRMAN FUSARO: If Christopher
6 says you have, I'll take his word for it. Tell us
7 about the application.

8 MS. CARMINIO: The existing property
9 is undersized, so that leaves us a few -- there're
10 a lot of existing condition variances, so we'll
11 just go straight through them. First off, if you
12 know this neighborhood, they were all a bunch of
13 very small single-story houses. In recent years,
14 a lot of them did get knocked down, and a lot of
15 big houses have been put in this cute little
16 neighborhood. We are requesting a side-yard
17 variance, first off. The existing house is 2 1/2-
18 or 2 1/4-feet into the side yard and we're adding
19 a second floor. The neighbor at Lot 16 next door
20 is about -- their house is about 26-feet away from
21 their house. So if you look at the picture,
22 Number 2, you could see the edge of their house to
23 the sidewall of the neighbor's house. So we don't
24 think adding to the second floor is really going
25 to cause -- you know, it's 28-inches basically.

1 To set the house in 2 1/2-feet would make a very
2 lopsided looking house.

3 We are keeping the addition, the
4 second-floor addition, over the existing
5 footprint. We are not adding anything. We are
6 reducing the amount of lot coverage by removing
7 some things that we can remove. All said, I want
8 you to note that the existing house does not have
9 a garage. The previous owner took the existing
10 garage and made it into a bedroom. So we are
11 going to capture that space and turn it back into
12 a garage. So we have the side-yard issue and on
13 that wall also we have a 25-foot massing wall
14 issue. Which other than breaking into, we decided
15 to make a walk-out bay on the second floor. We
16 put it in a space which we think works for the
17 layout and works for the neighbors. You know
18 other than making another entrance into the house
19 with an expensive little thing to get in and out,
20 it didn't seem like that's what we wanted to do.
21 We'd rather add the space to where we could use
22 it.

23 Basically, we're reducing the lot
24 coverage by 2.3%. We're adding back the garage.
25 We're asking for the side yard because it's

1 existing. And we're asking for the massing wall.
2 But another thing to note is that the lot is about
3 600-square feet less than what's required, and
4 there's an easement on the other side of the
5 property. So they might have put that easement in
6 after they -- you know, they might have taken away
7 from that property at one point.

8 CHAIRMAN FUSARO: Does anyone from
9 the audience wish to address the application;
10 either the testimony of the applicants or the
11 testimony of the architect? Seeing none. Going
12 once, twice. Seeing none, we'll close that
13 portion. I have a couple of quick questions for
14 you, and then I'll ask the Board Members for their
15 comments or questions that they may have. If we
16 were to approve the application, one of the items
17 which you did note on your drawing that would have
18 to be taken care of is the shed would have to be
19 moved to comply.

20 MS. CARMINIO: Yes. That's another
21 thing. The shed, we are moving the shed to the
22 right position.

23 CHAIRMAN FUSARO: That would be one
24 condition.

25 MS. CARMINIO: Yes.

1 CHAIRMAN FUSARO: The other question
2 I had pertains to the 25-foot continuous wall
3 length. I see you added the bump-out on the box
4 bay on the second floor.

5 MS. CARMINIO: Yes.

6 CHAIRMAN FUSARO: Don, do we have to
7 have something on the first floor, I believe, or
8 does that second-floor bump-out suffice?

9 MR. SAMMET: I think it will
10 suffice. But you see the setback to that
11 second-floor bay is 5.73, and I believe the bay
12 has the one window on the outer wall, so it
13 doesn't technically get the setback exemption. So
14 the setback to the bay becomes the 5.73, but it
15 does break up the building.

16 CHAIRMAN FUSARO: Because I was
17 going to suggest either a bay in the kitchen area
18 over right over the sink or something along the
19 lines of, I don't know, some kind of fake
20 fireplace or something in your dining area.
21 Something in there to kind of break that up, but
22 that would further exacerbate --

23 MS. CARMINIO: Yeah. We're trying
24 to be more practical and spend the money where
25 they're going to use it.

1 CHAIRMAN FUSARO: I like the fact
2 that you're adding the garage. That's a good
3 thing. That's the only -- the kitchen sink, the
4 dining room, okay, those are the only notes that I
5 had made.

6 MR. MASCIALE: A very quick
7 follow-up on what the exterior of the house was;
8 the new siding.

9 MS. CARMINIO: It's going to be some
10 sort of clapboard.

11 MR. MASCIALE: It's going to be a
12 clapboard?

13 MS. CARMINIO: We're saying the
14 components are traditional components that, you
15 know, a nice house in Westfield would have. And
16 the massing and the components are very
17 traditional.

18 MR. MASCIALE: Now, is the
19 neighborhood in transition? Like these ranches
20 are always disappearing.

21 MS. CARMINIO: Well, it seems like
22 75% of this neighborhood is has already been
23 transformed.

24 MR. MASCIALE: Been transformed.
25 Yeah, that's my understanding of the neighborhood.

1 CHAIRMAN FUSARO: The current home
2 to the left is still a ranch?

3 MS. CARMINIO: It's a little, little
4 ranch, yes.

5 CHAIRMAN FUSARO: Any other Board
6 Members? Carol?

7 MS. MOLNAR: I have a question for
8 Don, our planner. Is this considered a partial or
9 total demolition?

10 MR. SAMMET: It would only be
11 partial.

12 MS. MOLNAR: Okay. That means it's
13 less than 75%?

14 MR. SAMMET: Less than 75% of the
15 structure is being removed. Essentially, the
16 ground floor is staying.

17 CHAIRMAN FUSARO: It's staying,
18 yeah.

19 (Crosstalk.)

20 MR. SAMMET: They're tearing the
21 roof off the second level.

22 CHAIRMAN FUSARO: There's no
23 foundation work being done; right? The foundation
24 is staying as-is, you're just going straight up?

25 MS. CARMINIO: Yes.

1 CHAIRMAN FUSARO: I don't really see
2 how it would work out in the plan, but in order to
3 bring that side-yard into conformance you'd have
4 quite a bit of space to eliminate on the second
5 floor. I don't even know if the structure would
6 be able to support that.

7 MS. CARMINIO: And it wouldn't be
8 pretty.

9 CHAIRMAN FUSARO: It wouldn't be
10 pretty. Okay. Thank you. Any other Board
11 Members have any questions or comments for the
12 Applicant or architect at this time? Seeing none.
13 Is there anything else you'd like to add before I
14 close it and open it up to our Board discussion?
15 No?

16 MS. CARMINIO: Nope.

17 MR. BARTOLUCCI: I don't think so.

18 CHAIRMAN FUSARO: Thank you. We'll
19 close the public portion of the testimony,
20 experts, and the Applicant and we'll open it up to
21 Board discussion.

22 As you've heard, the neighborhood
23 basically is about 75% transitioned, they've
24 transformed already from this ranch-type home to a
25 multi-story. I certainly understand as the

1 Applicants have testified that they have a growing
2 family and wish to remain in the neighborhood and
3 basically to increase the size of the home. The
4 architect has said that the adjacent property is,
5 approximately, 27-feet away from the proposed
6 addition. It's already a non-conforming side-yard
7 setback. I do like the fact that they are adding
8 the garage which is a requirement and is now
9 eliminating one additional variance. They also
10 agreed to move the shed so that it complies with
11 the 5-foot setback requirement. I don't really
12 see any downside to the application. It is an
13 undersized lot, so we would be approving it under
14 a C-1 Hardship Variance.

15 MR. MASCIALE: I think it meets C-2
16 as well.

17 CHAIRMAN FUSARO: It meets C-2 as
18 well, yes.

19 MR. MASCIALE: I think it's really
20 is going to improve the house and fit the nature
21 of the neighborhood. I think it meets the
22 transition of the neighborhood. It's going to
23 look well.

24 CHAIRMAN FUSARO: I seem to agree.
25 Anybody else have any comments?

1 MR. REISEN: I just appreciate the
2 ask. I mean if you're looking, we're under a full
3 percentage here of what's required. So I don't
4 think it's like we're looking at a huge lavish
5 extension or anything. This is just what they
6 need.

7 CHAIRMAN FUSARO: Yes. Yes. It's
8 .9% maximum build. So we're not talking about any
9 FAR issues or anything else. Anyone else? Seeing
10 none. May I have a motion?

11 MR. MASCIALE: I'll make a motion to
12 approve the application as submitted.

13 MR. REISEN: Seconded.

14 CHAIRMAN FUSARO: Mr. Sammet, please
15 call the roll.

16 MR. SAMMET: Did you put a condition
17 about the shed?

18 CHAIRMAN FUSARO: I'm sorry. There
19 was a condition?

20 MR. MASCIALE: The condition that
21 the shed will be moved to be in compliance with
22 the setback.

23 MR. REISEN: Second.

24 CHAIRMAN FUSARO: Thank you.

25 Mr. Sammet.

1 MR. SAMMET: Mr. Cohen.

2 MR. COHEN: Yes.

3 MR. SAMMET: Mr. Fusaro.

4 CHAIRMAN FUSARO: Yes.

5 MR. SAMMET: Mr. Masciale.

6 MR. MASCIALE: Yes.

7 MR. SAMMET: Ms. Molnar.

8 MS. MOLNAR: Yes.

9 MR. SAMMET: Mr. Sontz.

10 MR. SONTZ: Yes.

11 MR. SAMMET: Mr. Gelinias.

12 MR. GELINAS: Yes.

13 MR. SAMMET: Mr. Reisen.

14 MR. REISEN: Yes.

15 CHAIRMAN FUSARO: The application is

16 approved. Good luck.

17 MR. BARTOLUCCI: Thank you very

18 much.

19 CHAIRMAN FUSARO: Enjoy the rest of

20 your evening. I didn't forget about you.

21 MR. ERD: We were down the hallway,

22 so I assume that was the first one?

23 CHAIRMAN FUSARO: That was the first

24 one.

25 MR. ERD: You didn't make it through

1 all three already?

2 CHAIRMAN FUSARO: No. We didn't go
3 through all three; that was number one. And they
4 usually don't go that fast; I've got to tell you.

5 MR. ERD: That was surprisingly
6 fast. That being said, since we're only going to
7 have an hour anyway for us, we're interested in
8 the special meeting. And we've looked at the
9 dates, the best one that we have is May 18.

10 CHAIRMAN FUSARO: Katie?

11 MS. RAZIN: I think I have a
12 meeting. I'm sorry.

13 MR. ERD: We checked around the
14 dates that you said weren't available.

15 CHAIRMAN FUSARO: I understand. We
16 were just given those dates literally when we
17 walked in here. Katie hasn't had a chance to look
18 at her calendar.

19 MR. SAMMET: That's room
20 availability. We still need to know when --

21 MR. ERD: That was going to be my
22 next question. Board Members' availability.

23 CHAIRMAN FUSARO: Correct.

24 MR. ERD: And then, of course, the
25 board attorney's availability.

1 MR. MASCIALE: What we usually do is
2 we follow up after they suggest a date. So we get
3 maybe two dates, and then we'll follow up.

4 MR. ERD: I have three dates here.

5 CHAIRMAN FUSARO: Okay. Give us the
6 three dates. What we will do is we'll check with
7 our board attorney --

8 MS. RASIN: And everybody else.

9 CHAIRMAN FUSARO: -- and then we'll
10 also check with the Board Members to see who is
11 available. It is a D-1 variance, it will require
12 five affirmative votes, so I'm assuming you would
13 like at least seven people here.

14 MR. ERD: Yes. Yes. Exactly. And
15 also, hopefully, even if we pick one of these soon
16 enough dates, if you announce it here, we don't
17 have to re-notice because we don't have the time
18 for the 18th.

19 CHAIRMAN FUSARO: That's correct.
20 We have -- the 18th would be preferred, but we
21 also have the 17th and the 16th that are possible.

22 MR. SONTZ: I'm not available on the
23 17th.

24 CHAIRMAN FUSARO: You had said
25 May 16, 17 or 18 were your three dates?

1 MR. ERD: Yeah. With the 18th being
2 the preferred one. But those three.

3 CHAIRMAN FUSARO: Let me just jot
4 that down.

5 MR. ERD: I apologize. I appreciate
6 the Board's indulgence here.

7 CHAIRMAN FUSARO: We're trying to
8 make your life easier as well as everybody else's.

9 MR. ERD: You have a lot of things
10 on your agenda.

11 CHAIRMAN FUSARO: Yeah. We have
12 every meeting -- the next three month's meetings
13 have at least six or seven items on each agenda.
14 We have a pretty packed agenda. Okay. So we have
15 16, 17, 18. It doesn't look like 17 is going to
16 work, 18 is a possibility. What we'll do is we
17 will poll the Board and we will get back to you if
18 it isn't tomorrow, certainly --

19 MS. RAZIN: Or we'll have to carry
20 it.

21 MR. ERD: Yeah. We need to have a
22 fixed date otherwise we'll have to re-notice.

23 MS. RASIN: I need like --

24 CHAIRMAN FUSARO: Sure. Take your
25 time. Absolutely.

1 MR. COHEN: Those are the only
2 dates?

3 MS. RAZIN: You don't want to go any
4 further than next week? I'm not trying to be --

5 MR. ERD: That became difficult with
6 our other professionals being -- their
7 availability. And then it pushed us all the way
8 out to then your June 13th date that you have a
9 meeting anyway on. So we were hoping to get some
10 time in May. And those are the only the dates in
11 May that our professionals are clear on.

12 CHAIRMAN FUSARO: I seem to be okay
13 for all three of those dates right now. How does
14 your calendar look?

15 MR. MASCIALE: Good.

16 MS. MOLNAR: Me too. I'm fine.

17 MR. GELINAS: I'm here.

18 CHAIRMAN FUSARO: So we have one,
19 two, three, four, five.

20 MR. COHEN: I'm a hard no.

21 CHAIRMAN FUSARO: You're no good.
22 Sam.

23 MR. REISEN: I should be able to,
24 yeah.

25 MS. RAZIN: I can do the 16th. I

1 mean I can give you the 16th for sure.

2 CHAIRMAN FUSARO: And we can check
3 with Allyson and Eldy as well. We have two Board
4 Members that are not here.

5 MR. ERD: That's true.

6 CHAIRMAN FUSARO: Yes. We have a
7 total of nine. So why don't we -- would you like
8 to pencil them in for the 16th?

9 MR. ERD: The 16th. And then, the
10 other question is, is there a special meeting fee?

11 MR. SAMMET: If the special meeting
12 is at the request of the Applicant, there's a fee.
13 If it's at the request of the Board, there's not.

14 CHAIRMAN FUSARO: There you go.

15 MR. ERD: So we'll take it that the
16 Applicant did not request this meeting.

17 CHAIRMAN FUSARO: You've got a
18 freebie. That rarely happens; I might add.

19 MR. ERD: I understand that, and
20 that's why I asked, I appreciate it very much. So
21 the 16th, and I assume the Board will announce
22 formally that it will be carried to the 16th
23 without further notice.

24 MS. RAZIN: Here.

25 CHAIRMAN FUSARO: It will be here in

1 these chambers the 16th at 7:30. We will confirm
2 that with our other two Board Members and just
3 reconfirm with current Board Members. We will
4 make sure that we have at least seven for you.
5 Okay?

6 MR. ERD: And we'll be in touch, of
7 course, with the board secretary just to confirm
8 that.

9 CHAIRMAN FUSARO: The secretary will
10 get ahold of you or Mr. Sammet or our attorney.
11 Hopefully, let's see today is Tuesday -- Monday,
12 we should be able to get back to you by Tuesday or
13 Wednesday the latest.

14 MR. ERD: Thanks. But we have to
15 formally carry it to the 16th.

16 MS. RAZIN: Yes, we do. We're
17 carrying I guess --

18 CHAIRMAN FUSARO: Yes. We're going
19 to carry. It's Application ZBA 22-022, Daybase,
20 Inc., 231 East Broad Street will be carried to a
21 special meeting on Monday, May 16.

22 MR. ERD: And without any further
23 public notice.

24 CHAIRMAN FUSARO: Without further
25 notice.

1 MR. ERD: Thank you very much. And
2 we'll follow up and stay in touch. Thank you very
3 much.

4 CHAIRMAN FUSARO: Thank you very
5 much. Enjoy the rest of your evening. Moving
6 right along.

7 Our second application this evening
8 is Application Number ZBA 21-067. Please excuse
9 me if I pronounce the name incorrectly. It is
10 940 Wyandotte Trail, Erjona Frasherri and
11 Eltion Frasherri. Applicant is seeking approval to
12 construct a second-floor addition, new layout for
13 existing front porch, and shorten the existing
14 driveway contrary to Westfield Land Use Ordinance
15 Section 11.05E5 where front-yard setback permitted
16 40-feet and proposed is 44.04-feet for the house,
17 and 37.2-feet for the porch; and Section 11.05E9
18 where the FAR permitted is 25% or
19 8,000-square-feet and proposed is 27.5% or
20 4,907-square-feet.

21 Good evening. This is a D Variance
22 which will require five affirmative votes by the
23 Board. We do have seven members here this evening
24 which is a full Board, so I'm assuming you would
25 wish to continue with the application.

1 MS. FRASHERI: Yes.

2 MR. FRASHERI: Yes.

3 CHAIRMAN FUSARO: Okay. Great.

4 Please state your name and address for the record.

5 MS. FRASHERI: Erjona Frasher,
6 940 Wyandotte Trail, Westfield, New Jersey.

7 MR. FRASHERI: Eltion Frasher, same
8 address.

9 CHAIRMAN FUSARO: Please raise your
10 right hand.

11 ERJONA FRASHERI and ELTION FRASHERI,
12 having been duly sworn, was examined and testified
13 as follows:

14 CHAIRMAN FUSARO: Thank you so much.
15 We'll swear you in. Name and address for the
16 record.

17 MR. TORNEY: Michael Torney,
18 238 Clark Street, Westfield.

19 MS. RASIN: Can you spell your last
20 name for me?

21 MR. TORNEY: It's T-o-r-n-e-y.

22 CHAIRMAN FUSARO: You'll be
23 testifying as an architect?

24 MR. TORNEY: Yes, I am.

25 CHAIRMAN FUSARO: Please raise your

1 right hand.

2 MICHAEL TORNEY, having been duly
3 sworn, was examined and testified as follows:

4 CHAIRMAN FUSARO: Have you appeared
5 before our Board this year?

6 MR. TORNEY: Yeah. It's been a
7 while, but I've appeared.

8 CHAIRMAN FUSARO: Could you just
9 give us a little background on your credentials?

10 MR. TORNEY: Well, if you want to go
11 way back; I graduated Pratt in 1985, and got my
12 license in New York in '91. Got my license in New
13 Jersey two years after that. So I've been a
14 practicing active architect. License is current
15 and in good standing in both states all these
16 years.

17 CHAIRMAN FUSARO: Great. Thank you.
18 Any Board Members have any questions?

19 MR. MASCIALE: No.

20 CHAIRMAN FUSARO: We'll continue to
21 recognize you as an expert in the field of
22 architecture. Please tell us about your
23 application.

24 MS. FRASHERI: Yeah. Hi. So we
25 bought the house two years ago. It's a very old

1 house so we want to update it and make it our own.
2 We have three kids, a dog, and we have my
3 father-in-law that lives with us for half the
4 year; he's 86 years old. So we basically want to
5 add a second floor to the house. We would like to
6 use whatever we can so we want to keep the same
7 foundation. We'd like to add a porch, a front
8 porch. We have three very active, social kids.
9 There're a lot of kids on the block so we want to
10 create an environment that's inviting, fun with
11 neighbors, and just kind of hang out when we can.
12 One of the things on the list that I've always
13 wanted was to have a two-story family room which
14 is -- you'll see a lot of square footage there --
15 and we also need a first-floor suite for my
16 father-in-law; he's older to avoid stairs. So,
17 yeah, that's basically it.

18 CHAIRMAN FUSARO: Thank you. I've
19 got a couple of quick comments, questions. But I
20 guess I will direct them mostly to the architect.
21 Any Board Members have any questions for the
22 Applicant yet?

23 MR. MASCIALE: No, Frank. Just my
24 notes here concerning this new construction in
25 this sense.

1 CHAIRMAN FUSARO: Yes. You are
2 aware that our zoning officer has determined that
3 this is not an addition but it will be considered
4 for building permit purposes a new construction.
5 Which means that associated with it, there will be
6 a developer's fee for new homes. It's more than
7 75% of renovation, so it would be considered a new
8 home construction. I didn't know -- I'm assuming
9 you're aware of that.

10 MR. TORNEY: Yes. We did receive
11 that notice.

12 CHAIRMAN FUSARO: Okay. Great. I
13 just wanted to make sure we are all on the same
14 page. So please, run us through the drawings.

15 MR. TORNEY: Good evening, all. So
16 starting with the existing house. On Sheet A1.1,
17 there are photos of the existing house which you
18 can see is a ranch, it's basic, it's simple. It's
19 basically nondescriptive. It's just the one
20 store, but it does have a covered front porch
21 right now. And the homeowner does use the front
22 porch, especially on Friday afternoons or weekends
23 to gather with neighbors plus their family.
24 However, the exterior and the interior layout is
25 not really compatible with today's living and

1 activities and spaces and mudrooms and active kids
2 and all that. So this is why we're going up with
3 the second floor. And what we're going to do is
4 utilize the existing foundation as part of the
5 second-floor addition so that it's cost-effective
6 in that area to do so. The proposed house will be
7 seeking the two-story addition, and it's very much
8 compatible and consistent with not only houses on
9 Wyandotte Trail but houses in the neighborhood,
10 houses in RS-16 Zone, and all throughout
11 Westfield. And as we heard in the previous case,
12 it's not an uncommon situation where many
13 homeowners have existing one-story houses and they
14 need mere space, etcetera, etcetera; and the
15 natural solution is to extend upward.

16 I'd like to point out that the lot
17 coverage is actually minimally increased. We're
18 actually going to reduce the left-side side yard
19 taking it from -- it's 13.8-feet right now, but
20 increase that side yard to 20-feet -- 20-foot-8;
21 and the middle section, and actually 24-feet in
22 the front section. So there're several things
23 that are being improved with this application.
24 The right-side side yard is going to remain at the
25 15-feet, and there will be a bump-out in the

1 middle of it that would have the new design
2 conform with the maximum allowable side yard at
3 25-feet. So that would be a bump-out that's
4 roughly 2-feet-by-8-feet.

5 The proposed design, it's really in
6 keeping with the neighborhood, and it's basically
7 what the town is finding is compatible with new
8 construction. And one of the hardships of this
9 property is that it's -- well, it's a
10 17,000-square-foot lot. It's in a zone that would
11 actually permit 8,000-square-feet had the lot size
12 been bigger. And the point is that this is a lot
13 that is probably smaller than most lots that are
14 in the RS-16 Zone. So the size that we're
15 proposing, the overall floor area is smaller than
16 those houses, but it's slightly over the 25% that
17 is allowed. I'd like to point out that years ago
18 it used to be either 27% or actually 30% FAR for
19 this zone; if I'm not mistaken.

20 MS. MOLNAR: What was that? I
21 didn't hear you. Could you repeat that?

22 MR. TORNEY: So this lot is even
23 though it's 17,00-square-feet, it's undersized
24 compared to other lots that are on the block and
25 in this area and in RS-16 Zones. So the RS-16

1 Zone does permit a house that's 8,000-square-feet
2 in size if you had a corresponding lot size that
3 enabled that. This lot happens to be smaller than
4 most lots that are on the street and in the area.
5 And that's the hardship is that while the zoning
6 allows 25% given 17,000-square-feet of lot area,
7 we're slightly over at 27%. So it's a
8 2-percentage; 27 versus 25%.

9 MR. MASCIALE: For the FAR. Okay.
10 I just want to take you back to the footprint of
11 the existing what's there or what was there,
12 you're reducing the width. And I'm just looking
13 at I guess A1. So that would be the existing
14 house in red; the prior house.

15 MR. TORNEY: Correct.

16 MR. MASCIALE: So you've brought
17 back that left side and the new house is not as
18 deep. So --

19 CHAIRMAN FUSARO: He's going back
20 out in the back 4 1/2-feet. Basically adding --

21 MR. MASCIALE: So he's going deeper.
22 Right.

23 CHAIRMAN FUSARO: -- the entire
24 porch in the front.

25 MR. TORNEY: Exactly. It's not as

1 wide when you look at it from the street.

2 MR. MASCIALE: It's not as wide.

3 CHAIRMAN FUSARO: He's keeping an
4 outside wall. Just a note on your Sheet A1, on
5 your Zoning Summary Table, The Lot Minimum Lot
6 Width, second line item, you had proposed is
7 60-feet; I believe it's 110. Is that what's
8 existing?

9 MR. TORNEY: Correct. That would
10 be, yeah, I think it's --

11 CHAIRMAN FUSARO: And similarly with
12 the minimum frontage; I believe it's not 60, it's
13 110. So if can make those corrections.

14 MR. TORNEY: Absolutely.

15 CHAIRMAN FUSARO: And then the next
16 line item, Minimum Lot Depth, first column,
17 Required/Permitted, you have 120-feet; I believe
18 that should be 140-feet. I just wanted to make
19 those corrections. I have a couple of questions.
20 I don't believe anywhere on the application we
21 were given the calculation which would establish
22 the front-yard setback which is basically a
23 calculation of all the homes along that street.
24 Would you happen to have that information?

25 MR. TORNEY: I do actually have a

1 copy of it. And we did submit it, so I'm not sure
2 what happened to it, but I do have a copy of that
3 and I could share that with the Board.

4 CHAIRMAN FUSARO: That would be
5 great, just so that we have it for the record.

6 MR. TORNEY: Sure. Absolutely. And
7 I did have the numbers confirmed by the zoning
8 officer.

9 MR. SAMMET: This is part of the
10 application. I'll put it in the file.

11 CHAIRMAN FUSARO: Do we need to list
12 that as an exhibit?

13 MS. RAZIN: They said it was
14 submitted, so...

15 MR. TORNEY: Yeah. We had a
16 surveyor go out and record the front-yard setbacks
17 of the adjacent houses on two adjacent houses on
18 both sides of this lot here.

19 MR. MASCIALE: Frank, while we're
20 asking for more information, is there a breakdown
21 of the FAR percentage for the first floor/second
22 floor?

23 MR. TORNEY: It's pretty much even.
24 And especially given the fact that the
25 second-floor air space counts as floor area, it's

1 virtually identical.

2 MR. MASCIALE: So we're only
3 counting the first and second. Is there upper
4 part?

5 MR. TORNEY: There will be an attic,
6 but that won't count as --

7 MR. MASCIALE: As FAR?

8 MR. TORNEY: That won't count as
9 FAR. So I think on Sheet A3 there's -- if you go
10 to A3, at the bottom of A3, the porch there,
11 there's a breakdown on the floor area. And the
12 first floor is actually lower because there's an
13 allowable deduction for a two-car garage.

14 MR. MASCIALE: Okay. So the first
15 floor is a reduction for the garage. And is the
16 proposed coverage porch included in the first
17 floor?

18 MR. TORNEY: It's not included in
19 this number here, but it's included if you go to
20 the Zoning Summary, it's included in the category
21 that deals with covered porches.

22 MR. MASCIALE: Well, is it included
23 in the FAR because I always get a little confused
24 on the front porch ordinance where we're given --
25 Don?

1 MR. SAMMET: The front porch would
2 not be included in the floor area ratio.

3 MR. MASCIALE: So it would not be?

4 MR. SAMMET: It would not be --

5 MR. MASCIALE: Just the overall
6 coverage?

7 MR. TORNEY: Correct.

8 CHAIRMAN FUSARO: I have a couple of
9 questions for you. Number one, on Sheet A2,
10 Foundation Plan, I see that you're pouring a new
11 concrete slab over the existing in the basement.
12 Could you give me a little history of what's going
13 on there since you basically had said you were
14 going to keep that portion of the home, and that
15 right-side wall is staying? Is there an issue
16 with the floor elevation down there?

17 MR. TORNEY: So the -- the left side
18 --

19 CHAIRMAN FUSARO: It's right to the
20 right of the circular stair.

21 MR. TORNEY: Right now, that's the
22 existing two-car garage that's in that space
23 there. And that floor is probably 4- or 5-inches
24 lower than the existing basement slab that's there
25 now.

1 MR. FRASHERI: Yes. Correct.

2 MR. TORNEY: So that's going to be
3 adjusted in height so that it's all one level in
4 the basement space there. There is another wall
5 that actually doesn't show in this plan here. A
6 portion of that will be removed and that will be
7 all one open space in the basement.

8 CHAIRMAN FUSARO: And then on Sheet
9 A1, just to the right of the new deck, you have a
10 note that says, "New downspouts to be connected to
11 existing storm drain." Can you or the Applicant
12 give us some information as to what kind of storm
13 drainage there currently is on the site? We've
14 heard several applications in this neighborhood
15 and we've also heard from several neighbors
16 regarding those applications that there seems to
17 be some issue with drainage in this particular
18 neighborhood. So could you please fill us in?

19 MR. TORNEY: Sure. Yes, that's a
20 good point. So right now at the back of the house
21 at the back right-hand corner which is behind the
22 garage, there's an existing driveway, and there're
23 actually two catch basins that connect to an
24 existing stormwater drain. And then that
25 stormwater drain actually pipes out to the front

1 and the water exits out onto Wyandotte Trail now.
2 So that's an existing condition. So the backyard
3 will be regraded and the homeowner actually wants
4 to in a few dry wells which we'll show on the
5 construction plans. And that's something to
6 address some stormwater drainage in the back
7 that's excess. But also, it will be connected to
8 that front drain. So that all of that backwater,
9 all of the backyard drainage will be the goal to
10 have it to drain toward the front. The new
11 downspouts will be connected to an underground
12 stormwater drainage system. That will be all
13 connected, and for the most part, it will be
14 drained toward the front and away from the
15 neighbors.

16 CHAIRMAN FUSARO: Can I ask the
17 Applicants: Do you currently have any issues with
18 water in the basement during storms?

19 MR. FRASHERI: Yeah. Last time we
20 got it, but now everything has been fixed lately.

21 MS. FRASHERI: During Hurricane Ida.

22 MR. FRASHERI: Yeah. The last time,
23 yes.

24 CHAIRMAN FUSARO: Thank you. Let's
25 see what other notes I had here. Yeah, the master

1 suite is 650-square-feet.

2 MS. MOLNAR: I have a question too.
3 A couple of questions.

4 CHAIRMAN FUSARO: Yeah, sure. I'll
5 be with you in one second. The FAR increase;
6 you're asking for an approval of 10% above the FAR
7 which is pretty substantial. We generally don't
8 allow that much of a variance for FAR. Also, the
9 increase in the square footage with respect to the
10 FAR, you basically currently have a home that's
11 2,232-square-feet at 12 1/2% FAR, and you're
12 asking for a 4,907-square-foot home which is more
13 than double what's there, and the FAR is more than
14 double. Has any consideration been given to
15 reducing the size of the home? A portion of the
16 second floor? Anything? Can you give us a little
17 history on that?

18 MR. TORNEY: Yes. There is a little
19 history. So we did start out at a different size
20 and did resubmit it to the zoning officer. We
21 actually had a meeting with Lyndsay just to go
22 over a few things, and we then downsized the plan
23 further both on the first floor and second floor.
24 And then there was the other informal submission,
25 and then we actually downsized it a third time.

1 And so, there certainly were attempts to be
2 mindful of that. But this is --

3 MR. MASCIALE: Frank, if I could
4 just give an opinion here.

5 CHAIRMAN FUSARO: Sure.

6 MR. MASCIALE: I love the design. I
7 love the front porch. And I'm a big fan of front
8 porches and what that promotes. But I haven't
9 heard any hardship that the Board meet a
10 D Criteria. But granted, I've heard there are
11 bigger properties in the neighborhood, but there's
12 nothing on the Board to hang our hat on to give
13 new construction relief on this property. And you
14 know, just saving the Board some time here and
15 maybe you guys some time, I don't see how anybody
16 could vote to support this application based on
17 the criteria that we're guided to approve a
18 variance like this. And there's been no testimony
19 of other beneficial or beneficial relief that we
20 could hang our hat on and say, you know, "this
21 property is undersized. These challenges are
22 here." I haven't heard that. And I'm having a
23 hard time with this application and maybe we can
24 save time or allow you guys to come back with
25 something. Because if we say "no" on a D

1 Variance; that's it.

2 CHAIRMAN FUSARO: I know Carol had
3 some questions.

4 MS. MOLNAR: Well, you stole some of
5 my thunder. One of the questions I had: Is the
6 second floor cantilevered over the first?

7 MR. TORNEY: No, it's not.

8 MS. MOLNAR: You can't tell on the
9 drawing. And I too feel this building is very
10 bulky for this small lot. What are your options
11 to bring this house in conformity with the 25%?

12 MR. TORNEY: We'll there are several
13 options. That's something I would discuss with my
14 clients here.

15 MS. FRASHERI: So I think kind of
16 one of the biggest things that I always wanted,
17 and I understand, but it's that two-story family
18 room and two-story foyer. And I think if I just
19 kind of go one story, that solves all the
20 problems. If that's what it has to be, then, you
21 know, so be it. But it is just something that I
22 always wanted and worked very hard for it. So
23 it's more of a Christmas tree kind of dream that I
24 always wanted for my kids. So I think that's kind
25 of, you know, if this Board doesn't approve it, so

1 be it. I'm just going to go; I'll knock down that
2 second -- or I don't know if it makes a difference
3 if I do like a cathedral.

4 MR. COHEN: It's not a matter of
5 approval.

6 MS. FRASHERI: Sorry?

7 MR. COHEN: It's not a matter of
8 approval or not. If the Board doesn't approve it,
9 you're done. You can't come back. That's the
10 issue.

11 CHAIRMAN FUSARO: Your options are
12 you can go back and revisit the plan and cut it
13 down to somewhat of a smaller scale. I mean the
14 house looks great but we need to justify granting
15 the variance. It's not a hardship variance, so we
16 can't grant it under C1, we need to --

17 MS. RAZIN: It's a D.

18 CHAIRMAN FUSARO: A D, pardon me.

19 MS. RASIN: You have to show that
20 there's some, you know, benefit. And it's an FAR,
21 so you have to show that this site can accommodate
22 that essentially.

23 MS. FRASHERI: Right. I mean
24 there's like three or four new houses on the block
25 right now being built and they're definitely

1 bigger than my property, so...

2 CHAIRMAN FUSARO: If you were to go
3 back and cut it down somewhat and come back to us,
4 and then, we would be able to look at it again.
5 However, if you decide to have us vote on what we
6 have in front of us and we turn it down, then you
7 can't come back and ask for something unless it's
8 substantially different. And we would have to
9 determine when those plans are submitted to us if
10 we would consider them to be substantially
11 different.

12 MS. FRASHERI: I see.

13 CHAIRMAN FUSARO: So coming back
14 with a plan that takes 2-square-feet off is not
15 substantially different. So that's something that
16 --

17 MS. RAZIN: You could still -- and
18 I'm not speaking for the Board -- you could still
19 come back with some relief, but you also want to
20 maybe address the criteria also as to how the site
21 can accommodate it, how the zone -- if the Board
22 is telling you right now they don't see a hardship
23 as to -- there's also C Variance relief; if I'm
24 right?

25 CHAIRMAN FUSARO: Correct. The side

1 yard.

2 MS. RASIN: -- the variance as to
3 why that would be a benefit to the neighborhood
4 overall, and not a detriment. So why that benefit
5 would outweigh any of the detriments that are
6 created. So I think if that's what the Board's
7 sentiment is, and that's what I'm hearing, you may
8 also want to come back if there is still variance
9 relief, which that's okay, but you may want to
10 further that with why you're addressing those.

11 MS. FRASHERI: Okay. Would I be
12 able to come next meeting, like, in the next
13 month; is that how it works?

14 CHAIRMAN FUSARO: If you can turn it
15 around that quickly, sure. Whether you're on next
16 month's agenda or not would be determined by when
17 your package is submitted, reviewed by the zoning
18 officer, and given the completeness of the
19 package. If that can be turned around
20 expeditiously then, yes. If not, then it would be
21 whenever that occur. I can't tell you when that
22 would occur. But basically, that's kind of where
23 we are.

24 MS. FRASHERI: Okay.

25 MR. SAMMET: Chairman, if I may. I

1 just want to say the questions that I already
2 asked relate to the front-yard setback with closed
3 porch, which is beautiful, but the average --
4 thank you very much for bringing the survey, it
5 was not in the file. I calculated the average
6 front yard at 43.75 required.

7 MS. RASIN: That's 43.75?

8 MR. SAMMET: 43.75, and I'll give
9 you this back so you can see my calculations. So
10 my questions were going to be related to your
11 immediate neighbors. On one side, the front-yard
12 setback is 49.2-feet. On the other side, it's
13 45-feet. The setback you're proposing on your
14 porch is 37.2. So that porch has become much
15 closer to the street than your neighbor's. So how
16 does that then fit in with the character of the
17 neighborhood? Those were going to be my
18 questions.

19 MR. TORNEY: So of the concerns --
20 well, one of the surrounding houses on the left
21 side of it actually has a portico that actually
22 comes out slightly. Actually, the outline is
23 shown there, but the dimensions aren't noted on
24 the survey there. So it's not too far further --
25 not too much closer to the front street line than

1 I'd say that portico would be. And the property
2 to the right, it's a corner -- well, it's almost a
3 corner lot because it's -- well, you could
4 characterize that as a corner. Actually, that's
5 an interior lot. The second and third one is a
6 corner lot.

7 CHAIRMAN FUSARO: The second one
8 down is a corner lot.

9 MR. TORNEY: So the house to the
10 right of it, right now, that's another existing
11 older home that, you know, given the trend, looks
12 like it will be developed into something that's --
13 you know, it's just a natural...

14 MR. MASCIALE: Let me also just --
15 this is considered new construction, so the Board
16 can't look at this as your neighbor who's just
17 doing a bump-out or something and grant the
18 variance based on a C Criteria. This is
19 considered new construction where no variances are
20 allowed; number one. You guys are asking for
21 additional variances on a new construction; it's
22 very unusual. Two, we haven't heard a hardship.
23 So please take those back --

24 MS. RAZIN: You don't have to --
25 just to clarify -- you don't have to have a

1 hardship --

2 CHAIRMAN FUSARO: For a D Variance.

3 MS. RASIN: Right. There're other

4 ways --

5 MR. MASCIALE: Yeah, for a D.

6 There're other ways they can prove.

7 MS. RASIN: Right.

8 MR. MASCIALE: We haven't heard that

9 testimony tonight. That's what I meant to say.

10 MS. RAZIN: Right. But there should
11 be some testimony FAR. And it's akin to like a
12 D3 Variance which is kind of like showing that the
13 site can accommodate the use.

14 MR. SAMMET: I put some statements
15 on the second page of my report they can work off
16 of.

17 MS. RAZIN: To accommodate the -- I
18 don't want to put your testimony in for you. So
19 take a look at that.

20 MS. FRASHERI: Okay.

21 MS. RASIN: But it's more about
22 accommodating without negative impacts and whether
23 there are conditions imposed; that kind of thing.
24 But that's sort of the best -- that's what they're
25 looking for. But it doesn't necessarily have to

1 be a hardship. The C Variances can still be
2 addressed by either a hardship or a benefit.
3 versus detriment proofs. Either one.

4 CHAIRMAN FUSARO: Don's second page
5 basically asked: "How does the proposed massing
6 compare to other homes in the area? Would the
7 porch proposed extend further into the front yard
8 than the setback on some of the neighboring
9 properties?" I think we've kind of addressed
10 that. It is 43.75 and you're at 37. I mean
11 that's a good 6-feet, so you are encroaching on
12 that line of sight. And basically, you know,
13 you'd have to explain the massing issue and the
14 impact of that massing issue. So before we
15 continue, I'd like to ask, you've heard our
16 comments --

17 MS. MOLNAR: But I have a few
18 questions. Do they have to re-notice if they come
19 back?

20 MS. RAZIN: If they're going to come
21 back -- if they're intending to come -- well, if
22 we can get them -- if they want to ask to come
23 back at the next meeting and that their intent, we
24 can carry to the next meeting.

25 MS. MOLNAR: Without noticing?

1 MS. RASIN: Correct.

2 MS. MOLNAR: I'd like to recommend
3 though that they do re-notice. That for zoning
4 purposes, it's a total demolition and it's a new
5 construction.

6 MR. MASCIALE: I don't follow your
7 point.

8 CHAIRMAN FUSARO: It's not a total
9 demolition.

10 MR. SAMMET: It's not.

11 CHAIRMAN FUSARO: But it is
12 considered a -- I guess Don has made that
13 determination.

14 MS. MOLNAR: More than 75% is
15 considered total demolition.

16 MR. MASCIALE: The application has
17 already been heard.

18 MS. RAZIN: Right. The application
19 has already been partially heard.

20 MS. MOLNAR: I would like for it to
21 be re-noticed to make it clear what they're really
22 doing.

23 MR. MASCIALE: I don't think they're
24 required to notice if they're coming back for
25 less. If they're coming for more, they would have

1 to re-notice.

2 CHAIRMAN FUSARO: That would make
3 sense. If they're going to reduce the scope of
4 the work, I would say they would not be required
5 to re-notice. If they're going to increase the
6 scope, which I don't see that happening, I would
7 say a re-notice would be necessary.

8 MR. SONTZ: Right. If anyone is in
9 the audience that was here to hear this --

10 CHAIRMAN FUSARO: I'm going to --

11 MR. SONTZ: -- my point would be,
12 they're going to find out right now when they're
13 coming back.

14 CHAIRMAN FUSARO: Right. That's
15 true.

16 MS. RAZIN: And if they can't -- if
17 they aren't going to make the June meeting, we'll
18 have to carry them again.

19 MS. MOLNAR: I just think for
20 transparency for the public when should let the
21 public know that this is a total demolition, it is
22 a new construction. Right now, it reads that
23 they're just constructing a second-floor addition.
24 For transparency purposes, a total disclosure,
25 they should let the public know.

1 CHAIRMAN FUSARO: I'm going to ask
2 is there anyone in the audience at this time,
3 you've kind of heard our comments and we may have
4 some more, but before we ask the Applicants as to
5 what they would like to do, is there anyone from
6 the audience that would like to address the
7 application and ask either the Applicants or the
8 architect any questions, please come forward at
9 this time. Seeing none. Going once, twice.
10 Okay. There's no one in the audience that wishes
11 to address it. So you've heard our comments; how
12 would you like to proceed?

13 MR. TORNEY: I would like to point
14 out there are a few walls in the foundation that
15 will remain. So while there is a substantial
16 amount of work going on in other areas, there are
17 parts of the house that will remain and will be
18 extended or so on and so forth. And that's
19 indicated on the first-floor plan, Sheet A3.

20 MR. MASCIALE: Right. But it has
21 been termed as "new construction" based on the
22 criteria. If you guys go back and leave one or
23 two more walls and it's not considered new
24 construction, that's for you guys to figure out.
25 We're not here to redesign this tonight. But I

1 think if you put your heads together and look at
2 it, usually it comes back a lot better as you look
3 at it more.

4 CHAIRMAN FUSARO: And if you can cut
5 it back to like Mr. Masciale is saying, you know,
6 make some changes and Don can review it and
7 perhaps it won't be considered new construction,
8 you would obviously have a little bit of an easier
9 time, and you wouldn't be subject to the
10 affordable housing development thing.

11 MR. TORNEY: Really. Okay.

12 CHAIRMAN FUSARO: How would you like
13 to proceed? Is that something you'd like to
14 discuss with your client?

15 MS. FRASHERI: We'll come back.
16 We'll take this back and make some changes and
17 come back as soon as possible. Thank you. I
18 appreciate your time and information.

19 CHAIRMAN FUSARO: So we're going to
20 carry this to our June 13th meeting?

21 MS. RASIN: Correct.

22 CHAIRMAN FUSARO: Without further
23 notice.

24 MS. RASIN: Yes. Without further
25 notice.

1 CHAIRMAN FUSARO: I know Ms. Molnar
2 would like to re-notice it. Do any Board Members
3 have any opinions?

4 MR. MASCIALE: I think I've stated
5 if they're going to reduce, there's no need to
6 re-notice.

7 CHAIRMAN FUSARO: I'd like to see if
8 it gets reduced, which I have a feeling that it
9 will be, so I think we're good with not
10 re-noticing at this time.

11 MS. RAZIN: So we'll carry without
12 further notice to June 13.

13 CHAIRMAN FUSARO: Correct.

14 MS. FRASHERI: Thank you.

15 CHAIRMAN FUSARO: Thank you. Enjoy
16 the rest of your evening.

17 Moving right along; our next
18 application is Application Number ZBA 21-076,
19 Justin Warshaw, 828 Grant Avenue. Applicant is
20 seeking approval to construct a raised deck
21 contrary to Westfield Land Use Ordinance
22 Section 12.04F1 where allowable building coverage
23 permitted is 20% and proposed is 22.2%. Good
24 evening, Mr. Foerst.

25 MR. FOERST: Mr. Chairman, good

1 evening. James Foerst on behalf of the Applicant.
2 I have two witnesses this evening; Mr. Warshaw and
3 Mr. Spadaro. If I can give just a brief summary.
4 This is really a true application that should be
5 before a Board of this nature. There is a
6 technical definition of deck, patio, etcetera, in
7 your ordinance. In this particular circumstance,
8 we read it one way, Mr. Warshaw reads it another,
9 and that's fine. We also have in this particular
10 circumstance we have what is truly a hardship. We
11 have a C-1 application. We have an 11 1/2-foot
12 grade change from the front of the lot to the rear
13 of the lot. And that is going to have great
14 implications because the deck that is being
15 proposed, is proposed at an elevation of,
16 approximately, 9-feet. Because of that, it then
17 becomes part of the building coverage. If the
18 deck was 4-feet, it would have a different
19 application. Mr. Spadaro will talk to you about
20 how de minimus it would actually be if the lot was
21 a level lot and if we didn't have that exit from
22 the basement into the rear yard. So with that
23 introduction, we do only have the one variance.
24 Mr. Spadaro has testified here before. He lives
25 in town. On a number of occasions, he's been

1 before the Board. I know he's been recognized as
2 an expert. If you like, I can qualify him or we
3 can waive that and accept his credentials.

4 CHAIRMAN FUSARO: I believe he's
5 been here before the Board this past year. So we
6 don't need to --

7 MR. FOERST: I don't know if you've
8 been here this year. It's all been a blur.

9 MS. RAZIN: If he can spell his name
10 for me, that would be lovely.

11 MR. FOERST: It's pre-Katherine or
12 post-Katherine. I think that's how we have to
13 look at it; right?

14 MR. SAMMET: Mr. Foerst, would you
15 like to mark this exhibit right off the bat?

16 MR. FOERST: Yes, Mr. Sammet. So
17 everything that you have, I'm not going to mark.
18 Those photos may have been in the application, but
19 let's mark that as A-1 and put today's date on it,
20 5/9/2022.

21 MS. RAZIN: That's the site photos?

22 CHAIRMAN FUSARO: Yes.

23 MR. FOERST: And there should be
24 enough of those before for every member of the
25 Board.

1 (Whereupon, Applicant's Exhibit A-1,
2 SITE PHOTOS - TWO PAGES DATED 05/09/2022, was
3 marked for identification.)

4 MR. FOERST: Just clarifying. So
5 A-1 is two pages. Do you want me to mark A-2 for
6 the second page or A-1, two pages; right? Okay.
7 My first witness, Mr. Chair, is Justin Warshaw.

8 CHAIRMAN FUSARO: Good evening.
9 Could you please state your name and address for
10 the record?

11 MR. WARSHAW: Yes. I'm
12 Justin Warshaw, I live at 828 Grant Avenue in
13 Westfield.

14 CHAIRMAN FUSARO: Please raise your
15 right hand.

16 JUSTIN WARSHAW, having been duly
17 sworn, was examined and testified as follows:

18 CHAIRMAN FUSARO: Thank you so much.
19 Please proceed.

20 BY MR. FOERST:

21 Q. Mr. Warshaw, how long have you lived
22 in Westfield?

23 A. Since November of 2020.

24 Q. And you've lived in this particular
25 house since that time?

1 A. Absolutely. With my fiance.

2 Q. And you're here with your fiance.

3 Congratulations.

4 A. Thank you.

5 Q. Your whole life is hinging on this
6 moment. In the application, there were two
7 photographs. I'm going to show you these
8 photographs. The first looks like it's a pergola,
9 and the second looks like it's a shot of a home
10 from the rear with a long downward staircase.

11 MR. FOERST: Members of the Board,
12 the photos I'm referring to in the application,
13 it's these two photographs. (Indicating.)

14 BY MR. FOERST:

15 Q. Mr. Warshaw, can you tell us what
16 those photographs are depicting?

17 A. Yes. They represent our backyard.
18 We have a small landing, and 13 steps down to our
19 backyard, then a small patio area where we
20 currently have a grill that I use to cook on.

21 Q. So if I can clarify. In picture
22 number two, we have the existing condition of your
23 home; correct?

24 A. Yes.

25 Q. And on the right, we see two double

1 doors on the first floor. Those come out of your
2 basement?

3 A. Yes.

4 Q. And then there's a little bit of a
5 patio there; correct?

6 A. Yes. Correct.

7 Q. And there's a pergola there as well;
8 correct?

9 A. Yes.

10 Q. And then the two double doors at the
11 top of the steps, is that your kitchen in those
12 doors?

13 A. Yes.

14 Q. And then you come out one step down
15 onto a landing; correct?

16 A. Correct.

17 Q. And then you have 13 steps down to
18 the yard and to your grill?

19 A. Yes.

20 Q. If you wanted to go and grill a
21 hotdog or a hamburger, you've got to come out of
22 your kitchen, walk down 14 steps, and then walk
23 back up the 14 steps if you forgot the flipper
24 thing; right?

25 A. Yup. And trying to balance the

1 hamburger and hotdog.

2 Q. And do you know the size,
3 approximately, of the existing landing?

4 A. I want to say -- what is it?

5 MR. SPADARO: It's like 3-by-5.

6 MR. WARSHAW: It's quite small.

7 BY MR. FOERST:

8 Q. So you went to Mr. Spadaro, and you
9 said, hey, Mr. Spadaro, I'm really looking to make
10 my life a little more pleasant for utilizing my
11 kitchen, can you build me a deck?

12 A. Yeah. And just access to the
13 backyard in general to get some fresh air.

14 Q. And as a result of that, a building
15 permit was applied for, and low and behold, here
16 we are some months later; right?

17 A. Yes.

18 Q. And in this particular circumstance,
19 really what you're looking for is just to simply
20 build a deck off the back of your house so that
21 you have better access to your kitchen; correct?

22 A. Yes.

23 Q. You put some table and chairs out
24 there; correct?

25 A. Yes.

1 Q. You put a grill out there?

2 A. Yes.

3 Q. And also, you indicated to me that
4 you had some concern about the safety of the steps
5 if you're going to have a family in the future.
6 Just advise the Board what it is you're worried
7 about in terms of the currently existing
8 condition?

9 A. It's just a big drop.

10 Q. So if somebody came out and tripped
11 on the way out that door they're just doing a
12 header right down those stairs; right?

13 A. Yes.

14 Q. You may intend to have children.
15 You were concerned that small children --

16 A. We plan to.

17 Q. -- have to then, you know, come down
18 those stairs and there would be issues associated
19 with that; correct?

20 A. Yes.

21 MR. FOERST: I have nothing further
22 of Mr. Warshaw.

23 CHAIRMAN FUSARO: Thank you so much.

24 MR. FOERST: You have to present
25 yourself for questions.

1 MR. WARSHAW: Okay.

2 CHAIRMAN FUSARO: Do any Board
3 Members have any questions for the Applicant at
4 this time?

5 MS. MOLNAR: Yeah. You're putting a
6 full kitchen under the patio; right?

7 MR. WARSHAW: Yeah, on the patio --
8 no, sorry. Not on the patio, on the deck.

9 MS. MOLNAR: On the deck.
10 Underneath, what's going to be there? A TV?

11 MR. WARSHAW: Yeah. There's a TV,
12 there's a hot tub, and there's an outdoor
13 fireplace.

14 CHAIRMAN FUSARO: There are two TVs?

15 MR. WARSHAW: We don't plan on doing
16 the second potentially.

17 CHAIRMAN FUSARO: That was going to
18 be my question. The Applicant --

19 MR. FOERST: We'll stipulate to one
20 television, Mr. Chairman.

21 CHAIRMAN FUSARO: The drawing said
22 two. Okay.

23 MS. MOLNAR: The application may be
24 conditioned that it remains open on three sides;
25 correct?

1 CHAIRMAN FUSARO: Correct.

2 MR. FOERST: Not a problem.

3 MR. GELINAS: That one picture of
4 the covered area with TV and fireplace, that looks
5 like, is that a pool in the background or is that
6 just an --

7 MR. WARSHAW: That's a hot tub.

8 CHAIRMAN FUSARO: That's a hot tub.

9 MR. GELINAS: That is the hot tub.

10 Okay.

11 MR. WARSHAW: Yes, it is.

12 MR. GELINAS: It just looked
13 elongated in the picture.

14 MR. WARSHAW: It does. I just think
15 it's a weird angle, but it's a standard-sized hot
16 tub.

17 CHAIRMAN FUSARO: And the fireplace
18 is two-sided?

19 MR. WARSHAW: It's one-sided.

20 CHAIRMAN FUSARO: Which TV are you
21 getting rid of?

22 MR. WARSHAW: The one that's on top
23 of the hot tub, likely. We're just not sure if
24 we're going to do that.

25 CHAIRMAN FUSARO: The 40-inch one

1 facing the hot tub. Got it.

2 MR. SONTZ: The picture you just
3 gave us, it shows the neighbor has a pool in the
4 backyard. How does he handle the slope? I'm
5 having trouble visualizing how your house slopes
6 down and then he's got what looks like a flat
7 backyard.

8 MR. FOERST: Mr. Sontz, I'm going to
9 have Mr. Spadaro give a lot of detail about the
10 neighbors and how this one measures up to the
11 next-door neighbors.

12 MR. SONTZ: Okay. Thank you.

13 CHAIRMAN FUSARO: Yes. There's a
14 drop of, approximately, 11-feet; 152 along the
15 front, to 141 along the rear.

16 MR. FOERST: Yeah. It's a big drop.

17 CHAIRMAN FUSARO: I don't think we
18 have any other questions for the Applicant at this
19 time. Does anyone from the audience have any
20 questions for the Applicant at this time? Seeing
21 none. Please proceed, Mr. Foerst.

22 MR. FOERST: Mr. Chairman, thank
23 you. With that, I'd like to call Mr. Spadaro of
24 Land Identity located here in Westfield, New
25 Jersey.

1 CHAIRMAN FUSARO: Please state your
2 name and address for the record.

3 MR. SPADARO: Sure. Greg Spadaro.
4 Address is 534 Hort Street, Westfield, New Jersey.

5 CHAIRMAN FUSARO: Please raise your
6 right hand.

7 GREG SPADARO, having been duly
8 sworn, was examined and testified as follows:

9 CHAIRMAN FUSARO: I believe -- I
10 know you've appeared before us several times. I
11 believe that -- I don't know if it's been this
12 year.

13 MR. MASCIALE: I don't think this
14 year. Just why don't we make sure his credentials
15 are current.

16 CHAIRMAN FUSARO: Sure. Could you
17 give us --

18 MR. FOERST: Yeah. Sure.

19 BY MR. FOERST:

20 Q. Greg, you went to college; correct?

21 A. Yeah.

22 Q. You graduated?

23 A. Yes.

24 Q. You got your certifications as a
25 landscape architect at some point?

1 A. Yes.

2 Q. You maintain that certification in
3 the State of New Jersey?

4 A. I do.

5 Q. Are you licensed in any other state
6 other than the State of New Jersey?

7 A. Yes. Six other states.

8 Q. When was the last time that you
9 appeared before this specific Board; do you
10 recall?

11 A. I think it was a virtual hearing.

12 Q. Last year I think?

13 A. Yeah, probably. I mean I've been
14 here in person as well.

15 Q. A dozen times at least; correct?

16 A. Yes.

17 Q. And you maintain your licensure
18 current as of today; correct?

19 A. Yes.

20 MR. FOERST: I present Mr. Spadaro
21 as a landscape architect.

22 CHAIRMAN FUSARO: We'll continue to
23 recognize you in the field of landscape
24 architecture. Please proceed.

25 MR. FOERST: Thank you. Greg, do

1 your thing.

2 MR. SPADARO: Sure. I'm just going
3 to be referencing A-1, Sheet 1 of 1, Existing
4 Property Line Exhibit. Just to be clear for the
5 record, we're looking at Tax Map Block 1305, Lot 7
6 located in the RS-8 Zone. We have a lot size of
7 11,244-square-feet which is representative of a
8 1/4 of an acre property. If you look at the top
9 aerial of the property on the Exhibit A-1, you'll
10 see that our focus here is that it is an internal
11 lot, and the rear of the property is surrounded by
12 adjacent residential uses. As Mr. Foerst and
13 Mr. Fusaro have indicated, there is quite a grade
14 change from Grant Avenue to the rear of the
15 property. The front property line sits at 152.
16 The back is, approximately, 140.5. So we have
17 about an 11 1/2-foot grade change from front to
18 back. When this house was built in 2007, the
19 builder worked with the grading. I think he did a
20 great job with setting the front door at existing
21 elevation and providing a walk-out basement in the
22 back of the property.

23 If you look at the bottom right-hand
24 corner of Sheet A-1, you'll see what's there
25 today. We have an existing wooden pergola, an

1 at-grade patio flanked by a couple of short
2 retaining walls, and that run of steps. Again,
3 one step out of the house to a 20--square-foot
4 landing, and then down 13 steps down to grading.
5 The existing landing is, approximately,
6 8-foot-5 1/2-inches from grading as it sits today.
7 If you look a View A, this kind of corresponds
8 with the front-facing aerial. You'll see that
9 View is looking to the left, so that's the
10 freeform pool. So under existing conditions, you
11 have a 6-foot high solid PVC fence. There's also
12 a pool cabana and a row of arborvitae trees. The
13 arborvitae serves to screen out some of the pool
14 and mechanical equipment. So I think under
15 existing conditions you already have a pretty nice
16 screen to that property. What you're not seeing
17 though is there is a little bit of a gap. And
18 that gap is shown on the rear-facing aerial. I
19 kind of tried to mark it with a blue-dashed line
20 there. It's a blue rectangle, it's a little hard
21 to see. But right where the arrow goes through,
22 there is a little bit of a void in the vegetation
23 there, and I'll address that under the proposed
24 condition.

25 MR. FOERST: Greg, let me ask you a

1 question there. In View A, we see a pool in the
2 foreground there, that's not the neighbor's pool,
3 that's the pool of the lot that's behind the
4 neighbor's lot; correct?

5 MR. SPADARO: Yes. So there're two
6 pools, right. So there's the neighbor to the left
7 has the freeform pool, and then the neighbor
8 behind has more of a rectangular pool. The view
9 we're looking at though is really more towards the
10 freeform pool to the left.

11 Looking at View B, this is standing
12 underneath the pergola looking to the property
13 behind us. You'll see that there's a 6-foot high
14 PVC fence in the back left corner. In the center,
15 there's a row of existing evergreens trees. And
16 to the right side, we have a picket fence. I
17 think the picket fence, even though it's open,
18 provides a pretty substantial screen with the
19 evergreens that sit behind it. Where we do have a
20 gap there is on the back left corner. And again,
21 that's looking more towards the rectangular pool
22 lot. And then, bottom left corner of the sheet,
23 you see even though we're fairly open there, we
24 have the 4-foot high picket fence. What's unique
25 here is that the rear yard of that house is

1 actually much closer to Grant Avenue. There's
2 already an existing evergreen that sits there that
3 provides really substantial screening. So we
4 don't really feel that we need much on that side.
5 So then I'm just going to switch over to...

6 MR. FOERST: While he's flipping
7 that, just to confirm, if Ms. Knight were here,
8 she would ask me to confirm that the pool is going
9 to have -- I'm sorry, the hot tub is going to have
10 a cover and a lock on it. And certainly, that
11 would be part of the application and the
12 stipulation if required. But we certainly would
13 comply with the locking and covering of the hot
14 tub.

15 MR. SPADARO: I think there was a
16 question about how they're handling the adjacent
17 property. I can talk to that now; if you'd like.

18 CHAIRMAN FUSARO: I have one quick
19 question for you before you get there. On your,
20 in the middle of Page 1, lower photograph,
21 Rear-Facing Aerial Showing Critical Views, there
22 are two blue dashed lines on the photograph. One
23 in the corner, and one further up. Could you
24 explain what they are?

25 MR. SPADARO: That's the area devoid

1 of existing vegetation. So I'm going to talk
2 about under the proposed condition what we're
3 doing there.

4 CHAIRMAN FUSARO: Thank you.

5 MR. SPADARO: But to address the
6 question about the neighboring property -- I
7 actually had the luxury of working on that
8 project, so I'm familiar with it -- they had the
9 same, similar situation where there's a grade
10 change. There's is a little bit different in that
11 they have a deck, it's not as high off the ground,
12 but there're steps down to a concrete paver
13 landing, and then there're additional steps down
14 to the yard.

15 MR. FOERST: So they tiered their
16 rear yard to get down on the grade?

17 MR. SPADARO: It's tiered, yeah. We
18 worked with the tier. And then their basement,
19 actually you step up to grade. So it's a little
20 bit different, but they had similar challenges on
21 that property as well.

22 CHAIRMAN FUSARO: And this is the
23 one with the freeform pool or the one on the other
24 side?

25 MR. SPADARO: Freeform.

1 CHAIRMAN FUSARO: Thank you.

2 MR. SONTZ: Did that house need
3 variances?

4 MR. SPADARO: It didn't actually.
5 We were right at the max on improvement coverage,
6 and we complied with building --

7 MR. FOERST: It looks like a lot;
8 doesn't it?

9 MR. SPADARO: We were right at the
10 cusp.

11 CHAIRMAN FUSARO: You might want to
12 check those calculations.

13 MR. SONTZ: The pool house looks
14 very close to the side of the fence.

15 MR. FOERST: I'm going to remind you
16 of this when I have my hot tub application in two
17 more applications.

18 MR. SPADARO: Yeah. We're 5-feet.
19 I wanted to now speak to the proposed site plan
20 that was submitted. This was originally dated
21 10/18/21. The last revised one; 1/11/22. I think
22 the whole reason we're here tonight is a building
23 coverage variance. Right? So we're looking at
24 Sections 12.04F1, max coverage by buildings and
25 above-grade structures will require 20% which is

1 equivalent to 2,249-square-feet. Under existing,
2 we are actually over. We're at 21.2% which is
3 2,380.48-square-feet, and we're looking to jump it
4 up to 22.2% which is 2,496.19-square-feet.

5 MR. FOERST: Greg, any idea, I mean
6 the house was built in 2007. The rules haven't
7 changed since then. Any idea how come we're at
8 21.2?

9 MR. SPADARO: Yeah. I suspect that,
10 again, before my owner took ownership of the
11 property, that the previous -- I think it's
12 probably two owners previous -- added that pergola
13 back there, and I think it was probably not
14 permitted is my guess. So that's probably what
15 took them above the building coverage.

16 So with that said, under our new
17 proposal, you'll see on the top right corner of
18 our site plan sheet, it's the Demolition Plan,
19 that's basically what we're removing which is that
20 landing, the steps, patio, the walls. We're
21 pretty much wiping the slate.

22 MR. FOERST: The pergola.

23 MR. SPADARO: The pergola is gone.
24 And we're proposing a new second-story deck;
25 267-square-feet of composite deck. And the

1 difference now is that you would walk out
2 essentially at grade; it's like a 2-inch step down
3 from the sill. And instead of having the 13 steps
4 that go straight down, we now have nine steps, a
5 nice transition with a landing, a turn, and then
6 five steps down to grade. So it's still 14
7 risers, just situated a little bit more pleasing
8 to the eye, and a little bit more functional too
9 when we get down to grade. The deck is
10 14-foot-8-inches deep, and that gives us the
11 ability to have a dining table up there and a
12 small outdoor kitchen in that space. We have a
13 grill and a refrigerator. And I think it's just
14 going to be a lot more functional as we spoke
15 about before going down 13 steps to grill a hot
16 dog, this will be a lot easier to accommodate.
17 From a visual standpoint, the new deck is located
18 generally in the same location where that pergola
19 is today. The difference is the pergola is
20 actually a little bit closer to that side property
21 line, so that's 17.2-feet, and we're moving the
22 deck in to 19.4. So it's 2.2-feet in further away
23 from that property.

24 MR. FOERST: And that's coming right
25 off the back of the house off of the side yard;

1 right?

2 MR. SPADARO: Yeah. The side yard,
3 exactly. The with the freeform pool. From a
4 building coverage standpoint, I think it is fairly
5 de minimus. We're looking at an added
6 247-square-feet from the allowable. From the
7 existing condition, it's only 1% added. The deck
8 is proposed to be a dry deck, and that basically
9 will allow us to have the patio space underneath
10 it. As we talked about, we're going to have a
11 ventless gas fireplace, one TV -- I wanted two --
12 but one TV, hot tub, and the patio furniture. The
13 nice thing about this stacked type of layout is
14 that we don't get dinged twice for improvement
15 coverage; right? So we're able to have a lot of
16 space without really adding a lot of impervious
17 surface. So under existing conditions, we have
18 32.4% we're taking the improvement coverage up to
19 33.6; still well within the allowable coverage
20 numbering. Again, that increase is
21 130-square-feet. So we have a pretty minimal
22 increase in impervious surfaces. We are proposing
23 from a drainage standpoint to have the patio pitch
24 away from the house and follow the existing
25 drainage patterns as they exist today. We are

1 catching the dry deck in that underground piping
2 system that also exists there today, and we're
3 just tying into that.

4 MR. FOERST: And the additional
5 water is not going to overwhelm the existing
6 system?

7 MR. SPADARO: No. I think it's,
8 again, fairly de minimus. We're talking about
9 130-square-feet. I think by the time it gets to
10 the rear property line; most will be absorbed by
11 the lawn. We are proposing some new plantings in
12 the rear which will help with absorption as well.
13 So that brings us to our proposed condition.
14 Again, this the marked as A-1, Sheet 2. And what
15 it is, is the same two aerials in the middle. The
16 difference here now is that the images that we
17 show on the perforated sheet are modeled to show
18 the proposed condition. So looking at View A, the
19 top left corner of the sheet, you can see the
20 deck, you can see the dining table; the outdoor
21 kitchen space. What's really notable though is
22 that we're adding the trees along that area where
23 we showed that blue-dashed box. We're adding new
24 six arborvitaes on that side to help with the
25 screening element to the adjacent neighboring

1 property. View B is a similar view standing
2 underneath the new deck looking towards that rear
3 property line. You can start to see some of the
4 improvements; the hot tub, the fireplace, the
5 patio furniture. Again, what's different there,
6 the blue box is now planted. So we're screening
7 out more of the view to that rectangular pool that
8 exists there. And then, finally, View C is
9 looking to the neighboring property. Again, we
10 didn't feel like we really needed much there due
11 to the fact that the house sits closer to Grant
12 Avenue, and we have an existing evergreen in that
13 location. What we did do is add an ornamental
14 tree on the corner of the house. Because we have
15 this pretty tall facade there, I thought from a
16 scale standpoint adding that vertical element
17 would help to bring down the scale of that facade,
18 so we anchored it with an ornamental tree. And
19 you can see on the bottom right corner of the
20 sheet, that' the overall proposed project.

21 I looked through Mr. Sammet's
22 letter, and I think he talks about the
23 justification for the variance and what the
24 hardship is. And I think, I agree with everything
25 that he said in that the real hardship here is

1 related to topography; right? The existing house
2 sitting at grade and that drop off forced the
3 developer when they built the house to have that
4 walk-out basement. In the provisions of the Land
5 Use Code, I think Mr. Foerst had talked about
6 before, the definition of a deck has to be less
7 than 4-feet high. We don't have it here. You
8 know we have such a grade change that this deck is
9 9-foot-2 1/2-inches off grade. So with that, we
10 basically have a deck that's high. If the deck
11 was at the 4-foot grade, we would only be
12 4-square-feet over what's allowable by that
13 additional coverage that we're given for building
14 coverage. Which if that was the case --

15 MR. FOERST: Let's visualize that
16 guys; it's about that big. (Indicating.)

17 MR. SPADARO: -- we would find
18 4-square-feet. I mean we're 3 1/2-inches shy for
19 the 15-foot run of the deck. I think from that
20 standpoint, again, we're talking about a fairly
21 de minimus area to ask. I think in summary, due
22 to the slope of the lot, the de minimums increase
23 in both improvement and building coverage, the
24 fact that we have a very minimal impact visually
25 to the adjacent property owners between the

1 existing vegetation that exists there today, and
2 what we're supplementing with proposed vegetation,
3 all that combined, I think we have a very good
4 case here for a variance without any real negative
5 impact to any of the adjacent property owners.
6 And I think it's an aesthetically pleasing
7 project.

8 CHAIRMAN FUSARO: Thank you. Two
9 quick questions. Are those solar panels I see on
10 the home?

11 MR. SPADARO: Yes.

12 CHAIRMAN FUSARO: The solar panels
13 are facing the rear of the property. And I have
14 an odd question. On your Exhibit A, Sheet 1; View
15 A and View B; has someone taken that pergola
16 apart? It looks like it's on -- the roof it is --

17 MR. SPADARO: I don't know. That
18 might be a question for Mr. Warshaw.

19 MR. WARSHAW: What happened was
20 there were squirrels on the roof and -- what
21 happened?

22 MS. IRONS: They were nesting.

23 MR. WARSHAW: They were nesting, so
24 we had to --

25 MS. IRONS: We had to cut holes to

1 get the ladder.

2 MR. WARSHAW: Yeah. We had to
3 basically get a ladder up to the roof to kind of
4 square that away and protect --

5 CHAIRMAN FUSARO: Part of the demo
6 is done already. Got it. Thank you.

7 MR. SPADARO: I didn't know that.

8 MR. MASCIALE: I have a question.
9 The vegetation on the -- I guess looking at the
10 rear of the house on the right side since the deck
11 is going to be so high, I mean without the
12 vegetation -- I like the landscaped plan, but
13 they're going to be able to see you sitting up
14 there like on a platform. So how high are the
15 bushes you're going to put in and how long you
16 know trees --

17 MR. WARSHAW: On this side, you're
18 talking about? (Indicating.)

19 MR. MASCIALE: Yeah. How long would
20 it take --

21 MR. SPADARO: Again, I think where
22 they entertain, that lot, is much closer to the
23 road. And they have a large evergreen tree that's
24 there already. So when you're standing on this
25 deck, you really won't have a view to their

1 entertaining space versus the property in
2 question's entertaining space.

3 MR. WARSHAW: Are we referring to
4 the right when we go on the landing?

5 MR. MASCIALE: Yeah. I'm talking to
6 the other side. Yeah.

7 MR. WARSHAW: The left side or the
8 right side?

9 MR. MASCIALE: Looking at the rear
10 of the house, the right side.

11 MR. WARSHAW: Yeah. There's a large
12 evergreen. We cannot see their house. We cannot
13 see their entertainment area. We can only see
14 basically -- is it a cherry blossom tree? It's
15 quite far away. We cannot see anything.

16 MR. MASCIALE: So this is kind of
17 unusual with the vegetation on there. If the
18 Board put in a condition that you had to maintain
19 the vegetation to provide a barrier -- because
20 trees die and if there's flooding sometimes new
21 plant life doesn't survive -- would you be okay
22 with a stipulation that you have to maintain
23 vegetation if it dies?

24 MR. FOERST: It's not his tree
25 though.

1 MR. SPADARO: Can I just make one
2 comment on that. The tree sits on the neighboring
3 property.

4 MR. FOERST: It's not his tree.

5 MR. MASCIALE: It's not his tree.

6 MR. SPADARO: So I guess the
7 condition would probably be that he would have to
8 plant a new tree if that tree --

9 MR. MASCIALE: Or you would have to
10 provide screening on your property to maintain it.

11 MR. SPADARO: Yeah. Something to
12 that effect. I think we'd be okay with that.

13 MR. WARSHAW: Yeah. Absolutely.
14 And I know -- I spoke with them the other day --
15 they love the tree. Even though it's hanging on
16 our property, and it's you know, we have no
17 problem with it and they have no plans --

18 MR. MASCIALE: I just feel like
19 you're going to be up there and you know if
20 there's no natural screening.

21 CHAIRMAN FUSARO: Yeah. You have a
22 direct view into both of those pools from this new
23 -- you will have a direct view into both of the
24 pools off of your deck; correct?

25 MR. FOERST: Without the vegetation.

1 MR. WARSHAW: From our kitchen,
2 currently, we can see and hear what's happening in
3 the pool. We plan on planting vegetation so we
4 don't see and hear what's happening back there.

5 MR. FOERST: And on the other side,
6 I just think it's going to naturally work itself
7 out because he doesn't want to be standing up
8 there on a platform so that the neighbors can see
9 him. So if the tree dies, you know, I mean this
10 isn't a cheap project. He's going to put in a
11 tree so nobody can see him up there.

12 CHAIRMAN FUSARO: Is there anyone in
13 the audience that would like to address the
14 testimony of Mr. Spadaro at this time? I'm seeing
15 none. Any other Board Members have any questions
16 for Mr. Spadaro at this time? No. Mr. Foerst?

17 MR. FOERST: This is textbook what
18 this Board does. You know, there's uniqueness to
19 each property, and in this particular case, we
20 can't fit the round peg in the square hole because
21 of the topography of the lot. And when we read
22 the definition of patio, as Mr. Spadaro had
23 testified, if this were a regular flat lot and we
24 were at 4-feet, we wouldn't even be here because
25 he'd make that deck just 3-inches shorter along

1 the 15-foot run. So it's a typical C-1. It's
2 de minimus, and I think they've done enough to,
3 hopefully, lessen any impact that the neighbors
4 might suffer from as a result. So thank you.

5 CHAIRMAN FUSARO: Thank you,
6 Mr. Forest. At this time, I'll close it to public
7 and other testimony. We'll open it up to Board
8 discussion. Obviously, the deck 8- 9-feet up in
9 the air is something of a unique situation.
10 You've heard that we have an 11-foot drop,
11 approximately, from the front of the lot to the
12 rear. Just one question for Don. I believe I
13 know the answer to it. They have an open picket
14 fence in the back, the 6-foot solid fence does not
15 apply to hot tubs provided it's got a lockable
16 cover; is that correct? Not like a pool.

17 MR. SAMMET: Yeah. Well, a lockable
18 cover wouldn't matter in this case. But it does
19 not -- I'll double-check it while you're talking.

20 CHAIRMAN FUSARO: Mr. Spadaro --

21 MR. FOERST: I'm sorry. But
22 Application Number Five tonight is a hot tub, so I
23 know that one for sure.

24 CHAIRMAN FUSARO: Yeah. Because a
25 portion of the fence is solid -- actually two

1 portions of the fence in the rear yard are solid.
2 However, there's a large portion that's open
3 picket and it appears to be 4-foot high instead of
4 6. Okay. While we're waiting...

5 MR. SAMMET: Yeah. Just a swimming
6 pool, absolutely. Just a swimming pool.

7 CHAIRMAN FUSARO: Mr. Sammet will
8 continue to look that up.

9 MR. SAMMET: No. You're good.
10 You're good.

11 CHAIRMAN FUSARO: Okay. We're good?

12 MR. SAMMET: Yup. No solid fence
13 needed.

14 CHAIRMAN FUSARO: No problem. Okay.
15 Great. I was a little concerned about the view
16 from this elevated deck into both the neighboring
17 pools. We've heard they are going to provide some
18 screening. I would suggest a condition that the
19 vegetation and/or screening be maintained. If it
20 belongs currently to the neighbors and for some
21 reason, they don't maintain it, then we would
22 require this Applicant to maintain it -- install
23 their own and maintain it. I don't know if we
24 need to since it's really not a porch, per se, it
25 kind of -- I guess at some point could be screened

1 in or closed in. So perhaps a condition stating
2 that it remains open on two or three -- two sides,
3 I guess.

4 MR. MASCIALE: Yeah, Frank, I mean
5 because it's coverage.

6 CHAIRMAN FUSARO: Yes. So I would
7 suggest something along those lines. Let's see
8 what else I have here.

9 MR. SONTZ: I think it would be
10 three sides, Frank.

11 CHAIRMAN FUSARO: What's that?

12 MR. SONTZ: It would be three sides.

13 MR. FOERST: I just ask Mr. Spadaro,
14 so we can do one and two sides where the stairs
15 come down. But the other side, there's stuff
16 proposed there, so that couldn't be opened up.

17 CHAIRMAN FUSARO: There's a wall
18 that separates the seating area from the hot tub
19 area; the way that I interpret that. Is that
20 correct? So it would be two sides.

21 MR. FOERST: We could guarantee two
22 sides. The third side is a little dicey and then,
23 of course, there's the house.

24 CHAIRMAN FUSARO: Where the TV and
25 fireplace are.

1 MR. FOERST: And we'll get rid of
2 the TV by the hot tub too.

3 CHAIRMAN FUSARO: Thank you,
4 Mr. Foerst. Any other Board Members have any
5 other comments, discussions regarding the
6 application?

7 MR. MASCIALE: I think we've seen
8 other applications like this and I think what the
9 Board does, as Mr. Foerst said, we've got to look
10 at it and make sure of the conditions and that it
11 fits the neighborhood.

12 CHAIRMAN FUSARO: Yes, certainly,
13 obviously, the definition that we have in the
14 ordinance with respect to a deck being anything
15 under 4-feet really it causes the hardship here.

16 MR. GELINAS: Sorry. Your condition
17 for the vegetation would be for both blue squares;
18 right? For both corners; is that right?

19 CHAIRMAN FUSARO: I would believe
20 so, yes.

21 MS. RAZIN: Well, I had it also that
22 -- I have it that if the neighbor's tree does not
23 survive as well.

24 MR. GELINAS: Right. But we talked
25 about the one.

1 MS. RAZIN: And then provide
2 screening where indicated.

3 CHAIRMAN FUSARO: Where indicated on
4 the plan and require them to maintain the
5 screening along the neighbor's property as well.

6 MR. GELINAS: Right.

7 CHAIRMAN FUSARO: Anyone else? No.
8 Okay. And Mr. Foerst, if someone trips down those
9 stairs you have another client; right?

10 (Laughter.) May I have a motion?

11 MR. MASCIALE: Charles, you're
12 taking notes. Go on.

13 MR. GELINAS: No, you go ahead. You
14 go ahead.

15 MR. REISEN: I'll make a motion to
16 approve the plan in its entirety with the
17 conditions of maintaining the screening inclusive
18 of vegetation on all sides discussed, and
19 providing vegetation or screening for the side
20 with the single maple tree, I believe it was, in
21 case the neighbors remove that at a subsequent
22 time.

23 CHAIRMAN FUSARO: And that it
24 remains open.

25 MR. REISEN: Two sides remain open

1 underneath the proposed deck.

2 MR. GELINAS: And the locks on the
3 hot tub; right?

4 MS. RASIN: The what?

5 CHAIRMAN FUSARO: The lockable --

6 MR. REISEN: And a lockable top for
7 the hot tub.

8 CHAIRMAN FUSARO: Thank you, Sam.
9 May I have a second?

10 MS. MOLNAR: Second.

11 CHAIRMAN FUSARO: Ms. Molnar. Mr.
12 Sammet, please call the roll.

13 MR. SAMMET: Mr. Cohen.

14 MR. COHEN: Yes.

15 MR. SAMMET: Mr. Fusaro.

16 CHAIRMAN FUSARO: Yes.

17 MR. SAMMET: Mr. Masciale.

18 MR. MASCIALE: Yes.

19 MR. SAMMET: Ms. Molnar.

20 MS. MOLNAR: Yes.

21 MR. SAMMET: Mr. Sontz.

22 MR. SONTZ: Yes.

23 MR. SAMMET: Mr. Gelinas.

24 MR. GELINAS: Yes.

25 MR. SAMMET: Mr. Reisen.

1 MR. REISEN: Yes.

2 CHAIRMAN FUSARO: Your application
3 is approved. Good luck.

4 MR. FOERST: Thank you,
5 Mr. Chairman.

6 MR. WARSHAW: Thank you very much.
7 It's a great birthday gift, guys. Thank you.

8 CHAIRMAN FUSARO: Happy birthday.
9 Where's my cake?

10 MR. MASCIALE: Get ready for a
11 break; right?

12 CHAIRMAN FUSARO: We're going to
13 take a quick break at this time. The fourth
14 application, as we've heard, has been carried to a
15 special meeting. So we will be hearing 507 Birch
16 next, and then 519 Parkview. So we'll take a
17 10-minute break. Thank you.

18 (BREAK TAKEN.)

19 CHAIRMAN FUSARO: We're all back,
20 and let's get started with our next application,
21 which is Application ZBA 22-005, Louis and
22 Diana Voza, 507 Birch Avenue. Applicant is
23 seeking approval to construct a one-story rear
24 addition and enlarge front stoop contrary to the
25 Westfield Land Use Ordinance Section

1 11.08E10/12.04F1 where the maximum coverage by
2 buildings and above-grade structures permitted is
3 20% or 1,374-square-feet and proposed is 24.4% or
4 1,803-square-feet, and Section 11.08E10/12.04F3
5 where maximum coverage by buildings and
6 above-grade structures with a porch permitted is
7 24% or 1,794-square-feet and proposed is 25.3% or
8 1,872-square-feet.

9 Is there anybody in the audience
10 representing the application? Here we go. Great.
11 Please state your name and address for the record,
12 and I apologize if I've mispronounced your last
13 name.

14 MR. VOZZA: That's fine.
15 Louis Vozza, 507 Birch Avenue, Westfield.

16 CHAIRMAN FUSARO: Ma'am.

17 MS. VOZZA: Diana Vozza, 507 Birch
18 Avenue.

19 CHAIRMAN FUSARO: Thank you so much.
20 Please raise your right hand.

21 LOUIS VOZZA, DIANA VOZZA and
22 HILDIE LAZAR, having been duly sworn, were
23 examined and testified as follows:

24 CHAIRMAN FUSARO: Ms. Lazar, I see
25 you're sworn in as well. Thank you so much.

1 MS. LAZAR: Thank you.

2 CHAIRMAN FUSARO: Please tell us
3 about your application.

4 MR. VOZZA: We moved here in March
5 of 2000, so we've lived at 507 Birch Avenue for 22
6 years. We've raised four children. We like most
7 of them. They've grown and moved on. But we love
8 our house and now there's a couple of grandkids.

9 MS. VOZZA: They live far away as
10 well, so when they come, they stay for a couple of
11 days.

12 MR. VOZZA: So we realized we need
13 more space. Our first floor also doesn't have a
14 bathroom. So as my wife gets older, we're going
15 to need a bathroom on the first floor. And there
16 may be a situation in the future where my
17 mother-in-law may have to come in and she's older
18 and she would have space on the first floor and
19 use the bathroom. The front stoop is really in
20 disrepair, and our intention is -- our main
21 intention is we want to keep our house the way a
22 Westfield house looks. The house was built in
23 1926. We love it, and it's important to us to
24 keep the house in that manner. We want to build a
25 safer, little larger entranceway. Our kitchen

1 right now is quite small and it's outdated. The
2 last -- I guess it was updated in the 1990s. So
3 we want the variance to really expand the kitchen
4 so we can accommodate our family -- as they come
5 to visit; not live.

6 CHAIRMAN FUSARO: Thank you.

7 Ms. Lazar.

8 MS. LAZAR: Yes. So as my client
9 stated, we are requesting to add onto the back of
10 the house a one-story addition to expand their
11 eating area. Originally, it was to create a
12 larger kitchen, but I redesigned the space so that
13 the kitchen would sort of take over where the
14 dining room is now, and then the addition would
15 serve as an extension to the dining area. We're
16 also proposing a one-story addition to add a
17 mudroom onto the back. And as Lou just said, the
18 front steps are crumbling, so we'd like to not only
19 replace them but relocate them more to the center
20 of the house. And we're not adding anything to
21 the second floor. We're not doing any work on the
22 second floor. The basement would only be
23 foundation work. And the goal is to just give
24 them the space that they need with the smallest as
25 possible -- as you're reading the numbers, they

1 sound big, but the lot is in the RS-8 Zone, so
2 it's 7,391-square-feet, so it is undersized. They
3 also have a two-car garage which takes up
4 411-square-feet, and they're only required to have
5 a one-car garage. So between the undersized lot
6 and the oversized garage, we're finding ourselves
7 with an excessive percentage of building coverage.

8 I'd like to -- I put this board
9 together of photographs. It's the way that I
10 always like to start this. This is to show you --

11 CHAIRMAN FUSARO: This is an
12 Exhibit?

13 MS. LAZAR: I've labeled it A-1, and
14 I took all the photographs on April 12, 2021.

15 (Whereupon, Applicant's Exhibit A-1,
16 PHOTOGRAPH BOARD DATED 04/12/21, was marked for
17 identification.)

18 MS. LAZAR: The house has not
19 changed since. And I just put this together the
20 other day. And it basically shows the house is
21 adorable; it's charming. This is the front right
22 corner. This is where the door is currently.
23 We're proposing to shift the entrance over to the
24 center. And I'll walk through the plans with you
25 soon. And then, we have the rear left corner.

1 You know the back of the house has a lot going on.
2 Lots of roofs and not the most attractive thing.
3 We're trying to make it a little bit better
4 looking, but really just solve the space issue
5 that they're having. So the rear left corner, the
6 rear right corner, and then a picture of that
7 existing stoop, and the stoop that we're
8 proposing. And that's pretty much it. So as you
9 can see from the front, the house; it barely even
10 looks like it's changing. I think that actually
11 putting the entrance here in the center, it's
12 going to make the house look a little bit nicer.
13 Just, you know, have some nice curb appeal, but
14 it's barely changing at all. So that's it for the
15 photos. Can I rest them up front in front of this
16 desk?

17 CHAIRMAN FUSARO: Sure. Some of
18 those photographs are in our package, but not all
19 of them.

20 MS. LAZAR: Yes. I have an easel
21 like Greg Spadaro's, but as you saw, the stuff
22 started to fall off. I'd like to start with the
23 existing floor plans. This is your Sheet V-2.
24 And just looking at the first floor, even when I
25 was looking and reviewing for this hearing

1 tonight, I was thinking how are we getting all
2 this excess on building coverage. It is an
3 undersized lot, and there is the oversized garage,
4 but I know that this house is not that big. This
5 is a very, very small house, and they are quite
6 cluttered in there. But they do have the office
7 in the front. Lou works from home, so that is his
8 office one-hundred percent of the time. The
9 dining room is just big enough to fit their table.
10 The kitchen is almost a galley. They have on the
11 exterior wall, they have some cabinetry, and then
12 there is a small table in there. The living room
13 is long and narrow. And I'm actually, you'll see,
14 I'm planning to truncate a little bit with the new
15 front foyer. And then they enter here on the
16 right into this vestibule. So I guess you could
17 call that kind of a mudroom, but it's just really
18 a front foyer. They don't dump shoes and things
19 like that over there. They tend to put that down
20 in the basement. And then, there's a sunroom
21 where Diana sometimes works. She's partially
22 working from home and partially out, so that's
23 sometimes her office. But there's a very strong
24 chance that her mom will be moving in. Which is
25 another reason why they want the bathroom. The

1 second floor is not changing. Just three
2 bedrooms, a medium-sized hall bathroom, and a
3 very, very small master bathroom in the front.

4 But now, looking at the new, the
5 proposed first-floor plan so you can see where I
6 have this addition going. What I'm proposing now
7 is that the kitchen will be is here in the center
8 of the house because there's no family room. So
9 this way they can have the kitchen adjacent to the
10 living room and it's a nice flow for living and
11 entertaining. And now that the stoop -- if you
12 guys approve this -- is in the middle, they can
13 come into a foyer. They're actually saving all of
14 their furniture, so you can see on the plan I have
15 kind of located where some of their furnishings
16 are going to be. So we have the foyer just large
17 enough to fit two cabinets that Diana loves and
18 then two more behind that wall. Then, we would
19 enter into full a bath. And then, down the road,
20 if her mom did move in, we could put a door here
21 from the side room into the bathroom so the
22 bathroom could then serve as a Jack and Jill. The
23 living room now becomes -- it's not huge. I mean
24 they walk around the furniture, but it's a better
25 proportion. It's not quite as long and narrow.

1 Then they go through what now becomes the kitchen
2 into the dining area. And then the extension is
3 back here for the dining area, two more pieces of
4 furniture that they'd like to save, and now they
5 actually have a mudroom in the back. They
6 actually still have two kids who live at home, so
7 they do have kids living at home, coming in with
8 their sports equipment and their shoes and all
9 their stuff.

10 One of the reasons I went sort of
11 left-side heavy there is because I really wanted
12 to pull the majority of this addition away from
13 the garage. You can see on the site plan; the
14 garage is back here. So I wanted to make sure we
15 have plenty of clearance from that garage. And
16 also, to not exacerbate 25-foot continuous wall
17 length. I couldn't line the wall up. If I
18 indented it in, it would just defeat the entire
19 purpose of doing the addition. So I bumped it out
20 by the 2-feet to create just sort of this nice
21 kind of like a little glass cube. Lots of light
22 back that. So that's the first story. And again,
23 the other floors aren't changing.

24 And then, taking a quick look at
25 zoning; on your Sheet V-1, I have the zoning

1 chart. As I mentioned they have been an
2 undersized lot, 7,391-square-feet in an RS-8 Zone.
3 And -- just bear with me one sec. All of the
4 other lot dimensions do conform. So lot width,
5 frontage, depth; everything conforms. The
6 setbacks all conform and they still do in our
7 proposal. Obviously, we're over in building
8 coverage, and our improvement coverage is fine.
9 Continuous wall length; I just explained why I did
10 that. We have the oversized garage. Height, eave
11 height, story height; we conform with all of that.
12 But the big number that I wanted to just bring to
13 your attention is that we are 423-square-feet
14 under in floor area ratio. So even with the
15 undersized lot, this house is not oversized. It's
16 a pretty small house and they just need some more
17 living space. I also took a look at Mr. Sammet's
18 report, and in my professional opinion, I think
19 that approving this variance just basically brings
20 this house up to the standard of the other homes
21 in the neighborhood, and doesn't cause any
22 detriment at all. I think it's got some nice curb
23 appeal and just really helps them with the way
24 that they live, especially while their kids are
25 still home. And that's it.

1 MR. SAMMET: This is where I
2 included it on the second page of my report that
3 excerpt from the tax map. And that was meant to
4 show that your client's property is really the
5 smallest on that side of the street. And
6 therefore, really the surrounding lots could have
7 a greater coverage than your client's property
8 has. So you feel that what's proposed now would
9 be consistent to the massing and the scale of the
10 neighboring properties?

11 MS. LAZAR: I do. And thank you for
12 that. I have it right here, and I agree. And
13 I've also done a lot of other projects in that
14 neighborhood on Alden. In my experience, their
15 house is much smaller than the other homes in the
16 neighborhood. And I can see on your tax map that
17 the lot is smaller as well.

18 CHAIRMAN FUSARO: Thank you. Is
19 there anyone in the audience that would to address
20 any of the testimony of the Applicant or the
21 architect at this time? Seeing none. I think
22 we've chased everyone away. I just want to
23 confirm a couple of quick items. I see you are
24 removing both the sidewalk area and that front
25 stoop that's existing --

1 MS. LAZAR: Yes.

2 CHAIRMAN FUSARO: -- relocating it
3 --

4 MS. LAZAR: Correct.

5 CHAIRMAN FUSARO: -- to the center
6 of the home. One quick question and -- the lot
7 coverage, it's mostly building coverage -- the new
8 proposed sidewalk that you're putting in, that
9 goes basically from stoop all the way out to the
10 street; was any consideration possibly given to
11 with respect to lot coverage of possibly reducing
12 that sidewalk area maybe connecting it to the
13 driveway so it went to the way the other one was?

14 MS. LAZAR: That is actually
15 something that Diana really wants. She really
16 wants that walkway to go from the front door
17 straight out to the street. Right now, it does go
18 from the driveway.

19 MS. VOZZA: I fall. I'm not kidding
20 you. Because of the way the stone are in the
21 driveway, for my mom and I, we've fallen. So for
22 me, it's a safety issue. And there are other
23 homes on the block that also have the pathway all
24 the way to the street, and behind me as well.
25 I've purposely gone around the neighborhood to see

1 and kind of copy what other people have done for
2 the safety. Because the stones we have are just
3 -- you know, it's just not safe to me for my mom
4 or myself.

5 MR. MASCIALE: Can I ask a follow-up
6 question?

7 CHAIRMAN FUSARO: Sure. Absolutely.

8 MR. MASCIALE: So if you go out the
9 front door with the new proposal, then how would
10 get to the cars? Would you --

11 MR. VOZZA: We just go out the back.

12 MS. VOZZA: Yeah. We go out the
13 back always.

14 MR. MASCIALE: You go out the back
15 if you're going to go to --

16 MS. VOZZA: Yeah. Because we
17 prevent -- like we don't use our front at all
18 because of that.

19 MR. MASCIALE: Well, in the new
20 redesign --

21 MS. VOZZA: I mean we could --

22 MS. LAZAR: Go around to the
23 sidewalk.

24 MS. VOZZA: We could do one to the
25 driveway and one to the -- I guess. I don't know.

1 MR. MASCIALE: No. I like the
2 visual actually on the side.

3 MS. LAZAR: And another thing is
4 that because of the oversized garage, they've got
5 this huge driveway in the back. They've got a lot
6 of impervious coverage because they have the
7 two-car garage.

8 MR. MASCIALE: I was just curious
9 how you're going to use it. If you were going to
10 use the back.

11 CHAIRMAN FUSARO: The
12 "paver/sidewalk" I'm going to call it that's on
13 the other side of the house, it looks like it
14 leads to nowhere. Can you give us a little
15 history what that's about?

16 MS. LAZAR: Believe me, if you guys
17 can part with it, we can get rid of it and lower
18 impervious coverage. This one right here.
19 (Indicating.)

20 MS. VOZZA: Oh, yeah. We can get
21 rid of that.

22 CHAIRMAN FUSARO: Because your
23 addition is going to encroach onto that.

24 MS. VOZZA: We were planning on most
25 likely speaking to the landscaper down the road

1 about removing that anyway and just making it
2 grass.

3 MS. LAZAR: I can do an addendum and
4 email it over to Lyndsay showing that removed.

5 CHAIRMAN FUSARO: Perfect. It just
6 doesn't -- once you put that addition there, which
7 is basically going over a patio area, I understand
8 -- I semi-understand why it's there and I still
9 don't know where it's going leading up to a wall
10 to jump over the wall.

11 MS. LAZAR: Right. It's a pathway
12 to nowhere.

13 CHAIRMAN FUSARO: But now with the
14 addition going there, it kind of doesn't make any
15 sense to leave it.

16 MS. VOZZA: Yeah. That's not going
17 to be there.

18 CHAIRMAN FUSARO: You can reduce
19 some lot coverage by doing that as well. Great.
20 Do any Board Members --

21 MS. MOLNAR: I have a question. On
22 B-4, I think it's a typo. It says "proposed
23 two-story addition."

24 MS. LAZAR: It's a typo.

25 MS. MOLNAR: I think you meant

1 one-story addition.

2 MS. LAZAR: We originally had a
3 two-story addition and originally the stoop was a
4 lot bigger. And we had applied and we downsized
5 and I missed that note. Sorry about that.

6 MS. MOLNAR: And then, what is the
7 function of that mudroom really? It's an
8 entryway; is that it?

9 MS. LAZAR: Yeah. They come in
10 through the back, so now they'll have a closet
11 where they can put their coats. They'll have
12 hooks where they can hang raincoats, umbrellas.
13 Their kids come in the back with all their sticks
14 and sports equipment.

15 MS. MOLNAR: If that room wasn't
16 there, would it come within the 20% coverage?

17 MS. LAZAR: No. Because the house
18 is currently already over in building coverage.
19 We have an existing nonconformity.

20 CHAIRMAN FUSARO: You're already
21 over 1.19% in current existing building coverage.
22 And then you go up another 3.3% to the 24.4.

23 MS. MOLNAR: I see. It's jumping up
24 to 25.3. Yes. We're already at 21.19.

25 MS. LAZAR: Well, that's with the

1 front porch.

2 CHAIRMAN FUSARO: That's with the
3 front porch.

4 MS. MOLNAR: That's the front porch.
5 Okay.

6 MR. MASCIALE: The numbers are
7 lower, and then --

8 CHAIRMAN FUSARO: I mean, generally
9 speaking, 20% versus a 24.4% I mean that's a 20%
10 overage; especially since we're over already. But
11 seeing the layout that Ms. Lazar put together, I
12 really don't.

13 MR. REISEN: Is there any way to
14 calculate what they'd save if they got rid of the
15 walkway to nowhere?

16 CHAIRMAN FUSARO: Yeah. The removal
17 of the walkway would certainly help here.

18 MS. LAZAR: That would help with
19 impervious coverage.

20 CHAIRMAN FUSARO: It wouldn't do
21 anything for building coverage, but the lot
22 coverage, that would certainly help. And that's
23 about -- I don't have a scale with me.

24 MS. LAZAR: I have one.

25 MR. SAMMET: It's about 4-feet wide

1 and 28-feet long.

2 MS. LAZAR: It's over
3 100-square-feet.

4 CHAIRMAN FUSARO: That will
5 certainly help. I think Ms. Lazar has kind of
6 maximized the space as best she could. I
7 understand that bump out of the addition on the
8 side there as well. Any other thing you'd like to
9 add before we go to Board discussion?

10 MS. LAZAR: I don't think so.

11 CHAIRMAN FUSARO: Thank you so much.
12 We'll close it and to open up to Board discussion.
13 As we've stated, the Applicant has agreed to
14 remove that portion of paver/sidewalk located
15 along the left side of the home. It should reduce
16 lot coverage by, approximately, 120-square-feet.
17 I would suggest if we are in favor of the
18 application that that becomes a condition. As I
19 said, I generally would frown upon an application
20 that's already over and increasing by almost 20%
21 over. However, as we've heard from the architect,
22 most of the homes in this area are on smaller lots
23 and have already been improved, and we do have a
24 C-1 condition where the lot is undersized.

25 MR. MASCIALE: It's a challenge with

1 the large garage and driveway.

2 CHAIRMAN FUSARO: Yes. The large
3 driveway certainly exacerbates the situation. And
4 the two-car garage which they have; where only a
5 one-car garage is required. But we're certainly
6 not going to ask them to tear down an existing
7 garage simply to meet the coverage. Are there any
8 other Board Members that have any comments with
9 respect to the application? No.

10 I would be in support of it. As I
11 said, with the one condition that the sidewalk to
12 the left be removed. Do we have a motion?

13 MR. SONTZ: Motion to approve
14 subject to the sidewalk on the left being removed.

15 MR. REISEN: Seconded.

16 CHAIRMAN FUSARO: Second.

17 Mr. Sammet, please call the roll.

18 MR. SAMMET: Mr. Cohen.

19 MR. COHEN: Yes.

20 MR. SAMMET: Mr. Fusaro.

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Mr. Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. SAMMET: Mr. Sontz.

2 MR. SONTZ: Yes.

3 MR. SAMMET: Mr. Gelinias.

4 MR. GELINAS: Yes.

5 MR. SAMMET: Mr. Reisen.

6 MR. REISEN: Yes.

7 CHAIRMAN FUSARO: Your application
8 is approved. Good luck. Enjoy your evening.

9 MR. VOZZA: Thank you very much.

10 CHAIRMAN FUSARO: Our last
11 application of the evening is Application Number
12 ZBA 21-049, Steven Stites and Angela Verardo,
13 519 Parkview Avenue. Applicant is seeking to
14 install a free-standing hot tub on an existing
15 patio contrary to the Westfield Land Use Ordinance
16 Section 12.04G where lot coverage permitted is 50%
17 or 4,693-square feet, and proposed is 53% or
18 4,972.5-square-feet; and, Section 11.08E10 where
19 maximum building coverage permitted is 20% or
20 3,600-square-feet, and proposed is 21.3% or
21 2,000.5-square-feet.

22 Good evening, Mr. Foerst.

23 MR. FOERST: Good evening again,
24 Mr. Fusaro. Not to get in your business; did you
25 need to say anything about Charlie Pijanowski's

1 application because it's on your agenda?

2 MS. RAZIN: We did already.

3 MR. FOERST: You said it at the
4 beginning; I must have missed it. I just want to
5 make sure.

6 CHAIRMAN FUSARO: That application
7 has been moved to the Planning Board.

8 MR. FOERST: Two hot tubs in one
9 night for me. It's incredible. Mr. Sontz, I want
10 you to recall the amount of coverage that you saw
11 in the application for Mr. Spadaro's application
12 and keep that in the back of your mind as you
13 review this particular application. Mr. Stites
14 purchased his home on Parkview two years ago where
15 he lives with his wife and his now seven-week-old
16 son. They moved from Connecticut as a result of a
17 job change of his wife. Mr. Stites is a rule
18 follower. He's one of those people who asks for
19 permission, not forgiveness. And he wanted to buy
20 a hot tub. So instead of just going to Route 22
21 and buying a hot tub; he went, he investigated it.
22 And what did you do like probably only 1 or 2% of
23 the people in this town would do, he called up
24 Ms. Knight and said can I have a hot tub on my
25 property. And she said, well, there're certain

1 requirements that you have to meet. And
2 unfortunately, he didn't meet those requirements
3 as to coverage. We manipulated the application a
4 little bit so that I was able to -- we didn't have
5 the lock on the hot tub. We addressed the
6 side-yard setback. The location that he wanted
7 it, we moved it. There was an error on my part
8 with regards to believing that your ordinance
9 states that a hot tub is considered a second
10 accessory structure. So I noticed for that, but
11 Mr. Sammet clarified that for me. So really what
12 we're talking about here is that guy (indicating)
13 right, that's it. This is what he wants. He
14 wants to go down Route 22, buy a hot tub so that
15 he can relax in the evening, have a beer. There's
16 no television, there's no pergola, there's nothing
17 else; he just wants a hot tub. So if you look at
18 the additional photos of his rear yard, you'll see
19 his patio in some of them. You'll see that in
20 some of the photos you'll see a dining table.
21 Nothing incredibly large or over the top. You'll
22 see a sitting area. Nothing incredibly large or
23 over the top. The issue with Mr. Stites is
24 because he has the coverage variance. That's the
25 reason that we're here.

1 And if you look at the survey, I
2 think the survey is most telling. As most
3 properties in this neighborhood are, these are
4 detached garages that sit at the rear of the
5 property. If he were to knock this house down and
6 rebuild this house today, you can guarantee
7 yourself it will be a front-facing attached garage
8 that would have about 1/3 of the asphalt that
9 Mr. Stites has because his property has a detached
10 garage that is located in the very very rear of
11 his property. There's more than 1,000-square-feet
12 of asphalt for him to just drive down his
13 8-foot-wide driveway which then flares out to a
14 width to accommodate his required two-car garage
15 in this zone. The patio abuts that. Mr. Stites
16 talked about putting the hot tub upon the patio to
17 avoid the variance, but it wasn't going to work.
18 So the location is there in the photographs.
19 You'll see where he wants to put it. It's going
20 to be 38.5 additional feet according to
21 Mr. Sammet's memo of coverage. It's not going to
22 be placed there with any additional hard
23 improvements. There isn't going to be any kind of
24 fireplace or wall with a television or any of the
25 other things that I've seen people come and ask

1 for and have a right to. It's just a simple hot
2 tub. I know that there was a variance applied for
3 some time previously where they rebuilt the garage
4 and did some other things. That's just a matter
5 of the record. Mr. Stites didn't do any of that.
6 He didn't ask to increase the sizes. It's a
7 pretty simple application and he just wants his
8 hot tub. He's here to testify. I get it's late,
9 if you want him to testify, he can. The
10 application can kind of stand on its own or I can
11 present him for as much or as little as you guys
12 want so you can get out of here.

13 MR. MASCIALE: I think we should
14 swear him in.

15 CHAIRMAN FUSARO: Why don't we swear
16 you in while you're here.

17 MR. MASCIALE: Because I have a
18 question.

19 CHAIRMAN FUSARO: Please state your
20 name and address for the record.

21 MR. STITES: Steven Stites,
22 519 Parkview Avenue.

23 CHAIRMAN FUSARO: Please raise your
24 right hand.

25 STEVEN STITES, having been duly

1 sworn, was examined and testified as follows:

2 CHAIRMAN FUSARO: Thank you, sir. A
3 couple of quick questions here. I believe the
4 original application stated that the hot tub was
5 to be installed on the existing pavers, and I
6 believe that Mr. Foerst has clarified that that's
7 not going to be the case.

8 MR. FOERST: Correct. There was a
9 photograph that said "hot tub goes here" that's
10 not the actual location because that's where the
11 seating area is going to be. The hot tub will be
12 on the grassy area that's a bit of a curve. There
13 is an exhibit in the application that denotes that
14 location.

15 CHAIRMAN FUSARO: Yes. I see that.
16 Are there any current stormwater management
17 issues, flooding on the property that you're aware
18 of?

19 MR. STITES: No.

20 BY MR. FOERST:

21 Q. Your lot is like basically a flat
22 lot; right?

23 A. Yes.

24 Q. And your runoff is just addressed
25 through your grass and your gutters and leaders,

1 etcetera?

2 A. Correct.

3 Q. And it runs out to the street?

4 A. Correct.

5 Q. Do you know of any like catch basins
6 or any additional improvements to address any
7 drainage issues in your neighborhood or on your
8 lot?

9 A. Not that I know of.

10 CHAIRMAN FUSARO: And similar lots
11 in the area basically have a similar amount of
12 coverage to the best of your knowledge?

13 BY MR. FOERST:

14 Q. That the true?

15 A. To the best of my knowledge, yes.

16 MR. FOERST: If you look at
17 Mr. Sammet's memo, you'll see in his tax grid, you
18 can see that on that tax grid there's one, two,
19 three, four, five, six, seven, eight, nine, 10,
20 11, 12, 13, 14, 15, 16, 17 of 20 properties have
21 the detached garages at the rear of the lots. So
22 you would presume that they all have driveways
23 similar to Mr. Stites' driveway as well.

24 CHAIRMAN FUSARO: One quick question
25 that I have. Looking at the property survey, and

1 since we are dealing with a coverage issue,
2 currently, the paver/patio adjacent to the
3 driveway and the new hot tub location has a
4 sidewalk area leading to the rear of the garage.
5 I'm assuming that is there because there's a man
6 door to the garbage in that location?

7 MR. STITES: Correct.

8 CHAIRMAN FUSARO: Has any
9 consideration been given to possibly removing that
10 sidewalk to help with the coverage or no?

11 BY MR. FOERST:

12 Q. What do you store in your garage?
13 You have your lawnmower and stuff in there? Like
14 how often do you use that portion? What's the
15 need for that?

16 A. It's not really necessary. It's
17 there. That's the best case I have to make for
18 it. We use it sparingly. We do use the garage
19 for storage for a lawnmower, snowblower; those
20 sort of things, like everyone. But I think we
21 could survive without that door.

22 CHAIRMAN FUSARO: I appreciate your
23 honesty. Most people would say we use that every
24 day.

25 MR. FOERST: Yes. Three times a

1 day.

2 MR. STITES: I sleep in there.

3 (Laughter.)

4 MR. FOERST: That's a use variance,
5 Steve.

6 CHAIRMAN FUSARO: Is there anyone
7 from the audience that wishes to address the
8 application?

9 MS. MOLNAR: Can I ask a question?

10 CHAIRMAN FUSARO: Sure.

11 MS. MOLNAR: How tall are all these
12 fences? There seem to be fences around your
13 property? "Vinyl fence," one says. And then it
14 says "metal fence."

15 MR. STITES: I've never measured.
16 Approximately, 6-feet.

17 MS. MOLNAR: How much? Six-feet?

18 MR. FOERST: Six, yes.

19 MR. STITES: Yes.

20 MS. MOLNAR: Is that allowed by our
21 code?

22 MR. FOERST: Yes. So 6-foot in the
23 rear and then there's a decorative fence along the
24 front that appears to be 4-feet. Is that all in
25 the photos? It's like a vinyl --

1 CHAIRMAN FUSARO: Don, correct me if
2 I'm wrong. Since it's a hot tub and not a pool, I
3 believe --

4 MR. FOERST: Here's a picture of
5 your lock. That's what's required. (Indicating.)
6 Lock and cover.

7 CHAIRMAN FUSARO: And it has a
8 lockable cover.

9 MS. MOLNAR: But the front vinyl
10 fence is how tall?

11 MR. FOERST: This part?

12 MS. MOLNAR: Yeah. That says "vinyl
13 fence."

14 MR. FOERST: That's a 4-footer
15 right; right?

16 MR. STITES: Yes.

17 MR. FOERST: That's a 4-foot picket.

18 MS. MOLNAR: Okay. Thank you.

19 MR. FOERST: It's depicted in one of
20 the photographs.

21 CHAIRMAN FUSARO: I believe the
22 photographs show a 4-foot fence along the front.
23 That is correct. Any other Board Members have any
24 questions for Mr. Foerst or the Applicant? Any
25 final notes, Mr. Foerst, or comments?

1 MR. FOERST: No.

2 CHAIRMAN FUSARO: We'll close that
3 portion of the meeting and open it up to Board
4 discussion. As you've heard, the Applicant is
5 basically looking to add a hot tub in a small lawn
6 area adjacent to the pavers. While the lot is not
7 undersized, we would consider this application
8 under C-2. I don't really -- we haven't heard any
9 testimony from anyone else in the neighborhood
10 opposing the location or the installation of this
11 hot tub. We've heard from the Applicant that most
12 of the homes in this area have similar type
13 coverage. We have heard that there isn't any
14 stormwater issues that he's currently aware of.
15 And he has offered to remove a portion of that
16 sidewalk should we request it or require it. How
17 does the Board feel?

18 MR. MASCIALE: I'm struggling with
19 the removal of the functional sidewalk. Because
20 the numbers are so large, I almost want him to
21 give something so we get something back. But
22 then, he's got no sidewalk. He's walking in the
23 mud on the side when he does go back there. Is
24 that 40-feet he's going to shave off -- if we make
25 him shave the 40-feet off -- going to change

1 anything?

2 CHAIRMAN FUSARO: Yeah. I would
3 agree with you, Chris. As I mentioned earlier, I
4 appreciate the Applicant's honesty. And yes,
5 while I would normally ask that he consider
6 removing that, it is kind of counterproductive to
7 the use of the garage. So I'll give him a pass on
8 that. Anyone else have comments, questions,
9 concerns? Seeing none. I would be in favor of
10 the application. We've heard that -- and I
11 believe we do not have to list it as a condition
12 -- that it remains; that the hot tub have a
13 lockable cover. Is that...?

14 MR. SAMMET: Construction gets that.

15 CHAIRMAN FUSARO: Okay. Great. So
16 there would be no condition. Do I have a motion?

17 MR. SONTZ: Motion to approve as
18 submitted.

19 CHAIRMAN FUSARO: Can I get a
20 second?

21 MR. REISEN: Second.

22 CHAIRMAN FUSARO: Second. Thank
23 you. Mr. Sammet.

24 MR. SAMMET: Mr. Cohen.

25 MR. COHEN: Yes.

1 MR. SAMMET: Mr. Fusaro.

2 CHAIRMAN FUSARO: Hold on a second.

3 MS. RASIN: I just want to know who
4 seconded. Who do you have as a second?

5 MR. COHEN: I guess I'm the runner.

6 CHAIRMAN FUSARO: Mr. Sammet.

7 MR. SAMMET: Mr. Cohen.

8 MR. COHEN: Yes.

9 MR. SAMMET: Mr. Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Mr. Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MR. SAMMET: Mr. Sontz.

16 MR. SONTZ: Yes.

17 MR. SAMMET: Mr. Gelinias.

18 MR. GELINAS: Yes.

19 MR. SAMMET: Mr. Reisen.

20 MR. REISEN: Yes.

21 CHAIRMAN FUSARO: Your application
22 is approved. Good luck.

23 MR. FOERST: Thank you, everyone.

24 Have a great night. Enjoy your summer.

25 CHAIRMAN FUSARO: Enjoy your

1 evening. Motion to adjourn.

2 MR. MASCIALE: So moved.

3 MS. MOLNAR: Motion.

4 MR. REISEN: Second.

5 (The meeting was adjourned at

6 10:05 p.m.)

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