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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :
: :

TRANSCRIPT OF PROCEEDINGS
Monday, June 13, 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

ALLYSON HROBLAK, MEMBER

6

ELDY PAVON, MEMBER

7

MATT SONTZ, MEMBER

8

CAROL MOLNAR, MEMBER

9

SAMUEL REISEN, SECOND ALTERNATE

10

11 DON SAMMET, ZONING OFFICIAL/PLANNER

12

13 A B S E N T:

14 CHARLES GELINAS, FIRST ALTERNATE

15

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

17 WELLS, JAWORSKI & LIEBMAN, LLP

18 BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

19

HEHL & HEHL

20 BY: STEPHEN HEHL, ESQ.

Attorney for the APPLICANT O'BRIEN

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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 the town hall, mailing of notices to the Westfield Leader, the Newark Star Ledger, and filling with the town clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meeting Act. Katherine Razin, the 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 Board of Adjustment has the power to grant D-1 through D-6 variances, which include use variances, FAR variances, height variances as well as associated relief on site plan approvals when accompanied by

1 D-variances, as well as C bulk variances.

2 CHAIRMAN FUSARO: Thank you. Don,
3 can you please call the roll?

4 MR. SAMMET: Roll call. Mr. Cohen.

5 MR. COHEN: Present.

6 MR. SAMMET: Chair Fusaro.

7 CHAIRMAN FUSARO: Present.

8 MR. SAMMET: Ms. Hroblak.

9 MS. HROBLAK: Here.

10 MR. SAMMET: Mr. Masciale.

11 MR. MASCIALE: Here.

12 MR. SAMMET: Ms. Molnar.

13 MS. MOLNAR: Here.

14 MR. SAMMET: Ms. Pavon.

15 MS. PAVON: Here.

16 MR. SAMMET: Mr. Sontz.

17 MR. SONTZ: Here.

18 MR. SAMMET: Mr. Gelinas is absent
19 this evening. And Mr. Reisen.

20 MR. REISEN: Present.

21 CHAIRMAN FUSARO: Thank you. Has
22 everyone had a chance to review the minutes from
23 our last regularly scheduled meeting, May 9, 2022?

24 MR. MASCIALE: Yes.

25 CHAIRMAN FUSARO: Any additions,

1 comments, revisions?

2 MR. MASCIALE: No.

3 CHAIRMAN FUSARO: Can someone make a
4 motion to approve the minutes?

5 MS. MOLNAR: So moved.

6 CHAIRMAN FUSARO: All in favor?

7 BOARD MEMBERS: Aye.

8 CHAIRMAN FUSARO: Opposed?

9 MR. SAMMET: Can we get a second on
10 that?

11 MR. REISEN: Second.

12 CHAIRMAN FUSARO: Second,

13 Mr. Reisen. Thank you.

14 We're going to move to the adoption
15 of the resolutions. The first resolution from our
16 previous meeting is Louis and Diana Vozza,
17 507 Birch Avenue. Mr. Sammet, please call the
18 roll.

19 MR. SAMMET: Do we have a motion to
20 adopt?

21 MS. MOLNAR: So moved.

22 MR. SAMMET: A motion by Ms. Molnar.

23 CHAIRMAN FUSARO: Second.

24 MR. SAMMET: Second by Mr. Fusaro.

25 The roll; Chair Fusaro?

1 CHAIRMAN FUSARO: Yes.

2 MR. SAMMET: Mr. Masciale.

3 MR. MASCIALE: Yes.

4 MR. SAMMET: Ms. Molnar.

5 MS. MOLNAR: Yes.

6 MR. SAMMET: Mr. Sontz.

7 MR. SONTZ: Yes.

8 MR. SAMMET: Mr. Cohen.

9 MR. COHEN: Yes.

10 MR. SAMMET: Mr. Gelinas is absent.

11 And Mr. Reisen.

12 MR. REISEN: Yes.

13 CHAIRMAN FUSARO: Thank you. Our
14 next resolution is Justin Warshaw, 828 Grant
15 Avenue. Has everyone had a chance to review the
16 resolution? Any revisions?

17 MS. MOLNAR: So moved.

18 CHAIRMAN FUSARO: Can I have a
19 motion to approve?

20 MS. MOLNAR: So moved.

21 CHAIRMAN FUSARO: Second?

22 MR. REISEN: Second.

23 MR. SAMMET: Second by Mr. Reisen, I
24 believe.

25 MR. REISEN: Yes.

1 MR. SAMMET: Chair Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MR. SAMMET: Mr. Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MR. SAMMET: Mr. Sontz.

8 MR. SONTZ: Yes.

9 MR. SAMMET: Mr. Cohen.

10 MR. COHEN: Yes.

11 MR. SAMMET: Mr. Gelinas is absent.

12 And Mr. Reisen.

13 MR. REISEN: Yes.

14 CHAIRMAN FUSARO: Thank you. The
15 next resolution is Tom Bartolucci, 4 Tamaques Way.

16 Any revisions, questions, comments, concerns?

17 Seeing none. May I have a motion to approve?

18 MS. MOLNAR: So moved.

19 CHAIRMAN FUSARO: Ms. Molnar.

20 Second.

21 MR. REISEN: Second.

22 CHAIRMAN FUSARO: Second by

23 Mr. Reisen. Thank you.

24 MR. SAMMET: Chair Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MR. SAMMET: Mr. Masciale.
2 MR. MASCIALE: Yes.
3 MR. SAMMET: Ms. Molnar.
4 MS. MOLNAR: Yes.
5 MR. SAMMET: Mr. Sontz.
6 MR. SONTZ: Yes.
7 MR. SAMMET: Mr. Cohen.
8 MR. COHEN: Yes.
9 MR. SAMMET: Mr. Gelinas is absent,
10 of course. And Mr. Reisen.
11 MR. REISEN: Yes.
12 CHAIRMAN FUSARO: Thank you. And
13 our final resolution is Steve Stites and
14 Angela Verardo, 519 Parkview Avenue. Anyone have
15 any revisions to the resolution? Seeing none.
16 May I have a motion to approve?
17 MS. MOLNAR: So moved.
18 CHAIRMAN FUSARO: Ms. Molnar.
19 Second?
20 MR. REISEN: Second.
21 CHAIRMAN FUSARO: Mr. Reisen.
22 MR. SAMMET: Chair Fusaro.
23 CHAIRMAN FUSARO: Yes.
24 MR. SAMMET: Mr. Masciale.
25 MR. MASCIALE: Yes.

1 MR. SAMMET: Ms. Molnar.
2 MS. MOLNAR: Yes.
3 MR. SAMMET: Ms. Pavon.
4 MS. PAVON: Yes.
5 MR. SAMMET: Mr. Sontz.
6 MR. SONTZ: Yes.
7 MR. SAMMET: Mr. Gelinias is absent.
8 Mr. Reisen.
9 MR. REISEN: Yes.
10 MR. SAMMET: Thank you.
11 CHAIRMAN FUSARO: Thank you, Don.
12 MR. COHEN: Did you call me, Don?
13 It's no big deal, but...
14 MR. SAMMET: Let me just check
15 Mr. Cohen. Mr. Cohen, your name is not listed as
16 an eligible member on this one.
17 MS. RAZIN: I apologize. You can
18 add him, and then I can send a new one.
19 MR. SAMMET: Your vote then?
20 MR. COHEN: I would vote in the
21 affirmative.
22 MR. SAMMET: Thanks.
23 CHAIRMAN FUSARO: We have
24 resolutions -- one little housekeeping item just
25 for the record. I don't know if anyone in the

1 audience is here for Application 22-022 Daybase
2 Incorporated, 231 East Broad Street. There was an
3 application that was heard at a special meeting on
4 May 16, I believe. That application has been
5 withdrawn. So if anyone is here for that
6 application, it was withdrawn in its entirety. So
7 that will be off the agenda.

8 Our first -- we don't have any time
9 extensions -- our first carried application of the
10 evening is Michael King, 437 Hillside Avenue.
11 Good evening.

12 MR. MASCIALE: Mr. Fusaro,
13 Mr. Chairman, I believe this was first heard in
14 March.

15 CHAIRMAN FUSARO: Yes. This
16 application was first heard on March 14, 2022. It
17 was carried to the May 9 meeting and then carried
18 again to the June 13 meeting. I believe we heard
19 testimony at the March meeting only from the
20 Applicant.

21 MR. BAILEY: I'm the architect. You
22 heard from me.

23 MR. COHEN: Mr. Chairman, I was not
24 present at the March meeting. What is my role
25 here?

1 MS. RAZIN: You will not be able to
2 vote.

3 CHAIRMAN FUSARO: You won't be able
4 to vote, but we have --

5 MS. RAZIN: You can participate, but
6 you cannot vote.

7 MR. COHEN: Understood.

8 CHAIRMAN FUSARO: Was anybody else
9 not at that March meeting?

10 MS. HROBLAK: I think I wasn't
11 there.

12 CHAIRMAN FUSARO: You weren't there
13 either?

14 MR. MASCIALE: Was there a time
15 limit on this case as far as an approval to -- was
16 there a motion to carry beyond the 120 days? Are
17 we within?

18 CHAIRMAN FUSARO: Don?

19 MR. SAMMET: The Applicant requested
20 an extension or requested that this matter
21 originally be carried as you know from April to
22 April -- I'm getting this wrong.

23 CHAIRMAN FUSARO: Until May.

24 MR. SAMMET: They did request an
25 extension and asked to be heard at this evening's

1 meeting, June 13.

2 MR. MASCIALE: Typically we have to
3 approve the extensions.

4 MS. RAZIN: Well, they have to grant
5 an extension for us to act.

6 MR. MASCIALE: For us to act, right.

7 MS. RAZIN: We don't have to grant
8 it, they have to grant it. But since they
9 requested it, it would be in their interest to
10 grant a request.

11 MR. MASCIALE: It's the other way.
12 So we're good.

13 MS. RAZIN: To the extent that any
14 extension is needed for us to act on the
15 application, is that extension granted?

16 MR. BAILEY: You're granting them
17 permission.

18 MS. RAZIN: You're granting an
19 extension to act, but you requested the extension.

20 MR. KING: Yes. I grant the
21 extension.

22 CHAIRMAN FUSARO: So we're going to
23 have Mr. Reisen --

24 MS. RAZIN: I'm trying to find the
25 March minutes on my -- not the minutes -- but

1 actually, I can probably find the minutes if you
2 give me a couple of minutes. But while -- we can
3 continue.

4 CHAIRMAN FUSARO: While we're
5 waiting for Ms. Razin to look that up, why don't I
6 swear you guys in. Mr. King, please raise your
7 right hand. Mr. Bailey...

8 MICHAEL KING and DAVID BAILEY,
9 having been duly sworn, were examined and
10 testified as follows:

11 CHAIRMAN FUSARO: Mr. Bailey and
12 Mr. King, I believe -- and please refresh my
13 memory if I'm incorrect -- we had heard part of
14 the application, and I believe we had made some
15 comments at that time. And I also believe that we
16 had requested some sort of possible revisions.
17 I'm assuming none have been made because we
18 haven't received anything; is that correct? To
19 the original application?

20 MR. BAILEY: Well, Mr. King is going
21 to testify about some of the questions.

22 CHAIRMAN FUSARO: But there are no
23 new plans or exhibits?

24 MR. BAILEY: No. No. Right, no.
25 Well, there're some exhibits. They're just no

1 changes to the drawings. But Mr. King brought
2 some stuff to hand out to the Board.

3 CHAIRMAN FUSARO: That's fine.
4 There's no formal package that was submitted with
5 any revisions?

6 MR. BAILEY: No.

7 CHAIRMAN FUSARO: Thank you.

8 MS. RAZIN: You were not here -- oh,
9 yes you were. Allyson, you were here.
10 Mr. Reisen, you were here. Mr. Cohen, you were
11 not here. So Mr. Cohen cannot vote. Ms. Hroblak
12 was here.

13 CHAIRMAN FUSARO: Ms. Hroblak was
14 here. Okay.

15 MS. RAZIN: Mr. Reisen was here.
16 Ms. Molnar was here. Mr. Sontz, Ms. Pavon,
17 Mr. Masciale, here Mr. Gelinas.

18 CHAIRMAN FUSARO: And Ms. Pavon?

19 MS. RAZIN: Yes.

20 CHAIRMAN FUSARO: All right. Great.
21 So the only person that won't be voting on this
22 particular application is Mr. Cohen. We have more
23 than enough board members. Mr. Bailey, is
24 Mr. King going to speak first or are you going to
25 speak first.

1 MR. KING: I'd be happy to.

2 CHAIRMAN FUSARO: Mr. King, please
3 tell us a little more about your application.

4 MR. KING: Okay. I'll try to keep
5 it very brief. I know how late you all stay here.
6 The project we're asking you to approve basically
7 gives us the use of our attic space and it moves
8 our garage out of the house in a way that will be
9 visually appealing on our street. David, I've
10 told him this, he did an excellent job, and he
11 achieved in his design what we're looking to do.
12 I would just like to make a few points that I
13 think are relevant to the questions that you all
14 raised the last time I met with you.

15 The first point I'd like to make is
16 that our lot is at about an acre. It's among the
17 largest in our neighborhood, and our house is
18 among the smallest. So I bring that up to just
19 start to give you a sense of the space around our
20 house because I know we're making our house a
21 little bit larger here. And if I could, I'm just
22 going to give these to you. I can hand them out.

23 MS. RAZIN: We're those previously
24 submitted?

25 MR. KING: They were submitted

1 digitally.

2 MS. RAZIN: So the Board has them?
3 They were part of the application package?

4 MR. KING: Yes.

5 MS. MOLNAR: I'll take another copy.

6 MS. RAZIN: I just want to make sure
7 that they weren't marked.

8 MR. KING: We submitted them before
9 this meeting. We were asked to bring these paper
10 copies.

11 CHAIRMAN FUSARO: Are we going to
12 mark this as an exhibit?

13 MS. RAZIN: It was part of the
14 application.

15 CHAIRMAN FUSARO: Mr. King, while
16 you're walking back, I'm going to -- I apologize,
17 I didn't read the actual application to the
18 public. I'll take care of that while you're
19 walking back to your seat.

20 This is Application 21-084,
21 Michael King, 837(sic) Hillside Avenue. Applicant
22 is seeking approval to construct a two-story
23 addition on the side of the house to add a two-car
24 garage and a connecting breezeway. The proposed
25 addition will have a finished second floor. The

1 existing attached two-car garage will be renovated
2 to be living space. There will be a third-floor
3 addition to add a guest bedroom suite, storage,
4 and home spa contrary to the following sections of
5 the Westfield Land Use Ordinance. Section 11.04E6
6 where minimum side-yard setback permitted is
7 15-feet and proposed is 13-feet-8-inches. Section
8 11.04E12 where maximum eave height permitted is
9 22-feet and proposed is 26-feet-2-inches. Section
10 12.04G1 where maximum all improvements coverage
11 permitted is 20% and proposed is 41.48%. Section
12 11.04E13 where maximum zoning side wall length
13 permitted is 25-feet and proposed is 26-feet. And
14 Section 11.04E8 where number of stories permitted
15 is 2 1/2 and proposed is 3.

16 Please proceed, Mr. King.

17 MR. KING: Yes. Thank you. It
18 would be really difficult for you to be able to
19 tell this from looking at a survey or looking at a
20 plot map of the neighborhood. But the thing that
21 I really want to get across is that the way our
22 property is laid out in its position relative to
23 the other properties around us, it has an
24 extraordinary -- in our town -- an extraordinary
25 amount of space and privacy relative to our

1 neighbors, and something that was important to my
2 wife and in David's design kept that intact. If
3 you look at the exhibit that I just handed you,
4 you can see, you can get an idea of the amount of
5 space. I took most of these photographs from our
6 house looking out in eight directions; north,
7 east, southwest, and the directions in between.

8 We have the top of a ridge behind
9 us, so our house sits in the middle of a ridge so
10 that there's really no visibility between us and
11 the neighbors to our rear. We have hundreds of
12 feet around us with trees in the front, wooded
13 areas on the east side, and the west side
14 including a wooded ravine on the west side. And
15 then, you know the tennis court fence, we make it
16 a point year-round, not just in the warm weather,
17 but year-round to keep our screens up. That
18 provides additional privacy between us and our
19 neighbor on the west side all the way to the back
20 of their lot and all the way to the back of our
21 lot. And so there is an enormous amount of
22 privacy and space around our house. And this plan
23 that David drew does not affect that in any
24 material way.

25 Another point I would like to make

1 is I know there was some discussion about
2 rainwater and water runoff and will we be doing
3 anything that affects the runoff or rainwater in
4 any harmful way. And that answer to that is I
5 have to start with the tennis court. And I think
6 Jim will really bear this out perhaps in a more
7 engineering-like way than I am able to. But what
8 I can tell you about the court is it's a clay
9 court, it's made of something called child
10 "Har-Tru." It's between -- it's multiple layers
11 of rock between two- and three-foot deep. And it
12 starts with rocks that are like this big
13 (indicating) at the bottom. They're huge
14 limestone rocks. And then, the layers become
15 progressively smaller as you go up. And then, you
16 get to the top, and on top of the court, the
17 substance is Har-Tru. And what that is, it's
18 basically volcanic rock. It's metabasalt rock and
19 gypsum. And the whole point of the way it's built
20 is to take water, to absorb water, and then to
21 distribute it or disperse it right into the earth.
22 So that water on that whole court, which is a
23 large surface, it isn't going anywhere except into
24 the earth; number one. Number two; it's as
25 natural as a beach on the Jersey shore. It's, you

1 know, completely natural. It's only rock.
2 There's no asphalt. There's petroleum that's used
3 in asphalt. There're no chemicals. And we
4 appreciate that, and I hope you do. And so we
5 think that's a benefit to the property and kind of
6 the way I look at part of this project. The
7 second thing is the project that we're doing, the
8 way David designed it, we're actually going to
9 give back several hundred square feet of
10 impervious surface relative to what the impervious
11 surface is now. And I'll tell you how. First of
12 all, we're shrinking our driveway by almost
13 200-square-feet. That's what the design calls
14 for. Second of all, the detached garage and
15 breezeway will have a gutter system that takes all
16 the water that hits the roof of those two
17 structures, and that gutter system will put it
18 right into our gardens, into the beds, and into
19 the lawns. Every drop of water that hits that
20 rooftop, right now, that water is hitting the
21 pavement, it's running down to the street. This
22 will be an improvement to that.

23 And I also want to point out that
24 our existing structure, I think -- I would
25 estimate, David can you tell you exactly -- but

1 the footprint of it is two stories, and the
2 footprint is probably about 2,000-square-feet.
3 We've got a gutter system on that structure that
4 takes every drop of water that hits our roof goes
5 into the yard or into the beds or gardens. So
6 we're not sending water to the driveway or to the
7 street or from the house.

8 The last point I would make about
9 the property, which is also important to us, is
10 the property, it's very green. I hope you can see
11 it from these photographs. It's a very natural
12 habitat. It's important to us not to do anything
13 that takes away from that. I think I've said
14 before, we probably have about 100 species of
15 different plants. We've got every kind of critter
16 that lives in Westfield is in our yard. And it's
17 like a bird sanctuary, and it's important to us to
18 keep it that way. Our tennis court fence itself
19 is a vertical garden. It's covered with flowering
20 vines, climbing roses, wisteria, hydrangea, grape
21 vines, and honeysuckle. And none of this is going
22 to be harmed by what we're doing here, and so I'll
23 leave it to David and Jim. I'll answer any
24 questions you have, but that's my opening remarks.

25 CHAIRMAN FUSARO: Thank you.

1 Allyson, would you like to touch base or comment
2 on the drainage?

3 MS. HROBLAK: I have one comment. I
4 had asked to see if there were plans from the
5 tennis court.

6 MR. KING: Yes. This is a diagram
7 of -- (indicating.)

8 MS. RAZIN: Mr. King, is this new?
9 This is new, it's got to be new.

10 MR. KING: This is what you asked
11 for.

12 MS. RAZIN: Yes. So we're going to
13 mark it if you don't mind.

14 MR. KING: This shows the different
15 layers. And beneath the layer of these stones, it
16 looks like there may be 3- or 4-inches. There's
17 another layer of stones that are basically below.

18 MS. RAZIN: We're going to mark this
19 Exhibit A-1, Tennis Court Cross-Section.

20 (Whereupon, Applicant's Exhibit A-1,
21 TENNIS COURT CROSS-SECTION, was marked for
22 identification.)

23 CHAIRMAN FUSARO: Mr. King, in
24 addition to Mr. Bailey who is going to be
25 testifying, do you have an engineer?

1 MR. KING: I do. Jim Watson is
2 here.

3 CHAIRMAN FUSARO: Good. So I'll
4 save my coverage questions for Mr. Watson from
5 EKA. Ms. Molnar?

6 MS. MOLNAR: I have a question: How
7 critical is this third-floor addition?

8 MR. KING: If a single neighbor of
9 ours objects to it, my wife and I wouldn't do it.
10 I mean we've been living in this house almost 20
11 years. We would like to -- maybe we hope to live
12 here another 10 years; I don't know. But that's
13 what we're thinking. I'm 60-some-odd years old,
14 but we'd like to live it the way we want to, but
15 it wasn't just that. When we hired David, it was
16 not just to make it the way we wanted it. We
17 wanted to do it in a way that the neighbors would
18 like it from the street. So that's important to
19 us. If we couldn't achieve that, we wouldn't go
20 forward with it. And if any of our neighbors
21 objected we wouldn't go forward with it. And I
22 think I'm under oath, so I will tell you that
23 every neighbor we've talked to -- and we've talked
24 to our closest neighbors -- they want us to do
25 this. They're happy for us to do this. It will

1 enhance the value of their properties. There's no
2 doubt about that. David would probably support
3 that. I hope since he drew the plans. But it's
4 something that's good. Not just for us, but also
5 our immediate neighbors and also our neighborhood
6 in general.

7 MS. MOLNAR: Thank you.

8 CHAIRMAN FUSARO: Thank you. Any
9 other questions for the Applicant?

10 MS. HROBLAK: I just want to get a
11 little more information about this cross-section.
12 Exactly where did this come from? Like is it from
13 the manufacturer? It sort of looks like a very
14 generic --

15 MR. KING: It's -- because it's a
16 clay court, it is a drawing of a clay court.

17 MS. HROBLAK: Any clay court or your
18 clay court?

19 MR. KING: Pardon?

20 MS. HROBLAK: Any clay court?

21 MR. KING: Any clay court, but my
22 clay court is that. That's what it is.

23 MS. HROBLAK: So you took this from
24 the manufacturer's website?

25 MR. KING: Yes.

1 MS. HROBLAK: This doesn't seem to
2 have any actual specifications on it that would
3 make me think it's for your clay court. It
4 doesn't have dimensions for the layers. You're
5 sort of guessing at --

6 MR. KING: That's fine. Fair
7 enough. That's a good question. I have supplied
8 some other information. But one thing, since I am
9 under oath, I mean I will swear to you that the
10 only materials on that court are the limestone
11 rock, huge layers --

12 (Crosstalk.)

13 MS. HROBLAK: Sure. Sure. Sure.
14 I'm not questioning your truth.

15 MR. KING: -- that's all. And
16 gypsum, and some leaves that I get off there
17 sometimes.

18 MS. HROBLAK: I'm trying to get an
19 idea of the volume of water that might be stored
20 below a tennis court. So whether this is
21 2-inches, 4-inches, a foot or 2-foot.

22 MR. KING: The whole thing is about
23 3-foot deep.

24 MS. HROBLAK: Right. So I mean
25 basically I was asking for -- it seemed like a

1 relatively expensive undertaking. So someone had
2 to design something at some point and put it on
3 paper.

4 MR. KING: It is. Before we moved
5 there, we didn't do it.

6 MS. HROBLAK: Oh, you didn't do it?

7 MR. KING: No. The court has
8 probably been there 40-years. There are -- I have
9 played on a good number of the courts in
10 Westfield. As far as I know, there are only two
11 clay courts in Westfield. They're a good number
12 of private courts. The two clay courts are both
13 on my street. One is Bill Smith's, and one is
14 ours. They were built at the same time. You know
15 I think it's -- I just want to point out, we're
16 the only ones that do this. The other courts,
17 hard courts, are not porous.

18 MS. HROBLAK: My question really is:
19 If this was built before you moved in and you're
20 testifying as to what was done, you weren't
21 actually there when it was made?

22 MR. KING: Right. But I've had to
23 dig up parts of it before --

24 MS. HROBLAK: Fine. I understand.

25 MR. KING: -- for different reasons,

1 and I mean maybe I should have done this, but
2 before this hearing, I was thinking of doing a
3 little excavation and going down to the big rocks
4 and filming it.

5 MS. HROBLAK: I stopped by your
6 house today. I thought of doing the same thing.

7 MR. KING: We could do it together.

8 MS. HROBLAK: I drove by through my
9 memory and I'm like, you know.

10 MR. KING: I thought that I would
11 bring in you know some rocks and put them on the
12 table and I thought that might be obnoxious if I
13 did it.

14 CHAIRMAN FUSARO: Generally
15 speaking, Mr. King, when we receive a
16 cross-section like this, it would be labeled,
17 okay, this first layer is 2-feet of green stone,
18 another foot of inch-and-a-half stone, another
19 6-inches of --

20 MR. KING: Yeah. I understand.

21 CHAIRMAN FUSARO: So that's what
22 basically Ms. Hroblak was getting at. But since
23 you didn't build the court, it's kind of a moot
24 point.

25 MS. HROBLAK: And I've seen lots of

1 things built correctly, and really incorrectly.

2 MR. KING: Right.

3 MS. HROBLAK: So that's why you know
4 if you were saying that you watched this be built,
5 that would be more reassuring. But it's been
6 there for quite a while; right?

7 MR. KING: It's been there for --

8 CHAIRMAN FUSARO: Forty years.

9 MR. KING: About probably at least
10 40 years.

11 MS. HROBLAK: So it has a
12 significant longevity, so it wasn't built that
13 bad.

14 CHAIRMAN FUSARO: Any other
15 questions for Mr. King? No? Okay. Instead of
16 having the audience address the testimony of each
17 applicant, I'm going to wait until all the
18 professionals are done and then anyone from the
19 audience that wishes to address the application
20 can come up at that time.

21 So, Mr. Bailey, you've appeared
22 before us this year. We'll continue to recognize
23 you as an expert in the field of architecture.
24 Please proceed.

25 MR. BAILEY: Yes. So I'll go over

1 the testimony I did back in March just to refresh
2 everyone's memory. So going through the list of
3 variances, the first variance on the agenda is the
4 minimum side-yard setback. So what's required is
5 15, what we're proposing is 13-foot-8. So we're
6 16-inches into the setback. And if you look at
7 the first sheet, A1, Proposed Elevations --
8 Proposed Front Elevation -- I have the blue dashed
9 line that shows the required 15-foot side-yard
10 setback. And the side of the garage is 16-inches
11 into that setback. So if you look at the proposed
12 floor plan, if you go to A5, Sheet A5, I have the
13 proposed floor plan for the two-car garage. And
14 the interior dimensions of the two-car garage is
15 21-foot-8-inches-wide by 21-foot-3-inches-deep.
16 So it's not oversized. And the proposed
17 breezeway, which attaches the garage to the house,
18 the proposed open breezeway is 8-foot-wide. The
19 Kinds wanted this to remain open so it can be a
20 shortcut to get to the backyard instead of having
21 to go all the way around the house. So they'd
22 liked it to be open to look like an additional
23 type of carriage house. If you go back to that
24 first sheet, A1, you can see it's a one-story open
25 breezeway, what way like. So if you shrunk that

1 by 16-inches, it starts to look like an ally; not
2 as attractive.

3 CHAIRMAN FUSARO: Mr. Bailey, if you
4 recall, when we had this discussion several months
5 ago and we asked that you kind of revisit the
6 numerous variances that you're requesting, we
7 suggested that one easy one to get rid of was
8 simply to shrink that breezeway from 8-feet,
9 shrink it down 1-foot -- whatever, 1-foot-4-inches
10 that you're over -- and wa-la, that variance
11 disappears. I'm assuming that hasn't been done.

12 MR. KING: I'm certainly willing to
13 do that.

14 CHAIRMAN FUSARO: You're in
15 agreement?

16 MR. KING: Yes, I agree.

17 CHAIRMAN FUSARO: Thank you. Please
18 proceed.

19 MR. BAILEY: So, yes, he's amenable
20 to that as a condition of approval. The second
21 variance is the maximum eave height. Permitted is
22 22-feet, proposed is 26.2. So that eave height
23 that's in question is on the proposed rear
24 elevation, A3, look at Sheet A3, that shed dormer
25 across the third floor from the grade to that

1 soffit is 26-foot-2-inches. As Mr. King
2 testified, his backyard is very deep. There's a
3 ridge, there's a lot of trees. The houses behind
4 him are pretty far away. They're over the ridge.
5 So no one is really looking at this soffit as
6 26-foot-2-inches above the ground. It's only on
7 the back of the house. The front of the house,
8 going back to A1, the front of the house has three
9 shed dormers, which because they're dormers and
10 they're narrow, they conform with the maximum eave
11 height. And then the other proposed eaves are
12 less than the 22-foot maximum. So again, that
13 second variance, the eave height, that's for this
14 shed dormer across the back of the top floor that
15 fits the rooms that the Kings are requesting. And
16 again, you can see the rear elevation. There're
17 some one-story wings on the first floor that
18 project out towards the backyard. There're lots
19 of rooflines that intersect. There're chimneys.
20 So it's not a flat boring three-story wall, you
21 know, a soffit 26-feet above. It's a very
22 broken-up elevation. And that soffit is not
23 visible from any of the neighbors because the
24 neighbors behind them are pretty far away and
25 hidden by vegetation.

1 The next variance maximum
2 improvement coverages. Jim Watson will address
3 that more completely, but I can walk you through
4 what we're proposing. So on SP1, Existing
5 Proposed Site Plans, Sheet SP1, we're actually
6 reducing the improvement coverage by about
7 167-square-feet. As Mr. King testified, we've cut
8 back part of the driveway. The proposed addition
9 of the two-car garage and breezeway is sitting on
10 part of the existing driveway. So the existing
11 conditions are existing nonconforming. Existing
12 improvement coverage is 17,297-square-feet to
13 41.89% and we're proposing 17,130-square-feet,
14 41.43%. So we're actually reducing a
15 nonconformance. Not only to compliance --
16 Mr. Watson will address more about that -- but we
17 actually are less than what's existing. And that
18 proposed addition is sitting on pavement. It's
19 not covering any additional grass. We cut back
20 part of the driveway that extends far to the left
21 there towards the neighbors to the west. So we're
22 actually decreasing slightly the improvement
23 coverage. And again, Mr. Watson will address more
24 about the runoff and drainage.

25 The next variance; zoning side wall

1 length. So 25-feet is the maximum side wall
2 length you can have. If you look at A2, Proposed
3 South Side Elevation, the 26-feet is on the ground
4 floor. That's where that two-car garage is and
5 the stairs in the back going up to the second
6 floor. The second-floor part has those two shed
7 dormers that set back from that wall. So the
8 second floor is more in conformance for the side
9 wall massing; more than required. It's got more
10 than 2-foot offsets if you go to Proposed Floor
11 Plans. If you go to A6, Sheet A6, Proposed
12 Second-Floor Plan, the second floor, front and
13 back add shed dormers which step back at least
14 3-feet on the back from the side wall, and then,
15 you know, probably about 5-feet on the front. So
16 the second floor is more than conforming for the
17 25-foot side wall massing. The first floor, if
18 you go back to A5, we're a foot over. And we
19 could cut into that closet space to make that
20 variance go away too if the Board would like, and
21 if Mr. King is amenable to that. That part of
22 proposed first floor is not garage. So, you know,
23 for a foot, we don't mind cutting back the wall
24 where the closet is, and so that eliminates the
25 side wall massing. Although, technically the

1 second floor is conforming of that because it's
2 off 7-feet. But if the first floor; if you want
3 that to conform, we could cut the corner of that
4 wall in the closet, and the side wall massing
5 variance could go away also.

6 The next variance --

7 MR. MASCIALE: Just to jump in. I'm
8 trying to remember the testimony of the finished
9 attic space over the garage is going to be used
10 for. I don't recall.

11 MR. KING: It won't really be
12 finished. It will be -- it says in the plan --
13 but it will be for like to store garden supplies.
14 Other storage, basically.

15 MR. MASCIALE: There's no intention
16 to make living space?

17 MR. KING: It's not going to be
18 living space at all. It will just be, you know,
19 good storage space.

20 CHAIRMAN FUSARO: We would probably
21 add a condition that that space not become living
22 space. That it have no plumbing. There are no
23 plans to put air condition -- HVAC systems in
24 there?

25 MR. KING: No. Unless I have to

1 live out there for some reason.

2 (Laughter.)

3 CHAIRMAN FUSARO: You're not moving
4 into the attic, no. Okay.

5 MS. MOLNAR: I have a question.
6 Could you change the pitch of the roof to lower
7 the eave height?

8 MR. BAILEY: If you're talking about
9 the Rear Elevation, A3, that wall height is just
10 slightly above the windows. And that wall height
11 is only about 6-feet exposed wall above the roof
12 to the soffit. So if you lower that eave height
13 in back -- and that's the only variance requested
14 for soffit height is the back dormer -- you'll
15 start getting a sloping ceiling and lower windows.
16 And that's where he has the spa and the guest
17 bedroom with egress windows. So, yes, you could
18 lower, but then it's going to be an awkward
19 ceiling height and window heights.

20 MS. MOLNAR: Clearance is a problem.

21 MR. BAILEY: And again, it's the
22 back of the house facing open land and woods. So
23 that is the only eave height variance requested is
24 that dormer across the back of the house. But
25 there's a lot going on volume-wise. If you look

1 at the existing photographs on the last sheet,
2 PH1, if you look at Photograph 2 on PH1, there's a
3 lot going on massing-wise with one-story
4 rooflines, with second-floor soffit heights. So
5 it's a lot going on. It's not boxy. And so it's
6 also facing the backyard, which you saw from
7 Mr. King's photographs is very deep, there's a
8 ridge there. You can't see the homes behind him.

9 MS. MOLNAR: Another question I
10 have, I don't intend to be an expert, but: When
11 you have a full third floor, do you have to have a
12 sprinkler system?

13 MR. BAILEY: It won't be considered
14 three stories by the building code, so you don't
15 need a sprinkler. This is a single-family
16 dwelling.

17 MS. MOLNAR: Oh, because my
18 application says it's a variance, it's now three
19 floors.

20 MR. BAILEY: That's a zoning
21 definition, not a building department definition.

22 MS. MOLNAR: So zoning is one and
23 building code is, you're saying, is different?

24 MR. BAILEY: Yeah. All three
25 departments. The zoning department, the tax

1 department, and the building department all have
2 different definitions of what stories are and that
3 kind of thing; what bedrooms are, living spaces.
4 We have to get building permits to get this built.

5 MS. MOLNAR: Right. Right.

6 MR. BAILEY: So it's been my
7 experience that this will not need to be fully
8 sprinklered.

9 MS. MOLNAR: They'll consider it a
10 two-and-a-half-story?

11 MR. BAILEY: Yes. As far as the
12 building department is concerned.

13 MS. MOLNAR: Pardon me?

14 MR. BAILEY: As far as the building
15 department is concerned.

16 MS. MOLNAR: They consider it a
17 two-and-a-half story?

18 MR. BAILEY: Yes.

19 MS. MOLNAR: But for the zoning
20 purposes, it's considered three, okay.

21 MR. BAILEY: It's a different
22 definition. The same with the permits. You can
23 leave a little piece of the house which you see a
24 lot of builders do. The building permit is
25 addition/renovation. The zoning definition is if

1 you don't leave more than a quarter of the house,
2 you can say it's new construction. That's a
3 totally different definition than the building
4 department. So to get building permits for this,
5 if you approve it, I have to meet the building
6 codes.

7 CHAIRMAN FUSARO: If the building
8 department -- Carol, if the building department
9 deems it to be three stories, they'll require some
10 sort of limited sprinkler system. But that will
11 be their call. Their definition and our
12 definition of "third story" varies. Is that
13 correct, Don?

14 MR. SAMMET: Yeah, they'll be
15 different because they use the Uniform
16 Construction Code of the IBC.

17 MS. MOLNAR: There're different
18 ratings too for the walls, right, from the
19 building department because of that third floor?

20 MR. SAMMET: And just for the
21 record, the town, we have now a definition of
22 partial destruction, so you need to retain more
23 than 25% of the walls. It was adopted I think
24 sometime last year.

25 CHAIRMAN FUSARO: Thank you.

1 Anything else, Mr. Bailey?

2 MR. BAILEY: Yes. I have an example
3 of how the house fits in massing-wise with the
4 neighborhood because I worked on the house next
5 door. If you look at Sheet A10, I did the
6 drawings for 437(sic) Hillside Avenue, the
7 Bernhold's(phonetic) residence, it's a full three
8 stories, and on the same drawing of the proposed
9 elevation for the King residence. So you can see
10 that they're literally sharing a property line
11 along the back there. It's a house bigger than
12 the Kings -- and I'm sure Mr. Watson will testify
13 about the other neighbors -- but the Kings will be
14 more in keeping with the massing of the
15 neighborhood with the proposed additions than they
16 do today to date. A 1960s-style house when you've
17 got the more traditional older-style houses
18 surrounding them.

19 CHAIRMAN FUSARO: The 443 Hillside
20 Avenue elevation that you're showing us there, is
21 that the rear? It says, "east." Is that rear?
22 Front?

23 MR. BAILEY: That is the side facing
24 down the hill. So the front of their house is to
25 the left.

1 CHAIRMAN FUSARO: To the left?

2 MR. BAILEY: Yeah.

3 CHAIRMAN FUSARO: Okay.

4 MR. BAILEY: So this has the
5 walk-out basement. So, yes, this is facing --
6 this is the side facing away from the Kings.

7 CHAIRMAN FUSARO: So it's a side
8 view, side elevation of the house?

9 MR. BAILEY: Yeah. The side facing
10 the Kings, it's cut off in my drawing, but there's
11 this attached carriage house that used to be the
12 artist Harry Devlin's studio. So when I did the
13 drawings, he renovated and expanded that carriage
14 house and attached it to the house with a big
15 breezeway -- bigger than the King's breezeway --
16 this was a drive-thru breezeway to get to the
17 basement garage. So from the elevation facing the
18 Kings, it's even longer than this drawing is
19 showing.

20 MS. MOLNAR: Is the Mountainside
21 code similar to the Westfield code?

22 MR. BAILEY: Yeah. This
23 443 Hillside Avenue is the first house in
24 Mountainside --

25 MS. MOLNAR: But it's Mountainside.

1 MR. BAILEY: -- the Kings are the
2 last house in Westfield.

3 CHAIRMAN FUSARO: They're the last
4 house in Westfield.

5 MR. BAILEY: I'm talking about
6 massing, not about what their codes are. Their
7 codes -- because this was built -- their codes in
8 2008 allowed this. They are different codes.

9 MS. MOLNAR: Okay.

10 MR. BAILEY: If I was going by
11 massing, I'm not comparing this.

12 MS. MOLNAR: Okay. Thank you.

13 MR. BAILEY: And that's all the
14 variances.

15 CHAIRMAN FUSARO: Any Board Members
16 have any additional questions for Mr. Bailey at
17 this time? Seeing none. Thank you, Mr. Bailey.
18 I believe -- is Mr. Watson up next? Please raise
19 your right hand.

20 JAMES WATSON, having been duly
21 sworn, was examined and testified as follows:

22 CHAIRMAN FUSARO: Please state your
23 name and address for the record.

24 MR. WATSON: Sure. James Watson,
25 EKA Associates, 328 Park Avenue, Scotch Plains,

1 New Jersey.

2 CHAIRMAN FUSARO: You will be
3 testifying as...?

4 MR. WATSON: I can testify as a land
5 surveyor, if you need it, and a planner.

6 CHAIRMAN FUSARO: I know you've
7 appeared before us several times this year. We'll
8 continue to recognize you in that area. Please
9 proceed.

10 MR. WATSON: Thank you. Thank you.
11 The application, like David said, you have before
12 you tonight is about removing part of the driveway
13 and constructing a new garage, breezeway, and an
14 expansion of the attic space. Variances, as David
15 said, are for coverage, maximum coverage of
16 improvements, continuous wall length, the eave
17 heights on the rear facade, the number of stories,
18 which is a function of square footage of livable
19 space. It's a percentage of the house. There's a
20 whole complicated calculation you have to make.
21 And that gives us the third story for zoning
22 purposes. Finally, we have a minimum side-yard
23 setback variance we are requesting. The Applicant
24 has agreed to shrink that breezeway to remove it.

25 So we'll proceed under C2. We have

1 to talk about five things. Very quickly, it's
2 about a specific parcel. Second is we have to
3 address positive criteria. The third is we have
4 to recognize and talk about the negative criteria.
5 Fourth, we have to weigh these against each other.
6 And finally, you have to come up with an opinion
7 that this is not a substantial detriment to your
8 zoning ordinance or your master plan.

9 The specific parcel part; the lot is
10 172% of the minimum lot size. It abuts the
11 municipal boundary with Mountainside. It is
12 rather unique for this neighborhood. The positive
13 criteria come from the purposes of zoning. I
14 believe that we comply with A -- I'll spare you
15 reading the whole thing -- it's about general
16 welfare, allowing improvements to existing
17 properties, elevates values in the immediate area
18 and the town as a whole. And also, keep in mind
19 that we are moving closer to your zoning bulk
20 requirements. We're eliminating maximum coverage
21 by improvements. We're reducing that by 167%.

22 Next, I believe we comply with E;
23 Layman's terms, that's streetscape. All the
24 proposed improvements blend into the surrounding
25 neighborhood. The existing dwelling is set back

1 about 100-feet from the front property line. To
2 that end, I had some pictures -- we took some when
3 we did the fieldwork when we did the original base
4 mapping -- this is the view that you're going to
5 see from the street.

6 MS. RAZIN: Mr. Watson, can I mark
7 this? Did you take this photo?

8 MR. WATSON: I can give you the
9 date, it's on the plan.

10 MS. RAZIN: An approximate date.

11 MR. WATSON: That photograph was
12 taken June 28, 2021.

13 MS. RAZIN: Do you want to call it
14 something in particular?

15 MR. WATSON: Sure. It's a view of
16 the house and where the proposed garage is going
17 that would be on the left side. And it shows all
18 the landscaping. This is taken from the street
19 looking at the south face of the house.

20 MS. RAZIN: I'm just going to put
21 "Watson, Home View Photo dated June 28."

22 MR. WATSON: Sure. Field Crew Photo
23 if you want to get specific.

24 (Whereupon, Applicant's Exhibit A-2,
25 FIELD CREW PHOTO DATED JUNE 28, 2021, was marked

1 for identification.)

2 MR. WATSON: Again, this is matching
3 the existing streetscape. Everything that we are
4 doing is going to be either screened by vegetation
5 or will not be noticed from the street. Also,
6 when we're talking about the third story, the
7 larger ceiling height which is generating this,
8 they can probably get away with shrinking the
9 ceiling height to 7-feet to eliminate some of the
10 zoning definitions about a third floor. So with
11 the dormers that he's putting in place and
12 breaking up the massing, you can look at this and
13 this will not be noticeable from the street. If
14 you look at this, it looks like it's almost a
15 one-and-a-half-story from the street looking at
16 the photo that you have before you. Keep in mind
17 that we're not violating any building height
18 requirements. So we're under your maximum
19 building height; it's the story definition that
20 gets us in trouble. Side yard setback variance is
21 prevalent in the area. Within 200-feet, there are
22 nine lots. Four of them have side yards less than
23 15-feet. So 44% of the neighborhood doesn't
24 comply to that 15-foot requirement as it is now.

25 The next definition for the positive

1 criteria is I, which is basically creative design.
2 David's plans are well thought out and minimize
3 the visual effect of any variances that we're
4 asking for tonight. The tennis court and the pool
5 for the maximum improvement coverage; if you
6 remember, we had this talk before, why do we have
7 that limit. And the answer is stormwater runoff.
8 You want to maintain smaller or stricture
9 standards so you don't generate as much runoff.
10 You don't want to overload your storm sewer
11 systems. You don't want to impede on neighbors.
12 If you look at -- I'm hoping everybody's been out
13 there -- but if you notice, that clay court has a
14 wall, it's about 8-inches thick to 12-inches
15 thick. All around it, the clay is about an
16 inch-and-a-half to 2-inches below that curb or
17 wall where the fence is mounted. So that's dead
18 flat. If you just use commonsense, you have a
19 2-inch stormwater maintenance system right there
20 that does not leave. It soaks into the
21 understructure of the tennis court. You saw the
22 detail, it's not specific, but whatever hits there
23 does not leave that court. If you take the court
24 and you take the swimming pool, which is, again,
25 is a stormwater management control because

1 anything that hits the swimming pool stays there
2 until you pump it out. There is a reduction --
3 the tennis court is about 7,000-square-feet, and
4 the pool is about 600-square-feet. So if you use
5 those two numbers and you look at your -- I know
6 you get scared when you see the maximum
7 improvement coverage up near 40% -- but if you
8 subtract out those two things, it takes it down to
9 23%. Plus, we're removing 167-square-feet of
10 impervious coverage. So the creative design in
11 this aspect actually helps with the stormwater
12 management. And if you realize what these
13 structures are, it doesn't create a lot of runoff.

14 Finally M; from the purpose of
15 zoning, lessening the cost of development. This
16 is a minor expansion of a large house. All
17 utilities, infrastructure, and laterals are in
18 place. This is, like Mr. King said, just
19 basically for their needs and their needs only.
20 The negative criteria that we have to talk about
21 thirdly -- and I think you'll agree with me --
22 there are none with this. There are some
23 setbacks, but the lots are so large that these
24 won't be noticeable. We've gotten rid of the
25 side-yard setback. So that's fine. Everything

1 else has such a buffer and so much landscaping
2 around it, you won't see it. The downside is it
3 stays the way it is, and you actually have more
4 impervious coverage if it's denied.

5 The fourth thing is weighing this
6 out. A quick recap, again, it's a very large lot;
7 it's 172% of the minimum. We're moving closer to
8 the coverage limit eliminating the
9 167-square-feet. Some of the impervious surfaces
10 really don't generate runoff. Think about paved
11 areas versus pools and tennis courts. The wall
12 length is minor in nature. They could, if it is a
13 problem, a solution is to take that back staircase
14 and closet and slide it over 2-feet; that will
15 eliminate it. But we're only 1-foot over. And if
16 you've been out there, that is very well screened.
17 I don't think anybody is ever going to see it.
18 And that was the purpose of that 25-foot limit,
19 was along driveways and open facades of houses, to
20 keep the massing aspect to a minimum. Again, this
21 on a that garage which is technically part of the
22 main dwelling, but it really is an accessory use.

23 We don't violate the building
24 height. I keep hammering that because we're
25 talking about a third story here, but we're still

1 under your maximum building height for the house.
2 The same for the eave height; there's no
3 impression of massing, the space is the rear. You
4 have at least 300-feet to the house to the rear.
5 You're not going to see this through the
6 vegetation and the distance that is there.
7 Forty-four% of the surrounding homes, like I said,
8 have side-yard violations, but that doesn't apply
9 anymore. The application blends with the
10 surrounding homes. It allows an update of an
11 older home on a large lot, and keeping a family
12 with a 20-year history in Westfield.

13 And finally, the Applicant has made
14 concessions to the Board, so I think that's a good
15 thing. It's a positive. And finally, in
16 conclusion, I hope you agree with me, and it is my
17 opinion granting the variances requested will not
18 be a substantial detriment to your zoning
19 ordinance or to your master plan.

20 CHAIRMAN FUSARO: Thank you,
21 Mr. Watson. I have one quick question for you and
22 then I'll ask other board members. Mr. Bailey's
23 site plan shows the pool house, it says "framed
24 pool house under construction." Has that been
25 constructed?

1 MR. WATSON: The windows were in --
2 we were there a year-and-a-half ago. So keep that
3 in mind.

4 CHAIRMAN FUSARO: Mr. King, can you
5 answer that for us? I'm sorry.

6 MR. KING: It is. And what we did
7 is the bottom of the pool house was rotting. We
8 had somebody come and put it on stilts. They put
9 a concrete foundation and all that. And that's
10 finished. And I called the town about do we need
11 to permit it, and they said you don't need it,
12 you're just repairing an existing.

13 CHAIRMAN FUSARO: So the pool house
14 is completed?

15 MR. KING: It is. Absolutely.

16 CHAIRMAN FUSARO: Thank you.

17 MR. SAMMET: It was there as well?

18 MR. KING: Yes. It was there, it
19 was just --

20 CHAIRMAN FUSARO: It was existing.

21 MR. KING: -- repaired.

22 CHAIRMAN FUSARO: The foundation was
23 replaced.

24 MR. KING: Yes. The foundation was
25 replaced.

1 CHAIRMAN FUSARO: Thank you. Yes,
2 one second, Ms. Molnar. Mr. Watson, I know you're
3 reducing by eliminating that little piece of
4 driveway there. You're reducing the coverage from
5 -- the impervious coverage from 41.89% to 41.48%.
6 There's a .41% decrease. That's less than half of
7 1%.

8 MR. WATSON: Right. But keep in
9 mind how big that lot is. It's a percentage of a
10 big piece.

11 CHAIRMAN FUSARO: You're also over
12 double the coverage that's allowed.

13 MR. WATSON: And again, if you keep
14 in mind that the tennis court soaks in the water
15 and the swimming pool doesn't generate anything,
16 you're down to I think 23.1. I can give you the
17 numbers if you need it.

18 CHAIRMAN FUSARO: Thank you.
19 Ms. Molnar, I believe you had a question.

20 MS. MOLNAR: Yes. It's a very
21 nicely landscaped lot and it has many mature
22 trees. I drafted the Westfield tree ordinance.
23 Will any trees be removed?

24 MR. KING: No.

25 MR. WATSON: He's actually replacing

1 pavement with the structure.

2 MS. MOLNAR: Like when you put the
3 garage over here, is it going...?

4 MR. WATSON: Right. There's
5 pavement back there.

6 MS. MOLNAR: Are you going to lose
7 that tree?

8 MR. WATSON: There're no trees being
9 removed at all.

10 MS. MOLNAR: You will not lose any
11 trees with this construction?

12 MR. WATSON: No.

13 MS. MOLNAR: Thank you very much.

14 CHAIRMAN FUSARO: Any other Board
15 Members have any other questions?

16 MR. SONTZ: Yeah. I'm having a
17 little trouble with the fact that permitted is 20%
18 and present is 41.89, and proposed is 41.48. And
19 it's kind of just being brushed over that -- I
20 mean this has never been before a zoning board
21 before?

22 MR. WATSON: If it was, you should
23 have something in your packets. And the testimony
24 was the court is at least 40 years old. So it may
25 be before you had stricter coverages. Back in the

1 old days, we just had building coverage and that
2 was it.

3 MR. SONTZ: But then your just
4 testimony seems to be -- I mean almost to
5 extrapolate every house in Westfield is entitled
6 to a pool and a tennis court because it doesn't
7 count against impervious coverage. And that seems
8 a little expansive for me.

9 MR. WATSON: Well, keep in mind that
10 each application is different, and I'm trying to
11 placate your fears that he's up near 40 -- he's
12 over 40% with this. But you have to keep in mind
13 what he's over -- what the things are that cause
14 this overage. It's a clay tennis court that soaks
15 up water and it's a pool.

16 MR. SONTZ: And you know I think the
17 testimony was the lot is in excess of the minimum
18 lot size of the area.

19 MR. WATSON: Right. Almost double.

20 MR. SONTZ: And you're going over
21 what is to be allowed. So it seems like the
22 Applicant is getting an excessive-excessive amount
23 on the property.

24 MR. WATSON: Well, keep in mind,
25 it's there. It is grandfathered. We're not

1 asking for an expansion of the coverage by
2 improvements. And keep in mind, it doesn't say
3 "impervious coverage" it says "coverage by
4 improvements."

5 MR. SONTZ: I'm sorry; improvements.
6 Coverage by improvements, which is over 100%
7 greater than what's allowed.

8 MR. WATSON: Correct.

9 MR. SONTZ: And then on the max eave
10 height it's really just being obliterated; right?

11 MR. WATSON: What do you mean?

12 MR. SONTZ: Well, permitted is 22,
13 proposed is 26.2.

14 MR. WATSON: Right. But keep in
15 mind, the rest of the house that everybody else
16 sees conforms. Mr. Bailey can testify to that
17 again. But the only spot that they have is in the
18 rear of the house which is at least 300-feet to
19 the rear neighbor. And if you look at the exhibit
20 on Mr. Bailey's plans that show all the
21 photographs, I mean that's extensively landscaped
22 back there. I don't think anybody is going to see
23 it. And the purpose of that is to -- like I
24 testified to before -- is to get rid of the
25 impression of massing on open faces of houses.

1 Like if you're looking up a side driveway, that
2 was one of the main reasons they did that so that
3 you had a little break up so it didn't look like a
4 30-foot wall going along a driveway that leads
5 past the house to a detached garage in the rear.

6 MR. SONTZ: Do you know what the max
7 all improvements coverage is of any of the
8 properties next door in the area?

9 MR. WATSON: That, I did not do.

10 MR. SONTZ: I mean if this was to be
11 approved, how do we ever say no to a neighbor
12 coming who has 19.8% and they say we want 40%?

13 MR. WATSON: Well, just the fact
14 that the stuff is in place now, the only way to
15 conform would be to rip up the tennis court, pull
16 out the pool, and now you're talking about undue
17 hardship. You can't make people do that. So your
18 argument to that person is look, this stuff was in
19 place, it was approved back when they built it,
20 they had permits for everything; unless somebody
21 can prove otherwise. You know, it was there, it's
22 grandfathered. It's allowed to stay.

23 MR. COHEN: Why can't we require
24 that?

25 MR. WATSON: You can't.

1 MR. COHEN: The Applicant wants 40%
2 coverage, well, he's got a choice; he can have a
3 tennis court or he can have a spa in his house.

4 MR. WATSON: Well, keep in mind,
5 that we're reducing that number. We're taking it
6 down. I know it's small, but...

7 (Crosstalk.)

8 MR. COHEN: It's 40% you're still
9 over double what's permitted.

10 MR. WATSON: Right.

11 MR. COHEN: And that's fine you know
12 given that it's grandfathered and it's an existing
13 condition on the premises. I'm not voting on this
14 application, but it seems to me that, you know,
15 the Applicant's got a choice. You can rip up the
16 tennis court if you want more coverage. If you
17 want to keep yourself within the limits; I should
18 say. But you don't want to do that.

19 MR. WATSON: But that's -- I would
20 ask to talk to your attorney. That's very tough
21 for a Board to do is to ask people to rip up --

22 MS. HROBLAK: He's not suggesting
23 that we're asking, he's suggesting that it's his
24 choice.

25 MR. COHEN: It's the Applicant's

1 decision. He wants a spa. He wants a third
2 floor; it's, you know...

3 CHAIRMAN FUSARO: We can approve the
4 application or not approve the application.

5 MR. WATSON: No, I get it.

6 CHAIRMAN FUSARO: If we don't
7 approve it, it remains as is unless we can prove
8 that it was built you know without variances;
9 which it should have been. I mean, which again,
10 is not in our purview at this time. Anybody else?

11 MS. MOLNAR: I have a question for
12 Mr. Bailey.

13 CHAIRMAN FUSARO: You have a
14 question for Mr. Bailey. Yes, Mr. Bailey.

15 MS. MOLNAR: Now that he handed this
16 photo out. Is the pitch of the roof on this piece
17 going to be changed? It looks higher. The
18 drawing shows it's totally different.

19 MR. BAILEY: Yes. We're not keeping
20 a 1960s low-pitched style house. We're proposing
21 to be a more traditional style house. We are
22 proposing the raise the pitch over the existing...

23 MS. MOLNAR: And why is that?

24 MR. BAILEY: Why is that? So it
25 looks good. You know we're raising the pitches to

1 be more traditional; 4/12 pitch or a 6/12 pitch
2 for a 1960s house is not going to blend with the
3 neighborhood, it's not going to be considered
4 traditional.

5 MS. MOLNAR: But there're already
6 bedrooms there so it doesn't affect the headroom
7 there at all. It's just for the look; is that it?

8 MR. BAILEY: Yeah. It's just for
9 the look. You know there's no living space there,
10 that's just attic. He's not proposing living
11 space, he's proposing -- look at the side
12 elevations, he's proposing --

13 MS. MOLNAR: It seems to affect the
14 massing. It makes it look more massive with that
15 large --

16 MR. BAILEY: It looks more
17 traditional, yeah. It's a 1960s house in a
18 neighborhood full of 100-year-old homes.

19 MS. MOLNAR: Just visually, it looks
20 massive.

21 MR. BAILEY: Yes. We are raising
22 the pitch on the roofs there on the existing part
23 of the house to make it more traditional and to
24 fit in.

25 CHAIRMAN FUSARO: Thank you,

1 Mr. Bailey. Any other Board Members, questions?
2 Does anyone from the public either wish to address
3 either the Applicant, the architect, or the
4 engineer slash planner for this project? If you
5 do, please come forward. Seeing none. Any final
6 statements before I close it? Anyone? No? Okay.
7 You're good? Okay great. I'll close it and open
8 up to Board discussion.

9 As we've heard, and as several Board
10 Members have commented, when I first saw the
11 41.48% coverage where 20% is allowed I said that's
12 absolutely out of the question. As we see, it's
13 an existing condition. One of my questions that I
14 was going to ask Mr. Watson, and then I
15 subsequently found it on the drawing, was what's
16 the current coverage, and it's shown as 41.89%.
17 So as Mr. Cohen had said, yes, the Applicant does
18 have an option, so to speak, to reduce that
19 coverage. But again, we can't make him rip out
20 what's there. We've eliminated one of the
21 variances by cutting the breezeway back by
22 1-foot-4 from the 8-foot breezeway to 6-foot-8
23 which would eliminate the side-yard setback. We
24 have also heard from the Applicant that they will
25 not be inhabiting the space above the garage; the

1 attic space. So if we were to approve the
2 application, I would like to see that condition in
3 there as well. I do have, if you recall, when
4 they were here the last time, we did ask them to
5 take a serious hard look at what could be changed
6 to bring down some of these variances. And as you
7 see, nothing new has basically come back. So
8 that, you know, is a bit of an issue in my
9 opinion. With respect to the eave height
10 variance; I agree with Mr. Sontz. Even though it
11 is in the rear of the house, that third floor has
12 a full ceiling height of 8-feet. That can easily,
13 in my opinion, be reduced to 7-feet. It will
14 still comply with code, and yes, still require a
15 variance. However, we are trying to bring it
16 closer to where it needs to be. How does the rest
17 of the Board feel? Chris?

18 MR. MASCIALE: I look at these
19 applications -- there're a few houses that are
20 this size in Westfield that contain the old tennis
21 courts. The rules that apply today didn't exist
22 back then. You know side yard setbacks and all
23 that came later. That's not really the case here.
24 What the case is, you know, numbers were put in
25 place for the size of the property. And those

1 were drawn up where they didn't exist before. And
2 that to me is a check for it to come in front of
3 the Board. For us to look at it and say, you know
4 for any other changes, does the property hold it?
5 Are we creating a problem to the neighbors if we
6 allow other variances which are being done here?
7 Is it a massing effect? So the property, I don't
8 think -- you know, the pool, the tennis court was
9 all probably done legitimately, the variances.
10 The ordinances didn't exist back then.

11 CHAIRMAN FUSARO: Right, 45 years
12 ago.

13 MR. MASCIALE: This is an
14 opportunity now for Board to look at the property
15 and say does it work, does it not work, is it too
16 much massing? The eave height in the back; it's
17 300-feet. With all the vegetation there, is
18 anybody really going to see it? Take that into
19 account. I appreciate that the Applicant gave way
20 on the breezeway because there's no reason to have
21 a side yard setback.

22 CHAIRMAN FUSARO: Right. That's a
23 no-brainer.

24 MR. MASCIALE: They're ripping up a
25 little bit of the driveway. So in that case of

1 it, I look at the property, and the property can
2 sustain this. You're not going to notice it as a
3 neighbor. The idea of losing one of the two clay
4 tennis courts in town is just ludicrous to me. I
5 mean to me, that's a gem. That's my opinion. And
6 I don't think the Applicant should be penalized
7 for that.

8 So it comes down to the question to
9 me is whether this property can handle it. It's
10 not a numbers thing to me. And that's how I'm
11 looking at it. And I think the property can
12 handle it. I wish the Applicant had come back and
13 started with the 16-inches off, and the side-yard
14 setback, and had done more. I think we could have
15 probably saved half an hour. You can see, we have
16 a long agenda this evening. But I don't want to
17 punish the Applicant on that; I'll just call him
18 out on it because we asked for that last time.

19 MS. MOLNAR: I kind of agree with
20 Frank, though. I think there's just too much
21 massing. I would like to see the third floor
22 perhaps reduced. Have them come back perhaps with
23 that possibility.

24 CHAIRMAN FUSARO: Well, the third
25 floor has I believe only a master suite. I take

1 that back. The third floor has a guest bedroom, a
2 sauna, a new bathroom and sauna, a cedar walk-in
3 closet that's the size of a bedroom, and an
4 unfinished attic with an 8-foot ceiling height.
5 Which could also be -- that unfinished attic space
6 alone is 172-square-feet; according to my drawings
7 -- or my calculations. Yes, I mean we can
8 certainly ask the Applicant if they're willing to
9 consider shrinking that third floor. I thought
10 the master suite was up there, but I stand
11 corrected. Other than that, you know I don't see
12 the 25-foot continuous wall issue; it's 26--feet.
13 I mean it's on the side of the house that's
14 heavily shrubbed and shaded. I don't see an issue
15 with that. But again, just trying to get the
16 number of variances down. So, yeah, I would
17 certainly like to see the ceiling height brought
18 down, and if possible, that third-floor area
19 brought down somewhat.

20 Any other Board Members have any
21 other comments? Eldy?

22 MR. SONTZ: Chris, you and Frank
23 both make excellent points. You're my senior guys
24 here. Whatever your guys out I'm good.

25 (Whereupon, there is a discussion

1 held off the record.)

2 CHAIRMAN FUSARO: Allyson, any other
3 comments or concerns?

4 MS. HROBLAK: Yes, but I'm thinking
5 what to say.

6 CHAIRMAN FUSARO: Okay. We'll go to
7 Sam.

8 MR. REISEN: I kind of agree with
9 Matt. I'm a little worried about the next
10 applicant that comes in. And I know we hear them
11 on a case-by-case basis.

12 MS. RAZIN: Yes, case-by-case basis.

13 CHAIRMAN FUSARO: I'm going to
14 address it. I'm going to address it. Okay.

15 MR. REISEN: I understand that, and
16 obviously, this is a special case because we have
17 a clay tennis court here. I just don't like the
18 precedent that it's necessarily setting. And I
19 know, and again, it's case-by-case, there is no
20 precedent really. But in terms of general trends,
21 I guess you could say -- is that safe or can I not
22 even...?

23 MS. RAZIN: No.

24 MR. REISEN: All right. I'll
25 withdraw all that. I know the numbers were maybe

1 right back when it was all done way back when.
2 But the numbers are wrong now. And I don't know
3 how I feel about doing a wrong action when we have
4 an opportunity to correct it. And I'm torn
5 because I don't want to penalize the Applicant
6 because he has this preexisting thing that's been
7 grandfathered in and he shouldn't be penalized for
8 that. But I don't know if more wrong on top of it
9 makes it right. So I'm still a little torn on
10 this.

11 CHAIRMAN FUSARO: Thank you.
12 Allyson, you're good? Mr. Cohen...

13 MR. COHEN: I'm not voting Mr.

14 CHAIRMAN FUSARO: Mr. Cohen is not
15 voting, that's why I didn't ask.

16 MS. HROBLAK: Yeah. I mean I guess
17 what I would say is the eave height, I agree with
18 you. Whether a property can sustain it is a very
19 undefined way to evaluate something. So visually,
20 it's like in a cave of landscape. I drove past
21 the house and I had to back up and -- they were
22 clearing trees there today, by the way.

23 MR. KING: I guess I'm out of order,
24 but we're pruning the trees today.

25 CHAIRMAN FUSARO: They're just

1 pruning the trees.

2 MS. HROBLAK: With a giant crane.
3 It was big tree equipment. But it's okay, you're
4 doing your trees. The loss of trees was something
5 that was brought up.

6 CHAIRMAN FUSARO: They would require
7 a tree removal permit.

8 MS. HROBLAK: They were doing
9 something with large tree trucks. So...

10 MS. MOLNAR: Can you talk in the
11 mic? I can't hear you over here.

12 MS. HROBLAK: So bad luck that I
13 drove by today with the tree trucks, Carol. So
14 yeah, the eave height, I agree with you. The
15 visual I don't think is an issue. It's the runoff
16 is still an issue. Even if I were to think about
17 crediting the pool, you'd still be 50% over. You
18 know?

19 CHAIRMAN FUSARO: I believe
20 Mr. Watson said if the pool were eliminated; which
21 was 600-square-feet, and the tennis court were
22 eliminated; which was 7,000-square-feet, that
23 would bring the coverage to roughly 23%.

24 MS. HROBLAK: I'm not buying the
25 tennis court argument. It's a clay court.

1 CHAIRMAN FUSARO: It may be
2 pervious, but it's not total...

3 MS. HROBLAK: Clay is installed to
4 the line system so that it doesn't drain -- to
5 delay, but it's also a 2-inch curb. I mean none
6 of that is really put forth. Like I'm not getting
7 that out of the information presented.

8 CHAIRMAN FUSARO: Understood.

9 MS. HROBLAK: You know? And it's
10 nice to hear that roof runoff is going to gardens
11 and things, but I'm also not getting that out of
12 the information that's presented. It's verbal
13 testimony that I'm considering, but it just seems
14 like a lot for the property.

15 CHAIRMAN FUSARO: Thank you. I'm
16 going to move this along. Mr. King, would you
17 like to just come forward a second. You basically
18 heard the comments from the Board. I'm going to
19 ask you if you'd for us to vote on the application
20 in its current state based on the comments that
21 you've heard from the Board Members. Or if you'd
22 like to make some revisions, again, based on the
23 comments of the Board Members reducing the third
24 floor, cutting down the eave height; etcetera. I
25 just want to remind you that if we vote on the

1 application and it is not approved, in order for
2 you to come back it would have to be substantially
3 different. You can't come back with just two
4 minor items that we asked you to improve.

5 MR. KING: I've been listening to
6 everything. It doesn't seem like it would be a
7 good time for me for you to vote, honestly. And
8 there are things that I've heard that are quite
9 easy to address. My God, I wish I brought samples
10 from the tennis court, but let's just put that
11 aside for a minute. First of all, we had --
12 Ms. Hroblak, the thing about The Tree Surgeon
13 being at our house today when you drove by --

14 CHAIRMAN FUSARO: Ms. Hroblak is a
15 geotechnical engineer. She's well versed in storm
16 drainage and sub-service investigation.

17 MR. KING: So the trees --

18 MS. HROBLAK: And I recognize
19 equipment as well.

20 MR. KING: -- we don't cut down
21 trees on our property.

22 MS. HROBLAK: Good.

23 MR. KING: Unless they're dead or
24 there's a safety issue. And I mean I think if you
25 drove by the property, you would be able to tell

1 that rather than suggesting that there's something
2 about, oh, we had a tree guy at our property. And
3 I mean, I think to me, that suggests that we're
4 cutting down trees, and I think that's somewhat
5 misleading.

6 CHAIRMAN FUSARO: Okay. We
7 understand you're not got to cut down the trees.
8 The question at hand is: Would you like us to
9 vote or would you like to come back with some
10 changes?

11 MR. KING: Yeah. Okay. The second
12 thing is I'd like to delay it because you have a
13 question about is the tennis court really a
14 drainage system, was it built properly. Well,
15 that's easy enough to prove. It's a physical
16 thing. We'll dig down 3-foot, we'll take samples
17 of each layer, and we'll have it, you know, I
18 guess however we can do it in some evidentiary way
19 to video the dig so that we're not -- so that it's
20 a good record of that. And then, we can bring the
21 samples and you can see it's several layers,
22 3-foot deep, and water goes right into the earth.
23 I mean it is the most porous part of our whole
24 property.

25 CHAIRMAN FUSARO: I'm sure you'll do

1 your due diligence with respect to the court.
2 Just keep in mind that's just one issue that the
3 Board Members have. It appears to me that the
4 third floor --

5 MR. KING: The third floor; I will
6 address that quickly.

7 CHAIRMAN FUSARO: Work with
8 Mr. Bailey on reducing that.

9 MR. KING: Our intention is just to
10 be able to use our attic space without banging our
11 heads because right now, we can't really do that.
12 We have a walk-up ladder, we want to use it for
13 storage.

14 CHAIRMAN FUSARO: No. No. No. I
15 fully understand the attic space in the garage.
16 I'm talking about the entire third floor of the
17 house.

18 MR. KING: That's what I'm talking
19 about. Right now, we don't have stairs up to our
20 attic, we've got a ladder. Okay. When we do make
21 it up there, if we want to put a box up there, you
22 hit your head. I don't care about having a full
23 third floor. It doesn't have to be big. It can
24 be half the size of the third floor.

25 CHAIRMAN FUSARO: Perfect.

1 MR. KING: So if we need to reduce
2 that, we can reduce it. That's all.

3 CHAIRMAN FUSARO: Great. Why don't
4 you work with Mr. Bailey on those items? Again,
5 you can eliminate the one variance which you've
6 agreed to. Get us a revised set of drawings. And
7 we'll carry it to our July 11 meeting provided
8 Mr. Bailey can get us the revisions.

9 MR. KING: Okay.

10 CHAIRMAN FUSARO: Okay. Mr. Bailey,
11 we're good.

12 MS. RAZIN: Carried without further
13 notice.

14 CHAIRMAN FUSARO: Carried without
15 further notice to the July 11 meeting. And if you
16 miss that one, the next one is August 8. Okay?

17 MR. KING: Okay.

18 CHAIRMAN FUSARO: Thank you so much.
19 Moving right along.

20 MR. MASCIALE: Hey, Frank?

21 CHAIRMAN FUSARO: Yes.

22 (Whereupon, a discussion was held
23 off the record.)

24 CHAIRMAN FUSARO: I just want to
25 mention -- I know there're a lot of people in the

1 audience -- we have one, two, three -- we have
2 five additional applications here this evening.
3 Since this first application did take a
4 significant amount of time, I just want to make
5 everyone aware we're going to try to get through
6 as many applications as we can. We're generally
7 here until 11:30ish. We try not to start anything
8 after 11:00. So please bear with us. We will be
9 taking a break probably in the next hour, 45
10 minutes. At that time, we'll see where we are,
11 and if we need to carry the last application or
12 two, we'll let you know at that time. I
13 appreciate your patience.

14 The next application is Application
15 21-060, John and Lisa Switlyk, 812 Prospect
16 Street. Applicant is seeking approval to raise
17 the height of an existing dormer that houses a
18 stairway by 2-feet to gain proper headroom
19 contrary to the following section of the Westfield
20 Land Use Ordinance. Section 11.08E6 where minimum
21 side-yard setback permitted is 10-feet, and
22 proposed is 4.52-feet.

23 Sir, please state your name and
24 address for the record.

25 MR. FALCONE: Good evening. I'm

1 Dan Falcon architect for the Applicant.

2 CHAIRMAN FUSARO: Please raise your
3 right hand.

4 DANIEL FALCONE, having been duly
5 sworn, was examined and testified as follows:

6 CHAIRMAN FUSARO: Mr. Falcone, I
7 don't believe you've appeared before our board
8 recently.

9 MR. FALCONE: Not recently, but I've
10 appeared before this board and the Planning Board
11 here in Westfield on many occasions over the
12 years. As you can see, I'm a little older, so
13 some of you may not recognize me.

14 (Laughter.)

15 CHAIRMAN FUSARO: Give us a
16 five-second spiel about your background and
17 credits.

18 MR. FALCONE: I've been practicing
19 for 59 years. Forty-five of that as a licensed
20 architect here in New Jersey. I've been
21 practicing locally for 50 years. And again, I've
22 testified here and in many of the surrounding
23 communities on multiple occasions over the years.

24 CHAIRMAN FUSARO: Thank you.
25 Anybody have any questions? No? We'll continue

1 to recognize you in the field of architecture as
2 an expert. Please proceed.

3 MS. MOLNAR: Thank you.

4 Mr. and Mrs. Switlyk are also here. So if you
5 have any questions for them or require any
6 testimony from them. I'll just quickly address my
7 plans. On Sheet 1, I have some photographs of the
8 existing house along with a zone tabulation, and a
9 survey. Subject dormer is located on the left
10 side of the house, and it houses a stairway to the
11 attic. It's original to the house. Many of the
12 houses at this time were constructed with finished
13 attics with walk-up stairs. And that's the case
14 here. However, the stairway from the second floor
15 to the attic has headroom here at the top of only
16 5-feet. So what we'd like to do -- and that's why
17 we're here -- to request some relief so that we
18 can just raise the roof of that dormer by about
19 2----feet to gain the required headroom that would
20 conform to code and to avoid hitting your head
21 when you're coming up or down the stairs. As you
22 can see from the photographs and if you've driven
23 by the house, you can only see that dormer from
24 pretty much from one location on the left side of
25 the house. The picture that you see there was

1 taken from across the street and uphill a little
2 way. But it's not really visible from the front
3 or from the rear based on the topography of the
4 ground. And again, if you look at the
5 photographs, you'll notice that you can't really
6 see it from anywhere but the left side. There are
7 also some other photographs in your packet that
8 help to demonstrate that as well.

9 The stairway is located on the left
10 side of the house about halfway back. And again,
11 that stairway runs from the basement all the way
12 to the attic inside the house. So there's really
13 no other option to try and get any headroom up
14 there by relocating the stair. And it seems to me
15 to be a very simple solution to simply allow that
16 to be raised by a couple of feet. You'll notice
17 on my tabulation that there are a couple of other
18 nonconforming conditions that help in this regard.
19 The existing lot is undersized for its width and
20 for its lot frontage where 60-feet is required.
21 The lot is only 50-feet wide. So those conditions
22 are nonconforming. The side yard, which is in
23 question here, is required to be 10, and we only
24 have 4.52-feet. Again this is a legally existing
25 home that obviously was constructed when these

1 requirements were legal. The mass of the side
2 yard is nonconforming; it's 32-feet where 25 is
3 required. Again, that's original to the house.
4 Very few changes to this residence have ever been
5 made as far as the exterior is concerned. And
6 there is no garage. So that's also a
7 nonconforming situation. Again, the lot is narrow
8 which should help to add some relief for this
9 application.

10 CHAIRMAN FUSARO: A couple of quick
11 questions for you, Mr. Falcone.

12 MR. FALCONE: Certainly.

13 CHAIRMAN FUSARO: Since there are no
14 floor plans in our package, the existing attic
15 space that has the 5-foot ceiling height, what's
16 it currently being used as, and what are the
17 future plans for that space?

18 MR. FALCONE: There are no plans to
19 change that. It is existing. There are two
20 rooms. One small room that technically wouldn't
21 even conform based on your ordinance here because
22 it's got a very low sloped ceiling since slanted
23 rooflines. The other room is currently used as
24 kind of a study and they will remain just being
25 used...

1 CHAIRMAN FUSARO: There are two
2 rooms up there now. The use of the rooms are
3 going to remain the same. You're basically just
4 changing the access to those rooms?

5 MR. FALCONE: They will remain the
6 same. And they do conform to your requirement for
7 less than 1/3 the area of the floor below. So
8 they do conform to all of the zoning requirements
9 other than the side yard. That's the only reason
10 we're here.

11 CHAIRMAN FUSARO: And I have one
12 other question, and perhaps I'm either misreading
13 some of the photographs. On your Sheet 1, which
14 has the existing photograph of the home and the
15 proposed, and we also have it in our packets,
16 you're removing that -- I'm going to call it a
17 "fan dormer"?

18 MR. FALCONE: Yes. There's a large
19 dormer up there that housed an attic fan that's no
20 longer being used. The house currently has
21 central air, so that's going to be eliminated.

22 CHAIRMAN FUSARO: Right. So when
23 that comes out, I look at the proposed down below
24 drawing which shows that dormer being eliminated.
25 However, I believe you're asking, you're saying

1 that the dormer is being added. Where is it being
2 added?

3 MR. FALCONE: I didn't say that
4 there's a dormer being added. I believe that may
5 have been mentioned in the planner's report.
6 Wording to that effect.

7 CHAIRMAN FUSARO: Where are you
8 getting this -- if you're eliminating that dormer
9 that's there, where are you gaining or requesting
10 these 2-feet in the staircase? Where?

11 MR. FALCONE: There's a floor plan
12 as a matter of fact just showing the stairway on
13 the second page.

14 CHAIRMAN FUSARO: I see it.

15 MR. FALCONE: There's a little
16 drawing there. But that dormer that you see on
17 the side of the house that has the window in it,
18 the fan dormer is going to be eliminated.

19 CHAIRMAN FUSARO: Yes. That's
20 coming out.

21 MR. FALCONE: This is the dormer
22 we're talking about. All we want to do is simply
23 raise the roof on that dormer by 2-feet. Nothing
24 else will change. The floor plan will remain the
25 same.

1 CHAIRMAN FUSARO: The reason I said
2 the new dormer is your Sheet 2 of 2 says "Proposed
3 Dormer." I'm like wait a minute, where are we
4 adding this proposed dormer? I understand what
5 you're doing; you're raising the height inside
6 that dormer; correct?

7 MS. HROBLAK: They're sliding it up
8 2-feet.

9 MS. MOLNAR: Raising it up.

10 CHAIRMAN FUSARO: Yeah. Raising it.

11 MR. FALCONE: Yeah. Raising it up.

12 MS. HROBLAK: The whole thing is
13 going up. The bottom of the dormer will be
14 higher. The top of the dormer will be higher.

15 MR. FALCONE: The side walls --
16 obviously, the side walls will be raised up as
17 well. But the footprint of the stair will remain
18 the same. There is a photograph of the second
19 floor looking out toward that stair, which you can
20 see there, and part of the ceiling was removed
21 just to see if there's any other way to get
22 headroom. But you can see the rafters are right
23 there.

24 CHAIRMAN FUSARO: Understood.

25 MR. COHEN: But we're not even

1 modifying a side-yard setback. That's the only
2 issue.

3 CHAIRMAN FUSARO: It's an existing
4 nonconforming. He's just raising --

5 MR. COHEN: It's just an existing
6 nonconforming that we're keeping as an existing
7 nonconforming?

8 CHAIRMAN FUSARO: Correct.

9 MR. COHEN: We're not doing
10 anything?

11 MR. FALCONE: Yes. We're not coming
12 any closer to the side yard, so the side yard
13 isn't being affected.

14 MR. COHEN: Right. But it doesn't
15 constitute an exacerbation of an existing
16 nonconforming?

17 MS. RAZIN: Right. It extends it
18 further up.

19 MR. COHEN: It's just here as a
20 check, basically?

21 MS. RAZIN: Correct.

22 MR. COHEN: Fine.

23 MR. FALCONE: Well, any construction
24 that's done on the exterior of the house that
25 falls within the required side yard --

1 MS. RAZIN: Correct.

2 MR. COHEN: Because you're in the
3 setback.

4 MR. FALCONE: -- is a violation.

5 MS. RAZIN: It extends the setback
6 slightly.

7 CHAIRMAN FUSARO: That's correct.

8 MR. COHEN: 4.52 or 4.5...

9 MS. PAVON: No, up. Upward not
10 down.

11 MR. COHEN: Oh, right. Right, sure.

12 CHAIRMAN FUSARO: He's encroaching
13 in that side-yard setback. Okay.

14 MS. RAZIN: That's why they're here.
15 That's why they got dinged to come here is because
16 they're extending it up.

17 MR. COHEN: I understand. Yeah.

18 CHAIRMAN FUSARO: Does anybody have
19 any questions for Mr. Falcone? Any Board Members?
20 No? Okay. Anyone in the audience wish to address
21 the application? Please come forward. Seeing
22 none. Mr. Falcone, I thank you. I'll open it up
23 to Board discussion unless you have something else
24 to add. If the Applicants want to say something
25 you're more than welcome to, but I think --

1 MR. FALCONE: Other than the fact
2 that I'm of the opinion that if you approve this
3 it will be no detriment to the neighborhood or the
4 community or to your zone plan.

5 CHAIRMAN FUSARO: I have a feeling
6 they won't notice it. Any Board Members have any
7 additional comments? As you've heard, it's a
8 relatively simple application. They basically
9 have a staircase which is basically useless right
10 now at 5-feet. Unless you have a bunch of very
11 short people walking up there, they're going to
12 hit their head. So they're going to raise it to a
13 7-foot requirement. I think it's pretty cut and
14 dry. May I have a motion?

15 MS. PAVON: So moved.

16 MS. MOLNAR: So moved.

17 CHAIRMAN FUSARO: Second?

18 MR. MASCIALE: Second.

19 MS. RAZIN: Wait. Hold on.

20 Somebody just say who...

21 CHAIRMAN FUSARO: Ms. Pavon, and
22 seconded by Mr. Masciale.

23 MS. RAZIN: Thank you.

24 CHAIRMAN FUSARO: Mr. Sammet, please
25 call the roll.

1 MR. SAMMET: Mr. Cohen.
2 MR. COHEN: Yes.
3 MR. SAMMET: Chair Fusaro.
4 CHAIRMAN FUSARO: Yes.
5 MR. SAMMET: Ms. Hroblak.
6 MS. HROBLAK: Yes.
7 MR. SAMMET: Mr. Masciale.
8 MR. MASCIALE: Yes.
9 MR. SAMMET: Ms. Molnar.
10 MS. MOLNAR: Yes.
11 MR. SAMMET: Ms. Pavon.
12 MS. PAVON: Yes.
13 MR. SAMMET: Mr. Sontz.
14 MR. SONTZ: Yes.
15 MR. SAMMET: And Mr. Reisen.
16 MR. REISEN: Yes.
17 MS. RAZIN: He's out.
18 MR. SAMMET: We took your vote
19 anyway.
20 MR. REISEN: I appreciate it.
21 CHAIRMAN FUSARO: Your application
22 is approved. Good luck with your project. Thank
23 you so much. Enjoy the rest of your evening.
24 The next application is 21-061, NNG
25 Real Property I LLC, 414 Edgar Road. Applicant is

1 seeking approval to remodel the existing dwelling,
2 add a garage extension, widen the existing
3 driveway, construct a new porch and steps, and
4 modify the front walkway contrary to the following
5 sections of the Westfield Land Use Ordinance.
6 Section 11.09E4 where the front-yard setback
7 permitted is 29.03-feet, and proposed is
8 24.8-feet. Section 11.09E10 where building
9 coverage permitted is 20% or a maximum of
10 3,600-square-feet, and proposed is 21.14% or
11 1,183.9-square-feet. And Section 11.09E13 where
12 maximum building mass at zoning side yard
13 permitted is 25-feet, and proposed is 36.33-feet.

14 Good evening, Mr. Hehl.

15 MR. HEHL: Good evening,
16 Mr. Chairman and Board Members, Steven Hehl
17 representing the Applicant, and great to see you
18 all, again, continuing in person. And thank you
19 for giving the introduction on the application.
20 This is an application that is interesting when
21 you view the property and what's proposed here.
22 Our client purchased the property and clearly,
23 it's in need of renovation and repair. In meeting
24 with the zoning officers in the town, one of the
25 things that had occurred before my client

1 purchased the property, years ago, there must have
2 been an addition, and the garage was converted to
3 living space. So we're balancing and saying
4 rather than seeking a variance to not have a
5 garage -- it's important to have a garage in a
6 home -- they look to convert the garage back to a
7 garage. In doing so, however, they couldn't go
8 back further because there're stairways and
9 structural items. So what we're proposing here
10 and what's trigger frankly all of the variances is
11 adding an extension to just the garage area of the
12 house to bring it out approximately 5-feet to have
13 a usable garage.

14 The variance that triggers; one is
15 the setback. And it's important to note here,
16 it's only the setback for that one area of the
17 garage. The second-floor addition complies with
18 setback and the like, so it's a very limited area
19 where we're looking for the setback. And again,
20 just that first-floor area to make a usable
21 garage. And when you look at -- and you will hear
22 testimony from the architect, but from our
23 professional planner -- yes, when you look at the
24 numbers to the setback to the main homes, we do
25 trigger a variance. But when you look at the

1 porches that are on that street, it certainly will
2 blend in with this limited 5-foot addition to the
3 garage to make a usable garage. And again, we
4 feel -- and we did review the report from
5 Mr. Sammet -- that the benefits of providing a
6 usable garage in a home are outweighed by the
7 setback. That also triggers the variance for the
8 side. The side in Westfield, we have this
9 ordinance that you don't want a large wall. That
10 exists already. It's expanded slightly by the
11 addition of the garage. But you'll hear testimony
12 from the architect that there are features on the
13 roof and the height of the different sides of that
14 house that really work to modify and address that
15 ordinance. And in preparing for the hearing, also
16 addressed -- and our architect will discuss -- we
17 can add some vertical elements to this. We're
18 replacing the siding anyway. It needs to be
19 re-sided. So we can add some vertical elements to
20 that side of the home.

21 So that's an overview of the
22 application. Again, it's essential to put the
23 addition to make a usable garage. And it's also
24 to widen the driveway. You'll see there that the
25 driveway is so tight with the retaining walls that

1 frankly, you're not able to open the doors to make
2 use of the driveway itself. And again, we
3 appreciate the report that Mr. Sammet, as usual,
4 gives a great overview of the relief that we're
5 seeking.

6 What I'd like to do first,
7 Mr. Chairman and Board Members is to call upon our
8 architect, David Andriola to take us through the
9 home and what we're proposing by way of the
10 addition.

11 CHAIRMAN FUSARO: Mr. Hehl, just one
12 quick question. And I apologize for not
13 mentioning this to you earlier. According to
14 Mr. Sammet's report, there are possibly two, but
15 certainly one, additional variance. Section
16 11.06E6 in that a 10-foot side yard setback is
17 required. A garage extension side yard setback is
18 7.3. And the second-story side yard setback is
19 7.8. Our attorney is checking to make sure that
20 it was noticed properly.

21 MS. RAZIN: I'm trying to find your
22 notice. You had a catchall.

23 MR. HEHL: Yeah, we had the
24 catchall. And actually, that's just an extension
25 of the existing. It's no closer than what exists

1 there now.

2 CHAIRMAN FUSARO: Okay. But that is
3 another variance that will need to be granted?

4 MR. HEHL: Correct.

5 MS. RAZIN: If you provided the
6 notice.

7 MR. HEHL: Yes.

8 CHAIRMAN FUSARO: And then the other
9 question pertains to Section 12.08C, which is
10 retaining wall is not to exceed 4-feet in height.
11 So perhaps we can hear some testimony regarding
12 the height of the retaining wall.

13 MR. HEHL: Correct. Correct. Yea.
14 It's an existing retaining wall. We're keeping it
15 on the right side.

16 CHAIRMAN FUSARO: You're putting a
17 new one on.

18 MR. HEHL: Putting a new one on the
19 left to make it so you can open your doors.

20 CHAIRMAN FUSARO: You can -- that's
21 fine. Great. Please proceed. Please state your
22 name and address for the record.

23 MR. ANDRIOLA: David Andriola,
24 713 Kearney Avenue, Kearney, New Jersey.

25 MS. RAZIN: Can you spell your last

1 name for me?

2 MR. ANDRIOLA: A-n-d-r-i-o-l-a.

3 CHAIRMAN FUSARO: Please raise your
4 right hand.

5 DAVID ANDRIOLA, having been duly
6 sworn, was examined and testified as follows:

7 CHAIRMAN FUSARO: Thank you. Please
8 proceed.

9 MR. HEHL: Mr. Andriola, if you
10 could first give the Board the benefit briefly of
11 your work, education experience, areas of
12 expertise, and licenses you hold.

13 MR. ANDRIOLA: Licensed in New
14 Jersey. I went to the New Jersey Institute of
15 Technology. I got a Bachelor's of Architecture
16 from there. I have been in practice plus or minus
17 17 years. My LLC was opened up in 2016. So my
18 company, itself, is six years old. I've testified
19 before boards in the area; Caldwell, Hanover,
20 Mountainside, Madison. This is my first time
21 testifying here in Westfield.

22 CHAIRMAN FUSARO: And your license
23 is currently active in the State of New Jersey?

24 MR. ANDRIOLA: Yes.

25 CHAIRMAN FUSARO: We'll continue to

1 recognize you in the field of architecture.

2 MR. HEHL: Great. Thank you,
3 Mr. Chairman. Mr. Andriola, you've heard
4 obviously my opening statement. You're
5 well-familiar with the site and the property. If
6 you could take the Board through, first; the
7 existing conditions, and then what's proposed by
8 way of improvement. And if you could focus on
9 what's being done that actually triggers the
10 variance.

11 MR. ANDRIOLA: Sure. With the
12 existing conditions, we do have an undersized lot.
13 The lot is 5,600-square-feet where the required is
14 6,000. The side yards are existing nonconforming.
15 The right side yard is about, is 7.8-feet, and the
16 left side yard is 7.1-feet. So right now, on the
17 second floor, there's an existing -- I would call
18 it a finished attic-type space with sloped
19 ceilings. It's really not usable. So what we're
20 doing is where extending the footprint of that
21 second-floor area to turn it into a master bedroom
22 suite. In that second-floor area, we're actually
23 stepping back the new construction so that it does
24 conform to the 10-foot minimum right setback
25 requirement for the right side yard. I know the

1 way the variance was written up, it sorts of looks
2 like we're asking permission to encroach on that
3 side. But we're actually stepping it back so that
4 it does conform.

5 With the front of the house, in
6 order to find out what the established front yard
7 was, I originally got a list of numbers from the
8 zoning officer that the township had on file. And
9 that's where I came up with the 29.03 established.
10 We put together a full permit set, and it didn't
11 make it through zoning. So what we did was we got
12 an updated survey done to get an updated front
13 yard established setback which is the -- I guess
14 the front yard exhibit that you see done by ELS.
15 So looking at that, the established front yard is,
16 according to that, 30.3-feet which makes the front
17 yard existing nonconforming. We're going to
18 extend, we're asking to extend, the front part of
19 the garage anyway. But just to sort of paint the
20 picture that the front of the house, depending on
21 how you take those numbers of the adjacent
22 properties, you can have the argument that the
23 property on Lot 8 is a little bit out of -- it's a
24 deviation from the adjacent property. So if we
25 did get the permission from you to eliminate Lot 8

1 as part of that average, we would back within an
2 existing front yard which actually does conform as
3 existing. Just to throw that out there.

4 MR. HEHL: I think Mr. Sammet and
5 our planner did some numbers and they can address.

6 MR. SAMMET: Yes. I performed a
7 front yard setback application based on the
8 surveys that were submitted and showed it to the
9 Applicant's planner that my opinion, the required
10 front yard setback is 28.7-feet. So that actually
11 results in a lesser nonconformance proposed for
12 this application.

13 CHAIRMAN FUSARO: Don, you came up
14 with 28.7-feet, the surveyor came up with
15 30.3-feet, and the architect came up with
16 29.03-feet?

17 MR. SAMMET: Correct. The architect
18 testified that he received his numbers originally
19 from the zoning office based on the prior
20 application. Plus, he's updated -- the survey was
21 done by a licensed surveyor. When they did their
22 calculations they, I believe, incorporated some
23 front stoops, from what I remember, which
24 typically we don't include in the required front
25 yard setback. So the calculation I derived is

1 28.7-foot for required front yard.

2 CHAIRMAN FUSARO: Based on your
3 calculations, just so that the Board Members --
4 we'll make life a little bit easier for everyone
5 -- 28.7, according to Don, 24.8 is what they're
6 requesting. So basically we're looking at a
7 distance of 4-feet. They're encroaching into the
8 front yard setback 4-feet. Please proceed.

9 MR. ANDRIOLA: All right. So when
10 we submitted the original set of permit drawings,
11 the existing bathroom on the lower level,
12 supposedly, a previous owner turned which was an
13 existing garage into a bathroom. Done it with no
14 record of the town. So what we were attempting to
15 do was bring it back to its original state to make
16 it a garage. But that didn't make it through
17 zoning because technically the size of that garage
18 isn't usable and it's not large enough to fit a
19 car. So our thought was, all right, now how do we
20 make this actually conform to the size the garage
21 needs to be. It's a one-car garage, and we
22 couldn't push the garage back into the house
23 because the main stair for the split-level house
24 is there. So our only option was to pull it
25 forward just enough so you can comfortably fit a

1 car. So the depth of the garage in total becomes
2 19-feet by 11-feet-wide. So in extending that
3 garage just enough to fit the car, it triggered
4 all the variances.

5 The building coverage which was
6 right underneath the 20% max, it brought it from
7 19-and-change to a requested 21.4%. So that extra
8 72-square-feet of our proposed addition brought it
9 from within the building coverage to slightly over
10 the maximum allowed building coverage. The
11 impervious coverage; we're still under that, so
12 that's not an issue. But it also triggered the
13 side yard setback because now where the existing
14 left side yard was already at 7.1, now it's
15 remaining at 7.1, but that small portion of the
16 new garage is nonconforming. It also triggered
17 the 25-foot side yard continuous area. But that
18 extra 5-feet, it was existing already over the 25.
19 So existing, it was at around 31-feet. And now,
20 we're adding 5-feet to that, which is just a
21 one-story portion of it. And that side yard in
22 total; it's broken up by the different heights of
23 the garage addition, the main house, and then
24 there's a roofline that's remaining untouched
25 which sort of breaks up that side facade in

1 itself. So you're not really looking at a massive
2 two-story wall.

3 And then, it also triggered the rule
4 that Westfield has where the face of the garage
5 needs to be 2-foot setback from the main facade of
6 the building. Existing, the garage was in the
7 same plane as the front facade. So existing, that
8 whole rule was nonconforming. Brining the garage
9 out 5 more feet kind of does the opposite of what
10 zoning requires in that aspect. But that also
11 triggers that part.

12 In terms of the existing retaining
13 walls, we're going to -- we're proposing to shift
14 them over 2-and-a-half-feet to each side so that
15 way we could widen those existing retaining walls.
16 The existing grade is at the height that it is, so
17 they're going to be proposed to remain the same
18 height so that way they can retain the ground next
19 to it. But if you look at the setback study that
20 was done, the surveyor actually noted the top of
21 wall/bottom wall heights on the left and the
22 right. So that proves that it's under 4-feet in
23 height.

24 MR. MASCIALE: I'm sorry. The
25 4-foot was above-grade for the...?

1 MR. ANDRIOLA: Right. The grade --
2 so if you look at -- it says, "Bottom wall,
3 125.07. Top of wall, 128.44."

4 MR. MASCIALE: I'm sorry. Which
5 drawing are you looking at?

6 MR. ANDRIOLA: It's on the --

7 CHAIRMAN FUSARO: Look at the
8 survey. It's kind of hard to...

9 MR. ANDRIOLA: Yeah. It's on the
10 Front Setback Study where they took the front
11 yards of all the adjacent houses.

12 CHAIRMAN FUSARO: I'm looking at --
13 what does that say?

14 MR. SAMMET: You can also look at
15 the property survey estimate.

16 MR. ANDRIOLA: I can show you on
17 this. I've got a blowup of the board if it's
18 easier.

19 MR. HEHL: Yeah, maybe that will
20 help.

21 CHAIRMAN FUSARO: That would be
22 great.

23 MR. ANDRIOLA: Do you want that on
24 the easel?

25 MR. HEHL: Well, is that an exact

1 copy of what was submitted?

2 MR. ANDRIOLA: Yes.

3 MR. HEHL: Okay. So it's just a
4 blowup of the survey.

5 MR. MASCIALE: If I could just take
6 a quick look at that.

7 CHAIRMAN FUSARO: Yeah. Ours is,
8 like, miniscule.

9 MR. ANDRIOLA: This is in blue
10 letters; top of wall/bottom wall. That's the
11 height of the existing retaining wall and top of
12 that bottom wall.

13 CHAIRMAN FUSARO: And what are those
14 numbers? What's the top of wall?

15 MR. ANDRIOLA: 128.44.

16 CHAIRMAN FUSARO: Okay. And bottom?

17 MR. ANDRIOLA: 125.07.

18 CHAIRMAN FUSARO: Okay. That falls
19 within the 4-feet. And that's on both sides?

20 MR. ANDRIOLA: Both sides are very
21 similar.

22 CHAIRMAN FUSARO: He's got it in the
23 middle?

24 MR. ANDRIOLA: Very similar. The
25 other one is 128.59. And the top and bottom

1 measure 125.11.

2 CHAIRMAN FUSARO: Thank you. I
3 appreciated that. Thank you. Based on those
4 elevations, we can determine that the retaining
5 wall is under 4-feet.

6 MR. ANDRIOLA: I think that's...

7 MR. HEHL: If you could just also
8 touch on the condition of the existing home. And
9 from an architectural standpoint, even though
10 you're our planner, why this type of addition and
11 renovation are important to bring the house into
12 usable form and actually an improvement to the
13 area?

14 MR. ANDRIOLA: Yeah. I mean the
15 existing condition of the home, it's kind of
16 neglected it seems. It definitely needs some kind
17 of attention. By adding that second floor, it
18 doesn't jump out as being disproportionate to the
19 adjacent houses. I feel that the way that we
20 dressed up the front facade kind of makes
21 everything aesthetically look a lot nicer, and
22 it's modest. You add some roof peaks in the
23 front, rebuild the porch pretty -- I guess that
24 front entryway, we're rebuilding in kind, adding a
25 little peak to it, redoing the steps which are

1 falling apart. But in general, I think it
2 conforms to the overall scale of the neighborhood
3 and would give it a nice aesthetic upgrade to the
4 overall street presence.

5 MR. HEHL: And I think photographs
6 have been submitted. Do you have -- perhaps just
7 take the Board through the rendering of the front
8 of the home -- I mean the elevation.

9 MR. ANDRIOLA: I believe it's
10 Attachment 3 on the application. It's just a
11 straight shot of the front of the home.

12 CHAIRMAN FUSARO: We have a bunch of
13 photographs. It appears that the house is
14 currently under construction, and it looks like in
15 the window in the front there are copies of two
16 building permits; if I'm not mistaken. In the
17 front photographs; two yellow placards in the
18 front. I'm assuming those are building permits.

19 MR. ANDRIOLA: Yeah. That's not my
20 realm.

21 CHAIRMAN FUSARO: That's the next
22 person.

23 MR. HEHL: Nothing was needed --
24 yeah, nothing was needed for this application.

25 MR. ANDRIOLA: But you can kind of

1 get an idea of the very narrow retaining wall as
2 if you were to fit a car there, you wouldn't be
3 able to really open up your doors to get out. And
4 just by widening the retaining wall, it's not
5 causing anything other than I think an improvement
6 to the overall aesthetic and it's not coming
7 anywhere near breaking the impervious coverage
8 maximums. And the wall, once you get up close to
9 it, the thing is falling apart.

10 MR. HEHL: Do you have the front?
11 Perhaps just briefly. I know you've testified.

12 MR. ANDRIOLA: Yeah. The front.

13 MR. HEHL: As compared to what
14 exists.

15 MR. ANDRIOLA: Yeah, the proposed
16 front --

17 MR. HEHL: At that, again, is just
18 the mounted version of the plan that was submitted
19 to the Board? You'll act as your own easel.

20 MR. ANDRIOLA: I have an easel. I
21 can set it up.

22 MR. HEHL: No, that's fine.

23 CHAIRMAN FUSARO: What drawing
24 number is that? What's the drawing number.

25 MR. ANDRIOLA: This is A200.

1 CHAIRMAN FUSARO: Yeah, we have that
2 in our packet.

3 (Whereupon, there is a discussion
4 held off the record.)

5 MS. HROBLAK: I have a question for
6 this gentleman here.

7 CHAIRMAN FUSARO: Please. Go ahead.

8 MS. HROBLAK: What's the width of
9 the driveway as it is now? What's the width of
10 the driveway?

11 MR. ANDRIOLA: It's about 9-feet.

12 CHAIRMAN FUSARO: Mr. Masciale and I
13 --

14 MS. MOLNAR: I have a question on
15 A100. The existing bedroom in the rear is going
16 to remain; correct?

17 MR. ANDRIOLA: Correct. On the left
18 side?

19 MS. MOLNAR: On the garage level.
20 The garage level, the existing bedroom is staying;
21 correct?

22 MR. ANDRIOLA: That's correct.

23 MS. MOLNAR: And you're adding a
24 stairway in the bedroom?

25 MR. ANDRIOLA: Yeah. That's an

1 existing stairway, which kind of leads from that
2 garage-level area a few steps down to the
3 basement-level area. So we're finishing half of
4 the basement because we couldn't go over the
5 habitable floor area, so by finishing only half of
6 the basement we're keeping the proposed habitable
7 under the required, but we're adding a little
8 bathroom down there with a walk-in closet.

9 MS. MOLNAR: Are there three
10 stairways? On A100, it looks like there're three
11 stairways.

12 MR. ANDRIOLA: Right.

13 MS. MOLNAR: There is?

14 MR. ANDRIOLA: Right. The one in
15 the very back is existing.

16 MS. MOLNAR: Is the what?

17 MR. ANDRIOLA: The one in the very
18 back, that's existing.

19 MS. MOLNAR: That's existing.
20 That's staying; right?

21 MR. ANDRIOLA: Right. The one in
22 the middle is existing, and that's part of the
23 split-level existing stair. And then, the one
24 closest to you sort of coming from the garage,
25 that's new as access from the garage to the

1 basement slash utility area.

2 MS. MOLNAR: Okay. Now, on this
3 drawing, there's a 3-foot hallway; it looks like.
4 There's a stair going up.

5 MR. ANDRIOLA: Right. That's an
6 existing stair.

7 MS. MOLNAR: Could that hallway be
8 eliminated so the garage could be pushed back?

9 MR. ANDRIOLA: We thought about
10 that, but then there would be no access to the
11 stair. Then there would be no access to the stair
12 as is. Then that main stair of the house would
13 become part of the garage if we did that.

14 MS. MOLNAR: But the bedroom already
15 has its own stairway to go up into the house,
16 so...

17 MR. ANDRIOLA: The bedroom has a
18 little stairway that kind of leads a few steps
19 down to the existing basement.

20 MS. MOLNAR: That's going down?

21 MR. ANDRIOLA: Down, yeah.

22 MS. MOLNAR: It goes down?

23 MR. ANDRIOLA: It goes down.

24 MS. MOLNAR: So that bedroom has a
25 stairway going down into the basement?

1 MR. ANDRIOLA: Yes.

2 MS. MOLNAR: Oh, so they can't --

3 MR. ANDRIOLA: It's a split-level,
4 so all the levels are kind of close to each other.

5 MS. MOLNAR: So that middle hallway,
6 can you leave the steps and take out the wall and
7 make the garage bigger?

8 MR. ANDRIOLA: If you did that, then
9 you would have an existing garage of 14-plus-3.
10 You still wouldn't be able to fit a car. So it
11 would be slightly over the 18-feet required for a
12 parking space. And it wouldn't be the full width
13 of the garage either because of the stairs there.

14 MS. MOLNAR: It seems like dead
15 space. That 10-foot hallway seems like dead space
16 other than a stairwell and two doors opening into
17 it.

18 MR. ANDRIOLA: Well, yeah the
19 hallway serves as access to the main stair which
20 will bring you into the kitchen and entry-level.
21 And then, there's a door which would lead you into
22 the bedroom area. So there was -- you know,
23 that's sort of what it's used for.

24 MS. MOLNAR: Okay. Thank you.

25 CHAIRMAN FUSARO: Quick question.

1 Your Sheet A200, which is Front Elevation and
2 Right-Side Elevation A and B, you're basically
3 projecting that garage out approximately 5-feet.
4 The height of that, according to this drawing, is
5 8-foot-3-inches. That's to the eave of that
6 little shed roof above the garage; is that
7 correct? Left-hand side of the drawing section.

8 MR. ANDRIOLA: Right. Right.

9 CHAIRMAN FUSARO: And then, that
10 shed roof is what, about another foot or so? Our
11 concern is -- or one of our concerns is that when
12 you're standing on that stoop in the front, you
13 know, how's that going to affect you looking down
14 the street in one direction versus the other
15 direction? And then I'm going to allow Mr. Sontz
16 to ask his question which he discussed with
17 Mr. Masciale about the variances and kicking out
18 this garage, which basically is going to affect
19 the entire view of someone standing in their front
20 porch and being able to look down the street
21 without looking at the side of this 5-foot
22 driveway sticking out.

23 MR. SONTZ: Right. One of my
24 questions just to raise it and let you answer it
25 more than once is, you know, we generally want

1 less variances rather than more. And the way it
2 currently is, you have a variance existing
3 nonconformity; there's no garage where one is
4 required. You want to put back a garage which
5 creates four variances. That seems to be going in
6 the wrong direction; right?

7 CHAIRMAN FUSARO: In other words, if
8 you didn't put a garage in all these variances
9 would go away. You would need one variance that
10 you don't have a garage.

11 MR. ANDRIOLA: Right. And I
12 remember at the time part of the comments -- I
13 think it was via email --

14 CHAIRMAN FUSARO: The zoning
15 officer. Okay.

16 MR. ANDRIOLA: -- with the zoning
17 officer, she said, well, this bathroom is illegal
18 anyone, you're going to need a variance no matter
19 what you do. So I was...

20 CHAIRMAN FUSARO: I understand.
21 Don, do you recall any of that.

22 MR. SAMMET: I wasn't part of those
23 discussions.

24 MR. HEHL: Mr. Sontz, our planner
25 will address that. And just by way of proffer, we

1 feel that having a garage, renovating a house like
2 this, and having a garage as opposed to right now,
3 I mean, a driveway that's almost not usable
4 because of the width, and not having a garage
5 where people want to have a garage to park a
6 vehicle in there and get it off the street
7 outweighs these other variances. Yes, there's
8 more, but we think that the garage variance is a
9 more significant variance than the setback. And
10 again, our planner will address that. And
11 actually, the first thing, Ms. Molnar, when I
12 looked at it I was like, well, can't you just push
13 and make the garage into the house further, why go
14 through all this.

15 CHAIRMAN FUSARO: The staircase is
16 in the way. We understand why that can't happen.

17 MR. HEHL: The split-level and
18 staircase; so I get the question. We think that
19 when you look at it and you hear the testimony of
20 Mr. Graviano that because of where these porches
21 come out on the other homes, and the fact that
22 it's only the first floor and the garage and it's
23 kind of sunk down into the ground. I get it.

24 MR. SONTZ: And while I'm throwing
25 out questions for the planner who is to come, your

1 setback drawing shows a very nice street setback
2 going across the entire block of the relevant home
3 homes. And this would be a significant -- I mean,
4 that's why it's a variance -- but a significant
5 change to that. So maybe you can address why that
6 would not adversely affect the neighbor.

7 MR. HEHL: Sure. I appreciate that.
8 That's something he will address.

9 CHAIRMAN FUSARO: I don't have any
10 other questions for the architect. Any other
11 Board Members have any questions for the
12 architect? No? Okay. Thank you, sir.

13 MR. ANDRIOLA: All right. Thank
14 you.

15 CHAIRMAN FUSARO: Mr. Hehl.

16 MR. HEHL: Yes. I'd now like to
17 call upon Mr. Nicolas Graviano.

18 MR. SONTZ: I'm sorry. Before you
19 start, can I throw one more question out just
20 because it was raised before? Why did the
21 bathroom add a variance?

22 MR. ANDRIOLA: That, someone turned
23 the garage into a bathroom without no knowledge of
24 it to the town.

25 MR. SONTZ: So the variance was it

1 went from having a garage to zero garage; is that
2 the variance?

3 MR. COHEN: Variances are on
4 permitted use. The bathroom was not permitted.

5 MR. ANDRIOLA: Well, we said what if
6 we left the bathroom alone. You know, what if we
7 didn't touch that area and kept the bathroom
8 there. It wasn't listed as a permitted bathroom
9 to begin with, so we would have been forced to rip
10 the bathroom out, which would then turn into...

11 CHAIRMAN FUSARO: Don, why would it
12 not be permitted? Do you know the answer to that?

13 MR. SAMMET: Well, the
14 straightforward answer is that the zoning
15 ordinance requires that the home have a one-car
16 garage. So any expansion of the dwelling
17 increasing coverage is going to trigger a variance
18 situation.

19 MR. SONTZ: And also, when you say
20 "not permitted" do you mean not allowed or not
21 allowed and didn't have permits?

22 MR. SAMMET: I wasn't aware of the
23 permitting issue.

24 MR. SONTZ: Okay.

25 CHAIRMAN FUSARO: If they left that

1 bathroom where it is, whether -- we don't
2 obviously know if it was done in accordance with
3 zoning and permitting and so on and so forth --
4 the bathroom is existing, and he doesn't have a
5 garage, which is required. I understand that.
6 And they would like a garage, and I understand
7 that as well.

8 MR. MASCIALE: It would be covered
9 by a nonconforming garage.

10 CHAIRMAN FUSARO: Yeah, exactly. It
11 would be existing nonconforming. Right?

12 MR. SAMMET: Correct. It muddied
13 the waters that there's no record of conversion.
14 The garage -- and it's interesting because there's
15 a garage door there still. It lends itself to one
16 to suspect that something was amiss.

17 CHAIRMAN FUSARO: It's a big
18 bathroom. Thank you. Any other questions for the
19 architect? No? Mr. Hehl.

20 MR. HEHL: I didn't know if there
21 were questions from the public.

22 CHAIRMAN FUSARO: No. We're good.

23 MR. HEHL: I'd like to call upon our
24 professional planner, Mr. Nicholas Graviano.

25 CHAIRMAN FUSARO: Mr. Graviano,

1 please state your name and address for the record.

2 MR. GRAVIANO: Yes. My name is

3 Nicholas, with an "H." Last name Graviano,

4 G-r-a-v, as in Victor, i-a-n-o.

5 CHAIRMAN FUSARO: Please raise your

6 right hand.

7 NICHOLAS GRAVIANO, having been duly

8 sworn, was examined and testified as follows:

9 CHAIRMAN FUSARO: Sorry for

10 interrupting you. Please give us your address.

11 MR. GRAVIANO: Yes. I'm a planner

12 and partner with Graviano and Gillis Architects

13 and Planners with a business address of

14 101 Crawfords Corner Road in Holmdel, New Jersey.

15 CHAIRMAN FUSARO: Thank you, sir.

16 Have you appeared before our Board? I don't

17 recall.

18 MR. HEHL: If you could briefly give

19 the Board your credentials.

20 MR. GRAVIANO: Yes. I hold a

21 Bachelor's degree from Rutgers University, a

22 Master's degree in City and Regional Planning from

23 Rutgers University, a law degree from the Temple

24 University School of Law where I received a

25 Distinguished Class Performance in State and Local

1 Government Law. I'm a licensed professional
2 planner in the State of New Jersey. I also hold
3 the AICP Certification. I've testified before the
4 Westfield Planning Board as well as a hundred
5 other municipalities in 18 counties in the State
6 of New Jersey.

7 CHAIRMAN FUSARO: And you will be
8 testifying as a professional planner?

9 MR. GRAVIANO: That is correct.

10 CHAIRMAN FUSARO: Do any Board
11 Members have any questions? We'll continue to
12 recognize you as an expert planner. Please
13 proceed.

14 MR. GRAVIANO: Thanks for having me.
15 I appreciate it. Okay. You heard you know the
16 crux of the case from the architect's testimony.
17 Here, you have an Applicant requesting variances
18 for numerous activities for a specific piece of
19 property known as Block 2902, Lot 5, with a street
20 address of 414 Edgar Road. Presently on the site,
21 you saw the condition of a home. It's certainly
22 under construction and in a state of disrepair.
23 It was a home built in 1938. Presently, it
24 roughly contains 1,585-square-feet, which is
25 certainly a home that's on the smaller side for a

1 single-family detached home in the current day.
2 It is located in the RS-6 zone, and it's located
3 on a 50-by-112 lot. So yes, as you've heard in
4 previous testimony, the lot is undersized.

5 We went through the variances that
6 are required for the Applicant's proposal this
7 evening. We discussed the front yard setback
8 variance requirement whereas Mr. Sammet's
9 calculations indicate a front yard setback with
10 28.7-feet is required, whereas the Applicant is
11 proposing 24.8-feet. As you heard, that is to
12 accommodate a garage which can contain a vehicle
13 for off-street parking purposes. This very modest
14 addition also triggers a building coverage
15 variance whereas 19.8% is existing, and 21.14% is
16 proposed. That's a simple addition of
17 72-square-feet which really is not much in the
18 scheme of things.

19 We discussed the building mass and
20 side yard. The Applicant is requesting five
21 additional feet to the existing nonconformity.
22 The lot area and lot depth variances whereas in a
23 lot area of 6,000-square-feet is required, and
24 5,600-square-feet is existing and proposed. The
25 lot depth requires 120-square-feet, whereas

1 112-feet is existing and proposed. The current
2 side yard is at 7.1-feet to the left, and 7.8-feet
3 to the right. The Applicant's garage addition
4 will continue that 7.1-foot side yard setback,
5 thus necessitating a variance for the addition.

6 And then lastly, for the
7 front-facing garage, an offset of 2-feet is
8 required, which is really an inset, and the
9 Applicant is providing an offset of 5-feet off of
10 the main facade elevation. One thing I would like
11 to note for that, it does create some definition
12 into the house. So you do have one portion of the
13 house which is forward, one portion of the house
14 which is back. So it does create variation in the
15 front facade so you don't have a monotone
16 one-dimension front facade. And as you saw in the
17 architect's plan, it's certainly an impeccably
18 designed facade which is befitting of the 1938
19 character of the street.

20 Looking at the C variances that the
21 Applicant is requesting; the Applicant is
22 requesting the variances for existing conditions
23 mainly related to the lot depth and the lot area.
24 Those are certainly variances which could be
25 granted under the C1 criteria where due to the

1 exceptional shapes or shallowness of a piece of
2 property strict application of the town's zoning
3 regulations would create an undue hardship upon
4 the developer. This is the predominant yard type
5 of this stretch of Edgar. Moving on to the
6 variances that the Applicant is requesting as part
7 of this proposal, they certainly could be granted
8 under the C2 criteria where C2 criteria hardship
9 need not be demonstrated, but the Applicant must
10 demonstrate that it relates to a specific piece of
11 property. Here you have a home that was built in
12 1938 that certainly needs repair. It needs
13 improvements to the driveway. When you look at a
14 9-foot driveway with two retaining walls on the
15 side, very difficult to open a door. Because if
16 you think of that 9-foot in a parking lot context
17 your door opens into the other spots next to you.
18 So when you open a car's doors and you have a
19 9-foot space, you know, you're really using
20 12-feet of space. So the Applicant's widening of
21 that driveway certainly makes it more appropriate
22 for the parking of vehicles and taking vehicles
23 off the street.

24 The front garage addition also helps
25 create off-street parking supply on-site. So in

1 this scenario, you're really going from zero
2 off-street parking spaces. Because if I had a new
3 car, I'm not banging my doors on that concrete
4 wall, and I'm not able to park in the garage
5 either. So you're certainly going from zero
6 off-street parking spaces, in reality, to two
7 legitimate off-street parking spaces, which meet
8 the town's requirements. That also feeds onto the
9 building mass at the side yards as the current
10 house and the current homes in the area for the
11 most part are deficient in the side yard. There
12 really isn't opportunity to create that deviation
13 and facade elevation that the code requires.
14 However, I would like to note that due to the
15 placement of these houses you don't get that
16 shot-off view of that massing along the side. And
17 the Applicant did agree to provide facade elements
18 to help break up the facade with respect to that
19 variance request.

20 In terms of building coverage; you
21 know, the Applicant is going from 19.8 to 21.14%.
22 That is to accommodate the garage. But I would
23 like to note that that coverage is being added to
24 existing impervious surface. That's the current
25 driveway area which is being added on to.

1 Additionally, when you look at elements such as
2 streetscape viewing and things of the sort, that
3 driveway -- I mean that garage is really sunk into
4 the ground 4-feet. So you'll have the 4-feet of
5 garage coming out with the one story -- with the
6 1-foot roof as was discussed in the architect's
7 testimony. So you're not really adding a great
8 deal of massing as this garage is going to be
9 covered by the retaining wall. When you look at
10 Mr. Sontz's comments about the streetscape; these
11 houses are already at different distances and they
12 have different design elements. So one house,
13 you'll have a front porch that looks out the side
14 of the other house. So it's not like a scenario
15 where everybody opens out to the door and looks
16 straight down the street. You have building
17 massing, you have deviating setbacks, you also
18 have trees and landscaping. So there's a
19 combination of elements which add to the fact that
20 now you don't stand on the front porch and see
21 down the street, both sides in each direction
22 because there're visual blockages that exist today
23 that aren't going to allow you to do that. And
24 you can see that by the shapes of the houses and
25 how their porch is and how they're covered porches

1 are arranged on the site.

2 With the C2 criteria, the
3 application does have to relate to a specific
4 piece of property. I mentioned the older
5 structure on the site; it has to advance purposes
6 of the Municipal Land Use Law. This proposal
7 certainly advances Purpose A; promotion of the
8 development of lands which will promote the
9 general health, safety, and welfare of the
10 community. This application does so by many
11 reasons. One; it's upgrading that 1938 housing
12 built to current code standards. It's going to
13 get electrical upgrades, it's going to get
14 plumbing upgrades, it's going to get the other
15 code elements through strict review of your
16 construction code official that the older houses
17 in the community simply don't have today.
18 Additionally, the provision of off-street parking
19 where you have a true functional two spaces,
20 contributes to the public morals and general
21 welfare by providing parking for this dwelling
22 on-site in lieu of the street freeing up
23 off-street parking for the neighbors and visitors
24 alike.

25 Additionally, it also advances

1 Purpose G to provide sufficient space in
2 appropriate locations for a variety of residential
3 uses to meet the needs of New Jersey citizens.
4 The Applicant is proposing a home which is for the
5 modern home user, the modern homeowner is bringing
6 the house from a very modest 1,585-square-feet to
7 a little over 2,000-square-feet. So it's
8 certainly not a behemoth of a house by any
9 standard. The Applicant is providing a master
10 suite on a second floor with a master bath and
11 master closet that newer home buyers seek. As
12 well as the other upgrades such as a kitchen
13 open-concept for living and dining that the modern
14 buyer looks for. The modern buyer is also looking
15 for off-street parking and a garage. And as I
16 stated previously, there're not just benefits to
17 this property owner. But when you look at the C2
18 criteria, it must be demonstrated it doesn't only
19 benefit the Applicant. And Mr. Sammet's letter
20 indicates this is part of proofs. The Applicant
21 must demonstrate that it benefits the community.
22 And that off-street parking certainly benefits the
23 community as a whole. The Board -- certainly the
24 Planning Board, which I've been to on numerous
25 occasions -- values the off-street parking on the

1 property when it's done reasonably. And this is
2 certainly a reasonable off-street parking
3 scenario.

4 Lastly, it advances Purpose I; a
5 desirably visual environment to creative
6 development techniques and good civic design and
7 arrangements. The house itself is of good civic
8 design. It certainly is not trying to cram a
9 modern house in here. It's of an architectural
10 style which certainly complements the history of
11 the area. Additionally, the expansion of the
12 driveway is good civic design and arrangement.
13 Lastly, the variances can be granted without
14 substantial impairment to the zone plan or zoning
15 ordinance. When you look at these variances as a
16 whole, none of them are substantial in nature and
17 are simply a response to very unique conditions on
18 the property. So in summary, the C variances for
19 existing conditions can be granted under the C1
20 criteria. And the proposed variances can be
21 granted under the C2 criteria without substantial
22 impairment to the zone plan or zoning ordinance
23 nor with a substantial detriment to the public
24 good.

25 MR. HEHL: And just as I was

1 indicating before; balancing the setback, which is
2 for a small portion of approximately 4-feet
3 lowered down, comparing that to having adequate
4 off-street parking and a garage, which is a
5 requirement of the ordinance.

6 MR. GRAVIANO: Yes. And when you
7 look at other protrusions in the setback on the
8 street, there are various porches and steps. You
9 know, while the ordinance allows them, they do
10 stick into the setback. So I think the sinking of
11 this garage into the retaining wall certainly
12 helps minimize any front yard setback relief that
13 the Applicant is proposing. As I stated
14 previously, I think it's certainly of great
15 benefit to go from zero functional parking spaces
16 to two legitimate 9-by-18. And in the case of the
17 garage, bigger than -- I mean in the case of the
18 driveway, bigger than 9-by-18 to the site.

19 MR. HEHL: Thank you. I have no
20 further questions of Mr. Graviano at this time.

21 CHAIRMAN FUSARO: Any Board Members
22 have anything?

23 MR. SONTZ: Yeah. I have a few.
24 You know, the massing issue was very important to
25 Westfield residents when we changed the ordinance;

1 right? There was a lot of people with older
2 houses, mansions were going up, and now they were
3 staring at these large continuous walls. When we
4 get variance applications when somebody does want
5 to go past the massing requirement of 25-feet,
6 usually the justification is, well, the setback is
7 10-feet, we're 20-feet, the neighbor's setback is
8 10-feet, they're 20-feet, that's 40-feet. Here,
9 you're at 7.3 which is under the 10, and the
10 neighbor is at 6.7 which is under the 10. They're
11 just under 14-feet away and, granted they have to
12 look at a 31-foot wall because that's existing,
13 but you want to go up to 36. Isn't this exactly
14 what the ordinance was meant to protect the
15 neighbors from? Why would this be okay?

16 MR. GRAVIANO: This is okay, one;
17 because this condition exists. This is a
18 neighborhood where you indicated there are setback
19 deviations from the current code standards. These
20 homes were built at a time when that 10-foot
21 requirement wasn't in place. I do think the
22 benefits of adding legitimate off-street parking
23 to the site outweigh any detriment of the
24 Applicant's 5-foot protrusion into the front yard
25 setback, which you know approximately 40% of which

1 will be buried underground by the retaining wall.
2 So you're really looking at probably
3 5-feet-and-change. From five-feet in change that
4 is coming out of the ground.

5 MR. SONTZ: That's the other thing.
6 If they didn't have this and you widen the
7 driveway, they still have a parking space, but
8 there's no parking problem on Edgar Road; right?
9 There's plenty of parking. Everybody's got a
10 driveway. In fact, in your picture, it shows down
11 the street everybody parked in their driveway.
12 There's no parking problem. So adding two parking
13 spaces doesn't really do much; right?

14 MR. GRAVIANO: I never indicated
15 there was a parking problem. I'm saying the
16 benefits of an applicant providing two off-street
17 parking spaces on their site provides a community
18 benefit that the residents of the home won't be
19 taking all the off-street parking or it does
20 provide space for vehicles to get off the road in
21 times of snow and other emergencies. So there are
22 benefits to having off-street parking related on
23 the house itself.

24 CHAIRMAN FUSARO: The photograph
25 does show the neighbor to your right with vehicles

1 parked in the driveway. Now granted, we don't
2 know the distance between their two retaining
3 walls. But it looks like your simple solution to
4 that was, yes, I agree, I wouldn't park my new
5 vehicle in a spot that tight up against the house.
6 However, if you pull it back 5- or 10-feet, the
7 retaining wall slopes down and you can open the
8 door. I think what Mr. Sontz is speaking to is
9 that increase in the continuous wall of an
10 additional 5-feet from 31, which is already almost
11 20% over, 10% over to 36. Perhaps -- and I'm
12 looking at the floor plan, the proposed floor plan
13 -- perhaps a solution to that would be, you know,
14 maybe not an ideal solution, but putting some sort
15 of bump-up, a bay window box, something in that
16 existing rear bedroom which would bring that down
17 Matt to 25. However, it would encroach further
18 into the side yard setback. So it's kind of a
19 catch-22.

20 MR. COHEN: Does that count as a
21 further encroachment?

22 CHAIRMAN FUSARO: Say that again?

23 MR. COHEN: Does a bay window count
24 as a further encroachment?

25 CHAIRMAN FUSARO: A bay window

1 doesn't count, right, Don?

2 MR. SAMMET: A bay window itself,
3 no. But the town, in order to consider a bay to
4 break up the continuous wall massing, the bay
5 essentially has to be not only the window but the
6 whole bay extension onto the home. But with that,
7 I guess you can say the floor-to-ceiling poured
8 foundation to the first floor.

9 CHAIRMAN FUSARO: It would be to a
10 complete bump-out, in other words -- or in.

11 MR. SAMMET: Yeah. Bump-out.
12 (Indiscernible.)

13 MR. COHEN: And would that
14 constitute a further encroachment into the side
15 yard?

16 MR. SAMMET: Yeah. The bays are
17 allowed to encroach but only into the required
18 setback, and I think it's by 2-and-a-half--feet or
19 so. This already has a sufficient side yard, so
20 it wouldn't need a side yard setback variance.

21 MR. HEHL: And what we had said --
22 and we can certainly recall the architect -- is
23 that rather than adding extensions to that, being
24 that the extension is only for that portion, that
25 little first floor -- partial first floor because

1 it's sunk down -- because this house is going to
2 be re-sided to add architectural elements to that
3 side. Not just have straight siding. Have
4 vertical relief and the like to break that up on
5 the side of the house. And we can certainly
6 provide an exhibit to that effect.

7 MR. GRAVIANO: I certainly agree
8 with Mr. Hehl's statement. I think that the
9 spirit of the town's ordinance could be met by
10 material changes and other architectural items
11 being incorporated to that side of the house to
12 provide some variation in the facade flow. For
13 example, a side window could be added to that
14 portion of the garage that protrudes out into the
15 driveway. So I think there are many ways without
16 providing that bump that the architect could
17 provide that relief.

18 MR. HEHL: And in fact, the
19 question, just like the other question, one of the
20 first questions I asked: Why don't we just shift
21 the extension of the garage over? The problem is
22 you can't because you need the width of the garage
23 in order to make it functional.

24 CHAIRMAN FUSARO: I was looking at
25 possibly coming in instead of out on that lower

1 level where your car is. However, the doesn't
2 work on the upper floor because you have a
3 bathroom there. It's not going to work. Matt, do
4 you have any other questions?

5 MR. SONTZ: Not at the moment.

6 CHAIRMAN FUSARO: Anyone else? Any
7 other Board Members for Mr. Graviano?

8 MS. HROBLAK: I'm thinking about the
9 length of the driveway.

10 CHAIRMAN FUSARO: The length of the
11 driveway?

12 MR. HEHL: Could we answer that.

13 MR. MASCIALE: Thirty-feet, so they
14 come out 5 --

15 MS. HROBLAK: Well, it's a little
16 bit further to the sidewalk. That's just to the
17 property line?

18 MR. MASCIALE: Yeah. So where the
19 sidewalk it's encroaching?

20 MS. HROBLAK: It looks like it's
21 maybe 5-feet longer. I don't have a scale today.

22 MR. GRAVIANO: The driveway would be
23 approximately 24-feet long.

24 CHAIRMAN FUSARO: Twenty-four-feet
25 long; the driveway?

1 MR. GRAVIANO: Yeah. Which is not
2 enough to accommodate two vehicles, only one.

3 MS. HROBLAK: So basically, you're
4 just putting one in a garage and one out.

5 CHAIRMAN FUSARO: One outside,
6 correct.

7 MS. HROBLAK: So if you had widened
8 the driveway, you could put two on the driveway.
9 Now, you're going to put one in the garage and one
10 in the driveway.

11 MR. GRAVIANO: It would take a
12 massive widening with encroachments to the
13 neighboring properties to get two vehicles
14 side-by-side in that driveway.

15 MS. HROBLAK: Not. Side-by-side.
16 Tandem.

17 MR. GRAVIANO: A vehicle is 16-feet
18 long, a driveway is required -- a parking spot is
19 required to be 18. There's certainly not enough
20 space to stack two vehicles in the driveway.

21 CHAIRMAN FUSARO: You'd need a
22 minimum of -- the minimum size parking space is
23 9-by-18. So it's a 24-foot long driveway, 18-feet
24 --

25 MS. HROBLAK: Well, that's why I'm

1 looking at the current driveway. There's a
2 measurement that says 29.9. That's to the
3 property line. There's still some space to the
4 side lot.

5 CHAIRMAN FUSARO: That's to the
6 property line. That looks like another at least
7 4- or 5-feet to the concrete sidewalk and then the
8 neighbor.

9 MS. HROBLAK: Yeah. And so I'm
10 wondering what that difference is. Does that
11 really currently hold two cars now?

12 MR. GRAVIANO: No. Two cars would
13 encroach onto the sidewalk.

14 MR. MASCIALE: Will there be enough
15 room for 18-feet to park a car without it hanging
16 over onto the sidewalk; is really I think the
17 question here? If you come out 5-feet, is there
18 enough room to where the sidewalk is?

19 MR. GRAVIANO: Oh, yeah. The
20 proposed driveway is 24-feet long.

21 MR. MASCIALE: To the street, not to
22 the sidewalk.

23 MR. GRAVIANO: Let me double-check.

24 MS. HROBLAK: To the property line.

25 CHAIRMAN FUSARO: That would be to

1 the property line because the setback is only 24.

2 MR. GRAVIANO: It's to the property
3 line, which is off of the street and sidewalk.

4 MR. MASCIALE: So if you came out
5 5-feet, I'm thinking your 18-foot is going to take
6 you into the middle of the sidewalk.

7 MR. GRAVIANO: No. No. It's 30 --
8 it's 29-and-change now minus 5, which is 24.

9 CHAIRMAN FUSARO: It will be 24.8.

10 MR. MASCIALE: To the street, not
11 the sidewalk.

12 MR. GRAVIANO: No. To the sidewalk.

13 MS. HROBLAK: No. To the property
14 line.

15 CHAIRMAN FUSARO: To the property
16 line.

17 MR. GRAVIANO: To the property line
18 which is in the sidewalk region.

19 MR. MASCIALE: All right. I just
20 want to make sure it's --

21 MR. GRAVIANO: Because you have to
22 measure the length of the parking spots on the
23 property.

24 MR. MASCIALE: I just want to make
25 sure it's not hanging out onto the sidewalk.

1 MR. GRAVIANO: No. There will be
2 room to spare.

3 CHAIRMAN FUSARO: With one of those
4 smart cars.

5 MS. HROBLAK: Do we know what kind
6 of retaining wall we're replacing this with?

7 MR. HEHL: I'm sorry?

8 MS. HROBLAK: What's the new
9 retaining wall going to be? Does anybody know?

10 CHAIRMAN FUSARO: Concrete block.

11 MR. ANDRIOLA: Either poured
12 concrete or a stacked block --

13 MR. SONTZ: You're still under oath,
14 you can come up and answer the question.

15 MR. ANDRIOLA: The new retaining
16 wall would be either a poured concrete, I would
17 imagine, or sort of a keystone stacked paver type
18 of decorative retaining wall.

19 CHAIRMAN FUSARO: So either a
20 driveway keystone wall or a poured concrete?

21 MR. ANDRIOLA: Correct.

22 CHAIRMAN FUSARO: Thank you.

23 MS. HROBLAK: So if you did a
24 retaining wall that's keystone and you have the
25 top of the -- the bottom of the wall

1 2-foot/2-and-a-half-feet pushed out, the top of
2 the wall will be further pushed out. Will that be
3 another...?

4 MR. SAMMET: I'm not sure I
5 understand the question.

6 MS. HROBLAK: If he does a stepped
7 block wall, right, the bottom of the wall, they
8 want the 2-and-a-half-feet on either side. So
9 that means the top of the wall will be further
10 back past the house setback.

11 CHAIRMAN FUSARO: It usually steps,
12 usually, every course about an inch. So 4-feet is
13 how many courses? Maybe six courses. So the top
14 of the wall will be 6-foot wider.

15 MS. HROBLAK: No, 6-inches. Yeah, I
16 know. It goes past the house now.

17 MR. GRAVIANO: It may be like a
18 3-and-a-half-inch distance.

19 MS. HROBLAK: Are we now getting
20 into another encroachment issue?

21 CHAIRMAN FUSARO: I don't think so.

22 MS. HROBLAK: Does that do anything
23 for the retaining wall?

24 MR. HEHL: What?

25 MR. SAMMET: The retaining wall just

1 needs to be set back from the property line 1-foot
2 for each foot of height for the wall.

3 MS. HROBLAK: All right. That's
4 fine.

5 CHAIRMAN FUSARO: Thank you.
6 Anybody else for Mr. Graviano?

7 MR. SONTZ: Yeah. Are there any
8 other houses on the block that have a garage
9 facade beyond the main facade?

10 MR. GRAVIANO: That, I don't know.

11 MR. SAMMET: I can answer that. I
12 think the property three to the right of this
13 house as you're looking at it has a garage that's
14 slightly -- the garage and the entry door, I
15 believe.

16 CHAIRMAN FUSARO: It's in the
17 photograph, third house down.

18 MR. SAMMET: There you go.

19 CHAIRMAN FUSARO: The beige-colored
20 house looks like it has a garage, along with the
21 front door, protruding out slightly from the
22 house. Anything else, Mr. Sontz?

23 MR. SONTZ: Nothing else.

24 CHAIRMAN FUSARO: Mr. Hehl.

25 MR. HEHL: We have nothing further.

1 And certainly, my client is here also, in case the
2 Board wanted to hear.

3 CHAIRMAN FUSARO: At this time, I'll
4 ask anyone from the audience who wishes to address
5 any aspect of the application whether it be to the
6 planner or the architect, please come forward.

7 Seeing none. Mr. Hehl, do you want to wrap it up?

8 MR. HEHL: Yeah, just briefly. And
9 again, if the Board feels that they would like to
10 see additional exhibits, we're certainly willing
11 to do that, as we said. And we appreciate the
12 questions that the Board had. And frankly, as I
13 said, those are the questions when they first came
14 to see us is, you know, did you think of this, did
15 you think of that. And it's all the items that we
16 discussed with the Board. We certainly feel that
17 a house in this neighborhood and the investment
18 that my client is making into this property, you
19 want to have a house with a garage. You don't
20 want to have a house here that doesn't have a
21 garage. Someone that's going to look to purchase
22 this house is going to want a house with a garage.
23 And the setback variance, which is really the key
24 variance here, the setback variance is minimal
25 when you look at the face, that it's only for that

1 small portion of the garage that is coming out.
2 And as Mr. Sammet noted, you're talking about
3 approximately 4-feet of only a portion of a
4 setback variance with the garage sunk down. And
5 as far as the massing along the wall, we're
6 certainly willing to provide architectural
7 enhancements. The house has to be re-sided
8 anyway. It will really break that up. So we feel
9 that certainly the justification for providing a
10 garage, which in itself is to me, if we came
11 before this Board and asked for something --
12 remove the garage, wait a second, we need a garage
13 in these homes, and it's not fitting. And
14 therefore, we would request that the Board look
15 favorably upon this request for the variance for
16 the setback and the related variances. Thank you.

17 CHAIRMAN FUSARO: Thank you. I'll
18 close this discussion and open it up to Board
19 discussion real quick. Basically, you've heard
20 the reasoning as to why they're requesting a
21 garage. It appears that the rest of the homes in
22 the area or along that block do have a garage. I
23 am a little concerned as Mr. Sontz and
24 Mr. Masciale have asked, have mentioned, that we
25 are encroaching 4- to 5-feet into that clear line

1 where the other homes would have an obstructed
2 view looking down the street. However, as
3 Mr. Graviano and the architect have testified,
4 that view is basically half of it is buried
5 underground in the retaining wall. So you figure
6 the garage height, or the first story height, is
7 approximately 10-feet, 4-feet of it is buried by
8 the retaining wall. So you're basically looking
9 at a 6-foot protrusion sticking above the ground
10 as you look down the street. I'm kind of on the
11 fence as to where the application, you know,
12 should or should proceed. As you see from the
13 photograph, the home is in disrepair. It looks
14 like some sort of construction has been started.
15 At least some demo. And it would certainly clean
16 up the neighborhood and remove an old 1938 home
17 and bring it up to today's standard. So that's
18 one aspect that I certainly do like. It's just
19 the difference of weighing how much we're going to
20 affect the neighbors. And as Mr. Sontz mentioned,
21 normally, there would be some additional spacing
22 between the homes. But here, since is this home
23 encroaches into the side yard, as does the
24 neighbor's home to the left, it becomes more of an
25 issue, or more prevalent; I should say. How does

1 the rest of the Board feel?

2 MR. MASCIALE: I think the planner
3 did a good job summarizing it. Where I disagree
4 with the planner is the criteria is you're
5 affecting the neighbors by putting that garage.
6 And that's a negative effect on the neighbors.
7 Everything else is positive to the homeowner;
8 which he brought up. If this is a full one-story
9 garage, I would be totally against it. I'm kind
10 of like what you are Frank on it is we're going to
11 get all these other benefits and it's only
12 partially coming up. If you're 5-feet-tall and
13 you're standing on that porch you're going to see
14 over this garage.

15 CHAIRMAN FUSARO: If you're standing
16 on the front stoop, correct, you're going to look
17 over that little shed roof of the garage. You'll
18 be able to see down.

19 MR. MASCIALE: When we do porch
20 extensions, we always leave the porch open. You
21 don't want to break that view up and down the
22 street.

23 CHAIRMAN FUSARO: Right.

24 MR. MASCIALE: That to me is an
25 impact on the neighbors and a negative criteria.

1 MR. COHEN: I'm torn on this one
2 like you guys are. I understand the arguments on
3 both sides; I do. But there are houses that have
4 these protruding garages in a few places in town.
5 There's one on Sycamore that comes to mind. On
6 the corner of Sycamore and Central. And I know it
7 because I see it and it sticks out like a sore
8 thumb.

9 MR. MASCIALE: Yes. On Sycamore.

10 MR. COHEN: And so it's like every
11 time I drive by it I see, and it sticks out.

12 MS. HROBLAK: Does it stick out
13 10-feet or 5-feet?

14 MR. COHEN: It sticks out -- I
15 actually think it sticks out considerably further
16 and it's at grade level. So the problem is I
17 think --

18 CHAIRMAN FUSARO: It's more visible;
19 right?

20 MR. COHEN: More significant in that
21 particular context. But again, my point is I see
22 it. Every time I pass it, I see it. And there
23 are a couple of others in town too that I
24 recognize and I see them. And so, I'm concerned
25 that, you know, we're creating an impact on the

1 neighbors, we're creating a potentially adverse
2 impact on the broader streetscape. I recognize
3 the benefits, I'm just not -- and I don't know
4 that there's a better way to resolve the problem.
5 Credit to the architect and planner on that front.
6 I recognize the issues. I don't know what to do
7 about this one.

8 MS. HROBLAK: Let me tell you what I
9 think.

10 MR. COHEN: Yeah. What do you
11 think, Allyson?

12 CHAIRMAN FUSARO: Stop driving down
13 that portion of the street.

14 MS. HROBLAK: Yeah, really. Just
15 take a different way.

16 (Laughter.)

17 MR. COHEN: I live in the area. I
18 see it so I recognize it all the time. It's the
19 kind of thing that you see.

20 MS. HROBLAK: It's clearly bothering
21 you. And I appreciate that. That's fine. I
22 don't really have a problem with any of the issues
23 here. Massing seems to be architecturally
24 fixable. The one thing that I wanted to throw
25 into the mix is that people may or may not be

1 aware, but on Edgar and the next street down,
2 Cottingham, it gets overrun with high school
3 students parking. And so parking is actually
4 pretty precious around here to get your own cars
5 onto your own property because the streets are
6 lined on both sides with students.

7 CHAIRMAN FUSARO: I think Edgar is a
8 block off of Cottingham.

9 MS. HROBLAK: But both of them are
10 flooded with cars all the way up to the corner of
11 First, practically. On Rahway, and then they
12 can't get onto Rahway, they go down the side
13 street. So it's being overrun.

14 CHAIRMAN FUSARO: There's the high
15 school there.

16 MS. HROBLAK: Huh? I walked to
17 school, okay, uphill both ways. So I don't
18 necessarily -- I think that having the garage and
19 two extra spots will be good for this property. I
20 think it's the biggest positive thing.

21 CHAIRMAN FUSARO: The positive
22 outweighs the negative. Got it.

23 MS. MOLNAR: I'm with Mike. I'm
24 kind of torn between the bump-out versus getting a
25 garage. It's hard to weigh.

1 MR. SONTZ: I'm not torn even a
2 little bit. The detriments of this outweigh the
3 benefits massively. When we did this ordinance,
4 when Westfield did this ordinance, you know, the
5 massing and the reason we have this ordinance that
6 talks about you know getting a setback using the
7 averages of the certain houses was specifically
8 for this. To stop this. This is two houses that
9 exist; they're both inside a 10-foot setback. The
10 neighbor already has to look at a 31-foot wall,
11 there's nothing that's going to be done about
12 that. We don't make it 36. It just doesn't
13 happen. And the simple fact is you have a
14 28.7-foot setback, thanks to Don who gave them an
15 extra foot, there's no reason for it to be
16 24-plus. There's just no reason for it. And to
17 the extent there're high school kids or anyone
18 parking on the road, they're only there from 7:30
19 to 3:00, you know. Anyone there parking at night,
20 you have plenty of parking. You can look at this
21 -- I mean, I don't know, this was done
22 October 6, 2021, which I assume is a school day.
23 There's plenty of parking in these photographs.

24 MS. HROBLAK: Well, you're assuming
25 it's a school day. How could you assume it's a

1 school day? If I look at the calendar, I can tell
2 you.

3 MR. SONTZ: If you wake up at 9:00
4 in the morning, I assume were parked there from 5,
5 6, 7:00 the night before. You have a space. The
6 person who doesn't have a space is the high school
7 kid. To me, I mean, if we're going to grant this
8 then, to me, why do we even have the ordinance.
9 The benefit is just totally blown away.

10 MS. MOLNAR: So the garage would
11 just be to keep your lawnmower. It wouldn't be
12 for a car.

13 MR. SONTZ: I would say -- I mean if
14 you're telling me the balance is they have to have
15 the variance of no garage versus one, versus these
16 four ordinances, I think we give them the no
17 garage variance, which we've done to many people
18 at this Board. We've let people go without a
19 garage.

20 CHAIRMAN FUSARO: Sam, do you want
21 to weigh in?

22 MR. REISEN: I think you've all said
23 everything that needs to be said on this one.

24 CHAIRMAN FUSARO: Eldy, I know
25 you're waiting for a break, so I'm going to pass

1 you. Okay? Mr. Hehl, where are you. You've
2 heard basically our Board's discussion. Would you
3 like us to proceed with a vote or would you want
4 to make some revisions and come back with having
5 heard our comments? We're going to take a break,
6 Mr. Hehl. If you'd like us to take a break first,
7 that way you can discuss it. Would that help you?

8 MR. HEHL: Thank you.

9 CHAIRMAN FUSARO: All right. We're
10 going to take a 10-minute break. I apologize.
11 It's now 10:13, we'll be back at 10:23, at which
12 time, I'm pretty sure we may be releasing
13 Dr. and Mrs. Freeman. But we'll get back to you
14 in 10 minutes. Thank you so much.

15 (Break taken.)

16 CHAIRMAN FUSARO: Thank you.

17 Mr. Hehl.

18 MR. HEHL: Thank you, Mr. Chairman
19 and Board Members. Based upon the comments
20 received by the Board, we think that we can make
21 some changes and we would submit them prior to --
22 well in advance of the next hearing so Mr. Sammet
23 and the board professionals will have an
24 opportunity to review that. We certainly
25 appreciate the time that the Board spends and the

1 concern that the Board has for both this project
2 and others that I certainly witness all the time.
3 We would request that the Board carry this matter
4 to the July 11 --

5 CHAIRMAN FUSARO: July 11 meeting
6 without further notice. A wise decision. Thank
7 you so much, Mr. Hehl.

8 MR. HEHL: -- meeting without
9 further notice. Great. Thank you.

10 CHAIRMAN FUSARO: Enjoy the rest of
11 your evening. I know that what I'm about to say
12 is going to be very unpopular and I apologize in
13 advance. We still have two additional
14 applications before the Wychwood application,
15 which is the last one on the agenda this evening
16 which I assume many of you people in the audience
17 waiting for. But there's no way that we're going
18 to get to that application this evening. We have
19 two ahead of that. So at this time, I was asked
20 to let the last two applications go. However, I'm
21 going to be very optimistic and just release the
22 last application which is Dr. and Mrs. Freeman,
23 315 Wychwood Place. That application will be
24 carried to the July 11 meeting without further
25 notice. And again, my sincere apologies, but as

1 you see, we're doing the best we can. Thank you.

2 The next application, is Application
3 21-071, Marissa O'Brien, 408 Wells Street.
4 Applicant is seeing approval to construct a
5 one-story addition at the rear of the house and
6 proposing a new second-floor space above the
7 one-story portion of the existing house contrary
8 to the following sections of the Westfield Land
9 Use Ordinance. Section 11.09E6 where the minimum
10 side yard setback at the second floor permitted is
11 10-feet and proposed is 7-feet-9-inches. And
12 Section 12.04F1 where building coverage permitted
13 is 20% and proposed is 20.92%.

14 Good evening. Please state your
15 name and address for the record.

16 MS. O'BRIEN: Marissa O'Brien,
17 408 Wells Street.

18 MR. TALMONT: Gregory Talmont,
19 713 Fourth Avenue.

20 MS. RAZIN: I didn't hear your last
21 name.

22 MR. TALMONT: Talmont.

23 MS. RAZIN: Can you spell it for me?

24 MR. TALMONT: T-a-l-m-o-n-t.

25 MS. RAZIN: Thank you.

1 CHAIRMAN FUSARO: I'll swear you in
2 at the same time. How's that? Please raise your
3 right hand.

4 MARISSA O'BRIEN and GREGORY TALMONT,
5 having been duly sworn, were examined and
6 testified as follows:

7 CHAIRMAN FUSARO: I know you're the
8 Applicant, and I believe you're the architect.

9 MR. TALMONT: Yes.

10 CHAIRMAN FUSARO: Have you appeared
11 before us this year?

12 MR. TALMONT: Many times pre-Covid,
13 yes.

14 CHAIRMAN FUSARO: Okay. Pre-Covid,
15 so it must have been on Zoom. Since we're running
16 late this evening, I'm assuming no one will have
17 any objection to continuing Mr. Talmont's
18 credentials?

19 MR. MASCIALE: Is he currently
20 licensed?

21 CHAIRMAN FUSARO: Are you currently
22 licensed in the State of New Jersey and it's
23 active?

24 MR. TALMONT: Yes.

25 CHAIRMAN FUSARO: Okay. Great.

1 Then we'll continue to recognize you as an expert
2 in the field of architecture. Please tell us
3 about your application.

4 MR. TALMONT: May I speak for her?

5 CHAIRMAN FUSARO: Sure.

6 MR. TALMONT: Thank you. This is a
7 house that was built in the mid to late 40s as is
8 most of the house in that neighborhood. This is
9 the R-6 district in the Washington School area.
10 And just quickly, I'll tell you I've been in a lot
11 of these houses because I work in the neighborhood
12 and I actually grew up in the neighborhood. So
13 half of my grade school friends lived in these
14 houses. They're all very similar except for this
15 one. This one is different in ways that are sort
16 of odd and slightly problematic. And quite
17 frankly, that's why we're here today. This is a
18 roughly 6,700-square-foot piece of property, which
19 fits in the R-6 zoning. However, the majority of
20 the neighborhood takes advantage of the long block
21 depth which gives them approximately
22 9,000-square-foot properties. But when they
23 developed the neighborhood, they put the same
24 house on all the properties. So we're starting
25 off kind of with a little bit closer to the

1 deficit on coverage than most of the properties
2 on, say, Coolidge and Harding and the adjacent
3 streets.

4 The first odd condition of this
5 house is they all have attached garages. All
6 these houses for this late 40s development have
7 attached garages. This is the only one I've been
8 in where the garage doesn't have direct access to
9 the house. You have to go outside and then back
10 in again. The second quirk about this house is
11 the garage is not on the same side as the kitchen.
12 All the other ones I've ever been in, the garage
13 has access to the house and that's the kitchen
14 side of the property. This house has a large
15 living space and -- it's sort of the original
16 large living space -- and the rear large living
17 space adjacent to the garage. So with a growing
18 family who apparently has many lacrosse players --

19 MS. O'BRIEN: Yes. I don't have a
20 drop zone.

21 MR. TALMONT: Right. This is
22 becoming real-life problem. You've all seen it;
23 they come in the garage, where there are lacrosse
24 players, there are lacrosse sticks and lacrosse
25 equipment, and this house because it's flipped,

1 doesn't have a natural drop zone. Now, as much as
2 I tried to not bring projects to the Board of
3 Adjustment, I really felt that this one would
4 benefit from doing so simply because we tried many
5 different design options, but we came up with a
6 very modest little addition on the back, which is
7 a one-store kind of connector mudroom/drop zone.
8 It's the piece that connects the garage to the
9 house, and sort of provides the arrival spot that
10 doesn't exist because the kitchen is on the other
11 side of the house. So what we're doing in this
12 project is we're eliminating the door that
13 actually goes to the kitchen on the other side of
14 the house which you've entered how many times
15 since you've...

16 MS. O'BRIEN: I've never entered
17 that.

18 MR. TALMONT: And we're sort of
19 establishing a sort of "kids come home from school
20 with all their friends' zone" through the garage
21 into the back here. (Indicating.) The house has
22 another quirk in that because -- well, most of
23 these properties are 50- and 55-foot-wide in this
24 neighborhood. And they put the same house
25 everywhere and they all sort of merited this kind

1 of existing non-compliant side setback. We are
2 doing a second-story addition that sort of uses
3 that sort of non-compliant space. However, we
4 didn't want to exacerbate the 25-foot side wall
5 rule, so we're setting that 2-feet back. That's
6 where we came up with the 7-foot-9-inch setback.
7 That's a 2-foot distance setback from the existing
8 non-compliant side wall setback.

9 The coverage addition; again, we
10 arrived there because -- and it's hard to read the
11 tea leaves on this, but when I did my calculations
12 for coverage, this property came up as existing
13 non-compliant. And I was informed that there was
14 never any zoning application done for this
15 property. So my assumption was that it may have
16 been because of the walk-in bay windows in the
17 front of the house. And one of the features of
18 this house are these pretty large walk-in bay
19 windows. There are two of them. If you walk the
20 neighborhood, as I have done, there are very few
21 houses that have this. And the ones that I found
22 tend to be on the deep blocks, on the deep
23 properties. This house actually has
24 32-square-feet of coverage that exists within
25 these bay windows. And while they're very nice to

1 look at and they add to the sort of fabric of the
2 street, they don't really move the needle in terms
3 of how you use the room so much. It's not like
4 the dining table can extend into it. So I'd like
5 to think that where the 20.9% coverage that we're
6 asking for in the spirit of sort of keeping the
7 rhythm of the street, as pretty as it is, it
8 really does sort of play as a 20.4.

9 Beyond that, you know we think we
10 very dutifully made sure that this addition stayed
11 behind the existing facade of the house. At no
12 point can you see any mass sort of projecting
13 beyond the existing mass of the house. The same
14 for the side projection and rear depth. We're
15 actually reducing the depth of the house by
16 eliminating a bay window in the back. We think
17 we're contributing to the betterment of the
18 neighborhood by the placement of this
19 51-square-foot addition on the ground. Actually,
20 takes away what was a patio that was at the side
21 of, sort of, if you will, in the side yard
22 technically and pushes it to the rear yard. This
23 neighborhood -- I don't need to tell you guys --
24 there's not a whole lot of side-yard privacy in
25 this neighborhood because these houses are

1 literally 12-feet apart from one another. We
2 thought this was a benefit for both neighbors to
3 sort of -- I'm sorry, for this one neighbor to
4 make that space in the back. And I think that's
5 all I've got to say.

6 CHAIRMAN FUSARO: Mr. Talmont and
7 Ms. O'Brien, I'm very with this area. I literally
8 walk by this house four or five nights a week.

9 MS. O'BRIEN: That's nice to hear.

10 CHAIRMAN FUSARO: I know exactly
11 where it's located. I know the neighborhood. I
12 had five kids go to Washington School which is
13 right down the street. And my granddaughter lives
14 on Coolidge, so I'm familiar with the area. It
15 looks like the person who originally constructed
16 this house must have been in love with bay windows
17 because you have three of them.

18 MS. O'BRIEN: Yes.

19 CHAIRMAN FUSARO: I understand that
20 the 51-square-foot addition in the back, in my
21 opinion, is certainly not an issue especially --
22 or is not a major issue since, as you said, a lot
23 of or half of that square footage is taken up by
24 the two bay windows in the front. I think
25 Mr. Talmont from past history, you usually do

1 everything you can to try to avoid coming here.
2 So we do appreciate that. Trust me, there are
3 other architects that love coming before us.
4 Anyway, that being said: Does anyone have any
5 questions for -- I'm not going to name any names
6 -- Mr. Talmont or Ms. O'Brien?

7 MS. MOLNAR: I just have one
8 question. Based on where the chimney and the
9 fireplace is, is it your opinion that that garage
10 was added onto the home?

11 MR. TALMONT: I don't think it was.
12 And that's one of the things that's so kookie
13 about the house.

14 MS. MOLNAR: It's part of the
15 original house you think?

16 MR. TALMONT: Yeah, oh, yeah. I
17 mean it's certainly in the vintage of the -- I'm
18 sure it was.

19 MS. MOLNAR: It looks like an
20 add-on.

21 CHAIRMAN FUSARO: Usually, when the
22 garage -- I mean when the chimney protrudes into
23 the garage like that, you would think that that
24 used to be the exterior wall of the house and just
25 added on.

1 MS. MOLNAR: Yeah. Exactly.

2 MR. TALMONT: It's not. It's parged
3 inside the garage. And there is a replica to this
4 house on Coolidge about four houses down from the
5 corner. And there's actually one on the corner of
6 Wells and Coolidge that has a detached garage. It
7 also has an enormous addition in the back.

8 MS. MOLNAR: It's detached, but this
9 one --

10 MR. TALMONT: But this one, I would
11 bet my bottom dollar that it was original.

12 CHAIRMAN FUSARO: I believe that
13 corner house on Wells you're referring to come
14 before us last year or the year before. Any other
15 Board Members have any questions for Ms. O'Brien
16 or Mr. Talmont?

17 MS. HROBLAK: I have a quick
18 question about what's the new patio going to be.

19 MR. TALMONT: Material?

20 MS. HROBLAK: Yeah.

21 MR. TALMONT: I actually don't
22 really know.

23 MS. O'BRIEN: I love bluestone.

24 MS. HROBLAK: Well, I see the
25 existing one is some sort of paver.

1 MS. O'BRIEN: It's a paver.

2 MS. HROBLAK: Is it going to be some
3 sort of paver/non-concrete?

4 MS. O'BRIEN: I would love that,
5 yes.

6 MR. TALMONT: Yeah. I'm sure.

7 CHAIRMAN FUSARO: You're looking for
8 permeability?

9 MS. HROBLAK: It's an offset here.

10 CHAIRMAN FUSARO: Bluestone is not
11 permeable.

12 MR. TALMONT: It's hard to get
13 bluestone now. I'm not sure about the timing.
14 It's going to be very close to grade, so it will
15 be probably a dry-laid bluestone product. That
16 would be my vote anyway.

17 MS. O'BRIEN: I trust you. You're
18 my person.

19 MS. HROBLAK: The reason I ask is
20 because you're taking an existing semi-permeable
21 patio and turning it into something that's less
22 permeable. And I'm sensitive to increases in
23 runoff. That's my field.

24 CHAIRMAN FUSARO: The patio size
25 increases by 32-square-feet, and then you have

1 that 51-square-foot addition as well, so...

2 MS. HROBLAK: You may end up
3 creating more runoff and pissing off your downhill
4 neighbors.

5 CHAIRMAN FUSARO: You don't have any
6 runoff issues currently; right?

7 MS. O'BRIEN: No.

8 CHAIRMAN FUSARO: Flooding, nothing
9 during any of the storms?

10 MS. O'BRIEN: No. I have French
11 drains.

12 MS. HROBLAK: From France.

13 (Laughter.)

14 CHAIRMAN FUSARO: Any more
15 questions? You sure Eldy?

16 MS. PAVON: I am so sure, Frank. I
17 can't even express it.

18 CHAIRMAN FUSARO: Okay. Seeing
19 none. Any final comments?

20 MS. RAZIN: The public.

21 CHAIRMAN FUSARO: I'm sorry, yes.
22 Is there anyone in the public -- the reason I
23 didn't ask is because there is no one here --
24 anyone in the public that wishes to address the
25 application please come forward. Seeing none,

1 we'll close this portion. We'll open up to Board
2 discussion which should be pretty quick and we'll
3 let you know what's going on.

4 We basically heard everyone's
5 comments. As I mentioned, Mr. Talmont usually
6 does the best he can with avoiding any variances.
7 These seem to be unavoidable. I am familiar with
8 the area. I don't really see an issue with the
9 small addition in the back and the additional
10 24-square-feet of patio. So that having been
11 said, anybody else have any comments? May I have
12 a motion?

13 MR. MASCIALE: I'll make a motion to
14 accept the application as submitted.

15 MS. MOLNAR: Second.

16 CHAIRMAN FUSARO: Seconded by
17 Ms. Molnar. Mr. Sammet, please call the roll.

18 MR. SAMMET: Mr. Cohen.

19 MR. COHEN: Yes.

20 MR. SAMMET: Chair Fusaro.

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Ms. Hroblak.

23 MS. HROBLAK: Yes.

24 MR. SAMMET: Mr. Masciale.

25 MR. MASCIALE: Yes.

1 MR. SAMMET: Ms. Molnar.

2 MS. MOLNAR: Yes.

3 MR. SAMMET: Ms. Pavon.

4 MS. PAVON: Yes.

5 MR. SAMMET: Mr. Sontz.

6 MR. SONTZ: Yes.

7 MR. SAMMET: And Mr. Reisen.

8 MR. REISEN: Yes.

9 CHAIRMAN FUSARO: Your application
10 is approved. Thank you so much. Enjoy the rest
11 of your evening.

12 Moving right along. Our final
13 application of the evening is Application 22-008,
14 Daniel and Eileen Carroll, 721 Clark Street.
15 Applicant approval to construct additions; a front
16 porch and dormers to their existing home contrary
17 to the following sections of the Westfield Land
18 Use Ordinance. Section 11.09E6 where the minimum
19 side yard setback required is 10-feet and proposed
20 to the addition is 7.21-feet, and where 10-feet is
21 required and proposed is 7-feet to the front
22 porch. And Section 11.09E5 where the front yard
23 setback required is 40.96-feet, and proposed is
24 40-feet. Good evening, Mr. DiGiorgio.

25 MR. DIGIORGIO: Good evening. How

1 are you?

2 CHAIRMAN FUSARO: How are you?

3 Please state your name and address for the record.

4 MR. DIGIORGIO: Thomas DiGiorgio.

5 I'm a New Jersey licensed architect. Address is

6 414 Central Avenue, Suite 2B.

7 CHAIRMAN FUSARO: Please raise your

8 right hand.

9 THOMAS DIGIORGIO, having been duly
10 sworn, was examined and testified as follows:

11 CHAIRMAN FUSARO: Thank you. I
12 believe you've appeared before our Board this
13 year.

14 MR. DIGIORGIO: Not this year, but I
15 have appeared before the Board.

16 CHAIRMAN FUSARO: Give the Board
17 Members a quick recap of your credentials.

18 MR. DIGIORGIO: Sure. I graduated
19 from NJIT in 1982. I've been a licensed
20 New Jersey/New York/Pennsylvania architect since
21 1991. I've been heard before this Board, Planning
22 Board, Cranford boards, and many other numerous
23 boards throughout the state.

24 CHAIRMAN FUSARO: And your license
25 is current in the State of New Jersey?

1 MR. DIGIORGIO: Yes, it is.

2 MS. RAZIN: Can you just spell your
3 last name for me, please?

4 MR. DIGIORGIO: Sure.
5 D-i-g-i-o-r-g-i-o.

6 CHAIRMAN FUSARO: Any questions from
7 the Board? Seeing none, we'll continue to
8 recognize you in the field of architecture.
9 Please proceed.

10 MR. DIGIORGIO: I'll start quickly
11 with the zoning chart just to give you a breakdown
12 of that. We're in an RS-6 zone, 6,000-square-feet
13 is required, we have 11,602-square-feet. The lot
14 width required is 50, we have 52.50. And lot
15 depth required is 120, we have 221-feet-deep.
16 Average front yard to the residence is 40.96, and
17 presently, we have 44.16 to the main house. The
18 side yard required is 10-feet, we've got
19 5-and-a-half-feet to a box bay on the left side of
20 the house. To the main house, it's 7.21. And
21 then on the proposed, the other side is 19-feet.
22 So our variance is preexisting; the 7.21. The
23 rear of the residence; we're required 35-feet.
24 Since we have a deep lot, it's 135-feet plus or
25 minus. So that's not an issue. Porch front yard

1 setback, 40.96. The existing right now is 41.24,
2 and we're requesting a variance for that porch at
3 40-feet.

4 And also, the other variances; the
5 porch front side setback; required is 10-feet,
6 we're at 7.5-feet with the proposed porch. The
7 building height; you're allowed 2-and-a-half
8 stories, 32-feet. The present residence is
9 1-and-a-half stories, 28-feet. And what we're
10 allowed is the 2-and-a-half-feet. We're at about
11 approximately 26-feet with the addition. Maximum
12 impervious allowed is 20%, 3,600-square-feet, we
13 are, with the addition and the porch, we're at
14 11.7%, 1,357 which is well below what's allowed.
15 Maximum lot impervious area; we're allowed 50% or
16 58.01-square-feet, and we're well below that,
17 we're at 24.73% 2,869-square-feet. FAR; we're
18 allowed 35% 4,060-square-feet. And with the
19 addition, obviously not including the porch, we're
20 at 16.25% 1,885-square-feet. So we're well below
21 all the building coverage, impervious, lot
22 coverage, and FAR.

23 Basically, what we have if you look
24 at P2, presently, we've got a small landing on the
25 front of our house and we're proposing a new

1 porch. And the porch is approximately 9-foot-deep
2 on the left side. And we've got 4-foot-3-inches
3 clear between the proposed column and the little
4 vestibule area that's bumped out presently. We're
5 also creating a great room in the back, which is
6 existing. It's a sunroom now, you know, it's
7 heated. But we want to just expand that. So
8 that's got nothing to do with the variance, that's
9 preexisting. Then we go up to the second floor,
10 and presently, they have a master bedroom suite
11 there now. The only difference is you can see
12 where the dashed lines are it's got sloped
13 ceilings. So even though the ceiling height
14 presently is 7-foot-7 in the center, then it
15 slopes down. So a lot of it was not usable space.
16 So what we did was we proposed to expand this,
17 stay at the 7-foot-3-inch setback, and create
18 walk-in closets, a little dressing area, a modest
19 master bath, and then a larger master bedroom that
20 also could be used if they wanted to use for like
21 office space working from home.

22 We didn't propose to step in the
23 addition because you can see we're contending with
24 a chimney flue there, and if we went in too far,
25 basically it would take away from the aesthetics

1 of the front elevation. Which, if you look at P3
2 -- P3, basically, front elevation on the top left.
3 Architecturally, we just created a dormer. The
4 homeowners have lived there for many years. I
5 believe they've lived there since 2007, and they
6 just wanted a larger master bedroom, a great room
7 that's a little bigger, bring the laundry room
8 upstairs on the first floor, have a half bath, and
9 they weren't looking to build a massive addition.

10 Now, adjacent to our property on
11 each side; to the right, presently, I believe they
12 got a variance. They did a 2-and-a-half-story
13 addition. They raised the second floor to triple
14 dormers in the attic space creating more living
15 space, and they put a large porch on the side. To
16 the left -- and they're from grade to top of their
17 house is about 32-feet. To the left of us, the
18 same situation. They don't have a porch, but they
19 have a 2-and-a-half story residence, and they're
20 at 32-feet. Looking at our numbers, if you look
21 at that elevation, we're going to be,
22 approximately, 23-feet in height. We're a little
23 deeper where the recessed garage is, but you can
24 see the scale of our house in relation to the
25 other homes adjacent to us. We're almost going to

1 be like 9-feet lower to the ridge height. So
2 basically, if you look at our left-side elevation,
3 we've got two egress windows noted. The original
4 house had that steep-pitched roof without the
5 extensions of the walls. And they had two -- we
6 call them "dog house dormers" one in the front,
7 one in the back that just basically gave them some
8 light into the space. But they didn't really have
9 a lot of headroom in the space and they didn't
10 have a bathroom.

11 So by doing this, I think that it
12 blends in with the neighborhood. The scale, like
13 I said, the homeowners didn't want this to be a
14 massive addition. They like the charm of the
15 house. They thought the porch would add more
16 character to the house. And the adjacent homes
17 are almost 9-feet taller on each side. Anything
18 that's new or renovated we're going to bring up to
19 code as far as the energy code. Mechanical
20 systems will be brought up to code. The, you
21 know, the ground floor, which, like I said,
22 doesn't really have any variances other than the
23 porch. The ground floor will be just a big open
24 plan which everyone likes today with a kitchen
25 area, the half bath, and the laundry room. And

1 then, just a small deck out the back just to get
2 out to the backyard. But by doing this, you know
3 they have a nice view of the backyard. They have
4 a beautiful backyard. And we're doing some
5 minimal alterations in the house which don't
6 really affect the variances.

7 CHAIRMAN FUSARO: Mr. DiGiorgio, I
8 know you're way under on coverage, and this may
9 seem like an odd question but I'm going to ask it
10 anyway. Could you please explain to us what that
11 existing concrete pad is in the middle of the
12 backyard?

13 MR. CARROLL: I can tell you.

14 CHAIRMAN FUSARO: Please. Name and
15 address for the record.

16 MR. CARROLL: Dan Carroll, 721 Clark
17 Street.

18 DANIEL CARROLL, having been duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO: Please proceed.

21 MR. CARROLL: When we bought the
22 house -- Jay Schuster, who actually lives across
23 the street from us now right now, he was the owner
24 of the house -- and had a hot tub in that pad, and
25 it was located all the way back there. We didn't

1 like that, so we got rid of that. We actually put
2 a fire pit back there now.

3 CHAIRMAN FUSARO: That's a long walk
4 to your hot tub from the house. You'll get some
5 exercise walking over there. Thank you.
6 Mr. DiGiorgio, please continue.

7 MR. DIGIORGIO: No problem. So like
8 I said originally, I think that it adds, it lends
9 to the house what we've done with the porch. And
10 also, the scale of the house, they like the scale
11 of the house so we didn't want to do a massive
12 addition. You know incorporating some dormers
13 just to break up the aesthetics in the front and
14 keeping that all lined up with the existing walls,
15 I don't think is a detriment to the neighborhood
16 at all. If anything, it adds to it, especially,
17 with the porch in the front. I'm not sure if you
18 have any questions.

19 CHAIRMAN FUSARO: Any Board Members
20 have any questions?

21 MS. MOLNAR: Yeah. I just have a
22 question.

23 CHAIRMAN FUSARO: Ms. Molnar.

24 MS. MOLNAR: Maybe I'm not reading
25 this right, but the fenestration looks different.

1 Some windows it's 6-over-6, and some are not. Are
2 you planning to match all of the windows?

3 MR. DIGIORGIO: Well, I didn't do
4 6-over-6 in the dormer only because I was
5 concerned about it being too small. So that's why
6 we went to like 4-over-4.

7 MS. MOLNAR: Same thing in the rear.

8 MR. DIGIORGIO: Yeah. And then on
9 the side, because it's a casement window that
10 looks like a double-hung window, that, we have to
11 adjust because that I see on the computer is
12 incorrect. But that would be adjusted. But
13 obviously, we would try to keep in the look of the
14 rest of the house with the fenestrations.

15 MS. MOLNAR: Thank you.

16 CHAIRMAN FUSARO: Mr. DiGiorgio, the
17 left-side elevation, it looks like you're
18 reframing the roof with a different pitch. Can
19 you give us a little information on what's
20 happening there?

21 MR. DIGIORGIO: Sure. Right now,
22 that sunroom, that enclosed room, it's got a low
23 ceiling, so we wanted to raise that ceiling up,
24 and we put like a 5-on-12 pitch so we reframed the
25 roof rafters there. The same thing on the master

1 bedroom, what we've done is, I believe it's like a
2 10-on-12 pitch now, and what we've done is
3 provided a 4-on-12 pitch just to give us the
4 headroom and still keep the look of the house.

5 CHAIRMAN FUSARO: Thank you. Any
6 other Board Members have any questions for
7 Mr. DiGiorgio? Everyone is shaking their head, it
8 must be late.

9 MS. PAVON: You're lucky, this is
10 when we start like dying out.

11 CHAIRMAN FUSARO: Any closing
12 comments or do you need to wrap anything up,
13 Mr. DiGiorgio.

14 MR. DIGIORGIO: No. I think that's
15 it. I mean you know we're just trying to give
16 them some extra space in the back of the house,
17 and then create a larger master bedroom.

18 CHAIRMAN FUSARO: Thank you. Is
19 there anyone in the audience who would like to
20 address the application? I'm required by law to
21 ask that question.

22 MR. DIGIORGIO: That's fine.

23 CHAIRMAN FUSARO: Seeing none, we'll
24 close that portion of the meeting and open it up
25 to Board discussion. As you've heard from

1 Mr. DiGiorgio, basically several of the homes in
2 the area have already been expanded. They are
3 looking to add a master suite and a front porch.
4 As you know, the Board is generally in favor of
5 adding front porches for aesthetic reasons to
6 whatever homes they can. I would suggest that if
7 we approve the application that we give them our
8 standard condition that the porch remains open on
9 three sides -- actually, this would be two sides
10 since the third side -- the other two sides have
11 walls on them. I don't see -- it looks like
12 there's a fair amount of screening from looking at
13 our photographs. Even though the adjacent homes
14 are in close proximity, it appears that there
15 seems to be at least some screening between them.
16 The backyard is fenced in, again, looking at the
17 photographs that were submitted. I don't have any
18 objections to what I've heard. As I said, I think
19 adding the porch will certainly make the home more
20 Colonial looking and blend in with the
21 neighborhood. And I don't think the .96-foot
22 encroachment, which is less than a foot into the
23 front yard, is an issue, in my opinion. The lot
24 is 221-feet deep. Anybody? Comments? Let's hear
25 from the Board how you're... Mr. Reisen, no.

1 Mr. Cohen.

2 MR. COHEN: I agree with you.

3 CHAIRMAN FUSARO: Okay. Ms. Hroblak
4 is shaking her head "no." This side of the room,
5 all good? Seeing no further comments, may I have
6 a motion?

7 MS. HROBLAK: I'll make a motion to
8 approve with the condition that the proposed porch
9 remain open on two sides.

10 CHAIRMAN FUSARO: Excellent.
11 Ms. Hroblak. Can we have a second?

12 MS. PAVON: Second.

13 CHAIRMAN FUSARO: Seconded by
14 Ms. Pavon. Mr. Sammet.

15 MR. SAMMET: Mr. Cohen.

16 MR. COHEN: Yes.

17 MR. SAMMET: Chair Fusaro.

18 CHAIRMAN FUSARO: Yes.

19 MR. SAMMET: Ms. Hroblak.

20 MS. HROBLAK: Yes.

21 MR. SAMMET: Mr. Masciale.

22 MR. MASCIALE: Yes.

23 MR. SAMMET: Ms. Molnar.

24 MS. MOLNAR: Yes.

25 MR. SAMMET: Ms. Pavon.

1 MS. PAVON: Yes.

2 MR. SAMMET: Mr. Sontz.

3 MR. SONTZ: Yes.

4 MR. SAMMET: Mr. Reisen.

5 MR. REISEN: Yes.

6 CHAIRMAN FUSARO: Your application

7 is approved. Good luck. Thank you so much.

8 MR. DIGIORGIO: Thanks for squeezing

9 us in.

10 CHAIRMAN FUSARO: Can we have a

11 motion to adjourn?

12 MR. MASCIALE: So moved.

13 MR. SONTZ: Seconded.

14

15 (The meeting was adjourned at

16 10:55 p.m.)

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