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TOWN OF WESTFIELD  
BOARD OF ADJUSTMENT

IN RE  
PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS  
Monday, July 11, 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

CAROL MOLNAR, MEMBER

7

SAMUEL REISEN, SECOND ALTERNATE

8

9

LYNDSAY KNIGHT, ZONING OFFICIAL/PLANNER

10

A B S E N T:

11

ELDY PAVON, MEMBER

12

MATT SONTZ, MEMBER

13

CHARLES GELINAS, FIRST ALTERNATE

14

15

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

16

WELLS, JAWORSKI & LIEBMAN, LLP

17

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

18

19

HEHL & HEHL

BY: STEPHEN HEHL, ESQ.

20

Attorney for the APPLICANT SAINI

21

GARY S. GOODMAN LAW

22

BY: GARY GOODMAN, ESQ

Attorney for APPLICANT KING

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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 the notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act. Katherine Razin, our Board attorney will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Zoning Board of Adjustment has the authority to grant D1 through D6 variances, as well as C1 and C2 variances, as well as ancillary relief including site plan relief and subdivision relief

1 when in conjunction with those types of variances.  
2 That's it.

3 CHAIRMAN FUSARO: Thank you. A  
4 couple of housekeeping items. I believe we have  
5 one application which has been withdrawn.  
6 Application ZBA 21-061, NNG Realty Property LLC,  
7 414 Edgar Road. That application has been  
8 withdrawn.

9 The second housekeeping item, a  
10 minor change to the agenda, the application for  
11 315 Wychwood Road, ZBA Application Number 21-077,  
12 that was carried to the August 9th meeting.

13 And the last time on the agenda this  
14 evening which was Application ZBA 21-036,  
15 935 Cleveland Avenue. That application will be  
16 carried to the September meeting; September the  
17 12th. All those carried will be without further  
18 notice.

19 MS. RAZIN: Wychwood will re-notice  
20 -- (indiscernible.)

21 CHAIRMAN FUSARO: They are noticing?

22 MS. RAZIN: Yes.

23 CHAIRMAN FUSARO: Wychwood is going  
24 to re-notice, Don?

25 MS. RAZIN: Wychwood is re-noticing.



1 MR. SAMMET: Yeah. The  
2 315 Wychwood, the Applicant will re-notice for the  
3 August 9th hearing.

4 CHAIRMAN FUSARO: So 315 will be  
5 re-noticed, and 935 Cleveland will not; is that  
6 correct?

7 MS. RAZIN: Correct.

8 MR. MASCIALE: Is there a change  
9 that they re-noticed?

10 MS. RAZIN: There was just a  
11 correction, not a change. There was something  
12 that was raised, and so they're just re-noticing  
13 to make sure that their notice is correct.

14 MR. MASCIALE: Okay.

15 CHAIRMAN FUSARO: Thank you. Don,  
16 can you please call the roll?

17 MR. SAMMET: Sure. Mr. Cohen.

18 MR. COHEN: Present.

19 MR. SAMMET: Chair Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MR. SAMMET: Ms. Hroblak.

22 MS. HROBLAK: Yes.

23 MR. SAMMET: Mr. Masciale.

24 MR. MASCIALE: Yes.

25 MR. SAMMET: Ms. Molnar.

1 MS. MOLNAR: Here.

2 MR. SAMMET: Ms. Pavon is absent  
3 this evening. Mr. Sontz is absent this evening.  
4 Mr. Gelinas is absent this evening. And  
5 Sam Reisen.

6 MR. REISEN: Present.

7 CHAIRMAN FUSARO: Thank you. Has  
8 everyone on the Board had a chance to review the  
9 minutes from our last Board meeting?

10 MR. MASCIALE: Yes.

11 CHAIRMAN FUSARO: Any objections,  
12 comments, corrections? Seeing none. May we have  
13 a motion to approve the minutes?

14 MR. COHEN: So moved.

15 MS. MOLNAR: Second.

16 CHAIRMAN FUSARO: The minutes are  
17 approved. We have the memorialization of  
18 resolutions from our last meeting. I believe  
19 there are three. Has everyone had a chance to  
20 review the resolutions?

21 BOARD MEMBERS: Yes.

22 CHAIRMAN FUSARO: Any comments?  
23 Seeing none. The resolution that's being approved  
24 is John and Lisa Switlyk, 812 Prospect Street.  
25 Mr. Sammet, can you please call the roll.

1 MR. SAMMET: Do we have a...

2 MS. MOLNAR: So moved.

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

4 CHAIRMAN FUSARO: I'm sorry.

5 MR. COHEN: Second.

6 MR. SAMMET: Seconded by Mr. Cohen.

7 CHAIRMAN FUSARO: Mr. Cohen?

8 MR. COHEN: Sure.

9 MR. SAMMET: The roll call:

10 Chair Fusaro.

11 CHAIRMAN FUSARO: Yes.

12 MR. SAMMET: Mr. Masciale.

13 MR. MASCIALE: Yes.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MR. SAMMET: Mr. Cohen.

17 MR. COHEN: Yes.

18 MR. SAMMET: Ms. Hroblak.

19 MS. HROBLAK: Yes.

20 MR. SAMMET: Those are our eligible

21 members on that one.

22 CHAIRMAN FUSARO: Thank you. The

23 next resolution is Melissa O'Brien, 408 Wells

24 Street. May I have a motion to approve?

25 MS. MOLNAR: So moved.

1 CHAIRMAN FUSARO: Ms. Molnar.  
2 Second?  
3 MS. HROBLAK: Second.  
4 CHAIRMAN FUSARO: Ms. Hroblak.  
5 MR. SAMMET: The roll; Chair Fusaro.  
6 CHAIRMAN FUSARO: Yes.  
7 MR. SAMMET: Mr. Masciale.  
8 MR. MASCIALE: Yes.  
9 MR. SAMMET: Ms. Molnar.  
10 MS. MOLNAR: Yes.  
11 MR. SAMMET: Mr. Cohen.  
12 MR. COHEN: Yes.  
13 MR. SAMMET: Ms. Hroblak.  
14 MS. HROBLAK: Yes.  
15 CHAIRMAN FUSARO: And the final  
16 resolution from our last meeting is Daniel and  
17 Eileen Carroll, 712(sic) Clark Street. May I have  
18 a motion to approve?  
19 MS. MOLNAR: So moved.  
20 CHAIRMAN FUSARO: Ms. Molnar.  
21 MR. COHEN: Second.  
22 CHAIRMAN FUSARO: Second, Mr. Cohen.  
23 MR. SAMMET: Chair Fusaro.  
24 CHAIRMAN FUSARO: Yes.  
25 MR. SAMMET: Mr. Masciale.

1 MR. MASCIALE: Yes.

2 MR. SAMMET: Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MR. SAMMET: Mr. Cohen.

5 MR. COHEN: Yes.

6 MR. SAMMET: Ms. Hroblak.

7 MS. HROBLAK: Yes.

8 CHAIRMAN FUSARO: Thank you.

9 MR. SAMMET: Thank you very much.

10 Moving right along, I believe I may have spoken a  
11 little out of turn. We announced the application  
12 which was withdrawn and we've announced the  
13 applications that have been carried. There are no  
14 extensions of time that I'm aware of. And I  
15 believe there is no other business. Okay. So  
16 let's get started with this evening's agenda.

17 The first application is  
18 ZBA Application Number 21-084, Michael King, 437  
19 Hillside Avenue. Applicant is seeking approval to  
20 construct a two-story addition on the side of a  
21 house to add a two-car garage and connecting  
22 breezeway. The proposed addition will have a  
23 finished second floor. The existing two-car  
24 attached garage will be renovated to be living  
25 space. There will be a third-floor addition to

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

14 MR. GOODMAN: Good evening.  
15 Gary Goodman on behalf of Michael King. This is  
16 the Applicant's third appearance here this  
17 evening. And he has revised the drawings and his  
18 application in order to eliminate the new  
19 variances. He was looking for a side yard  
20 variance, he was looking for a three-story  
21 variance where 2 1/2 is permitted. This Board has  
22 made certain recommendations to the Applicant.  
23 He's gone back with his architect and he has  
24 redesigned his project to eliminate the new  
25 variances. The preexisting conditions of the home

1 that he purchased are preexisting conditions. The  
2 maximum coverage, which was mentioned by the  
3 Chairman, where 20% is permitted, his application  
4 actually will slightly reduce the coverage by  
5 eliminating a portion of the driveway and the  
6 41.89 will be reduced to 41.24.

7 My first witness is David Bailey,  
8 the architect, who has redesigned the project.  
9 And he has brought -- I think Don Sammet had asked  
10 that he bring hard copies of what I understand has  
11 been given to the Board in terms of PDFs. So with  
12 your permission, I'll pass those out to people.  
13 Mr. Chairman, I think Mr. Bailey has been sworn in  
14 the last time he was here. I assume that...

15 CHAIRMAN FUSARO: Mr. Bailey, I'll  
16 remind you that you're still under oath, that way  
17 we don't need to swear you in again. Okay? Just  
18 give us a second while we hand these out. Carol,  
19 if you could keep one extra one there just in case  
20 another Board Member may need it. Thank you.

21 Welcome, Mr. Bailey. Please proceed.

22 BY MR. GOODMAN:

23 Q. Once again, Mr. Bailey, you've been  
24 retained by Michael King in order to draft up his  
25 addition to his existing home?

1           A.           That's true.

2           Q.           And it's my understanding that from  
3 the last meeting there have been concern changes  
4 with regard to what we're seeking this evening?

5           A.           That's correct.

6           Q.           Could you please walk the Board  
7 through -- and since they haven't really seen your  
8 drawings -- if you could give them some detail in  
9 terms of what we've done in order to better comply  
10 with the Land Use Ordinance?

11          A.           Yes. I'd like to start with the  
12 first sheet A-1, Proposed Front Elevation. On  
13 this sheet, if you look at the garage, we've moved  
14 the garage over the 16-inches so the side conforms  
15 to the 15-foot side yard setback. We took the  
16 space out of the open breezeway. We took the  
17 16-inches out of the breezeway, where I've moved  
18 over. There's no longer the side yard setback  
19 variance requested. And the next page, A-2,  
20 Proposed South Side Elevation, that's showing the  
21 side where the garage is. You can see on the  
22 third floor, we've shrunk the proposed dormers and  
23 lowered the height slightly. That will be more  
24 clear when we get to the proposed floor plans.  
25 But on A-2, to main change you see is, again, the



1 size of the dormers on the third floor have been  
2 shrunk, so it can be considered a half story. So  
3 there's not a lot to see here, but it is a little  
4 different on A-2.

5 The next page, A-3, Proposed Rear  
6 Elevation. Again, the garage moved over the  
7 15-inches, so the garage is conforming with the  
8 side yard setback. The open breezeway is  
9 16-inches shorter. The third floor, instead of a  
10 big long shed dormer that went almost wall-to-wall  
11 is now just 9-foot-4-feet wide, so that should  
12 eliminate the soffit height variance because it is  
13 a lot less than 50% of the wall below on the  
14 second floor. So it's just a regular dormer and  
15 not really a third floor. So that should  
16 eliminate that addition of that variance of the  
17 soffit height being higher than 22-feet because  
18 they're exemptions for dormers that are small. So  
19 that conforms with the soffit height, and the  
20 garage conforms with the side yard setback. When  
21 we get to the proposed plans, you'll see that  
22 third floor is a half story.

23 The next page A-4, Proposed North  
24 Side Elevation, again, the dormer on the third  
25 floor has gotten smaller. Again, you'll see

1 better when we get to the plans. A-5, Proposed  
2 Basement Plan, so here we've moved over on the  
3 addition so we conform with that 50-foot side yard  
4 setback. We've put a dashed line. The breezeway  
5 got smaller, it's 6-foot-8 instead of 8-foot-9.  
6 And you'll see better on the first-floor plan that  
7 we notched the rear corner of the proposed garage  
8 addition, so we conform with the maximum zoning  
9 wall massing. It's now 24-foot deep instead of  
10 26-foot deep. And we have that little offset  
11 that's actually greater than required. It's a  
12 3-foot offset where you're only required a 2-foot  
13 offset in length. So the side wall massing is now  
14 conforming. The side yard setback is conforming.

15 The next page, A-6, you can see  
16 better how the side wall massing is conforming in  
17 the garage. Again, we've notched the rear corner  
18 of the proposed garage addition, so we only have a  
19 24-foot-long side wall. And again, we pulled in  
20 that wall 3-feet. So it's more than conforming  
21 side wall massing code. And again, we're  
22 conforming with the 15-foot side yard setback. So  
23 that's the changes on this sheet.

24 A-7, the only change here is, again,  
25 the garage slid over. It conforms with the

1 15-foot side yard setback. A-8, this shows the  
2 added floor plan. So by shrinking the dormers,  
3 the green shaded area that's 7-foot or higher is  
4 now only a 1/3 of the area of the second floor.  
5 So it's 600-square-feet whereas the front of the  
6 second floor is 602-square-feet. We're conforming  
7 to the definition of a half story. So we're no  
8 longer asking for a three-story variance; it's  
9 conforming. So that finished attic is now  
10 completely conforming, and we shrunk that rear  
11 dormer so we should be exempt from the maximum  
12 soffit height. We shrunk the size of the third  
13 floor, so now it's just a half story.

14                   And if you go to SP1, the Site  
15 Plans. Drawing 2 on SP1, the first Site Plan,  
16 again, the proposed garage addition is conforming  
17 with the 15-foot side yard setback. And because  
18 we took that 16-inches out of the addition, the  
19 proposed improvement coverage went down slightly  
20 from last time, but it's still less than what's  
21 existing. So it's 17,029-square-foot proposed  
22 improvement coverage. The existing is  
23 17,297-square-feet. So it's down you know almost  
24 200 -- 250-square-foot smaller. And we achieved  
25 that by if you see the site plan, the driveway has

1 gotten smaller; the driveway has been cut back.  
2 So the existing improvement coverage is still  
3 nonconforming, but it's actually less  
4 nonconforming than it was before.

5 Q. So David, that's the only  
6 nonconformity that we haven't been able to...  
7 okay.

8 A. Right. That's the only variance  
9 we're requesting is existing nonconforming  
10 condition, which again, is slightly less than  
11 what's existing now.

12 CHAIRMAN FUSARO: I've got a couple  
13 of quick questions. I know on your revised  
14 drawing A-5, you notched out that rear corner of  
15 the garage to cut that wall down to 24-feet from  
16 26, thus, removing the one variance. However on  
17 -- and it's also shown on A-6 as well -- however  
18 all the other drawings A-7, A-8 -- I guess just  
19 A-7 and A-8 -- still show that 26-foot dimension.  
20 Is that just a typo?

21 MR. BAILEY: Well, the second floor  
22 was always conforming even last time because the  
23 shed dormers pulled in from the side wall. So it  
24 was always conforming, you know, even the first  
25 time we were here.

1                   CHAIRMAN FUSARO:   Okay.   So the  
2                   second floor and the third floor or the roof area  
3                   are going to remain at 26-feet.   You do have the  
4                   indentation there, so, yes.   You are correct.

5                   MR. BAILEY:   Yes.   The shed dormers  
6                   front and back which were always conforming with  
7                   the side wall massing, they were always more than  
8                   a 2-foot offset.

9                   CHAIRMAN FUSARO:   Okay.   Great.  
10                  Now, the other question I had pertained to the  
11                  eaves height.   On your previous drawing, you had  
12                  -- your previous drawing, A-3, showed us the eave  
13                  height of 26-foot-2, which was to that large --  
14                  I'm going to call it "half story" which is no  
15                  longer there.   You've now reduced, your new A-3  
16                  drawing doesn't call for an eave height at all.  
17                  Do you happen to know what that eave height is?

18                  MR. BAILEY:   Yes.   It's roughly  
19                  26-feet.

20                  CHAIRMAN FUSARO:   I'm sorry?

21                  MR. BAILEY:   Twenty-six feet.

22                  CHAIRMAN FUSARO:   Twenty-six?

23                  MR. BAILEY:   Yeah, 26, but it should  
24                  be, you know, exempt because it's a dormer.   I  
25                  think Mr. Sammet had said if it's less than half

1 of the width of the wall below --

2 MR. SAMMET: Yeah, that's what we've  
3 used.

4 CHAIRMAN FUSARO: So that eaves  
5 height now is not calculated to the dormer. Would  
6 it be calculated to the eaves of the main roof,  
7 Don?

8 MR. SAMMET: That's correct. That  
9 shed dormer had been reduced dramatically in size.

10 CHAIRMAN FUSARO: Okay. And that  
11 main roof dormer has got to be probably somewhat  
12 less than 20-feet or around 20-feet; you'd say?  
13 The main eave of the main house, what's the eave  
14 height?

15 MR. BAILEY: Yeah, it was about --  
16 it looks like about 18-feet. Yeah, it's a lot  
17 less than 22. It's around 18.

18 CHAIRMAN FUSARO: Less than 20?

19 MR. BAILEY: Yeah, less than 20.

20 CHAIRMAN FUSARO: Thank you. I  
21 don't have any other questions of the architect.  
22 Does the Board? Yes, Carol.

23 MS. MOLNAR: Looking at A-3, it  
24 looks like different material is being used on the  
25 house. On one part, you're using metal roofing,

1 and on another part, you're using shingles. Am I  
2 reading that right?

3 MR. BAILEY: Yes. Yes. The client  
4 wanted to have the garage and some of the lower  
5 roofs and the upper shed dormers accented with the  
6 metal roof. It's considered an improvement  
7 visually.

8 MS. MOLNAR: Do you normally mix  
9 materials like that; part metal, part shingle? I  
10 don't know, from an architectural point of view.

11 MR. GOODMAN: Doesn't he have that  
12 now?

13 MR. KING: I do.

14 MR. BAILEY: Yes.

15 MR. KING: I do, yes.

16 MS. MOLNAR: You do?

17 MR. KING: A lot of people in town  
18 have that.

19 MS. MOLNAR: It's on here you have  
20 metal?

21 MR. GOODMAN: From my view, it looks  
22 very nice.

23 MS. MOLNAR: Pardon me?

24 MR. GOODMAN: I've been at his  
25 house, it looks nice.

1 MS. MOLNAR: I just wondered do you  
2 mix media like that? Is that normal?

3 MR. BAILEY: That's very common. It  
4 works as an improvement, as an accent.

5 MS. MOLNAR: An improvement?

6 MR. BAILEY: Oh, yeah.

7 MS. MOLNAR: Why is it an  
8 improvement?

9 MR. BAILEY: A metal roof? A metal  
10 roof is an upgrade.

11 MS. MOLNAR: A metal what?

12 MR. BAILEY: A metal roof is an  
13 upgrade. If people can afford it, a metal roof  
14 over all the roof is a lot more expensive.

15 MS. MOLNAR: More durable though?

16 MR. BAILEY: More durable. More  
17 attractive.

18 MS. MOLNAR: More attractive?  
19 Beauty is in the eye of the beholder. I don't  
20 know, it looks very industrial.

21 MR. BAILEY: That's popular now too.

22 MS. MOLNAR: That's popular now.

23 And the black farmhouse windows are popular right  
24 now. Yeah. Okay. So you've seen it mixed?

25 MR. BAILEY: All the time.



1 MS. MOLNAR: People mix it all the  
2 time, okay.

3 MR. BAILEY: All the time. It makes  
4 it more attractive. You wouldn't want a  
5 monochromatic building, it would be boring.

6 MS. MOLNAR: This is a lovely  
7 center-hall Colonial.

8 MR. BAILEY: This improves it  
9 without a doubt.

10 CHAIRMAN FUSARO: Any other Board  
11 Members have any questions for Mr. Bailey at this  
12 time? Seeing none. Does anyone from the audience  
13 have any questions for the project architect?  
14 Seeing none, we'll close that portion. I think  
15 we've kind of -- Mr. Bailey has explained  
16 everything that he has changed. I want to thank  
17 you for after my third request of shrinking that  
18 breezeway down from 8-feet; thank you. And I see  
19 you also -- one of the other comments that we had  
20 made pertained to the third floor which you did  
21 shrink that down as well. So thank you for taking  
22 care of both of those items. Are there any other  
23 professionals that you're going to...?

24 MR. GOODMAN: I have Mr. Watson here  
25 if you need him.

1                   CHAIRMAN FUSARO: I don't believe --  
2 do we have any questions for Mr. Watson? He  
3 testified the last time. I think we were pretty  
4 good with you. Any Board Members? No. Okay.  
5 You're good, Mr. Watson. Thank you.

6                   MR. GOODMAN: Mr. Chairman, that's  
7 our application.

8                   CHAIRMAN FUSARO: All right. Great.  
9 Any other Board Members have any questions for  
10 anybody before we close it? No? Okay. I'm going  
11 to close it and open it up to Board discussion.  
12 Thank you so much for your time.

13                   As I've stated just recently, the  
14 couple of items that I have noted previously  
15 pertain to the breezeway, which they did take into  
16 consideration and shrink it, which obviously  
17 eliminated the side yard setback; which was good.  
18 The third floor was reduced in area, and they took  
19 that entire dormer off which reduced -- eliminated  
20 the variance for the eaves height. And I believe  
21 one of the other concerns we had pertained to the  
22 third-floor floor plan and how much space was  
23 being added up there. They've certainly reduced  
24 that. The attic space that is currently shown as  
25 unfinished previously was finished space. So

1 they've taken several of our comments into  
2 consideration. I'm still a bit concerned about  
3 the coverage. I believe we're still kind of --  
4 we're over on impervious coverage, yes. That's  
5 currently 41.89, they reduced it to 41.41, which  
6 is only a difference of .48% which is about 1%.

7 MS. HROBLAK: They reduced it again.

8 CHAIRMAN FUSARO: What's that?

9 MS. HROBLAK: They reduced it to  
10 41.24.

11 MR. REISEN: Yeah. Page SP1.

12 CHAIRMAN FUSARO: I'm looking at  
13 SP1.

14 MR. REISEN: The bottom box in red.  
15 Bottom right, the last little bit.

16 CHAIRMAN FUSARO: It's still 41;  
17 unless that chart's wrong. My revised SP1 still  
18 shows a total improved coverage of  
19 17,029-square-feet or 41.24...I'm sorry. Pardon  
20 me. I was looking at the other one. Still...so  
21 they reduced it .68%.

22 MS. MOLNAR: What was it before?

23 CHAIRMAN FUSARO: What's that Carol?

24 MS. MOLNAR: What was the coverage  
25 before?

1 MR. REISEN: 41.48%.

2 CHAIRMAN FUSARO: Correct.

3 MS. HROBLAK: It started off at  
4 41.89.

5 CHAIRMAN FUSARO: It started off at  
6 41.89.

7 MR. COHEN: So we're improving on an  
8 existing nonconformity.

9 MR. SAMMET: Yes. 41.89 is what  
10 exists on the property now. On the original  
11 application from the Applicant, the proposed  
12 coverage was 41.48%. So a reduction over  
13 existing. Then with this plan currently before  
14 the Board, they reduced it further to the 41.24%.

15 CHAIRMAN FUSARO: Yeah. I would  
16 assume that came by way of reducing that breezeway  
17 and moving everything over.

18 MR. SAMMET: The breezeway; they  
19 reduced the size of the paved area, the driveway  
20 in front of the garage; the proposed garage.

21 MR. REISEN: And part of the problem  
22 is the clay tennis court.

23 CHAIRMAN FUSARO: I believe,  
24 Allyson, last time they gave us a detail of the  
25 tennis court layout or configuration of the

1 underground and you had kind of questioned that.  
2 But I didn't see any new information with respect  
3 to --

4 MS. HROBLAK: The detail really  
5 didn't mean much to me.

6 CHAIRMAN FUSARO: -- with respect to  
7 the clay court. How does the Board feel? Chris?

8 MR. MASCIALE: I think this is a  
9 great job by the Applicant. Unfortunately, it did  
10 take three times and it took a lot of time from  
11 the Board. We had a lot of other applications.  
12 But I think we did our job and this is what it  
13 should be. I also want to state though that this  
14 property you know predates the current ordinances,  
15 and I consider these properties to be kind of a  
16 gem in Westfield. And taking the current  
17 ordinances and looking at the numbers, it doesn't  
18 make any sense. But if there're two clay courts  
19 -- I think we heard about two clay courts in town  
20 -- and I think this property holds it well. The  
21 Applicant reduced their coverage, so they got the  
22 improvements they want and improving it at the  
23 same time, and were able to maintain what I think  
24 is a unique property and the charm of Westfield.  
25 So I think this is a win-win across, and I support

1 the application.

2 CHAIRMAN FUSARO: Thank you. Carol?  
3 Mr. Cohen? Anybody?

4 MR. COHEN: I don't have anything  
5 besides what Chris, I largely agree. Nothing we  
6 can do about the clay court at this juncture,  
7 so...

8 CHAIRMAN FUSARO: It is what it is.  
9 Got it. Any comments, Carol? Further comments?

10 MS. MOLNAR: No.

11 CHAIRMAN FUSARO: This side of the  
12 room?

13 MS. HROBLAK: Overall, it's better  
14 than it started at as far as stormwater goes.

15 CHAIRMAN FUSARO: Moving in the  
16 right direction, the question is: Are we  
17 satisfied with as much movement that has been made  
18 here?

19 MR. REISEN: I can appreciate the  
20 fact that every time we've seen this at least it's  
21 been a reduction of the coverage. So it's not  
22 like we've been trying to push it up even more  
23 beyond what is already beyond what we thought.

24 CHAIRMAN FUSARO: Yeah. I believe  
25 the only -- you know, during our last discussion,

1 other than eliminating the tennis court, which  
2 obviously is not -- well, it's really not an  
3 option -- that would really be the only item that  
4 would significantly reduce the coverage, so...

5 MS. HROBLAK: I want to make one  
6 other comment. The Applicant had stated that his  
7 neighbors don't have any complaints with runoff  
8 that he's heard. Just from a bigger picture  
9 standpoint, it's unlikely that anybody on a top of  
10 the hill would necessarily have the problems.  
11 It's going to be the little people like me at the  
12 bottom. So, yeah, I mean it's good that no one  
13 around him has problems, but stormwater is sort of  
14 a global issue or at least an area-wide issue.

15 CHAIRMAN FUSARO: We've asked if  
16 anyone from the audience had any problems.

17 MS. HROBLAK: Yeah, no, I just  
18 wanted to comment on that in general. I wanted to  
19 make that comment on the record just because your  
20 neighbors don't have the problem doesn't mean  
21 someone else isn't being affected.

22 CHAIRMAN FUSARO: Right. Right. If  
23 someone had an issue with drainage currently,  
24 certainly they would have come up and said, hey,  
25 we're at the bottom of this hill and we're already

1 getting issues and this is just going to, well,  
2 basically keep it the same. Okay. Seeing no  
3 other questions or comments from the Board; may we  
4 have a motion?

5 MR. SAMMET: I'll just mention that  
6 Mr. Cohen, I believe you were absent for the  
7 March 14th meeting, which was the first evening  
8 this was heard. So I don't believe you're  
9 eligible to vote.

10 MR. COHEN: Okay.

11 MR. MASCIALE: I'll make a motion to  
12 accept the application submitted this evening.

13 MR. REISEN: Seconded.

14 MR. SAMMET: Mr. Masciale and  
15 Mr. Reisen. Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Mr. Masciale.

18 MR. MASCIALE: Yes.

19 MR. SAMMET: Chair Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MR. SAMMET: Ms. Hroblak.

22 MS. HROBLAK: Yes.

23 MR. SAMMET: Mr. Reisen.

24 MR. REISEN: Yes.

25 MR. SAMMET: It's approved.



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

3                   Our next application is Application  
4 Number ZBA 21-079 John Nardulli, 875 Shadowlawn  
5 Drive. Applicant is seeking approval to construct  
6 an addition above the existing garage contrary to  
7 Section 11.09E6 of the Westfield Land Use  
8 Ordinance where the side yard setback permitted is  
9 10-feet, total of 20-feet, and proposed is  
10 7.09-feet or a total of 16.61-feet. Mr. Ralph, I  
11 see you're getting ready.

12                   MR. RALPH: Good evening.

13                   CHAIRMAN FUSARO: Good evening.

14                   MR. RALPH: Do you want it up here  
15 like usual or down?

16                   CHAIRMAN FUSARO: Sure. Carol, you  
17 see that from there?

18                   MS. MOLNAR: (Indicating.)

19                   CHAIRMAN FUSARO: Okay. Good.  
20 Mr. Ralph, I'm going to swear you in. I know  
21 you've appeared before our Board this year, so I  
22 won't ask for your credentials again. But please  
23 raise your right hand.

24                   GREGORY RALPH, having been duly  
25 sworn, was examined and testified as follows:

1 MS. RAZIN: Can you just spell your  
2 last name for me?

3 MR. RALPH: R-a-l-p-h.

4 CHAIRMAN FUSARO: Please proceed,  
5 Mr. Ralph.

6 MR. RALPH: So I'll just have  
7 Mr. Nardulli give a very brief introduction of  
8 what and why, and then I'll take it from there.

9 CHAIRMAN FUSARO: Welcome,  
10 Mr. Nardulli. Please raise your hand, state your  
11 name and address for the record.

12 MR. NARDULLI: John Nardulli,  
13 875 Shadowlawn Drive.

14 JOHN NARDULLI, having been duly  
15 sworn, was examined and testified as follows:

16 CHAIRMAN FUSARO: Thank you so much.  
17 Please proceed.

18 MR. NARDULLI: So I've been in  
19 Westfield for about eight years now. I have three  
20 children; 9, 7, and 5. My five-year-old's bedroom  
21 is right over the garage, so this project is for  
22 that bedroom. Her closet is unusable and she's  
23 getting taller and hitting her head on the  
24 ceiling. So the project is to fix that and remedy  
25 that.

1                   CHAIRMAN FUSARO: Thank you.

2                   MR. RALPH: I'll be brief and to the  
3 point tonight. We just have one variance for you.  
4 So the one variance as stated before is the side  
5 yard setback on the left side. It is both an  
6 existing and proposed nonconforming condition. We  
7 have 7.09-feet where 10-feet is required on that  
8 side of the house. And that is what I'll be  
9 providing testimony on tonight. The lot, itself,  
10 has a couple of minor nonconformities. It's  
11 slightly undersized in terms of area at  
12 9,519-square-feet; not particularly relevant to  
13 the case tonight. And it is slightly undersized  
14 in terms of lot width at 68-feet where 70-foot is  
15 required; which is somewhat relevant to tonight's  
16 case as we're missing a few feet of width on the  
17 lot. The lot is currently developed with an  
18 existing two-story brick and framed dwelling. And  
19 in addition to the existing nonconforming  
20 condition on the left, there's a very slight  
21 existing nonconforming setback on the right; which  
22 was noted as well, 9.52-feet. That is not the  
23 subject of the variance tonight as there is no  
24 change on the right side of the house.

25                   I'm just going to flip the pages

1 real quick. So as Mr. Nardulli pointed out, if  
2 you look at the drawings that you have before you,  
3 the second floor has four bedrooms, the fourth of  
4 which is a step down and under pretty significant  
5 eaves space. At the highest point in this  
6 existing bedroom, we have a 7-foot-5 ceiling  
7 height, and it immediately tapers down to about  
8 4-foot knee walls at the front and back. The  
9 dimension of that room is at 10-feet-wide clear by  
10 13-foot-7. But in terms of effective usable  
11 space, there's about 5-feet of front/back depth at  
12 usable height in that area. And that's it on the  
13 existing.

14 So we'll just jump right into it.  
15 So the goal, as outlined by the Applicant, was to  
16 make that bedroom more usable. And the natural  
17 place to do it was where that bedroom is in its  
18 current position, but raising the roof plate, so  
19 to speak, from the first floor of the garage up to  
20 the second-floor height. I'll flip over to those  
21 pages now. So just before, as I pass by, there're  
22 some photos in there so you can see that dormer is  
23 about the totality of usable space there, and then  
24 there's a small window on the side. But as I  
25 said, the highest point in the room is 7-feet-5

1 existing, and the rest slopes down.

2           The proposed elevations; I'll come  
3 back to those. So in terms of the plan itself,  
4 what we proposed was maintaining the width at the  
5 same, at the 10-feet, width but building it up to  
6 full height. Along the side yard, we end up with  
7 a front-to-back dimension in the bedroom of  
8 18-foot-6. We provide the space for the bed and  
9 some floor around it, a small space for a little  
10 desk or sitting area. And then at the back of the  
11 house, we have a walk-in closet. And so in the  
12 design process, we played with -- we were aware of  
13 the side yard setback condition, we played with  
14 conforming addition as a 7-foot exterior bedroom  
15 with a 6-foot-8 clear interior just didn't work  
16 for the Applicant. So we felt 10-foot was really  
17 reasonably the least amount that we could work  
18 with here. And then it seemed logical since we  
19 had the existing structure of the garage below  
20 with the garage and powder room, it seemed logical  
21 to just carry that structure up. And what we did  
22 is we matched the -- in this 3D image you can see  
23 -- we matched the eave height of the primary house  
24 and there's a little push back on the right side,  
25 and we matched the eaves, the ridge height of the

1 main house. And then we took from, you know, we  
2 have all these double windows with shutters on  
3 them, we took the double windows with shutters and  
4 placed it over there. What we're trying to do is  
5 make it feel like that could have been part of the  
6 house when it was constructed and not stand out in  
7 any specific way.

8                   And then I will just say some of the  
9 quick reasons for why we think that the variance  
10 can be accepted as presented is that in terms of  
11 dimensions, that is an existing condition that  
12 we're asking to continue just at a new height  
13 along the property line. I was doing some math in  
14 prep for this and the net height increase is just  
15 under 7-feet at that side yard. So since we  
16 already have a gable roof on that side, we're  
17 lifting that gable roof and we're ending it up  
18 with it about 7-feet higher at that side yard  
19 mass. And I want to point out that the ridge  
20 height existing is only 25-feet where we could be  
21 32-feet conforming. And we're coming in right at  
22 that 25-feet with the addition. So we feel that  
23 that minimizes the impact on that side yard  
24 neighbor. I stated before that pulling this in  
25 3-feet which would be about, you know, the inside

1 edge of this window, and leaving a one-story  
2 portion with that small piece, aesthetically, we  
3 didn't feel like that would be pleasing for the  
4 neighborhood or the adjacent neighbor. And as I  
5 stated, we matched the facade and general  
6 character of the house. And if you had looked on  
7 the cover page earlier, we're well below FAR  
8 building coverage impervious. And by allowing  
9 this variance to solve this bedroom, over existing  
10 coverage, we have no increase in density or  
11 coverage itself on the property. And that,  
12 honestly, is about it for my presentation. I'm  
13 happy to answer any questions.

14 CHAIRMAN FUSARO: Any Board Members  
15 have any questions for Mr. Ralph? Yes, Carol.

16 MS. MOLNAR: Do you know when the  
17 rear addition was added to the home?

18 MR. RALPH: You've been in the house  
19 for eight years?

20 MR. NARDULLI: Yeah. I bought it in  
21 2014. I believe it was about 10 years before  
22 that. I'm not entirely sure.

23 MS. MOLNAR: Thank you.

24 CHAIRMAN FUSARO: Any other Board  
25 Members have any questions for Mr. Ralph or the

1 Applicant? Does anyone in the audience have any  
2 questions for the Applicant or the project  
3 architect? If you do, please come forward, state  
4 your name and address for the record. Seeing  
5 none, we'll close that portion of the meeting.  
6 Any final statements, Mr. Ralph or Mr. Nardulli?  
7 No?

8 MR. RALPH: That's it. We  
9 appreciate your time. Thank you.

10 CHAIRMAN FUSARO: Thank you for your  
11 presentation. We'll close that portion of the  
12 meeting and open it up to Board discussion.  
13 You've heard from Mr. Ralph, it's a relatively  
14 cut-and-dry application. Most of the items -- a  
15 lot of the items that we're usually concerned  
16 with; building coverage, impervious coverage,  
17 etcetera, he's well underneath the allowed  
18 percentages as well FAR. They're also well below  
19 the maximum eaves height. It is an existing  
20 condition, they're basically just adding a story  
21 over the existing garage so that Mr. Nardulli's  
22 last son doesn't have to hit his head every time  
23 he walks out of his bed.

24 MR. NARDULLI: Last daughter.

25 CHAIRMAN FUSARO: Daughter, pardon



1 me. I would support the application. How does  
2 the rest of the Board feel?

3 MR. MASCIALE: Real quick, Frank.  
4 It's a little bit of massing on the side, but it's  
5 only 25-feet. And under the C2, I think the  
6 benefits outweigh my concern on the massing. It's  
7 going to change the look of it kind of like on  
8 there, but I don't think it's enough to... you  
9 know, I don't love it, but I think it's going to  
10 give them the functionality and allow them to use  
11 the room. And under C2 I think we can grant it.

12 CHAIRMAN FUSARO: Yeah. We also  
13 could grant the application as well under C1 since  
14 the lot is slightly undersized. It's 2-feet less  
15 in width. If you add that 2-feet to the 7.09, it  
16 approaches that 10-foot requirement. Any other  
17 Board Members? Yes, Carol.

18 MS. MOLNAR: I was going to say it  
19 does follow the streetscape building. So I have  
20 no problem with the changes.

21 CHAIRMAN FUSARO: Thank you. This  
22 side of the room; any comments? Questions?

23 MS. HROBLAK: In comparison to some  
24 of the additions that have come before us, this is  
25 pretty moderate.

1 MR. REISEN: Yeah. Nominal.

2 CHAIRMAN FUSARO: May I have a  
3 motion?

4 MR. REISEN: I'll make a motion to  
5 --

6 CHAIRMAN FUSARO: Approve the  
7 application.

8 MR. REISEN: -- move the application  
9 forward.

10 MS. HROBLAK: Second.

11 CHAIRMAN FUSARO: Mr. Reisen, and  
12 seconded by Ms. Hroblak. Mr. Sammet, please call  
13 the roll.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MR. SAMMET: Mr. Cohen.

17 MR. COHEN: Yes.

18 MR. SAMMET: Mr. Masciale.

19 MR. MASCIALE: Yes.

20 MR. SAMMET: Chair Fusaro.

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Ms. Hroblak.

23 MS. HROBLAK: Yes.

24 MR. SAMMET: Mr. Reisen.

25 MR. REISEN: Yes.

1 CHAIRMAN FUSARO: The application is  
2 approved. Good luck.

3 Our next application is Application  
4 ZBA 22-009, John Sun Lu, 657 Fairmont Avenue.  
5 Applicant is seeking approval to renovate the  
6 existing attached screened porch to be a sunroom  
7 with a door connecting to the existing dining room  
8 contrary to the Westfield Land Use Ordinance  
9 Section 11.07E5 where the front yard permitted  
10 setback is 39.83-feet and proposed is  
11 34-feet-4inches. Good evening.

12 MR. BAILEY: Good evening.

13 MR. LU: Good evening.

14 CHAIRMAN FUSARO: Mr. Lu, how are  
15 you?

16 MR. LU: I'm good. How are you  
17 doing?

18 CHAIRMAN FUSARO: Please raise your  
19 right hand and state your name and address for the  
20 record.

21 MR. LU: My name is Johnson Lu, 657  
22 Fairmont Avenue.

23 JOHNSON LU, having been duly sworn,  
24 was examined and testified as follows:

25 CHAIRMAN FUSARO: Mr. Bailey, please

1 state your name and address for the record.

2 MR. BAILEY: David Bailey;  
3 architect. Office address 828 South Avenue West,  
4 Westfield.

5 CHAIRMAN FUSARO: Well continue to  
6 recognize you as an expert in the field of  
7 architecture. Please raise your right hand.

8 DAVID BAILEY, having been duly  
9 sworn, was examined and testified as follows:

10 CHAIRMAN FUSARO: Thank you so much.  
11 Please proceed with your application.

12 MR. BAILEY: I'd like to show the  
13 Board the existing conditions. So go to sheet  
14 EX1, Existing Plan Elevations. If you look at  
15 Drawing 5 on EX1, Existing First Floor Plan,  
16 currently, there is a screened porch on the side  
17 of the house and the client wants to convert that  
18 into living space. We're not proposing to make it  
19 any bigger than it is. So again, it's an existing  
20 screened porch. Because it's screened in, it  
21 counts towards building coverage even though it's  
22 in the zoning front yard. But we're literally  
23 just enclosing it to make it year-round living  
24 space.

25 If you can look at the Existing

1 Elevations, Drawing 1, 2, and 3 on EX1. Again,  
2 it's a one-story screened porch, relatively low in  
3 height, and we're not changing the exterior size  
4 of it. If you look at the last sheet, PH1,  
5 Existing Photographs, it shows existing  
6 photographs of the house. And the upper  
7 right-hand corner one, Existing Plan Elevation,  
8 that's the view from the corner. So because it's  
9 a corner lot, the narrower streets side which is  
10 to the left there, that's the zoning front yard.  
11 Where the front door is, that's considered a  
12 street side yard. So as far as the impact to the  
13 neighborhood, the front door is on South Chestnut,  
14 the screened porch is on Fairmont. But because  
15 again, the definitions for yards and corner lots,  
16 that screened porch is in the existing front yard.  
17 So again, we're just taking out the screens,  
18 putting some walls in, not changing the size of  
19 the porch. So if you look at the very first  
20 sheet, A1, the proposed elevations, again, we're  
21 taking out the screens, putting some walls to give  
22 it a kind of sunroom look with panels and lots of  
23 windows. Again, not changing the height or the  
24 size of it. It's only about 14-feet high; one  
25 story.

1                   If you look at A-2, the Proposed  
2 Plans, we're not changing the foundation. The  
3 first floor is just again enclosing the room to  
4 make a living space. No change to the second  
5 floor. No change to the attic level. And then on  
6 SP1, the Site Plans, again because it's a corner  
7 lot, the estimated front yard depth of the  
8 neighbors to the left on Fairmont is around  
9 39.83-feet. It runs roughly to the middle of the  
10 existing screened porch. So the existing screened  
11 porch extends into the zoning front yard around  
12 5 1/2-feet. We're not changing the size of that.  
13 We're just turning it into living space. You can  
14 see on the two drawings there, again, the porch  
15 extends 5 1/2-feet into the front yard fair  
16 towards Fairmont. We conform with all the other  
17 setbacks. And there is an existing nonconforming  
18 building coverage and we're not increasing that  
19 because we're turning -- we'll, that's only  
20 counted towards building coverage because the  
21 screened porch is not exempt -- but the front  
22 porch ordinance. So it's already counted towards  
23 building coverage, we're just turning it into  
24 living space. And that affects FAR, which even  
25 with the 191-square-foot increase FAR because

1 we're turning a screened porch into a sunroom,  
2 we're still under the maximum FAR. We're under  
3 the maximum all building coverages of the 24%.  
4 We're under that. And the improvement coverage;  
5 we're under the maximum 50% and there was no  
6 change to that anyway because, again, it's an  
7 existing footprint. The building coverage is an  
8 existing nonconformity with no increase to that.  
9 And the setbacks are an existing nonconformity too  
10 with no increase to the nonconforming setback.

11 CHAIRMAN FUSARO: There are, I  
12 believe, six existing nonconforming variances  
13 already on this property?

14 MR. MASCIALE: There's six plus one.

15 CHAIRMAN FUSARO: The building  
16 coverage is 20% so we're at 21.79. One quick  
17 question, Mr. Bailey. On our Site Plan SP1, I'm  
18 assuming you're existing site plan shows a paver  
19 walkway coming out of the left side, which I guess  
20 would be considered the side yard or if you look  
21 at the front door, the rear yard of the property.  
22 You're removing that paver sidewalk; is that  
23 correct?

24 MR. BAILEY: Yes. Because we're  
25 getting rid of that screened door, so there's no

1 need for that pathway to nowhere.

2 CHAIRMAN FUSARO: Good.

3 MR. BAILEY: Even if you left it  
4 we're still under the improvement coverage. We  
5 took it out because we didn't have a door there  
6 anymore. It has nothing to do with zoning. But,  
7 yes, we are proposing to remove it. But it would  
8 be a path to nowhere if we kept it.

9 CHAIRMAN FUSARO: One other quick  
10 question. And, Don, maybe you can chime in here.  
11 On his SP1, on the Existing Zoning Chart, the  
12 373-square-feet of the third floor is not included  
13 in the calculation. Is that a...?

14 MR. SAMMET: Floor area ratio?

15 CHAIRMAN FUSARO: Yeah.

16 MR. SAMMET: Yeah. Areas up to 1/3  
17 of the floor area of the floor below do not count  
18 towards the FAR calculation.

19 CHAIRMAN FUSARO: Okay. I just  
20 wanted to confirm that. Thank you. I don't have  
21 any other questions. I'm very familiar with this  
22 property. I happen to live a block away up the  
23 street. I walk by it about six or seven times a  
24 week. The screened porch, obviously, you can see  
25 through. The new sunroom you won't be able to see



1 through. It is a corner property. I'm a little  
2 concerned about that extra 5-foot-5 that you're  
3 encroaching into that front yard. Even though  
4 it's already existing, like I said, you can kind  
5 of see through the screen porch where you're not  
6 going to be able to see through the sunroom. Any  
7 Board Members have any questions for the Applicant  
8 or for Mr. Bailey at this time?

9 MR. MASCIALE: I was concerned about  
10 the see-through and because we always do the front  
11 porch remain open, but I kind of feel like you  
12 really can't see through it. Like I was  
13 envisioning looking down that block, and I have  
14 less of a problem that the house on a corner lot  
15 like this messing with the streetscape because I  
16 always try to not get that creeping forward. But  
17 in this case, I don't think it's going to change  
18 much. I don't think we can really see through it  
19 that easily, but on the corner lot... I don't if  
20 you had an opinion because you walk by. I mean I  
21 run by here quite often too.

22 CHAIRMAN FUSARO: Yeah. I believe  
23 that the rest of the homes, which I guess are the  
24 average, which comes up to -- 39-point-whatever  
25 was on SP1 there -- 39.83, I guess was the average

1 along the block there. The rest of the homes  
2 along that entire block are pretty much lined up  
3 with one another. I don't think there's -- there  
4 isn't one particular home that sits a lot further  
5 back or anything forward. They are pretty much  
6 lined up with that setback, give or take a foot or  
7 two. As I said, it is a corner property, but the  
8 room is 35-feet away from the street. It's not  
9 like it's 15-feet away from the street.

10 MR. MASCIALE: I just kind of felt  
11 it wasn't changing it much, the see-through,  
12 because I don't think you can really see through  
13 it now truthfully.

14 MS. HROBLAK: You're talking about  
15 the line of sight?

16 CHAIRMAN FUSARO: Yes.

17 MS. HROBLAK: There are a lot of  
18 screens that you can't see through anyway. I'm  
19 not sure if this is one of them.

20 CHAIRMAN FUSARO: So nobody has any  
21 questions? You don't have any questions for the  
22 architect or the Applicant at this time? No?  
23 Does anyone in the audience wish to address the  
24 application, the testimony of the architect or the  
25 Applicant? If you do, please come forward, state

1 your name and address for the record. Seeing  
2 none. Are there any closing issues you'd like to  
3 present to us, Mr. Bailey or Mr. Lu?

4 MR. BAILEY: Well, the sight line on  
5 the existing photo sheets; there's some nice  
6 landscaping along there. So It isn't like it's  
7 just clean yards going up and down the street.  
8 There's a bunch of trees there if you look at the  
9 --

10 CHAIRMAN FUSARO: There's a massive  
11 tree in the sight line, right.

12 MR. BAILEY: If you look in the  
13 upper right-hand photograph, there're some trees  
14 going up Fairmont. If you look at the middle  
15 photograph, there're trees and shrubs. So it's  
16 not like it's an open park and there's a pavilion  
17 sitting in it.

18 CHAIRMAN FUSARO: Thank you,  
19 Mr. Bailey. If there are no further comments,  
20 I'll close it to that portion of the meeting and  
21 open it up to Board discussion.

22 As you've heard from the architect  
23 and the Applicant, it's basically an existing  
24 three-sided porch which is screened in and they're  
25 looking to enclose it into a full sunroom. I

1 believe Mr. Bailey did a very nice job with making  
2 the sunroom look as close to the porch as possible  
3 with, it looks like, six windows and some raised  
4 panels underneath. So I think as far as the  
5 neighborhood goes, it will certainly fit in from a  
6 design aspect. How does the rest of the Board  
7 feel? I know Chris you said you're pretty much...

8 MR. MASCIALE: Yeah. I don't think  
9 it changes much and it's only 12-feet out.

10 MR. COHEN: It's not exacerbating  
11 the existing nonconformity. They're just closing  
12 it in.

13 CHAIRMAN FUSARO: Right. There are  
14 numerous existing nonconformities, and I believe  
15 there was also a -- this application was before  
16 the Board back in --

17 MR. REISEN: 2017, I think.

18 CHAIRMAN FUSARO: In 2017, right.

19 MR. REISEN: I think that's what it  
20 said.

21 CHAIRMAN FUSARO: For an increase in  
22 coverage above the 20% to 21.79. And also, the  
23 setback from what was required at 10-feet, and  
24 they approved 5.7. So that's kind of where we are  
25 today. Any other Board Members have any comments?

1 Allyson, no?

2 MS. HROBLAK: They have a lot of  
3 room in the FAR.

4 CHAIRMAN FUSARO: You're good?  
5 Okay. Seeing no further comments from the Board,  
6 may I have a motion?

7 MR. COHEN: Move to approve the  
8 application as submitted.

9 MS. MOLNAR: Second.

10 CHAIRMAN FUSARO: Mr. Cohen,  
11 seconded by Ms. Molnar. Mr. Sammet, please call  
12 the roll.

13 MR. SAMMET: I'll go around the  
14 other way. Mr. Reisen.

15 MR. REISEN: Yes.

16 MR. SAMMET: Ms. Hroblak.

17 MS. HROBLAK: Yes.

18 MR. SAMMET: Chair Fusaro.

19 CHAIRMAN FUSARO: Yes.

20 MR. SAMMET: Mr. Masciale.

21 MR. MASCIALE: Yes.

22 MR. SAMMET: Mr. Cohen.

23 MR. COHEN: Yes.

24 MR. SAMMET: Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. BAILEY: Thank you.

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

4 MR. LU: Thank you so much.

5 CHAIRMAN FUSARO: Have a good  
6 evening.

7 The next application is Application  
8 Number ZBA 22-010, Andrew Davlouris, 418 Westfield  
9 Avenue. Applicant is seeking approval to create a  
10 dormer to an existing bedroom contrary to  
11 Westfield Land Use Ordinance Section 11.21E5 where  
12 minimum street side yard permitted is 20-feet and  
13 proposed is 13.9-feet. Section 11.21E7 where rear  
14 yard setback permitted is 50-feet and proposed is  
15 9.6-feet. And Section 11.21E9/12.04E where FAR  
16 permitted is 37% and proposed is 50.61%.

17 Just before we get started, I want  
18 to -- I'm assuming you're the Applicant?

19 MR. DAVLOURIS: I am. I'm Andrew.

20 CHAIRMAN FUSARO: I apologize for  
21 probably mispronouncing your last name.

22 MR. DAVLOURIS: It's okay.

23 CHAIRMAN FUSARO: How is it  
24 pronounced?

25 MR. DAVLOURIS: Davlouris.

1 CHAIRMAN FUSARO: Okay. Can you  
2 please state your name and address for the record?

3 MR. DAVLOURIS: Andrew Davlouris,  
4 418 Westfield Avenue.

5 ANDREW DAVLOURIS, having been duly  
6 sworn, was examined and testified as follows:

7 CHAIRMAN FUSARO: I just want to  
8 make you aware, Mr. Davlouris, that this is a  
9 D Application. Even though some of the paperwork  
10 that we have received only classifies it as a  
11 C Application. Being that it's a D Application  
12 because of the FAR requirement that you're asking  
13 for it will require five affirmative votes from  
14 the Board. We normally have seven members sitting  
15 on the Board. This evening, we only have six.  
16 It's your discretion whether you'd like to come  
17 back to another meeting or whether you would like  
18 to proceed with the six members that we currently  
19 have knowing that you need five affirmative votes  
20 for that FAR variance to move forward.

21 MR. DAVLOURIS: I prefer to present  
22 it today if we can.

23 CHAIRMAN FUSARO: Okay. Perfect.  
24 Thank you. Please proceed with your application.

25 MR. DAVLOURIS: So a single-family

1 home, my nonconforming blows everything out of the  
2 water. This is a really small corner lot that was  
3 subdivided a number of years ago. We're seeking  
4 to create a shed roof on an existing gable roof  
5 just to just create some more head space to an  
6 existing master bedroom and make the space more  
7 usable. The variances that we're requesting,  
8 while we need variances for that we still fall  
9 below what the existing footprint of the house is.  
10 So we're seeking relief for that.

11 It's a really very unusable space.  
12 It was converted to a bedroom prior to our buying  
13 the house and we just simply -- we're just kind of  
14 bursting at the seams. I have two teenage boys  
15 and it's -- I'm using one of their closets and  
16 it's just not working great. So that's why we're  
17 here.

18 MR. SAMMET: Mr. Davlouris, apart  
19 from your addition, I found when I was looking at  
20 the prior plans and the plans you proposed there's  
21 a shed in the side yard?

22 MR. DAVLOURIS: Yes.

23 MR. SAMMET: What's there now  
24 appears to be different than what was shown at the  
25 time of the subdivision. Did something change



1       there?  Because I think the shed that's there now  
2       would require variances.  And I noted them in my  
3       report.

4                   MR. DAVLOURIS:  I saw that when you  
5       sent it, and it's the exact same shed that was  
6       there when we purchased the house.  It's probably  
7       40 to 50 years old is my guess.  And I know that  
8       when I looked at that, I never picked that up.  
9       They show this different size.

10                   MR. SAMMET:  Yeah.  Different size.  
11       Different configuration; if you will.

12                   MR. DAVLOURIS:  We changed the doors  
13       on it and painted it.  And short of that, we  
14       really haven't done anything to it.  The shed is  
15       not visible from the street.  It's not visible  
16       from the neighbor's yard unless you're on the  
17       second floor looking down.

18                   CHAIRMAN FUSARO:  There're several  
19       issues with the shed.  A; it's oversize.  B; it's  
20       too close to the property line.  And C; it's too  
21       close to the house.  So that would require three  
22       variances.

23                   MR. SAMMET:  Three variances.  
24       Though we do put the catchall provision in the  
25       notice and the additional variances and waivers

1 that may be required. So I think the notice is  
2 taken care of.

3 MS. RAZIN: The catchall?

4 MR. SAMMET: The catchall is there.

5 CHAIRMAN FUSARO: So it will require  
6 additional notices; right?

7 MS. RAZIN: No. The catchall is  
8 there. And like that, it's not...

9 MR. SAMMET: The catchall covers it  
10 all. Just so the Board is aware of what I'm  
11 saying, the subdivision plan; I included a sheet  
12 from that as the last page of my report. It shows  
13 a shed in the side yard location, but it's, if you  
14 will, coming out perpendicular to the house. It  
15 has a shorter depth than is shown on the existing  
16 property survey. So, the gut is, well, the shed  
17 changed, but Mr. Davlouris' testimony is, nope,  
18 it's the same shed, the same place. So either the  
19 existing surveys are wrong or the subdivision  
20 plans from back all those years ago was drawn up  
21 wrong.

22 CHAIRMAN FUSARO: The lot, I guess  
23 when it was subdivided, obviously both those lots  
24 are severely undersized where 10,000-square-foot  
25 is required; this is 3,412. Even when the two

1 lots were together, that was still undersized. I  
2 don't know how that subdivision got through.  
3 Well, I did read the...

4 MS. MOLNAR: Should we add the shed  
5 to the variance, the new variances?

6 CHAIRMAN FUSARO: I guess it was two  
7 different houses. Yeah, a two-family house and a  
8 one-family house. So I guess that was the  
9 mitigating factor.

10 MR. MASCIALE: Do we want to address  
11 it and give approval or denial to the shed tonight  
12 or do we just want to ignore it because we've  
13 heard testimony that nothing had changed, and the  
14 Applicant is coming forward. I don't have a  
15 problem if nothing has changed. If something  
16 changed with the shed, then I would have a problem  
17 with it.

18 MS. RAZIN: I think that you should  
19 probably address it if it's not approved somewhere  
20 else or -- I mean it's not going to move or -- and  
21 there's nothing that --

22 MR. MASCIALE: It's a 50-year-old  
23 shed that hasn't changed.

24 MS. RAZIN: If you're not going to  
25 grant relief for it --

1                   MR. MASCIALE: I say we just move  
2 on. I would have a problem if something changed  
3 with it.

4                   MR. REISEN: We could always attach  
5 it as a condition. Could we, even though it's not  
6 brought up? About the shed, that it not be -- if  
7 it is changed, then they need to come before the  
8 Board for a variance.

9                   CHAIRMAN FUSARO: Add a condition  
10 that if the shed were to be modified that...

11                   MS. RAZIN: Yes.

12                   MR. MASCIALE: I like that.

13                   MR. COHEN: It wouldn't be an issue,  
14 but is there the possibility that zoning or  
15 somebody is going to catch it when he either sells  
16 the house or is there going to be a CO issue going  
17 forward or something with the next owner or  
18 something?

19                   MR. MASCIALE: He'll have to take it  
20 down.

21                   MR. DAVLOURIS: I would suggest that  
22 -- the reality is when this property gets sold,  
23 it's being sold to a developer. Because  
24 everything around me is owned by a developer in  
25 anticipation of building a much larger project.

1 I'm kind of biding my time until my kids are out  
2 of school and that's ultimately what's going to  
3 happen. Not that that impacts what the Board  
4 decides, but that's the reality.

5 MR. SAMMET: I will say that as part  
6 of the subdivision application, there was a  
7 variance granted for the shed being in the side  
8 yard. So it was acknowledged at that time. So  
9 whatever was shown on that subdivision plan did  
10 get the variances. And if it's the same that was  
11 there, then we're good.

12 CHAIRMAN FUSARO: Well, we'll just  
13 stack a condition that if we do approve the  
14 application that says the shed still remain. If  
15 it at some future date comes down, then obviously  
16 it will require a variance with respect to the  
17 items I just mentioned.

18 MR. SAMMET: Yeah. Thank you very  
19 much. I just wanted to get that out of the way  
20 right away.

21 MR. DAVLOURIS: I appreciate that.

22 CHAIRMAN FUSARO: Okay.

23 MR. DAVLOURIS: So my existing floor  
24 plan in the bedroom has essentially has -- my  
25 walls follow the rafters. But obviously, as you

1 get closer to the edge of the home, we where we  
2 use storage space. We have dressers and things  
3 pushed against those walls because you can't  
4 stand. What we're looking to do is just simply  
5 bump up the one side roof with a shed roof going  
6 across the front of the home. We actually only  
7 need it on part of the home, but the original  
8 design that the architect presented, it just  
9 looked awkward from the street having this kind of  
10 half-shed dormer. So the shed dormer got carried  
11 across the entire length of the home. There are  
12 four similar properties to this on Westfield  
13 Avenue. In fact, one of them, I'm sure they're  
14 conforming because they have much larger lots, but  
15 one of them is having the exact same dormer put on  
16 as we speak. It's going to be tarped because  
17 they're framing it out.

18 MR. MASCIALE: Let me slow you down.  
19 Frank, I just want to go back. I'm looking at  
20 A-2, and I'm looking at the exterior elevation  
21 proposed left side with dormer. This is the  
22 1st Street, I believe. And there's a picture of  
23 what's existing with the triangle dormer, and then  
24 there's the proposed drawing to the right of that  
25 with the new dormer, which is showing the

1 expansion; and that's your addition?

2 MR. DAVLOURIS: Correct.

3 MR. MASCIALE: And that's on the  
4 1st Street side, and it's not coming out any  
5 further?

6 MR. DAVLOURIS: It's being pushed  
7 back, actually.

8 MR. MASCIALE: It's actually being  
9 pushed back a little bit so it doesn't come to the  
10 edge.

11 MR. DAVLOURIS: That triangular  
12 dormer comes out.

13 CHAIRMAN FUSARO: The shed dormer is  
14 installed and I'm assuming that railing that you  
15 have there is just a decorative railing?

16 MR. DAVLOURIS: We're not even  
17 putting that in. The architect put that in. We  
18 just didn't like it. It was more trouble to have  
19 to take it out at this point. If you look at A-3,  
20 that gives you a better sense of what the dormer  
21 would look like.

22 MS. MOLNAR: Now, are you building  
23 -- the third floor will be a full third floor;  
24 correct?

25 MR. DAVLOURIS: Excuse me?

1 MS. MOLNAR: The third floor will be  
2 a full third floor?

3 MR. DAVLOURIS: It still won't be a  
4 full third floor because the -- I guess that's the  
5 west side of the house. It continues to have the  
6 roofline following the rafters. It's been framed  
7 out to about a 4 1/2-foot-high knee wall.  
8 Mechanical equipment is back there. We've got a  
9 little bit of storage that's tucked under there.

10 MR. MASCIALE: Yeah. I mean there's  
11 really not that much of an addition. I don't see  
12 it as a full third story.

13 CHAIRMAN FUSARO: You're not  
14 changing the pitch of the existing roof or  
15 anything else. You're just basically taking out  
16 the triangular portion where the single window is.  
17 And I guess it looks like you're possibly pushing  
18 it back some and adding a shed dormer there.

19 MR. DAVLOURIS: Right. It goes back  
20 a fair amount because there's a little bump-out.  
21 If you see, the three-sided bump-out to the left  
22 side of the house, so it's getting pushed back  
23 beyond, you know, behind that.

24 CHAIRMAN FUSARO: And you're lining  
25 up the ridge of your new shed dormer with the



1 ridge of the house?

2 MR. DAVLOURIS: Yes. Correct.

3 CHAIRMAN FUSARO: If you look at the  
4 drawing, remember I had a question with the  
5 railing?

6 MR. MASCIALE: Yes.

7 CHAIRMAN FUSARO: The windows, look  
8 at A-4, it shows a door -- probably those casement  
9 windows that open up the lower proposed -- I mean  
10 the electric lighting changed proposed third  
11 floor. I'm assuming those are not doors that open  
12 up to a little porch area?

13 MR. DAVLOURIS: No. Those are  
14 casement windows. And again, we would not put  
15 casement windows in because the entire house has  
16 double-hung windows, so we put double-hung in.  
17 Those are just cosmetic corrections that we had  
18 made. You can also, if you look at A-4, that same  
19 lower-right drawing, you can get a sense of, I  
20 guess, the footprint of the third floor that's not  
21 used space. Again, it's probably where that knee  
22 wall is, is probably right around 4-feet high,  
23 maybe a little bit less. And there's all  
24 mechanical equipment tucked in that. If you look  
25 beyond the bathroom, that's just simply dead

1 space. That's completely closed off.

2 CHAIRMAN FUSARO: You're basically  
3 adding space to your walk-in closet leading to  
4 your master bath?

5 MR. DAVLOURIS: Correct.

6 MS. MOLNAR: So the shower and  
7 bathroom will have a sloped roof?

8 MR. DAVLOURIS: The shower and  
9 bathroom don't get touched.

10 MS. MOLNAR: But right now, there's  
11 a sloped roof?

12 MR. DAVLOURIS: The shower has a  
13 sloped ceiling in it, yes. And actually, the  
14 vanities have a sloped ceiling.

15 CHAIRMAN FUSARO: Any other Board  
16 Members have any questions for the Applicant at  
17 this time? Does anyone from the audience wish to  
18 address the application? If so, please come  
19 forward, state your name and address for the  
20 record. Seeing none. We'll close that portion of  
21 the meeting. Mr. Davlouris, are there any other  
22 items you'd like us to -- or closing statements  
23 you'd like to make before we take a vote?

24 MR. DAVLOURIS: No. Just that I  
25 think it's actually a fairly attractive dormer

1 that's getting get put on it. I don't think it  
2 really detracts from the neighborhood in the  
3 least. It makes it a lot more usable for us. And  
4 I hope you'll consider it.

5 CHAIRMAN FUSARO: Thank you. We'll  
6 close that portion of the meeting and open it up  
7 to Board discussion. We heard about the shed, as  
8 I think I've mentioned, if we do approve the  
9 application, I would like to see a condition in  
10 there something along the lines of as long as the  
11 existing shed remains that it would be fine, but  
12 if it were to be removed, any new shed would  
13 require them to come before us for variances for  
14 the three issues that we mentioned before; the  
15 size, the side yard setback, and distance from the  
16 existing home. Which looks like it's, according  
17 to this site plan, is less than a foot .8-feet.  
18 It's only like 9-inches away from the home.

19 I'm a little concerned with the  
20 small size of this lot. But as you've read, the  
21 previous appeal, which was approved, back on  
22 October 14, 2009, the reason, the mitigating  
23 reason I believe was that there were two homes on  
24 one lot and they decided at that time to approve  
25 the subdivision simply for obvious reasons of a

1 two-family house versus a single-family home. I  
2 certainly wouldn't want two different uses on one  
3 piece of property. That having been said, I'm a  
4 little on the fence about this. What does the  
5 rest of the Board think?

6 MR. MASCIALE: I like it because  
7 it's facing 1st Street. I don't think it has an  
8 impact on the neighbors. When I first saw the  
9 subdivision I had a lot of strong thoughts. And  
10 then I saw what the Applicant is doing and the  
11 middle wall. I think it's going to get a lot of  
12 versatility with no impact to the neighbors. And  
13 actually now, the setback, I'm even more in favor  
14 of it. I think it's a good use of the space and I  
15 support the application.

16 CHAIRMAN FUSARO: Thanks. I'm  
17 pretty familiar with the area. The dormer that  
18 we're discussing is actually facing the church,  
19 Holy Trinity. And as the Applicant has mentioned,  
20 several of the homes in that area, I believe,  
21 belong to a developer. I'm pretty sure the other  
22 two next to him on Westfield Avenue. I know those  
23 homes from way back when. How does the rest of  
24 the Board feel?

25 MS. MOLNAR: What was your comment?

1 I couldn't hear it. About Westfield Avenue.

2 CHAIRMAN FUSARO: My comment, I said  
3 the dormer would be facing Holy Trinity Church.  
4 So it's not like one of the neighbors would be  
5 staring at it. And it is a corner property.  
6 Obviously, a C1 Variance for obvious reasons. The  
7 lot is nowhere near conforming in any of the  
8 required zoning for that area. Although, it is in  
9 a professional office district which, you know,  
10 kind of comes into play with some different zoning  
11 as well.

12 MS. MOLNAR: Do we know where the  
13 Applicant parks?

14 CHAIRMAN FUSARO: Say that again.

15 MS. MOLNAR: Where does the  
16 Applicant park his car?

17 CHAIRMAN FUSARO: That's a good  
18 question. We can certainly ask that. We're  
19 reopening it to the Applicant.

20 The question is: Where are your  
21 vehicles parked?

22 MR. DAVLOURIS: There's a driveway  
23 between the two houses that were subdivided. And  
24 there're two parking spaces there.

25 MS. MOLNAR: But the tenants get two

1 spots too, one per each apartment; right?

2 MR. DAVLOURIS: The tenants park on  
3 the street.

4 MS. MOLNAR: I thought that at a  
5 prior hearing they had to give two spots.

6 CHAIRMAN FUSARO: The two spots are  
7 for your property, not the two-family next door?

8 MR. DAVLOURIS: Correct. Well, the  
9 way -- I still own the property next door. The  
10 subdivision line essentially splits the driveway  
11 in half. Legally, if I sold it, I would have one  
12 parking space. I have a fence up that I can  
13 remove and park three cars. So I could get two on  
14 one side and one on the other. But we keep a  
15 little bit of a backyard -- courtyard more than a  
16 backyard.

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

19 MS. MOLNAR: Yeah. Wait. On the  
20 appeal, it says, "the engineer testified that  
21 we're providing two spaces on-site for the  
22 two-family use, and one space for the  
23 single-family use." Paragraph 11.

24 CHAIRMAN FUSARO: So that's not what  
25 we heard from --

1 MS. MOLNAR: So it must be stacked.  
2 You do stacked parking?

3 MR. DAVLOURIS: Yes. That's what  
4 was approved when we applied for the subdivision.  
5 And half a dozen years after that, we simply put a  
6 fence up just to create some privacy for a  
7 courtyard. So we eliminated one of the parking  
8 spaces. It's never been an issue in our  
9 neighborhood. The only challenge in parking there  
10 is, you know, Sunday mornings when Holy Trinity is  
11 in service and when they have holidays. But other  
12 than that, we've never had an issue the number of  
13 years we've had -- right now, my neighbors have  
14 three cars.

15 CHAIRMAN FUSARO: Is that an issue  
16 since it was part of the previous approval?

17 MS. RAZIN: Well, if we're going to  
18 carry forward any conditions of the prior  
19 approval, we can say that's as modified here in  
20 the testimony. So we can modify about that  
21 parking arrangement and modify as we want. But we  
22 want to stipulate that that's how you want the  
23 parking or you want to --

24 MR. MASCIALE: But are we carrying  
25 forward or not carrying forward?

1 MS. RAZIN: I don't think, that's  
2 what I'm -- you don't have to carry it forward;  
3 that's A.

4 MR. MASCIALE: I don't think we're  
5 carrying forward.

6 MS. RAZIN: And B; you can just  
7 accept the testimony as it is and just, you know,  
8 you don't have to stipulate that that's -- you  
9 don't have to stipulate a parking arrangement  
10 because we're not dealing with the other property  
11 right now; right?

12 MR. MASCIALE: Right.

13 MS. RAZIN: So don't have to  
14 stipulate anything...

15 CHAIRMAN FUSARO: So we'll deal with  
16 it when it comes back the next time?

17 MS. RAZIN: Right.

18 MS. HROBLAK: We're talking about a  
19 dormer.

20 MS. RAZIN: That's what I'm saying.  
21 We don't have to stipulate how this other property  
22 parks as long as you heard testimony that you're  
23 satisfied that there's parking that accommodates.

24 MS. HROBLAK: Because he owns. He  
25 said he owns both homes. So he could park in



1 either one; he's the owner.

2 MR. MASCIALE: I think he can figure  
3 it out.

4 MS. RAZIN: If they came back,  
5 certainly that's an issue that you could address  
6 on the other side.

7 CHAIRMAN FUSARO: Sam, any comments?

8 MR. REISEN: No. I was just looking  
9 at the setback thing, but Don pretty much  
10 explained it to me. Because I saw it's not nine,  
11 it's 16 actually.

12 MR. SAMMET: Yeah. Just for the  
13 record, the Applicant noticed for a 9.6-foot rear  
14 yard setback, proposed it's actually a 16-foot  
15 rear yard setback that's proposed. It's still a  
16 variance situation, but much less intense of a  
17 variance they noticed for.

18 MS. HROBLAK: So it's a betterment?

19 MS. RAZIN: Yes.

20 MS. HROBLAK: So if you were  
21 concerned about the setback, you wouldn't come  
22 because you would have already been here?

23 MR. SAMMET: Oh, yeah.

24 MR. REISEN: I'd be afraid someone  
25 would worry about that, but since there's no one

1 here. And I think the Applicant said -- does he  
2 own that property? I think so. Anyone?

3 MR. SAMMET: Yeah.

4 MR. REISEN: Yeah, so it's not a  
5 problem.

6 CHAIRMAN FUSARO: It's a tight  
7 corner certainly with two homes that were  
8 subdivided in that area. I don't have any other  
9 comments. It appears that the Board is mostly in  
10 favor of the application. That being said, can I  
11 have a motion?

12 MR. MASCIALE: I'll make a motion to  
13 accept the application with the added condition  
14 that if the existing shed which was prior approved  
15 is changed in any significant way with regard to  
16 setbacks or other calculations for compliance that  
17 it would need to come back in front of the Board.

18 MS. HROBLAK: Second.

19 CHAIRMAN FUSARO: Second by  
20 Ms. Hroblak. Mr. Sammet, please call the roll.

21 MR. SAMMET: Ms. Molnar.

22 MS. MOLNAR: Yes.

23 MR. SAMMET: Mr. Cohen.

24 MR. COHEN: Yes.

25 MR. SAMMET: Mr. Masciale.

1 MR. MASCIALE: Yes.

2 MR. SAMMET: Chair Fusaro.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: Ms. Hroblak.

5 MS. HROBLAK: Yes.

6 MR. SAMMET: Mr. Reisen.

7 MR. REISEN: Yes.

8 CHAIRMAN FUSARO: Your application  
9 is approved. Good luck.

10 MR. DAVLOURIS: Thank you all. Have  
11 a great night.

12 CHAIRMAN FUSARO: It's approaching  
13 9:00. We'll take a quick 10-minute break. So  
14 it's 8:55, we'll see everyone back here at 9:05.

15 (Break taken.)

16 CHAIRMAN FUSARO: We're back. The  
17 next application is Application ZBA 22-003,  
18 Alvin and Anjulika Saini, 22 Stoneleigh Park.  
19 Applicant is seeking approval to construct an  
20 inground pool, patio area, walkway, cabana, and  
21 fencing contrary to the Westfield Land Use  
22 Ordinance Section 13.01G1a where pool or accessory  
23 is to be located in the rear yard and proposed is  
24 the front yard. Section 13.02D3 where swimming  
25 pools are permitted in the rear yard and proposed

1 is the front yard. Section 13.02I1 where  
2 permitted patio location is the rear yard and  
3 proposed is the front yard. And Section 12.07C  
4 where permitted front yard fence height is 4-feet  
5 and proposed is 6-feet.

6 Mr. Hehl, good evening.

7 MR. HEHL: Mr. Chairman and Board  
8 Members, Steven Hehl representing the Applicants.  
9 It's great to see you all again. And thank you  
10 for your time and consideration this evening.  
11 This is an application for a pool, cabana, patio,  
12 and walkway technically in the front yard. As  
13 usual, Mr. Sammet did a great job with an overview  
14 of his report explaining the situation. We have  
15 what's called a "through lot." The first 40 or so  
16 feet that faces Dorian that faces the high school  
17 is considered your front yard, which severely  
18 limits the ability to put these types of  
19 improvements. This application; that's the only  
20 relief that we're seeking for the structures in  
21 the front yard as opposed to a rear yard. We meet  
22 coverage, all other variance -- all other  
23 conditions under the ordinance.

24 Again, Mr. Sammet's report points  
25 out the criteria. We have Mr. Watson that will

1 explain the justification for the variances. And  
2 again, you'll see from the photographs and if  
3 you've gone by the property, it's heavily  
4 landscaped. Mature trees and the like that will  
5 remain. They'll be a solid fence. We're not  
6 seeking relief from the fence ordinance. It's  
7 just the location of the pool. And it's the only  
8 place that it can possibly go. Again, it's a  
9 practical matter. It's a rear yard that we're  
10 looking to place it in. It just so happens to  
11 front to 2nd Street. And this is a bit of a  
12 unique situation because what do we face, we face  
13 the high school.

14 So that's an overview of our  
15 application. I will say -- and my client, Alvin,  
16 will talk about it -- they did work extensively  
17 with the Historic Commission even though it wasn't  
18 technically deemed to be a historic home. But  
19 they did work extensively, and it's a beautiful  
20 home that's being done there. But again, with a  
21 lot of feedback and input from the Historic  
22 Commission. So what I'd like to do first  
23 Mr. Chairman and Board Members, is call upon  
24 Mr. Watson, James Watson, to take us through the  
25 plan that his office has prepared and then provide

1 the planning justification for the relief that we  
2 sought.

3 CHAIRMAN FUSARO: Good evening,  
4 Mr. Watson.

5 MR. WATSON: Good evening.

6 CHAIRMAN FUSARO: I know you've  
7 appeared before the Board this year so we'll  
8 continue to accept you as an expert in the fields  
9 of engineering and planning.

10 MR. WATSON: Thank you.

11 CHAIRMAN FUSARO: Please raise your  
12 right hand. State your name and address for the  
13 record.

14 MR. WATSON: Sure. James Watson,  
15 W-a-t-s-o-n, EKA Associates, 328 Park Avenue,  
16 Scotch Plains.

17 JAMES WATSON, having been duly  
18 sworn, was examined and testified as follows:

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

21 MR. WATSON: Okay. What I'll do is  
22 take you through the plans, and then I'll give you  
23 the planning justifications. You have a  
24 three-sheet set of plans titled Variance Plan Tax  
25 Lot 3, Block 4209. Upper right-hand corner is the

1 key map. Approval blocks below that. Our title  
2 block and table of contents in the lower  
3 right-hand corner. General notes in the bottom  
4 left as well as an owners list in the top left.  
5 The center of the sheet has your tax map data with  
6 buildings within 200-feet, and your zoning  
7 criteria overlaid on top of that.

8                   The big thing about tonight is  
9 you'll notice Stoneleigh Park, which is the street  
10 that our front door faces, is on the southeasterly  
11 side. And on the northwesterly side is Dorian  
12 Road. That creates the through-lot. If you can  
13 look at the bottom in the center of the sheet, you  
14 have a schedule of general requirements for the  
15 RS-16 zone. I'm not going to go through all of  
16 them, but Mr. Hehl enumerated the variances that  
17 we're requesting are for the pool, the patio, the  
18 walk all to be in the rear yard and a 6-foot fence  
19 -- I'm sorry, all to be in a front yard by your  
20 zoning definition -- and a 6-foot fence in your  
21 front yard as per your zoning criteria.

22                   Moving to the second sheet of the  
23 set of plans titled Grading Plan, Tax Lot 3,  
24 Block 4209 with a last revision date of  
25 December 13, 2021. You'll see in the upper

1 left-hand corner a grading plan for the new house.  
2 We kind of split this up. We went; got a permit  
3 to start construction on the house. So there are  
4 no variances required for that. That is currently  
5 under construction if you've been to the site.  
6 What we're here for tonight is on the Dorian Road  
7 side of the house, you'll see the patio, the pool  
8 and the cabana and the walkways, and the 6-foot  
9 fence that goes around that encloser. Below that,  
10 again, we have the scheduled general requirements  
11 for the RS-16. Construction details along the  
12 right-hand side because we used this plan to get  
13 the building permit when he started the  
14 construction on the house.

15 That's it for the set of plans.  
16 They're pretty simple. Does anybody have a  
17 question about any of this before I jump into  
18 panning?

19 CHAIRMAN FUSARO: Go ahead, Carol.

20 MS. MOLNAR: On the fencing on  
21 Dorian Road, are there any plans for any kind of  
22 landscaping, arborvitae or anything?

23 MR. WATSON: What we can do -- do  
24 you want to do the exhibit now?

25 MR. HEHL: Sure.



1                   MR. WATSON:  When we were out there  
2                   on December 8th of 2021, the field crew, as a  
3                   practice, takes pictures of the whole lot.  So  
4                   you're looking at the old house if you see a house  
5                   in here.  That house is now gone.

6                   MS. RAZIN:  Mr. Hehl, do you want to  
7                   mark that?

8                   MR. HEHL:  Yeah.  It's three  
9                   photographs.

10                  MR. MASCIALE:  Can I just ask?  Are  
11                  we going to hear testimony?  Because my question  
12                  was is the landscaping going to stay or not?  Is  
13                  that going to follow later?

14                  MR. WATSON:  No.  I was going to get  
15                  to that when I discussed the exhibit.

16                  MR. MASCIALE:  Sure.

17                  CHAIRMAN FUSARO:  Can we mark this?

18                  MS. RAZIN:  Mr. Hehl, I'm going to  
19                  mark this A-1, three-page photo exhibit.

20                  MR. HEHL:  Yes.

21                  MS. RAZIN:  Landscaping exhibit?

22                  MR. WATSON:  Yup.

23                  MS. RAZIN:  Yes?

24                  MR. HEHL:  Yes.

25                  MS. RAZIN:  A-1, Three-page

1 Landscaping Exhibit.

2 MR. WATSON: And if you need the  
3 date again, it's December 8, 2021, when the  
4 photographs were taken.

5 MS. RAZIN: December 8?

6 MR. WATSON: December 8, 2021.

7 MS. RAZIN: Got it.

8 (Whereupon, Applicant's Exhibit A-1,  
9 THREE-PAGE LANDSCAPING EXHIBIT DATED 12/08/2021,  
10 was marked for identification.)

11 MR. WATSON: The first sheet you see  
12 was taken on the northeasterly side of the  
13 property at the back of the original home. You're  
14 looking at Dorian Road. And if you look over the  
15 top, you can see a portion of the high school.  
16 All of the landscaping that's along the perimeter  
17 of the side yards and the rear yard is proposed to  
18 stay. We're not touching any of that. The second  
19 picture; I don't think we -- well, you can see the  
20 gate, it's screened back -- but there's a gate in  
21 the middle of this yard. There's a wall with a  
22 4-foot wrought iron fence on top. The second  
23 picture is taken standing on the sidewalk in  
24 Dorian Road and looking to the northeast. That's  
25 up this way. (Indicating.) And the third picture

1 is standing in the same spot looking toward the  
2 southwest. That's going that way (Indicating.)  
3 So to answer your question, yes, we're keeping all  
4 the landscaping that is there now and we don't  
5 propose to change any of it.

6 Moving on to the planning if  
7 there're no other questions.

8 CHAIRMAN FUSARO: I have a couple of  
9 questions. I see that at the rear of the cabana  
10 you're proposing a 3-foot-by-foot concrete pad.  
11 It looks like those are exit doors or a pair of  
12 doors exiting the cabana, and a new set of steps  
13 walking out onto Dorian Road. Are those stairs  
14 there for a reason? Is that access to Dorian  
15 Road? Is there a reason why it's there?

16 MR. WATSON: Yeah. If you need to  
17 get access to Dorian Road so you don't have to  
18 walk all the way around. Because you're going to  
19 have a 6-foot fence there, we figured to put a  
20 gate, and that way if you have to deliver  
21 something for the cabana, you can park on Dorian,  
22 sneak through, put it in the cabana.

23 CHAIRMAN FUSARO: It's not for your  
24 guest to hang out on Dorian, come in, use the  
25 cabana, and then use the swimming pool?

1 MR. WATSON: No. I'm sure our  
2 Applicant would greatly discourage that. I'm sure  
3 that will be locked.

4 CHAIRMAN FUSARO: And I see the pool  
5 is 450-square-feet, the hot tub is another 49, so  
6 you've got 500-square-feet.

7 MR. WATSON: Right. We have a fire  
8 pit too. I don't know if you have to list that  
9 stuff separately.

10 CHAIRMAN FUSARO: That's all I have.  
11 Does anybody have any site plan questions from the  
12 Board for Mr. Watson before he gets into the  
13 planning aspect of it?

14 MS. MOLNAR: You show shrub planning  
15 detail. Where would they be going?

16 MR. WATSON: If they had to, we just  
17 put it on. We assumed that there may be some more  
18 planting, so we stuck it on. But we don't show  
19 anything because there's not a lot of room after  
20 the -- I mean, we are taking a couple of trees out  
21 over by the cabana, but that's towards the back of  
22 the entire buffer, if you will, along Dorian Road  
23 is staying.

24 MS. MOLNAR: These two trees are  
25 going?

1                   MR. WATSON: Yeah. There's like  
2 three right there in that corner; the deciduous  
3 ones. But everything that's evergreen is staying.

4                   CHAIRMAN FUSARO: Mr. Watson,  
5 there's a curved retaining wall on the left side  
6 of the property as well. Is that simply there for  
7 grading; grade purposes?

8                   MR. WATSON: Yeah. The lot is  
9 basically flat. If the walls weren't around the  
10 rear and the sides, this would drain from  
11 Stoneleigh towards Dorian. If you look at the  
12 picture, probably second or third, you can see  
13 that stone wall right behind the fence. So you  
14 probably have a 2, 2 1/2-foot-fall from Stoneleigh  
15 towards Dorian.

16                  CHAIRMAN FUSARO: And the proposed  
17 fence, the existing -- I'm going to call it "open  
18 wrought iron-type fence" -- is currently installed  
19 at the bottom of the wall?

20                  MR. WATSON: Correct.

21                  CHAIRMAN FUSARO: Would the new  
22 fence be in the same location or would it be on  
23 top of the wall?

24                  MR. WATSON: I would assume you  
25 could put it in the same location because that

1 gives you the 6-foot barrier from getting in. If  
2 you would prefer it on top, we can do that.  
3 That's not a problem. I just don't want to get  
4 too far off of that wall because now, you're  
5 cutting back trees.

6 CHAIRMAN FUSARO: Thank you. Any  
7 other engineering questions for Mr. Watson? No?  
8 Please proceed.

9 MR. WATSON: Tonight, we're going to  
10 proceed under the two criteria. The C1 criteria,  
11 obviously, this is a hardship. The law allows any  
12 particular situation that affects a piece of  
13 property that causes an undue hardship, we can get  
14 relief. Basically, because of the definition of a  
15 through-lot, we don't have a backyard. We just  
16 can't put a pool anywhere. And if you look -- and  
17 this goes to the C2 part -- if you look at  
18 Stoneleigh Park, this was developed around 1910.  
19 They were called "Villa Estates" back then. On  
20 the original map and what's there now, there're 22  
21 lots that ring Stoneleigh Park. There're seven in  
22 the middle, but I'm talking about the 22 that ring  
23 this. Out of the 22, 18 of them are a  
24 through-lot. So more than half the neighborhood  
25 has this situation. If you look at the cover

1 sheet, you can see a number of garages. We didn't  
2 show pools, but there are a number of sheds,  
3 pools; a lot of people have this. Everybody has  
4 the same problem. And that goes to your C2  
5 argument when you talk about streetscape and  
6 character of the neighborhood. This is definitely  
7 the main character of the neighborhood is a  
8 through-lot. So because the zoning criteria  
9 changed back in the 90s I would say, now all of  
10 these lots have to deal with this every time they  
11 do something in their backyard. And again, C-1  
12 hardship is relative here and I think that's your  
13 main argument for granting relief. And finally --

14 MR. MASCIALE: C1, being that it's a  
15 through-lot?

16 MR. WATSON: It's a through-lot.  
17 You just don't have a backyard.

18 MR. MASCIALE: I just want to make  
19 sure your C1 was a through-lot.

20 MR. WATSON: Yeah. And what I would  
21 close with is if we did not have Dorian Road here  
22 and did the exact same thing and this backed up to  
23 other houses, we could go get a building permit.  
24 We wouldn't even have to come here. All of our  
25 coverages are met. All of our setbacks are met.

1 Everything is met except for the fact that we  
2 don't have a backyard. That's it.

3 CHAIRMAN FUSARO: I did notice --  
4 and just to confirm for the record -- there's a  
5 new home being built on the property?

6 MR. WATSON: Correct. It's under  
7 construction now, and it's the home you see on the  
8 grading plan because we used this to get the  
9 building permit.

10 CHAIRMAN FUSARO: Yeah. Because  
11 they pretty much maxed out the maximum floor area;  
12 it is maxed out. The coverage by buildings above  
13 grade is less than 1% from the max. And the  
14 coverage by improvements is .08 -- I'm sorry, .18,  
15 so it's less than an 18th of a percent. So it  
16 looks like it's pretty much everything up to the  
17 max. So there's not going to be too much more  
18 construction allowed on this site.

19 Does anybody have any questions from  
20 a planning standpoint to ask Mr. Watson? No?  
21 Does anyone from the audience wish to address the  
22 application? Please come forward, state your name  
23 and address for the record. Going once.

24 MR. HEHL: Well, I think my client  
25 would like to speak briefly too, and then we'll



1 get Anastasia.

2 MR. SAINI: Sorry. I'm a little new  
3 to this.

4 CHAIRMAN FUSARO: State your name  
5 and address for the record.

6 MR. SAINI: Sorry. Alvin Saini,  
7 22 Stoneleigh Park.

8 CHAIRMAN FUSARO: Please raise your  
9 right hand.

10 ALVIN SAINI, having been duly sworn,  
11 was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you so much.  
13 Please proceed.

14 MR. HEHL: Mr. Saini would like to  
15 address the Board and talk a little bit about as I  
16 said the history of the purchase of the property  
17 and the home.

18 CHAIRMAN FUSARO: Yes. Please.

19 MR. SAINI: Thank you. First and  
20 foremost, thank you for taking the time and just  
21 listing to us today. And I understand your time  
22 is valuable, so I'll be brief. But feel free to  
23 interrupt me at any time and ask any questions;  
24 that you feel free. So just a little bit of  
25 background. You know, we moved to Westfield about

1 six years ago coming from Brooklyn. You know,  
2 looking to start our next phase of family here.  
3 And one of the main core reasons why we love  
4 Westfield is mainly because of the principles  
5 around education, the community, and the  
6 accessibility to the city. Pre-pandemic, my wife  
7 and I were both commuting to the city, so it was  
8 an ideal spot for all of us to be here. We had to  
9 get out of the city because it was just getting  
10 too crazy to raise a child there. And it was just  
11 frankly too expensive. So we came with one child  
12 in tow. And from day one that we were here we  
13 were always met with such utter grace just and a  
14 sense of community all the time. From this older  
15 woman coming to welcome us and just providing a  
16 welcome package to us, which we've never  
17 experienced ever before. If you had that in  
18 Brooklyn, it probably wasn't a good thing. Just  
19 don't answer the door unless there was a delivery  
20 of food. And fast forwarding to now, we're two  
21 kids in tow; an eight-year-old and a  
22 four-year-old. And we've taken full advantage of  
23 everything that Westfield has to offer from the  
24 community to the education to the social to  
25 volunteering. And just really making this a home

1 for us now. And you know, to echo the education  
2 piece, which is so crucially important. You know,  
3 my four-year-old, now four, was diagnosed with an  
4 IEP, so the education here has been very critical  
5 for him to ensure that he has a future here to do  
6 whatever he wants to do. But the teachers here  
7 are true saints; in my opinion. Just going  
8 through the pandemic and Covid to make their time  
9 with him and make that experience more pleasurable  
10 for him.

11 Just a couple of things I'll just  
12 quickly hit is that you know Westfield has always  
13 been -- I guess our friends call us like the "old  
14 school" people here because now we've had a number  
15 of friends come in here because of our echoes of  
16 just confidence with this town and the way this  
17 town conducts itself. And we're blessed to be  
18 able to do this and to be able to build a second  
19 home in our dream area. Stoneleigh was a place  
20 that we always looked at when we were first  
21 building our first house for inspiration. We  
22 never built a house before. I haven't lived in a  
23 house in 18 to 20 years; 18 years. I didn't know  
24 what to do. And coming to an opportunity with  
25 Stoneleigh was really something that was just an

1       amazing experience for us. But I will that  
2       throughout the whole process, we never stopped  
3       short of working with this town. From day one  
4       working with HPC to make sure -- Historical  
5       Preservation Committee -- to make sure that we  
6       were adhering by everything they wanted; the  
7       guidelines. I understand the whole preservation  
8       and the historical commitment that this town has,  
9       and I'm very supportive of that. Our house was  
10      not deemed historic at that meeting, so we moved  
11      on with our architectural plans. We shared our  
12      architectural plans with the Board, they made a  
13      number of suggestions. And through that  
14      educational process between both parties, we  
15      actually made a lot of changes to the house to  
16      make the improvements that they suggested. Which  
17      actually turned out to be, quite frankly, just  
18      amazing feedback to get. And that's just the  
19      beauty of this town, you know, to do that.

20                        In terms of seeking the variance for  
21      the pool, I would say that you know just to name a  
22      few -- I went through my wife with this because  
23      she's not here because she said you need to have a  
24      pool here otherwise I'm not moving -- but that's a  
25      side note. But you know, we look at this more as

1 an opportunity since our children are young to  
2 benefit from this. The reality is that they'll  
3 get older and at some point not want to hang out  
4 with us. And for the time that they think we're  
5 cool, you know, this is a great experience for us.  
6 And also for our parents who are also getting to  
7 that age in life where the inability to travel  
8 overseas or do anything in a plane is getting much  
9 harder. We look at this as a way for them to  
10 enjoy it with exercise and being able to enjoy  
11 their grandchildren. So I'll stop there. I  
12 prepared a lot of different things on here, but I  
13 want to be mindful of time. And if there're any  
14 questions that anyone has, please feel free. I'm  
15 more than happy to answer.

16 CHAIRMAN FUSARO: Any Board Members  
17 have any questions for the Applicant?

18 MR. MASCIALE: Just the landscaping  
19 that's there in the back I mean I think with the  
20 school there, you're going to maintain that?

21 MR. SAINI: Yes.

22 MR. MASCIALE: Your intention is to  
23 maintain the screening of both of the fencing and  
24 provide that buffer?

25 MR. SAINI: Yeah. That was an

1 important thing for us. Because, one, finding  
2 30-foot trees now is horribly expensive, and I  
3 just don't have any more money. But, yes, to your  
4 point, we are keeping everything there.

5 MR. MASCIALE: Thank you.

6 CHAIRMAN FUSARO: If we were to  
7 approve the application, just to kind of give you  
8 a heads up, I'm sure there will be some condition  
9 basically requesting that the landscaping be  
10 maintained along the rear and whatever side boards  
11 the property.

12 MR. SAINI: Of course.

13 CHAIRMAN FUSARO: And in addition, I  
14 would probably add a condition with respect to the  
15 cabana that it remains uninhabited. Simply  
16 because it does have access to Dorian Road,  
17 someone could very easily use that as some sort of  
18 residence or whatever. Just so that you know that  
19 would be a condition that we would add. I assume  
20 that you're perfectly okay with that?

21 MR. SAINI: No problem.

22 CHAIRMAN FUSARO: Great. Thank you.  
23 Any other questions for the Applicant? No?  
24 Mr. Hehl?

25 MR. HEHL: We have no further

1 witnesses, but I do know that...

2 CHAIRMAN FUSARO: I'm going to ask:  
3 If anyone from the audience would like to address  
4 the application, please come forward and state  
5 your name and address for the record.

6 MS. HARRISON: Hi  
7 Anastasia Harrison, 23 Stoneleigh Park.

8 CHAIRMAN FUSARO: Please raise your  
9 right hand.

10 ANASTASIA HARRISON, having been duly  
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Please proceed.

13 MS. HARRISON: I live at  
14 23 Stoneleigh Park. We are the first house that  
15 was just recently designated historic in the  
16 entire district. And I am in support of this  
17 application. I feel that having two backyards --  
18 two front yards is... I tried to work through  
19 myself in my own project, and we were able to make  
20 it work. But I'm really proud of the new project  
21 that's finishing our circle, and I support this  
22 application. And really hope that we change  
23 zoning for Stoneleigh altogether. Every property  
24 along the perimeter; Westfield, Dorian, every one  
25 of them has a backyard structure because there

1 were no garages from the front back in 1902 when  
2 the development began. So, thank you.

3 CHAIRMAN FUSARO: Thank you for your  
4 testimony. Thank you. Mr. Hehl.

5 MR. HEHL: Again, I have nothing  
6 further other than to say I think this is a  
7 well-thought-out application. It is certainly a  
8 hardship having the through-lot. The Applicant  
9 has agreed to the conditions that were proposed  
10 with the landscaping and limiting the cabana to  
11 not being a separate living space. And we  
12 appreciate again Mr. Sammet's report and the  
13 Board's consideration this evening. Thank you.

14 CHAIRMAN FUSARO: Thank you,  
15 Mr. Hehl. I'm going to close that portion of the  
16 meeting and open it up to Board discussion. We  
17 obviously have heard from the planner, the  
18 Applicant, and their attorney as to why the  
19 application is before us. Obviously, this  
20 particular property, as well as many others in the  
21 area, have two front yards. I would, as I said  
22 previously, the two conditions that I would attach  
23 to any approval would be, one, that the  
24 landscaping along the rear of the property along  
25 Dorian Road be maintained, and that the cabana



1 space remains uninhabited. Normally, especially  
2 since a new home is being constructed, we would  
3 ask the Applicant to, you know, basically take a  
4 look at every option available for locating a pool  
5 which would require no variances. However, in  
6 this case, as we've heard, there really isn't an  
7 option here. I mentioned the access to Dorian  
8 Road, I believe that we heard some testimony that  
9 said it's basically going to be used for some  
10 deliveries. I did mention when I looked at the  
11 chart that a lot of the coverages are maxed out,  
12 so I really don't see too much else being able to  
13 be constructed on the site.

14 What else did I have here? I had a  
15 question with regard -- and Don, maybe you could  
16 chime in on this. The existing front yard  
17 setback, that 54.63 versus the 60.65 that's  
18 required, is that for the new home or the home  
19 that was previously there? Do you know?

20 MR. SAMMET: You're looking at the  
21 table, Mr. Chairman?

22 MR. MASCIALE: Yes, looking at the  
23 table.

24 MR. SAMMET: Front yard requirement  
25 60. Okay. So the average front yard is

1 60.65-feet.

2 CHAIRMAN FUSARO: Right.

3 MR. SAMMET: And what they're  
4 building now is 60.65-feet.

5 CHAIRMAN FUSARO: Okay. I got it.  
6 So the one that was existing was the previous  
7 home; is that correct?

8 MR. SAMMET: Correct. I'm sure  
9 Mr. Watson will be at 54.63; was what previously  
10 existed.

11 CHAIRMAN FUSARO: Okay. One of the  
12 other reasons I would be in support of the  
13 application is the rear property that we're  
14 discussing, the area along Dorian Road, doesn't  
15 abut any residences, it abuts Westfield High  
16 School. There're usually cars parked along that  
17 road. So I don't really see it being a nuisance  
18 or an issue with any residents on that street. I  
19 guess one of the questions for us would also be,  
20 as I mentioned to Mr. Watson, if you look at the  
21 photographs that were just presented to us, the  
22 6-foot fence that is currently there is open.  
23 Obviously, it will be removed. They're replaced  
24 with a solid fence. I don't believe we heard any  
25 testimony or is there any details as to what type

1 of fence?

2 MR. MASCIALE: It says "solid" on  
3 the plan.

4 MR. REISEN: It says "solid."

5 CHAIRMAN FUSARO: A white vinyl  
6 fence that's...

7 MR. REISEN: I know Matt's favorite  
8 issue. It's just on the facade. I actually asked  
9 Don about this before. It says "high solid  
10 pool-rated fence."

11 CHAIRMAN FUSARO: I understand that  
12 perhaps we could open it up to Mr. Watson or the  
13 Applicant and ask: What type of fence is being  
14 proposed?

15 MR. WATSON: We left it open, but  
16 normally it's a PVC fence. They last longer, it's  
17 easier to maintain and clean. And if somebody  
18 does something to it, you can clean it off very  
19 easily.

20 MR. SAINI: I'm going to defer to  
21 Anastasia because we're literally going to mimic  
22 her fence.

23 MS. HARRISON: I put up a fence, a  
24 6-foot fence because we put a swimming pool in the  
25 backyard. And what we did is we did a 6-foot

1 solid board.

2 CHAIRMAN FUSARO: Board-on-board?

3 MS. HARRISON: It's not  
4 board-on-board. It's actually a solid board fence  
5 with a concave on the top. And they're going to  
6 just repeat it around the other two sides.

7 CHAIRMAN FUSARO: Thank you. I  
8 would much rather see some sort of wood fence that  
9 would blend into a historic neighborhood versus a  
10 white vinyl fence sticking along Dorian Road like  
11 a sore thumb. It would stick out. So I don't  
12 know if that's a condition that we could impose as  
13 to the type of fence.

14 MS. RAZIN: Would you be amenable to  
15 doing that?

16 CHAIRMAN FUSARO: Would you be  
17 amenable to a --

18 (Crosstalk.)

19 MR. SAINI: Whatever you guys want  
20 me to do with it.

21 CHAIRMAN FUSARO: A solid wood  
22 fence.

23 MS. HARRISON: It's a solid wood  
24 fence, board-on-board.

25 CHAIRMAN FUSARO: It's not

1 board-on-board.

2 MS. RAZIN: So a solid wood fence.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: And 6-feet is the  
5 dimension we need on the condition.

6 CHAIRMAN FUSARO: And then one other  
7 question that I guess we need to ask amongst  
8 ourselves is do we want the fence currently where  
9 it is at grade or do we want it on top of the  
10 retaining wall.

11 MS. MOLNAR: I like it at grade  
12 better.

13 CHAIRMAN FUSARO: Grade.

14 MR. MASCIALE: I agree.

15 MR. SAMMET: It's better at grade  
16 because otherwise, you'll end up having problems  
17 with height when you put a fence directly on top  
18 of a retaining wall.

19 CHAIRMAN FUSARO: Okay. Great. How  
20 does the rest of the Board feel?

21 MR. MASCIALE: I think you nailed  
22 it, Frank. I'm in agreement.

23 MR. COHEN: It's plenty of hardship.

24 MS. MOLNAR: I like the plantings.  
25 They're keeping the plantings in the rear. That's

1 good.

2 MR. REISEN: I like it with the  
3 conditions you're attaching.

4 CHAIRMAN FUSARO: Allyson, do you  
5 want to add anything?

6 MS. HROBLAK: No.

7 CHAIRMAN FUSARO: All right. So  
8 you've heard the conditions that I brought up.  
9 May I have a motion?

10 MR. REISEN: Motion to move the  
11 application forward with the conditions that the  
12 Chair enumerated in his prior speech.

13 CHAIRMAN FUSARO: Thank you,  
14 Mr. Reisen. Do we have a second?

15 MR. COHEN: Second.

16 CHAIRMAN FUSARO: Mr. Cohen, second.  
17 Mr. Sammet.

18 MR. SAMMET: Ms. Molnar.

19 MS. MOLNAR: Yes.

20 MR. SAMMET: Mr. Cohen.

21 MR. COHEN: Yes.

22 MR. SAMMET: Mr. Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Chair Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MR. SAMMET: Ms. Hroblak.

2 MS. HROBLAK: Yes.

3 MR. SAMMET: Mr. Reisen.

4 MR. REISEN: Yes.

5 CHAIRMAN FUSARO: Your application  
6 is approved, Mr. Hehl. Good luck.

7 MR. HEHL: Thank you. Have a great  
8 night. See you soon. Thank you again.

9 Our final application this evening  
10 is Application Number ZBA 21-080, Lisa Gaines and  
11 Howard Trickey, 803 Dorian Road. Applicant is  
12 seeking approval to construct a two-story  
13 addition: enlarge kitchen and mudroom on the  
14 first floor; on the second floor a new master  
15 bath, improved hall bath, and new laundry room  
16 contrary to the Westfield Land Use Ordinance  
17 Section 11.08E6 where side yard setback permitted  
18 is 10-feet and proposed is 9.14-feet. Section  
19 12.04F1 where maximum building coverage permitted  
20 is 20% and proposed is 20.33%. And Section 2.11G  
21 where maximum continuous wall length permitted is  
22 25-feet and proposed is plus or minus 41-feet.

23 Good evening, Mr. Algarin.

24 MR. ALGARIN: Good evening.

25 CHAIRMAN FUSARO: I believe you've

1 testified before the Board this year.

2 MR. ALGARIN: I think the February  
3 meeting. It was Zoom.

4 CHAIRMAN FUSARO: I believe you  
5 have. We'll continue to recognize you as an  
6 expert in the field of architecture. Please state  
7 your name and address for the record.

8 MR. ALGARIN: Robert Algarin,  
9 A-l-g-a-r-i-n. I'm a licensed architect in New  
10 Jersey. And my office is at 224 East Broad  
11 Street, Westfield.

12 CHAIRMAN FUSARO: Please raise your  
13 right hand.

14 ROBERT ALGARIN, having been duly  
15 sworn, was examined and testified as follows:

16 CHAIRMAN FUSARO: Please proceed or  
17 would you like the Applicant to speak first? It's  
18 up to you.

19 MR. ALGARIN: Do you want to swear  
20 him in first?

21 CHAIRMAN FUSARO: Why don't we swear  
22 him in, yes. Please state your name and address  
23 for the record.

24 MR. TRICKEY: Howard Trickey,  
25 803 Dorian Road.



1                   HOWARD TRICKEY, having been duly  
2 sworn, was examined and testified as follows:

3                   CHAIRMAN FUSARO: Thank you so much.  
4 Please proceed.

5                   MR. ALGARIN: So will introduce the  
6 project here and describe what we're doing. We  
7 have a rear addition; a two-story addition to this  
8 house. If you look at Drawing A1, the middle of  
9 the sheet on top, it shows the existing floor  
10 plan. And the main purpose of this project is to  
11 enlarge the kitchen on the first floor and to  
12 create a master suite on the second floor to  
13 enlarge an existing bedroom into a master suite on  
14 the second floor. So looking at this existing  
15 plan, in the middle on the top of Drawing A1 it  
16 shows the existing house and the outline of where  
17 the addition is going. To just give you the  
18 general gestalt of what's going on here. So that  
19 powder room right in the middle of the rear of the  
20 house there has to be relocated. So that's what  
21 we do. So we move that powder room.

22                   Now, we go to the left on Drawing A1  
23 to the First-Floor Plan. You can see the  
24 architectural drawing; how it's articulated there.  
25 We have a new rear entrance which is very very

1 very close to the existing rear entrance. We've  
2 relocated the powder room to that spot with a  
3 little mudroom. This mudroom/powder room is three  
4 or four steps down from the first floor of the  
5 house. You come up into the kitchen, you can see  
6 where the old back of the wall/back of the house  
7 is dotted in where the old powder room is dotted  
8 in. So we extend the back of the house straight  
9 out at that location and we create this L-shaped  
10 kitchen with an island and little breakfast room  
11 in the back with three exposures. Coming up,  
12 going to the right of Drawing A1, Second-floor  
13 plan, coming up the stairs. Off the stair  
14 landing, we have a laundry room. Again, the  
15 laundry room is three or four steps down from the  
16 second floor; the same way the mudroom is three or  
17 four steps down from the first floor. The laundry  
18 room is above the mudroom. Okay.

19                   When you continue up to the second  
20 floor proper, on the right-hand side of the plan,  
21 you can see there's a front-corner bedroom that  
22 we're extending to the rear. The master bath is  
23 above the kitchen. And that, what is labeled  
24 "hall bath" is also above the kitchen. Okay. We  
25 have to put a hall bath there because the existing

1 hall bath on the second floor is being eliminated  
2 as a result of the expansion of this bedroom into  
3 a master suite. The house currently has three  
4 bedrooms and one bath on the second floor. There  
5 is no bath in the master bedroom. So this plant  
6 also has three bedrooms except that one of them  
7 now is a master suite with a small walk-in closet  
8 with a full bathroom, and the hall bath is  
9 relocated to accommodate that.

10 So if we go to the Drawing A2, we  
11 get a feeling for what the thing looks like on the  
12 outside. Okay. We have the rear elevation. You  
13 can see basically the ground floor is brick to  
14 match the existing house. The second floor is  
15 Hardie plank to match the existing house. We have  
16 roof pitches and roof aprons and similar devices  
17 to match the architecture and conform to the  
18 aesthetics and the scale of the existing  
19 structure. As to the variances; there are three  
20 variances we need. Just to make sure I'm on my  
21 right notes here -- I'll use my notes here. The  
22 first variance is side yard. There is an existing  
23 nonconformity; the side yard is an existing  
24 nonconformity. We're extending this nonconformity  
25 to the rear, and, of course, carrying it to the

1 second floor. We're at 9.14-feet from the  
2 property line, which is existing and proposed. So  
3 it's basically a 10-inch side yard violation we're  
4 talking about here. We're not creating it, it's  
5 existing. We're extending it. The second  
6 variance which is a 25-foot continuous wall rule  
7 and this continuous side wall. We have a finite  
8 dimension between this side wall of the house and  
9 the existing staircase and the rear entrance of  
10 the house. And this dimension makes it virtually  
11 impossible -- if you go back to the floor plan of  
12 the kitchen -- the idea of jumping that kitchen  
13 wall in 2-feet and trying to make it a logical  
14 kitchen work area is pretty much out of the  
15 question. I beat it to death. I tried it, it  
16 just doesn't work. And the same thing is true on  
17 the second floor because of that finite dimension  
18 between the existing side wall of the house and  
19 the staircase, you just can't make it work. So,  
20 obviously, we can't go out 2-feet the other way  
21 because if we went out 2-feet the other way we'd  
22 have a heinous side yard violation which is much  
23 worse than what we have now. We would be going  
24 2-feet more at the setback and have almost a  
25 3-foot violation in total.

1                   The third variance is for building  
2 coverage, 20.33 I think it is. That's 1/3 of 1%  
3 above the maximum building coverage permitted  
4 which amounts to 35-square-feet. And 1% of 1/3 of  
5 the lot area is 35-square-feet. That's how much  
6 we're over. Okay. There was no FAR problem.  
7 There's no total improvement problem.

8                   MR. MASCIALE: There's just the  
9 41-foot wall problem.

10                  MR. ALGARIN: Right.

11                  CHAIRMAN FUSARO: Don't worry, I've  
12 got a fix for that.

13                  MR. ALGARIN: The continuous wall  
14 problem. Okay. There are hardships here that the  
15 owner can easily overcome. You know, the  
16 placement of the house on the lot and some of the  
17 architectural constraints that I had mentioned  
18 earlier. We think that the proposal is in scale  
19 and consistent with contemporary standards as well  
20 as the character and scale of the existing house  
21 and the neighborhood. We think it causes no harm  
22 to this property or adjacent property, and we hope  
23 that you agree.

24                  MR. COHEN: Could you go over those  
25 hardships again, please?

1                   MR. ALGARIN: The 10-foot side yard  
2 violation --

3                   MR. COHEN: Hardships as far as the  
4 41-feet are concerned.

5                   MR. ALGARIN: Well, you know, the  
6 house is where it is, right, so the kitchen is  
7 where it is. You can see it if you go to the  
8 existing First-Floor Plan on Drawing A1 in the top  
9 in the middle. You know, you have the side wall  
10 of the house which has that -- you know, which is  
11 basically on the setback line or slightly in the  
12 setback line already. So we can't push out that  
13 way. We can't go to the right, we can't go  
14 towards our neighbor on that side and solve the  
15 2-foot problem.

16                  MR. COHEN: It's not really the  
17 shape of the property.

18                  MR. ALGARIN: What's that?

19                  MR. COHEN: It's not really a shape  
20 of the property issue.

21                  MR. ALGARIN: I didn't say that the  
22 shape of the property was a hardship.

23                  MR. COHEN: You're asking to approve  
24 it under C1 or C2?

25                  MR. ALGARIN: I'm saying that I

1 think we have a hardship because of the placement  
2 of the house on the lot and the existing house  
3 itself the way it's designed. The space between  
4 this side wall of the house and the rear entrance  
5 to the house which can't be moved and the  
6 staircase which can't realistically be moved, we  
7 have a finite dimension to squeeze all these  
8 elements here. And we just can't push 2-feet to  
9 the left foot and design a logical kitchen or  
10 master suite.

11 MR. COHEN: Are you asking us to  
12 approve this under C1 or C2 or both or what?

13 MR. ALGARIN: Well, C1 is a  
14 hardship; right? So I'm saying that the  
15 conditions create a hardship.

16 MR. COHEN: That's not what I'm  
17 asking.

18 MR. ALGARIN: Is this an improvement  
19 to the property and is it good in all respects, I  
20 think it is as well. I think it improves this  
21 property and it does no harm to the neighborhood.

22 MR. COHEN: So C2 is what you're  
23 asking?

24 MR. ALGARIN: I'm sorry?

25 MR. COHEN: Are you asking us to

1 approve this application under C1 or C2 or both?

2 MR. ALGARIN: I'm basically asking  
3 you to approve the -- basically the hardships of  
4 the difficulty of designing a kitchen and a master  
5 suite within the dimensional constraints that the  
6 property presents to us as we approach it. I  
7 think it's a hardship.

8 CHAIRMAN FUSARO: Mr. Algarin, I'm  
9 going to propose something with respect to that  
10 41-feet, and I think it will -- it won't eliminate  
11 that variance, however, I think it will go a long  
12 way in having the Board approve the application  
13 possibly. I know you can't do anything on the  
14 second floor along that wall because where your  
15 rear addition is going you have your master bath  
16 with two laboratory sinks there and a water  
17 closet. However, on the first floor in your  
18 breakfast area where that double window is, can  
19 that be made into a bay window which would now  
20 reduce your 41-foot continuous wall to 31-feet.  
21 Again, not in compliance, but a lot less  
22 egregious.

23 MR. ALGARIN: The bay window would  
24 not count in setback if it's less than 15-feet,  
25 square feet, and it doesn't come to the ground.



1 So it would not be a further violation of the side  
2 yard, yes. In fact, we were planning on putting a  
3 window seat there anyway; a built-in. So we can  
4 definitely eliminate those two windows and put a  
5 bay window there.

6 MR. MASCIALE: What the Chairman is  
7 proposing is we need some architectural detail  
8 there.

9 MS. GAINES: Can I...?

10 CHAIRMAN FUSARO: Not yet. Are you  
11 a member of the audience?

12 MS. GAINES: I'm the wife.

13 CHAIRMAN FUSARO: Come on up.  
14 Please state your name and address for the record.

15 MS. GAINES: Lisa Gaines, 803 Dorian  
16 Road, Westfield, New Jersey.

17 CHAIRMAN FUSARO: Please raise your  
18 right hand.

19 LISA GAINES, having been duly sworn,  
20 was examined and testified as follows:

21 CHAIRMAN FUSARO: Please proceed.

22 MS. GAINES: I would have a problem  
23 with the bay window. And the reason I would; the  
24 was built in 1926, it has a lot of craftsman  
25 architecture as well as center-hall Colonial. It

1 has wide casements, and a bump-out, to me, does  
2 not fit the rest -- if you look at the rest of the  
3 house, I bought the house because of the windows.  
4 If you look, there are probably 60 windows in this  
5 house.

6 MR. ALGARIN: And you have pictures  
7 of the house; right?

8 MS. GAINES: Yeah.

9 CHAIRMAN FUSARO: We have  
10 photographs of the house.

11 MS. GAINES: I've always tried to  
12 keep in with the architecture of the house. A bay  
13 window would not fit in, with me, with this style  
14 of this house.

15 MR. ALGARIN: A 90-degree bay.

16 MS. GAINES: A 90-degree bay --

17 CHAIRMAN FUSARO: I fully  
18 understand. Your windows are all boxed, they look  
19 like double-hung windows.

20 (Crosstalk.)

21 MS. GAINES: They're square.  
22 There're a lot of squares.

23 CHAIRMAN FUSARO: Correct. So you  
24 could put a box bay.

25 MR. ALGARIN: It can be a 90-degree

1 bay that goes straight out with a bench seat.

2 MS. GAINES: Would it be  
3 cantilevered then or how -- would it be  
4 cantilevered or would it go then to the ground?

5 CHAIRMAN FUSARO: It doesn't  
6 necessarily have to go to the ground. I happen to  
7 have one at my house in my kitchen. It sticks  
8 out, it's a bench, it's a planting area. It  
9 breaks up that wall. And a 41-foot continuous  
10 wall; this Board usually has an issue with.

11 MS. GAINES: If we would a rose  
12 trellis would that work?

13 CHAIRMAN FUSARO: I'm sorry?

14 MS. GAINES: A trellis.

15 CHAIRMAN FUSARO: A trellis?

16 MS. GAINES: Yeah. A rose trellis.  
17 You know, gardening. I'm more worried about also  
18 what my neighbors are be looking at.

19 CHAIRMAN FUSARO: It has to be part  
20 of the building. Don, correct me if I'm wrong;  
21 that box bay would be considered a break in the  
22 wall?

23 MR. ALGARIN: And can the box bay  
24 come down to the floor and still not count in  
25 setback?

1 MR. SAMMET: A box bay would be  
2 considered a bay. It would have, for us, it would  
3 have to have the windows on all three walls.

4 CHAIRMAN FUSARO: Three sides.

5 MR. SAMMET: It can extend to the  
6 ground. It can.

7 CHAIRMAN FUSARO: It can.

8 MR. ALGARIN: But it's still limited  
9 to 15-square-feet; right?

10 MR. SAMMET: Limited to  
11 15-square-feet max and it can encroach 3-foot into  
12 the required side yard. So no closer than 7-feet  
13 to the property line.

14 CHAIRMAN FUSARO: Again, it wouldn't  
15 solve, it wouldn't eliminate the variance,  
16 however, it would significantly reduce it from  
17 41-feet to approximately 31-feet.

18 MR. ALGARIN: That bay window has  
19 the window seat that you're looking for anyway.

20 MR. MASCIALE: Can we identify in  
21 the pictures which side we're looking at?

22 CHAIRMAN FUSARO: Sure.

23 MR. SAMMET: It's the west-side  
24 elevation, I believe, Mr. Masciale. Oh, in the  
25 pictures, I apologize.

1 MS. GAINES: We're a corner lot as  
2 well.

3 MR. ALGARIN: This is away from the  
4 side of the corner.

5 MS. GAINES: This would be your  
6 view. This is our neighbor, and this would be his  
7 view.

8 MR. ALGARIN: It's this photograph.  
9 You have the photograph. It's a large version of  
10 that photograph. (Indicating.)

11 (Crosstalk.)

12 CHAIRMAN FUSARO: It's the first  
13 photograph in the package.

14 MS. HROBLAK: There's that existing  
15 wood structure. Whatever that's called, Don.

16 CHAIRMAN FUSARO: Yeah. You have a  
17 little overhang there.

18 MS. GAINES: This would -- this is  
19 our next-door neighbor. He has a kitchen that  
20 extends out on his side. I'm more concerned with  
21 what his view is going to be.

22 CHAIRMAN FUSARO: We're going to ask  
23 him to come forward in a little while.

24 MS. GAINES: Okay.

25 MR. ALGARIN: I think that bay, that

1 90-degree bay, could be nestled underneath the  
2 roof apron shown on the elevation.

3 MS. GAINES: Would it affect the  
4 roofline there?

5 CHAIRMAN FUSARO: Not necessarily.  
6 You'll probably hide it under that roof.

7 MR. ALGARIN: No, not necessarily.  
8 With that apron that sticks out, you have that  
9 apron, it will just nestle. We'll make sure that  
10 the apron sticks out 2-feet or 2-foot-2, and we'll  
11 make sure that bay window comes out 2-feet.

12 MS. GAINES: Okay.

13 CHAIRMAN FUSARO: I'm just looking  
14 for some architectural feature to break up that  
15 wall. That's all.

16 MS. GAINES: Yeah. There're a lot  
17 of windows, but, yeah.

18 CHAIRMAN FUSARO: I understand.

19 MR. ALGARIN: I don't think that's a  
20 problem quite frankly. It could be very nice.

21 CHAIRMAN FUSARO: One other item I'd  
22 like to confirm, Mr. Algarin, is that the existing  
23 arbor, deck, planter, hot tub, and walk are to be  
24 removed in the shaded area?

25 MR. ALGARIN: They're already

1 removed.

2 CHAIRMAN FUSARO: Already removed.  
3 Thank you. Do any Board Members have any other  
4 questions for the Applicant or the architect at  
5 this time before I guess anyone from the audience?  
6 Yes? No? Seeing none. Does anyone from the  
7 audience wish to address the application? If so,  
8 please come forward, state your name and address  
9 for the record.

10 MR. KRACK: My name is Frank Krack.  
11 The last name is spelled K-r-a-c-k. And I live at  
12 807 Dorian Road.

13 CHAIRMAN FUSARO: Please raise your  
14 hand.

15 FRANK KRACK, having been duly sworn,  
16 was examined and testified as follows:

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

19 MR. KRACK: I've known Gaines and  
20 Trickey since 1996. Everything they do on their  
21 property improves the area and improves our view  
22 from our expansive kitchen and we can see the  
23 backyard. They are absolutely rock-solid in doing  
24 everything according to rules and I heartily  
25 approve their application.

1                   MR. COHEN:  Where are you relative  
2                   to the property, sir?

3                   MR. KRACK:  We are I guess  
4                   immediately to the west.  They have a corner  
5                   house, Dorian and Scotch Plains, and we're right  
6                   next door.  I guess one house closer to...

7                   (Crosstalk.)

8                   CHAIRMAN FUSARO:  If we're looking  
9                   at their house at the front door, are you to the  
10                  right or to the left?

11                  MR. KRACK:  If I'm looking at their  
12                  house, I am to their right.  They're the corner.

13                  MR. ALGARIN:  There is no house to  
14                  the left.  It's a corner lot.

15                  (Crosstalk.)

16                  MR. COHEN:  You would be looking at  
17                  the expansions?

18                  MR. KRACK:  Say that again.

19                  MR. COHEN:  You would be looking at  
20                  the extensions.

21                  MR. KRACK:  I would.

22                  MR. COHEN:  The addition.

23                  MR. ALGARIN:  The bay window we're  
24                  talking about would be going right towards his  
25                  property.



1 MR. COHEN: That's what I wanted...

2 MR. ALGARIN: He would be the only  
3 one that's really affected by this.

4 CHAIRMAN FUSARO: Thank you for your  
5 testimony. We can tell from the photographs that  
6 the house is meticulously maintained; both the  
7 front yard, the side yard, the landscaping,  
8 everything. So thank you for confirming that.  
9 And as I said, the photographs clearly indicate  
10 that the property is well maintained.

11 Anyone else from the audience? I  
12 see no one except the guy from the Leader in the  
13 back, so I'll take that as a no. Are there any  
14 final statements anyone would like to make before  
15 I open it up and close it? No? Okay great. I'm  
16 going to close it and open it up to Board  
17 discussion.

18 You've heard from the Applicants and  
19 the architect regarding the layout. I agree that  
20 as I mentioned previously with respect to that  
21 41-foot continuous wall, on the second floor there  
22 isn't too much they can do about it. On the first  
23 floor, however, I think the box bay, while it  
24 won't solve the problem entirely, will certainly  
25 lessen the impact there. So I would add that as a

1 condition of approval. Also, as we normally do,  
2 since there is a porch in the rear of this  
3 property, I would also like to see a condition  
4 that states that the porch remain open. Normally,  
5 we ask on three sides, obviously, this would be  
6 two sides since the other two sides abut the  
7 residence. I don't think that the .86-feet that's  
8 missing on the side yard where 10-feet is required  
9 is really an issue. And we've heard from the  
10 neighbor that he's perfectly okay with it. Those  
11 are all the comments that I have. How does the  
12 rest of the Board feel?

13 MR. MASCIALE: I think the proposed  
14 box bay meets the spirit of the ordinance to add  
15 some architectural detail. Unfortunately, a rose  
16 trellis won't give architectural detail. You need  
17 it to come out like 2-feet to meet the  
18 requirement. I think it's a good suggestion. You  
19 know, we run up against the challenges with the  
20 kitchens. In this case, we're able to do it. I  
21 think it's a good suggestion that will maintain  
22 the character of the house which is obvious just  
23 looking at the pictures. So I support the  
24 application.

25 CHAIRMAN FUSARO: Just to interrupt

1 one second. I want to thank Mr. Algarin for  
2 putting the zoning chart on the drawing. I've  
3 requested it numerous times. Thank you. Anyone  
4 else?

5 MS. MOLNAR: I too was concerned  
6 about the 41-feet. We're down to 31. Are you  
7 comfortable with 31? I have no concept of how...

8 CHAIRMAN FUSARO: Well, we really  
9 don't -- they can't move it any further than that.  
10 That's where the kitchen cabinets are arranged and  
11 everything else is. So, yeah. Would I like to  
12 see it reduced further if it were possible? Sure.  
13 But it's really not possible, so I'm okay with it.

14 MR. REISEN: Since that's not on the  
15 plans, the whole box window thing, do we need to  
16 see those before we can approve it or can we just  
17 put it as a condition?

18 CHAIRMAN FUSARO: I'm sorry?

19 MR. REISEN: The box window bay  
20 you're suggesting to break it up.

21 CHAIRMAN FUSARO: They box bay?

22 MR. REISEN: Yeah, the box bay. Do  
23 we need to see plans of that though before we can  
24 approve it?

25 MS. RAZIN: I'm going to put it at

1 31-feet and I'm going to confirm with you before  
2 the drafting as it gets closer to the resolution,  
3 that it's at 31-feet. So if you could just stay  
4 in touch. If there's anything that's going to be  
5 significantly different -- if it's going to be  
6 significantly different than that, then...

7 MR. ALGARIN: So 31-feet is...?

8 MS. RAZIN: I'm putting that in the  
9 resolution so it's not --

10 CHAIRMAN FUSARO: Just measure it  
11 when you get back to your office. If it's  
12 32-feet, it's fine. If it's 38-feet, it's a  
13 problem.

14 MS. RAZIN: I'm putting,  
15 approximately, 31-feet.

16 MR. ALGARIN: Well, I think that's a  
17 9-foot-9-inch space there that most of all of it  
18 will be a bay window or a majority of it. It  
19 probably won't come right to the end because it  
20 would look funny. But it will start more or less  
21 where the countertop ends.

22 MS. RAZIN: So if for some reason  
23 anything is going to change, then the condition is  
24 not going to be met, and then they would have to  
25 come back.

1 MR. ALGARIN: Don will review it  
2 anyway.

3 MR. SAMMET: It's a minor condition.  
4 The staff can review the compliance with that.

5 MS. RAZIN: But that's how I'm just  
6 telling you how I'm going to word it.

7 CHAIRMAN FUSARO: If for some reason  
8 you get back to your office and that dimension  
9 changes, please let Don know, he'll let our  
10 attorney know.

11 MS. RAZIN: Let us know so that we  
12 can get in touch --

13 CHAIRMAN FUSARO: We'll write the  
14 resolution correctly.

15 MS. RAZIN: Correct. But that's how  
16 I was intending to write it so that in terms of  
17 granting the variance relief.

18 MR. ALGARIN: You're going to record  
19 it as 31-feet or 33-feet?

20 CHAIRMAN FUSARO: Thirty-one, 32.  
21 As long as it's not 36.

22 MS. RAZIN: I'm not going to say  
23 31-feet exactly.

24 CHAIRMAN FUSARO: She's going to say  
25 "approximately."

1 MS. RAZIN: We'll have a little  
2 room.

3 CHAIRMAN FUSARO: Plus or minus.

4 MR. ALGARIN: That's fine. That's  
5 absolutely fine. I just don't want to go all the  
6 way to the back. If you're concerned how far from  
7 the front it is...

8 MS. RAZIN: But if you need a lot of  
9 room, then I'm going to need to know. That's why  
10 I'm saying it.

11 MR. ALGARIN: We were doing a window  
12 seat there anyway. We were going to do it on the  
13 inside, we'll just bump it out on the outside.  
14 That's okay. There's nothing wrong with that.

15 MS. GAINES: Will you match it up  
16 with the windows on the other side? It's not  
17 bumped out. The whole house has got like a lot of  
18 -- I'm sorry.

19 MR. ALGARIN: We'll make it work.  
20 It's fine.

21 CHAIRMAN FUSARO: Mr. Algarin will  
22 make it work.

23 MR. ALGARIN: We'll make it work.  
24 I'm not concerned. It's going to be beautiful.  
25 It will be fine.

1                   CHAIRMAN FUSARO: Any other Board  
2 Members have any comments? Questions?

3                   MR. COHEN: I did not like 41-feet.  
4 I don't love the 31-feet, but if it's the best we  
5 can do, it's the best we can do. I'm satisfied by  
6 the neighbor's testimony that's going to be most  
7 affected by it that he's not bothered. And so I  
8 will support the application.

9                   MR. REISEN: I think we can all  
10 agree it was a "tricky" application but we made it  
11 work thanks to our Board.

12                  MR. ALGARIN: Ah, see that.

13                                 (Laughter.)

14                  MR. ALGARIN: He's a comedian.  
15 Isn't that something?

16                  MR. COHEN: Late-night humor from  
17 Sam Reisen. He'll be here all week.

18                  CHAIRMAN FUSARO: Thank you, Sam.  
19 May I have a -- I'm sorry.

20                  MS. HROBLAK: My comment is that I  
21 agree with Michael. I'm not in love with it. The  
22 kitchen could be smaller also to accommodate it.  
23 I don't know if you'd want to throw out that fact;  
24 that we could just shrink the kitchen a little  
25 bit.

1                   CHAIRMAN FUSARO: The breakfast  
2 area; the way it's currently designed is  
3 approximately 9-foot-9 from the edge of the  
4 cabinets and the edge of the island. I mean could  
5 it be --

6                   MS. HROBLAK: The answer is yes.

7                   CHAIRMAN FUSARO: -- could it be  
8 shortened. Absolutely. Could it be shortened a  
9 couple of feet? Yes.

10                  MS. HROBLAK: Well, they have a  
11 center island --

12                  MR. ALGARIN: There's a master  
13 bathroom upstairs.

14                  CHAIRMAN FUSARO: The master bath  
15 upstairs, yeah. I'm looking at that.

16                  MR. ALGARIN: It's a little tight up  
17 there.

18                  CHAIRMAN FUSARO: If the kitchen was  
19 shortened a couple of feet --

20                  MR. COHEN: But I want a master bath  
21 and I want a breakfast nook is not a hardship that  
22 justifies a C1 variance, but that's the point.  
23 But again, the person who's going to be affected  
24 by the issue of the variance is the neighbor, and  
25 he's testified that he's comfortable with it.



1 Which is the only reason why I'm agreeing.

2 CHAIRMAN FUSARO: Okay. I  
3 understand.

4 MS. HROBLAK: You know, it's good  
5 that the current person is, but maybe the next  
6 person isn't.

7 CHAIRMAN FUSARO: Yes. We didn't  
8 ask whether it could be reduced. As I said, in my  
9 opinion, reducing that area -- you could reduce  
10 the breakfast area, however, that would affect the  
11 upstairs. And I really don't see upstairs where  
12 you could cut a couple of feet out. The hall bath  
13 basically has a tub, modest vanity, and a water  
14 closet. The shower is the shower. I mean you  
15 really can't cut two or three feet out of anywhere  
16 that I can see unless I'm missing something. I  
17 did want to -- and perhaps I'm going to ask  
18 Mr. Algarin to come back up -- but I did have one  
19 question. Mr. Algarin, you had mentioned in your  
20 testimony that the laundry room is located and the  
21 way it's drawn off of a landing and a staircase,  
22 and then you come up several more stairs to the  
23 bedroom area. How does that affect the headroom  
24 of the mudroom?

25 MR. ALGARIN: The mudroom is the

1 same steps down; the mudroom is at-grade. The  
2 back door of the house is right at the patio.  
3 There're no steps into the house. You walk right  
4 from the patio into the back of the house. That  
5 doesn't change in our plan. When you walk into  
6 the back of the house now you walk up three steps  
7 into the kitchen. They're both just dropped down.

8 CHAIRMAN FUSARO: Okay. So the  
9 mudroom is lower than the kitchen and that  
10 explains the height differential. Great. Thank  
11 you. I meant to ask you that. I apologize. I  
12 forgot. Okay.

13 Do we have a motion?

14 MR. REISEN: There are so many  
15 conditions.

16 CHAIRMAN FUSARO: Anyone.

17 MR. REISEN: I'll make a motion to  
18 move the application forward with all the  
19 conditions previously spelled out by our Board  
20 Chair.

21 CHAIRMAN FUSARO: Do you have all  
22 the conditions?

23 MS. RAZIN: I think so. I don't  
24 have that many.

25 CHAIRMAN FUSARO: Two.

1 MS. RAZIN: Two. I have the box bay  
2 --  
3 CHAIRMAN FUSARO: And the porch.  
4 MS. RAZIN: -- and the porch.  
5 CHAIRMAN FUSARO: That's correct.  
6 Do we have a second?  
7 MR. MASCIALE: I'll second.  
8 CHAIRMAN FUSARO: Mr. Masciale,  
9 second.  
10 MR. SAMMET: Roll call. Ms. Molnar.  
11 MS. MOLNAR: Yes.  
12 MR. SAMMET: Mr. Cohen.  
13 MR. COHEN: Yes.  
14 MR. SAMMET: Mr. Masciale.  
15 MR. MASCIALE: Yes. Chair Fusaro.  
16 CHAIRMAN FUSARO: Yes.  
17 MR. SAMMET: Ms. Hroblak.  
18 MS. HROBLAK: No.  
19 MR. SAMMET: Mr. Reisen.  
20 MR. REISEN: Yes.  
21 CHAIRMAN FUSARO: Your application  
22 is approved. Good luck.  
23 MR. ALGARIN: Thank you very much.  
24 CHAIRMAN FUSARO: Motion to adjourn?  
25 MR. REISEN: Motion to adjourn.

1 Second.

2 CHAIRMAN FUSARO: Everyone made a  
3 motion and everyone seconded it.

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5 (The meeting was adjourned at  
6 10:05 p.m.)

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