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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING (SPECIAL MEETING) :
----- :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, September 19, 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

MATT SONTZ, MEMBER

7

CAROL MOLNAR, MEMBER

8

9

- - -

10

DON SAMMET, TOWN PLANNER

11

A B S E N T :

12

ELDY PAVON, MEMBER

13

CHARLES GELINAS, FIRST ALTERNATE

14

SAMUEL REISEN, SECOND ALTERNATE

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

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- - -
I N D E X
- - -

STATEMENT BY THE CHAIRMAN	6
ROLL CALL	7
APPROVAL OF MINUTES N/A	
ADOPTION OF RESOLUTIONS: 315 WYCHWOOD ROAD	8

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

WITHDRAWN

NONE

CARRIED

ZBA 22-016 (CARRIED FROM 09/12/2022) MICHAEL MORIARTY 318 BELMAR PLACE BLOCK: 5013, LOT: 7	9
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<u>WITNESS</u>	<u>PAGE</u>
MICHAEL MORIARTY	10
JAMES KARAS	11

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	MARKED UP SHEET ST-1	13
A-2	COLORIZED SHEET A-2	13
A-3	ADDITIONAL AERIAL PHOTOS	14
A-4	COLORIZED PARTIAL TAX MAP	14

<i>*MOTION TO APPROVE APPLICATION WITH CONDITIONS</i>	44
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1
2
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N E W A P P E A L S
- - -

ZBA 22-012
KEVIN AND JILLANNE MCKEOWN
1907 GRANDVIEW AVENUE
BLOCK: 5705, LOT: 7 45

<u>WITNESS</u>	<u>PAGE</u>
KEVIN MCKEOWN	45

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
NONE		

**MOTION TO APPROVE APPLICATION
WITH CONDITIONS* 58/60

- - -

ZBA 22-017
REBECCA AND JAYSON KAREN
1605 BOULEVARD
BLOCK: 5612, LOT: 16 63

<u>WITNESS</u>	<u>PAGE</u>
JAYSON KAREN	64
REBECCA KAREN	64
ARTHUR HENN	66

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	SHEET PB-13	69

**MOTION TO APPROVE APPLICATION
WITH CONDITIONS* 90

1
2
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ZBA 22-019
JOSEPH AND LAUREN BENANTI
519 ALDEN AVENUE
BLOCK: 1107, LOT: 10 91

WITNESS PAGE

JOSEPH BENANTI 92

EXHIBIT DESCRIPTION PAGE

NONE

**MOTION TO CARRY TO
APPLICATION TO 10/12/2022 113*

- - -

ZBA 22-018
AMIT AND DIPTI PATEL
521 KIMBALL AVENUE
BLOCK: 1208, LOT: 15 114

WITNESS PAGE

AMIT PATEL 115
DIPTI PATEL 115

EXHIBIT DESCRIPTION PAGE

NONE

**MOTION TO APPROVE APPLICATION
WITH CONDITIONS 133*

- - -

- - -

1
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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 the scheduled special meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board of town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act.

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

MS. RAZIN: Good evening. The Zoning Board has the power to grant variances from the zoning ordinance. The Board can only grant a variance in accordance with the Municipal Land Use

1 Law, and these can be "D" use-type variances
2 or "C" bulk-type variances. In all cases, it is
3 the Applicant's burden to prove his or her case,
4 and the Applicant must demonstrate that granting
5 the variance will not substantially impair or
6 negatively harm impacts to the public or the
7 intent of the zoning ordinance.

8 CHAIRMAN FUSARO: Thank you, Ms.
9 Razin. Mr. Sammet, can I have a roll call,
10 please?

11 MR. SAMMET: Yes, sir.

12 Mr. Cohen.

13 MR. COHEN: Present.

14 MR. SAMMET: Chair Fusaro.

15 CHAIRMAN FUSARO: Here.

16 MR. SAMMET: Ms. Hroblak.

17 MS. HROBLAK: Here.

18 MR. SAMMET: Vice-chair Masciale.

19 MR. MASCIALE: Here.

20 MR. SAMMET: Ms. Molnar.

21 MS. MOLNAR: Here.

22 MR. SAMMET: Ms. Pavon is absent
23 this evening. Mr. Sontz.

24 MR. SONTZ: Here.

25 MR. SAMMET: Mr. Gelinas is absent

1 this evening. And Mr. Reisen is also absent this
2 evening. Thank you.

3 CHAIRMAN FUSARO: Thank you, Don.
4 The next item on our agenda is the memorialization
5 of resolutions from our meeting of August 9, 2022.
6 We have one resolution to be memorialized. It's
7 resolution Number ZBA 21-077,
8 Dr. and Mrs. Freeman, 315 Wychwood Road.

9 MR. SAMMET: We have three eligible
10 members for that resolution; Ms. Hroblak,
11 Mr. Cohen, and Mr. Gelinis. Mr. Gelinis is absent
12 this evening, so it's Ms. Hroblak, and Mr. Cohen.
13 We need a motion and a second with the two.
14 Motion to approve that resolution?

15 MR. COHEN: I'll motion to approve
16 the resolution.

17 CHAIRMAN FUSARO: Second.

18 MS. HROBLAK: Second.

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

21 MR. SAMMET: Mr. Cohen.

22 MR. COHEN: Yes.

23 MR. SAMMET: Ms. Hroblak.

24 MS. HROBLAK: Yes.

25 MR. SAMMET: You're both a "yes."

1 Ms. Hroblak and Mr. Cohen, both to approve. Thank
2 you. That resolution is memorialized.

3 There are no applications that are
4 being withdrawn. And I believe we have one
5 application being carried to our October meeting
6 that was already posted the last time, so we'll go
7 over that, and there are no extensions, etcetera.

8 Our first application this evening
9 is Application Number ZBA 22-016,
10 Michael Moriarty, 318 Belmar Place. Applicant is
11 seeking approval to add a new second floor to an
12 existing cape cod home above the existing
13 first-floor footprint contrary to the Westfield
14 Land Use Ordinance: Section 11.09E-5 where the
15 minimum street side yard setback required is
16 20-feet and proposed is 15.13-feet, and; Section
17 11.09E-6 where the minimum side yard setback
18 required is 10-feet and proposed 8.9-feet. Good
19 evening.

20 MR. MORIARTY: Good evening. How
21 are you doing?

22 CHAIRMAN FUSARO: You're
23 Mr. Moriarty?

24 MR. MORIARTY: Yes.

25 CHAIRMAN FUSARO: Welcome. Please

1 state your name and address for the record.

2 MR. MORIARTY: Mike Moriarty,
3 318 Belmar Place.

4 CHAIRMAN FUSARO: Thank you. Please
5 raise your right hand.

6 MICHAEL MORIARTY, having been duly
7 sworn, was examined and testified as follows:

8 CHAIRMAN FUSARO: Please proceed and
9 tell us about your application.

10 MR. MORIARTY: Sure. Good evening.
11 I'm Mike Moriarty. My wife Crystal and I have
12 lived in Westfield for five years. We love the
13 town's school system. We have four daughters in
14 the sixth grade and under. We also work full-time
15 at home and have multiple sets of our girls'
16 friends in the home at the same time. We're
17 looking to do this project making the first floor
18 an open plan. And adding all bedrooms upstairs,
19 we're able to stay in our current location and
20 neighborhood adjacent to Jefferson Elementary. As
21 a family of six, we simply need more room and
22 space. We really want to stay where we are. We
23 have great neighbors. All of our neighbors
24 received the notification of this meeting.
25 Obviously, all have given voiced support to me

1 with phone calls and checking in on it. That's
2 really -- we just want to stay where we are. And
3 as you've heard, I have four daughters under 11,
4 so we need more space. And I'll bring in my
5 architect, James Karas.

6 CHAIRMAN FUSARO: Thank you. Sir,
7 step up to the mic. Either mic is fine. Please
8 state your name and address for the record.

9 MR. KARAS: The name is
10 James S. Karas. Address 27 Briar Hills Circle,
11 Springfield, New Jersey.

12 CHAIRMAN FUSARO: Please raise your
13 right hand.

14 JAMES S. KARAS, having been duly
15 sworn, was examined and testified as follows:

16 CHAIRMAN FUSARO: Mr. Karas, I don't
17 believe you've appeared before our Board certainly
18 this year. Can you give us a little background
19 and some of your credentials with respect to the
20 field of architecture?

21 MR. KARAS: Graduated in 1982, New
22 Jersey Institute of Technology. Licensed in New
23 Jersey since 1986. I've been practicing mostly
24 residential additions and some new construction.
25 This year, I've testified before Florham Park,

1 Springfield. And in previous years, here in
2 Westfield, Millburn, Summit, New Providence,
3 Berkeley Heights, Warren, Princeton, and others.
4 A lot of places.

5 CHAIRMAN FUSARO: A number of towns.
6 We go it. Does anyone on the Board have any
7 questions, comments, concerns regarding Mr. Karas?
8 Seeing none, we'll continue to recognize you as an
9 expert in the field of architecture. Please
10 proceed.

11 MR. KARAS: I colored up some of the
12 boards that were presented or were submitted. So
13 I guess I'll start with that. So starting on...

14 MS. RAZIN: Mr. Karas, since you've
15 marked that up, I'm just going to mark that in; if
16 you don't mind.

17 MR. KARAS: Oh, sure.

18 MS. RAZIN: Because you did mark
19 that.

20 MR. KARAS: I did color. Also,
21 while we're at it, I did add one photo, and I have
22 a handout.

23 MS. RAZIN: So why don't we go
24 through each one, one at a time, so that everybody
25 -- so why don't you tell me exactly. So that's

1 going to be A-1, and that's going to be "marked up
2 sheet ST-1."

3 (Whereupon, Applicant's Exhibit A-1,
4 MARKED UP SHEET ST-1, was marked for
5 identification.)

6 MS. RAZIN: Okay. Then you wanted
7 the next -- if you didn't make any other changes,
8 then we don't have to mark anything else.

9 MR. KARAS: No other changes.

10 MS. RAZIN: Just anything new.

11 MR. KARAS: We colored up the
12 elevations just to give a little...

13 MS. RAZIN: Okay. So we're going to
14 do A-2, "colored elevations."

15 CHAIRMAN FUSARO: Sheet A-2.

16 MS. RAZIN: Sheet A-2, also? It's
17 Sheet A-2 on A-2, colorized Sheet A-2.

18 MR. KARAS: Right.

19 (Whereupon, Applicant's Exhibit A-2,
20 COLORIZED SHEET A-2, was marked for
21 identification.)

22 MR. KARAS: I do have photos that
23 were in the application, but I'd like to add one
24 photo to that.

25 MS. RAZIN: The same photos?

1 MR. KARAS: I've added one more.

2 MS. RAZIN: So we're just going to
3 add A-3, "additional photo." And is that an
4 aerial?

5 MR. KARAS: Yes.

6 MS. RAZIN: Okay. I wrote "aerial
7 photo."

8 (Whereupon, Applicant's Exhibit A-3,
9 ADDITIONAL AERIAL PHOTO, add was marked for
10 identification.)

11 MR. KARAS: And I did work up -- I
12 have a handout that I'd like to hand out. So that
13 would be A-4.

14 MS. RAZIN: That's A-4. And would
15 you like to give me words of what it is?

16 MR. KARAS: It's a colorized partial
17 tax map, and two of the aerials that were
18 previously submitted.

19 MS. RAZIN: Okay. Great. Thank
20 you.

21 MR. KARAS: Thank you.

22 (Whereupon, Applicant's Exhibit A-4,
23 COLORIZED PARTIAL TAX MAP, was marked for
24 identification.)

25 MR. SAMMET: You'll just need to

1 leave the exhibits with us at the end of the
2 meeting.

3 MR. KARAS: Yes. No problem.

4 Basically, you heard from Michael, he has a
5 beautiful family with four young daughters. They
6 live close to the school, and they're shoveling
7 back and forth to the school. They love where
8 they are. They love the neighborhood. They're in
9 a very small house. They're in one of the few
10 remaining -- I call it "Cape Cods" in the area.
11 There's a lot of homes -- especially, in the last,
12 I'd say, 10 years that were built up and made full
13 two stories. Our property, a lot of the issues
14 stem from it being too narrow. We come into it
15 with several -- of a number of preexisting
16 nonconformities are -- of course, the side yards
17 that we're looking for. We're undersized on the
18 Summit Avenue side, on the corner requires 20, and
19 we have 15.13. It's actually pretty much the
20 standard going down Summit Avenue. As you go down
21 there, you can stand there and almost see all the
22 houses in a line. On the other side, we have a
23 setback of 8.9 where 10-foot is required. Again,
24 many of the homes in the area appear from the
25 overhead, and from the report that they are even

1 under that.

2 So what we have as an existing
3 nonconformity is the minimum lot width. Minimum
4 lot width which is --

5 MR. SAMMET: Sixty.

6 MR. KARAS: Right, 60, and we have
7 54.30. On the minimum of the lot frontage area,
8 120-feet in front of the lot line, so we're under
9 that as well at -- 7,200 is required, we're at
10 6,706. Lot frontage, again, it's 60, and we're at
11 54.30. So a narrow lot is causing us the
12 difficulty of working with this site. What we've
13 proposed is not to increase any setback, just to
14 build over the existing foundation and build the
15 second floor to get the bedrooms that the family
16 needs. The one part where we do want to build out
17 is at a front-coverage entryway. We have a
18 setback that conveniently allows us not to
19 encroach on the front setback at all. And that
20 coverage entryway makes for a safer entry from the
21 elements. It's a nice neighborhood addition. It
22 gives some character for the neighborhood that
23 will have some columns, some stone, it will have
24 some texture to it. So that would a good addition
25 to the neighborhood; we feel. As far as

1 coverages; we're okay on coverages. We're still
2 okay. We're allowed 4% more for a covered
3 entryway. I think we take 2% of that. So we're
4 okay on all the coverages. Again, we're strictly
5 looking to build up, plus the entryway.

6 Just to go through the plan a little
7 bit. On the first floor, currently, they have a
8 master -- currently, there's a master bedroom and
9 a small kitchen that's really way undersized for
10 their family. So our plan is to convert this with
11 the existing fireplace to a family room. I can
12 open up to the existing patio, which would be much
13 safer for the children to play in the backyard; a
14 much better use of the home. Their small kitchen
15 can now become adjacent to that family room and
16 open up the rooms to give them a nice alternate
17 eating area with a counter and a nice big dining
18 area. So this would really suit the family. When
19 you have six kids, I'm sure they're waiting for
20 the room.

21 Again, we're adding a coverage
22 entry. Right now, it's kind of a -- I'll call it
23 a "dangerous condition" -- when you go up, there's
24 not a landing, and you kind of walk in. So I
25 think that would be a safety issue as well and as

1 a nice look for the home. So upstairs; we're
2 recreating the master bedroom upstairs. With the
3 existing plan, we have the stair down the middle.
4 So the narrowness of the lot -- this is where it
5 comes in where if we had to take 5-feet out we
6 couldn't get really four full bedrooms on one
7 side. So this way, we have the hallway, you could
8 come around, and we could get two decent bedrooms.
9 Then on the other side, with that setback, at our
10 narrowest, we're about 8-feet. So taking a foot
11 out of that would create, I would say, an
12 undersized bedroom. So we think the request of
13 going up but not going beyond the existing
14 foundation is a reasonable one. As you pass
15 through the neighborhood currently many of the
16 homes have a third or two stories.

17 We also have a room, a habitable
18 attic on the third floor. Now, I think I have a
19 bit of an error on the square footage of that
20 because I recalculated that; it's really
21 357-square-feet up there including the bath, some
22 of the stair, and the bed. So that would be under
23 the 1/3 the habitable attic would have to be for
24 --

25 MR. MASCIALE: While we're talking

1 about the attic, can I just ask the question on
2 the zoning, it looks like the 2 1/2 stories is
3 lower than the existing Cape Cod, which is 23.6
4 and it says 22.8 proposed. Is there some magic
5 going on or...?

6 CHAIRMAN FUSARO: The maximum
7 building height, according to your chart there,
8 you have proposed is 22-foot-8 and 2 1/2 stories.
9 However, if you just look at your elevation sheet
10 A-2, your rear elevation has a building height of
11 31-foot-11 5/8.

12 MR. KARAS: That's the correct
13 number. I apologize for that. 31.11 is the
14 correct number. We're going for below the 32.
15 Yes, I apologize for that. It's as it's noted on
16 the A-2 sheet.

17 CHAIRMAN FUSARO: So you're at a
18 maximum height?

19 MR. KARAS: Yes. Which is the next
20 drawing here by itself. So again, this is just a
21 view of the front elevation which will give you
22 some texture as far as the stone at the front
23 entry. A nice one-story with columns. Our plan,
24 what we're looking at now, it's not final, but
25 maybe breaking up the siding with a board and

1 batten up above. That could be a nice detail
2 which, helps to lower the height of the home, the
3 look of the home there. Otherwise, we're
4 building, again, up. We're strictly going up on
5 the same foundation, the same setbacks as the
6 existing.

7 MR. MASCIALE: Now, what was the
8 reason, if I can ask, that you went and built up
9 like a full 1/2 story up onto the attic? Was
10 that, like, a design criteria or the maximum was
11 the building height?

12 MR. KARAS: Even though -- well,
13 four children would like to have the option when
14 they get older. As it is now, it would be three
15 bedrooms for the children. I think as they get
16 older, they'll probably want the opportunity to
17 have additional bedrooms so they all have their
18 own bedrooms. That strictly, that was the
19 thought.

20 MS. MOLNAR: Can I ask a question?
21 Does your FAR include the attic in the
22 calculation?

23 MR. KARAS: Yes.

24 MS. MOLNAR: It does. And the
25 maximum coverage, you're at the maximum, are you

1 proposing a patio or anything?

2 MR. KARAS: Any?

3 MS. MOLNAR: Patio?

4 MR. KARAS: A new patio, that's an
5 existing patio that's there.

6 MS. MOLNAR: Is that included in
7 your calculation of 49.2?

8 MR. KARAS: Oh, yes.

9 MS. MOLNAR: Right there, you're
10 maxed?

11 MR. KARAS: Yeah.

12 CHAIRMAN FUSARO: Just to confirm,
13 the FAR calculation that you have on your drawing
14 does include the third floor?

15 MR. KARAS: Yes.

16 CHAIRMAN FUSARO: And you are
17 planning on constructing that now, finishing that
18 space off?

19 MR. KARAS: We call it "future." I
20 think it might be a cost issue, but, yeah.

21 CHAIRMAN FUSARO: Ms. Molnar.

22 MS. MOLNAR: Can you clarify, are we
23 approving this application with the third-floor
24 construction configuration on there?

25 CHAIRMAN FUSARO: That's what he

1 just testified to. But the reason I think that
2 everyone is kind of questioning it had to do with
3 that third floor said "future" and the height was
4 lower. And now, he's clarified that the height on
5 the plan is incorrect, they're actually going to
6 32-feet, I would assume they would be building,
7 correct, a full third floor.

8 MR. MASCIALE: Well, technically,
9 it's a 2 1/2 story because it's less than that.

10 CHAIRMAN FUSARO: That would be my
11 other question to Don. It's a 2 1/2, not 3;
12 right?

13 MR. SAMMET: Yeah, 2 1/2 stories.

14 CHAIRMAN FUSARO: That's where we're
15 at. Please proceed.

16 MR. KARAS: Just some pictures of
17 their current house. You'll see it's a Cape. You
18 know, one of the few remaining Capes in that area.
19 This is looking down Summit Avenue. You can see
20 the houses lining up with basically that 15-foot
21 setback is pretty well established, approximately.
22 The homes across the street from them on Belmar
23 Place, you can see that they're all pretty much
24 built up. They have minimal setbacks between
25 them. They're all full two stories, they're not

1 set back. These are the homes going down Summit
2 Avenue, again. But they all seem to be fairly
3 recent re-dos. I had this picture in the
4 application overhead, so you can see where these
5 homes are. They look like that. This is current.
6 I wanted to add in one more which kind of gives
7 you more of a perspective view and you can see the
8 two stories that are in town. That's the
9 character of the neighborhood that we're looking
10 to pretty much match. Just as more of a
11 comparison, I did do a handout that basically just
12 has those two aerial shots. And looking at the
13 tax map considering that...

14 MS. MOLNAR: Are you moving any of
15 the concrete or the pavers on the property?

16 MR. KARAS: No.

17 MS. MOLNAR: You're leaving it
18 as-is. Okay.

19 MR. KARAS: Basically leaving it
20 as-is.

21 MS. MOLNAR: Okay.

22 MR. KARAS: So just to show on that
23 sheet, the ones that are in the purple are
24 slightly undersized. They're at 7,000 -- they're
25 smaller than our lot, I should say, 7,140 where

1 ours is 8,200-square-feet. So it's just a method
2 as a comparison to see that the character of that
3 area is basically two stories with minimal
4 setbacks. So that when I kind of looked at that
5 from the aerial I thought it was pretty evident
6 that these other homes -- and I looked closely, it
7 looked like they're even below our 8.9 setbacks
8 like some of the other ones. I know those are --
9 a lot of them are builder houses that come in and
10 redo them and sell them after a year. Just as a
11 comparison, it would be nice if the Moriartys can
12 stay in the home they're used to. The school,
13 they would be close to the school, and they're not
14 looking to move. They really love the area and
15 just want to make it usable for them. I think
16 that's basically it.

17 MR. COHEN: Are we using the garage
18 now for vehicles or...?

19 MR. MORIARTY: No. It's a detached
20 two-car garage, but not for vehicles.

21 MR. COHEN: Are you planning on
22 parking on the street or...?

23 MR. MORIARTY: On the street or the
24 fall, (indiscernible) on the driveway.

25 MR. COHEN: I don't know if that

1 impacts things, but it looks pretty narrow there
2 on Belmar.

3 MR. MORIARTY: No. I park on the
4 side of Belmar.

5 MR. COHEN: You park on the side?

6 MR. MORIARTY: Yeah. It's on the
7 corner of Summit and Belmar.

8 CHAIRMAN FUSARO: There're currently
9 two parking spaces being provided in the garage
10 and certainly in the driveway it's sufficient for
11 another, at least one or two.

12 MR. MORIARTY: Oh, yeah. Two or
13 three vehicles. If you maneuver correctly, you
14 can fit about five.

15 CHAIRMAN FUSARO: Thank you.
16 Mr. Karas, is there anything else?

17 MR. KARAS: No, that's it.

18 CHAIRMAN FUSARO: Any Board Members
19 have any questions of Mr. Karas at this time?
20 Does anyone from the --

21 MS. MOLNAR: I don't have a
22 question, it's just a comment. We're at the max,
23 so if he ever wanted to do like a trellis thing,
24 anything, any kind of improvements, he'd have to
25 come back to us.

1 CHAIRMAN FUSARO: Yes. He's maxing
2 everything out; the height, etcetera.

3 Is there anyone from the audience
4 who would like to address the application or
5 question the architect or the applicant? Please
6 forward at this time and state your name and
7 address for the record. Seeing none. We'll close
8 that portion.

9 Mr. Moriarty, Mr. Karas, any other
10 closing comments you'd like to make before we open
11 it up to Board discussion amongst ourselves?

12 MR. KARAS: No.

13 CHAIRMAN FUSARO: No, you're good.
14 Thank you so much.

15 MR. KARAS: Thank you.

16 CHAIRMAN FUSARO: Basically, what we
17 have is a ranch home, and they're expanding the
18 entire second floor over the existing footprint.
19 As we questioned, and as was answered, the FAR
20 calculation did include that third floor for a
21 future bedroom whether it be constructed at this
22 time or at a future date. We will be approving
23 that if the application is approved. We've made
24 the correction to the height that's listened on
25 the drawing; it's going to be a full third. It's

1 going to be 3/8 of an inch shy of a maximum of
2 30-feet; at 31.11 5/8. Based on the photographs
3 that were submitted, you can see, it appears that
4 in this particular neighborhood most of the homes,
5 quite a few of the homes, have had, I would say,
6 similar-type conditions, certainly second-floor
7 additions added to what used to be smaller
8 ranch-type homes. The only comment or condition I
9 would say that I would add to the application if
10 we were to approve it would be our usual that the
11 front stoop porch remains open on three sides.
12 It's kind of our standard condition with anyone
13 proposing a porch. While I kind of agree with
14 you, Ms. Molnar, that it is being maxed out, the
15 Applicant will certainly have to do that, it's his
16 prerogative if he were to add anything else, he
17 would have to come back to the Board for us to
18 approve it. That having been said, how does the
19 rest of the Board feel?

20 MS. MOLNAR: This is a Cape Cod;
21 right?

22 CHAIRMAN FUSARO: Yes. Cape Cod.
23 Pardon me, I said "ranch."

24 MR. COHEN: I think the portico has
25 to be open on two sides the way it's drawn, right?

1 CHAIRMAN FUSARO: Say it again.

2 MR. COHEN: The way the portico is
3 drawn, it has to be open on two sides; not three
4 sides.

5 CHAIRMAN FUSARO: Correct.

6 MR. MASCIALE: I have a couple of
7 comments, Frank. I have no problem with the
8 Applicant going up two stories above what's
9 currently there. The rooms, the size of the
10 rooms, are all reasonable. There's no excess
11 coming off. But I do have a problem going up to
12 the maximum because we're giving side yard relief,
13 and to me, it's almost like you're massing too
14 small of a property. And most of the neighbors
15 and a lot of the properties, they're all
16 undersized. And just because you're undersized
17 doesn't mean you get a variance. And the question
18 I have is, you know, from a massing standpoint, is
19 this going to just cast shadows on the neighbor
20 and they're never going to see the sun again going
21 up to 32-feet, and we're giving that side yard
22 setback. I would just like to see a little bit
23 less and maybe not as much of the top story; the
24 second-and-a-half story. But I totally get what
25 you're doing and support them going up two

1 stories. But, to me, it's too big. I don't know.

2 CHAIRMAN FUSARO: We can certainly
3 -- I didn't really look at the --

4 MR. MASCIALE: It's just my opinion.

5 CHAIRMAN FUSARO: Yeah. Yeah. The
6 pictures of the roof perhaps, we could open it
7 back up and ask the architect what the ceiling
8 height -- for the proposed ceiling height. I
9 don't recall seeing it on any of the wall sections
10 of the -- actually, he's got a full -- it says
11 "between beams" on Sheet A-2, he's got a full
12 8-foot height ceiling height. I mean we certainly
13 -- and it looks like the ridge is -- I don't have
14 a scale with me -- but it would appear to be, at
15 the ridge, to be at least 3-feet above that. I'm
16 sorry -- yes, correct, 3-feet above that. So
17 perhaps they could flatten that ridge to break out
18 a little to lower it to get to your massing and
19 lower it 2- or 3-feet. I think it's certainly
20 doable. I think that's a good comment. We can
21 certainly open it back up to ask the Applicant
22 that question. Is there anything else that anyone
23 else would like to comment about? Matt? No,
24 you're good. Allyson?

25 MS. HROBLAK: What's the reduction

1 we're talking about? How much?

2 CHAIRMAN FUSARO: We're talking
3 about the third floor. He's got a full ceiling
4 height of 8-feet and, approximately, an additional
5 3-feet to the ridge, which brings us to just under
6 32-feet which is the maximum massing that's
7 allowed height-wise. If we were to ask them to
8 lower that -- I don't know -- 2-feet or whatever,
9 bring it down to 30-feet, it would certainly
10 affect, or I should say, help the view of the
11 neighbors living next to them.

12 MR. MASCIALE: Yeah. I mean just a
13 little less on the massing can go a long way here,
14 in my opinion. Let the architect come back.

15 MS. HROBLAK: Just my comment was
16 really more in line with a lot of these Cap Cods
17 are being turned into much bigger homes. So we're
18 just losing all this stock, the starter-home
19 stock. Apart from that, most of them are already
20 --

21 MR. COHEN: They're already gone.

22 CHAIRMAN FUSARO: The starter-home
23 stock in that area where there used to be Capes
24 and ranches they're all -- everyone has been
25 adding a level for a number of years.

1 MS. HROBLAK: Some of them are.

2 MS. MOLNAR: Some of them are
3 tear-downs. Belmar has a lot of tear-downs.

4 MS. HROBLAK: Just whatever they put
5 in, whether it's an addition or a new
6 construction, they just put, again, they max
7 everything out. So keeping with the Master Plan,
8 starter homes will be gone in 10 years at this
9 rate. Don?

10 MR. SAMMET: I couldn't venture a
11 guess.

12 MS. HROBLAK: I mean basically, I'm
13 in line with -- I'm in favor of the reduction of
14 this.

15 CHAIRMAN FUSARO: All right. So we
16 want to ask the architect and the property owner
17 to come back up and ask them about that condition
18 we talked about.

19 MR. COHEN: I'd also be curious of
20 what the heights are of the newer constructed
21 homes in the surrounding vicinity. Because
22 everybody on that block and that area are squished
23 in. If everybody else has done it -- I recognize
24 the point about not giving everybody a variance,
25 but I'm hesitant about punishing this particular

1 Applicant who was diligent enough to come here and
2 present a plan that is otherwise within the FAR.
3 To, you know, force him to constrain his plan when
4 all he's doing is building over the existing
5 footprint and everybody else is doing it over
6 there. So I'm fine.

7 CHAIRMAN FUSARO: I'm looking at
8 some of the photographs that were submitted. And,
9 again, not knowing the heights, it certainly looks
10 like some of the homes across the street are all
11 that 2 1/2 stories with some occupied space or
12 inhabitable space up on the third floor.

13 MR. COHEN: I mean I drive that area
14 every day, they're all -- and the ones that have
15 built, they're all pretty much to the max. I
16 can't swear they're 32-feet, but they're --
17 they're mansions on a postage sticker.

18 MS. HROBLAK: Even Boulevard in that
19 section.

20 MR. COHEN: Yeah. Once you get
21 through -- they're all...

22 CHAIRMAN FUSARO: Why don't we ask
23 Mr. Moriarty and Mr. Karas to come back up,
24 please? You've heard our Board discussion.
25 You've heard our comments. We have a little bit

1 of a concern with respect to the massing of the
2 home. And please correct me if the dimensions
3 that I gave were incorrect with the 8-foot and
4 then the ridge. And what can you do, if anything,
5 to bring the ridgeline down at least a couple of
6 feet so that it would cut down on the massing of
7 the structure?

8 MR. KARAS: I think to bring it down
9 2-feet wouldn't hurt that bedroom. We can make
10 that work. So I wouldn't have a problem with
11 that. I think more than 2-feet, it becomes kind
12 of -- lessens the effect of that room. So 2-feet,
13 I think will help with the massing and still give
14 them a nice bedroom up there.

15 CHAIRMAN FUSARO: So if we cap the
16 height and requested it to be, approximately,
17 30-feet instead of 32, you would be able to make
18 that work?

19 MR. KARAS: I'm fine with that.

20 CHAIRMAN FUSARO: Mr. Moriarty,
21 you're okay with that?

22 MR. MORIARTY: Yes.

23 CHAIRMAN FUSARO: Great. Thank you
24 so much. We'll close that portion. I guess we've
25 heard that they're going to be able to reduce that

1 height, which will bring the massing down a little
2 bit. Probably not, you know, it's going to be a
3 Cape Cod anymore, but we're doing the best we can
4 to try and keep the neighborhood in some sort of
5 conformity. And so...

6 MR. COHEN: My concern with that is
7 it doesn't do anything to alleviate either of the
8 variances.

9 CHAIRMAN FUSARO: Correct.

10 MR. COHEN: So all we're doing is
11 smooshing down the top of the house.

12 CHAIRMAN FUSARO: Which alleviates
13 some of the massing.

14 MS. HROBLAK: That's relative to the
15 setback issue. He's trying to bring it --

16 MR. COHEN: He's already building
17 out the sides of the house to be consistent with
18 the existing first-floor footprint, which just
19 keeps an existing setback variance where it is.

20 CHAIRMAN FUSARO: I believe the
21 architect had mentioned in his testimony as to why
22 he was keeping that width of the home or why he
23 would like to because if you look at the floor
24 plan, you really can't take anything out of --

25 MR. MASCIALE: The second floor is

1 fine. I think it's what's proposed on top of the
2 current, to me, it's just a box and too much
3 massing to give the sight lines -- I think it
4 seems... pull it in a little bit something
5 architecturally designed --

6 (Crosstalk.)

7 MS. HROBLAK: It's the attic that's
8 really --

9 CHAIRMAN FUSARO: Correct.

10 MR. COHEN: I don't think in
11 particular, but...

12 MR. MASCIALE: I just think they can
13 make it work.

14 MR. COHEN: Yeah. I mean clearly,
15 they have to be willing to. I would be willing to
16 approve the application without that condition.
17 But if not, and the Board thinks otherwise, then
18 so be it.

19 CHAIRMAN FUSARO: The attic is not
20 in width as it's stepped in. I'm looking to see
21 what could possibly be done there. The width of
22 that one bedroom is 12-feet. I mean if you were
23 to pull it back in a couple of feet.

24 MR. MASCIALE: I think the architect
25 can do a lot.

1 CHAIRMAN FUSARO: Yeah. So what I'm
2 hearing is everyone seems to be more concerned
3 with the third floor -- the second floor we're
4 good with -- pulling the third floor in a couple
5 of feet; am I correct?

6 MS. HROBLAK: Yes.

7 MR. COHEN: I'm sorry. Was that
8 what the architect testified to? I think the
9 architect just talked about the height.

10 CHAIRMAN FUSARO: Yeah, no. I'm
11 going to bring him back up. I said we're
12 discussing it. Can you please come back up if you
13 don't mind Mr. Moriarty and Mr. Karas? We'll open
14 this portion back up. Okay. While we understand
15 why you have your footprint on the second floor
16 the complete width of the home, it appears that
17 there's very little wiggle room as far as reducing
18 the width of it, you would be cutting into your
19 bedrooms and making them 10-feet instead of 12.
20 It becomes a little tight; I understand. This
21 third floor, can you pull that back in a couple of
22 feet?

23 MR. KARAS: The way I see that third
24 floor it's already -- the two roofs facing front
25 and back are already sloping back; they'll be a

1 splay in those ceilings. So I don't see that as
2 being boxy up there. I don't see a big advantage
3 to setting it back.

4 CHAIRMAN FUSARO: So what you're
5 saying is -- and I see it marked on your A-3
6 drawing in the future bedroom -- that the ceiling
7 is sloped.

8 MR. KARAS: Yes.

9 CHAIRMAN FUSARO: So there is that
10 8-foot that we were discussing is not the entire
11 height of the ceiling. A portion is going to be
12 8-feet and then it's going to slope down on the
13 sides.

14 MR. KARAS: That's why 2-feet, I
15 think, is doable. And then going over that...

16 CHAIRMAN FUSARO: Yeah. If you were
17 to pull that left side in 2-feet, then you're --

18 MR. KARAS: It's really becoming --

19 CHAIRMAN FUSARO: Understood.

20 MR. KARAS: -- not as workable.

21 CHAIRMAN FUSARO: Okay. Thank you.

22 I'll close that portion. So you heard the
23 reasoning why they can't bring it down on that
24 particular side. That 8-foot is not -- that
25 bedroom doesn't have a clear 8-foot ceiling

1 throughout the entire bedroom. It's only a
2 portion of it, and then it slopes off the roof.
3 Okay. Unless anybody else has any questions,
4 comments, or concerns, can we have a --

5 MR. SONTZ: I would vote for what
6 they presented, and I'd vote for what we discussed
7 about lowering the roof 2-feet. I'm for whatever
8 the Board prefers.

9 CHAIRMAN FUSARO: The two conditions
10 that I'm hearing are -- and by the way, I did mark
11 "two sides" on my paper but I said three, I
12 apologize.

13 MR. COHEN: I was just making sure
14 we didn't screw that up. Otherwise, the front
15 door will be open all the time.

16 CHAIRMAN FUSARO: The porch will
17 remain open on two sides, and the height of the
18 roof ridge be lowered from 32-feet to 30-feet.

19 MR. COHEN: Can I ask; is there
20 support on the Board to approve the application as
21 submitted other than Matt and I?

22 CHAIRMAN FUSARO: I would support
23 the application with those two conditions. I
24 don't know how everyone else feels.

25 MS. MOLNAR: I have a question.

1 Does changing the 30-feet change the FAR?

2 CHAIRMAN FUSARO: I don't think so.

3 Don?

4 MR. SAMMET: Probably not. If
5 anything, it would reduce it.

6 CHAIRMAN FUSARO: It would decrease
7 it. I'm sorry, increase it.

8 MS. MOLNAR: Reduce it down; is what
9 I'm saying.

10 MR. COHEN: You're not changing the
11 floor area.

12 CHAIRMAN FUSARO: No. But it might,
13 depending on the height of that sloped roof.

14 MR. SAMMET: Right. You might lose
15 some square footage that would count as FAR. It
16 won't be much.

17 MR. COHEN: They're not close on
18 FAR, are they?

19 MR. SONTZ: They're like 2% under, I
20 thought.

21 MR. COHEN: Couple percent under.

22 CHAIRMAN FUSARO: Yeah. The FAR,
23 the max, is 37% and they're at 34.63. So they're
24 a little over 2-feet under.

25 MR. COHEN: They're under. I'm

1 hesitant to punish the Applicant for coming
2 forward and essentially doing what everybody else
3 is doing in that area.

4 CHAIRMAN FUSARO: Okay. Anyone
5 else? No? Do we have a motion?

6 MS. MOLNAR: So moved.

7 MS. RAZIN: You've got to say --
8 there may be two different motions available, so
9 someone has to say what we moved.

10 MS. MOLNAR: To bring it down to
11 30-feet, and -- is there a second stipulation?

12 CHAIRMAN FUSARO: The second
13 stipulation was that the porch remains open on two
14 sides.

15 MS. MOLNAR: Yes. The porch remains
16 open.

17 MS. RAZIN: Thank you.

18 MR. COHEN: Before we vote on that.
19 If we vote on the application as submitted and
20 it's denied, do we have a problem then? If we --

21 MS. RAZIN: Yeah. I mean do you
22 want to just go around before you make a -- just
23 to --

24 MR. COHEN: That's why I asked if
25 there was any support for the application as

1 submitted before we get there.

2 CHAIRMAN FUSARO: We're allowed to
3 make that change, am I correct or not, as a
4 condition?

5 MS. RAZIN: Well, yes. You're
6 allowed to make that change. I think what Michael
7 is asking is before you do that, if there's --

8 CHAIRMAN FUSARO: Enough support to
9 approve the application.

10 MS. RAZIN: Right. Well, you can
11 make a -- there is a motion made.

12 MR. COHEN: Well, right. That's why
13 I was asking.

14 MR. SONTZ: I think, Mike, if we
15 make a motion to approve as submitted and it gets
16 defeated, we have --

17 MS. RAZIN: Well, there's already a
18 motion made to go the other way. Has anyone
19 seconded that motion?

20 MR. SONTZ: No.

21 MS. HROBLAK: I'm about to.

22 MS. RAZIN: What?

23 MS. HROBLAK: I'm about to, but...

24 MR. COHEN: Well then, I asked the
25 question before we did, so...

1 CHAIRMAN FUSARO: We can make
2 another motion.

3 MR. SONTZ: But the question on the
4 floor is let's say that loses, can we still make
5 another motion with the conditions?

6 MS. RAZIN: Yes. You can -- yes,
7 then you can make another motion.

8 CHAIRMAN FUSARO: Is that the way
9 you want to proceed now?

10 MR. SONTZ: We're not going to run
11 into any substantially different problems?

12 MS. RAZIN: Or you could just do --
13 withdraw the motion and do a straw poll and keep
14 it clean.

15 MR. SAMMET: Right. You can do
16 that.

17 (Crosstalk.)

18 MR. COHEN: You didn't answer my
19 question.

20 MS. RAZIN: I know, I'm answering
21 the question that was asked. I'm just telling you
22 the cleaner way of doing it, if you want, is if
23 Ms. Molnar would like to withdraw her motion for a
24 moment -- momentarily -- and then we can do a
25 quick straw poll, and then she can either remake

1 the motion or somebody else can make the motion.

2 MS. MOLNAR: I'll recall my motion.

3 MS. RAZIN: Okay.

4 MR. COHEN: My question is simply;
5 is there support on the Board to approve the
6 application as submitted?

7 CHAIRMAN FUSARO: Without any
8 conditions?

9 MR. COHEN: Well, subject to --
10 besides the two sides open on the porch.

11 CHAIRMAN FUSARO: I'd like to see it
12 lowered 2-feet.

13 MS. MOLNAR: Me too.

14 MS. HROBLAK: Me too.

15 MR. COHEN: Okay.

16 MS. MOLNAR: It's too high if you
17 look at the photos.

18 MR. MASCIALE: I think the Applicant
19 gets everything he wants.

20 MR. SONTZ: Just for completeness;
21 the town says 32-feet is not too high, so that's
22 why I'm okay with it, but I can understand.

23 CHAIRMAN FUSARO: Carol?

24 MS. MOLNAR: I like 30-feet. The
25 pitch of the roof is way too high.

1 CHAIRMAN FUSARO: Does anyone want
2 to make a motion?

3 MS. MOLNAR: All right. I move we
4 accept with the height being reduced to 30-feet,
5 and the portico not be covered on two sides.

6 CHAIRMAN FUSARO: Do we have a
7 second?

8 MS. HROBLAK: Second.

9 CHAIRMAN FUSARO: Seconded by
10 Ms. Hroblak. Mr. Sammet?

11 MR. SAMMET: I'll take a vote on the
12 record with my sheet here. Mr. Cohen.

13 MR. COHEN: Yes.

14 MR. SAMMET: Chair Fusaro.

15 CHAIRMAN FUSARO: Yes.

16 MR. SAMMET: Ms. Hroblak.

17 MS. HROBLAK: Yes.

18 MR. SAMMET: Vice-chair Masciale.

19 MR. MASCIALE: Yes.

20 MR. SAMMET: Ms. Molnar.

21 MS. MOLNAR: Yes.

22 MR. SAMMET: And Mr. Sontz.

23 MR. SONTZ: Yes.

24 CHAIRMAN FUSARO: Your application
25 is approved with those two conditions. Good luck.

1 Our next application is ZBA 22-012,
2 Kevin and Jillanne McKeown, 1907 Grandview Avenue.
3 Applicant is seeking approval to add a small front
4 porch contrary to the Westfield Land Use
5 Ordinance: Section 11.095E where the front yard
6 setback required is 26.91-feet and proposed is
7 23.68-feet, and; Section 11.09E-6 where the
8 minimum side yard setback required is 10-feet and
9 proposed is 9.86-feet; and Section 11.09E-14 where
10 a minimum one-car garage is required and none are
11 proposed. Is Mr. or Mrs. McKeown here? Please
12 come forward. Please state your name and address
13 for the record.

14 MR. MCKEOWN: Kevin McKeown, 1907
15 Grandview Avenue.

16 CHAIRMAN FUSARO: Please raise your
17 right hand.

18 KEVIN MCKEOWN, having been duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO: Thank you. Please
21 tell us about your application.

22 MR. MCKEOWN: Yes. So my wife and I
23 have been in Westfield since March 2017. We've
24 been in front of the Zoning Board before. In
25 2019, we got a couple of variances. We did an

1 addition on the back of the house. A much larger
2 project. We used David Bailey that time and he
3 kind of helped us through the application process.
4 This time we kind of did it ourselves. It's a
5 smaller project, but some of the same variances
6 that we had to get. So we're looking to put a
7 front porch on existing just kind of -- to where
8 it is. Our neighbors directly to the left of us,
9 they already have a front porch, and I believe
10 they received a variance for 1903 Grandview, and
11 we want to make our porch exactly even with them.
12 So we're not asking to take any further space than
13 what was already in line with the rest of the
14 neighbors.

15 Part of the reason is our kids, we
16 have twin boys, they'll be six in November; they
17 play outside a lot now. And the way that our
18 street is kind of positioned; there's Virginia and
19 Maryland, and then Grandview, we kind of have like
20 a dead-end-type there; there's no exit way. So a
21 lot of the neighborhood kids come and play in that
22 little area out in the street. And currently,
23 we're kind of watching them from Adirondack chairs
24 in the front yard, and we just kind of want a nice
25 little place to watch them from. So that's what

1 we're looking to do. I think the setback we're
2 asking for is 3-feet more than is permitted.

3 And then, the side yard setback,
4 unbeknownst to me, I guess we're allowed 10, but
5 it's 9.86. So I found that out in the survey.
6 And the one-car garage; so previously in 2019 when
7 we got the variance, we purchased a 30-by-50
8 parcel property from the Town of Westfield, so we
9 back up to this green space -- I'm not even sure
10 what it's called, but it's on the border between
11 Cranford and Westfield -- so we purchased 30-by-50
12 behind us from the town so that we would have the
13 proper lot coverage and a bigger property so we
14 could do the addition and not kind of ask for too
15 much of a variance. So that's kind of the
16 history. We're looking to stay here for a long
17 time. A front porch would be great for us and for
18 the kids. And, yup, that's what we're looking to
19 do.

20 CHAIRMAN FUSARO: Thank you so much.
21 I have a couple of quick questions based on my
22 notes here.

23 MR. MCKEOWN: Sure.

24 CHAIRMAN FUSARO: It's my
25 understanding -- and I don't know if it's been

1 done yet or not -- however, apparently, I don't if
2 it pertains to the small piece of property that
3 you purchased from the town, but based on the
4 survey that we were given, I guess your shed is
5 off your property as well the fence line.

6 MR. MCKEOWN: Yeah, when the fence
7 guys did it. Again, this is another happy
8 surprise from the survey; right? We took an extra
9 3- or 4-feet behind us. So understanding that
10 will have to be moved and rectified; I'm sure.

11 CHAIRMAN FUSARO: I would assume,
12 based on the paperwork we have in front of us,
13 (a) the fence will be moved so that it's on your
14 property; and, (b) that the shed will also be
15 relocated so that it conforms with the town
16 ordinance which is a 5-foot setback both in the
17 rear and from the side of the property.

18 MR. MCKEOWN: Sure.

19 CHAIRMAN FUSARO: And I just wanted
20 to -- can you give us a little bit of information
21 with regard to the garage? I know you're not
22 proposing to construct a garage at this time. Are
23 there any plans in the future to?

24 MR. MCKEOWN: No. I didn't totally
25 understand it, but when David Bailey was doing the

1 drawings for us, he wanted us to show that we
2 could potentially put a one-car garage on there
3 with the existing 6,500-square-feet. But we have
4 no -- there're no plans to ever put a garage on
5 there. We have a four-car driveway; that's more
6 than enough for me and my wife. We don't use any
7 on-street parking, we just put both of our cars in
8 the driveway.

9 CHAIRMAN FUSARO: Currently, you
10 have four parking spaces that are available to you
11 on Grandview Avenue. I know that -- and we've had
12 this discussion in the past, Don, I don't know if
13 it comes into play with this application with
14 respect to parking in that front yard -- I see
15 Carol shaking her head. Can you give us a little
16 history on that?

17 MR. SAMMET: In regard to?

18 CHAIRMAN FUSARO: Is it allowed?

19 MR. SAMMET: It presently is not
20 unless, basically, leads to a garage. You can't
21 just create a front-yard parking pad. Parking is
22 allowed in the driveway that would be in front of
23 the home and providing it leads to some kind of
24 garage structure. And that's in part because the
25 ordinance requires this and they don't have a

1 garage; a one- or two-car garage, depending on
2 what district you're in. This particular zone
3 district requires a one-car garage, but of course,
4 one doesn't exist. But there is parking provided
5 on this paved drive area. I don't think I
6 answered your question.

7 MS. MOLNAR: Is this grandfathered?

8 MR. SAMMET: Oh, yes. Oh, yeah.

9 CHAIRMAN FUSARO: And just so that
10 everyone is aware that coverage-wise there would
11 still be enough allowable coverage for a garage
12 whether it be constructed at a future date whether
13 it's by this Applicant or a future Applicant -- a
14 future homeowner, I should say.

15 MS. HROBLAK: Is there enough room
16 on the side?

17 CHAIRMAN FUSARO: Is there enough
18 room on the side? That's a good question.

19 MR. SAMMET: On the side, no. It
20 would have to be an individual garage in the rear
21 yard.

22 CHAIRMAN FUSARO: It would be in the
23 rear yard with a driveway going up the side and
24 the garage in the back. Which would lead to the
25 question of how much more coverage the driveway

1 would take. Although, I would assume that you
2 would cut down the driveway that's there now.

3 MR. SAMMET: I know the Board
4 doesn't have it, but I was here in 2019, and I
5 reviewed that file as well. The concept plan --
6 Mr. McKeown knows this better than anyone --
7 showed a driveway leading on the left side of the
8 home to a detached garage in the rear yard area,
9 and there was enough all-improvement coverage left
10 on the lot to accommodate that.

11 MS. HROBLAK: Good.

12 CHAIRMAN FUSARO: Good.

13 MR. MCKEOWN: I think I have David
14 Bailey's plans from the last time if you're
15 interested in how that would fit.

16 CHAIRMAN FUSARO: We'll take your
17 word for it. If Don says it, we'll take the word
18 from him. One other question that one other Board
19 Member had asked me with respect to the drawings
20 that -- well, actually, I have one additional
21 question as well. If the porch is going to be
22 constructed to the left side of your front door,
23 it would appear from some of the photographs that
24 were submitted in our packet that there's a window
25 well there to your basement; is that correct?

1 MR. MCKEOWN: Yes.

2 CHAIRMAN FUSARO: So you're going to
3 be constructing your porch over that window well
4 so there won't be any access to that?

5 MR. MCKEOWN: Yes.

6 CHAIRMAN FUSARO: And then, the
7 sketch that was included in our packet, obviously,
8 was not prepared by Mr. Bailey or an architect.
9 I'm assuming that you're the person that prepared
10 it?

11 MR. MCKEOWN: My wife did, yeah.

12 CHAIRMAN FUSARO: Close enough. We
13 would probably -- possibly attach a condition, if
14 we were to approve this, basically stating that if
15 and when you file for a building permit, and if
16 architectural drawings at that time are required
17 by the building department, that they be submitted
18 in strict accordance with the sketch that you've
19 given us.

20 MR. MCKEOWN: Okay.

21 CHAIRMAN FUSARO: Does anyone from
22 the Board have any questions at this time for
23 Mr. McKeown?

24 MS. HROBLAK: And this going to
25 remain open?

1 MR. MCKEOWN: Sorry?

2 MS. HROBLAK: Are you planning to
3 close the porch?

4 MR. MCKEOWN: Open porch. There's
5 going to be like column, column. Three columns
6 and --

7 MS. HROBLAK: Are you screening it?

8 MR. MCKEOWN: No screens. We have
9 no screens. No screens.

10 CHAIRMAN FUSARO: It's a three-sided
11 porch and it has to remain open.

12 MS. HROBLAK: I'm just getting you
13 ready.

14 CHAIRMAN FUSARO: We have the three
15 sides down. Anyone else from the Board; questions
16 for Mr. McKeown? Okay. Is there anyone in the
17 audience that would like to address the
18 application? If so, please come forward and state
19 your name and address for the record. Seeing
20 none, we'll close that. Any close closing
21 statements or final comments Mr. McKeown?

22 MR. MCKEOWN: No. Just we wanted to
23 point out that if you look -- like, we're not
24 trying to take anything further than our
25 neighbors. We're really just trying to marry up

1 exactly with them. I think it will look nice too.
2 And the other homes on our street also have either
3 porticos or front porches that are similar to
4 that. So I think we'll be consistent with the
5 rest of the street.

6 CHAIRMAN FUSARO: The one thing I
7 did notice based on your sketch -- and please,
8 correct me if I'm wrong -- the existing stoop is
9 approximately 48-inches, so it's 2-feet from your
10 front door, some steps going down. Your proposed
11 porch that you're going to add to the left area is
12 96-inches, which is 8-feet, and that is the
13 portion that would encroach into your front yard
14 setback. Now, I understand you're lining it up
15 with some of the other homes on the street,
16 however --

17 MS. HROBLAK: He'll be lining it up
18 with the bottom of the stairs.

19 CHAIRMAN FUSARO: What's that?

20 MS. HROBLAK: He's lining it up with
21 the bottom of the stairs.

22 MR. MCKEOWN: Sorry?

23 CHAIRMAN FUSARO: Yeah, the bottom
24 of the steps, yeah. However, the 8-foot porch is
25 certainly very usable. I know in the past we've

1 asked applicants to narrow that down and cut that
2 back to 6-feet, which, again, is a little narrow,
3 however, you can certainly get two chairs and a
4 possible small table.

5 MR. COHEN: This looks entirely
6 consistent with what's available next door if you
7 look at the photos.

8 MR. MASCIALE: Yeah. That was my
9 thing, Frank, that suppose it lines up, it's
10 pushing way out in front; maybe bring it back.
11 But in this case, I think it's going to look
12 great.

13 MR. MCKEOWN: There's this weird
14 little kind of indent there too. So I think what
15 you're looking at from that is the way that our
16 house -- you can see from the photos -- right now,
17 the way the windows are in the front -- I don't
18 know why we did that when the guys built it -- but
19 you can see there's like a little -- maybe it goes
20 back like 2-feet, so it's kind of set back
21 already.

22 MS. HROBLAK: It's 29-inches
23 according to --

24 MR. MCKEOWN: Yeah. Yeah. So maybe
25 that's where the 8-feet is coming from out of that

1 area.

2 CHAIRMAN FUSARO: Anybody else? Any
3 other questions for Mr. McKeown? No? Okay. I'm
4 going to close it and open it up to Board
5 discussion. You've basically heard the
6 application; the reasoning behind it. The
7 Applicant has agreed to (a) relocate the fence so
8 that it is on his property, and relocate the shed
9 so that it meets with the setback requirements of
10 5-feet both in the rear and the side. And we also
11 heard that if at some future date a future
12 homeowner would like to add a garage, there is
13 enough allowable coverage to make that happen. As
14 Chris had mentioned, since it does line up with
15 the rest of the homes, and certainly the adjacent
16 homes as actually shown on one of the photographs,
17 it doesn't look like it would protrude or is not
18 protruding any further than the adjacent
19 properties. So with that having been said, how
20 does the rest of the Board feel?

21 MS. MOLNAR: Can you tell if the
22 house that does a porch if it's an 8-foot porch?

23 CHAIRMAN FUSARO: Is it 8-foot? If
24 the house next door is an 8-foot porch?

25 MR. MORIARTY: Yeah. Can you tell

1 by looking at this?

2 CHAIRMAN FUSARO: From that
3 photograph, if I had to guess, I would say it's a
4 minimum of 6-feet, probably closer to 8-feet.

5 MS. MOLNAR: Thank you.

6 MR. MASCIALE: I thought the same
7 thing, Frank.

8 CHAIRMAN FUSARO: If we were to
9 approve the application, as I said, those
10 conditions with respect to the fence, with respect
11 to the shed being relocated with our usual
12 condition of the porch remain open on three sides.

13 MS. MOLNAR: And the building
14 permit, if he files for a building permit.

15 CHAIRMAN FUSARO: Yes. The building
16 permit; the plans that are submitted by the
17 architect if they're required by the building
18 department, be in strict conformance with the
19 sketches that we've received. Anybody else have
20 any questions, comments, concerns?

21 MS. HROBLAK: I think it's going to
22 improve the house. And, you know, they went out
23 of their way to add a substantial amount of
24 property to their lot. So that says a lot right
25 there.

1 MR. MASCIALE: I think going to make
2 a real nice-looking porch.

3 MS. HROBLAK: Plus, given the
4 neighbors have something similar.

5 CHAIRMAN FUSARO: Okay. Good.
6 Seeing no other comments from the Board, can we
7 have a motion?

8 MS. HROBLAK: I'll make a motion. I
9 just wrote that all down. I'll make a motion to
10 approve the application with the following
11 conditions: Number 1, that the building
12 department follow the sketches provided in this
13 application in strict conformance; that the fence
14 be relocated onto the Applicant's property; that's
15 Number 2. Number 3 is the shed be moved in
16 accordance with our current requirements.
17 Number 4 is to keep available the appropriate lot
18 coverage in case you need to add a garage in the
19 rear.

20 MR. MASCIALE: I don't think that's
21 a condition, though.

22 CHAIRMAN FUSARO: I think the porch,
23 the porch with the three sides open on the porch.

24 MS. HROBLAK: Yeah, that one too.
25 But if they were to do other improvements...

1 MR. MASCIALE: They'd have to come
2 back.

3 MR. SAMMET: They'd have to come
4 back.

5 MS. HROBLAK: If they make
6 improvements from doing the garage?

7 MR. SAMMET: Yeah. Because they
8 don't have a garage, it automatically triggers a
9 variance relief. So if they came in to put an
10 addition on the home --

11 MS. HROBLAK: No. No. I'm talking
12 about if they came and did, like, a patio or
13 pavers throughout the whole rear or something and
14 it increases the coverage even more. So I was
15 thinking something that didn't trigger that.

16 MR. SAMMET: Okay. You want the
17 property to always have coverage available to
18 construct a garage, so you want to limit their
19 other...

20 MS. RAZIN: I don't that we can
21 create a faux-coverage requirement.

22 MS. HROBLAK: Is that a real term?

23 MR. SAMMET: Yeah. I mean I guess
24 they did technically abandon -- and the Applicant
25 has indicated pretty much they really don't intend

1 to construct a garage. But if they go to increase
2 coverage on the lot, it's going to trigger a
3 variance.

4 MS. HROBLAK: Any kind of coverage?

5 MR. SAMMET: Yeah.

6 MS. HROBLAK: All right. Strike
7 Number 4.

8 MS. RAZIN: Sorry.

9 MS. HROBLAK: No, it's fine.

10 MR. SAMMET: But Allyson, you're
11 covered, meaning that you would see it again.

12 MS. HROBLAK: Coverage is coverage.

13 MR. SAMMET: Coverage is coverage.
14 Right.

15 MS. HROBLAK: All right. Strike
16 Number 4. And the real Number 4 is to keep the
17 porch open on the sides.

18 CHAIRMAN FUSARO: Do we have a
19 second?

20 MR. COHEN: Second.

21 CHAIRMAN FUSARO: Second by
22 Mr. Cohen. Mr. Sammet, please call the roll.

23 MR. SAMMET: Sure. We'll go around
24 the dais. Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. SAMMET: Mr. Cohen.

2 MR. COHEN: Yes.

3 MR. SAMMET: Mr. Sontz.

4 MR. SONTZ: Yes.

5 MR. SAMMET: Vice-chair Masciale.

6 MR. MASCIALE: Yes.

7 MR. SAMMET: Chair Fusaro.

8 CHAIRMAN FUSARO: Yes.

9 MR. SAMMET: Ms. Hroblak.

10 MS. HROBLAK: Yes.

11 CHAIRMAN FUSARO: Your application
12 is approved, Mr. McKeown. Good luck.

13 MR. MCKEOWN: Just one question.
14 Should I start moving on that fence and shed
15 immediately?

16 MR. SAMMET: Yes.

17 CHAIRMAN FUSARO: You can do that
18 immediately. However, the way the process works
19 as far as the resolution goes is it will be
20 memorialized at our next meeting, which is our
21 October meeting on October the 12th more than
22 likely. And then, from when it's published,
23 there's an appeal process for 45 days. That's
24 when the clock starts for that. If you do
25 anything within that appeal period, you're doing

1 it at your own risk. So if someone should file an
2 appeal, then you'd have to deal with it at that
3 time instead of moving the shed and the fence.

4 MR. SAMMET: So I'd recommend moving
5 it now because you wouldn't be issued any
6 construction permits until it's done.

7 MR. MCKEOWN: Yeah. I'm technically
8 nonconforming now there now, right? So you guys
9 could say I have to do it. But 45 days from
10 October 12 is when we can file for the permits.

11 MS. RAZIN: You can technically file
12 earlier, but you're at risk if something did -- if
13 someone came out of the work and they have a
14 problem with what you were doing -- is somebody
15 come out for an appeal, you're subject to that
16 appeal.

17 MR. MCKEOWN: Okay.

18 MS. RAZIN: But you could file
19 earlier than that, as soon as the resolution is
20 done.

21 CHAIRMAN FUSARO: You can file as
22 soon as the resolution is memorialized; you can
23 file for the building permit. And then, if for
24 some reason it's issued and, I don't know, 20 days
25 after you file and there's still 25 days left in

1 that approval period and you decide to go ahead
2 and do your whatever and start your construction
3 or whatever, and someone on the 44th day files an
4 appeal.

5 MS. RAZIN: It doesn't mean you're
6 wrong, it just means that they've filed an appeal.

7 MR. MCKEOWN: Yeah. Yeah. Yeah.
8 Okay.

9 CHAIRMAN FUSARO: You'll have to
10 address the appeal.

11 MR. MCKEOWN: Got it. Thank you so
12 much.

13 CHAIRMAN FUSARO: Okay. Our next
14 application for the evening is Application
15 ZBA 22-017, Rebecca and Jayson Karen,
16 1605 Boulevard. Applicant is seeking approval to
17 expand the second floor in the front of the
18 existing home, add a new roof and attic onto the
19 entire house, and add a roofed portico over the
20 existing front stoop contrary to the following
21 sections of the Westfield Land Use Ordinance:
22 Section 11.09E-6 where the minimum side yard
23 setback required is 10-feet, and proposed is
24 8.37-feet and 9.39-feet which is unchanged;
25 Section 12.03D where front yard setback required

1 is 30.18-feet and proposed is 26.18-feet; Section
2 2.11G where the maximum building mass at zoning
3 sides yard permitted is 25-feet and proposed is
4 35.8-feet unchanged, and; Section 11.09E-4 where a
5 minimum one-car garage is required and none are
6 proposed. Good evening.

7 MS. KAREN: Hi.

8 CHAIRMAN FUSARO: I assume you are
9 Rebecca and Jayson Karen.

10 MR. KAREN: Correct.

11 CHAIRMAN FUSARO: Please state your
12 name and address for the record.

13 MS. KAREN: I'm Rebecca Karen,
14 1605 Boulevard.

15 MR. KAREN: And I am Jayson Karen,
16 1605 Boulevard.

17 CHAIRMAN FUSARO: Thank you. Please
18 both of you raise your right hands.

19 JAYSON KAREN and REBECCA KAREN,
20 having been duly sworn, were examined and
21 testified as follows:

22 CHAIRMAN FUSARO: Thank you so much.
23 Please tell us about your application.

24 MS. KAREN: Yes. We have been
25 living in Westfield for 13 years. We have an

1 eighth grader and a third grader, so we're at
2 Edison and Jefferson. We obviously love the
3 neighborhood, that's why we haven't moved. Our
4 kids have friends in the neighborhood. They can
5 walk to school, they can ride their bikes to
6 school. And we love our neighbors. We want to
7 stay where we are, we just want to make the house
8 work better for our needs as we get older; as the
9 kids get older. We want to expand the two front
10 rooms upstairs. That will give them more
11 adequately-sized bedrooms. The bedrooms are very
12 small right now. And then a big concern of mine,
13 it's always been mine, is the back of the house.
14 We're not changing our master bedroom at all, but
15 for the reason of adding the attic space, it will
16 fix the roofline. The back of the house; the
17 roofline is almost flat. It has very little
18 pitch, which is very concerning during snow and
19 ice season. There could be feet of snow sitting
20 on top of the roof and it's a lot of weight for
21 the roof to be carrying. And also, HVAC works
22 overtime. Since we don't have another level or an
23 attic for the heat to go to in the hot summer
24 months upstairs can remain 80 degrees and higher.
25 Even though we have a relatively new HVAC system,

1 it just can't keep up with it. So I think it will
2 be much more efficient. And we have our
3 architect.

4 CHAIRMAN FUSARO: Thank you. Your
5 architect. Okay. Can you please state your name
6 and address for the record?

7 MR. HENN: Sure. Arthur Henn,
8 H-e-n-n, 20 East Sumner Avenue, Roselle Park.

9 CHAIRMAN FUSARO: Please raise your
10 right hand.

11 ARTHUR HENN, having been duly sworn,
12 was examined and testified as follows:

13 CHAIRMAN FUSARO: Thank you so much.
14 Mr. Henn, I don't believe we've seen you this year
15 before our Board.

16 MR. HENN: It's been a while, yeah.
17 It's been a while.

18 CHAIRMAN FUSARO: Chris recognizes
19 you. If you could just give us a brief background
20 and your architectural licenses.

21 MR. HENN: I sure could, yes. I
22 graduated from NJIT in 1996. I've been practicing
23 in my own practice since 2000; 22 years. My
24 license is in good standing. I've been before a
25 number of boards. Not so much recently, but

1 earlier in the year; Cranford and Rockaway.

2 CHAIRMAN FUSARO: Thank you so much.
3 Does anyone have any questions for Mr. Henn?
4 Seeing none, we'll continue to recognize you as an
5 expert in the field of architecture. Please
6 proceed.

7 MR. HENN: Thank you. So there're a
8 few variances. I guess first off the bat, I just
9 want to address, we have on our drawing a request
10 for a front yard setback. Mr. Sammet kind of in
11 his report stated that we don't need that front
12 yard setback. It was mostly due to the roof over
13 the existing front stoop; front portico. If I can
14 get on the record that that stoop is less than
15 35-square-feet, and that front yard setback is not
16 a requirement. That front wall of the house,
17 which we're going to be building on, is a proposed
18 second floor, also is in compliance, and is behind
19 the prevailing front yard setback. I'll touch
20 base on the one-car garage. There's none existing
21 and none proposed. Any addition of a garage and
22 driveway associated with that would definitely
23 require at least two additional variances for
24 building coverage and improved coverage. Right
25 now, we're in compliance with building coverage

1 and improved coverage. There's no intention of
2 adding a garage. The driveway currently is about
3 60-feet-long. Can easily hold three cars.

4 MS. KAREN: We can fit four. We
5 never park in the street, we always use the
6 driveway, it's quite long. So we don't have a
7 problem with taking up street parking.

8 MR. HENN: The other variance is for
9 the side yard setback; 10-feet is required, we've
10 got 8.37 on the right side, and 9.39 on the left
11 side. Both of them are existing nonconforming
12 setbacks, and we're proposing that they would be
13 unchanged. So with our proposed extension of that
14 front wall with the second floor, the existing
15 nonconformance would remain. The other variance
16 we're dealing with is the maximum continuous wall
17 length on that right-hand side. Again, that
18 existing wall is exceeding the maximum 25-foot
19 continuous wall length. That will be a condition
20 that's going to remain. With that front wall
21 popping up, there will be a little bit of an
22 increase. What I did is I marked on my elevation
23 here -- PB-13, yeah.

24 MS. RAZIN: A-1 is going to be
25 marked, Sheet PB-13.

1 MR. SAMMET: We're marking this A-1.

2 (Whereupon, Applicant's Exhibit A-1,
3 SHEET PB-13, was marked for identification.)

4 MR. HENN: So that right side I've
5 highlighted this little triangle here where that
6 front wall is going to come up. That's the only
7 area that's going to be extended further than the
8 maximum 25-foot continuous wall length. There is
9 an existing chimney that kind of breaks up that,
10 but it's only 20-by-20 so we're short by 4-inches.
11 So it's a visual element that's on that right-hand
12 side wall that even though it's not 24-inches
13 offset, it does break it up a little bit visually.
14 The need for the attic, again, it's a Cape Cod
15 with a shed roof off the back that's just very
16 flat. So the idea is to get a proper pitch on
17 that. And then utilize the attic for a home
18 office which more of our clients are needing when
19 working from home, and just sort of an open loft
20 space up there as well.

21 The photo on that page that shows
22 the rear elevation, you can see it's basically
23 flat. It gives a better dimension, a better look
24 all around the house. The side yard setback,
25 disregard your front wall too. That front corner

1 where we're dealing with this triangle is
2 basically facing due. So I don't see there will
3 be any shadow cast on adjacent neighbors. It
4 wouldn't have a negative impact on the
5 neighborhood or neighbors. The front of the
6 house, we're basically creating a Center Hall
7 Colonial look which is consistent with the
8 neighborhood; very traditional. I did bring some
9 additional photos of some other houses in the
10 neighborhood, you know, the story, showing that
11 what we're doing here is consistent with the
12 neighborhood and not going to have a negative
13 effect. I don't know if you want us to submit
14 that or if you're familiar with the neighborhood.

15 CHAIRMAN FUSARO: I had a couple of
16 questions. The continuous wall; that is an
17 existing condition?

18 MR. HENN: It's an existing
19 condition, yes, but because of the two-story
20 addition that was put on back in 2000. So all
21 this is existing (indicating.) The gable,
22 obviously, we're adding. But that's within our
23 25-feet, so I'm not showing that as a highlight.
24 That would be conforming. We're adding it, but it
25 is conforming. It's really just this area that

1 we're adding. The roofline, you can see the
2 dashed line --

3 CHAIRMAN FUSARO: I see the dash
4 line.

5 MR. HENN: So that's the roofline
6 currently with a little dormer on front. So we're
7 just kind of filling that in by bringing that
8 front wall in.

9 MR. COHEN: You're raising the
10 chimney; right?

11 MR. HENN: Raising?

12 MR. COHEN: You're raising the
13 existing chimney to conform with --

14 MR. HENN: The existing chimney
15 would be raised as well. Yeah, we would have to.

16 MR. COHEN: So is there any way
17 maybe you can bump that out 4-inches or you're
18 just raising what's existing and rebuilding it all
19 out?

20 MR. HENN: The intention is to go
21 right on top of it. I know chimneys are allowed
22 to project into that side yard setback. It's
23 already a nonconforming side yard setback.

24 MR. COHEN: Yeah. I'm looking at
25 breaking up the massing on the side of the house

1 though in accordance with our ordinance. It
2 requires 2-feet, the bump-out, I think; am I
3 right?

4 MR. SAMMET: Yeah, 2-feet.

5 MR. COHEN: It's at 20-inches,
6 you're 4-inches off. I think it's de minimis, but
7 you're not going to knock down the chimney and
8 rebuild another one.

9 MR. HENN: If we were, then I would
10 do that, yeah, definitely. But the intention is
11 to go on right on top. And then, of course, that
12 4-inches would be going closer to the property
13 line.

14 MS. MOLNAR: So I'm confused. Is
15 the 25-foot a required variance?

16 MR. SAMMET: Yes. Because,
17 technically, the continuous wall length condition
18 is being slightly exacerbated by that additional
19 building wall. That is highlighted on Mr. Henn's
20 drawing.

21 MR. HENN: I did a quick
22 calculation. I think it's only 4 1/2% of that
23 total area, that total wall that's in
24 nonconformance. So it's a small amount, but,
25 yeah.

1 MS. MOLNAR: Should we add it to the
2 list of variances on the table?

3 MR. MASCIALE: It's on there.

4 CHAIRMAN FUSARO: It's on there.

5 MR. MORIARTY: On the table, no.

6 CHAIRMAN FUSARO: It's on Page 2 of
7 Don's report. I have a couple of questions. In
8 our packet, you show an alternate plan, PB-14,
9 where the third-floor roofline -- I'm assuming
10 that the way I interpret this is the third-floor
11 roofline would remain the same, you would just not
12 have the two dormers. Is that correct?

13 MR. HENN: That's the intention,
14 yeah. It was more of a budget concern. Ideally,
15 we want those dormers on there to break it up.
16 But that was just something that we wanted a
17 little extra.

18 CHAIRMAN FUSARO: So that would be
19 the only change to the third floor in the
20 alternate plan.

21 MR. HENN: That's it.

22 CHAIRMAN FUSARO: Just those dormers
23 are in or out?

24 MR. HENN: That's it.

25 MS. MOLNAR: Which plans do we

1 approve?

2 CHAIRMAN FUSARO: What's that?

3 MS. MOLNAR: Which plans do we

4 approve?

5 CHAIRMAN FUSARO: That's a good
6 question. We're going to ask the Applicants if
7 they're currently leaning one way or another.

8 MS. KAREN: I mean we definitely
9 want the dormers, with the fluctuating cost --

10 CHAIRMAN FUSARO: The fluctuating
11 cost.

12 MS. KAREN: Yeah. It comes down to
13 cost, supply chains. We aesthetically love the
14 dormers, and it's our intention to put them in as
15 long as they're within our budget.

16 CHAIRMAN FUSARO: I don't think the
17 dormers in or out other than aesthetics and
18 perhaps massing issue, it doesn't change any of
19 the variances that they are requesting.

20 And then one other question that I
21 had pertains to the garage or the lack thereof; I
22 should say. You have a relatively large patio
23 area. If the garage were to be built -- and I
24 don't even know how or if we would be able to
25 address this, but -- the patio has about

1 900-square feet; a simple two-car garage or
2 one-car garage would be about 220-square feet.

3 MR. SAMMET: I think I know where
4 you're going, Mr. Chairman, if there's going to be
5 available coverage if the patio is being reduced.
6 The Applicant only has 50-square-feet of available
7 building coverage left. So even if they removed,
8 say, the entirety of the patio, it would not help.
9 It would reduce the improvement coverage on the
10 lot, but not the building coverage.

11 MR. MASCIALE: You have the shed as
12 well.

13 MS. RAZIN: Yeah. I was going to
14 say the shed.

15 CHAIRMAN FUSARO: The shed as well,
16 yeah.

17 MR. SAMMET: Okay. So the shed, so
18 it's 50-foot, plus whatever the --

19 (Crosstalk.)

20 CHAIRMAN FUSARO: The only way to,
21 in the future, put a garage in there would be to
22 remove the shed, basically, plus the 48-feet
23 existing which will probably give you enough for a
24 single-car garage. Yeah, that's correct. I
25 didn't realize the patio is in the building

1 coverage.

2 MR. SAMMET: The shed is probably
3 100-square feet, best guesstimate, Mr. Henn?

4 MR. HENN: Yeah, it's probably that.

5 MR. SAMMET: So even with the
6 removal of the shed, you couldn't...

7 MR. MASCIALE: I think it's a Litmus
8 test that we've been using, but it's not a
9 requirement. I think we've been using a Litmus
10 test.

11 CHAIRMAN FUSARO: And the prevailing
12 setback on the street is 30.81; is that correct,
13 Don?

14 MR. SAMMET: 29.88-feet is the
15 prevailing or established setback, yeah. The
16 Applicant is not --

17 CHAIRMAN FUSARO: Yeah, 26... well
18 --

19 MR. SAMMET: The portico is less
20 than 35-square-feet. So by terms of our
21 ordinance, it's called an ingress and egress
22 platform and is exempt from the setback
23 requirement. So no variance is required for a
24 front yard setback, neither for the addition or
25 the portico structure.

1 CHAIRMAN FUSARO: I see from your
2 photographs that on the front page here that the
3 home, I guess to the immediate right of yours, is
4 basically a similar type of construction. The one
5 to the left looks like they've had their addition
6 already added -- or addition added -- so that it
7 lines up with the front. Can you let us know what
8 the setback of those two homes are both to the
9 right and to the left of you with respect to
10 yours?

11 MR. HENN: It's like --

12 CHAIRMAN FUSARO: The front yard
13 setback.

14 MR. HENN: Yeah. We have a little
15 chart here; let's see. The one to -- 1601, the
16 one to the left, 25.18 according to the chart.
17 And the one to the right, 1609, is 29.93.

18 CHAIRMAN FUSARO: So the one, 1601,
19 is approximately 5-feet closer to the street less
20 than the setback to yours. And then the other one
21 is relatively close to what you're requesting
22 today. I don't have any other questions for the
23 Applicants or the architect. Does anyone on the
24 Board have any additional questions?

25 MS. MOLNAR: Yeah.

1 CHAIRMAN FUSARO: Carol.

2 MS. MOLNAR: It says "partial
3 first-floor plan." The top shows a living room, a
4 family room, and I guess a kitchen in the rear
5 dining room.

6 MR. HENN: I'm sorry?

7 MS. MOLNAR: There's no first-floor
8 plan?

9 MR. HENN: Right. Because we're
10 just dealing with the portico at that point, yes.

11 CHAIRMAN FUSARO: Yeah. The
12 footprint of the first floor is not changing.
13 It's basically, they're adding, they're continuing
14 that front -- that existing front wall already
15 exists, so they're just basically continuing that
16 front wall upwards, Carol. So that's where the
17 second floor comes into play.

18 MS. MOLNAR: I see -- I'm looking at
19 the neighbor to the left. They have a garage with
20 a second floor over the garage. I'm just
21 wondering if that can be done here.

22 MR. COHEN: It's a new build.

23 MS. MOLNAR: I know, but there's no
24 way they can do it?

25 CHAIRMAN FUSARO: Do you know how

1 many homes on your side of the street have garages
2 and how many do not, approximately?

3 MS. KAREN: I honestly -- I would
4 say it's a good mix. I think our biggest issue is
5 that since our homes are close to our neighbors,
6 even pulling a car through, we're going to be
7 hitting our neighbor's trees as we drive through.
8 And we'll have no place for the kids to play in
9 the backyard because a garage is much bigger than
10 a shed. Our neighbors to the right of us and
11 other neighbors, there's no garage. There are
12 probably a handful, I mean, plenty of houses
13 without them. And they all still park out on the
14 street even if they have garages, so their garages
15 turn into their sheds.

16 CHAIRMAN FUSARO: Thank you. Any
17 other Board Members have any other comments or
18 questions for the Applicants or the architect at
19 this time? Seeing none. Is there anyone in the
20 audience that would like to address the
21 application? If so, please come forward at this
22 time and state your name and address for the
23 record. Seeing none. We'll close that portion.
24 Are there any other additional comments that you'd
25 like to make to either the architect or the

1 Applicant before we open it up to Board
2 discussion?

3 MR. HENN: We touched briefly on the
4 garage. I did some quick calculations if there
5 was a garage. The building coverage would come up
6 to, like, 22 1/2%, 20% is required; just for the
7 sake of, you know, seeing how much of an impact it
8 would have. And then improved coverage; I'm
9 coming up with, like, 57% for improved coverage
10 where 50% is required. So, again, any kind of
11 thought of expanding that driveway and garage is
12 going to put us over. And, again, I think the
13 second floor is going to be consistent with the
14 neighborhood. The street has a little bit of a
15 pitch down. We are 2-feet below the maximum
16 building height; we're at 30-feet. So the
17 building, the house to the left of us, will
18 probably be a little taller. We're going to be a
19 little lower, and then you have that Cape next to
20 us. We're trying to be consistent with the
21 street. And doing the best we can with massing
22 and what we have.

23 CHAIRMAN FUSARO: Thank you. Okay.
24 We'll close that, and -- yes?

25 MS. HROBLAK: Who asked about

1 garages?

2 CHAIRMAN FUSARO: Say that again?

3 MS. HROBLAK: Who asked about the
4 garages? What other houses had garages?

5 CHAIRMAN FUSARO: The Applicant
6 testified that it's, approximately, about 50% --

7 MS. HROBLAK: Who asked the
8 question?

9 MR. SONTZ: Frank asked the
10 question.

11 CHAIRMAN FUSARO: I asked the
12 question.

13 MS. HROBLAK: The next two houses to
14 them are the only ones with garages on the entire
15 block. So just the new construction?

16 CHAIRMAN FUSARO: Right.

17 MS. HROBLAK: None of the other
18 existing homes have garages?

19 MS. KAREN: Some of them have
20 detached one-car garages.

21 MS. HROBLAK: In the rear?

22 MS. KAREN: Yeah. Some of them are
23 in the rear. Some of them --

24 (Crosstalk.)

25 MS. HROBLAK: I see small lots, but

1 I don't see anybody with a garage in the front.

2 MS. KAREN: Yeah. If there are any,
3 it's typically a one-car detached in the backyard
4 so you can't see it from the street.

5 CHAIRMAN FUSARO: It looks like the
6 existing, most of the existing homes from the
7 photographs that we have, don't have a garage. It
8 looks like the one to the left, which appears to
9 be either a complete renovation or a new home --

10 MS. HROBLAK: The two homes.

11 CHAIRMAN FUSARO: -- the two homes,
12 they have a garage. And that was probably put in
13 because there's an ordinance that says they need a
14 garage to build the home. Any other questions for
15 the Applicants? No? Okay, I'll close it. We'll
16 turn to Board discussion.

17 We've heard from the Applicant and
18 the architect as to what their plan is. I don't
19 know how the Board feels with respect to those
20 dormers. Certainly, from a massing standpoint, I
21 like the dormers. It would add some character to
22 the home. However, as you've heard from the
23 Applicant, it's an issue of economics. And I
24 don't think we can dictate whether they be
25 installed or not installed at this time. We'll

1 see what the rest of the Board has to say.

2 MS. MOLNAR: Also, the second-floor
3 variance, the proposed versus the alternate second
4 floor. There's a fifth bedroom.

5 CHAIRMAN FUSARO: Yes. If you look
6 at Page PB-14, which is the second proposed, it's
7 not -- the room has been reconfigured so that
8 there's no dormer. It's still pulled back unless
9 I'm missing something. There's an open loft to
10 the left on the proposed diagram and an office to
11 the right. And on the alternate, there's an
12 office to the right and the loft to the left. So
13 no, the floor plan is the same.

14 MS. MOLNAR: No. The second floor.
15 The second-floor plan changed versus the
16 alternate. The alternate second floor has a fifth
17 bedroom.

18 CHAIRMAN FUSARO: You are correct.

19 MS. MOLNAR: So which plan are we
20 approving today?

21 CHAIRMAN FUSARO: It looks like the
22 -- and, again, we'll probably open it back up to
23 ask the architect that question and we'll ask.
24 Ms. Molnar is referring to the proposed
25 second-floor plan has two bedrooms plus a master

1 and one -- two bathrooms and a walk-in closet.
2 And the alternate is adding a third bedroom,
3 however, eliminating a bathroom. Basically, it
4 doesn't appear that the square footage changes or
5 the actual footprint of that second floor, from
6 what I can tell. The only thing that would change
7 would be whether they're eliminating a walk-in
8 closet -- they're swapping, they're trading, I
9 should say -- a walk-in closet and a hallway bath
10 for a possible third bedroom. In my opinion, I
11 don't think it really matters to me all that much.

12 MS. HROBLAK: Does that relate to
13 the variances?

14 MS. RAZIN: It relates -- I mean to
15 usable space, you know, FAR, then they'd need to
16 change that. But I don't know if they're going to
17 use all that space anyway.

18 MS. HROBLAK: I know.

19 MR. SAMMET: It doesn't create any
20 kind of variance situation. I mean the Board
21 would be concerned, say, for example, if they felt
22 that additional bedroom would intensify the
23 parking demands on-site. And if there's a lack of
24 garage space on the property, all of a sudden, you
25 have parking overflowing onto the street.

1 MS. MOLNAR: How many spaces do you
2 need with five bedrooms?

3 MR. SAMMET: I didn't bring my
4 Residential Site Improvement Standards. I can
5 look it up.

6 CHAIRMAN FUSARO: Katie will look
7 that up while...

8 MS. RAZIN: That's going to take a
9 couple of minutes.

10 CHAIRMAN FUSARO: Any other Board
11 Members have any --

12 MR. SAMMET: I think Residential
13 Site Improvement Standards are something, like,
14 three bedrooms plus. I just can't recall off the
15 top of my head.

16 CHAIRMAN FUSARO: I'm going to call
17 it the "base" the base floor plan shows three
18 bedrooms on the second floor and two additional --
19 I'm going to call them "spaces" -- up in the
20 attic; an office and an open loft. Just make a
21 note also for the record that there is no bathroom
22 in the attic space. So chances are that one of
23 those rooms would not be used as a bedroom. And
24 the alternate plan shows three bedrooms plus a
25 master; so four. The alternate plan has four

1 bedrooms, the base plan has three bedrooms. And
2 the difference in the attic space is basically
3 just those two dormers. How does the rest of the
4 Board feel?

5 MS. HROBLAK: They still have room
6 with FAR, so. They have 2 1/2%, they're under
7 FAR.

8 MR. SONTZ: I don't think there's
9 anything strange about either of these options in
10 the neighborhood. It's a very standard addition
11 to the house.

12 CHAIRMAN FUSARO: It's an interior
13 configuration whether they go with one interior
14 bedroom or the other. The only reason I --

15 MR. COHEN: The question is the
16 dormers; right? The dormers.

17 CHAIRMAN FUSARO: Yeah. Like I
18 said, that's the only reason to have the dormers
19 for the aesthetic -- that would come into an
20 aesthetic massing --

21 MS. MOLNAR: What plan are we voting
22 on?

23 CHAIRMAN FUSARO: It doesn't matter.

24 MS. HROBLAK: It's one set of plans.

25 MS. MOLNAR: We can vote on both

1 sets of plans. Good. All right.

2 MS. RAZIN: How many bedrooms?

3 CHAIRMAN FUSARO: One has three
4 bedrooms; the basic plan has three bedrooms. The
5 alternate plan has four bedrooms.

6 MS. MOLNAR: How many parking did we
7 decide?

8 CHAIRMAN FUSARO: She's looking it
9 up.

10 MR. SONTZ: Do they even have a
11 parking requirement when it's a single-family
12 that's owned and occupied?

13 MR. SAMMET: Yes.

14 MR. SONTZ: Even when it's occupied?

15 MR. SAMMET: Yes.

16 MR. SONTZ: Really?

17 MR. SAMMET: Yes.

18 MR. SONTZ: I was unfamiliar with
19 that.

20 MS. RAZIN: I believe it's two for
21 three, and 2.5 for four.

22 MS. MOLNAR: What is it?

23 CHAIRMAN FUSARO: It's two for three
24 bedrooms, and 2.5 for four bedrooms.

25 MS. RAZIN: This is me reading

1 directly.

2 CHAIRMAN FUSARO: It's two cars and
3 a motorcycle.

4 (Crosstalk.)

5 MS. MOLNAR: Is the driveway big
6 enough to fit two cars?

7 MS. HROBLAK: They testified to
8 that.

9 CHAIRMAN FUSARO: The driveway is
10 pretty long. I would venture to say the driveway
11 can fit a minimum of three cars.

12 MS. MOLNAR: That would encroach on
13 the sidewalk.

14 (Crosstalk.)

15 CHAIRMAN FUSARO: We can ask her.

16 MS. HROBLAK: She testified before.

17 CHAIRMAN FUSARO: Correct. They
18 said they can fit four cars in that driveway.
19 They testified to that.

20 MS. MOLNAR: Nice. Okay.

21 CHAIRMAN FUSARO: Chris?

22 MR. MASCIALE: Looks good to me.

23 CHAIRMAN FUSARO: Looks good to you.

24 Anyone else from the Board have any other
25 questions, comments, concerns? It's my

1 understanding that we can approve the plans as
2 submitted with the alternate.

3 MS. RAZIN: Correct. It's just
4 design elements that do not affect the variances
5 or the plans.

6 CHAIRMAN FUSARO: And the front
7 portico will remain open on three sides.

8 (Whereupon, a discussion was held
9 off the record.)

10 MS. HROBLAK: So I was asking Don
11 when the addition was made, was it prior to our
12 25-foot --

13 MR. SAMMET: The answer is "yes."
14 That requirement came in place in 2009, and the
15 approval for the addition was back in 2000.

16 CHAIRMAN FUSARO: 2000. Okay.

17 MS. HROBLAK: I'm trying to figure
18 out how we can land on that issue.

19 CHAIRMAN FUSARO: Seeing no other
20 comments, do we have a motion?

21 MS. HROBLAK: I'll make a motion to
22 approve. Are there any conditions?

23 CHAIRMAN FUSARO: Three sides open
24 on the porch.

25 MS. HROBLAK: Right. We're not

1 getting out of here without that.

2 Motion to approve with the condition
3 that the porch remains open on three sides.

4 MR. SONTZ: Second.

5 CHAIRMAN FUSARO: Seconded by
6 Mr. Sontz. Don, please call the roll.

7 MR. SAMMET: Ms. Molnar.

8 MS. MOLNAR: Yes.

9 MR. SAMMET: Mr. Cohen.

10 MR. COHEN: Yes.

11 MR. SAMMET: Mr. Sontz.

12 MR. SONTZ: Yes.

13 MR. SAMMET: Vice-chair Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Chair Fusaro.

16 CHAIRMAN FUSARO: Yes.

17 MR. SAMMET: Ms. Hroblak.

18 MS. HROBLAK: Yes.

19 MR. SAMMET: Thank you. You're
20 approved with conditions.

21 CHAIRMAN FUSARO: Your application
22 is approved with conditions. Good luck. Thank
23 you so much. Have a good evening.

24 Do we want to continue or take a
25 break?

1 MR. MASCIALE: Take a break.

2 CHAIRMAN FUSARO: Okay. We'll take
3 a 10-minute break.

4 (Break taken.)

5 CHAIRMAN FUSARO: Moving right
6 along, our next application of the evening is
7 Application ZBA 22-019, Joseph and Lauren Benanti,
8 519 Alden Avenue. Applicant is seeking approval
9 to construct a ground-floor addition at the rear
10 northeast corner for a mudroom/laundry room and a
11 new rear entrance; and second-floor addition at
12 the west side to add a master bath and closet
13 above an existing den contrary to the following
14 sections the if the Westfield Land Use Ordinance:
15 Section 11.06E-6 where the minimum side yard
16 setback (both east and west side) required is
17 12.5-feet and proposed is 10.1-feet on the west
18 side and 10.2-feet on the east side; Section
19 12.04F1 where the maximum building coverage
20 permitted is 20% or 2,134-square feet, and
21 proposed is 21.56% or 2,300-square-feet; Section
22 2.11G where a maximum continuous wall length of
23 25-feet is permitted and 44-feet-9-inches is
24 proposed. Good evening.

25 MR. BENANTI: Good evening.

1 CHAIRMAN FUSARO: I'm assuming
2 you're Mr. Benanti.

3 MR. BENANTI: Yes.

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

6 MR. BENANTI: Joseph Benanti,
7 519 Alden Avenue.

8 CHAIRMAN FUSARO: Thank you,
9 Mr. Benanti. Please raise your right hand.

10 JOSEPH BENANTI, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you so much.
13 Please tell us about your application.

14 MR. BENANTI: Sure. First, I want
15 to thank everyone for holding this special meeting
16 and not pushing to October. I really appreciate
17 that. To give you some background on the project
18 and why we're proceeding with the renovation. My
19 wife Lauren have lived in Westfield for 11-plus
20 years. We just moved into this home at 519 Alden
21 about four to five months ago. Prior to that, we
22 were on Coleman Place. We have two children; an 8
23 and a 10-year-old, both at Franklin School. While
24 our home, currently, is very beautiful, it has a
25 ton of charm, it hasn't really been updated in

1 quite some time. It's basically lacking a lot of
2 the amenities that a young family would like to
3 have and acquire. So basically, we designed our
4 plans with the idea of keeping the old Colonial
5 style, Center Hall Colonial kind of charm and
6 character, and basically improving the interior
7 livable space making it a lot more functional for
8 our family while here in Westfield.

9 As far as the proposed work goes, my
10 architect, Robert Algarin, wasn't able to be here,
11 he's out of the county traveling. So I'm going to
12 do my best to go through this. I've run through
13 it with him once, I should be able to answer all
14 of your questions as far as the work goes. So
15 referencing BOA-2, this is our work that we're
16 proposing for the first and second floors. For
17 the first floor, we're looking to extend the first
18 floor of the house to the rear driveway side to
19 have a larger kitchen and a mudroom with a small
20 laundry room as well. Again, that's on BOA-2.
21 For the second floor, we're looking to do an
22 addition over the existing den on the west side
23 opposite of the driveway adding a master bath and
24 closet to the existing master bedroom, another
25 closet as well for the second-floor bedroom. And

1 this plan requires us basically to have four
2 variance items addressed. Two of them are side
3 yard setbacks on both sides of the house. On the
4 driveway side, we have an existing condition of
5 nonconforming at 10.2-feet. The first-floor
6 addition extends this nonconforming setback for
7 one story, about 17-feet straight back. That's on
8 the driveway side. On the opposite side, the west
9 side, our existing setback is 10.1-feet. The
10 proposed second-floor addition over the den
11 extends this nonconforming setback as it stands
12 currently.

13 As far as the coverage; the maximum
14 coverage for building, we are currently at 22.4%.
15 Our proposal actually reduces this to 21.56% as a
16 result of the moving an at-grade covered screened
17 porch at the west-rear side of the home. That's
18 in photo BOA-1; there's a picture of that porch.
19 So basically, the proposed new work adds less
20 coverage than with the removed screened porch.
21 Currently, the lot is somewhat undersized for the
22 zone RS-12. Most of our neighbors have bigger lot
23 sizes than we do. And currently, the width of the
24 lot is what causes a lot of that side yard setback
25 issue that we have currently with the house being

1 built as it was.

2 The last item is a continuous wall
3 length. The driveway side of the house currently
4 exceeds the 25-foot length at about 28-feet.
5 Currently, the first-floor addition extends this
6 to 44-feet-9-inches. As far as the reasoning for
7 potentially granting a mitigation of the variance
8 items. Basically, the existing conditions of the
9 site and the house cause a hardship as it relates
10 to the setbacks. Already, there are for the side
11 yards partially due to the undersized lot in
12 RS-12. The existing nonconforming side yards, the
13 driveway location, and, basically, the physical
14 existing house layout make it very difficult for
15 us to do any type of planning as far as expanding
16 a kitchen and a lot of the first-floor work
17 because, you know, if you would bump in or out
18 2-feet, you know, for the continuous wall length
19 on the right side of the house, you have a
20 driveway on one side and bumping in 2-feet kind of
21 gives us no room for the laundry room/mudroom
22 there. So that's really difficult -- or basically
23 impossible -- to do the renovation without that.
24 The existing rear family room creates a barrier on
25 the west and the driveway on the east. So if we

1 bumped out, we wouldn't have much of a driveway on
2 the right side which obviously could be a problem
3 in the future.

4 We also have a drawing here, SK-1,
5 that we provided to give a sense of what the side
6 of the home would look like. We're basically
7 adding a bay window there. Sort of in the middle
8 of the side of the house there to kind of give it
9 a little more of an aesthetic appeal and it's not
10 just one continuous long side wall. You know,
11 done with great -- look like it would kind of fit
12 into what the house would look like if it were
13 built like that many years ago. I know this
14 doesn't eliminate the variance, but I think it
15 looks, as far as aesthetically appealing, to have
16 four roof lines there on that right side of the
17 house and it gives the house a lot more character
18 instead of looking like one continuous wall. We
19 also have a lot of shutters and windows on that
20 wall, and we think it breaks it up nicely.

21 As for building coverage, like I
22 mentioned, we're actually reducing the coverage
23 size there. And generally, the additions we're
24 putting on are not very large. We're basically
25 adding a little bit of extra functional space to

1 make it more livable for us as we, basically,
2 intend this to be sort of our forever home. We
3 want to grow into it, etcetera. We feel like the
4 renovations are very consistent in its scale with
5 the surrounding neighborhood, and we hope you will
6 look favorable on our proposal. Thank you.

7 CHAIRMAN FUSARO: Thank you. A
8 couple of quick questions. If you look at your
9 plan BOA-2, Second Floor Plan, there is a walk-in
10 closet on the rear of the addition there right
11 behind your master bath that goes into a room that
12 has no access to it. Is something there?

13 MR. BENANTI: Yeah. The drawing
14 doesn't include the door which is on, basically,
15 the bottom right corner of the room. That's from
16 the hallway. The architect did not include that
17 door there, but that is a bedroom.

18 CHAIRMAN FUSARO: So that room is
19 accessed from off a hallway?

20 MR. BENANTI: Correct.

21 CHAIRMAN FUSARO: What is it, a
22 bedroom?

23 MR. BENANTI: It's a bedroom. It's
24 my daughter's bedroom, yes.

25 CHAIRMAN FUSARO: It's a bedroom,

1 and it's accessed off the hallway. Okay. On the
2 same plan there, all the way over to the left
3 first-floor plan, I see the new column being
4 proposed for the 4-by-6 porch. There's also a new
5 column being proposed all the way over on the left
6 behind the existing den, and it says "in line with
7 wall above." Is your second floor cantilevered
8 over that?

9 MR. BENANTI: Correct. Yes. That's
10 basically to have a closet for my daughter's
11 bedroom to be able to be built there. Because,
12 currently, our plans remove the closet from her
13 room to expand the master bedroom. And that would
14 be her walk-in closet for her bedroom.

15 CHAIRMAN FUSARO: Okay. So that
16 walk-in closet on the second floor either all of
17 it or a portion of it -- looks like a portion of
18 the closet is 4-feet-wide and the cantilever that
19 you show on the first floor is 3-feet.

20 MR. BENANTI: Correct. So on the,
21 actually, second-floor plan, you can see there's a
22 dotted line on the wall line below.

23 CHAIRMAN FUSARO: I see it.

24 MR. BENANTI: That's how far out it
25 will --

1 CHAIRMAN FUSARO: It's going to be
2 cantilevered over.

3 MR. BENANTI: Correct.

4 CHAIRMAN FUSARO: All right. Great.
5 So that also is -- that's what's adding to the
6 nonconformity. All right. Thank you for that. I
7 see that there is going to be a dormer on that
8 addition, which certainly lines up with and will
9 help the aesthetics of the home match the existing
10 three dormers that are there currently. And the
11 bay window, I understand is being added to help
12 mitigate that 25-foot continuous wall. Don, is
13 that contributing to the side yard variance
14 requirement or is that exempt?

15 MR. SAMMET: A bay window is
16 permitted to project into the required side yard
17 by 3-feet.

18 CHAIRMAN FUSARO: And I believe you
19 said it's 1-foot?

20 MR. BENANTI: I think it's
21 1-foot-3-inches.

22 CHAIRMAN FUSARO: 1-foot-3-inches.
23 Okay. All right. So that's not adding to the
24 side yard setback requirement. Okay. Great.
25 Those are the only comments that I had. Do any

1 Board Members have questions for the Applicant at
2 this time?

3 MS. MOLNAR: Yeah. The window
4 treatment; are you going to continue that
5 eight-over-eight windows?

6 MR. BENANTI: Where is that? I'm
7 sorry?

8 MS. MOLNAR: On the additions, are
9 the windows going to match the house?

10 MR. BENANTI: Yes. Everything is
11 going to match the same style windows. We
12 actually have the original windows in the home
13 from the previous owners. We're going to
14 basically match everything to be uniform across
15 the whole entire house.

16 CHAIRMAN FUSARO: They'll have an
17 arched top like the other three.

18 MR. COHEN: I'm troubled by the wall
19 length.

20 CHAIRMAN FUSARO: I'm sorry?

21 MR. COHEN: I'm troubled by the wall
22 length. It's 44-feet.

23 CHAIRMAN FUSARO: Yeah. The
24 continuous wall.

25 MR. COHEN: It's almost double

1 what's permitted under our ordinance. You've got
2 an image here on the front of the plan that shows
3 the neighbor that going to be staring into a
4 44-foot wall.

5 CHAIRMAN FUSARO: Correct. The
6 neighbor's driveway will be looking at a 44-foot
7 -- it looks like -- I take it back. Is the
8 entrance to the neighbor's home off the driveway
9 where the vehicle is parked in the photograph?

10 MR. BENANTI: Well, they have
11 multiple entrances. That's actually technically
12 the back of her house. The front of the house
13 faces Standash. So that's the rear of her home
14 that faces our driveway. I'm trying to think of
15 how it lines up with their door. I mean it's not
16 directly behind the door in the rear of the home.
17 But as it stands now, the homes are -- we
18 basically have a shared driveway with a curb down
19 the middle. Our house, if we look at their house,
20 it's just all houses as it is now, you know when
21 we look out our yard. So it's actually worse for
22 us than it is for them as far as the appeal and
23 appearance of it. We knew that going into buying
24 this home, and it didn't bother us much. But,
25 yeah, theoretically, it's more home on that side

1 of the yard, but it's difficult to envision doing
2 any type of addition to this home unless it's
3 there because there's just really no other place
4 to put it.

5 MR. COHEN: Did you examine those
6 options?

7 MR. BENANTI: Yeah. I mean the
8 other side of the home isn't an entryway because
9 the driveway is on the right side. So as far as
10 adding an entryway/mudroom, it kind of has to be
11 on this side of the home. There's really no other
12 place to add that addition.

13 CHAIRMAN FUSARO: I'm looking,
14 Michael -- I just did some quick calculations --
15 and currently, that wall is 28-foot-1-inch --

16 MR. BENANTI: Correct.

17 CHAIRMAN FUSARO: -- of continuous
18 wall, and they're looking to increase it to --
19 what was that 44?

20 (Crosstalk.)

21 MR. COHEN: It's like
22 (indiscernible.)

23 (Crosstalk.)

24 MR. COHEN: It's going to 44.9.

25 MS. MOLNAR: 17-feet.

1 MR. COHEN: I get there's the patio
2 and the new rear entry. I don't know if there's a
3 way the porch -- I don't know if there's a way to
4 reconfigure that and bump that in or do something
5 to minimize that massing. That's substantial.
6 You're asking us to exceed our ordinance by 80%.

7 CHAIRMAN FUSARO: I was looking at
8 the layout of the first-floor plan, and while I
9 understand the first couple feet of that addition
10 you really can't do much with that because that's
11 your kitchen counter. However, perhaps going from
12 where those are lockers are shown, something can
13 be done there with reducing the width of the area
14 so there is some sort of break. However, just
15 looking at -- I guess the only way to do that
16 would be to kick that entire wall -- again,
17 excluding that kitchen counter area -- kick
18 everything in 2-feet to break up the massing of
19 that wall, which would now render your addition,
20 you know, I wouldn't say "unable" but not an ideal
21 situation. And that porch that you have,
22 basically, indented into the laundry room, that
23 porch would have to be added out the back. So
24 you're shrinking the width of that room. That
25 room would be fine if that porch wasn't there. So

1 I don't know where he is on coverage if we add
2 that stoop out the back.

3 MR. SAMMET: It would add slightly.

4 CHAIRMAN FUSARO: You're over on
5 coverage already by -- you're over by 1.56%. Even
6 though they're decreasing it by 1% because they're
7 currently over by 2.4. So it's 91-square-feet
8 less than what's there now.

9 MR. COHEN: I guess my concern; I
10 don't perceive it as a hardship. I don't find the
11 argument for a hardship particularly convincing
12 here. So if we're looking at this under c(2) in
13 which case, I guess we make that -- but I don't
14 see the solution and looking at that --

15 CHAIRMAN FUSARO: C(1) I agree with
16 you. That porch currently is, approximately,
17 let's call it 6-by-4 which is 24-square-feet. If
18 that were to be added out in the back -- if that
19 were to be added out the back, then the
20 91-square-foot reduction would come down to about
21 67-square feet.

22 MR. SAMMET: Well, would they even
23 need to add a porch off the back if you just walk
24 up to a door on the wall of the...

25 MR. BENANTI: We need some type of

1 --

2 CHAIRMAN FUSARO: There are a couple
3 of steps there, Don. There're two steps.

4 MR. SAMMET: Two steps that go to
5 the doorway which is along the rear wall of the
6 addition. But, I'm sorry, Mr. Benanti, you were
7 going to say something.

8 MR. BENANTI: We would need some
9 type of portico over that; I would assume. Would
10 that also add to the building coverage?

11 CHAIRMAN FUSARO: The portico would
12 add to the building coverage, but it's only --
13 it's over 35-feet.

14 MR. SAMMET: If it's an
15 overhang-type thing, it would not.

16 CHAIRMAN FUSARO: Right. A
17 24-square-foot portico --

18 MR. SAMMET: But if they wanted to
19 put a full portico platform or a platform with a
20 roof over it, that would count towards coverage
21 since it's in the rear of the home.

22 MR. COHEN: Why would that be
23 necessary?

24 MR. SAMMET: It wouldn't; from a
25 zoning perspective.

1 MR. BENANTI: I was just asking
2 because I wasn't sure.

3 MR. COHEN: I'm a little confused by
4 the location and the necessity of the porch
5 because it seems to me that you basically built a
6 square room where the laundry room you had enough
7 room to bump to take that continuous wall length
8 and put this outside of the kitchen counter area
9 in that room. You wouldn't cure the variance
10 issue, but you would minimize it. I'm confused
11 about the justification for that. Maybe you can
12 clarify because I don't understand why --

13 CHAIRMAN FUSARO: I think that would
14 also help with that side yard -- we're on the 10.2
15 side?

16 MR. MASCIALE: Yeah. Just
17 continuing --

18 CHAIRMAN FUSARO: It would kick that
19 wall in 2-feet. That would bring it to 12.2,
20 which is pretty close to 12.5 that's required.

21 MR. COHEN: I mean I'm not here to
22 redesign this plan.

23 CHAIRMAN FUSARO: No, I understand.

24 MR. COHEN: I'm having a hard time
25 understanding why that is the case.

1 MR. MASCIALE: It should have been
2 done -- why is the porch there, because it's
3 preexisting.

4 MS. HROBLAK: What about the bay
5 window, if the bay window goes to the basement, do
6 we count --

7 CHAIRMAN FUSARO: No.

8 MR. MASCIALE: No.

9 MR. SAMMET: To break up the
10 continuous wall massing, yes.

11 CHAIRMAN FUSARO: It doesn't have to
12 go all the way down.

13 MR. SAMMET: No. To break up the
14 continuous wall massing, it doesn't.

15 MS. MOLNAR: Why wouldn't the wall
16 be with the porch cut off the line --

17 MS. HROBLAK: Carol. Carol, hang on
18 one second. Yeah, so if the bay window goes all
19 the way to the basement, that would count?

20 MR. SAMMET: It's not shown on the
21 drawing, but on the photographs, you can see
22 there's a basement window down there. So they'd
23 have to cover up that basement window.

24 MS. HROBLAK: I mean does it take
25 away from the driveway? Is that why it's not --

1 MR. BENANTI: I'm sorry. What was
2 the question?

3 MS. HROBLAK: I was asking the
4 planner if the bay window extends to the basement
5 level, it acts as course in the continuous wall.

6 MR. BENANTI: Oh, it does.

7 MR. SAMMET: Right. It projects
8 out.

9 (Crosstalk.)

10 MS. HROBLAK: And projects into that
11 additional driveway?

12 MR. BENANTI: No. If it's only out
13 1-foot-3-inches it would not.

14 MR. SAMMET: It's also within the
15 kitchen, and they've got the kitchen counters
16 there. Right? So they'd have to essentially bump
17 out their -- the kitchen counter would have to
18 extend out into this bay window.

19 MS. HROBLAK: It solves the problem
20 of 4- to 5-feet of continuous wall.

21 MR. BENANTI: So we would have to
22 bump the inside of the house as well out?

23 MS. HROBLAK: The bay window goes
24 down 2-feet.

25 MR. BENANTI: Right.

1 CHAIRMAN FUSARO: It's 1-foot-3
2 right now.

3 MS. HROBLAK: Right. It goes out
4 2-feet and it's down all the way to the basement,
5 that counts as a break in continuous wall length.
6 I'm wondering why they didn't do that to solve the
7 problem.

8 MR. BENANTI: I mean I think that --
9 personally, I'm not an architect, but having that
10 on that side of the house looking at it from the
11 exterior would probably look not as appealing as a
12 bay window. I know it doesn't make the variance
13 go away, but as far as looking at the side of the
14 house if this went all the way down to the ground
15 level, it doesn't feel like that would look very
16 good; right? I mean it's just my opinion. I
17 don't know if that's...

18 CHAIRMAN FUSARO: You would be
19 losing the basement window, which is not the end
20 of the world.

21 MS. HROBLAK: It's a solution for --
22 and correct me if I'm wrong -- the bay window's
23 foundation has to go down to the basement level or
24 just the ground level?

25 MR. SAMMET: The ground level, yeah.

1 MS. HROBLAK: The ground level and
2 it has to come out 2-feet. So that's a solution
3 to -- I don't know the exact dimension.

4 MR. MASCIALE: So really, there are
5 two proposals on how to address this. So maybe
6 they want to take it back and come back with a
7 solution. Because I think Mike's suggestion, I'd
8 be fine with a couple of extra feet of continuous
9 wall. I think the cantilever, the way it is now,
10 I mean your point would break it up 2-feet, but it
11 gives architectural relief and it looks nice. And
12 the guy across, he's staring at his. So they're
13 both staring at continuous walls.

14 MR. BENANTI: If it helps, I mean
15 I've become very friendly with the neighbor.
16 They're in full support of this project. I didn't
17 have them come tonight to speak because I didn't
18 -- I honestly didn't know that I should. But if
19 it helps, I can have them come and speak on my
20 behalf.

21 CHAIRMAN FUSARO: That would be
22 fine. I think, and again, I'm not instructing you
23 on what you should or shouldn't do, but you've
24 heard the comments from several Board Members that
25 it looks like there are two options; both of which

1 will work. Perhaps our recommendation would be to
2 discuss it with your architect, and then come back
3 with which option you'd like to go with.

4 MR. COHEN: Or something else.

5 CHAIRMAN FUSARO: Or something else.
6 Right. I mean those are two options that we can
7 give you, but I'm sure your architect --

8 MS. MOLNAR: I want to suggest the
9 last 6-feet-2-inches be eliminated.

10 CHAIRMAN FUSARO: Say that again.

11 MS. MOLNAR: Delete the last 6-feet
12 out of the mudroom.

13 CHAIRMAN FUSARO: Delete the last
14 6-feet. You're still going to have a 40-foot wall
15 -- or 44-foot-9...

16 (Crosstalk.)

17 MS. MOLNAR: I'm just thinking
18 aesthetically.

19 CHAIRMAN FUSARO: I mean it's
20 another option. Again, there are numerous options
21 to help that condition or mediate that situation
22 itself. Perhaps you would want to explore that
23 and come back. If we were to vote on it tonight
24 and it's denied, then you would have come back
25 with a completely different plan for us to

1 consider.

2 MR. BENANTI: Okay.

3 MR. COHEN: My other humble
4 suggestion to you would be your architect comes
5 back next time to make sure that they're ready to
6 testify as to whether it's a c(1) or c(2), what
7 the hardship is, what the benefits are, what the
8 burdens are because I didn't hear enough to
9 justify.

10 CHAIRMAN FUSARO: We have seen
11 Mr. Algarin here before. He's not available this
12 evening, but currently, we give him grief about
13 his charts, but he did do a nice chart. He's
14 listening to our comments. So that's kind of
15 where we're at.

16 MR. BENANTI: Okay.

17 MR. SAMMET: We'll just have to get
18 an extension of time in order to support the
19 extension. From the Applicant.

20 CHAIRMAN FUSARO: Yes. In order for
21 the Board to have to act, the 120-day decision
22 period right now stands at October the 6th. Our
23 next meeting is October the 12th. So you would
24 have to agree to extend it beyond October 6th
25 date, or we vote on it tonight.

1 MR. BENANTI: So we'd come back to
2 the October 12th meeting?

3 CHAIRMAN FUSARO: Correct. You'll
4 come back to the October 12th meeting without
5 further notice. That's correct.

6 MR. BENANTI: Okay. I agree.

7 CHAIRMAN FUSARO: You're welcome to
8 bring your neighbor or -- assuming that since I
9 don't see -- I'll go on the record -- since I
10 don't see anyone in the audience who wishes to
11 address this application, I assume there are none.

12 MR. BENANTI: Okay.

13 CHAIRMAN FUSARO: Great. Thank you
14 so much.

15 MS. RAZIN: Carried to October 12th
16 without further notice.

17 CHAIRMAN FUSARO: This application
18 will be carried without further notice. Thank you
19 so much.

20 MR. BENANTI: Thank you.

21 CHAIRMAN FUSARO: Just a quick
22 comment. We have, on October 12th, as it stands
23 right now, there's one application before you. So
24 more than likely, you will be Number 2.

25 MR. BENANTI: Okay. Thank you.

1 (Whereupon, there is a discussion
2 held off the record.)

3 CHAIRMAN FUSARO: I just want to
4 remind Mr. Benanti that it's a Wednesday meeting.

5 MS. RAZIN: You said the 12th?

6 MR. SAMMET: Yeah, I said the 12th.

7 CHAIRMAN FUSARO: Our last
8 application of the evening is Application
9 ZBA 22-018, Amit and Dipti Patel, 521 Kimball
10 Avenue. Applicant is seeking approval to
11 construct an outdoor pergola which includes a
12 patio and outdoor kitchen contrary to the
13 following sections of the Westfield Land Use
14 Ordinance: Section 12.04F1 where maximum coverage
15 by buildings and above-grade structures permitted
16 is 20% not to exceed 3,600-square-feet, and
17 proposed is 24.2%. Good evening.

18 MR. PATEL: Good evening.

19 CHAIRMAN FUSARO: How are you?

20 MR. PATEL: Good. How are you?

21 CHAIRMAN FUSARO: Well, thank you.

22 Please state your name and address for the record.

23 MR. PATEL: Sure. Amit Patel,
24 521 Kimball Avenue, Westfield, New Jersey.

25 MS. PATEL: Dipti Patel, 521 Kimball

1 Avenue.

2 CHAIRMAN FUSARO: Please raise your
3 right hand.

4 AMIT PATEL and DIPTI PATEL, having
5 been duly sworn, were examined and testified as
6 follows:

7 CHAIRMAN FUSARO: Please tell us
8 about your application.

9 MR. PATEL: Sure. Good evening.
10 Thank you to the Board for allowing us to present
11 tonight. My wife and I, along with our three
12 young kids live at 521 Kimball Avenue. We've
13 lived there just over two years now. We're both
14 very active members of our community having
15 volunteered in the kid's schools and coaching
16 local sports. We have every intention of staying
17 in Westfield for a long time since our youngest
18 just turned two. We're here to request a "c"
19 variance where maximum building coverage by
20 building and approved above-ground structures. As
21 you know, the allowable building coverage is 20%
22 not to exceed 3,600-square-feet. We are
23 requesting 24.2% over 2,762-square-feet. And our
24 current house footprint takes up the full
25 20%-plus, which is 2,282-square feet. We are

1 requesting an additional 448-square-feet. You can
2 see on the variance table we are within all zoning
3 restrictions outside the maximum building
4 coverage.

5 MS. PATEL: So just to restate, my
6 name is Dipti. I'm a pharmacist by day and now a
7 variance project manager by night. I wanted to
8 just provide a little bit more color on why we're
9 requesting this variance. We purchased this house
10 essentially at the start of the pandemic. And we
11 actually moved to Westfield in August of 2022, it
12 was two weeks after our third and final child was
13 born. And we purchased the house as a new build,
14 so we had no say in the construction, in the
15 layout, nor the design of the property. But
16 fortunately, we have this sizable backyard that is
17 completely flat. It's like almost a
18 square-rectangle shape. And right now, all we
19 have out there is a builder-grade patio and one
20 lonely tree in our far-right corner.

21 And as you can understand, you know,
22 with three kids seven and under, we need some sort
23 of protection from the sun. Really to, you know,
24 be able to maximize our outdoor space and be able
25 to utilize it year-round. And this pergola is our

1 solution to be able to have that coverage space.
2 But we also, you know, recognize we're a family of
3 five and we want it to be adequately sized so that
4 we can utilize it not only for our family but, you
5 know, we have neighbors over and friends over in
6 town. And this probably goes without saying, but
7 you know, Covid has changed a lot of our lives.
8 Through the pandemic, you know, we're being more
9 mindful of being outdoors versus indoors,
10 especially in group gatherings. So part of the
11 reason we're requesting this pergola is so that we
12 can be outside more often and not be at the mercy
13 of weather and rain and the elements.

14 So we love to entertain and we like
15 to have our friends over. Our neighbors are
16 really close to us. You know, we've only been in
17 town for a little over two years but we're really
18 close to all of our neighbors that are to the side
19 of us, across the street. Fortunately, we all
20 have similar-aged kids so they're at the same
21 schools, and participate in the same activities.
22 And we actually have a signed letter of support
23 from our neighbors as well that are boarding us
24 and across the street and behind us.

25 And even with this pergola

1 construction, we still have substantial green
2 space in our backyard. So I don't think there
3 would be any impediment to our neighbors and to
4 overdevelopment or anything like that. The
5 pergola is open on all sides besides the side
6 that's connected to the house. And it's a
7 louvered roof so even when it's closed, it doesn't
8 diminish visibility in the backyard. Our backyard
9 is only visible to a few of our neighbors. It's
10 fenced off on the sides. So, yeah, that's that.
11 And we hope you guys take this into consideration
12 and approve this so I stop being a variance
13 project manager. It would be lovely.

14 MS. MOLNAR: I have a question.

15 CHAIRMAN FUSARO: Of course.

16 MS. MOLNAR: This photo; it shows
17 there're fixed slats on this pergola. But yet, in
18 my packet, they're showing a louvered roof that
19 will be installed. So these slats are really not
20 permanent, they can move.

21 MS. PATEL: Yeah. They can move.

22 MS. MOLNAR: So this photo, it's not
23 a good representation.

24 MR. PATEL: I think the outside of
25 the structure needs to be fixed, and then the

1 inside will have the slats that move.

2 MS. MOLNAR: Do you have plans down
3 the road to build a deck?

4 MR. PATEL: We don't.

5 CHAIRMAN FUSARO: Carol, this is
6 basically, these are new types of pergolas that
7 have become popular recently. Basically, if you
8 look at the cut sheets that were sent as part of
9 the package, they are pergolas that have a roof --
10 if you want to call it that -- or a top that has
11 vents that open or close.

12 MS. MOLNAR: Yeah. This photo --

13 CHAIRMAN FUSARO: The rendering
14 doesn't depict that it opens or closes. However,
15 if you look at the packet that's included with our
16 packet, the instructions in there, it does include
17 a statement that it can be closed 100% or over
18 100% so that's where that comes into play.

19 MR. PATEL: Yeah. Those slots are
20 motorized, so...

21 CHAIRMAN FUSARO: I've got a couple
22 of quick questions. Thank you for the 32
23 photographs that were submitted.

24 (Laughter.)

25 CHAIRMAN FUSARO: I did look through

1 them all. Remember, I do have a question on them.

2 MS. PATEL: I'm a pharmacist, I have
3 to be accurate and follow all the directions.

4 CHAIRMAN FUSARO: Photograph
5 Number 21, please take a quick look at that.

6 MR. SONTZ: Which one is 21?

7 MR. PATEL: They're numbered.

8 CHAIRMAN FUSARO: I didn't expect
9 you to be counting them. They're numbered on the
10 back. Thank God.

11 MS. HROBLAK: I didn't notice that.
12 That's impressive.

13 MR. SAMMET: I got the unnumbered
14 set.

15 (Laughter.)

16 CHAIRMAN FUSARO: You're at 21?

17 MR. PATEL: Yep.

18 CHAIRMAN FUSARO: Great. Can you
19 explain to me what is going on in this photograph?
20 Basically to the left, it looks like somebody's
21 sidewalk or something that's discontinued.

22 MS. PATEL: Oh, no. That's our
23 neighbor's. They have plants there. They had
24 like shrubs, and they've removed them.

25 MR. PATEL: They were kind of

1 overgrown. And they have two kids that are the
2 same age as our kids, and they were like dividers.

3 CHAIRMAN FUSARO: That's your
4 property and you removed some shrubs that were
5 there?

6 MS. PATEL: That's not our property.

7 MR. PATEL: The neighbor.

8 CHAIRMAN FUSARO: The neighbor. Got
9 it.

10 MS. PATEL: But they said in the
11 directions that we had to show the ways to the
12 street.

13 MR. PATEL: I think they're going to
14 replace it with some landscaping at some point.

15 CHAIRMAN FUSARO: I just didn't
16 understand what was going on there. So that car
17 in the driveway that we see in this photograph,
18 that's your neighbor's not yours?

19 MS. PATEL: No. No. That's ours.

20 MR. PATEL: Yeah. The driveway is
21 ours on the right. The left part is their
22 property, essentially.

23 MS. PATEL: Yeah. So this is from
24 our house to the street if we were on the left
25 side of the house.

1 CHAIRMAN FUSARO: Okay. And is that
2 a sidewalk that is to the left or just kind of
3 dead ends there?

4 MS. PATEL: The sidewalk goes all
5 the way across.

6 MR. PATEL: No, this. (Indicating.)

7 MS. PATEL: Oh. Oh, yeah. That's
8 their walkway.

9 MR. PATEL: They have a little like
10 little door that goes underneath like the porch
11 where they store things. I think that's what that
12 leads to.

13 CHAIRMAN FUSARO: It looks like a
14 sidewalk to nowhere. Okay. I got it.

15 MS. HROBLAK: There are a couple of
16 those in town.

17 CHAIRMAN FUSARO: Thank you.
18 Basically, just for the record, the rest of the
19 photographs are mostly of the back patio area; the
20 existing back patio area. It shows the rear
21 sliding door exiting the house, which is basically
22 two steps with no landing area, which I'm sure is
23 going to be one of the items that will be
24 discussed during the application.

25 MR. MASCIALE: Just looking at

1 these, there's a picture, there's an odd shot --
2 an odd-shaped lot behind your house.

3 MR. PATEL: Very odd-shaped.

4 MR. MASCIALE: And is there a house
5 behind you?

6 MS. PATEL: It's not directly behind
7 us. It's actually like probably behind two houses
8 down.

9 MR. PATEL: Their backyard spans I
10 think four different houses. It is very oddly
11 shaped.

12 MR. MASCIALE: So there's nobody
13 like directly behind you?

14 MR. PATEL: No one is directly
15 behind us. No one.

16 MR. MASCIALE: Right. That's what I
17 was trying to figure out.

18 MR. PATEL: There's no one there.
19 We see their kids playing out there all the time,
20 and our balls go over there, and their balls come
21 in our yard.

22 CHAIRMAN FUSARO: Is there a home on
23 that odd-shaped property?

24 MR. PATEL: On the right, on
25 Harrison.

1 MR. MASCIALE: I think you need a
2 33rd picture. Just joking. That's very helpful.

3 CHAIRMAN FUSARO: A couple other
4 quick questions for you. Are there any similar
5 pergolas to this anywhere in the neighborhood that
6 you know of?

7 MR. PATEL: We know Deck Remodelers
8 who we're using have built these types of
9 pergolas. I think they have four or five
10 different projects going on. But in our vicinity,
11 most people have decks, outside of our neighbor to
12 the left who has just a lot of hardscaping.

13 CHAIRMAN FUSARO: And since you're
14 pretty much maxed out on coverage, I'm assuming
15 that a deck wouldn't fit.

16 MR. PATEL: I know there's 2%
17 right?

18 MR. SAMMET: There's a patio.
19 There's a permitted allowance for a deck. But
20 that wouldn't give the shade that I think the
21 Applicant is looking for. Is that a Penn State
22 barbecue cover?

23 MR. PATEL: It is.

24 (Laughter.)

25 CHAIRMAN FUSARO: There's a Penn

1 State barbecue cover? I didn't see that.

2 MR. SAMMET: It's on Photo 33.

3 CHAIRMAN FUSARO: Since we're not in
4 a super hurry, I'm going to bring something up. I
5 had a plumber come over to my shore house over the
6 weekend and there happened to be something on
7 television, I was watching the Mets game. And the
8 guy said, "Are you watching the Notre Dame game?"
9 I said, "No." He said, "because if you were, I
10 would be charging you more money."

11 (Laughter.)

12 CHAIRMAN FUSARO: The allowable
13 coverage is 20% so you're 4.2% over what you're
14 asking for. In addition to the pergola, you're
15 also extending your patio by 165-square-feet over
16 the current 400-square-feet patio that you have.
17 So you're going to have a patio area of
18 565-square-feet. Is there -- and I understand
19 the reasoning behind the pergola and why having a
20 patio coverage for sun, etcetera. But why are you
21 adding an additional 117-square-feet of uncovered?

22 MR. PATEL: I think we just wanted
23 some space that would be sort of out in the open
24 as well. And I think we have a ton of room under
25 the 50% test. I think we were at 31.6. This will

1 bump us up to 33.9. That's sort of the reason
2 behind it.

3 MS. PATEL: We wouldn't be able to
4 put, like, a dining table out there, which
5 wouldn't fit under the coverage area.

6 CHAIRMAN FUSARO: I base my
7 calculations on not being half a circle. It
8 actually looks like it's probably more. But I'll
9 give them the benefit of the doubt.

10 MS. MOLNAR: Does that put them over
11 though, the 20% with the extra patio?

12 MR. SAMMET: No.

13 MR. PATEL: I think that's just --
14 that wouldn't count against the 20%.

15 MR. SAMMET: No. They're well
16 within the allowable improvement coverage on the
17 lot. It's just the building coverage.

18 CHAIRMAN FUSARO: The pergola falls
19 under --

20 MR. SAMMET: Yeah. The pergola
21 counts towards -- Westfield calls it "building and
22 improvement coverage" and it's basically anything
23 above a foot in height -- a foot above grade, I
24 should say -- that counts towards building and
25 above-grade structures.

1 CHAIRMAN FUSARO: So regardless of
2 whether the pergola remains open or closed, it
3 doesn't --

4 (Crosstalk.)

5 MR. SAMMET: Whether it's opened or
6 not. Yeah.

7 MR. PATEL: Yeah. Some towns don't.
8 That's what Deck Remodelers told us, and it just
9 depends on the specific town and the ordinance.

10 MR. SONTZ: When was the house
11 built?

12 MR. PATEL: 2020 was when they got
13 the Certificate of Occupancy.

14 MR. SAMMET: I put in my report that
15 it's pretty common, actually, builders will build
16 to the max if they can. And it puts folks like
17 the Applicants in a bind and they are unable to
18 put a shed, you know, a storage shed can't be put
19 in the yard because builders just max out as much
20 as they can.

21 MR. SONTZ: Yeah, that is typical,
22 especially since before the pandemic, everybody
23 wanted indoor space. As soon as the pandemic hit,
24 now they want outdoor kitchens and --

25 (Crosstalk.)

1 MR. PATEL: We would gladly trade.

2 MR. SONTZ: -- everybody who had a
3 new house -- yeah, exactly.

4 MS. MOLNAR: It raises a question to
5 my mind as far as planning. Maybe we should
6 change the ordinance to provide so that coverage
7 is less so the future owners could add something.
8 Right now, the builders go to the max.

9 MS. HROBLAK: Well, what should
10 happen is that there should be a disclosure by the
11 builders that you've got squat left.

12 MR. PATEL: Yeah. We didn't realize
13 that until we did the research on our own,
14 obviously.

15 MS. HROBLAK: We get that so
16 frequently that you're not in an uncommon
17 situation.

18 MR. COHEN: So if I understand
19 correctly, the patio does not create a problem,
20 it's just the pergola?

21 MR. SAMMET: Correct.

22 MR. MASCIALE: The pergola counts as
23 coverage.

24 MR. SONTZ: It's a building coverage
25 problem, not a --

1 CHAIRMAN FUSARO: What's really odd
2 about that, Mike, is an open -- I mean this
3 pergola, you kind of understand the coverage
4 because it does have the option of closing the
5 roof. But an open pergola, if it has an open
6 roof, it kind of doesn't make any sense, but
7 that's the way it's written.

8 MR. SAMMET: Well, even if it was an
9 open pergola, it still counts.

10 CHAIRMAN FUSARO: I understand. So
11 that's why the ordinance doesn't make any sense.

12 MS. RAZIN: It's just a structure.

13 CHAIRMAN FUSARO: Any structure.

14 MR. SAMMET: The way I describe it
15 is the ordinance is trying not only to regulate
16 the coverage of the lot for drainage concerns but
17 also essentially how much of the land can be
18 developed with something coming up out of the
19 ground. So it doesn't account for whether or not
20 it's an open structure like a pergola or an
21 enclosed structure like an addition that we just
22 saw.

23 MS. RAZIN: Plus, the
24 (indiscernible) on top. I'm assuming that's for
25 the patio.

1 MR. SAMMET: Right.

2 MS. HROBLAK: We're looking for both
3 to be covered --

4 MS. RAZIN: Sorry, I just want to
5 make a note of one thing. I do appreciate your
6 work and getting your neighbor's signatures,
7 however, just for the record, the neighbors have
8 to be here to testify in order for the Board to
9 consider the fact that they would be or presumably
10 in favor of the application. So we can't accept
11 this in terms of giving any weight to it that they
12 signed this in that regard. So it's part of your
13 application, nobody's going to chuck it, but in
14 terms of testimony, they have to be here to
15 provide that.

16 MR. PATEL: Got it.

17 MS. RAZIN: We have to be able to
18 cross-examine them.

19 MS. PATEL: Okay.

20 MR. PATEL: Our neighbor on the
21 left, he said he would definitely be here for us,
22 but he's in Arizona for a conference.

23 CHAIRMAN FUSARO: That's why we ask
24 is there's anyone in the audience who wants to
25 address it. If they were here and made a

1 statement and someone wanted to counter that
2 statement or ask about that statement, they're not
3 here to have the option.

4 MR. PATEL: It makes sense. But you
5 can see, we live in a very tightly-knit street.
6 We have kids all in the same age group.

7 MR. MASCIALE: I'm looking at this
8 under a c(2), obviously. It's not a hardship.
9 And I will just say that I think it fits. You
10 know, could we make it smaller? Yes. But I think
11 it fits the house that's there, and there's nobody
12 directly behind them. I don't think it's going to
13 have a negative impact. So under the c(2)
14 criteria, I see it as not having a real negative
15 impact. And it doesn't create a real coverage
16 issue for drainage or anything like that because
17 they're open. We've seen a lot of pergolas in the
18 front yard instead of porches leading up to it,
19 and it counts as coverage. In this case, it's in
20 the back. Under c(2) I'm in support of it.

21 CHAIRMAN FUSARO: I would agree
22 since there's no house immediately behind this
23 particular lot other than that odd-shaped piece of
24 property, which the house is way further back from
25 that, I would agree with you, Chris. Yes, could

1 it be a little smaller? Yes. I would certainly
2 --

3 MS. PATEL: We have a really large
4 Indian family that also likes to come for visits.
5 Can I just add that too?

6 CHAIRMAN FUSARO: Got it. Large
7 family, I got it. Thank you.

8 MR. SONTZ: I'm in favor of the
9 application. I think the property handles it
10 fine.

11 CHAIRMAN FUSARO: Mike, do you have
12 any comments?

13 MR. COHEN: Likewise.

14 CHAIRMAN FUSARO: Likewise. Carol?

15 MS. MOLNAR: Yes.

16 CHAIRMAN FUSARO: Just for the
17 record, if anyone from the audience would like to
18 address the application. Seeing none, other than
19 a reporter.

20 MR. COHEN: Frank, I assume you'll
21 put the condition that --

22 (Crosstalk.)

23 CHAIRMAN FUSARO: About keeping it
24 open. Open on three sides, and the top.

25 MR. PATEL: We'll keep it open. We

1 want it open.

2 MR. SONTZ: If someone wants to
3 close it or you can open it.

4 CHAIRMAN FUSARO: I'm sure that at
5 some point, just like now, we're seeing pergolas
6 with roofs that open and close. We will be seeing
7 something with sides that open and close.

8 MS. PATEL: They have them.

9 MR. PATEL: We did that. That was
10 pretty cost-prohibitive.

11 CHAIRMAN FUSARO: Great. So that
12 would be the one condition that I would certainly
13 recommend. So that having been said, does anyone
14 else have any other questions or comments? Seeing
15 none, do we have a motion?

16 MR. SONTZ: Motion to approve
17 subject to the pergola remains open on all three
18 sides.

19 CHAIRMAN FUSARO: Second?

20 MR. COHEN: Second.

21 CHAIRMAN FUSARO: Seconded by
22 Mr. Cohen.

23 MR. SAMMET: We'll start from this
24 side. Ms. Hroblak.

25 MS. HROBLAK: Yes.

1 MR. SAMMET: Chair Fusaro.
2 CHAIRMAN FUSARO: Yes.
3 MR. SAMMET: Vice-chair Masciale.
4 MR. MASCIALE: Yes.
5 MR. SAMMET: Mr. Sontz.
6 MR. SONTZ: Yes.
7 MR. SAMMET: Mr. Cohen.
8 MR. COHEN: Yes.
9 MR. SAMMET: And Ms. Molnar.
10 MS. MOLNAR: Yes.
11 CHAIRMAN FUSARO: Your application
12 is approved. Good luck.
13 MR. PATEL: Thank you very much.
14 CHAIRMAN FUSARO: Motion to adjourn.
15 MR. MASCIALE: So moved.
16 MR. SONTZ: Second.
17
18 (The meeting was adjourned at
19 10:12 p.m.)
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0	12.5-foot [1] - 91:17 120-day [1] - 112:21 120-foot [1] - 16:8 1208 [1] - 5:14 12th [8] - 61:21, 112:23, 113:2, 113:4, 113:15, 113:22, 114:5, 114:6 13 [3] - 3:21, 3:22, 64:25 133 [1] - 5:21 14 [2] - 3:22, 3:23 15 [1] - 5:14 15-foot [1] - 22:20 15.13 [1] - 15:19 15.13-foot [1] - 9:16 16 [1] - 4:16 1601 [2] - 77:15, 77:18 1605 [4] - 4:16, 63:16, 64:14, 64:16 1609 [1] - 77:17 165-square-foot [1] - 125:15 17-foot [2] - 94:7, 102:25 19 [1] - 1:11 1903 [1] - 46:10 1907 [3] - 4:5, 45:2, 45:14 1982 [1] - 11:21 1986 [1] - 11:23 1996 [1] - 66:22	2.5 [2] - 87:21, 87:24 20 [3] - 15:18, 62:24, 66:8 20% [7] - 80:6, 91:20, 114:16, 115:21, 125:13, 126:11, 126:14 20%-plus [1] - 115:25 20-by-20 [1] - 69:10 20-foot [1] - 9:16 20-inches [1] - 72:5 2000 [4] - 66:23, 70:20, 89:15, 89:16 2009 [1] - 89:14 2017 [1] - 45:23 2019 [3] - 45:25, 47:6, 51:4 2020 [1] - 127:12 2022 [3] - 1:11, 8:5, 116:11 21 [3] - 120:5, 120:6, 120:16 21-077 [1] - 8:7 21.56% [2] - 91:21, 94:15 22 [2] - 66:23, 80:6 22-012 [2] - 4:4, 45:1 22-016 [2] - 3:14, 9:9 22-017 [2] - 4:15, 63:15 22-018 [2] - 5:13, 114:9 22-019 [2] - 5:2, 91:7 22-foot-8 [1] - 19:8 22.4% [1] - 94:14 22.8 [1] - 19:4 220-square [1] - 75:2 23.6 [1] - 19:3 23.68-foot [1] - 45:7 24-inches [1] - 69:12 24-square-foot [1] - 104:17 24-square-foot [1] - 105:17 24.2% [2] - 114:17, 115:23 25 [1] - 62:25 25-feet [3] - 64:3, 70:23, 91:23 25-foot [6] - 68:18, 69:8, 72:15, 89:12, 95:4, 99:12 25.18 [1] - 77:16 26. [1] - 76:17 26.18-foot [1] - 64:1 26.91-foot [1] - 45:6 27 [1] - 11:10 28-feet [1] - 95:4 28-foot-1-inch [1] -	102:15 29-inches [1] - 55:22 29.88-foot [1] - 76:14 29.93 [1] - 77:17	3	3 [3] - 22:11, 48:9, 58:15 3,600-square-foot [2] - 114:16, 115:22 3-feet [7] - 29:15, 29:16, 29:19, 30:5, 47:2, 98:19, 99:17 3/8 [1] - 27:1 30-by-50 [2] - 47:7, 47:11 30-feet [9] - 27:2, 30:9, 33:17, 38:18, 39:1, 40:11, 43:24, 44:4, 80:16 30.18-foot [1] - 64:1 30.81 [1] - 76:12 31-foot-11 [1] - 19:11 31.11 [2] - 19:13, 27:2 31.6 [1] - 125:25 315 [2] - 3:7, 8:8 318 [3] - 3:15, 9:10, 10:3 32 [3] - 19:14, 33:17, 119:22 32-feet [6] - 22:6, 28:21, 30:6, 32:16, 38:18, 43:21 33 [1] - 125:2 33.9 [1] - 126:1 33rd [1] - 124:2 34.63 [1] - 39:23 35-feet [1] - 105:13 35-square-foot [2] - 67:15, 76:20 35.8-feet [1] - 64:4 357-square-foot [1] - 18:21 37% [1] - 39:23	425 [1] - 1:12 44 [2] - 3:25, 102:19 44-foot [1] - 100:22 44-foot-9-inches [2] - 91:23, 95:6 44-foot [2] - 101:4, 101:6 44-foot-9. [1] - 111:15 44.9 [1] - 102:24 448-square-foot [1] - 116:1 44th [1] - 63:3 45 [4] - 4:5, 4:7, 61:23, 62:9 48-feet [1] - 75:22 48-inches [1] - 54:9 49.2 [1] - 21:7
1	2	4	5	6		
1 [1] - 58:11 1% [1] - 104:6 1-foot [1] - 99:19 1-foot-3 [1] - 109:1 1-foot-3-inches [3] - 99:21, 99:22, 108:13 1.56% [1] - 104:5 1/2 [7] - 19:2, 19:8, 20:9, 22:9, 22:11, 22:13, 32:11 1/2% [3] - 72:22, 80:6, 86:6 1/3 [1] - 18:23 10 [5] - 3:18, 5:4, 15:12, 31:8, 47:4 10-feet [5] - 9:18, 36:19, 45:8, 63:23, 68:9 10-foot [1] - 15:23 10-minute [1] - 91:3 10-year-old [1] - 92:23 10.1-foot [2] - 91:17, 94:9 10.2 [1] - 106:14 10.2-foot [2] - 91:18, 94:5 10/12/2022 [1] - 5:10 100% [2] - 119:17, 119:18 100-square [1] - 76:3 10:12 [1] - 134:19 11 [2] - 3:19, 11:3 11-plus [1] - 92:19 11.06E-6 [1] - 91:15 11.095E [1] - 45:5 11.09E-14 [1] - 45:9 11.09E-4 [1] - 64:4 11.09E-5 [1] - 9:14 11.09E-6 [3] - 9:17, 45:7, 63:22 1107 [1] - 5:4 113 [1] - 5:10 114 [1] - 5:14 115 [2] - 5:16, 5:17 117-square-foot [1] - 125:21 12 [2] - 36:19, 62:10 12-feet [1] - 35:22 12.03D [1] - 63:25 12.04F1 [2] - 91:19, 114:14 12.2 [1] - 106:19 12.5 [1] - 106:20	2 [11] - 19:2, 19:8, 22:9, 22:11, 22:13, 29:19, 32:11, 58:15, 73:6, 86:6, 113:24 2% [3] - 17:3, 39:19, 124:16 2,134-square [1] - 91:20 2,282-square [1] - 115:25 2,300-square-foot [1] - 91:21 2,762-square-foot [1] - 115:23 2-feet [22] - 30:8, 33:9, 33:11, 33:12, 37:14, 37:17, 38:7, 39:24, 43:12, 54:9, 55:20, 72:2, 72:4, 80:15, 95:18, 95:20, 103:18, 106:19, 108:24, 109:4, 110:2, 110:10 2.11G [2] - 64:2, 91:22 2.4 [1] - 104:7	4 [6] - 58:17, 60:7, 60:16, 72:22, 108:20 4% [1] - 17:2 4-by-6 [1] - 98:4 4-feet [1] - 48:9 4-feet-wide [1] - 98:18 4-inches [4] - 69:10, 71:17, 72:6, 72:12 4.2% [1] - 125:13 40-foot [1] - 111:14 400-square-foot [1] - 125:16	5-foot [4] - 18:5, 56:10, 77:19, 108:20 5-foot [1] - 48:16 5/8 [2] - 19:11, 27:2 50% [3] - 80:10, 81:6, 125:25 50-foot [1] - 75:18 50-square-foot [1] - 75:6 5013 [1] - 3:16 519 [4] - 5:3, 91:8, 92:7, 92:20 521 [5] - 5:14, 114:9, 114:24, 114:25, 115:12 54.30 [2] - 16:7, 16:11 5612 [1] - 4:16 565-square [1] - 125:18 57% [1] - 80:9 5705 [1] - 4:5 58/60 [1] - 4:12	6 [1] - 3:3 6,500-square-foot [1] - 49:3 6,706 [1] - 16:10 6-by-4 [1] - 104:17 6-feet [4] - 55:2, 57:4, 111:11, 111:14 6-feet-2-inches [1] - 111:9 60 [2] - 16:6, 16:10 60-feet-long [1] - 68:3 63 [1] - 4:16 64 [2] - 4:18, 4:19 66 [1] - 4:19 67-square [1] - 104:21		

69 ^[1] - 4:22 6th ^[2] - 112:22, 112:24	14:14, 14:22 abandon ^[1] - 59:24 able ^[12] - 10:19, 33:17, 33:25, 74:24, 93:10, 93:13, 98:11, 116:24, 117:1, 126:3, 130:17 above-grade ^[2] - 114:15, 126:25 above-ground ^[1] - 115:20 absent ^[4] - 7:22, 7:25, 8:1, 8:11 accept ^[2] - 44:4, 130:10 access ^[2] - 52:4, 97:12 accessed ^[2] - 97:19, 98:1 accommodate ^[1] - 51:10 accordance ^[5] - 6:16, 6:25, 52:18, 58:16, 72:1 according ^[3] - 19:7, 55:23, 77:16 account ^[1] - 129:19 accurate ^[1] - 120:3 acquire ^[1] - 93:3 act ^[1] - 112:21 Act ^[1] - 6:17 action ^[1] - 6:9 active ^[1] - 115:14 activities ^[1] - 117:21 acts ^[1] - 108:5 actual ^[1] - 84:5 add ^[26] - 9:11, 12:21, 13:23, 14:3, 14:9, 23:6, 27:9, 27:16, 45:3, 54:11, 56:12, 57:23, 58:18, 63:18, 63:19, 73:1, 82:21, 91:12, 102:12, 104:1, 104:3, 104:23, 105:10, 105:12, 128:7, 132:5 added ^[8] - 14:1, 27:7, 77:6, 99:11, 103:23, 104:18, 104:19 adding ^[17] - 10:18, 17:21, 30:25, 65:15, 68:2, 70:22, 70:24, 71:1, 78:13, 84:2, 93:23, 96:7, 96:25, 99:5, 99:23, 102:10, 125:21 addition ^[29] - 16:21, 16:24, 31:5, 46:1, 47:14, 59:10, 67:21, 70:20, 76:24, 77:5,	77:6, 86:10, 89:11, 89:15, 91:9, 91:11, 93:22, 94:6, 94:10, 95:5, 97:10, 99:8, 102:2, 102:12, 103:9, 103:19, 105:6, 125:14, 129:21 ADDITIONAL ^[2] - 3:22, 14:9 additional ^[14] - 14:3, 20:17, 30:4, 51:20, 67:23, 70:9, 72:18, 77:24, 79:24, 84:22, 85:18, 108:11, 116:1, 125:21 additions ^[4] - 11:24, 27:7, 96:23, 100:8 address ^[21] - 10:1, 11:8, 11:10, 26:4, 26:7, 45:12, 53:17, 53:19, 63:10, 64:12, 66:6, 67:9, 74:25, 79:20, 79:22, 92:5, 110:5, 113:11, 114:22, 130:25, 132:18 addressed ^[1] - 94:2 adds ^[1] - 94:19 adequate ^[1] - 6:11 adequately ^[2] - 65:11, 117:3 adequately-sized ^[1] - 65:11 Adirondack ^[1] - 46:23 adjacent ^[5] - 10:20, 17:15, 56:15, 56:18, 70:3 adjourn ^[1] - 134:14 adjourned ^[1] - 134:18 ADJUSTMENT ^[1] - 1:2 Adjustment ^[1] - 6:8 Adjustment's ^[1] - 6:20 ADOPTED ^[1] - 1:10 ADOPTION ^[1] - 3:6 advantage ^[1] - 37:2 aerial ^[4] - 14:4, 14:6, 23:12, 24:5 AERIAL ^[2] - 3:22, 14:9 aerials ^[1] - 14:17 aesthetic ^[3] - 86:19, 86:20, 96:9 aesthetically ^[3] - 74:13, 96:15, 111:18 aesthetics ^[2] - 74:17, 99:9	affect ^[2] - 30:10, 89:4 age ^[2] - 121:2, 131:6 aged ^[1] - 117:20 agenda ^[1] - 8:4 ago ^[2] - 92:21, 96:13 agree ^[6] - 27:13, 104:15, 112:24, 113:6, 131:21, 131:25 agreed ^[1] - 56:7 ahead ^[1] - 63:1 Alden ^[3] - 91:8, 92:7, 92:20 ALDEN ^[1] - 5:3 Algarin ^[2] - 93:10, 112:11 all-improvement ^[1] - 51:9 all.. ^[1] - 32:21 Allegiance ^[1] - 6:4 alleviate ^[1] - 34:7 alleviates ^[1] - 34:12 allowable ^[5] - 50:11, 56:13, 115:21, 125:12, 126:16 allowance ^[1] - 124:19 allowed ^[8] - 17:2, 30:7, 41:2, 41:6, 47:4, 49:18, 49:22, 71:21 allowing ^[1] - 115:10 allows ^[1] - 16:18 Allyson ^[1] - 60:10 ALLYSON ^[1] - 2:5 allyson ^[1] - 29:24 almost ^[5] - 15:21, 28:13, 65:17, 100:25, 116:17 alternate ^[12] - 17:16, 73:8, 73:20, 83:3, 83:11, 83:16, 84:2, 85:24, 85:25, 87:5, 89:2 ALTERNATE ^[2] - 2:13, 2:13 amenities ^[1] - 93:2 Amit ^[2] - 114:9, 114:23 AMIT ^[3] - 5:13, 5:16, 115:4 amount ^[2] - 57:23, 72:24 AND ^[4] - 4:4, 4:15, 5:3, 5:13 answer ^[3] - 42:18, 89:13, 93:13 answered ^[2] - 26:19, 50:6 answering ^[1] - 42:20 anyway ^[1] - 84:17	apart ^[1] - 30:19 apologize ^[3] - 19:13, 19:15, 38:12 appeal ^[10] - 61:23, 61:25, 62:2, 62:15, 62:16, 63:4, 63:6, 63:10, 96:9, 101:22 appealing ^[2] - 96:15, 109:11 appear ^[4] - 15:24, 29:14, 51:23, 84:4 appearance ^[1] - 101:23 appeared ^[1] - 11:17 applicant ^[1] - 26:5 Applicant ^[25] - 7:4, 9:10, 27:15, 28:8, 29:21, 32:1, 40:1, 43:18, 45:3, 50:13, 56:7, 59:24, 63:16, 75:6, 76:16, 80:1, 81:5, 82:17, 82:23, 91:8, 100:1, 112:19, 114:10, 124:21 Applicant's ^[7] - 7:3, 13:3, 13:19, 14:8, 14:22, 58:14, 69:2 applicants ^[1] - 55:1 Applicants ^[5] - 74:6, 77:23, 79:18, 82:15, 127:17 application ^[44] - 9:5, 9:8, 10:9, 13:23, 21:23, 23:4, 26:4, 26:23, 27:9, 35:16, 38:20, 38:23, 40:19, 40:25, 41:9, 43:6, 44:24, 45:1, 45:21, 46:3, 49:13, 53:18, 56:6, 57:9, 58:10, 58:13, 61:11, 63:14, 64:23, 79:21, 90:21, 91:6, 92:13, 113:11, 113:17, 113:23, 114:8, 115:8, 122:24, 130:10, 130:13, 132:9, 132:18, 134:11 APPLICATION ^[5] - 3:24, 4:11, 4:23, 5:10, 5:20 Application ^[4] - 9:9, 63:14, 91:7, 114:8 applications ^[2] - 6:11, 9:3 appreciate ^[2] - 92:16, 130:5 appropriate ^[1] - 58:17 approval ^[7] - 9:11,
7				
7 ^[3] - 3:4, 3:16, 4:5 7,000 ^[1] - 23:24 7,140 ^[1] - 23:25 7,200 ^[1] - 16:9 7:30 ^[1] - 1:13				
8				
8 ^[2] - 3:7, 92:22 8,200-square-foot ^[1] - 24:1 8-feet ^[6] - 18:10, 30:4, 37:12, 54:12, 55:25, 57:4 8-foot ^[9] - 29:12, 33:3, 37:10, 37:24, 37:25, 54:24, 56:22, 56:23, 56:24 8.37 ^[1] - 68:10 8.37-feet ^[1] - 63:24 8.9 ^[2] - 15:23, 24:7 8.9-feet ^[1] - 9:18 80 ^[1] - 65:24 80% ^[1] - 103:6				
9				
9 ^[2] - 3:16, 8:5 9.39 ^[1] - 68:10 9.39-feet ^[1] - 63:24 9.86 ^[1] - 47:5 9.86-feet ^[1] - 45:9 90 ^[1] - 4:24 900-square ^[1] - 75:1 91 ^[1] - 5:4 91-square-foot ^[1] - 104:7 91-square-foot ^[1] - 104:20 92 ^[1] - 5:6 96-inches ^[1] - 54:12				
A				
A-1 ^[7] - 3:21, 4:22, 13:1, 13:3, 68:24, 69:1, 69:2 A-2 ^[13] - 3:22, 13:14, 13:15, 13:16, 13:17, 13:19, 13:20, 19:10, 19:16, 29:11 A-3 ^[4] - 3:22, 14:3, 14:8, 37:5 A-4 ^[4] - 3:23, 14:13,				

<p>45:3, 63:1, 63:16, 89:15, 91:8, 114:10</p> <p>APPROVAL [1] - 3:5</p> <p>approve [20] - 8:14, 8:15, 9:1, 27:10, 27:18, 35:16, 38:20, 41:9, 41:15, 43:5, 52:14, 57:9, 58:10, 74:1, 74:4, 89:1, 89:22, 90:2, 118:12, 133:16</p> <p>APPROVE [4] - 3:24, 4:11, 4:23, 5:20</p> <p>approved [7] - 26:23, 44:25, 61:12, 90:20, 90:22, 115:20, 134:12</p> <p>approving [3] - 21:23, 26:22, 83:20</p> <p>arched [1] - 100:17</p> <p>architect [24] - 11:5, 26:5, 29:7, 30:14, 31:16, 34:21, 35:24, 36:8, 36:9, 52:8, 57:17, 66:3, 66:5, 77:23, 79:18, 79:25, 82:18, 83:23, 93:10, 97:16, 109:9, 111:2, 111:7, 112:4</p> <p>architectural [3] - 52:16, 66:20, 110:11</p> <p>architecturally [1] - 35:5</p> <p>architecture [3] - 11:20, 12:9, 67:5</p> <p>area [30] - 15:10, 15:24, 16:7, 17:17, 17:18, 22:18, 24:3, 24:14, 30:23, 31:22, 32:13, 39:11, 40:3, 46:22, 50:5, 51:8, 54:11, 56:1, 69:7, 70:25, 72:23, 74:23, 103:13, 103:17, 106:8, 122:19, 122:20, 122:22, 125:17, 126:5</p> <p>argument [1] - 104:11</p> <p>Arizona [1] - 130:22</p> <p>arthur [1] - 66:7</p> <p>ARTHUR [2] - 4:19, 66:11</p> <p>AS [1] - 1:10</p> <p>as-is [2] - 23:18, 23:20</p> <p>associated [1] - 67:22</p> <p>assume [7] - 22:6, 48:11, 51:1, 64:8, 105:9, 113:11, 132:20</p> <p>assuming [6] - 52:9,</p>	<p>73:9, 92:1, 113:8, 124:14, 129:24</p> <p>at-grade [1] - 94:16</p> <p>attach [1] - 52:13</p> <p>attic [15] - 18:18, 18:23, 19:1, 20:9, 20:21, 35:7, 35:19, 63:18, 65:15, 65:23, 69:14, 69:17, 85:20, 85:22, 86:2</p> <p>attorney [1] - 6:18</p> <p>Attorney [1] - 2:17</p> <p>audience [6] - 26:3, 53:17, 79:20, 113:10, 130:24, 132:17</p> <p>August [2] - 8:5, 116:11</p> <p>automatically [1] - 59:8</p> <p>available [8] - 40:8, 49:10, 55:6, 58:17, 59:17, 75:5, 75:6, 112:11</p> <p>AVENUE [3] - 4:5, 5:3, 5:14</p> <p>Avenue [14] - 15:18, 15:20, 22:19, 23:2, 45:2, 45:15, 49:11, 66:8, 91:8, 92:7, 114:10, 114:24, 115:1, 115:12</p> <p>aware [1] - 50:10</p>	<p>bath [5] - 18:21, 84:9, 91:12, 93:23, 97:11</p> <p>bathroom [2] - 84:3, 85:21</p> <p>bathrooms [1] - 84:1</p> <p>batten [1] - 20:1</p> <p>bay [11] - 96:7, 99:11, 99:15, 107:4, 107:5, 107:18, 108:4, 108:18, 108:23, 109:12, 109:22</p> <p>beams [1] - 29:11</p> <p>beautiful [2] - 15:5, 92:24</p> <p>become [3] - 17:15, 110:15, 119:7</p> <p>becomes [2] - 33:11, 36:20</p> <p>becoming [1] - 37:18</p> <p>bed [1] - 18:22</p> <p>bedroom [28] - 17:8, 18:2, 18:12, 26:21, 33:9, 33:14, 35:22, 37:6, 37:25, 38:1, 65:14, 83:4, 83:17, 84:2, 84:10, 84:22, 85:23, 86:14, 93:24, 93:25, 97:17, 97:22, 97:23, 97:24, 97:25, 98:11, 98:13, 98:14</p> <p>bedrooms [23] - 10:18, 16:15, 18:6, 18:8, 20:15, 20:17, 20:18, 36:19, 65:11, 83:25, 85:2, 85:14, 85:18, 85:24, 86:1, 87:2, 87:4, 87:5, 87:24</p> <p>behalf [1] - 110:20</p> <p>behind [18] - 47:12, 48:9, 56:6, 67:18, 97:11, 98:6, 101:16, 117:24, 123:2, 123:5, 123:6, 123:7, 123:13, 123:15, 125:19, 126:2, 131:12, 131:22</p> <p>Belmar [7] - 9:10, 10:3, 22:22, 25:2, 25:4, 25:7, 31:3</p> <p>BELMAR [1] - 3:15</p> <p>below [4] - 19:14, 24:7, 80:15, 98:22</p> <p>BENANTI [37] - 5:3, 5:6, 91:25, 92:3, 92:6, 92:10, 92:14, 97:13, 97:20, 97:23, 98:9, 98:20, 98:24, 99:3, 99:20, 100:6, 100:10, 101:10,</p>	<p>102:7, 102:16, 104:25, 105:8, 106:1, 108:1, 108:6, 108:12, 108:21, 108:25, 109:8, 110:14, 112:2, 112:16, 113:1, 113:6, 113:12, 113:20, 113:25</p> <p>Benanti [6] - 91:7, 92:2, 92:6, 92:9, 105:6, 114:4</p> <p>benefit [1] - 126:9</p> <p>benefits [1] - 112:7</p> <p>Berkeley [1] - 12:3</p> <p>best [4] - 34:3, 76:3, 80:21, 93:12</p> <p>better [5] - 17:14, 51:6, 65:8, 69:23</p> <p>between [3] - 22:24, 29:11, 47:10</p> <p>beyond [2] - 18:13, 112:24</p> <p>big [5] - 17:17, 29:1, 37:2, 65:12, 88:5</p> <p>bigger [4] - 30:17, 47:13, 79:9, 94:22</p> <p>biggest [1] - 79:4</p> <p>bikes [1] - 65:5</p> <p>bind [1] - 127:17</p> <p>bit [12] - 17:7, 18:19, 28:22, 32:25, 34:2, 35:4, 48:20, 68:21, 69:13, 80:14, 96:25, 116:8</p> <p>BLOCK [5] - 3:16, 4:5, 4:16, 5:4, 5:14</p> <p>block [2] - 31:22, 81:15</p> <p>BOA-1 [1] - 94:18</p> <p>BOA-2 [3] - 93:15, 93:20, 97:9</p> <p>BOARD [2] - 1:2, 2:17</p> <p>board [2] - 6:13, 19:25</p> <p>Board [4] - 6:7, 6:10, 6:18, 6:19, 6:23, 6:24, 11:17, 12:6, 25:18, 26:11, 27:17, 27:19, 32:24, 35:17, 38:8, 38:20, 43:5, 45:24, 51:3, 51:18, 52:22, 53:15, 56:4, 56:20, 58:6, 66:15, 77:24, 79:17, 80:1, 82:16, 82:19, 83:1, 84:20, 85:10, 86:4, 88:24, 100:1, 110:24, 112:21, 115:10, 130:8</p> <p>boarding [1] - 117:23</p>	<p>boards [2] - 12:12, 66:25</p> <p>border [1] - 47:10</p> <p>born [1] - 116:13</p> <p>bother [1] - 101:24</p> <p>bottom [4] - 54:18, 54:21, 54:23, 97:15</p> <p>Boulevard [4] - 32:18, 63:16, 64:14, 64:16</p> <p>BOULEVARD [1] - 4:16</p> <p>box [1] - 35:2</p> <p>boxy [1] - 37:2</p> <p>boys [1] - 46:16</p> <p>break [12] - 29:17, 69:13, 73:15, 90:25, 91:1, 91:3, 103:14, 103:18, 107:9, 107:13, 109:5, 110:10</p> <p>Break [1] - 91:4</p> <p>breaking [2] - 19:25, 71:25</p> <p>breaks [2] - 69:9, 96:20</p> <p>Briar [1] - 11:10</p> <p>brief [2] - 6:19, 66:19</p> <p>briefly [1] - 80:3</p> <p>bring [15] - 11:4, 30:9, 33:5, 33:8, 34:1, 34:15, 36:11, 37:23, 40:10, 55:10, 70:8, 85:3, 106:19, 113:8, 125:4</p> <p>bringing [1] - 71:7</p> <p>brings [1] - 30:5</p> <p>Broad [1] - 1:12</p> <p>budget [2] - 73:14, 74:15</p> <p>build [9] - 16:14, 16:16, 17:5, 78:22, 82:14, 116:13, 119:3, 127:15</p> <p>builder [2] - 24:9, 116:19</p> <p>builder-grade [1] - 116:19</p> <p>builders [4] - 127:15, 127:19, 128:8, 128:11</p> <p>building [39] - 19:7, 19:10, 20:4, 20:11, 22:6, 32:4, 34:16, 52:15, 52:17, 57:13, 57:14, 57:15, 57:17, 58:11, 62:23, 64:2, 67:17, 67:24, 67:25, 72:19, 75:7, 75:10, 75:25, 80:5, 80:16, 80:17, 91:19, 94:14,</p>
	B			
<p>background [3] - 11:18, 66:19, 92:17</p> <p>backyard [8] - 17:13, 79:9, 82:3, 116:16, 118:2, 118:8, 123:9</p> <p>Bailey [3] - 46:2, 48:25, 52:8</p> <p>Bailey's [1] - 51:14</p> <p>balls [2] - 123:20</p> <p>barbecue [2] - 124:22, 125:1</p> <p>barrier [1] - 95:24</p> <p>base [5] - 67:20, 85:17, 86:1, 126:6</p> <p>based [5] - 27:2, 47:21, 48:3, 48:12, 54:7</p> <p>basement [9] - 51:25, 107:5, 107:19, 107:22, 107:23, 108:4, 109:4, 109:19, 109:23</p> <p>basic [1] - 87:4</p> <p>bat [1] - 67:8</p>				

96:21, 105:10,
105:12, 115:19,
115:20, 115:21,
116:3, 126:17,
126:21, 126:24,
128:24
Building [1] - 1:12
buildings [1] - 114:15
built [12] - 15:12, 20:8,
22:24, 32:15, 55:18,
74:23, 95:1, 96:13,
98:11, 106:5, 124:8,
127:11
bulk [1] - 7:2
bulk-type [1] - 7:2
bulletin [1] - 6:12
bump [8] - 71:17,
72:2, 95:17, 103:4,
106:7, 108:16,
108:22, 126:1
bump-out [1] - 72:2
bumped [1] - 96:1
bumping [1] - 95:20
burden [1] - 7:3
burdens [1] - 112:8
but.. [2] - 35:11, 41:23
buying [1] - 101:23
BY [2] - 2:16, 3:3

C

c(1) [1] - 112:6
C(1) [1] - 104:15
c(2) [5] - 104:12, 112:6,
131:8, 131:13,
131:20
calculation [5] -
20:22, 21:7, 21:13,
26:20, 72:22
calculations [3] -
80:4, 102:14, 126:7
CALL [1] - 3:4
cantilever [2] - 98:18,
110:9
cantilevered [2] -
98:7, 99:2
cap [1] - 33:15
Cap [1] - 30:16
cape [1] - 9:12
Cape [8] - 15:10, 19:3,
22:17, 27:20, 27:22,
34:3, 69:14, 80:19
Capes [2] - 22:18,
30:23
car [16] - 24:20, 45:10,
47:6, 49:2, 49:5,
50:1, 50:3, 64:5,
67:20, 75:1, 75:2,
75:24, 79:6, 81:20,
82:3, 121:16

carol [2] - 43:23, 78:1
CAROL [1] - 2:7
Carol [6] - 49:15,
78:16, 107:17,
119:5, 132:14
carried [3] - 9:5,
113:15, 113:18
CARRIED [2] - 3:13,
3:14
CARRY [1] - 5:9
carrying [1] - 65:21
cars [6] - 49:7, 68:3,
88:2, 88:6, 88:11,
88:18
case [6] - 7:3, 55:11,
58:18, 104:13,
106:25, 131:19
cases [1] - 7:2
cast [2] - 28:19, 70:3
causes [1] - 94:24
causing [1] - 16:11
ceiling [7] - 29:7, 29:8,
29:12, 30:3, 37:6,
37:11, 37:25
ceilings [1] - 37:1
Center [2] - 70:6, 93:5
certainly [17] - 11:17,
25:10, 27:6, 27:15,
29:2, 29:12, 29:19,
29:21, 30:9, 32:9,
54:25, 55:3, 56:15,
82:20, 99:8, 132:1,
133:12
Certificate [1] - 127:13
chains [1] - 74:13
chair [9] - 7:14, 7:18,
44:14, 44:18, 61:5,
90:13, 90:15, 134:1,
134:3
Chair [1] - 61:7
CHAIRMAN [271] - 2:2,
2:3, 3:3, 6:6, 7:8,
7:15, 8:3, 8:17, 8:19,
9:22, 9:25, 10:4,
10:8, 11:6, 11:12,
11:16, 12:5, 13:15,
19:6, 19:17, 21:12,
21:16, 21:21, 21:25,
22:10, 22:14, 25:8,
25:15, 25:18, 26:1,
26:13, 26:16, 27:22,
28:1, 28:5, 29:2,
29:5, 30:2, 30:22,
31:15, 32:7, 32:22,
33:15, 33:20, 33:23,
34:9, 34:12, 34:20,
35:9, 35:19, 36:1,
36:10, 37:4, 37:9,
37:16, 37:19, 37:21,
38:9, 38:16, 38:22,

39:2, 39:6, 39:12,
39:22, 40:4, 40:12,
41:2, 41:8, 42:1,
42:8, 43:7, 43:11,
43:23, 44:1, 44:6,
44:9, 44:15, 44:24,
45:16, 45:20, 47:20,
47:24, 48:11, 48:19,
49:9, 49:18, 50:9,
50:17, 50:22, 51:12,
51:16, 52:2, 52:6,
52:12, 52:21, 53:10,
53:14, 54:6, 54:19,
54:23, 56:2, 56:23,
57:2, 57:8, 57:15,
58:5, 58:22, 60:18,
60:21, 61:8, 61:11,
61:17, 62:21, 63:9,
63:13, 64:8, 64:11,
64:17, 64:22, 66:4,
66:9, 66:13, 66:18,
67:2, 70:15, 71:3,
73:4, 73:6, 73:18,
73:22, 74:2, 74:5,
74:10, 74:16, 75:15,
75:20, 76:11, 76:17,
77:1, 77:12, 77:18,
78:1, 78:11, 78:25,
79:16, 80:23, 81:2,
81:5, 81:11, 81:16,
82:5, 82:11, 83:5,
83:18, 83:21, 85:6,
85:10, 85:16, 86:12,
86:17, 86:23, 87:3,
87:8, 87:23, 88:2,
88:9, 88:15, 88:17,
88:21, 88:23, 89:6,
89:16, 89:19, 89:23,
90:5, 90:16, 90:21,
91:2, 91:5, 92:1,
92:4, 92:8, 92:12,
97:7, 97:18, 97:21,
97:25, 98:15, 98:23,
99:1, 99:4, 99:18,
99:22, 100:16,
100:20, 100:23,
101:5, 102:13,
102:17, 103:7,
104:4, 104:15,
105:2, 105:11,
105:16, 106:13,
106:18, 106:23,
107:7, 107:11,
109:1, 109:18,
110:21, 111:5,
111:10, 111:13,
111:19, 112:10,
112:20, 113:3,
113:7, 113:13,
113:17, 113:21,
114:3, 114:7,

114:19, 114:21,
115:2, 115:7,
118:15, 119:5,
119:13, 119:21,
119:25, 120:4,
120:8, 120:16,
120:18, 121:3,
121:8, 121:15,
122:1, 122:13,
122:17, 123:22,
124:3, 124:13,
124:25, 125:3,
125:12, 126:6,
126:18, 127:1,
129:1, 129:10,
129:13, 130:23,
131:21, 132:6,
132:11, 132:14,
132:16, 132:23,
133:4, 133:11,
133:19, 133:21,
134:2, 134:11,
134:14
chairman [1] - 75:4
chairs [2] - 46:23,
55:3
chances [1] - 85:22
change [8] - 39:1,
41:3, 41:6, 73:19,
74:18, 84:6, 84:16,
128:6
changed [2] - 83:15,
117:7
changes [3] - 13:7,
13:9, 84:4
changing [4] - 39:1,
39:10, 65:14, 78:12
character [6] - 16:22,
23:9, 24:2, 82:21,
93:6, 96:17
charging [1] - 125:10
CHARLES [1] - 2:13
charm [2] - 92:25,
93:5
chart [4] - 19:7, 77:15,
77:16, 112:13
charts [1] - 112:13
checking [1] - 11:1
child [1] - 116:12
children [4] - 17:13,
20:13, 20:15, 92:22
chimney [5] - 69:9,
71:10, 71:13, 71:14,
72:7
chimneys [1] - 71:21
CHRIS [1] - 2:3
Chris [3] - 56:14,
66:18, 131:25
chris [1] - 88:21
chuck [1] - 130:13

circle [1] - 126:7
Circle [1] - 11:10
clarified [1] - 22:4
clarify [2] - 21:22,
106:12
clean [1] - 42:14
cleaner [1] - 42:22
clear [1] - 37:25
clearly [1] - 35:14
clerk [1] - 6:15
clients [1] - 69:18
clock [1] - 61:24
close [23] - 15:6,
24:13, 26:7, 33:24,
37:22, 39:17, 52:12,
53:3, 53:20, 56:4,
77:21, 79:5, 79:23,
80:24, 82:15,
106:20, 117:16,
117:18, 119:11,
133:3, 133:6, 133:7
closed [3] - 118:7,
119:17, 127:2
closely [1] - 24:6
closer [3] - 57:4,
72:12, 77:19
closes [1] - 119:14
closet [12] - 84:1,
84:8, 84:9, 91:12,
93:24, 93:25, 97:10,
98:10, 98:12, 98:14,
98:16, 98:18
closing [3] - 26:10,
53:20, 129:4
coaching [1] - 115:15
Cod [5] - 19:3, 27:20,
27:22, 34:3, 69:14
cod [1] - 9:12
Cods [2] - 15:10,
30:16
COHEN [65] - 2:4,
7:13, 8:15, 8:22,
24:17, 24:21, 24:25,
25:5, 27:24, 28:2,
30:21, 31:19, 32:13,
32:20, 34:6, 34:10,
34:16, 35:10, 35:14,
36:7, 38:13, 38:19,
39:10, 39:17, 39:21,
39:25, 40:18, 40:24,
41:12, 41:24, 42:18,
43:4, 43:9, 43:15,
44:13, 55:5, 60:20,
61:2, 71:9, 71:12,
71:16, 71:24, 72:5,
78:22, 86:15, 90:10,
100:18, 100:21,
100:25, 102:5,
102:21, 102:24,
103:1, 104:9,

<p>105:22, 106:3, 106:21, 106:24, 111:4, 112:3, 128:18, 132:13, 132:20, 133:20, 134:8</p> <p>cohen [8] - 7:12, 8:12, 8:21, 9:1, 44:12, 61:1, 90:9, 134:7</p> <p>Cohen [3] - 8:11, 60:22, 133:22</p> <p>Coleman [1] - 92:22</p> <p>Colonial [3] - 70:7, 93:4, 93:5</p> <p>color [2] - 12:20, 116:8</p> <p>colored [3] - 12:11, 13:11, 13:14</p> <p>COLORIZED [4] - 3:22, 3:23, 13:20, 14:23</p> <p>colorized [2] - 13:17, 14:16</p> <p>column [4] - 53:5, 98:3, 98:5</p> <p>columns [3] - 16:23, 19:23, 53:5</p> <p>coming [5] - 28:11, 40:1, 55:25, 80:9, 129:18</p> <p>Commencing [1] - 1:13</p> <p>comment [6] - 25:22, 27:8, 29:20, 29:23, 30:15, 113:22</p> <p>comments [17] - 12:7, 26:10, 28:7, 32:25, 38:4, 53:21, 57:20, 58:6, 79:17, 79:24, 88:25, 89:20, 99:25, 110:24, 112:14, 132:12, 133:14</p> <p>common [1] - 127:15</p> <p>community [1] - 115:14</p> <p>comparison [3] - 23:11, 24:2, 24:11</p> <p>complete [2] - 36:16, 82:9</p> <p>completely [2] - 111:25, 116:17</p> <p>completeness [1] - 43:20</p> <p>compliance [2] - 67:18, 67:25</p> <p>concept [1] - 51:5</p> <p>concern [5] - 33:1, 34:6, 65:12, 73:14, 104:9</p> <p>concerned [2] - 36:2,</p>	<p>84:21</p> <p>concerning [1] - 65:18</p> <p>concerns [5] - 12:7, 38:4, 57:20, 88:25, 129:16</p> <p>concrete [1] - 23:15</p> <p>condition [18] - 17:23, 27:8, 27:12, 31:17, 35:16, 41:4, 52:13, 57:12, 58:21, 68:19, 70:17, 70:19, 72:17, 90:2, 94:4, 111:21, 132:21, 133:12</p> <p>CONDITIONS [4] - 3:25, 4:12, 4:24, 5:21</p> <p>conditions [12] - 27:6, 38:9, 38:23, 42:5, 43:8, 44:25, 57:10, 58:11, 89:22, 90:20, 90:22, 95:8</p> <p>conference [1] - 130:22</p> <p>configuration [2] - 21:24, 86:13</p> <p>confirm [1] - 21:12</p> <p>conform [1] - 71:13</p> <p>conformance [2] - 57:18, 58:13</p> <p>conforming [2] - 70:24, 70:25</p> <p>conformity [1] - 34:5</p> <p>conforms [1] - 48:15</p> <p>confused [3] - 72:14, 106:3, 106:10</p> <p>connected [1] - 118:6</p> <p>consider [2] - 112:1, 130:9</p> <p>consideration [1] - 118:11</p> <p>considering [1] - 23:13</p> <p>considers [1] - 6:10</p> <p>consistent [8] - 34:17, 54:4, 55:6, 70:7, 70:11, 80:13, 80:20, 97:4</p> <p>constrain [1] - 32:3</p> <p>construct [5] - 48:22, 59:18, 60:1, 91:9, 114:11</p> <p>constructed [4] - 26:21, 31:20, 50:12, 51:22</p> <p>constructing [2] - 21:17, 52:3</p> <p>construction [9] - 11:24, 21:24, 31:6, 62:6, 63:2, 77:4, 81:15, 116:14, 118:1</p>	<p>continue [4] - 12:8, 67:4, 90:24, 100:4</p> <p>continuing [3] - 78:13, 78:15, 106:17</p> <p>continuous [21] - 68:16, 68:19, 69:8, 70:16, 72:17, 91:22, 95:2, 95:18, 96:10, 96:18, 99:12, 100:24, 102:17, 106:7, 107:10, 107:14, 108:5, 108:20, 109:5, 110:8, 110:13</p> <p>contrary [5] - 9:13, 45:4, 63:20, 91:13, 114:12</p> <p>contributing [1] - 99:13</p> <p>conveniently [1] - 16:18</p> <p>convert [1] - 17:10</p> <p>convincing [1] - 104:11</p> <p>corner [6] - 15:18, 25:7, 69:25, 91:10, 97:15, 116:20</p> <p>correct [28] - 19:12, 19:14, 22:7, 28:5, 29:16, 33:2, 34:9, 35:9, 36:5, 41:3, 51:25, 54:8, 73:12, 75:24, 76:12, 83:18, 88:17, 89:3, 97:20, 98:9, 98:20, 99:3, 101:5, 102:16, 109:22, 113:3, 113:5, 128:21</p> <p>Correct [1] - 64:10</p> <p>correction [1] - 26:24</p> <p>correctly [2] - 25:13, 128:19</p> <p>cost [5] - 21:20, 74:9, 74:11, 74:13, 133:10</p> <p>cost-prohibitive [1] - 133:10</p> <p>couldn't.. [1] - 76:6</p> <p>count [5] - 39:15, 105:20, 107:6, 107:19, 126:14</p> <p>counter [6] - 17:17, 103:11, 103:17, 106:8, 108:17, 131:1</p> <p>counters [1] - 108:15</p> <p>counting [1] - 120:9</p> <p>counts [6] - 109:5, 126:21, 126:24, 128:22, 129:9, 131:19</p> <p>county [1] - 93:11</p>	<p>couple [18] - 28:6, 33:5, 35:23, 36:4, 36:21, 39:21, 45:25, 47:21, 70:15, 73:7, 85:9, 97:8, 103:9, 105:2, 110:8, 119:21, 122:15, 124:3</p> <p>course [5] - 15:16, 50:3, 72:11, 108:5, 118:15</p> <p>cover [3] - 107:23, 124:22, 125:1</p> <p>coverage [62] - 16:17, 16:20, 17:21, 20:25, 47:13, 50:10, 50:11, 50:25, 51:9, 56:13, 58:18, 59:14, 59:17, 59:21, 60:2, 60:4, 60:12, 60:13, 67:24, 67:25, 68:1, 75:5, 75:7, 75:9, 75:10, 76:1, 80:5, 80:8, 80:9, 91:19, 94:13, 94:14, 94:20, 96:21, 96:22, 104:1, 104:5, 105:10, 105:12, 105:20, 114:14, 115:19, 115:21, 116:4, 117:1, 124:14, 125:13, 125:20, 126:5, 126:16, 126:17, 126:22, 128:6, 128:23, 128:24, 129:3, 129:16, 131:15, 131:19</p> <p>coverage-wise [1] - 50:10</p> <p>coverages [3] - 17:1, 17:4</p> <p>covered [5] - 17:2, 44:5, 60:11, 94:16, 130:3</p> <p>Covid [1] - 117:7</p> <p>Cranford [2] - 47:11, 67:1</p> <p>create [6] - 18:11, 49:21, 59:21, 84:19, 128:19, 131:15</p> <p>creates [1] - 95:24</p> <p>creating [1] - 70:6</p> <p>credentials [1] - 11:19</p> <p>criteria [3] - 6:20, 20:10, 131:14</p> <p>cross [1] - 130:18</p> <p>cross-examine [1] - 130:18</p> <p>crosstalk [12] - 35:6, 42:17, 75:19, 88:4,</p>	<p>88:14, 102:20, 102:23, 108:9, 111:16, 127:4, 127:25, 132:22</p> <p>Crosstalk [1] - 81:24</p> <p>Crystal [1] - 10:11</p> <p>curb [1] - 101:18</p> <p>cure [1] - 106:9</p> <p>curious [1] - 31:19</p> <p>current [7] - 10:19, 22:17, 23:5, 35:2, 58:16, 115:24, 125:16</p> <p>cut [5] - 33:6, 51:2, 55:1, 107:16, 119:8</p> <p>cutting [1] - 36:18</p>
D				
<p>dais [1] - 60:24</p> <p>Dame [1] - 125:8</p> <p>dangerous [1] - 17:23</p> <p>dash [1] - 71:3</p> <p>dashed [1] - 71:2</p> <p>date [4] - 26:22, 50:12, 56:11, 112:25</p> <p>daughter's [2] - 97:24, 98:10</p> <p>daughters [3] - 10:13, 11:3, 15:5</p> <p>David [3] - 46:2, 48:25, 51:13</p> <p>days [4] - 61:23, 62:9, 62:24, 62:25</p> <p>de [1] - 72:6</p> <p>dead [2] - 46:20, 122:3</p> <p>dead-end-type [1] - 46:20</p> <p>deal [1] - 62:2</p> <p>dealing [3] - 68:16, 70:1, 78:10</p> <p>decent [1] - 18:8</p> <p>decide [2] - 63:1, 87:7</p> <p>decision [1] - 112:21</p> <p>Deck [2] - 124:7, 127:8</p> <p>deck [3] - 119:3, 124:15, 124:19</p> <p>decks [1] - 124:11</p> <p>decrease [1] - 39:6</p> <p>decreasing [1] - 104:6</p> <p>defeated [1] - 41:16</p> <p>definitely [4] - 67:22, 72:10, 74:8, 130:21</p> <p>degrees [1] - 65:24</p> <p>delete [2] - 111:11, 111:13</p> <p>demands [1] - 84:23</p> <p>demonstrate [1] - 7:4</p> <p>den [4] - 91:13, 93:22, 94:10, 98:6</p>				

<p>denied [2] - 40:20, 111:24</p> <p>department [3] - 52:17, 57:18, 58:12</p> <p>depict [1] - 119:14</p> <p>describe [1] - 129:14</p> <p>DESCRIPTION [5] - 3:20, 4:9, 4:21, 5:7, 5:18</p> <p>design [3] - 20:10, 89:4, 116:15</p> <p>designed [2] - 35:5, 93:3</p> <p>detached [4] - 24:19, 51:8, 81:20, 82:3</p> <p>detail [1] - 20:1</p> <p>developed [1] - 129:18</p> <p>diagram [1] - 83:10</p> <p>dictate [1] - 82:24</p> <p>difference [1] - 86:2</p> <p>different [5] - 40:8, 42:11, 111:25, 123:10, 124:10</p> <p>difficult [3] - 95:14, 95:22, 102:1</p> <p>difficulty [1] - 16:12</p> <p>diligent [1] - 32:1</p> <p>dimension [2] - 69:23, 110:3</p> <p>dimensions [1] - 33:2</p> <p>diminish [1] - 118:8</p> <p>dining [3] - 17:17, 78:5, 126:4</p> <p>Dipti [2] - 114:9, 116:6</p> <p>DIPTI [3] - 5:13, 5:17, 115:4</p> <p>dipti [1] - 114:25</p> <p>directions [2] - 120:3, 121:11</p> <p>directly [7] - 46:8, 88:1, 101:16, 123:6, 123:13, 123:14, 131:12</p> <p>disclosure [1] - 128:10</p> <p>discontinued [1] - 120:21</p> <p>discuss [1] - 111:2</p> <p>discussed [2] - 38:6, 122:24</p> <p>discussing [2] - 36:12, 37:10</p> <p>discussion [8] - 26:11, 32:24, 49:12, 56:5, 80:2, 82:16, 89:8, 114:1</p> <p>disregard [1] - 69:25</p> <p>district [2] - 50:2, 50:3</p> <p>dividers [1] - 121:2</p>	<p>doable [2] - 29:20, 37:15</p> <p>DON [1] - 2:10</p> <p>Don [9] - 8:3, 22:11, 31:9, 49:12, 51:17, 76:13, 89:10, 99:12, 105:3</p> <p>don [2] - 39:3, 90:6</p> <p>Don's [1] - 73:7</p> <p>done [9] - 31:23, 35:21, 48:1, 62:6, 62:20, 78:21, 96:11, 103:13, 107:2</p> <p>door [12] - 38:15, 51:22, 54:10, 55:6, 56:24, 97:14, 97:17, 101:15, 101:16, 104:24, 122:10, 122:21</p> <p>doorway [1] - 105:5</p> <p>dormer [3] - 71:6, 83:8, 99:7</p> <p>dormers [13] - 73:12, 73:15, 73:22, 74:9, 74:14, 74:17, 82:20, 82:21, 86:3, 86:16, 86:18, 99:10</p> <p>dos [1] - 23:3</p> <p>dotted [1] - 98:22</p> <p>double [1] - 100:25</p> <p>doubt [1] - 126:9</p> <p>down [33] - 15:20, 18:3, 22:19, 23:1, 30:9, 33:5, 33:6, 33:8, 34:1, 34:11, 37:12, 37:23, 39:8, 40:10, 51:2, 53:15, 54:10, 55:1, 58:9, 72:7, 74:12, 80:15, 101:18, 104:20, 107:12, 107:22, 108:24, 109:4, 109:14, 109:23, 119:2, 123:8</p> <p>downs [2] - 31:3</p> <p>Dr [1] - 8:8</p> <p>drainage [2] - 129:16, 131:16</p> <p>drawing [9] - 19:20, 21:13, 26:25, 37:6, 67:9, 72:20, 96:4, 97:13, 107:21</p> <p>drawings [3] - 49:1, 51:19, 52:16</p> <p>drawn [2] - 27:25, 28:3</p> <p>drive [3] - 32:13, 50:5, 79:7</p> <p>driveway [35] - 24:24, 25:10, 49:5, 49:8,</p>	<p>49:22, 50:23, 50:25, 51:2, 51:7, 67:22, 68:2, 68:6, 80:11, 88:5, 88:9, 88:10, 88:18, 93:18, 93:23, 94:4, 94:8, 95:3, 95:13, 95:20, 95:25, 96:1, 101:6, 101:8, 101:14, 101:18, 102:9, 107:25, 108:11, 121:17, 121:20</p> <p>due [3] - 67:12, 70:2, 95:11</p> <p>duly [7] - 10:6, 11:14, 45:18, 64:20, 66:11, 92:10, 115:5</p> <p>during [2] - 65:18, 122:24</p>	<p>ends [1] - 122:3</p> <p>entertain [1] - 117:14</p> <p>entire [7] - 26:18, 37:10, 38:1, 63:19, 81:14, 100:15, 103:16</p> <p>entirely [1] - 55:5</p> <p>entirety [1] - 75:8</p> <p>entrance [2] - 91:11, 101:8</p> <p>entrances [1] - 101:11</p> <p>entry [4] - 16:20, 17:22, 19:23, 103:2</p> <p>entryway [5] - 16:17, 16:20, 17:3, 17:5, 102:8</p> <p>entryway/mudroom [1] - 102:10</p> <p>envision [1] - 102:1</p> <p>error [1] - 18:19</p> <p>especially [3] - 15:11, 117:10, 127:22</p> <p>ESQ [1] - 2:16</p> <p>essentially [5] - 40:2, 108:16, 116:10, 121:22, 129:17</p> <p>established [2] - 22:21, 76:15</p> <p>etcetera [4] - 9:7, 26:2, 97:3, 125:20</p> <p>evening [21] - 6:6, 6:22, 7:23, 8:1, 8:2, 8:12, 9:8, 9:19, 9:20, 10:10, 63:14, 64:6, 90:23, 91:6, 91:24, 91:25, 112:12, 114:8, 114:17, 114:18, 115:9</p> <p>evident [1] - 24:5</p> <p>exacerbated [1] - 72:18</p> <p>exact [1] - 110:3</p> <p>exactly [4] - 12:25, 46:11, 54:1, 128:3</p> <p>examine [2] - 102:5, 130:18</p> <p>examined [7] - 10:7, 11:15, 45:19, 64:20, 66:12, 92:11, 115:5</p> <p>example [1] - 84:21</p> <p>exceed [3] - 103:6, 114:16, 115:22</p> <p>exceeding [1] - 68:18</p> <p>exceeds [1] - 95:4</p> <p>excess [1] - 28:10</p> <p>excluding [1] - 103:17</p> <p>exempt [2] - 76:22, 99:14</p> <p>Exhibit [5] - 13:3, 13:19, 14:8, 14:22,</p>	<p>69:2</p> <p>EXHIBIT [5] - 3:20, 4:9, 4:21, 5:7, 5:18</p> <p>exhibits [1] - 15:1</p> <p>exist [1] - 50:4</p> <p>existing [49] - 9:12, 16:2, 16:14, 17:11, 17:12, 18:3, 18:13, 19:3, 20:6, 21:5, 26:18, 32:4, 34:18, 34:19, 46:7, 49:3, 54:8, 63:18, 63:20, 67:13, 67:20, 68:11, 68:14, 68:18, 69:9, 70:17, 70:18, 70:21, 71:13, 71:14, 71:18, 75:23, 78:14, 81:18, 82:6, 91:13, 93:22, 93:24, 94:4, 94:9, 95:8, 95:12, 95:14, 95:24, 98:6, 99:9, 122:20</p> <p>exists [1] - 78:15</p> <p>exit [1] - 46:20</p> <p>exiting [1] - 122:21</p> <p>expand [3] - 63:17, 65:9, 98:13</p> <p>expanding [3] - 26:17, 80:11, 95:15</p> <p>expect [1] - 120:8</p> <p>expert [2] - 12:9, 67:5</p> <p>explain [1] - 120:19</p> <p>explaining [1] - 6:19</p> <p>explore [1] - 111:22</p> <p>extend [3] - 93:17, 108:18, 112:24</p> <p>extended [1] - 69:7</p> <p>extending [1] - 125:15</p> <p>extends [4] - 94:6, 94:11, 95:5, 108:4</p> <p>extension [3] - 68:13, 112:18, 112:19</p> <p>extensions [1] - 9:7</p> <p>exterior [1] - 109:11</p> <p>extra [5] - 48:8, 73:17, 96:25, 110:8, 126:11</p>
E				
<p>easily [1] - 68:3</p> <p>east [3] - 91:16, 91:18, 95:25</p> <p>East [2] - 1:12, 66:8</p> <p>eating [1] - 17:17</p> <p>economics [1] - 82:23</p> <p>Edison [1] - 65:2</p> <p>effect [2] - 33:12, 70:13</p> <p>efficient [1] - 66:2</p> <p>egress [1] - 76:21</p> <p>eight [2] - 100:5</p> <p>eight-over-eight [1] - 100:5</p> <p>eighth [1] - 65:1</p> <p>either [8] - 11:7, 34:7, 42:25, 54:2, 79:25, 82:9, 86:9, 98:16</p> <p>ELDY [1] - 2:12</p> <p>element [1] - 69:11</p> <p>Elementary [1] - 10:20</p> <p>elements [3] - 16:21, 89:4, 117:13</p> <p>elevation [5] - 19:9, 19:10, 19:21, 68:22, 69:22</p> <p>elevations [2] - 13:12, 13:14</p> <p>eligible [1] - 8:9</p> <p>eliminate [1] - 96:14</p> <p>eliminated [1] - 111:9</p> <p>eliminating [2] - 84:3, 84:7</p> <p>enclosed [1] - 129:21</p> <p>encroach [3] - 16:19, 54:13, 88:12</p> <p>end [3] - 15:1, 46:20, 109:19</p>				
F				
<p>faces [2] - 101:13, 101:14</p> <p>facing [2] - 36:24, 70:2</p> <p>fact [1] - 130:9</p> <p>fairly [1] - 23:2</p> <p>fall [1] - 24:24</p> <p>falls [1] - 126:18</p> <p>familiar [1] - 70:14</p> <p>family [16] - 10:21, 15:5, 16:15, 17:10,</p>				

<p>17:11, 17:15, 17:18, 78:4, 87:11, 93:2, 93:8, 95:24, 117:2, 117:4, 132:4, 132:7</p> <p>FAR [11] - 20:21, 21:13, 26:19, 32:2, 39:1, 39:15, 39:18, 39:22, 84:15, 86:6, 86:7</p> <p>far [16] - 16:25, 19:22, 36:17, 61:19, 93:9, 93:14, 94:13, 95:6, 95:15, 96:15, 98:24, 101:22, 102:9, 109:13, 116:20, 128:5</p> <p>far-right [1] - 116:20</p> <p>faux [1] - 59:21</p> <p>faux-coverage [1] - 59:21</p> <p>favor [3] - 31:13, 130:10, 132:8</p> <p>favorable [1] - 97:6</p> <p>feet [14] - 33:6, 35:23, 36:5, 36:22, 65:19, 75:1, 75:2, 76:3, 91:20, 103:9, 104:21, 110:8, 115:25, 125:18</p> <p>felt [1] - 84:21</p> <p>fence [8] - 48:5, 48:6, 48:13, 56:7, 57:10, 58:13, 61:14, 62:3</p> <p>fenced [1] - 118:10</p> <p>few [5] - 15:9, 22:18, 27:5, 67:8, 118:9</p> <p>field [3] - 11:20, 12:9, 67:5</p> <p>fifth [2] - 83:4, 83:16</p> <p>figure [2] - 89:17, 123:17</p> <p>file [9] - 51:5, 52:15, 62:1, 62:10, 62:11, 62:18, 62:21, 62:23, 62:25</p> <p>filed [1] - 63:6</p> <p>files [2] - 57:14, 63:3</p> <p>filing [1] - 6:15</p> <p>filling [1] - 71:7</p> <p>final [3] - 19:24, 53:21, 116:12</p> <p>fine [9] - 11:7, 32:6, 33:19, 35:1, 60:9, 103:25, 110:8, 110:22, 132:10</p> <p>finishing [1] - 21:17</p> <p>fireplace [1] - 17:11</p> <p>FIRST [1] - 2:13</p> <p>first [20] - 9:8, 9:13, 10:17, 17:7, 34:18,</p>	<p>67:8, 78:3, 78:7, 78:12, 92:14, 93:16, 93:17, 94:5, 95:5, 95:16, 98:3, 98:19, 103:8, 103:9</p> <p>first-floor [9] - 9:13, 34:18, 78:3, 78:7, 94:5, 95:5, 95:16, 98:3, 103:8</p> <p>fit [9] - 25:14, 51:15, 68:4, 88:6, 88:11, 88:18, 96:11, 124:15, 126:5</p> <p>fits [2] - 131:9, 131:11</p> <p>five [6] - 10:12, 25:14, 85:2, 92:21, 117:3, 124:9</p> <p>fix [1] - 65:16</p> <p>fixed [2] - 118:17, 118:25</p> <p>flat [4] - 65:17, 69:16, 69:23, 116:17</p> <p>flatten [1] - 29:17</p> <p>Floor [1] - 97:9</p> <p>floor [64] - 9:11, 9:13, 10:17, 16:15, 17:7, 18:18, 21:14, 21:23, 22:3, 22:7, 26:18, 26:20, 27:6, 30:3, 32:12, 34:18, 34:23, 34:25, 36:3, 36:4, 36:15, 36:21, 36:24, 39:11, 42:4, 63:17, 67:18, 68:14, 73:9, 73:10, 73:19, 78:3, 78:7, 78:12, 78:17, 78:20, 80:13, 83:2, 83:4, 83:13, 83:14, 83:15, 83:16, 83:25, 84:5, 85:17, 85:18, 91:9, 91:11, 93:17, 93:18, 93:21, 93:25, 94:5, 94:10, 95:5, 95:16, 98:3, 98:7, 98:16, 98:19, 98:21, 103:8</p> <p>floors [1] - 93:16</p> <p>Florham [1] - 11:25</p> <p>fluctuating [2] - 74:9, 74:10</p> <p>folks [1] - 127:16</p> <p>follow [2] - 58:12, 120:3</p> <p>following [4] - 58:10, 63:20, 91:13, 114:13</p> <p>follows [7] - 10:7, 11:15, 45:19, 64:21, 66:12, 92:11, 115:6</p> <p>foot [3] - 18:10, 126:23</p>	<p>footage [3] - 18:19, 39:15, 84:4</p> <p>footprint [8] - 9:13, 26:18, 32:5, 34:18, 36:15, 78:12, 84:5, 115:24</p> <p>force [1] - 32:3</p> <p>forever [1] - 97:2</p> <p>formal [1] - 6:9</p> <p>forth [1] - 15:7</p> <p>fortunately [2] - 116:16, 117:19</p> <p>forward [5] - 26:6, 40:2, 45:12, 53:18, 79:21</p> <p>foundation [4] - 16:14, 18:14, 20:5, 109:23</p> <p>four [19] - 10:13, 11:3, 15:5, 18:6, 20:13, 49:5, 49:10, 68:4, 85:25, 87:5, 87:21, 87:24, 88:18, 92:21, 94:1, 96:16, 123:10, 124:9</p> <p>four-car [1] - 49:5</p> <p>frank [1] - 81:9</p> <p>Frank [4] - 28:7, 55:9, 57:7, 132:20</p> <p>FRANK [1] - 2:2</p> <p>Franklin [1] - 92:23</p> <p>Freeman [1] - 8:8</p> <p>frequently [1] - 128:16</p> <p>friendly [1] - 110:15</p> <p>friends [4] - 10:16, 65:4, 117:5, 117:15</p> <p>FROM [1] - 3:14</p> <p>front [56] - 16:8, 16:17, 16:19, 19:21, 19:22, 27:11, 36:24, 38:14, 45:3, 45:5, 45:24, 46:7, 46:9, 46:24, 47:17, 48:12, 49:14, 49:21, 49:22, 51:22, 54:3, 54:10, 54:13, 55:10, 55:17, 63:17, 63:20, 63:25, 65:9, 67:10, 67:11, 67:13, 67:15, 67:16, 67:19, 68:14, 68:20, 69:6, 69:25, 70:5, 71:6, 71:8, 76:24, 77:2, 77:7, 77:12, 78:14, 78:16, 82:1, 89:6, 101:2, 101:12, 131:18</p> <p>front-coverage [1] - 16:17</p> <p>front-yard [1] - 49:21</p> <p>frontage [2] - 16:7,</p>	<p>16:10</p> <p>full [13] - 10:14, 15:12, 18:6, 20:9, 22:7, 22:25, 26:25, 29:10, 29:11, 30:3, 105:19, 110:16, 115:24</p> <p>full-time [1] - 10:14</p> <p>functional [2] - 93:7, 96:25</p> <p>FUSARO [269] - 2:2, 6:6, 7:8, 7:15, 8:3, 8:17, 8:19, 9:22, 9:25, 10:4, 10:8, 11:6, 11:12, 11:16, 12:5, 13:15, 19:6, 19:17, 21:12, 21:16, 21:21, 21:25, 22:10, 22:14, 25:8, 25:15, 25:18, 26:1, 26:13, 26:16, 27:22, 28:1, 28:5, 29:2, 29:5, 30:2, 30:22, 31:15, 32:7, 32:22, 33:15, 33:20, 33:23, 34:9, 34:12, 34:20, 35:9, 35:19, 36:1, 36:10, 37:4, 37:9, 37:16, 37:19, 37:21, 38:9, 38:16, 38:22, 39:2, 39:6, 39:12, 39:22, 40:4, 40:12, 41:2, 41:8, 42:1, 42:8, 43:7, 43:11, 43:23, 44:1, 44:6, 44:9, 44:15, 44:24, 45:16, 45:20, 47:20, 47:24, 48:11, 48:19, 49:9, 49:18, 50:9, 50:17, 50:22, 51:12, 51:16, 52:2, 52:6, 52:12, 52:21, 53:10, 53:14, 54:6, 54:19, 54:23, 56:2, 56:23, 57:2, 57:8, 57:15, 58:5, 58:22, 60:18, 60:21, 61:8, 61:11, 61:17, 62:21, 63:9, 63:13, 64:8, 64:11, 64:17, 64:22, 66:4, 66:9, 66:13, 66:18, 67:2, 70:15, 71:3, 73:4, 73:6, 73:18, 73:22, 74:2, 74:5, 74:10, 74:16, 75:15, 75:20, 76:11, 76:17, 77:1, 77:12, 77:18, 78:1, 78:11, 78:25, 79:16, 80:23, 81:2, 81:5, 81:11, 81:16, 82:5, 82:11, 83:5, 83:18, 83:21, 85:6, 85:10,</p>	<p>85:16, 86:12, 86:17, 86:23, 87:3, 87:8, 87:23, 88:2, 88:9, 88:15, 88:17, 88:21, 88:23, 89:6, 89:16, 89:19, 89:23, 90:5, 90:16, 90:21, 91:2, 91:5, 92:1, 92:4, 92:8, 92:12, 97:7, 97:18, 97:21, 97:25, 98:15, 98:23, 99:1, 99:4, 99:18, 99:22, 100:16, 100:20, 100:23, 101:5, 102:13, 102:17, 103:7, 104:4, 104:15, 105:2, 105:11, 105:16, 106:13, 106:18, 106:23, 107:7, 107:11, 109:1, 109:18, 110:21, 111:5, 111:10, 111:13, 111:19, 112:10, 112:20, 113:3, 113:7, 113:13, 113:17, 113:21, 114:3, 114:7, 114:19, 114:21, 115:2, 115:7, 118:15, 119:5, 119:13, 119:21, 119:25, 120:4, 120:8, 120:16, 120:18, 121:3, 121:8, 121:15, 122:1, 122:13, 122:17, 123:22, 124:3, 124:13, 124:25, 125:3, 125:12, 126:6, 126:18, 127:1, 129:1, 129:10, 129:13, 130:23, 131:21, 132:6, 132:11, 132:14, 132:16, 132:23, 133:4, 133:11, 133:19, 133:21, 134:2, 134:11, 134:14</p> <p>Fusaro [5] - 7:14, 44:14, 61:7, 90:15, 134:1</p> <p>future [14] - 21:19, 22:3, 26:21, 26:22, 37:6, 48:23, 50:12, 50:13, 50:14, 56:11, 75:21, 96:3, 128:7</p>
--	---	--	--	--

G				
<p>gable [1] - 70:21</p> <p>game [2] - 125:7, 125:8</p> <p>garage [46] - 24:17, 24:20, 25:9, 45:10, 47:6, 48:21, 48:22, 49:2, 49:4, 49:20, 49:24, 50:1, 50:3, 50:11, 50:20, 50:24, 51:8, 56:12, 58:18, 59:6, 59:8, 59:18, 60:1, 64:5, 67:20, 67:21, 68:2, 74:21, 74:23, 75:1, 75:2, 75:21, 75:24, 78:19, 78:20, 79:9, 79:11, 80:4, 80:5, 80:11, 82:1, 82:7, 82:12, 82:14, 84:24</p> <p>garages [9] - 79:1, 79:14, 81:1, 81:4, 81:14, 81:18, 81:20</p> <p>gatherings [1] - 117:10</p> <p>Gelinas [3] - 7:25, 8:11</p> <p>GELINAS [1] - 2:13</p> <p>generally [1] - 96:23</p> <p>girls' [1] - 10:15</p> <p>given [4] - 10:25, 48:4, 52:19, 58:3</p> <p>gladly [1] - 128:1</p> <p>God [1] - 120:10</p> <p>grade [6] - 10:14, 94:16, 114:15, 116:19, 126:23, 126:25</p> <p>grader [2] - 65:1</p> <p>graduated [2] - 11:21, 66:22</p> <p>grandfathered [1] - 50:7</p> <p>GRANDVIEW [1] - 4:5</p> <p>Grandview [5] - 45:2, 45:15, 46:10, 46:19, 49:11</p> <p>grant [2] - 6:23, 6:24</p> <p>granting [3] - 6:21, 7:4, 95:7</p> <p>great [11] - 10:23, 14:19, 33:23, 47:17, 55:12, 96:11, 99:4, 99:24, 113:13, 120:18, 133:11</p> <p>green [2] - 47:9, 118:1</p> <p>grief [1] - 112:12</p> <p>ground [7] - 91:9, 109:14, 109:24,</p>	<p>109:25, 110:1, 115:20, 129:19</p> <p>ground-floor [1] - 91:9</p> <p>group [2] - 117:10, 131:6</p> <p>grow [1] - 97:3</p> <p>guess [13] - 12:13, 31:11, 33:24, 47:4, 48:4, 57:3, 59:23, 67:8, 77:3, 78:4, 103:15, 104:9, 104:13</p> <p>guesstimate [1] - 76:3</p> <p>guy [2] - 110:12, 125:8</p> <p>guys [4] - 48:7, 55:18, 62:8, 118:11</p>	<p>20:11, 22:3, 22:4, 26:2, 26:24, 29:8, 29:12, 30:4, 30:7, 33:16, 34:1, 36:9, 37:11, 38:17, 39:13, 44:4, 80:16, 126:23</p> <p>height-wise [1] - 30:7</p> <p>Heights [1] - 12:3</p> <p>heights [2] - 31:20, 32:9</p> <p>held [2] - 89:8, 114:2</p> <p>help [7] - 30:10, 33:13, 75:8, 99:9, 99:11, 106:14, 111:21</p> <p>helped [1] - 46:3</p> <p>helpful [1] - 124:2</p> <p>helps [3] - 20:2, 110:14, 110:19</p> <p>henn [1] - 76:3</p> <p>HENN [25] - 4:19, 66:7, 66:8, 66:11, 66:16, 66:21, 67:7, 68:8, 69:4, 70:18, 71:5, 71:11, 71:14, 71:20, 72:9, 72:21, 73:13, 73:21, 73:24, 76:4, 77:11, 77:14, 78:6, 78:9, 80:3</p> <p>Henn [3] - 66:7, 66:14, 67:3</p> <p>henn's [1] - 72:19</p> <p>hesitant [2] - 31:25, 40:1</p> <p>hi [1] - 64:7</p> <p>high [3] - 43:16, 43:21, 43:25</p> <p>higher [1] - 65:24</p> <p>highlight [1] - 70:23</p> <p>highlighted [2] - 69:5, 72:19</p> <p>Hills [1] - 11:10</p> <p>history [2] - 47:16, 49:16</p> <p>hit [1] - 127:23</p> <p>hitting [1] - 79:7</p> <p>hold [1] - 68:3</p> <p>holding [1] - 92:15</p> <p>home [41] - 9:12, 10:15, 10:16, 17:14, 18:1, 20:2, 20:3, 24:12, 26:17, 30:18, 30:22, 33:2, 34:22, 36:16, 49:23, 51:8, 59:10, 63:18, 69:17, 69:19, 77:3, 82:9, 82:14, 82:22, 92:20, 92:24, 94:17, 96:6, 97:2, 99:9, 100:12, 101:8, 101:13, 101:16, 101:24,</p>	<p>101:25, 102:2, 102:8, 102:11, 105:21, 123:22</p> <p>homeowner [2] - 50:14, 56:12</p> <p>homes [26] - 15:11, 15:24, 18:16, 22:22, 23:1, 23:5, 24:6, 27:4, 27:5, 27:8, 30:17, 31:8, 31:21, 32:10, 54:2, 54:15, 56:15, 56:16, 77:8, 79:1, 79:5, 81:18, 82:6, 82:10, 82:11, 101:17</p> <p>honestly [2] - 79:3, 110:18</p> <p>hope [2] - 97:5, 118:11</p> <p>hot [1] - 65:23</p> <p>house [54] - 15:9, 22:17, 34:11, 34:17, 46:1, 55:16, 56:22, 56:24, 57:22, 63:19, 65:7, 65:13, 65:16, 67:16, 69:24, 70:6, 71:25, 80:17, 86:11, 93:18, 94:3, 94:25, 95:3, 95:9, 95:14, 95:19, 96:8, 96:12, 96:17, 100:9, 100:15, 101:12, 101:19, 108:22, 109:10, 109:14, 115:24, 116:9, 116:13, 118:6, 121:24, 121:25, 122:21, 123:2, 123:4, 125:5, 127:10, 128:3, 131:11, 131:22, 131:24</p> <p>houses [10] - 15:22, 22:20, 24:9, 70:9, 79:12, 81:4, 81:13, 101:20, 123:7, 123:10</p> <p>HROBLAK [75] - 2:5, 7:17, 8:18, 8:24, 29:25, 30:15, 31:1, 31:4, 31:12, 32:18, 34:14, 35:7, 36:6, 41:21, 41:23, 43:14, 44:8, 44:17, 50:15, 51:11, 52:24, 53:2, 53:7, 53:12, 54:17, 54:20, 55:22, 57:21, 58:3, 58:8, 58:24, 59:5, 59:11, 59:22, 60:4, 60:6, 60:9,</p>	<p>60:12, 60:15, 61:10, 80:25, 81:3, 81:7, 81:13, 81:17, 81:21, 81:25, 82:10, 84:12, 84:18, 86:5, 86:24, 88:7, 88:16, 89:10, 89:17, 89:21, 89:25, 90:18, 107:4, 107:17, 107:24, 108:3, 108:10, 108:19, 108:23, 109:3, 109:21, 110:1, 120:11, 122:15, 128:9, 128:15, 130:2, 133:25</p> <p>hroblak [6] - 7:16, 8:23, 44:16, 61:9, 90:17, 133:24</p> <p>Hroblak [5] - 8:10, 8:12, 8:20, 9:1, 44:10</p> <p>humble [1] - 112:3</p> <p>hurry [1] - 125:4</p> <p>hurt [1] - 33:9</p> <p>HVAC [2] - 65:21, 65:25</p>
	H			I
<p>habit [1] - 10:15</p> <p>habitable [2] - 18:17, 18:23</p> <p>half [2] - 28:24, 126:7</p> <p>hall [1] - 6:13</p> <p>Hall [2] - 70:6, 93:5</p> <p>hallway [5] - 18:7, 84:9, 97:16, 97:19, 98:1</p> <p>hand [9] - 10:5, 11:13, 14:12, 45:17, 66:10, 68:17, 69:11, 92:9, 115:3</p> <p>handful [1] - 79:12</p> <p>handles [1] - 132:9</p> <p>handout [3] - 12:22, 14:12, 23:11</p> <p>hands [1] - 64:18</p> <p>hang [1] - 107:17</p> <p>happy [1] - 48:7</p> <p>hard [1] - 106:24</p> <p>hardscaping [1] - 124:12</p> <p>hardship [5] - 95:9, 104:10, 104:11, 112:7, 131:8</p> <p>harm [1] - 7:6</p> <p>Harrison [1] - 123:25</p> <p>head [2] - 49:15, 85:15</p> <p>hear [1] - 112:8</p> <p>heard [12] - 6:10, 11:3, 15:4, 32:24, 32:25, 33:25, 37:22, 56:5, 56:11, 82:17, 82:22, 110:24</p> <p>hearing [2] - 36:2, 38:10</p> <p>HEARING [1] - 1:5</p> <p>heat [1] - 65:23</p> <p>height [24] - 19:7, 19:10, 19:18, 20:2,</p>				<p>ice [1] - 65:19</p> <p>idea [2] - 69:16, 93:4</p> <p>ideal [1] - 103:20</p> <p>ideally [1] - 73:14</p> <p>identification [5] - 13:5, 13:21, 14:10, 14:24, 69:3</p> <p>image [1] - 101:2</p> <p>immediate [1] - 77:3</p> <p>immediately [3] - 61:15, 61:18, 131:22</p> <p>impact [4] - 70:4, 80:7, 131:13, 131:15</p> <p>impacts [2] - 7:6, 25:1</p> <p>impair [1] - 7:5</p> <p>impediment [1] - 118:3</p> <p>impossible [1] - 95:23</p> <p>impressive [1] - 120:12</p> <p>improve [1] - 57:22</p> <p>improved [4] - 67:24, 68:1, 80:8, 80:9</p> <p>improvement [4] - 51:9, 75:9, 126:16, 126:22</p> <p>Improvement [2] - 85:4, 85:13</p> <p>improvements [2] - 25:24, 59:6</p>

<p>improvements.. [1] - 58:25</p> <p>improving [1] - 93:6</p> <p>IN [1] - 1:4</p> <p>inch [1] - 27:1</p> <p>include [6] - 20:21, 21:14, 26:20, 97:14, 97:16, 119:16</p> <p>included [3] - 21:6, 52:7, 119:15</p> <p>includes [1] - 114:11</p> <p>including [1] - 18:21</p> <p>incorrect [2] - 22:5, 33:3</p> <p>increase [5] - 16:13, 39:7, 60:1, 68:22, 102:18</p> <p>increases [1] - 59:14</p> <p>indent [1] - 55:14</p> <p>indented [1] - 103:22</p> <p>Indian [1] - 132:4</p> <p>indicated [1] - 59:25</p> <p>Indicating [1] - 122:6</p> <p>indicating [1] - 70:21</p> <p>indiscernible [3] - 24:24, 102:22, 129:24</p> <p>individual [1] - 50:20</p> <p>indoor [1] - 127:23</p> <p>indoors [1] - 117:9</p> <p>information [1] - 48:20</p> <p>ingress [1] - 76:21</p> <p>inhabitable [1] - 32:12</p> <p>inside [2] - 108:22, 119:1</p> <p>installed [3] - 82:25, 118:19</p> <p>instead [5] - 33:17, 36:19, 62:3, 96:18, 131:18</p> <p>Institute [1] - 11:22</p> <p>instructing [1] - 110:22</p> <p>instructions [1] - 119:16</p> <p>intend [2] - 59:25, 97:2</p> <p>intensify [1] - 84:22</p> <p>intent [1] - 7:7</p> <p>intention [6] - 68:1, 71:20, 72:10, 73:13, 74:14, 115:16</p> <p>interested [1] - 51:15</p> <p>interior [3] - 86:12, 86:13, 93:6</p> <p>interpret [1] - 73:10</p> <p>issue [10] - 17:25, 21:20, 34:15, 74:18, 79:4, 82:23, 89:18,</p>	<p>94:25, 106:10, 131:16</p> <p>issued [2] - 62:5, 62:24</p> <p>issues [1] - 15:13</p> <p>item [2] - 8:4, 95:2</p> <p>items [3] - 94:2, 95:8, 122:23</p> <p>itself [2] - 19:20, 111:22</p>	<p>Karen [4] - 63:15, 64:9, 64:13, 64:15</p> <p>KAREN [17] - 4:15, 4:18, 4:19, 64:7, 64:10, 64:13, 64:15, 64:19, 64:24, 68:4, 74:8, 74:12, 79:3, 81:19, 81:22, 82:2</p> <p>Kathryn [1] - 6:18</p> <p>KATHRYN [1] - 2:16</p> <p>Katie [1] - 85:6</p> <p>keep [6] - 34:4, 42:13, 58:17, 60:16, 66:1, 132:25</p> <p>keeping [4] - 31:7, 34:22, 93:4, 132:23</p> <p>keeps [1] - 34:19</p> <p>KEVIN [3] - 4:4, 4:7, 45:18</p> <p>Kevin [2] - 45:2, 45:14</p> <p>kick [3] - 103:16, 103:17, 106:18</p> <p>kid's [1] - 115:15</p> <p>kids [14] - 17:19, 46:15, 46:21, 47:18, 65:4, 65:9, 79:8, 115:12, 116:22, 117:20, 121:1, 121:2, 123:19, 131:6</p> <p>Kimball [4] - 114:9, 114:24, 114:25, 115:12</p> <p>KIMBALL [1] - 5:14</p> <p>kind [37] - 17:22, 17:24, 22:2, 23:6, 24:4, 25:24, 27:12, 27:13, 33:11, 46:3, 46:4, 46:7, 46:18, 46:19, 46:23, 46:24, 47:14, 47:15, 49:23, 55:14, 55:20, 60:4, 67:10, 69:9, 71:7, 80:10, 84:20, 93:5, 95:20, 96:8, 96:11, 102:10, 112:14, 120:25, 122:2, 129:3, 129:6</p> <p>kitchen [12] - 17:9, 17:14, 78:4, 93:19, 95:16, 103:11, 103:17, 106:8, 108:15, 108:17, 114:12</p> <p>kitchens [1] - 127:24</p> <p>knit [1] - 131:5</p> <p>knock [1] - 72:7</p> <p>knowing [1] - 32:9</p> <p>knows [1] - 51:6</p>	<p style="text-align: center;">L</p> <p>lack [2] - 74:21, 84:23</p> <p>lacking [1] - 93:1</p> <p>Land [6] - 6:25, 9:14, 45:4, 63:21, 91:14, 114:13</p> <p>land [2] - 89:18, 129:17</p> <p>landing [2] - 17:24, 122:22</p> <p>landscaping [1] - 121:14</p> <p>large [4] - 74:22, 96:24, 132:3, 132:6</p> <p>larger [2] - 46:1, 93:19</p> <p>last [8] - 9:6, 15:11, 51:14, 95:2, 111:9, 111:11, 111:13, 114:7</p> <p>laughter [3] - 119:24, 124:24, 125:11</p> <p>Laughter [1] - 120:15</p> <p>laundry [4] - 93:20, 95:21, 103:22, 106:6</p> <p>LAUREN [1] - 5:3</p> <p>Lauren [2] - 91:7, 92:19</p> <p>Law [1] - 7:1</p> <p>layout [3] - 95:14, 103:8, 116:15</p> <p>lead [1] - 50:24</p> <p>Leader [1] - 6:14</p> <p>leading [2] - 51:7, 131:18</p> <p>leads [3] - 49:20, 49:23, 122:12</p> <p>leaning [1] - 74:7</p> <p>least [4] - 25:11, 29:15, 33:5, 67:23</p> <p>leave [1] - 15:1</p> <p>leaving [2] - 23:17, 23:19</p> <p>Ledger [1] - 6:14</p> <p>left [26] - 37:17, 46:8, 51:7, 51:9, 51:22, 54:11, 62:25, 68:10, 75:7, 77:5, 77:9, 77:16, 78:19, 80:17, 82:8, 83:10, 83:12, 98:2, 98:5, 120:20, 121:21, 121:24, 122:2, 124:12, 128:11, 130:21</p> <p>length [12] - 68:17, 68:19, 69:8, 72:17, 91:22, 95:3, 95:4, 95:18, 100:19, 100:22, 106:7, 109:5</p> <p>less [9] - 22:9, 28:23,</p>	<p>30:13, 67:14, 76:19, 77:19, 94:19, 104:8, 128:7</p> <p>lessens [1] - 33:12</p> <p>letter [1] - 117:22</p> <p>level [8] - 30:25, 65:22, 108:5, 109:15, 109:23, 109:24, 109:25, 110:1</p> <p>license [1] - 66:24</p> <p>licensed [1] - 11:22</p> <p>licenses [1] - 66:20</p> <p>LIEBMAN [1] - 2:16</p> <p>likely [2] - 61:22, 113:24</p> <p>likewise [2] - 132:13, 132:14</p> <p>limit [1] - 59:18</p> <p>line [14] - 15:22, 16:8, 30:16, 31:13, 46:13, 48:5, 56:14, 71:2, 71:4, 72:13, 98:6, 98:22, 107:16</p> <p>lines [6] - 35:3, 55:9, 77:7, 96:16, 99:8, 101:15</p> <p>lining [4] - 22:20, 54:14, 54:17, 54:20</p> <p>list [1] - 73:2</p> <p>listened [1] - 26:24</p> <p>listening [1] - 112:14</p> <p>Litmus [2] - 76:7, 76:9</p> <p>little.. [1] - 13:12</p> <p>livable [2] - 93:7, 97:1</p> <p>live [3] - 15:6, 115:12, 131:5</p> <p>lived [3] - 10:12, 92:19, 115:13</p> <p>lives [1] - 117:7</p> <p>living [3] - 30:11, 64:25, 78:3</p> <p>LLP [1] - 2:16</p> <p>local [1] - 115:16</p> <p>location [3] - 10:19, 95:13, 106:4</p> <p>lockers [1] - 103:12</p> <p>loft [4] - 69:19, 83:9, 83:12, 85:20</p> <p>lonely [1] - 116:20</p> <p>look [30] - 18:1, 19:9, 20:3, 23:5, 29:3, 34:23, 43:17, 53:23, 54:1, 55:7, 55:11, 56:17, 69:23, 70:7, 83:5, 85:5, 85:6, 96:6, 96:11, 96:12, 97:6, 97:8, 101:19, 101:21, 109:11, 109:15, 119:8,</p>
	J			
	<p>JAMES [2] - 3:19, 11:14</p> <p>James [2] - 11:5, 11:10</p> <p>JAWORSKI [1] - 2:16</p> <p>Jayson [3] - 63:15, 64:9, 64:15</p> <p>JAYSON [3] - 4:15, 4:18, 64:19</p> <p>Jefferson [2] - 10:20, 65:2</p> <p>Jersey [5] - 1:13, 11:11, 11:22, 11:23, 114:24</p> <p>JILLANNE [1] - 4:4</p> <p>Jillanne [1] - 45:2</p> <p>joking [1] - 124:2</p> <p>Joseph [1] - 91:7</p> <p>JOSEPH [3] - 5:3, 5:6, 92:10</p> <p>joseph [1] - 92:6</p> <p>justification [1] - 106:11</p> <p>justify [1] - 112:9</p>			
	K			
	<p>Karas [9] - 11:5, 11:10, 11:16, 12:7, 12:14, 25:19, 26:9, 32:23, 36:13</p> <p>karas [1] - 25:16</p> <p>KARAS [42] - 3:19, 11:9, 11:14, 11:21, 12:11, 12:17, 12:20, 13:9, 13:11, 13:18, 13:22, 14:1, 14:5, 14:11, 14:16, 14:21, 15:3, 16:6, 19:12, 19:19, 20:12, 20:23, 21:2, 21:4, 21:8, 21:11, 21:15, 21:19, 22:16, 23:16, 23:19, 23:22, 25:17, 26:12, 26:15, 33:8, 33:19, 36:23, 37:8, 37:14, 37:18, 37:20</p>			

<p>119:15, 119:25, 120:5</p> <p>looked [3] - 24:4, 24:6, 24:7</p> <p>looking [36] - 10:17, 15:17, 17:5, 19:24, 22:19, 23:9, 23:12, 24:14, 32:7, 35:20, 46:6, 47:1, 47:16, 47:18, 55:15, 57:1, 58:2, 71:24, 78:18, 87:8, 93:17, 93:21, 96:18, 101:6, 102:13, 102:18, 103:7, 103:15, 104:12, 104:14, 109:10, 109:13, 122:25, 124:21, 130:2, 131:7</p> <p>looks [19] - 19:2, 25:1, 29:13, 32:9, 55:5, 77:5, 82:5, 82:8, 83:21, 88:22, 88:23, 96:15, 98:17, 101:7, 110:11, 110:25, 120:20, 122:13, 126:8</p> <p>lose [1] - 39:14</p> <p>loses [1] - 42:4</p> <p>losing [2] - 30:18, 109:19</p> <p>LOT [5] - 3:16, 4:5, 4:16, 5:4, 5:14</p> <p>louvered [2] - 118:7, 118:18</p> <p>love [8] - 10:12, 15:7, 15:8, 24:14, 65:2, 65:6, 74:13, 117:14</p> <p>lovely [1] - 118:13</p> <p>lower [7] - 19:3, 20:2, 22:4, 29:18, 29:19, 30:8, 80:19</p> <p>lowered [2] - 38:18, 43:12</p> <p>lowering [1] - 38:7</p> <p>luck [4] - 44:25, 61:12, 90:22, 134:12</p>	<p>12:18, 13:8, 38:10</p> <p>MARKED [2] - 3:21, 13:4</p> <p>marked [10] - 12:15, 13:1, 13:4, 13:20, 14:9, 14:23, 37:5, 68:22, 68:25, 69:3</p> <p>marking [1] - 69:1</p> <p>marry [1] - 53:25</p> <p>Maryland [1] - 46:19</p> <p>Masciale [5] - 7:18, 44:18, 61:5, 90:13, 134:3</p> <p>MASCIALE [38] - 2:3, 7:19, 18:25, 20:7, 22:8, 28:6, 29:4, 30:12, 34:25, 35:12, 35:24, 43:18, 44:19, 55:8, 57:6, 58:1, 58:20, 59:1, 61:6, 73:3, 75:11, 76:7, 88:22, 90:14, 91:1, 106:16, 107:1, 107:8, 110:4, 122:25, 123:4, 123:12, 123:16, 124:1, 128:22, 131:7, 134:4, 134:15</p> <p>mass [1] - 64:2</p> <p>massing [20] - 28:13, 28:18, 29:18, 30:6, 30:13, 33:1, 33:6, 33:13, 34:1, 34:13, 35:3, 71:25, 74:18, 80:21, 82:20, 86:20, 103:5, 103:18, 107:10, 107:14</p> <p>master [11] - 17:8, 18:2, 65:14, 83:25, 85:25, 91:12, 93:23, 93:24, 97:11, 98:13</p> <p>Master [1] - 31:7</p> <p>match [5] - 23:10, 99:9, 100:9, 100:11, 100:14</p> <p>MATT [1] - 2:6</p> <p>Matt [2] - 29:23, 38:21</p> <p>matter [1] - 86:23</p> <p>matters [1] - 84:11</p> <p>max [7] - 25:22, 31:6, 32:15, 39:23, 127:16, 127:19, 128:8</p> <p>maxed [3] - 21:10, 27:14, 124:14</p> <p>maximize [1] - 116:24</p> <p>maximum [19] - 19:6, 19:18, 20:10, 20:25, 27:1, 28:12, 30:6, 64:2, 68:16, 68:18,</p>	<p>69:8, 80:15, 91:19, 91:22, 94:13, 114:14, 115:19, 116:3</p> <p>maxing [1] - 26:1</p> <p>McKeown [9] - 45:2, 45:11, 45:14, 51:6, 52:23, 53:16, 53:21, 56:3, 61:12</p> <p>MCKEOWN [26] - 4:4, 4:7, 45:14, 45:18, 45:22, 47:23, 48:6, 48:18, 48:24, 51:13, 52:1, 52:5, 52:11, 52:20, 53:1, 53:4, 53:8, 53:22, 54:22, 55:13, 55:24, 61:13, 62:7, 62:17, 63:7, 63:11</p> <p>mean [25] - 28:17, 29:12, 30:12, 31:12, 32:13, 35:14, 35:22, 40:21, 59:23, 63:5, 74:8, 79:12, 84:14, 84:20, 101:15, 102:7, 106:21, 107:24, 109:8, 109:16, 110:10, 110:14, 111:6, 111:19, 129:2</p> <p>meaning [1] - 60:11</p> <p>means [1] - 63:6</p> <p>mediate [1] - 111:21</p> <p>MEETING [2] - 1:5, 1:10</p> <p>meeting [14] - 6:7, 6:12, 8:5, 9:5, 10:24, 15:2, 61:20, 61:21, 92:15, 112:23, 113:2, 113:4, 114:4, 134:18</p> <p>Meetings [1] - 6:17</p> <p>meets [1] - 56:9</p> <p>MEMBER [5] - 2:4, 2:5, 2:6, 2:7, 2:12</p> <p>Member [1] - 51:19</p> <p>Members [5] - 25:18, 79:17, 85:11, 100:1, 110:24</p> <p>members [2] - 8:10, 115:14</p> <p>memorialization [1] - 8:4</p> <p>memorialized [4] - 8:6, 9:2, 61:20, 62:22</p> <p>mentioned [3] - 34:21, 56:14, 96:22</p> <p>mercy [1] - 117:12</p> <p>method [1] - 24:1</p>	<p>Mets [1] - 125:7</p> <p>mic [2] - 11:7</p> <p>Michael [4] - 9:10, 15:4, 41:6, 102:14</p> <p>MICHAEL [4] - 2:4, 3:15, 3:18, 10:6</p> <p>middle [3] - 18:3, 96:7, 101:19</p> <p>might [3] - 21:20, 39:12, 39:14</p> <p>mike [2] - 10:2, 132:11</p> <p>Mike [3] - 10:11, 41:14, 129:2</p> <p>Mike's [1] - 110:7</p> <p>Millburn [1] - 12:2</p> <p>mind [3] - 12:16, 36:13, 128:5</p> <p>mindful [1] - 117:9</p> <p>mine [2] - 65:12, 65:13</p> <p>minimal [2] - 22:24, 24:3</p> <p>minimis [1] - 72:6</p> <p>minimize [2] - 103:5, 106:10</p> <p>minimum [12] - 9:15, 9:17, 16:3, 16:7, 45:8, 45:10, 57:4, 63:22, 64:5, 88:11, 91:15</p> <p>minutes [1] - 85:9</p> <p>MINUTES [2] - 1:10, 3:5</p> <p>missing [1] - 83:9</p> <p>mitigate [1] - 99:12</p> <p>mitigation [1] - 95:7</p> <p>mix [1] - 79:4</p> <p>MOLNAR [67] - 2:7, 7:21, 20:20, 20:24, 21:3, 21:6, 21:9, 21:22, 23:14, 23:17, 23:21, 25:21, 27:20, 31:2, 38:25, 39:8, 40:6, 40:10, 40:15, 43:2, 43:13, 43:16, 43:24, 44:3, 44:21, 50:7, 56:21, 57:5, 57:13, 60:25, 72:14, 73:1, 73:25, 74:3, 77:25, 78:2, 78:7, 78:18, 78:23, 83:2, 83:14, 83:19, 85:1, 86:21, 86:25, 87:6, 87:22, 88:5, 88:12, 88:20, 90:8, 100:3, 100:8, 102:25, 107:15, 111:8, 111:11, 111:17, 118:14, 118:16, 118:22, 119:2, 119:12, 126:10,</p>	<p>128:4, 132:15, 134:10</p> <p>Molnar [4] - 27:14, 42:23, 83:24, 134:9</p> <p>molnar [5] - 7:20, 21:21, 44:20, 60:24, 90:7</p> <p>moment [1] - 42:24</p> <p>momentarily [1] - 42:24</p> <p>Monday [1] - 1:11</p> <p>money [1] - 125:10</p> <p>months [2] - 65:24, 92:21</p> <p>MORIARTY [15] - 3:15, 3:18, 9:20, 9:24, 10:2, 10:6, 10:10, 24:19, 24:23, 25:3, 25:6, 25:12, 33:22, 56:25, 73:5</p> <p>moriarty [1] - 26:9</p> <p>Moriarty [7] - 9:10, 9:23, 10:2, 10:11, 32:23, 33:20, 36:13</p> <p>Moriartys [1] - 24:11</p> <p>most [6] - 27:4, 28:14, 30:19, 82:6, 94:22, 124:11</p> <p>mostly [3] - 11:23, 67:12, 122:19</p> <p>motion [26] - 8:13, 8:14, 8:15, 40:5, 41:11, 41:15, 41:18, 41:19, 42:2, 42:5, 42:7, 42:13, 42:23, 43:1, 43:2, 44:2, 58:7, 58:8, 58:9, 89:20, 89:21, 90:2, 133:15, 133:16, 134:14</p> <p>MOTION [5] - 3:24, 4:11, 4:23, 5:9, 5:20</p> <p>motions [1] - 40:8</p> <p>motorcycle [1] - 88:3</p> <p>motorized [1] - 119:20</p> <p>move [5] - 24:14, 44:3, 118:20, 118:21, 119:1</p> <p>moved [9] - 40:6, 40:9, 48:10, 48:13, 58:15, 65:3, 92:20, 116:11, 134:15</p> <p>moving [6] - 23:14, 61:14, 62:3, 62:4, 91:5, 94:16</p> <p>MR [397] - 7:11, 7:13, 7:14, 7:16, 7:18, 7:19, 7:20, 7:22, 7:24, 7:25, 8:9, 8:15, 8:21, 8:22, 8:23,</p>
M				
<p>magic [1] - 19:4</p> <p>mailing [1] - 6:13</p> <p>manager [2] - 116:7, 118:13</p> <p>maneuver [1] - 25:13</p> <p>mansions [1] - 32:17</p> <p>MAP [2] - 3:23, 14:23</p> <p>map [2] - 14:17, 23:13</p> <p>March [1] - 45:23</p> <p>mark [4] - 12:15,</p>				

8:25, 9:20, 9:24,
10:2, 10:10, 11:9,
11:21, 12:11, 12:17,
12:20, 13:9, 13:11,
13:18, 13:22, 14:1,
14:5, 14:11, 14:16,
14:21, 14:25, 15:3,
16:5, 16:6, 18:25,
19:12, 19:19, 20:7,
20:12, 20:23, 21:2,
21:4, 21:8, 21:11,
21:15, 21:19, 22:8,
22:13, 22:16, 23:16,
23:19, 23:22, 24:17,
24:19, 24:21, 24:23,
24:25, 25:3, 25:5,
25:6, 25:12, 25:17,
26:12, 26:15, 27:24,
28:2, 28:6, 29:4,
30:12, 30:21, 31:10,
31:19, 32:13, 32:20,
33:8, 33:19, 33:22,
34:6, 34:10, 34:16,
34:25, 35:10, 35:12,
35:14, 35:24, 36:7,
36:23, 37:8, 37:14,
37:18, 37:20, 38:5,
38:13, 38:19, 39:4,
39:10, 39:14, 39:17,
39:19, 39:21, 39:25,
40:18, 40:24, 41:12,
41:14, 41:20, 41:24,
42:3, 42:10, 42:15,
42:18, 43:4, 43:9,
43:15, 43:18, 43:20,
44:11, 44:13, 44:14,
44:16, 44:18, 44:19,
44:20, 44:22, 44:23,
45:14, 45:22, 47:23,
48:6, 48:18, 48:24,
49:17, 49:19, 50:8,
50:19, 51:3, 51:13,
52:1, 52:5, 52:11,
52:20, 53:1, 53:4,
53:8, 53:22, 54:22,
55:5, 55:8, 55:13,
55:24, 56:25, 57:6,
58:1, 58:20, 59:1,
59:3, 59:7, 59:16,
59:23, 60:5, 60:10,
60:13, 60:20, 60:23,
61:1, 61:2, 61:3,
61:4, 61:5, 61:6,
61:7, 61:9, 61:13,
61:16, 62:4, 62:7,
62:17, 63:7, 63:11,
64:10, 64:15, 66:7,
66:16, 66:21, 67:7,
68:8, 69:1, 69:4,
70:18, 71:5, 71:9,
71:11, 71:12, 71:14,

71:16, 71:20, 71:24,
72:4, 72:5, 72:9,
72:16, 72:21, 73:3,
73:5, 73:13, 73:21,
73:24, 75:3, 75:11,
75:17, 76:2, 76:4,
76:5, 76:7, 76:14,
76:19, 77:11, 77:14,
78:6, 78:9, 78:22,
80:3, 81:9, 84:19,
85:3, 85:12, 86:8,
86:15, 87:10, 87:13,
87:14, 87:15, 87:16,
88:22, 89:13, 90:4, 90:7,
90:9, 90:10, 90:11,
90:12, 90:13, 90:14,
90:15, 90:17, 90:19,
91:1, 91:25, 92:3,
92:6, 92:14, 97:13,
97:20, 97:23, 98:9,
98:20, 98:24, 99:3,
99:15, 99:20, 100:6,
100:10, 100:18,
100:21, 100:25,
101:10, 102:5,
102:7, 102:16,
102:21, 102:24,
103:1, 104:3, 104:9,
104:22, 104:25,
105:4, 105:8,
105:14, 105:18,
105:22, 105:24,
106:1, 106:3,
106:16, 106:21,
106:24, 107:1,
107:8, 107:9,
107:13, 107:20,
108:1, 108:6, 108:7,
108:12, 108:14,
108:21, 108:25,
109:8, 109:25,
110:4, 110:14,
111:4, 112:2, 112:3,
112:16, 112:17,
113:1, 113:6,
113:12, 113:20,
113:25, 114:6,
114:18, 114:20,
114:23, 115:9,
118:24, 119:4,
119:19, 120:6,
120:7, 120:13,
120:17, 120:25,
121:7, 121:13,
121:20, 122:6,
122:9, 122:25,
123:3, 123:4, 123:9,
123:12, 123:14,
123:16, 123:18,
123:24, 124:1,

124:7, 124:16,
124:18, 124:23,
125:2, 125:22,
126:12, 126:13,
126:15, 126:20,
127:5, 127:7,
127:10, 127:12,
127:14, 127:21,
128:1, 128:2,
128:12, 128:18,
128:21, 128:22,
128:24, 129:8,
129:14, 130:1,
130:16, 130:20,
131:4, 131:7, 132:8,
132:13, 132:20,
132:25, 133:2,
133:9, 133:16,
133:20, 133:23,
134:1, 134:3, 134:4,
134:5, 134:6, 134:7,
134:8, 134:9,
134:13, 134:15,
134:16
MS [209] - 6:22, 7:17,
7:21, 8:18, 8:24,
12:14, 12:18, 12:23,
13:6, 13:10, 13:13,
13:16, 13:25, 14:2,
14:6, 14:14, 14:19,
20:20, 20:24, 21:3,
21:6, 21:9, 21:22,
23:14, 23:17, 23:21,
25:21, 27:20, 29:25,
30:15, 31:1, 31:2,
31:4, 31:12, 32:18,
34:14, 35:7, 36:6,
38:25, 39:8, 40:6,
40:7, 40:10, 40:15,
41:17, 40:21, 41:5,
41:10, 41:17, 41:21,
41:22, 41:23, 42:6,
42:12, 42:20, 43:2,
43:3, 43:13, 43:14,
43:16, 43:24, 44:3,
44:8, 44:17, 44:21,
50:7, 50:15, 51:11,
52:24, 53:2, 53:7,
53:12, 54:17, 54:20,
55:22, 56:21, 57:5,
57:13, 57:21, 58:3,
58:8, 58:24, 59:5,
59:11, 59:20, 59:22,
60:4, 60:6, 60:8,
60:9, 60:12, 60:15,
60:25, 61:10, 62:11,
62:18, 63:5, 64:7,
64:13, 64:24, 68:4,
68:24, 72:14, 73:1,
73:25, 74:3, 74:8,
74:12, 75:13, 77:25,

78:2, 78:7, 78:18,
78:23, 79:3, 80:25,
81:3, 81:7, 81:13,
81:17, 81:19, 81:21,
81:22, 81:25, 82:2,
82:10, 83:2, 83:14,
83:19, 84:12, 84:14,
84:18, 85:1, 85:8,
86:5, 86:21, 86:24,
86:25, 87:2, 87:6,
87:20, 87:22, 87:25,
88:5, 88:7, 88:12,
88:16, 88:20, 89:3,
89:10, 89:17, 89:21,
89:25, 90:8, 90:18,
100:3, 100:8,
102:25, 107:4,
107:15, 107:17,
107:24, 108:3,
108:10, 108:19,
108:23, 109:3,
109:21, 110:1,
111:8, 111:11,
111:17, 113:15,
114:5, 114:25,
116:5, 118:14,
118:16, 118:21,
118:22, 119:2,
119:12, 120:2,
120:11, 120:22,
121:6, 121:10,
121:19, 121:23,
122:4, 122:7,
122:15, 123:6,
126:3, 126:10,
128:4, 128:9,
128:15, 129:12,
129:23, 130:2,
130:4, 130:17,
130:19, 132:3,
132:15, 133:8,
133:25, 134:10
mudroom [2] - 93:19,
111:12
mudroom/laundry [1]
- 91:10
multiple [2] - 10:15,
101:11
Municipal [2] - 1:12,
6:25
must [1] - 7:4

N

N/A [1] - 3:5
name [12] - 10:1, 11:8,
11:9, 26:6, 45:12,
53:19, 64:12, 66:5,
79:22, 92:5, 114:22,
116:6
narrow [5] - 15:14,

16:11, 25:1, 55:1,
55:2
narrowest [1] - 18:10
narrowness [1] - 18:4
necessary [1] - 105:23
necessity [1] - 106:4
need [15] - 8:13,
10:21, 11:4, 14:25,
58:18, 67:11, 69:14,
82:13, 84:15, 85:2,
104:23, 104:25,
105:8, 116:22, 124:1
needing [1] - 69:18
needs [3] - 16:16,
65:8, 118:25
negative [4] - 70:4,
70:12, 131:13,
131:14
negatively [1] - 7:6
neighbor [9] - 28:19,
78:19, 101:3,
110:15, 113:8,
121:7, 121:8,
124:11, 130:20
neighbor's [6] - 79:7,
101:6, 101:8,
120:23, 121:18,
130:6
neighborhood [21] -
10:20, 15:8, 16:21,
16:22, 16:25, 18:15,
23:9, 27:4, 34:4,
46:21, 65:3, 65:4,
70:5, 70:8, 70:10,
70:12, 70:14, 80:14,
86:10, 97:5, 124:5
neighbors [22] -
10:23, 28:14, 30:11,
46:8, 46:14, 53:25,
58:4, 65:6, 70:3,
70:5, 79:5, 79:10,
79:11, 94:22, 117:5,
117:15, 117:18,
117:23, 118:3,
118:9, 130:7
never [2] - 28:20, 68:5
new [18] - 9:11, 11:24,
13:10, 21:4, 31:5,
63:18, 65:25, 78:22,
81:15, 82:9, 91:11,
94:19, 98:3, 98:4,
103:2, 116:13,
119:6, 128:3
New [6] - 1:13, 11:11,
11:21, 11:22, 12:2,
114:24
Newark [1] - 6:14
newer [1] - 31:20
next [14] - 8:4, 13:7,
19:19, 30:11, 45:1,

<p>55:6, 56:24, 61:20, 63:13, 80:19, 81:13, 91:6, 112:5, 112:23</p> <p>nice [14] - 16:21, 17:16, 17:17, 18:1, 19:23, 20:1, 24:11, 33:14, 46:24, 54:1, 58:2, 88:20, 110:11, 112:13</p> <p>nice-looking [1] - 58:2</p> <p>nicely [1] - 96:20</p> <p>night [1] - 116:7</p> <p>NJIT [1] - 66:22</p> <p>nobody [2] - 123:12, 131:11</p> <p>nobody's [1] - 130:13</p> <p>nonconformance [2] - 68:15, 72:24</p> <p>nonconforming [7] - 62:8, 68:11, 71:23, 94:5, 94:6, 94:11, 95:12</p> <p>nonconformities [1] - 15:16</p> <p>nonconformity [2] - 16:3, 99:6</p> <p>none [14] - 12:8, 26:7, 45:10, 53:20, 64:5, 67:4, 67:20, 67:21, 79:19, 79:23, 81:17, 113:11, 132:18, 133:15</p> <p>NONE [4] - 3:12, 4:10, 5:8, 5:19</p> <p>northeast [1] - 91:10</p> <p>note [2] - 85:21, 130:5</p> <p>noted [1] - 19:15</p> <p>notes [1] - 47:22</p> <p>notice [6] - 6:11, 54:7, 113:5, 113:16, 113:18, 120:11</p> <p>notices [1] - 6:13</p> <p>notification [1] - 10:24</p> <p>Notre [1] - 125:8</p> <p>November [1] - 46:16</p> <p>nowhere [1] - 122:14</p> <p>Number [8] - 8:7, 9:9, 58:15, 60:7, 60:16, 113:24, 120:5</p> <p>number [9] - 12:5, 15:15, 19:13, 19:14, 30:25, 58:11, 58:15, 58:17, 66:25</p> <p>numbered [2] - 120:7, 120:9</p> <p>numerous [1] - 111:20</p>	<p>52:7, 65:2, 70:22, 96:2, 128:14, 131:8</p> <p>Occupancy [1] - 127:13</p> <p>occupied [3] - 32:11, 87:12, 87:14</p> <p>October [12] - 9:5, 61:21, 62:10, 92:16, 112:22, 112:23, 112:24, 113:2, 113:4, 113:15, 113:22</p> <p>odd [6] - 123:1, 123:2, 123:3, 123:23, 129:1, 131:23</p> <p>odd-shaped [4] - 123:2, 123:3, 123:23, 131:23</p> <p>oddly [1] - 123:10</p> <p>OF [5] - 1:1, 1:2, 1:9, 3:5, 3:6</p> <p>office [4] - 69:18, 83:10, 83:12, 85:20</p> <p>offset [1] - 69:13</p> <p>often [1] - 117:12</p> <p>old [1] - 93:4</p> <p>older [4] - 20:14, 20:16, 65:8, 65:9</p> <p>on-site [1] - 84:23</p> <p>on-street [1] - 49:7</p> <p>on.. [1] - 12:13</p> <p>once [2] - 32:20, 93:13</p> <p>one [63] - 8:6, 9:4, 12:21, 12:24, 13:23, 14:1, 15:9, 16:16, 18:6, 18:14, 19:23, 22:18, 23:6, 25:11, 35:22, 45:10, 47:6, 49:2, 50:1, 50:3, 50:4, 51:18, 51:20, 54:6, 56:16, 58:24, 61:13, 64:5, 67:20, 72:8, 74:7, 74:20, 75:2, 77:4, 77:15, 77:16, 77:17, 77:18, 77:20, 81:20, 82:3, 82:8, 84:1, 85:22, 86:13, 86:24, 87:3, 94:7, 95:20, 96:10, 96:18, 107:18, 113:23, 116:19, 120:6, 122:23, 123:14, 123:15, 123:18, 130:5, 133:12</p> <p>one-car [9] - 45:10, 47:6, 49:2, 50:3, 64:5, 67:20, 75:2, 81:20, 82:3</p> <p>one-story [1] - 19:23</p>	<p>ones [4] - 23:23, 24:8, 32:14, 81:14</p> <p>open [48] - 10:18, 17:12, 17:16, 26:10, 27:11, 27:25, 28:3, 29:6, 29:21, 36:13, 38:15, 38:17, 40:13, 40:16, 43:10, 52:25, 53:4, 53:11, 56:4, 57:12, 58:23, 60:17, 69:19, 80:1, 83:9, 83:22, 85:20, 89:7, 89:23, 90:3, 118:5, 119:11, 125:23, 127:2, 129:2, 129:5, 129:9, 129:20, 131:17, 132:24, 132:25, 133:1, 133:3, 133:6, 133:7, 133:17</p> <p>Open [1] - 6:17</p> <p>opened [1] - 127:5</p> <p>opens [1] - 119:14</p> <p>opinion [4] - 29:4, 30:14, 84:10, 109:16</p> <p>opportunity [2] - 6:10, 20:16</p> <p>opposite [2] - 93:23, 94:8</p> <p>option [5] - 20:13, 111:3, 111:20, 129:4, 131:3</p> <p>options [5] - 86:9, 102:6, 110:25, 111:6, 111:20</p> <p>or.. [3] - 19:5, 24:18, 24:22</p> <p>order [3] - 112:18, 112:20, 130:8</p> <p>ordinance [13] - 6:24, 7:7, 48:16, 49:25, 72:1, 76:21, 82:13, 101:1, 103:6, 127:9, 128:6, 129:11, 129:15</p> <p>Ordinance [5] - 9:14, 45:5, 63:21, 91:14, 114:14</p> <p>original [1] - 100:12</p> <p>other.. [1] - 59:19</p> <p>otherwise [4] - 20:3, 32:2, 35:17, 38:14</p> <p>ourselves [2] - 26:11, 46:4</p> <p>outdoor [4] - 114:11, 114:12, 116:24, 127:24</p> <p>outdoors [1] - 117:9</p> <p>outside [6] - 46:17, 106:8, 116:3,</p>	<p>117:12, 118:24, 124:11</p> <p>overdevelopment [1] - 118:4</p> <p>overflowing [1] - 84:25</p> <p>overgrown [1] - 121:1</p> <p>overhang [1] - 105:15</p> <p>overhang-type [1] - 105:15</p> <p>overhead [2] - 15:25, 23:4</p> <p>overtime [1] - 65:22</p> <p>own [4] - 20:18, 62:1, 66:23, 128:13</p> <p>owned [1] - 87:12</p> <p>owner [1] - 31:16</p> <p>owners [2] - 100:13, 128:7</p>	<p>117:21</p> <p>particular [6] - 27:4, 31:25, 35:11, 37:24, 50:2, 131:23</p> <p>particularly [1] - 104:11</p> <p>pass [1] - 18:14</p> <p>past [2] - 49:12, 54:25</p> <p>PATEL [56] - 5:13, 5:16, 5:17, 114:18, 114:20, 114:23, 114:25, 115:4, 115:9, 116:5, 118:21, 118:24, 119:4, 119:19, 120:2, 120:7, 120:17, 120:22, 120:25, 121:6, 121:7, 121:10, 121:13, 121:19, 121:20, 121:23, 122:4, 122:6, 122:7, 122:9, 123:3, 123:6, 123:9, 123:14, 123:18, 123:24, 124:7, 124:16, 124:23, 125:22, 126:3, 126:13, 127:7, 127:12, 128:1, 128:12, 130:16, 130:19, 130:20, 131:4, 132:3, 132:25, 133:8, 133:9, 134:13</p> <p>Patel [3] - 114:9, 114:23, 114:25</p> <p>Patio [1] - 21:3</p> <p>patio [23] - 17:12, 21:1, 21:4, 21:5, 59:12, 74:22, 74:25, 75:5, 75:8, 75:25, 103:1, 114:12, 116:19, 122:19, 122:20, 124:18, 125:15, 125:16, 125:17, 125:20, 126:11, 128:19, 129:25</p> <p>paved [1] - 50:5</p> <p>pavers [2] - 23:15, 59:13</p> <p>PAVON [1] - 2:12</p> <p>Pavon [1] - 7:22</p> <p>PB-13 [4] - 4:22, 68:23, 68:25, 69:3</p> <p>PB-14 [2] - 73:8, 83:6</p> <p>Penn [2] - 124:21, 124:25</p> <p>people [1] - 124:11</p> <p>perceive [1] - 104:10</p>
O			P	
obviously [7] - 10:25,			<p>p.m [2] - 1:13, 134:19</p> <p>package [1] - 119:9</p> <p>packet [6] - 51:24, 52:7, 73:8, 118:18, 119:15, 119:16</p> <p>pad [1] - 49:21</p> <p>Page [2] - 73:6, 83:6</p> <p>PAGE [10] - 3:17, 3:20, 4:6, 4:9, 4:17, 4:21, 5:5, 5:7, 5:15, 5:18</p> <p>page [2] - 69:21, 77:2</p> <p>pandemic [4] - 116:10, 117:8, 127:22, 127:23</p> <p>paper [1] - 38:11</p> <p>paperwork [1] - 48:12</p> <p>parcel [1] - 47:8</p> <p>pardon [1] - 27:23</p> <p>Park [2] - 11:25, 66:8</p> <p>park [4] - 25:3, 25:5, 68:5, 79:13</p> <p>parked [1] - 101:9</p> <p>parking [13] - 24:22, 25:9, 49:7, 49:10, 49:14, 49:21, 50:4, 68:7, 84:23, 84:25, 87:6, 87:11</p> <p>part [7] - 16:16, 46:15, 49:24, 117:10, 119:8, 121:21, 130:12</p> <p>PARTIAL [2] - 3:23, 14:23</p> <p>partial [2] - 14:16, 78:2</p> <p>partially [1] - 95:11</p> <p>participate [1] -</p>	

<p>percent [1] - 39:21 pergola [18] - 114:11, 116:25, 117:11, 117:25, 118:5, 118:17, 125:14, 125:19, 126:18, 126:20, 127:2, 128:20, 128:22, 129:3, 129:5, 129:9, 129:20, 133:17 pergolas [6] - 119:6, 119:9, 124:5, 124:9, 131:17, 133:5 perhaps [6] - 29:6, 29:17, 74:18, 103:11, 111:1, 111:22 period [3] - 61:25, 63:1, 112:22 permanent [1] - 118:20 permit [5] - 52:15, 57:14, 57:16, 62:23 permits [2] - 62:6, 62:10 permitted [8] - 47:2, 64:3, 91:20, 91:23, 99:16, 101:1, 114:15, 124:19 person [1] - 52:9 personally [1] - 109:9 perspective [2] - 23:7, 105:25 pertains [2] - 48:2, 74:21 pharmacist [2] - 116:6, 120:2 phone [1] - 11:1 Photo [1] - 125:2 photo [9] - 12:21, 13:24, 14:3, 14:7, 69:21, 94:18, 118:16, 118:22, 119:12 PHOTO [1] - 14:9 photograph [5] - 57:3, 101:9, 120:4, 120:19, 121:17 photographs [9] - 27:2, 32:8, 51:23, 56:16, 77:2, 82:7, 107:21, 119:23, 122:19 photos [6] - 13:22, 13:25, 43:17, 55:7, 55:16, 70:9 PHOTOS [1] - 3:22 physical [1] - 95:13 picture [4] - 23:3, 94:18, 123:1, 124:2</p>	<p>pictures [2] - 22:16, 29:6 piece [2] - 48:2, 131:23 pitch [4] - 43:25, 65:18, 69:16, 80:15 PLACE [1] - 3:15 place [5] - 46:25, 79:8, 89:14, 102:3, 102:12 Place [4] - 9:10, 10:3, 22:23, 92:22 places [1] - 12:4 plan [35] - 10:18, 17:6, 17:10, 18:3, 19:23, 22:5, 32:2, 32:3, 34:24, 51:5, 73:8, 73:20, 78:3, 78:8, 82:18, 83:13, 83:15, 83:19, 83:25, 85:17, 85:24, 85:25, 86:1, 86:21, 87:4, 87:5, 94:1, 97:9, 98:2, 98:3, 98:21, 101:2, 103:8, 106:22, 111:25 Plan [2] - 31:7, 97:9 PLANNER [1] - 2:10 planner [1] - 108:4 planning [5] - 21:17, 24:21, 53:2, 95:15, 128:5 plans [13] - 48:23, 49:4, 51:14, 57:16, 73:25, 74:3, 86:24, 87:1, 89:1, 89:5, 93:4, 98:12, 119:2 plants [1] - 120:23 platform [3] - 76:22, 105:19 play [7] - 17:13, 46:17, 46:21, 49:13, 78:17, 79:8, 119:18 playing [1] - 123:19 Pledge [1] - 6:4 plenty [1] - 79:12 plumber [1] - 125:5 plus [8] - 17:5, 58:3, 75:18, 75:22, 83:25, 85:14, 85:24, 129:23 point [6] - 31:24, 53:23, 78:10, 110:10, 121:14, 133:5 poll [2] - 42:13, 42:25 popping [1] - 68:21 popular [1] - 119:7 porch [43] - 27:11, 27:13, 38:16, 40:13, 40:15, 43:10, 45:4, 46:7, 46:9, 46:11,</p>	<p>47:17, 51:21, 52:3, 53:3, 53:4, 53:11, 54:11, 54:24, 56:22, 56:24, 57:12, 58:2, 58:22, 58:23, 60:17, 89:24, 90:3, 94:17, 94:18, 94:20, 98:4, 103:3, 103:21, 103:23, 103:25, 104:16, 104:23, 106:4, 107:2, 107:16, 122:10 porches [2] - 54:3, 131:18 portico [13] - 27:24, 28:2, 44:5, 63:19, 67:13, 76:19, 76:25, 78:10, 89:7, 105:9, 105:11, 105:17, 105:19 porticos [1] - 54:3 portion [10] - 26:8, 33:24, 36:14, 37:11, 37:22, 38:2, 54:13, 79:23, 98:17 positioned [1] - 46:18 possible [2] - 55:4, 84:10 possibly [2] - 35:21, 52:13 postage [1] - 32:17 posted [1] - 9:6 posting [1] - 6:12 potentially [2] - 49:2, 95:7 power [1] - 6:23 powers [1] - 6:20 practice [1] - 66:23 practicing [2] - 11:23, 66:22 preexisting [2] - 15:15, 107:3 prefers [1] - 38:8 prepared [2] - 52:8, 52:9 prerogative [1] - 27:16 present [3] - 7:13, 32:2, 115:10 presented [2] - 12:12, 38:6 presently [1] - 49:19 presumably [1] - 130:9 pretty [13] - 15:19, 22:21, 22:23, 23:10, 24:5, 25:1, 32:15, 59:25, 88:10, 106:20, 124:14, 127:15, 133:10 prevailing [3] - 67:19,</p>	<p>76:11, 76:15 previous [2] - 12:1, 100:13 previously [2] - 14:18, 47:6 Princeton [1] - 12:3 problem [12] - 15:3, 28:7, 28:11, 33:10, 40:20, 62:14, 68:7, 96:2, 108:19, 109:7, 128:19, 128:25 problems [1] - 42:11 proceed [5] - 10:8, 12:10, 22:15, 42:9, 67:6 proceeding [1] - 92:18 PROCEEDINGS [1] - 1:9 process [3] - 46:3, 61:18, 61:23 prohibitive [1] - 133:10 project [9] - 10:17, 46:2, 46:5, 71:22, 92:17, 99:16, 110:16, 116:7, 118:13 projects [3] - 108:7, 108:10, 124:10 proper [2] - 47:13, 69:16 properties [2] - 28:15, 56:19 property [23] - 15:13, 23:15, 28:14, 31:16, 47:8, 47:13, 48:2, 48:5, 48:14, 48:17, 56:8, 57:24, 58:14, 59:17, 72:12, 84:24, 116:15, 121:4, 121:6, 121:22, 123:23, 131:24, 132:9 proposal [2] - 94:15, 97:6 proposals [1] - 110:5 proposed [31] - 9:16, 9:18, 16:13, 19:4, 19:8, 29:8, 35:1, 45:6, 45:9, 45:11, 54:10, 63:23, 64:1, 64:3, 64:6, 67:17, 67:21, 68:13, 83:3, 83:6, 83:10, 83:24, 91:17, 91:21, 91:24, 93:9, 94:10, 94:19, 98:4, 98:5, 114:17 proposing [5] - 21:1, 27:13, 48:22, 68:12, 93:16</p>	<p>protection [1] - 116:23 protrude [1] - 56:17 protruding [1] - 56:18 prove [1] - 7:3 provide [3] - 116:8, 128:6, 130:15 provided [5] - 6:12, 25:9, 50:4, 58:12, 96:5 Providence [1] - 12:2 providing [1] - 49:23 public [2] - 6:9, 7:6 PUBLIC [1] - 1:5 Public [1] - 6:17 published [1] - 61:22 pull [4] - 35:4, 35:23, 36:21, 37:17 pulled [1] - 83:8 pulling [2] - 36:4, 79:6 punish [1] - 40:1 punishing [1] - 31:25 purchased [5] - 47:7, 47:11, 48:3, 116:9, 116:13 purple [1] - 23:23 purpose [1] - 6:20 pushing [2] - 55:10, 92:16 put [21] - 31:4, 31:6, 46:6, 49:2, 49:4, 49:7, 59:9, 70:20, 74:14, 75:21, 80:12, 82:12, 102:4, 105:19, 106:8, 126:4, 126:10, 127:14, 127:18, 132:21 puts [1] - 127:16 putting [1] - 96:24</p>
Q				
<p>questioned [1] - 26:19 questioning [1] - 22:2 questions [22] - 12:7, 25:19, 38:3, 47:21, 52:22, 53:15, 56:3, 57:20, 67:3, 70:16, 73:7, 77:22, 77:24, 79:18, 82:14, 88:25, 93:14, 97:8, 100:1, 119:22, 124:4, 133:14 quick [10] - 42:25, 47:21, 72:21, 80:4, 97:8, 102:14, 113:21, 119:22, 120:5, 124:4 quite [3] - 27:5, 68:6,</p>				

93:1	59:13, 69:22, 78:4, 81:21, 81:23, 91:9, 91:11, 93:18, 94:17, 95:24, 97:10, 101:13, 101:16, 103:2, 105:5, 105:21, 122:20	reduction [3] - 29:25, 31:13, 104:20	required [20] - 9:15, 9:18, 15:23, 16:9, 45:6, 45:8, 45:10, 52:16, 57:17, 63:23, 63:25, 64:5, 68:9, 72:15, 76:23, 80:6, 80:10, 91:16, 99:16, 106:20	119:9, 129:5, 129:6
R		referencing [1] - 93:15	requirement [8] - 59:21, 67:16, 76:9, 76:23, 87:11, 89:14, 99:14, 99:24	roofed [1] - 63:19
rain [1] - 117:13	reason [9] - 20:8, 22:1, 46:15, 62:24, 65:15, 86:14, 86:18, 117:11, 126:1	referring [1] - 83:24	requirements [3] - 6:16, 56:9, 58:16	roofline [6] - 65:16, 65:17, 71:1, 71:5, 73:9, 73:11
raise [7] - 10:5, 11:12, 45:16, 64:18, 66:9, 92:9, 115:2	reasonable [2] - 18:14, 28:10	regard [3] - 48:21, 49:17, 130:12	requires [5] - 15:18, 49:25, 50:3, 72:2, 94:1	roofs [2] - 36:24, 133:6
raised [1] - 71:15	reasoning [4] - 37:23, 56:6, 95:6, 125:19	regarding [1] - 12:7	research [1] - 128:13	room [30] - 10:21, 17:11, 17:15, 17:20, 18:17, 33:12, 36:17, 50:15, 50:18, 78:3, 78:4, 78:5, 83:7, 86:5, 91:10, 93:20, 95:21, 95:24, 97:11, 97:15, 97:18, 98:13, 103:22, 103:24, 103:25, 106:6, 106:7, 106:9, 125:24
raises [1] - 128:4	REBECCA [3] - 4:15, 4:19, 64:19	regardless [1] - 127:1	Residential [2] - 85:4, 85:12	room/mudroom [1] - 95:21
raising [4] - 71:9, 71:11, 71:12, 71:18	Rebecca [3] - 63:15, 64:9, 64:13	regulate [1] - 129:15	residential [1] - 11:24	rooms [5] - 17:16, 28:9, 28:10, 65:10, 85:23
ranch [3] - 26:17, 27:8, 27:23	rebuild [1] - 72:8	Reisen [1] - 8:1	resolution [9] - 8:6, 8:7, 8:10, 8:14, 8:16, 9:2, 61:19, 62:19, 62:22	Roselle [1] - 66:8
ranch-type [1] - 27:8	rebuilding [1] - 71:18	REISEN [1] - 2:13	RESOLUTIONS [1] - 3:6	round [1] - 116:25
ranches [1] - 30:24	recalculated [1] - 18:20	relate [1] - 84:12	resolutions [1] - 8:5	RS-12 [2] - 94:22, 95:12
rate [1] - 31:9	received [3] - 10:24, 46:10, 57:19	relates [2] - 84:14, 95:9	respect [8] - 11:19, 33:1, 49:14, 51:19, 57:10, 77:9, 82:19	run [2] - 42:10, 93:12
RAZIN [44] - 2:16, 6:22, 12:14, 12:18, 12:23, 13:6, 13:10, 13:13, 13:16, 13:25, 14:2, 14:6, 14:14, 14:19, 40:7, 40:17, 40:21, 41:5, 41:10, 41:17, 41:22, 42:6, 42:12, 42:20, 43:3, 59:20, 60:8, 62:11, 62:18, 63:5, 68:24, 75:13, 84:14, 85:8, 87:2, 87:20, 87:25, 89:3, 113:15, 114:5, 129:12, 129:23, 130:4, 130:17	recent [1] - 23:3	relief [3] - 28:12, 59:9, 110:11	rest [8] - 27:19, 46:13, 54:5, 56:15, 56:20, 83:1, 86:3, 122:18	
Razin [2] - 6:18, 7:9	recently [2] - 66:25, 119:7	relocate [2] - 56:7, 56:8	restate [1] - 116:5	S
RE [1] - 1:4	recited [1] - 6:5	relocated [3] - 48:15, 57:11, 58:14	restrictions [1] - 116:3	safer [2] - 16:20, 17:13
re [1] - 23:3	recognize [4] - 12:8, 31:23, 67:4, 117:2	remain [9] - 38:17, 52:25, 53:11, 57:12, 65:24, 68:15, 68:20, 73:11, 89:7	result [1] - 94:16	safety [1] - 17:25
re-dos [1] - 23:3	recognizes [1] - 66:18	remaining [2] - 15:10, 22:18	reviewed [1] - 51:5	sake [1] - 80:7
reading [1] - 87:25	recommend [2] - 62:4, 133:13	remains [6] - 27:11, 40:13, 40:15, 90:3, 127:2, 133:17	ride [1] - 65:5	SAMMET [101] - 2:10, 7:11, 7:14, 7:16, 7:18, 7:20, 7:22, 7:25, 8:9, 8:21, 8:23, 8:25, 14:25, 16:5, 22:13, 31:10, 39:4, 39:14, 42:15, 44:11, 44:14, 44:16, 44:18, 44:20, 44:22, 49:17, 49:19, 50:8, 50:19, 51:3, 59:3, 59:7, 59:16, 59:23, 60:5, 60:10, 60:13, 60:23, 61:1, 61:3, 61:5, 61:7, 61:9, 61:16, 62:4, 69:1, 72:4, 72:16, 75:3, 75:17, 76:2, 76:5, 76:14, 76:19, 84:19, 85:3, 85:12, 87:13, 87:15, 87:17, 89:13, 90:7, 90:9, 90:11, 90:13, 90:15, 90:17, 90:19, 99:15, 104:3, 104:22, 105:4, 105:14, 105:18,
ready [2] - 53:13, 112:5	recommendation [1] - 111:1	remake [1] - 42:25	ridge [6] - 29:13, 29:15, 29:17, 30:5, 33:4, 38:18	
real [5] - 58:2, 59:22, 60:16, 131:14, 131:15	reconfigure [1] - 103:4	remember [1] - 120:1	ridgeline [1] - 33:5	
realize [2] - 75:25, 128:12	reconfigured [1] - 83:7	remind [1] - 114:4	right-hand [2] - 68:17, 69:11	
really [30] - 10:22, 11:2, 17:9, 17:18, 18:6, 18:20, 24:14, 29:3, 30:16, 34:24, 35:8, 37:18, 53:25, 59:25, 70:25, 84:11, 87:16, 92:16, 92:25, 95:22, 102:3, 102:11, 103:10, 110:4, 116:23, 117:16, 117:17, 118:19, 129:1, 132:3	record [19] - 10:1, 11:8, 26:7, 44:12, 45:13, 53:19, 64:12, 66:6, 67:14, 79:23, 85:21, 89:9, 92:5, 113:9, 114:2, 114:22, 122:18, 130:7, 132:17	Remodelers [2] - 124:7, 127:8	risk [2] - 62:1, 62:12	
rear [24] - 19:10, 48:17, 50:20, 50:23, 51:8, 56:10, 58:19,	recreating [1] - 18:2	removal [1] - 76:6	road [1] - 119:3	
	rectangle [1] - 116:18	remove [2] - 75:22, 98:12	Road [1] - 8:8	
	rectified [1] - 48:10	removed [4] - 75:7, 94:20, 120:24, 121:4	ROAD [1] - 3:7	
	redesign [1] - 106:22	render [1] - 103:19	Robert [1] - 93:10	
	redo [1] - 24:10	rendering [1] - 119:13	Rockaway [1] - 67:1	
	reduce [4] - 33:25, 39:5, 39:8, 75:9	renovation [3] - 82:9, 92:18, 95:23	ROLL [1] - 3:4	
	reduced [2] - 44:4, 75:5	renovations [1] - 97:4	roll [4] - 7:9, 8:20, 60:22, 90:6	
	reduces [1] - 94:15	replace [1] - 121:14	roof [18] - 29:6, 38:2, 38:7, 38:18, 39:13, 43:25, 63:18, 65:20, 65:21, 67:12, 69:15, 96:16, 105:20, 118:7, 118:18,	
	reducing [3] - 36:17, 96:22, 103:13	report [4] - 15:25, 67:11, 73:7, 127:14		
		reporter [1] - 132:19		
		representation [1] - 118:23		
		request [3] - 18:12, 67:9, 115:18		
		requested [1] - 33:16		
		requesting [6] - 74:19, 77:21, 115:23, 116:1, 116:9, 117:11		
		require [1] - 67:23		

<p>105:24, 107:9, 107:13, 107:20, 108:7, 108:14, 109:25, 112:17, 114:6, 120:13, 124:18, 125:2, 126:12, 126:15, 126:20, 127:5, 127:14, 128:21, 129:8, 129:14, 130:1, 133:23, 134:1, 134:3, 134:5, 134:7, 134:9</p> <p>Sammet [3] - 7:9, 60:22, 67:10</p> <p>sammet [2] - 8:20, 44:10</p> <p>SAMUEL [1] - 2:13</p> <p>saw [1] - 129:22</p> <p>scale [2] - 29:14, 97:4</p> <p>scheduled [1] - 6:7</p> <p>School [1] - 92:23</p> <p>school [7] - 10:13, 15:6, 15:7, 24:12, 24:13, 65:5, 65:6</p> <p>schools [2] - 115:15, 117:21</p> <p>screened [2] - 94:16, 94:20</p> <p>screening [1] - 53:7</p> <p>screens [3] - 53:8, 53:9</p> <p>screw [1] - 38:14</p> <p>season [1] - 65:19</p> <p>second [46] - 8:13, 8:17, 8:18, 9:11, 16:15, 26:18, 27:6, 28:24, 34:25, 36:3, 36:15, 40:11, 40:12, 44:7, 44:8, 60:19, 60:20, 60:21, 63:17, 67:18, 68:14, 78:17, 78:20, 80:13, 83:2, 83:3, 83:6, 83:14, 83:15, 83:16, 83:25, 84:5, 85:18, 90:4, 91:11, 93:16, 93:21, 93:25, 94:10, 98:7, 98:16, 98:21, 107:18, 133:19, 133:20, 134:16</p> <p>Second [1] - 97:9</p> <p>SECOND [1] - 2:13</p> <p>second-and-a-half [1] - 28:24</p> <p>second-floor [8] - 27:6, 83:2, 83:15, 83:25, 91:11, 93:25, 94:10, 98:21</p> <p>seconded [5] - 8:19,</p>	<p>41:19, 44:9, 90:5, 133:21</p> <p>section [4] - 32:19, 45:5, 63:22, 91:15</p> <p>Section [10] - 9:14, 9:16, 45:7, 45:9, 63:25, 64:1, 64:4, 91:18, 91:21, 114:14</p> <p>sections [4] - 29:9, 63:21, 91:14, 114:13</p> <p>see [45] - 15:21, 22:17, 22:19, 22:23, 23:4, 23:7, 24:2, 27:3, 28:20, 28:22, 35:20, 36:23, 37:1, 37:2, 37:5, 43:11, 49:14, 55:16, 55:19, 60:11, 69:22, 70:2, 71:1, 71:3, 77:1, 77:15, 78:18, 81:25, 82:1, 82:4, 83:1, 98:3, 98:21, 98:23, 99:7, 104:14, 107:21, 113:9, 113:10, 116:2, 121:17, 123:19, 125:1, 131:5, 131:14</p> <p>seeing [14] - 12:8, 26:7, 29:9, 53:19, 58:6, 67:4, 79:19, 79:23, 80:7, 89:19, 132:18, 133:5, 133:6, 133:14</p> <p>seeking [5] - 9:11, 45:3, 63:16, 91:8, 114:10</p> <p>seem [1] - 23:2</p> <p>seems.. [1] - 35:4</p> <p>sell [1] - 24:10</p> <p>sense [4] - 96:5, 129:6, 129:11, 131:4</p> <p>sent [1] - 119:8</p> <p>September [1] - 1:11</p> <p>set [4] - 23:1, 55:20, 86:24, 120:14</p> <p>setback [41] - 9:15, 9:17, 15:23, 16:13, 16:18, 16:19, 18:9, 22:21, 28:22, 34:15, 34:19, 45:6, 45:8, 47:1, 47:3, 48:16, 54:14, 56:9, 63:23, 63:25, 67:10, 67:12, 67:15, 67:19, 68:9, 69:24, 71:22, 71:23, 76:12, 76:15, 76:22, 76:24, 77:8, 77:13, 77:20, 91:16, 94:6, 94:9, 94:11, 94:24, 99:24</p>	<p>setbacks [7] - 20:5, 22:24, 24:4, 24:7, 68:12, 94:3, 95:10</p> <p>sets [2] - 10:15, 87:1</p> <p>setting [1] - 37:3</p> <p>seven [1] - 116:22</p> <p>several [2] - 15:15, 110:24</p> <p>shade [1] - 124:20</p> <p>shadow [1] - 70:3</p> <p>shadows [1] - 28:19</p> <p>shaking [1] - 49:15</p> <p>shape [1] - 116:18</p> <p>shaped [5] - 123:2, 123:3, 123:11, 123:23, 131:23</p> <p>shared [1] - 101:18</p> <p>shed [18] - 48:4, 48:14, 56:8, 57:11, 58:15, 61:14, 62:3, 69:15, 75:11, 75:14, 75:15, 75:17, 75:22, 76:2, 76:6, 79:10, 127:18</p> <p>sheds [1] - 79:15</p> <p>sheet [7] - 13:2, 13:15, 13:16, 19:9, 19:16, 23:23, 44:12</p> <p>SHEET [6] - 3:21, 3:22, 4:22, 13:4, 13:20, 69:3</p> <p>Sheet [4] - 13:17, 29:11, 68:25</p> <p>sheets [1] - 119:8</p> <p>shore [1] - 125:5</p> <p>short [1] - 69:10</p> <p>shot [1] - 123:1</p> <p>shots [1] - 23:12</p> <p>shoveling [1] - 15:6</p> <p>show [5] - 23:22, 49:1, 73:8, 98:19, 121:11</p> <p>showed [1] - 51:7</p> <p>showing [3] - 70:10, 70:23, 118:18</p> <p>shown [3] - 56:16, 103:12, 107:20</p> <p>shows [7] - 69:21, 78:3, 85:17, 85:24, 101:2, 118:16, 122:20</p> <p>shrinking [1] - 103:24</p> <p>shrubs [2] - 120:24, 121:4</p> <p>shutters [1] - 96:19</p> <p>shy [1] - 27:1</p> <p>side [74] - 9:15, 9:17, 15:16, 15:18, 15:22, 18:7, 18:9, 25:4, 25:5, 28:12, 28:21, 37:17, 37:24, 45:8,</p>	<p>47:3, 48:17, 50:16, 50:18, 50:19, 50:23, 51:7, 51:22, 56:10, 63:22, 68:9, 68:10, 68:11, 68:17, 69:4, 69:12, 69:24, 71:22, 71:23, 71:25, 79:1, 91:12, 91:15, 91:16, 91:18, 93:18, 93:22, 94:2, 94:4, 94:8, 94:9, 94:17, 94:24, 95:3, 95:10, 95:12, 95:19, 95:20, 96:2, 96:5, 96:8, 96:10, 96:16, 99:13, 99:16, 99:24, 101:25, 102:8, 102:9, 102:11, 106:14, 106:15, 109:10, 109:13, 117:18, 118:5, 121:25, 133:24</p> <p>sided [1] - 53:10</p> <p>sides [25] - 27:11, 27:25, 28:3, 28:4, 34:17, 37:13, 38:11, 38:17, 40:14, 43:10, 44:5, 53:15, 57:12, 58:23, 60:17, 64:3, 89:7, 89:23, 90:3, 94:3, 118:5, 118:10, 132:24, 133:7, 133:18</p> <p>sidewalk [5] - 88:13, 120:21, 122:2, 122:4, 122:14</p> <p>siding [1] - 19:25</p> <p>sight [1] - 35:3</p> <p>signatures [1] - 130:6</p> <p>signed [2] - 117:22, 130:12</p> <p>similar [6] - 27:6, 54:3, 58:4, 77:4, 117:20, 124:4</p> <p>similar-aged [1] - 117:20</p> <p>similar-type [1] - 27:6</p> <p>simple [1] - 75:1</p> <p>simply [2] - 10:21, 43:4</p> <p>single [2] - 75:24, 87:11</p> <p>single-car [1] - 75:24</p> <p>single-family [1] - 87:11</p> <p>site [3] - 16:12, 84:23, 95:9</p> <p>Site [2] - 85:4, 85:13</p> <p>sitting [1] - 65:19</p> <p>situation [4] - 84:20,</p>	<p>103:21, 111:21, 128:17</p> <p>six [3] - 10:21, 17:19, 46:16</p> <p>sixth [1] - 10:14</p> <p>sizable [1] - 16:5</p> <p>sizably [1] - 116:16</p> <p>size [2] - 28:9, 96:23</p> <p>sized [2] - 65:11, 117:3</p> <p>sizes [1] - 94:23</p> <p>SK-1 [1] - 96:4</p> <p>sketch [3] - 52:7, 52:18, 54:7</p> <p>sketches [2] - 57:19, 58:12</p> <p>slats [3] - 118:17, 118:19, 119:1</p> <p>sliding [1] - 122:21</p> <p>slightly [3] - 23:24, 72:18, 104:3</p> <p>slope [1] - 37:12</p> <p>sloped [2] - 37:7, 39:13</p> <p>slopes [1] - 38:2</p> <p>sloping [1] - 36:25</p> <p>slots [1] - 119:19</p> <p>small [11] - 15:9, 17:9, 17:14, 28:14, 45:3, 48:2, 55:4, 65:12, 72:24, 81:25, 93:19</p> <p>smaller [5] - 23:25, 27:7, 46:5, 131:10, 132:1</p> <p>smooching [1] - 34:11</p> <p>snow [2] - 65:18, 65:19</p> <p>so.. [3] - 34:5, 41:25, 119:20</p> <p>solution [5] - 104:14, 109:21, 110:2, 110:7, 117:1</p> <p>solve [1] - 109:6</p> <p>solves [1] - 108:19</p> <p>someone [6] - 40:9, 62:1, 62:13, 63:3, 131:1, 133:2</p> <p>somewhat [1] - 94:21</p> <p>SONTZ [29] - 2:6, 7:24, 38:5, 39:19, 41:14, 41:20, 42:3, 42:10, 43:20, 44:23, 61:4, 81:9, 86:8, 87:10, 87:14, 87:16, 87:18, 90:4, 90:12, 120:6, 127:10, 127:21, 128:2, 128:24, 132:8, 133:2, 133:16, 134:6, 134:16</p>
--	--	---	--	---

<p>sontz [6] - 7:23, 44:22, 61:3, 90:6, 90:11, 134:5</p> <p>soon [3] - 62:19, 62:22, 127:23</p> <p>sorry [12] - 29:16, 36:7, 39:7, 53:1, 54:22, 60:8, 78:6, 100:7, 100:20, 105:6, 108:1, 130:4</p> <p>sort [8] - 34:4, 69:19, 96:7, 97:2, 103:14, 116:22, 125:23, 126:1</p> <p>space [21] - 10:22, 11:4, 21:18, 32:11, 32:12, 46:12, 47:9, 65:15, 69:20, 84:15, 84:17, 84:24, 85:22, 86:2, 93:7, 96:25, 116:24, 117:1, 118:2, 125:23, 127:23</p> <p>spaces [4] - 25:9, 49:10, 85:1, 85:19</p> <p>spans [1] - 123:9</p> <p>special [2] - 6:7, 92:15</p> <p>SPECIAL [1] - 1:5</p> <p>specific [1] - 127:9</p> <p>play [1] - 37:1</p> <p>sports [1] - 115:16</p> <p>Springfield [2] - 11:11, 12:1</p> <p>square [5] - 18:19, 39:15, 84:4, 106:6, 116:18</p> <p>square-rectangle [1] - 116:18</p> <p>squat [1] - 128:11</p> <p>squished [1] - 31:22</p> <p>ST-1 [3] - 3:21, 13:2, 13:4</p> <p>stair [2] - 18:3, 18:22</p> <p>stairs [2] - 54:18, 54:21</p> <p>stand [1] - 15:21</p> <p>standard [3] - 15:20, 27:12, 86:10</p> <p>Standards [2] - 85:4, 85:13</p> <p>Standash [1] - 101:13</p> <p>standing [1] - 66:24</p> <p>standpoint [2] - 28:18, 82:20</p> <p>stands [4] - 94:11, 101:17, 112:22, 113:22</p> <p>Star [1] - 6:14</p> <p>staring [3] - 101:3, 110:12, 110:13</p>	<p>start [5] - 12:13, 61:14, 63:2, 116:10, 133:23</p> <p>starter [3] - 30:18, 30:22, 31:8</p> <p>starter-home [2] - 30:18, 30:22</p> <p>starting [1] - 12:13</p> <p>starts [1] - 61:24</p> <p>state [10] - 10:1, 11:8, 26:6, 45:12, 53:18, 64:11, 66:5, 79:22, 92:4, 114:22</p> <p>State [2] - 124:21, 125:1</p> <p>statement [5] - 6:19, 119:17, 131:1, 131:2</p> <p>STATEMENT [1] - 3:3</p> <p>statements [1] - 53:21</p> <p>stating [1] - 52:14</p> <p>stay [6] - 10:19, 10:22, 11:2, 24:12, 47:16, 65:7</p> <p>staying [1] - 115:16</p> <p>stem [1] - 15:14</p> <p>step [1] - 11:7</p> <p>stepped [1] - 35:20</p> <p>steps [6] - 54:10, 54:24, 105:3, 105:4, 122:22</p> <p>sticker [1] - 32:17</p> <p>still [11] - 17:1, 33:13, 42:4, 50:11, 62:25, 79:13, 83:8, 86:5, 111:14, 118:1, 129:9</p> <p>stipulation [2] - 40:11, 40:13</p> <p>stock [3] - 30:18, 30:19, 30:23</p> <p>stone [2] - 16:23, 19:22</p> <p>stoop [6] - 27:11, 54:8, 63:20, 67:13, 67:14, 104:2</p> <p>stop [1] - 118:12</p> <p>storage [1] - 127:18</p> <p>store [1] - 122:11</p> <p>stories [11] - 15:13, 18:16, 19:2, 19:8, 22:13, 22:25, 23:8, 24:3, 28:8, 29:1, 32:11</p> <p>story [8] - 19:23, 20:9, 22:9, 28:23, 28:24, 70:10, 70:19, 94:7</p> <p>straight [1] - 94:7</p> <p>strange [1] - 86:9</p> <p>straw [2] - 42:13, 42:25</p> <p>Street [1] - 1:12</p>	<p>street [26] - 9:15, 22:22, 24:22, 24:23, 32:10, 46:18, 46:22, 49:7, 54:2, 54:5, 54:15, 68:5, 68:7, 76:12, 77:19, 79:1, 79:14, 80:14, 80:21, 82:4, 84:25, 117:19, 117:24, 121:12, 121:24, 131:5</p> <p>strict [3] - 52:18, 57:18, 58:13</p> <p>strictly [3] - 17:4, 20:4, 20:18</p> <p>strike [1] - 60:6</p> <p>Strike [1] - 60:15</p> <p>structure [8] - 33:7, 49:24, 76:25, 118:25, 129:12, 129:13, 129:20, 129:21</p> <p>structures [3] - 114:15, 115:20, 126:25</p> <p>style [2] - 93:5, 100:11</p> <p>subject [3] - 43:9, 62:15, 133:17</p> <p>submit [1] - 70:13</p> <p>submitted [14] - 12:12, 14:18, 27:3, 32:8, 38:21, 40:19, 41:1, 41:15, 43:6, 51:24, 52:17, 57:16, 89:2, 119:23</p> <p>substantial [3] - 57:23, 103:5, 118:1</p> <p>substantially [2] - 7:5, 42:11</p> <p>sudden [1] - 84:24</p> <p>sufficient [1] - 25:10</p> <p>suggest [1] - 111:8</p> <p>suggestion [2] - 110:7, 112:4</p> <p>suit [1] - 17:18</p> <p>summer [1] - 65:23</p> <p>Summit [6] - 12:2, 15:18, 15:20, 22:19, 23:1, 25:7</p> <p>Sumner [1] - 66:8</p> <p>sun [3] - 28:20, 116:23, 125:20</p> <p>super [1] - 125:4</p> <p>supply [1] - 74:13</p> <p>support [11] - 10:25, 28:25, 38:20, 38:22, 40:25, 41:8, 43:5, 110:16, 112:18, 117:22, 131:20</p> <p>suppose [1] - 55:9</p> <p>surprise [1] - 48:8</p>	<p>surrounding [2] - 31:21, 97:5</p> <p>survey [3] - 47:5, 48:4, 48:8</p> <p>swapping [1] - 84:8</p> <p>swear [1] - 32:16</p> <p>sworn [7] - 10:7, 11:15, 45:19, 64:20, 66:11, 92:11, 115:5</p> <p>system [2] - 10:13, 65:25</p>	<p>third [21] - 18:16, 18:18, 21:14, 21:23, 22:3, 22:7, 26:20, 26:25, 30:3, 32:12, 36:3, 36:4, 36:21, 36:23, 65:1, 73:9, 73:10, 73:19, 84:2, 84:10, 116:12</p> <p>third-floor [3] - 21:23, 73:9, 73:10</p> <p>three [30] - 8:9, 20:14, 25:13, 27:11, 28:3, 38:11, 53:5, 53:10, 53:14, 57:12, 58:23, 68:3, 85:14, 85:17, 85:24, 86:1, 87:3, 87:4, 87:21, 87:23, 88:11, 89:7, 89:23, 90:3, 99:10, 100:17, 115:11, 116:22, 132:24, 133:17</p> <p>three-sided [1] - 53:10</p> <p>throughout [2] - 38:1, 59:13</p> <p>tight [1] - 36:20</p> <p>tightly [1] - 131:5</p> <p>tightly-knit [1] - 131:5</p> <p>TO [7] - 3:24, 4:11, 4:23, 5:9, 5:10, 5:20</p> <p>today [2] - 77:22, 83:20</p> <p>ton [2] - 92:25, 125:24</p> <p>tonight [4] - 110:17, 111:23, 112:25, 115:11</p> <p>took [1] - 48:8</p> <p>top [12] - 28:23, 34:11, 35:1, 65:20, 71:21, 72:11, 78:3, 85:15, 100:17, 119:10, 129:24, 132:24</p> <p>total [2] - 72:23</p> <p>totally [2] - 28:24, 48:24</p> <p>touch [1] - 67:19</p> <p>touched [1] - 80:3</p> <p>towards [3] - 105:20, 126:21, 126:24</p> <p>TOWN [2] - 1:1, 2:10</p> <p>town [11] - 6:13, 6:15, 23:8, 43:21, 47:12, 48:3, 48:15, 117:6, 117:17, 122:16, 127:9</p> <p>Town [3] - 6:8, 6:15, 47:8</p> <p>town's [1] - 10:13</p> <p>towns [2] - 12:5, 127:7</p> <p>trade [1] - 128:1</p> <p>trading [1] - 84:8</p>
T				
<p>table [5] - 55:4, 73:2, 73:5, 116:2, 126:4</p> <p>taller [1] - 80:18</p> <p>tax [2] - 14:17, 23:13</p> <p>TAX [2] - 3:23, 14:23</p> <p>tear [2] - 31:3</p> <p>tear-downs [2] - 31:3</p> <p>technically [6] - 22:8, 59:24, 62:7, 62:11, 72:17, 101:11</p> <p>Technology [1] - 11:22</p> <p>television [1] - 125:7</p> <p>term [1] - 59:22</p> <p>terms [3] - 76:20, 130:11, 130:14</p> <p>test [3] - 76:8, 76:10, 125:25</p> <p>testified [14] - 10:7, 11:15, 11:25, 22:1, 36:8, 45:19, 64:21, 66:12, 81:6, 88:7, 88:16, 88:19, 92:11, 115:5</p> <p>testify [2] - 112:6, 130:8</p> <p>testimony [2] - 34:21, 130:14</p> <p>texture [2] - 16:24, 19:22</p> <p>that's.. [1] - 109:17</p> <p>that.. [2] - 23:13, 37:15</p> <p>THE [1] - 3:3</p> <p>the.. [1] - 104:24</p> <p>theoretically [1] - 101:25</p> <p>there're [5] - 25:8, 49:4, 67:7, 105:3, 118:17</p> <p>thereof [1] - 74:21</p> <p>they've [4] - 63:6, 77:5, 108:15, 120:24</p> <p>thinking [2] - 59:15, 111:17</p> <p>thinks [1] - 35:17</p>				

<p>traditional [1] - 70:8 TRANSCRIPT [1] - 1:9 traveling [1] - 93:11 treatment [1] - 100:4 tree [1] - 116:20 trees [1] - 79:7 trellis [1] - 25:23 triangle [2] - 69:5, 70:1 trigger [2] - 59:15, 60:2 triggers [1] - 59:8 troubled [2] - 100:18, 100:21 try [1] - 34:4 trying [8] - 34:15, 53:24, 53:25, 80:20, 89:17, 101:14, 123:17, 129:15 turn [2] - 79:15, 82:16 turned [2] - 30:17, 115:18 twin [1] - 46:16 two [60] - 8:13, 14:17, 15:13, 18:8, 18:16, 22:25, 23:8, 23:12, 24:3, 24:20, 25:9, 25:11, 25:12, 27:25, 28:3, 28:8, 28:25, 36:24, 38:9, 38:11, 38:17, 38:23, 40:8, 40:13, 43:10, 44:5, 44:25, 50:1, 55:3, 65:9, 67:23, 70:19, 73:12, 75:1, 77:8, 81:13, 82:10, 82:11, 83:25, 84:1, 85:18, 86:3, 87:20, 87:23, 88:2, 88:6, 92:22, 94:2, 105:3, 105:4, 110:5, 110:25, 111:6, 115:13, 115:18, 116:12, 117:17, 121:1, 122:22, 123:7 two-car [3] - 24:20, 50:1, 75:1 two-story [1] - 70:19 type [11] - 7:1, 7:2, 27:6, 27:8, 46:20, 77:4, 95:15, 102:2, 104:25, 105:9, 105:15 types [2] - 119:6, 124:8 typical [1] - 127:21 typically [1] - 82:3</p>	<p style="text-align: center;">U</p> <p>unable [2] - 103:20, 127:17 unknownst [1] - 47:4 unchanged [3] - 63:24, 64:4, 68:13 uncommon [1] - 128:16 uncovered [1] - 125:21 under [20] - 10:14, 11:3, 16:1, 16:8, 18:22, 30:5, 39:19, 39:21, 39:24, 39:25, 86:6, 101:1, 104:12, 116:22, 125:24, 126:5, 126:19, 131:8, 131:13, 131:20 underneath [1] - 122:10 undersized [8] - 15:17, 17:9, 18:12, 23:24, 28:16, 94:21, 95:11 understood [1] - 37:19 unfamiliar [1] - 87:18 uniform [1] - 100:14 unless [4] - 38:3, 49:20, 83:8, 102:2 unnumbered [1] - 120:13 UP [2] - 3:21, 13:4 up [78] - 11:7, 12:11, 12:15, 13:1, 13:11, 14:11, 15:12, 17:5, 17:12, 17:16, 17:23, 18:13, 18:21, 19:25, 20:1, 20:4, 20:8, 20:9, 22:20, 22:24, 26:11, 28:8, 28:11, 28:21, 28:25, 29:7, 29:21, 31:17, 32:12, 32:23, 33:14, 36:11, 36:12, 36:14, 37:2, 38:14, 47:9, 50:23, 53:25, 54:14, 54:17, 54:20, 55:9, 56:4, 56:14, 66:1, 68:7, 68:21, 69:6, 69:9, 69:13, 69:20, 71:25, 73:15, 77:7, 80:1, 80:5, 80:9, 83:22, 85:5, 85:7, 85:19, 87:9, 96:20, 99:8, 101:15, 103:18, 104:24, 107:9,</p>	<p>107:13, 107:23, 110:10, 115:24, 125:4, 126:1, 129:18, 131:18 updated [1] - 92:25 upstairs [5] - 10:18, 18:1, 18:2, 65:10, 65:24 upwards [1] - 78:16 usable [3] - 24:15, 54:25, 84:15 use-type [1] - 7:1 usual [2] - 27:10, 57:11 utilize [3] - 69:17, 116:25, 117:4</p> <p style="text-align: center;">V</p> <p>variance [27] - 6:25, 7:5, 28:17, 31:24, 34:19, 46:10, 47:7, 47:15, 59:9, 60:3, 68:8, 68:15, 72:15, 76:23, 83:3, 84:20, 94:2, 95:7, 96:14, 99:13, 106:9, 109:12, 115:19, 116:2, 116:7, 116:9, 118:12 variances [13] - 6:21, 6:23, 7:1, 7:2, 34:8, 45:25, 46:5, 67:8, 67:23, 73:2, 74:19, 84:13, 89:4 vehicle [1] - 101:9 vehicles [3] - 24:18, 24:20, 25:13 vents [1] - 119:11 venture [2] - 31:10, 88:10 versus [3] - 83:3, 83:15, 117:9 VICE [1] - 2:3 Vice [2] - 7:18, 90:13 vice [3] - 44:18, 61:5, 134:3 Vice-chair [2] - 7:18, 90:13 vice-chair [3] - 44:18, 61:5, 134:3 VICE-CHAIRMAN [1] - 2:3 vicinity [2] - 31:21, 124:10 view [3] - 19:21, 23:7, 30:10 Virginia [1] - 46:18 visibility [1] - 118:8 visible [1] - 118:9</p>	<p>visits [1] - 132:4 visual [1] - 69:11 visually [1] - 69:13 voiced [1] - 10:25 volunteered [1] - 115:15 vote [8] - 38:5, 38:6, 40:18, 40:19, 44:11, 86:25, 111:23, 112:25 voting [1] - 86:21</p> <p style="text-align: center;">W</p> <p>waiting [1] - 17:19 walk [9] - 17:24, 65:5, 84:1, 84:7, 84:9, 97:9, 98:14, 98:16, 104:23 walk-in [6] - 84:1, 84:7, 84:9, 97:9, 98:14, 98:16 walkway [1] - 122:8 wall [47] - 29:9, 67:16, 68:14, 68:16, 68:18, 68:19, 68:20, 69:6, 69:8, 69:12, 69:25, 70:16, 71:8, 72:17, 72:19, 72:23, 78:14, 78:16, 91:22, 95:2, 95:18, 96:10, 96:18, 96:20, 98:7, 98:22, 99:12, 100:18, 100:21, 100:24, 101:4, 102:15, 102:18, 103:16, 103:19, 104:24, 105:5, 106:7, 106:19, 107:10, 107:14, 107:15, 108:5, 108:20, 109:5, 110:9, 111:14 walls [1] - 110:13 wants [3] - 43:19, 130:24, 133:2 Warren [1] - 12:3 watch [1] - 46:25 watching [3] - 46:23, 125:7, 125:8 ways [1] - 121:11 weather [1] - 117:13 Wednesday [1] - 114:4 weekend [1] - 125:6 weeks [1] - 116:12 weight [2] - 65:20, 130:11 weird [1] - 55:13 welcome [2] - 9:25, 113:7</p>	<p>WELLS [1] - 2:16 west [7] - 91:12, 91:16, 91:17, 93:22, 94:8, 94:17, 95:25 west-rear [1] - 94:17 WESTFIELD [1] - 1:1 Westfield [21] - 1:13, 6:8, 6:14, 6:16, 9:13, 10:12, 12:2, 45:4, 45:23, 47:8, 47:11, 63:21, 64:25, 91:14, 92:19, 93:8, 114:13, 114:24, 115:17, 116:11, 126:21 while. [1] - 85:7 whole [2] - 59:13, 100:15 width [10] - 16:3, 16:4, 34:22, 35:20, 35:21, 36:16, 36:18, 94:23, 103:13, 103:24 wife [6] - 10:11, 45:22, 49:6, 52:11, 92:19, 115:11 wiggle [1] - 36:17 willing [2] - 35:15 window [16] - 51:24, 52:3, 96:7, 99:11, 99:15, 100:3, 107:5, 107:18, 107:22, 107:23, 108:4, 108:18, 108:23, 109:12, 109:19 window's [1] - 109:22 windows [6] - 55:17, 96:19, 100:5, 100:9, 100:11, 100:12 wise [2] - 30:7, 50:10 wishes [1] - 113:10 WITH [4] - 3:25, 4:12, 4:24, 5:21 withdraw [2] - 42:13, 42:23 withdrawn [1] - 9:4 WITHDRAWN [1] - 3:11 WITNESS [5] - 3:17, 4:6, 4:17, 5:5, 5:15 wondering [2] - 78:21, 109:6 word [2] - 51:17 words [1] - 14:15 workable [1] - 37:20 works [2] - 61:18, 65:21 world [1] - 109:20 worse [1] - 101:21 written [1] - 129:7 wrote [2] - 14:6, 58:9 WYCHWOOD [1] - 3:7</p>
--	---	--	---	--

Wychwood ^[1] - 8:8

Y

yard ^[39] - 9:15, 9:17,
28:12, 28:21, 45:5,
45:8, 46:24, 47:3,
49:14, 49:21, 50:21,
50:23, 51:8, 54:13,
63:22, 63:25, 64:3,
67:10, 67:12, 67:15,
67:19, 68:9, 69:24,
71:22, 71:23, 76:24,
77:12, 91:15, 94:3,
94:24, 99:13, 99:16,
99:24, 101:21,
102:1, 106:14,
123:21, 127:19,
131:18

yards ^[3] - 15:16,
95:11, 95:12

year ^[6] - 11:18, 11:25,
24:10, 66:14, 67:1,
116:25

year-round ^[1] -
116:25

years ^[11] - 10:12,
12:1, 15:12, 30:25,
31:8, 64:25, 66:23,
92:20, 96:13,
115:13, 117:17

young ^[3] - 15:5, 93:2,
115:12

youngest ^[1] - 115:17
yup ^[1] - 47:18

Z

ZBA ^[11] - 3:14, 4:4,
4:15, 5:2, 5:13, 8:7,
9:9, 45:1, 63:15,
91:7, 114:9

zone ^[2] - 50:2, 94:22

Zoning ^[2] - 6:23,
45:24

zoning ^[6] - 6:24, 7:7,
19:2, 64:2, 105:25,
116:2