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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Wednesday, October 12, 2022

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

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

MATT SONTZ, MEMBER

6

CAROL MOLNAR, MEMBER

7

8

- - -

9

DON SAMMET, TOWN PLANNER

10

JENNY MANCE, ZONING OFFICIAL

11

A B S E N T:

12

ALLYSON HROBLAK, MEMBER

13

ELDY PAVON, MEMBER

14

CHARLES GELINAS, FIRST ALTERNATE

15

SAMUEL REISEN, SECOND ALTERNATE

16

17

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

18

19

WELLS, JAWORSKI & LIEBMAN, LLP

20

BY: KATHRYN J. RAZIN, ESQ.

21

Attorney for the BOARD

22

23

24

25

1	- - -	
2	I N D E X	
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4	STATEMENT BY THE CHAIRMAN	5
5	ROLL CALL	6
6	APPROVAL OF MINUTES: SEPTEMBER 12, 2022	7
7	ADOPTION OF RESOLUTIONS:	
8	308 HYSLIP AVENUE	8
9	732 TAMAQUES WAY	9
10	110 HAMILTON AVENUE	9
11	322 PARK STREET	10
12	851 CARLETON ROAD	11
13	8 DORIS PARKWAY	12
14	706 EMBREE CRESCENT	13
15	318 BELMAR PLACE	14
16	1907 GRANDVIEW AVENUE	14
17	1605 BOULEVARD	15
18	521 KIMBALL AVENUE	16

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

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18	ZBA 21-036 (CARRIED TO NOVEMBER 14, 2022) PREVIOUSLY CARRIED FROM 7/9 & 9,12)	
19	BOHDAN AND OLENA KIYKO	
20	935 CLEVELAND AVENUE BLOCK: 703, LOT: 11	17
21	ZBA 22-021 (CARRIED TO NOVEMBER 14, 2022)	
22	MAITE-QUINN RICHARDS	
23	711 AUSTIN STREET BLOCK: 2815, LOT: 27	19
24	ZBA 22-023 (CARRIED TO NOVEMBER 14, 2022)	
25	EDWARD MCGOVERN IV	
	326 BENSON PLACE BLOCK: 3408, LOT: 3	20

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ZBA 22-019 (CARRIED FROM SEPTEMBER 12, 2022)
JOSEPH AND LAUREN BENANTI
519 ALDEN AVENUE
BLOCK: 1107, LOT: 10 21

WITNESS PAGE

JOSEPH BENANTI 21
ROBERT ALGARIN 21

EXHIBIT DESCRIPTION PAGE

NONE MARKED

*MOTION TO APPROVE APPLICATION
WITH CONDITIONS 30

- - -
N E W A P P E A L S
- - -

ZBA 22-022
JOHN LAUNCHI
640 MAPLE STREET
BLOCK: 2301, LOT: 27 31

WITNESS PAGE

JOHN LAUNCHI 32
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DAVID BAILEY 33
KELSEY GRIFFIN 52

EXHIBIT DESCRIPTION PAGE

NONE MARKED

*MOTION TO APPROVE APPLICATION
WITH CONDITIONS 63

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

CHAIRMAN FUSARO: Good evening.

This is a regularly scheduled meeting of the Board of Adjustment for 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 in the town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and in 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 you 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 through the zoning ordinance. The Board can only grant a variance in accordance with the Municipal Land Use Law, and these can be D use-type

1 variances or C bulk-type variances. In all cases,
2 it's the Applicant's burden to prove his or her
3 case, and the Applicant must demonstrate that the
4 granting of the variance will create substantial
5 harm or negative impact to the public or
6 substantial impact to the intent and purpose of
7 the zoning ordinance.

8 CHAIRMAN FUSARO: Thank you. Don,
9 can you please call the roll?

10 MR. SAMMET: Mr. Cohen.

11 MR. COHEN: Here.

12 MR. SAMMET: Chair Fusaro.

13 CHAIRMAN FUSARO: Here.

14 MR. SAMMET: Ms. Hroblak is absent
15 this evening. Vice-chair Masciale.

16 MR. MASCIALE: Here.

17 MR. SAMMET: Ms. Molnar.

18 MS. MOLNAR: Here.

19 MR. SAMMET: Ms. Pavon is absent.

20 Mr. Sontz.

21 MR. SONTZ: Here.

22 MR. SAMMET: Mr. Gelinas is absent,
23 and Mr. Reisen is absent.

24 CHAIRMAN FUSARO: Thank you. Has
25 everyone had a chance to review the meeting

1 minutes from the regular meeting on September 12?

2 MR. MASCIALE: Yes.

3 CHAIRMAN FUSARO: Does anyone have
4 any questions, comments, revisions? Seeing none.
5 May I have a motion to approve the minutes?

6 MR. MASCIALE: So moved.

7 CHAIRMAN FUSARO: Second?

8 MS. MOLNAR: Second.

9 CHAIRMAN FUSARO: Ms. Molnar. Okay.
10 The motion is carried. Don, I don't think you
11 have to call the roll; right?

12 MR. SAMMET: Yeah. I'll just say
13 "all in favor" and I believe Mr. Cohen, you were
14 absent from this meeting, so you will need to
15 abstain.

16 MR. COHEN: I think that's correct;
17 yes.

18 CHAIRMAN FUSARO: Thank you. The
19 next item on our agenda is the memorialization of
20 the resolutions from the past two September
21 meetings; the meeting of September 12th, and the
22 special meeting on September 19th. Has everyone
23 had an opportunity to review the resolutions?

24 MR. MASCIALE: Yes.

25 CHAIRMAN FUSARO: Yes. Does anyone

1 have any revisions they'd like to make? Seeing
2 none. I'm going to read each resolution
3 individually, and Don, if you would be so kind as
4 to roll. I think there are a lot of them.

5 MR. SAMMET: Sure.

6 CHAIRMAN FUSARO: First resolution
7 to be approved this evening is ZBA Number 21-065,
8 Leticia Burgoon, 308 Hyslip Avenue.

9 MS. MOLNAR: So moved.

10 CHAIRMAN FUSARO: We have a motion
11 by Ms. Molnar. Second by...?

12 MR. MASCIALE: Second.

13 CHAIRMAN FUSARO: Mr. Masciale.
14 Don.

15 MR. SAMMET: Chair Fusaro.

16 CHAIRMAN FUSARO: Yes.

17 MR. SAMMET: Vice-chair Masciale.

18 MR. MASCIALE: Yes.

19 MR. SAMMET: Ms. Molnar.

20 MS. MOLNAR: Yes.

21 MR. SAMMET: Mr. Sontz.

22 MR. SONTZ: Yes.

23 MR. SAMMET: And Mr. Reisen is
24 absent.

25 CHAIRMAN FUSARO: Thank you. The

1 next application -- the next resolution is
2 Application ZBA 22-006, Kai Chung Ho at
3 732 Tamaques Way.

4 MS. MOLNAR: So moved.

5 CHAIRMAN FUSARO: Ms. Molnar.
6 Second by...?

7 MR. SONTZ: Second.

8 CHAIRMAN FUSARO: Mr. Sontz.

9 MR. SAMMET: Chair Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Vice-chair Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MR. SAMMET: Mr. Sontz.

16 MR. SONTZ: Yes.

17 MR. SAMMET: And Mr. Reisen is
18 absent.

19 CHAIRMAN FUSARO: Thank you. The
20 next resolution is Application ZBA 22-013,
21 Mark Cassidy, 110 Hamilton Avenue.

22 May I have a motion?

23 MS. MOLNAR: So moved.

24 CHAIRMAN FUSARO: Ms. Molnar.
25 Seconded...?

1 MR. SONTZ: Second.

2 CHAIRMAN FUSARO: Mr. Sontz.

3 MR. SAMMET: Chair Fusaro.

4 CHAIRMAN FUSARO: Yes.

5 MR. SAMMET: Vice-chair Masciale.

6 MR. MASCIALE: Yes.

7 MR. SAMMET: Ms. Molnar.

8 MS. MOLNAR: Yes.

9 MR. SAMMET: Mr. Sontz.

10 MR. SONTZ: Yes.

11 MR. SAMMET: And Mr. Reisen is
12 absent.

13 CHAIRMAN FUSARO: Thank you. The
14 next resolution is Application ZBA 21-059,
15 Brian O'Connor, property located at 322 Park
16 Street. May I have a motion?

17 MR. MASCIALE: So moved.

18 CHAIRMAN FUSARO: Mr. Masciale.
19 Seconded...?

20 MR. SONTZ: Second.

21 CHAIRMAN FUSARO: Mr. Sontz.

22 MS. MOLNAR: I voted "no" on this.
23 Do I vote on the resolution anyway?

24 CHAIRMAN FUSARO: Don will call the
25 roll of who was present at the meeting.

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: And Mr. Reisen is
8 absent. Ms. Molnar, I don't see you as an
9 eligible member to vote on this.

10 MS. RAZIN: If she voted "no" she's
11 not eligible.

12 CHAIRMAN FUSARO: Thank you. The
13 next resolution is Application ZBA 22-011,
14 Anthony Cuomo, property located at 851 Carleton
15 Road.

16 MS. MOLNAR: So moved.

17 CHAIRMAN FUSARO: Moved by
18 Ms. Molnar.

19 MR. SONTZ: Second.

20 CHAIRMAN FUSARO: Seconded by
21 Mr. Sontz.

22 MR. SAMMET: Chair Fusaro.

23 CHAIRMAN FUSARO: Yes.

24 MR. SAMMET: Vice-chair Masciale.

25 MR. MASCIALE: Yes.

1 MR. SAMMET: Ms. Molnar.

2 MS. MOLNAR: Yes.

3 MR. SAMMET: Mr. Sontz.

4 MR. SONTZ: Yes.

5 MR. SAMMET: And Mr. Reisen is
6 absent.

7 CHAIRMAN FUSARO: Thank you. The
8 next resolution is Application ZBA 22-007,
9 Anirban Chakravarty, located at Doris Parkway. We
10 don't have the address for Doris Parkway.

11 MS. MOLNAR: So moved.

12 MR. SONTZ: Second.

13 CHAIRMAN FUSARO: Okay, seconded by
14 Mr. Sontz. Katie, do you have that address?

15 MS. RAZIN: I have that in the
16 resolution.

17 MR. SAMMET: It's 8 Doris Parkway.

18 MS. RAZIN: It's on the cover of the
19 resolution. It's on the resolution itself.

20 CHAIRMAN FUSARO: Thank you.

21 MR. SAMMET: Chair Fusaro.

22 CHAIRMAN FUSARO: Yes.

23 MR. SAMMET: Vice-chair Masciale.

24 MR. MASCIALE: Yes.

25 MR. SAMMET: Ms. Molnar.

1 MS. MOLNAR: Yes.

2 MR. SAMMET: Mr. Sontz.

3 MR. SONTZ: Yes.

4 MR. SAMMET: And Mr. Reisen, absent.

5 CHAIRMAN FUSARO: Thank you, Don.

6 The next resolution is Application ZBA 22-014,

7 Stephen Seperson and Melissa Gluck, property

8 located at 706 Embree Crescent.

9 Do we have a motion?

10 MS. MOLNAR: So moved.

11 CHAIRMAN FUSARO: Ms. Molnar.

12 Seconded...?

13 MR. SONTZ: Second.

14 CHAIRMAN FUSARO: Mr. Sontz.

15 MR. SAMMET: Chair Fusaro.

16 CHAIRMAN FUSARO: Yes.

17 MR. SAMMET: Vice-chair Masciale.

18 MR. MASCIALE: Yes.

19 MR. SAMMET: Ms. Molnar.

20 MS. MOLNAR: Yes.

21 MR. SAMMET: Mr. Sontz.

22 MR. SONTZ: Yes.

23 MR. SAMMET: Mr. Reisen, absent.

24 CHAIRMAN FUSARO: Thank you. We're

25 getting there. The next resolution is Application

1 Number 22-016, Michael Moriarty, property located
2 at 318 Belmar Place.

3 Do we have a motion?

4 MS. MOLNAR: So moved.

5 CHAIRMAN FUSARO: Ms. Molnar.

6 MR. MASCIALE: Second.

7 CHAIRMAN FUSARO: Seconded by
8 Mr. Masciale. Don?

9 MR. SAMMET: Chair Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Vice-chair Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MR. SAMMET: Mr. Cohen.

16 MR. COHEN: Yes.

17 MR. SAMMET: And Ms. Hroblak is
18 absent. Mr. Sontz.

19 MR. SONTZ: Yes.

20 CHAIRMAN FUSARO: Thank you. The
21 next resolution is Application ZBA 22-012, Kevin
22 and Jillanne McKeown, property located at
23 1907 Grandview Avenue.

24 May I have a motion?

25 MS. MOLNAR: So moved.

1 CHAIRMAN FUSARO: Ms. Molnar.
2 MR. MASCIALE: Second.
3 CHAIRMAN FUSARO: Seconded by
4 Mr. Masciale. Don?
5 MR. SAMMET: Chair Fusaro.
6 CHAIRMAN FUSARO: Yes.
7 MR. SAMMET: Vice-chair Masciale.
8 MR. MASCIALE: Yes.
9 MR. SAMMET: Ms. Molnar.
10 MS. MOLNAR: Yes.
11 MR. SAMMET: Ms. Hroblak is absent.
12 Mr. Cohen.
13 MR. COHEN: Yes.
14 MR. SAMMET: Mr. Sontz.
15 MR. SONTZ: Yes.
16 CHAIRMAN FUSARO: Thank you. The
17 next resolution is Application ZBA 22-017, Rebecca
18 and Jayson Karen, property located at
19 1605 Boulevard.
20 MR. MASCIALE: So moved.
21 CHAIRMAN FUSARO: Motion by
22 Mr. Masciale.
23 MS. MOLNAR: Second.
24 CHAIRMAN FUSARO: Seconded by
25 Ms. Molnar. Donald?

1 MR. SAMMET: Chair Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MR. SAMMET: Vice-chair Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MR. SAMMET: Mr. Cohen.

8 MR. COHEN: Yes.

9 MR. SAMMET: And Ms. Hroblak is
10 absent.

11 CHAIRMAN FUSARO: Thank you. Last,
12 but not least, resolution ZBA 22-018, Amit and
13 Dipti Patel, property located at 521 Kimball
14 Avenue.

15 Can I have a motion?

16 MR. MASCIALE: So moved.

17 CHAIRMAN FUSARO: Mr. Masciale.

18 MS. MOLNAR: Second.

19 CHAIRMAN FUSARO: Seconded by
20 Ms. Molnar. Don?

21 MR. SAMMET: Chair Fusaro.

22 CHAIRMAN FUSARO: Yes.

23 MR. SAMMET: Vice-chair Masciale.

24 MR. MASCIALE: Yes.

25 MR. SAMMET: Mr. Cohen.

1 MR. COHEN: Yes.

2 MR. SAMMET: Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MR. SAMMET: And Ms. Hroblak is
5 absent. And Mr. Sontz.

6 MR. SONTZ: Yes.

7 MR. SAMMET: Thank you.

8 CHAIRMAN FUSARO: Thank you so much.

9 We don't have any applications that were
10 withdrawn. We do have several applications that
11 are being carried to our November 14th meeting.

12 The first application that is being
13 carried is Application Number ZBA 21-036, property
14 located at 935 Cleveland Avenue, Bohdan and
15 Olena Kiyko. That will be carried to the
16 November 14th meeting, and their attorney had
17 agreed to --

18 MS. RAZIN: Extend it, correct. And
19 no further notice.

20 CHAIRMAN FUSARO: And without
21 further notice. Correct.

22 MS. MOLNAR: Can I make a comment on
23 this?

24 CHAIRMAN FUSARO: Say that again.

25 MS. MOLNAR: Can I comment on it?

1 CHAIRMAN FUSARO: Sure.

2 MS. MOLNAR: I'd like to recommend
3 that the Applicant amend the application to
4 include the variance for the rear yard setback.

5 CHAIRMAN FUSARO: On, the -- on
6 Don's report, there was a note that said there
7 might be an additional variance.

8 MS. RAZIN: Well, we can ask that --
9 well, we should have that conversation offline I
10 think. I'll talk to him about that. He's not
11 here, so he's not going to -- they're not here.

12 MS. MOLNAR: I know. But can we
13 call him and say...?

14 MS. RAZIN: That's what I'm saying.
15 We should have that conversation.

16 MS. MOLNAR: I couldn't hear.

17 MS. RAZIN: Yes, that's exactly what
18 I'm saying.

19 CHAIRMAN FUSARO: You'll have that
20 conversation with counsel, the Applicant's
21 attorney.

22 MS. MOLNAR: Thank you.

23 CHAIRMAN FUSARO: The next
24 application that's being carried to our
25 November 14th meeting is Application Number

1 ZBA 22-021, Maite-Quinn Richards, 711 Austin
2 Street. That will be carried at the request of
3 the Applicant to our November 14th meeting.

4 MS. RAZIN: Don, that's the one that
5 has -- they were unnoticed?

6 CHAIRMAN FUSARO: The decision is
7 November 14th.

8 MR. SAMMET: They did not notice
9 yet.

10 MS. RAZIN: So they will be
11 noticing?

12 MR. SAMMET: They will be noticing.
13 It's been published in the newspaper. Should we
14 republish it? We published the notice in the
15 newspaper, but it wasn't sent by certified.

16 MS. RAZIN: Just republish it. I
17 mean we can carry it. At least we're carrying it,
18 but since they're resending -- sending it, you
19 might as well republish it just to make it clear.
20 And that will be re-noticed.

21 CHAIRMAN FUSARO: That will be
22 re-noticed.

23 MS. RAZIN: To the extent that it
24 has been partially noticed, it will be re-noticed.

25 CHAIRMAN FUSARO: The other

1 application that we will be carrying this evening
2 is Application Number ZBA 22-023,
3 Edward McGovern IV, property located at 326 Benson
4 Place. That will also be carried to the
5 November 14th meeting. I believe that was noticed
6 as well, Don?

7 MR. SAMMET: It was. This is the
8 one where the application failed to notify all of
9 the required parties that they needed to.

10 MS. RAZIN: So are they re-noticing
11 it in their entirety or are they correcting it by
12 sending it to the additional properties?

13 MR. SAMMET: I think I told them
14 through Maria that they'll need to send --

15 MS. RAZIN: The additional copies.

16 MR. SAMMET: -- the additional
17 copies.

18 MS. RAZIN: All right. So they're
19 just going to correct the notice. The notice will
20 be corrected, but they're not going to be carried
21 to the November 14th meeting.

22 MR. SAMMET: So then this one, we
23 wouldn't necessarily have to republish the notice
24 in the newspaper.

25 MS. RAZIN: Correct.

1 CHAIRMAN FUSARO: Perfect. So those
2 are the three applications this evening that will
3 be carried. I believe that's all we have as far
4 as old business. Let's now move on to our
5 business.

6 The first application this evening
7 is Application Number ZBA 22-019, it was carried
8 from September 19th. Joseph and Lauren Benanti,
9 519 Alden Avenue. Good evening.

10 MR. ALGARIN: Good evening.

11 CHAIRMAN FUSARO: How are you,
12 Mr. Algarin?

13 MR. ALGARIN: Good. Welcome back.
14 I wasn't here at the last meeting, so I can't vote
15 on this application.

16 (Laughter.)

17 CHAIRMAN FUSARO: Can the Applicant
18 please raise his right hand and I'll swear you in.

19 JOSEPH BENANTI and ROBERT ALGARIN,
20 having been duly sworn, was examined and testified
21 as follows:

22 CHAIRMAN FUSARO: Mr. Algarin,
23 you've appeared before the Board numerous times
24 this year, so we will continue to recognize you as
25 an expert in the field of architecture. I know

1 we've received a revised plan from you. I assume
2 it was based on the comments from the last time
3 that the Board had. And we will take it from
4 there. Please tell us about the application.

5 MR. ALGARIN: Okay. So from what I
6 understand from the last time.

7 CHAIRMAN FUSARO: Hold it. I'm
8 sorry. I need to read what the -- I forgot to
9 read the reference of the application.

10 Applicant is seeking approval to
11 construct a ground-floor addition at the rear
12 northeast corner for a mudroom/laundry room and
13 new rear entrance; and a second-floor addition at
14 the west side to add a master bath and closet
15 above the existing den contrary to the following
16 sections of the Westfield Land Use Ordinance;
17 Section 11.06E6 where minimum side yard setback on
18 both west and east side required is 12.5' and
19 proposed is 10.1' on the west side, and 10.2' feet
20 on the east side; Section 12.04F1 where the
21 maximum building covered permitted is 20% or
22 2,124 square feet, and the proposed is 21.56% or
23 2,300 square feet; and Section -- and this
24 section, I'm going to read it, however, I believe
25 we're going to discuss during your presentation

1 because something has changed here; I think we
2 might need an interpretation. It's Section 2.11G
3 where the maximum continuous wall length is 25' --
4 or 25' is permitted. And, originally, the
5 application was requesting 44'9", however, I know
6 that's been revised. And according to -- and
7 please correct me if I'm wrong, Mr. Algarin --
8 according to your revised plan and the notes that
9 I've read, you said that that variance no longer
10 applies. However, based on my calculations, I
11 still see that continuous wall length as somewhere
12 in the vicinity of...

13 MR. ALGARIN: About 28'.

14 CHAIRMAN FUSARO: 27'-and change.
15 28.7' it would still be required, just have a
16 different --

17 MR. ALGARIN: No. Don and I went
18 over this over the phone, and if we bump out right
19 where the addition starts and we do not continue
20 the wall even an inch and we come out 2' right
21 where our new work meets the old, the variance
22 goes away. And that's been true in the past years
23 as well.

24 MR. SAMMET: Yeah. The 28.7'
25 Mr. Chair, is the existing nonconformity, which

1 technically is being exacerbated by the addition.
2 As long as you do the 2' offset at the point of
3 the extension, I guess you can say.

4 CHAIRMAN FUSARO: Which he did.

5 MR. ALGARIN: That's exactly what I
6 did. Right.

7 CHAIRMAN FUSARO: So that variance,
8 even though it's an existing nonconforming wall at
9 28.7' feet per survey, even though it's over the
10 25' it's a --

11 MR. SAMMET: Preexisting
12 nonconforming condition.

13 CHAIRMAN FUSARO: -- preexisting
14 condition. Fair enough.

15 MR. SAMMET: Which is not being
16 exacerbated.

17 CHAIRMAN FUSARO: Okay. That's what
18 I wanted to clarify. Please proceed.

19 MR. ALGARIN: As I was saying, from
20 what I gathered from Joseph here and speaking to
21 Don after that last meeting, the other variances
22 were not considered heinous. That the dressing up
23 that we attempted to do on this elevation with the
24 bay window over the sink was unacceptable to the
25 Board. So we simply withdrew the variance

1 request. Can't do anything with that; right?

2 CHAIRMAN FUSARO: Correct. I had
3 asked and you had answered, I believe, for the
4 record, at our last meeting there was a room that
5 was not -- didn't show any access. You had
6 mentioned that it was accessed off that stairway.
7 I had asked regarding some columns that were
8 supporting the second floor, and you said that,
9 yes, they were required to be to support the
10 second floor. And I believe those were the only
11 comments that we had made at the time.

12 Does the Applicant have anything
13 that he would wish to add?

14 MR. BENANTI: No. The last meeting
15 I spoke and I said everything that I'd like to.
16 Thank you.

17 CHAIRMAN FUSARO: Thank you. Does
18 any Board Member have any questions?

19 MS. MOLNAR: Yes. Where the bay
20 window is; how wide is that driveway?

21 MR. ALGARIN: From the corner of the
22 house to the property line is 10.2'. We measured
23 this bump-out from the corner of the house
24 straight to the Belgium block curb, and it falls
25 about 2" short of the Belgium block curb. If we

1 had put it in the middle of the kitchen, it would
2 have reached and gone over the Belgium block curb
3 because the Belgium block is pulling away from the
4 house. So at the closest point, this bump-out
5 would be 2" short of the Belgium block curb on the
6 house side. And as you go further back, the
7 driveway veers away from the house and it will be
8 even further away.

9 MS. MOLNAR: How many feet wide is
10 the driveway for a car to maneuver?

11 MR. ALGARIN: Whatever it is right
12 now. We wouldn't be affecting that at all. I
13 have a good scale, it looks like it's about 8' you
14 know it's --

15 MR. SAMMET: I had scaled it out.

16 MR. ALGARIN: It's about 8'.

17 MR. SAMMET: As a matter of fact,
18 this morning when you sent me a note, I scaled it
19 out to about 8'.

20 MS. MOLNAR: 8' from the window to
21 the -- so a car has 8' to maneuver?

22 MR. ALGARIN: I'm sorry?

23 MS. MOLNAR: There's 8' for the car
24 to maneuver.

25 MR. ALGARIN: Right. I believe

1 that's the minimum width for a driveway in
2 Westfield anyway.

3 MS. MOLNAR: So you just made the
4 minimum.

5 MR. ALGARIN: That's one of the
6 reasons why -- because it wasn't our first choice
7 -- but, you know, because the driveway is right
8 there, but we just want to move forward to get the
9 variances out of the way. Right?

10 CHAIRMAN FUSARO: Do any other Board
11 Members have any questions for the architect or
12 the Applicant at this time? No. I believe we had
13 a pretty lengthy discussion on this application
14 last time. Does anyone in the audience wish to
15 address this application? If so, please come
16 forward and state your name and address for the
17 record. Seeing none, we'll close that portion.
18 Are there any additional or final comments you'd
19 like to make Mr. Algarin or the Applicant?

20 MR. ALGARIN: No. Unless you have
21 questions about when I wasn't here and what you
22 guys discussed. But, you know, we have a coverage
23 issue, but the coverage is decreasing as a result
24 of this work. The side yard variances we are
25 requesting are completely existing. We're not

1 violating, limiting more than currently exists.
2 The lot is narrow. It's nonconforming as to its
3 width, and it's also nonconforming as to its
4 square footage size. So that hurts you in
5 building coverage and, of course, yard setbacks on
6 both sides.

7 CHAIRMAN FUSARO: Thank you. I
8 thank you for your time. I'm going to close that
9 portion of the meeting and open it up to Board
10 discussion and for the Board to vote. And I
11 believe everyone that is here this evening heard
12 most of the testimony the last time that the
13 application we have before us, comments that we
14 had made basically pertain mostly to the 44' long
15 continuous wall, which Mr. Algarin and the
16 Applicant had addressed. And that variance has
17 been removed. I mean, the roofline, and the way I
18 see Mr. Algarin proposing them, I think the
19 addition is well designed. It currently fits in
20 with the home. And as you see, the photographs
21 that are on Sheet BOA-1, it looks like it would
22 conform with the homes in the neighborhood. Even
23 though it would be immediately adjacent to one of
24 the properties, no one from the neighborhood has
25 come to us and has expressed any opposition to the

1 variance. So as such, I would be in favor of
2 supporting the application as submitted with our
3 usual comments. I believe this porch has only two
4 sides that need to remain open. They're not an
5 issue. Great. Other than that, I don't have any
6 other comments or issues with the application.
7 How does the rest of the Board feel?

8 MR. MASCIALE: They addressed the
9 wall. And Mr. Benanti did a great job last month
10 without Mr. Algarin, actually. I was very
11 impressed.

12 MR. BENANTI: Thank you.

13 MR. ALGARIN: That's not hard to do.

14 (Laughter.)

15 CHAIRMAN FUSARO: You're getting
16 better at this Mr. Algarin.

17 MR. ALGARIN: I'm trying to talk
18 slower. It's not easy.

19 CHAIRMAN FUSARO: I think I thanked
20 you the last time for putting the chart -- the
21 zoning chart on the drawing after years of us
22 requesting it.

23 MR. ALGARIN: Well, now, the rules
24 have tightened up quite a bit. Believe me we're
25 not getting away without that anymore.

1 CHAIRMAN FUSARO: Thank you. Do any
2 other Members of the Board have any comments of
3 the application? Seeing none. May I have a
4 motion?

5 MR. MASCIALE: I'll make a motion to
6 accept the revised application with the revised
7 plans dated 04/21/22, and that the porch remains
8 open on two sides.

9 MS. RAZIN: Hold on, I'm just
10 checking the revision date. It's 09/26 -- the
11 last revised is 09/26/22. Do you see the little
12 box right here?

13 CHAIRMAN FUSARO: 09/26/22.

14 MR. MASCIALE: I'm referring to it,
15 so, yup, 09/28(sic) effective, thank you.

16 CHAIRMAN FUSARO: Revision Number
17 09/26/2022, and the one condition.

18 MR. MASCIALE: Yes.

19 CHAIRMAN FUSARO: Okay. Great.
20 Thank you. May I have a second?

21 MR. SONTZ: Second.

22 CHAIRMAN FUSARO: Seconded by
23 Mr. Sontz. Don, please call the roll.

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

1 MS. MOLNAR: Yes.

2 MR. SAMMET: Mr. Sontz.

3 MR. SONTZ: Yes.

4 MR. SAMMET: Vice-chair Masciale.

5 MR. MASCIALE: Yes.

6 MR. SAMMET: Chair Fusaro.

7 CHAIRMAN FUSARO: Yes.

8 MR. SAMMET: Mr. Cohen.

9 MR. COHEN: Yes.

10 CHAIRMAN FUSARO: Your application
11 is approved. Good luck.

12 MR. BENANTI: Thank you very much.

13 CHAIRMAN FUSARO: Our next
14 application is Application ZBA 22-022 John -- and
15 I apologize if I pronounce your name incorrectly
16 -- Launchi, Launchi -- 640 Maple Street. The
17 Applicant is seeking approval to construct a
18 two-story addition at the rear of the house, open
19 an existing sun porch to be a sitting porch, and
20 add a rear stoop contrary to the following
21 sections of the Westfield Land Use Ordinance:
22 Section 11.09E6 where the minimum side yard
23 setback required is 10' and proposed is 9.5' on
24 one side and 6.8' on the other side; Section
25 12.04F1 where the maximum permitted coverage by

1 buildings and above grade structures is 20% and
2 proposed is 22.3%; Section 12.04F3 where the
3 maximum permitted coverage by buildings and above
4 grade structures with a porch and ingress and
5 egress platforms is 24% and proposed is 26.2%;
6 and, Section 11.09E12 where the maximum eave
7 height permitted is 22' and proposed is 22'4".
8 Good evening.

9 MR. LAUNCHI: Good evening.

10 CHAIRMAN FUSARO: If the Applicants
11 could please state your name and address for the
12 record.

13 MR. LAUNCHI: John and
14 Jennifer Launchi, 640 Maple Street.

15 CHAIRMAN FUSARO: And...?

16 MS. LAUNCHI: Jennifer Launchi.

17 CHAIRMAN FUSARO: Please raise your
18 right hand.

19 JOHN and JENNIFER LAUNCHI, having
20 been duly sworn, was examined and testified as
21 follows:

22 CHAIRMAN FUSARO: Thank you so much.
23 I see Mr. Bailey in the back. Please raise your
24 right hand -- well, state your name and address
25 for the record. Sorry.

1 MR. BAILEY: Dave Bailey architect.
2 Office address 828 South Avenue, Westfield.

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

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

7 CHAIRMAN FUSARO: Thank you so much.
8 You've appeared before our Board numerous times
9 this year. We'll continue to recognize you as an
10 expert in the field of architecture. Please tell
11 us about your application.

12 MS. LAUNCHI: We are trying to
13 expand the house. We have a family of four right
14 now with two girls seven and four; getting bigger
15 each year. We're trying to make the house a
16 little more conducive to our lifestyle.
17 Obviously, it's an older home, you know, segmented
18 rooms, smaller inside. With that being said,
19 despite buying a house from 1910, it kind of lacks
20 some of the charm. So we're trying to bring some
21 of that charm back by opening up the porch and
22 match the flow of the street that we're on. Where
23 it is, it's mostly open porches. And what we're
24 losing kind of in that indoor square footage, just
25 trying to regain it by adding a family room in the

1 back, which we don't currently have. And then
2 upstairs, I can go on, add a master bedroom and
3 en suite. And right now, we have one full bath,
4 and with a four and seven-year-old, I can only
5 imagine what it's going to be like with 14 and 17
6 with two girls. So we're trying to add another
7 bathroom.

8 CHAIRMAN FUSARO: Thank you very
9 much. Mr. Bailey, do you want to run through?

10 MR. BAILEY: Sure. Yes. I'd like
11 to look at existing photographs first, PH-1, the
12 last sheet. The upper left-hand corner, that's
13 the existing rear elevation of the house. Then on
14 the left side of that photograph, there's an
15 existing attached one-car garage. You can see
16 that the roof is a very low-pitched shed roof.
17 It's very boxy. If you look at the lower
18 right-hand corner of the photograph, that's the
19 driveway side of the house, and that's the
20 existing attached one-car garage. From the
21 street, it looks like its got a flat roof, its got
22 that parapet. And then the lower left-hand
23 corner, that's also the side of the house on the
24 driveway. You can see that existing enclosed
25 front porch, which originally used to be an open

1 wrap-around porch on a Victorian-style house. The
2 upper right-hand corner of the photograph shows
3 the existing bump-outs on the back of the house.
4 There's a deck. There's a family room. And then
5 the middle top photograph is the existing front of
6 the house, again, showing the enclosed front
7 porch.

8 So on the next page, EX-1, Existing
9 Conditions, you can see on the existing floor
10 plans, if you look at Number 6 on EX-1, Existing
11 First-Floor Plan, the back right-hand corner of
12 the house, that's the existing one-car attached
13 garage. There's an existing rear deck in the
14 back. There's an existing playroom back there and
15 a bathroom and a laundry and mudroom. And then,
16 in the middle of the house on the first floor, you
17 have a small kitchen, a dining room. In the front
18 area, you've got an entry foyer, a playroom, and
19 you've got that enclosed sun porch in the front
20 there. And then on the second floor, you've only
21 got one bath and four small bedrooms. And there's
22 basically an unfinished attic and a little maid's
23 room. Of course, the attic is unfinished. And
24 then the top part of EX-1 is the existing
25 elevations; the front, the rear, the east side,

1 and west side. And again, you can see the front
2 room that's enclosed used to be an open porch.

3 If you go to the proposed plans, if
4 you go to Sheet A-3, if you look at Number 2 on
5 A-3, proposed First-Floor Plan, we're keeping the
6 attached one-car garage, and we're taking down the
7 fame room and the laundry and mudroom area and the
8 deck, and we're squaring off the back of the
9 house. You can kind of see the expansion of the
10 existing footprint on Drawing 1 on A-3, the
11 Proposed Basement Plan, you can see we're squaring
12 up the back of the house to the existing garage.
13 They'll be a crawl space. They'll be a stoop out
14 the back. And that gives the Luanchis on the
15 first-floor plan a nice big open great room with
16 an eat-in kitchen. The former kitchen becomes the
17 service area. There's a walk-in kitchen pantry,
18 powder room, and center hall. And then, we're
19 opening up the front porch entirety to be a
20 wrap-around porch, which certainly goes with
21 Victorian homes. I'm sure it originally had one.
22 In this neighborhood, there're a lot of Victorian
23 homes with wrap-around porches on Maple Street and
24 Maye Street, and Harrison. I've lived in that
25 neighborhood a block away for 31 years, so I'm

1 very familiar with the neighborhood.

2 If you look at A-4, Proposed Floor
3 Plans, Drawing 1 on A-4; the Rear Addition. The
4 rear addition is two stories. And on the second
5 floor, the addition proposes a master bedroom
6 suite with a sitting room, proper bath, and
7 walk-in closet. And so it's still a four-bedroom
8 house. We're walking through this small fourth
9 bedroom to access the master bedroom suite. The
10 unfinished attic; we're not proposing living space
11 on the top floor. The very first sheet, A-1,
12 that's the proposed elevations. And on Drawing 1
13 on A-1, it shows the front of the house. So now,
14 we're opening up the front porch to make a
15 traditional open porch that you usually see on
16 Victorians with open railings, open columns. And
17 then Drawing 2 of A-1 you can see the driveway
18 side, you'll see the open front porch. And on
19 Drawing 3 of A-1, I showed you those photographs
20 of the almost flat roof and the attached garage.
21 To make the garage blend in better with the
22 Victorian house, we're proposing putting a gable
23 roof there. So the side yard setback variance
24 we're requesting on the driveway side, the
25 existing 6.8' the only new construction is just

1 raising the roof steeper so the style blends in
2 better with the existing house. So there's no
3 additional living space on that side yard setback
4 variance, we're just raising the pitch a little
5 bit. So it's a very minimal intrusion on the
6 setback on the right side.

7 On the left side, the side yard
8 setback we are conforming to. The left side yard
9 setback is an existing nonconforming condition,
10 the 9.5'. The new two-story addition, the new
11 construction, is conforming to the 10' side yard
12 setback on that side; on SP-1, the proposed site
13 plan and existing site plan. So the new
14 construction will conform with a 10' side yard
15 setback on the left side. And again, we're
16 raising the roof over the attached one-car garage.
17 And 6.8' feet is one of the variances we're asking
18 for on the right side, side yard setback.

19 One of the other variances is the
20 eave height. So on A-1, the existing eave height
21 you see on 2 on A-1, the existing eave height
22 conforms on the driveway side because the grading
23 is a little higher there, so it's less than a 22'
24 maximum; it's about 21 1/2. Where we're asking
25 for a variance on A-2 for the eave height, the new

1 two-story addition because the grade there slopes
2 away from the street. We're 4" over the 22' max.
3 You know, there's going to be, you know, some dirt
4 excavated from their crawl space, so that the
5 excavator is going to do some fill there, and that
6 would conform. But right now, that is a 4"
7 variance for eave height, but it's an existing
8 eave height that we're continuing. So rather than
9 dropping the roof or the eave height, the 22',
10 we're keeping the same eave height and rooflines
11 of the existing house. And, again, it's only 4"
12 over the 22'. And I don't show a grading plan,
13 but there is going to be a lot of dirt removed
14 from the crawl space. If they do regrade the
15 property to drain away from the house, that will
16 probably go away.

17 Addressing the building coverage
18 variances; on SP-1 the existing house is
19 nonconforming for the maximum 20% building
20 coverage. It's at 22.32% the existing footprint
21 building coverage. And because the front porch is
22 enclosed, that counts towards building coverage.
23 So the first floor with the sun porch, the garage,
24 and second overhang puts you at 1,473, 22.32%.
25 And we're opening up the front porch, so for the

1 20% that does not count. We are doing an addition
2 on the back plus the stop, so we're actually
3 slightly less a foot -- basically the same. So
4 it's basically a zero-sum proposed building
5 coverage than the existing building coverage; the
6 20% maximum. Again, we're opening up the front
7 porch which removes that calculation for the 20%.
8 And then we're proposing an addition, so there's
9 no additional building coverage requested for the
10 proposed. But since its existing nonconforming,
11 we are requesting the 2.3% building coverage
12 variance because 20% is the maximum.

13 On the variance for the maximum all
14 building coverages; all building coverages is a
15 maximum of 24%. We're proposing 26.2%. On the
16 existing all building coverages, it's almost 25%.
17 So all the coverages on the existing house is
18 almost 25%. And, again, to get the great room and
19 the master bedroom suite that the Launchis would
20 like to have to make their house livable for them,
21 it's requesting a 2.2% for the overage. The FAR;
22 we're conforming to. In fact, the existing FAR is
23 actually higher than proposed because the sun
24 porch counted towards the FAR. So we're
25 conforming -- I meant the first floor. So the

1 first-floor FAR is actually higher than the
2 proposed first floor. But the new proposed FAR is
3 still under the 37%; no variance needed for FAR.
4 The maximum improvement coverage; 50% is the
5 maximum. Even with the additional additions, we
6 still conform to the improvement coverage. The
7 proposed additions conform to the maximum height
8 and the number of stories.

9 CHAIRMAN FUSARO: Thank you. A
10 couple of quick questions for you. I noticed that
11 on your plan, on the existing floor plans, EX-1,
12 that the ceiling height -- is the first-floor
13 ceiling height 10'? I saw it on -- yes, 8'10".

14 MR. BAILEY: 8'10", yeah.

15 CHAIRMAN FUSARO: And that's going
16 to continue to go to the --

17 MR. BAILEY: The existing family
18 room is a cathedral ceiling. But, yes, the
19 existing older part of the house on the first
20 floor is 8'10" which we are continuing to the
21 additions.

22 CHAIRMAN FUSARO: Well, I agree with
23 you with lining up the height and keeping it
24 consistent. So that I understand that portion of
25 the variance. I looked at the lot coverage, total

1 lot coverage because I thought you might have been
2 over, and I was going to ask you what that area,
3 the paved area, immediately adjacent to the garage
4 -- can you tell us what that is being used for?

5 MS. LAUNCHI: That just goes to the
6 backyard gate. It's just almost -- an existing
7 driveway. That's a paved driveway that kind of
8 continues on the side of the house.

9 MR. LAUNCHI: I'm happy to make that
10 grass instead.

11 MR. BAILEY: It's too narrow to put
12 a car there. It is existing.

13 CHAIRMAN FUSARO: Right. It's 155
14 square feet. Since you are under the total
15 impervious coverage, I just was curious why that
16 was there.

17 MR. BAILEY: Yeah. It's existing.

18 CHAIRMAN FUSARO: If Alison were
19 here, she would request that it be moved so that
20 would -- the storm drainage. But she's not here,
21 so you go lucky. The other comment I had pertains
22 to the size of the addition in the rear. Now, you
23 are over the 2.2% over the 24% that's allowed with
24 building coverage. Was any consideration given to
25 possibly shrinking the size of that addition

1 somewhat? Like I said, it's currently -- your
2 great room/slash kitchen is 18'4-by-22'9. While I
3 kind of understand the 22.9 because it lines up
4 with the existing wall of the house, was any
5 consideration given to the 18'4 dimension possibly
6 cutting that back somewhat? I don't think it will
7 affect the first floor. Your second-floor master
8 bedroom is currently 17'10" in length, which is
9 also in a sizable amount. While I understand your
10 master bath; that's fine size-wise. If you were
11 -- as I said -- if the addition were to be cut
12 back a little bit it certainly -- you'd lose a
13 little space in your master bedroom and a little
14 space in your closet, which I don't see a major
15 issue. The other comment I had pertains to the
16 roof of the garage. And I appreciate you working
17 in a pitched roof versus what's there now. I
18 think it will be a marked improvement visually.
19 It looks like somebody just got an afterthought
20 there when they added that. I do have one
21 question. I'm assuming that once you build this
22 gable roof in there, a portion of that or half of
23 that is going to drain toward the home. So have
24 you taken that into consideration?

25 MR. BAILEY: I show a cricket on the

1 second-floor plan.

2 CHAIRMAN FUSARO: A cricket.

3 MR. BAILEY: Yeah. On the

4 second-floor plan.

5 CHAIRMAN FUSARO: I missed it. Got
6 it. Thank you. Those are the only questions that
7 I had. Do any Board Members have any questions?

8 MS. MOLNAR: Yes. It appears that
9 the driveway encroaches on the neighbor's
10 property. Is there a recorded driveway easement?

11 MR. LAUNCHI: I don't know. We
12 haven't touched the driveway since we moved in; if
13 that means anything. But I'm not sure.

14 MS. MOLNAR: It would be in the deed
15 if there was anything. Because it looks tight.
16 How wide is the driveway? I can't tell from the
17 drawings. The egress looks very tight. The
18 egress and ingress is very tight on that street.

19 CHAIRMAN FUSARO: The side that is
20 on the side of the garage is 6'8. But, Carol, I
21 don't see where -- I see the property lines on the
22 survey -- the one question that I...I was going to
23 ask anyway -- I assume that the Applicants realize
24 that based on the survey that was submitted that
25 their fence on three sides of the property is

1 encroaching on the neighbor's property both on the
2 right, the left, and the rear of the property.
3 Just kind of be aware of that.

4 MS. MOLNAR: Yeah, that fence is on
5 their property, but also the driveway is on --

6 CHAIRMAN FUSARO: I don't see the
7 driveway over --

8 MS. MOLNAR: Yeah, the black mark --

9 CHAIRMAN FUSARO: You're correct.
10 My mistake.

11 MS. MOLNAR: Absolutely it does.

12 MR. BAILEY: You have room to push
13 your driveway over more on your property.

14 MS. LAUNCHI: Right.

15 MR. BAILEY: There is room to
16 straighten it out.

17 MS. LAUNCHI: Yeah. We inherited
18 the driveway, so I haven't really...

19 MS. MOLNAR: How wide is the
20 driveway then, on just their property without the
21 easement?

22 MR. SAMMET: About...probably just
23 under 9' wide.

24 MS. MOLNAR: 9' by the street is 9'
25 wide.

1 CHAIRMAN FUSARO: I thought that the
2 scale on -- and I read a lot of site plans and a
3 lot of surveys -- 1-15, a 15' scale, 1" equals
4 15', doesn't exist on a scale, you have to
5 calculate it.

6 MR. SAMMET: Yeah.

7 CHAIRMAN FUSARO: 1" equals 15, I'm
8 like, wait a minute, that's not on a scale.

9 MS. MOLNAR: So you're saying within
10 their envelope, not counting the neighbor, the
11 driveway is 9'? It looks so narrow in this
12 picture.

13 CHAIRMAN FUSARO: The minimum
14 requirement we heard previously from Don is 8'.

15 MR. SAMMET: It might be -- it's
16 between 8 and 9.

17 MS. MOLNAR: Oh, it is. It looks so
18 tight.

19 MR. LAUNCHI: If this helps too, the
20 neighbor, their -- so our driveway is actually --
21 you know, both pavements kind of touch. But there
22 is, like, an elevated curb that runs straight
23 down. So there is, like, a delineation between
24 ours and their driveway.

25 MR. MASCIALE: Let me ask you, Don,

1 just for clarification, Don.

2 MR. SAMMET: Yeah.

3 MR. MASCIALE: If we approve this
4 application, there're no clarifications because of
5 the driveway, they don't get any rights or...?

6 MR. SAMMET: No. No, they wouldn't
7 gain any easement rights to...they wouldn't
8 "authorize" if you will, any encroachment onto the
9 neighbor's property.

10 MS. RAZIN: We're not approving
11 that. This is just for reference. The driveway,
12 whatever arrangement they have if there is an
13 issue or whatever is between --

14 MR. MASCIALE: Them and the
15 neighbor. Yeah. So my recommendation is I think
16 we just leave it and let them figure it out
17 because it's somehow --

18 CHAIRMAN FUSARO: We just want to
19 bring to your attention, I don't know if you're
20 aware that, you know, I picked up the fence and
21 Ms. Molnar picked up the driveway that's also on
22 your neighbor's property. So just try and keep
23 that in mind.

24 MS. LAUNCHI: Is it that jut-outs on
25 the fence? Is that what that is?

1 MR. COHEN: One of them, but not
2 both of them.

3 MR. MASCIALE: If you look at the
4 survey you'll see where the fencing is.

5 MS. LAUNCHI: Okay.

6 MR. LAUNCHI: There was a tree, so I
7 think the fence went around the tree. The tree is
8 actually no longer there, so we can...

9 MS. LAUNCHI: We actually have our
10 neighbor here that's actually on the other side of
11 said fence.

12 MR. SONTZ: As long as your
13 neighbors aren't complaining then you win.

14 CHAIRMAN FUSARO: The encroachment
15 at the driveway entrance is 1.2'. On the opposite
16 side, your fence is off by .9' closer to the
17 front, and 1.1' closer -- so, approximately, 1' on
18 the one side, as much as 2' on the rear, and 2' on
19 the right side; 1' on the left side. So just kind
20 of keep in mind again. It's not -- we're just
21 bringing it to your attention. If and when it
22 comes up, you're going to have to deal with it.

23 MS. LAUNCHI: Okay. Yeah, we
24 inherited the fence, but we're not --

25 MS. MOLNAR: I have a question. Are

1 you changing the siding of the house? Right now,
2 there's, like, a vinyl siding?

3 MS. LAUNCHI: Yes.

4 MS. MOLNAR: Are you putting
5 something else up?

6 MS. LAUNCHI: Yes.

7 MS. MOLNAR: Do you know what you're
8 doing?

9 MS. LAUNCHI: Likely, either cedar
10 impression shingles or Hardie plank. We haven't
11 decided yet. But either a composite or shingle
12 siding.

13 MS. MOLNAR: If the boarding -- it's
14 boarding, right, is that what you're talking
15 about?

16 MS. LAUNCHI: We're debating between
17 the shingle --

18 MS. MOLNAR: Separate shingles
19 versus the drawing shows these boards going
20 straight across. Okay.

21 MS. LAUNCHI: Yeah. We haven't
22 determined, but we are upgrading the siding.

23 CHAIRMAN FUSARO: I believe it
24 appears from the existing photographs that it has
25 vinyl siding or aluminum siding. And the cedar

1 impressions would basically be a vinyl siding that
2 looks like shakes.

3 MS. MOLNAR: Yeah. Going with the
4 boarding which is that composite looks more --
5 almost like real wood.

6 MS. LAUNCHI: Yes. It's much better
7 looking, yes.

8 MR. MASCIALE: It's also a lot more
9 expensive.

10 CHAIRMAN FUSARO: Cedar impressions
11 and Hardie plank are expensive.

12 MS. LAUNCHI: Yes. That is a fight
13 that I won with him.

14 MR. MASCIALE: It looks nice, but
15 it's expensive. Kind of a follow-up question on
16 -- Frank, I had some of the same concerns with
17 the size of it going back. What I don't see in
18 our package is the tax plan showing how far back
19 the neighbor's properties go. Because my only
20 consideration is like you, it's over the numbers,
21 it's big in the back already on here; what is the
22 impact to the neighbor? Typically, in our plan or
23 in our package or in the planner's report we see
24 how far back the neighbor's properties are.

25 MR. SAMMET: The overlay.

1 MR. MASCIALE: Yeah, like, the
2 overlay. So I don't know how far back the
3 neighbors' go.

4 CHAIRMAN FUSARO: I believe one of
5 them might be sitting in the audience.

6 MS. MOLNAR: Are you saying the
7 street line -- are they all lined up?

8 MR. MASCIALE: Well, the back, how
9 far back. So we're allowing this to go back
10 further. I don't know how far are the neighbors,
11 and then all of a sudden now, we're going two
12 stories further back.

13 CHAIRMAN FUSARO: From a massing
14 standpoint.

15 MR. MASCIALE: From a massing
16 standpoint. To me, it factors into what we're
17 approving here.

18 MS. MOLNAR: We're not seeing the
19 other properties.

20 CHAIRMAN FUSARO: Why don't we at
21 this point, unless we have any other questions,
22 direct questions for the architect or Applicants,
23 I'll ask if there's anyone in the audience that --
24 is there anyone in the audience that would wish to
25 address the application? If so, please come

1 forward and state your name and address for the
2 record. It's your turn. Please state your name
3 and address.

4 MS. GRIFFIN: Sure. Kelsey Griffin,
5 648 Maple Street.

6 MS. RAZIN: I'm sorry. Can you just
7 say your name one more time?

8 MS. GRIFFIN: Kelsey Griffin.

9 MS. RAZIN: Thank you.

10 CHAIRMAN FUSARO: Please raise your
11 right hand.

12 KELSEY GRIFFIN, having been duly
13 sworn, was examined and testified as follows:

14 CHAIRMAN FUSARO: Please proceed.

15 MS. GRIFFIN: Okay. I don't know I
16 guess any of the numbers, but I can attest that
17 our house is six years old and does go back
18 further than their house. I'm directly next door
19 to them. So that is one good thing.

20 MR. MASCIALE: So we're looking at
21 the front of the house and you're to the right or
22 the left?

23 MS. GRIFFIN: If you're looking at
24 the front, we're to the left.

25 MS. MOLNAR: To the left, did you

1 say?

2 MS. GRIFFIN: Yes.

3 CHAIRMAN FUSARO: So you're on the
4 left side and you have a newer home and it extends
5 further back than what they currently have?

6 MS. GRIFFIN: Yes. Yeah.

7 CHAIRMAN FUSARO: The addition, I
8 believe, it's going back 18'6" and I'm trying to
9 see what the pavement currently is. It looks like
10 it's only going back about 6'7.

11 MR. BAILEY: Yes. The additional
12 depth, yes, from the family room, yes. But still
13 shorter than the garage.

14 MR. MASCIALE: What's the setback in
15 the rear?

16 CHAIRMAN FUSARO: The setback in the
17 rear?

18 MR. MASCIALE: On the left side.

19 MS. RAZIN: That's what I was going
20 to ask. It meets the rear setback.

21 CHAIRMAN FUSARO: The left-side
22 addition is 9.5' on one side, and 6.8 on the
23 other. So it's 9'5. So it's 9.5 because the 6.8
24 is where that paved area is alongside the home.

25 MR. BAILEY: The addition conforms

1 to the 10' on the left side.

2 CHAIRMAN FUSARO: 10', that's
3 correct.

4 MR. BAILEY: The existing house is
5 9 1/2, but the addition is the 10'.

6 MR. MASCIALE: I guess my point is
7 if we're giving a setback and align with the mass
8 two stories and you go further back, let's say the
9 neighbor has a deck, they're never going to see
10 the sun again. The sun goes out.

11 CHAIRMAN FUSARO: Right.

12 MR. MASCIALE: I just want to make
13 sure we're not --

14 MS. RAZIN: Well, they are within
15 the rear yard setback as well.

16 CHAIRMAN FUSARO: Yeah. They're
17 within the rear yard setback. I have one other
18 question while we're talking about left-side
19 setbacks. And Don, maybe you can elaborate on
20 this. It says that it's 9.5' in the application
21 and on the site plan. You know there's a portion
22 of the house that's kicked out that's 6.4'?

23 MR. SAMMET: Right.

24 CHAIRMAN FUSARO: So 6.4 --

25 MR. SAMMET: 6.4, but that's an

1 existing nonconformity.

2 CHAIRMAN FUSARO: It's an existing
3 nonconformity.

4 MR. SAMMET: Right.

5 CHAIRMAN FUSARO: The new one will
6 be 9.5.

7 MR. SAMMET: I guess -- the new
8 number is 10; isn't it?

9 CHAIRMAN FUSARO: No. The
10 requirement is 10, but they're requesting a
11 variance for it to be noncompliant.

12 (Crosstalk.)

13 MR. BAILEY: Directly to the right.

14 MR. COHEN: I thought the build-out
15 of the rear is going to conform with the side yard
16 setback on the left side.

17 MR. SAMMET: It's going to be 10.

18 CHAIRMAN FUSARO: The variances
19 requested say it's 11.09E6 where the minimum side
20 yard setback required is 10' and proposed is
21 9.5' on one side and 6.8' on the other. It's an
22 existing nonconformity, it says.

23 MR. BAILEY: Yes. The proposed 6'7"
24 addition is extending off the existing wall. So
25 the 6 1/2' part is the 1/2' into the 10'.

1 CHAIRMAN FUSARO: He's lining it up
2 with the existing wall.

3 MR. BAILEY: Yes. Yeah, there's
4 6 1/2' that goes past the existing family room,
5 that is the 1/2' into the 10' yes. But the
6 existing setback.

7 CHAIRMAN FUSARO: Understood. Okay.
8 Thank you for your testimony. Do any other Board
9 Members have any questions for the Applicant or
10 the architect at this time? I see none. Any
11 closing statements you'd like to make before we
12 open it up to Board discussion?

13 MR. SAMMET: I'm still unclear, I'm
14 sorry, on that left side, if you will, east side
15 setback, Mr. Bailey. So the existing foundation,
16 existing setback is 9.5'. And then the addition,
17 the whole new construction, the first floor and
18 above floor, it's going to be stepped in 6" from
19 the existing?

20 MR. BAILEY: No. When I said that
21 was conforming, I was looking at the site plan
22 which is a very small scale. Now, look at the
23 bigger plans, yes, that was one of the variances
24 requested. We were continuing that 9 1/2' not
25 bumping the wall in 6". So, yes, the new

1 construction on the back is following the existing
2 line, so it is 9 1/2'.

3 MR. SAMMET: It is the 9 1/2' okay.

4 MR. BAILEY: When I was looking at
5 the site plan, it looked like it conforms. And
6 then I'm looking at the plans, and I realized that
7 that was one of the variances.

8 MR. SAMMET: Okay. So my
9 understanding is then the 9.5, the 9 1/2' setback
10 is proposed?

11 MR. BAILEY: Yes.

12 CHAIRMAN FUSARO: Correct.

13 MR. BAILEY: Right, yes. Because
14 we're continuing an existing line, so, yes. When
15 I looked at the site plan it looked like it was
16 conforming. But you know, it's 1/2'.

17 CHAIRMAN FUSARO: That's what the
18 notice was?

19 MR. SAMMET: Yup. Yup.

20 CHAIRMAN FUSARO: Okay. Let's see
21 here. The existing front porch, I guess it says
22 it's a sunroom, sun porch right now, it's going to
23 open up, so that's going to be an open porch
24 without anything else. If the application is
25 approved, we'll attach our usual condition that it

1 remains open on three sides, obviously. I don't
2 have any other questions. Does anyone else have
3 any?

4 MS. MOLNAR: Was there any
5 discussion to building a new attached two-car
6 garage in lieu of this one stuck in the back?

7 MR. LAUNCHI: I don't think we have
8 the space. Already, the one and coming out very
9 far, so I don't know how we would -- I don't think
10 we had much --

11 MR. BAILEY: Their zone only
12 requires one car. But, yes, it would be very
13 difficult that two cars, we'd be asking for an
14 even bigger variance. Since the existing house
15 doesn't conform, maybe if he didn't do the
16 additions, he'd be looking for a variance to try
17 and fit a second car in somewhere.

18 MS. MOLNAR: Yeah. It's hard to
19 tell from the drawing whether a two-car garage
20 would fit alongside the house or not.

21 CHAIRMAN FUSARO: A two-car garage,
22 it would appear, would not fit alongside of the
23 house even if it was on the property line because
24 there's normally 6.8' left. However, the only
25 place we could put it would be to drive up the

1 driveway, hang a left-hand turn, and where the
2 stoop is put a two-car garage in the rear yard
3 setback, which, as Mr. Bailey said, would increase
4 the coverage even more.

5 MR. BAILEY: On the left side, you
6 only have 6.4' so there's no place to get a
7 driveway going to the back. And the existing
8 house is nonconforming in building coverage.
9 Plus, we're in a zone that only requires a one-car
10 attached; a one-car garage.

11 CHAIRMAN FUSARO: So to answer my
12 question; you didn't consider shrinking the rear
13 of the house.

14 MS. LAUNCHI: I can try...yeah, so,
15 obviously, our house is very narrow. We can't go
16 any further than it is this way. We're just
17 trying to figure out the layout that would be most
18 conducive to our family. Obviously, it would be
19 the great room, family room into the kitchen is
20 probably where we'll spend the bulk of our time as
21 a family. So just trying to make it conducive to
22 a family of four and being able to fit a sofa and
23 a TV; ideally. So, you know, we're obviously
24 limited this way. So we're trying to work with
25 the lot that we have and trying to make it

1 conducive for our family.

2 CHAIRMAN FUSARO: Thank you. Anyone
3 else? No. Any other further statements you'd
4 like to make?

5 MS. LAUNCHI: I don't think so. I
6 appreciate your time.

7 CHAIRMAN FUSARO: No. Thank you so
8 much. I'm going to close that portion of the
9 meeting and open it up to our Board discussion. I
10 think you've heard from the Applicant and
11 architect, the Applicants and the architect, for
12 their reasoning behind the addition that they're
13 asking for. As you know, there are numerous and
14 quite a few existing nonconforming conditions that
15 currently are on the property. They; Don and
16 Mr. Bailey, had attempted to keep the coverage
17 down as much as possible. They're opening up that
18 front porch. Certainly, the newly designed front
19 porch has that Colonial look which I think will
20 fit into the neighborhood. And as I mentioned
21 previously, I do like the gable roof that's being
22 added to the garage. I think that cleans up the
23 look of the home quite a bit. As I mentioned, if
24 we were to support the application, I would ask
25 that the porch, the existing porch that's going to

1 be opened up, remain open on three sides. We
2 discussed the possibility of illuminating some
3 asphalt alongside that garage. And since the
4 property, since the lot coverage, the impervious
5 lot coverage is under the allowed percentage, we
6 really don't need to go any further than that. We
7 also discussed that the eave height lines, even
8 though it's higher than what's allowed, it does
9 line up with the existing home. We certainly
10 don't want to create too many additional steps in
11 the roofline. So I'm okay with that. And as we
12 discussed, we did make the Applicants aware that
13 both their driveway and the fencing on three sides
14 of the property encroaches onto the neighbor's
15 property, which they'll have to deal with at some
16 point if and when it ever comes up. And we've
17 heard from the neighbor as far as a massing
18 standpoint that the home adjacent, immediately
19 adjacent to the property on the left side, it's a
20 newer home that does go further back into the
21 property than the proposed addition. How does the
22 rest of the Board feel?

23 MS. MOLNAR: I just had one
24 observation that the FAR is almost maxed out; 37
25 versus 37.26. So it's almost -- it's there. It's

1 filling up all the space. So any other tweaking
2 would be impossible down the road.

3 MR. MASCIALE: Frank, I think it
4 goes to the comment of, you know, it's going to go
5 back 18 more feet, it's going to impact both
6 neighbors. Two stories. You know, the setback I
7 was more worried about, but it's not really
8 (indiscernible) 6 1/2' isn't quite two stories.
9 It's going to impact the neighbors, but, you know,
10 it's going to update the house and the front porch
11 is going to look great. You know, is it just
12 going to be too much after it's done in the back
13 for the neighbors? I think a little bit. But
14 having them pull it in 2' I don't think is going
15 to change much.

16 CHAIRMAN FUSARO: If the addition
17 were cut back -- let's look at some of the
18 dimensions again -- if it were cut back 2' you're
19 looking at roughly 2 times 23, you're looking at
20 50 square feet. It's not a -- it's not a sizable
21 overage. It might bring the FAR down .1 or
22 whatever.

23 MR. MASCIALE: It's really the
24 coverage that was a little higher. I'd like to
25 see it smaller, but I don't know how much we gain

1 by cutting into it.

2 MR. COHEN: I don't find it terribly
3 offensive. I don't find the massing to be a
4 problem. The neighbor has testified already that
5 the adjacent structure is commensurate to what's
6 being proposed here. You know, again, if the rear
7 neighbor had a complaint, they were noticed and
8 they're not here, so...

9 CHAIRMAN FUSARO: And if they have
10 an issue with the rear of the home --

11 MR. COHEN: The massing addition is
12 to the rear of the home, so it should not be
13 visible from the street.

14 CHAIRMAN FUSARO: From the street,
15 right. That's a good point. All right. Fair
16 enough. If we don't have anyone else with any
17 other comments, do we want to make a motion?

18 MR. SONTZ: Motion to approve as
19 submitted subject to the front porch being left
20 open on three sides.

21 CHAIRMAN FUSARO: Do we have a
22 second?

23 MR. COHEN: Second.

24 CHAIRMAN FUSARO: Second by
25 Mr. Cohen. Don, please call the roll.

1 MR. SAMMET: Ms. Molnar.

2 MS. MOLNAR: 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: And Mr. Cohen.

10 MR. COHEN: Yes.

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

13 MR. LAUNCHI: Thank you.

14 CHAIRMAN FUSARO: I think this is a
15 record for us. Motion to adjourn.

16 MR. SAMMET: And welcome to Jenny.

17 CHAIRMAN FUSARO: Jenny, welcome to
18 our Board. Jenny comes to us from the City of
19 Edison. A large city that I'm sure has a lot of
20 applications that we do.

21 MR. MASCIALE: And don't believe
22 everyone that we run to 11:30 every week.

23 (Laughter.)

24 CHAIRMAN FUSARO: It must be you and
25 your good luck because we usually do run to 11:30.

1 But, thank you, and welcome to our Board. We look
2 forward to working with you. I'm sure Don has
3 nothing but good things to say about us.

4 MS. MANCE: Thank you.

5 CHAIRMAN FUSARO: May I have a
6 motion to adjourn?

7 MR. SONTZ: Motion.

8 CHAIRMAN FUSARO: Mr. Sontz. We're
9 adjourned.

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11 (The meeting was adjourned at
12 8:36 p.m.)

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