

MINUTES
Town of Westfield Board of Adjustment
September 13, 2021

The Westfield Board of Adjustment met on Monday, September 13, 2021. In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

Ms. Dabulas, Attorney, gave a brief statement explaining the Board's powers, purpose, and criteria for granting variances. She explained the voting process for the D variances as only 5 Board members were present at tonight's meeting. A majority vote would be required for a D variance application to be approved. She stated to the applicants, if their application was for a D variance, they may request to be carried to the October 13, 2021 meeting to allow for a full member voting opportunity. The meeting proceeded.

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz
ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon
ALSO PRESENT: Diane Dabulas, Esq., Kristine Burd, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the August 9, 2021 meeting. Mr. Fusaro made a motion to adopt the minutes pending one change, seconded by Mr. Sontz. Ms. Burd noted the change to the minutes. All in favor.

ADOPTION OF RESOLUTIONS: None

CARRIED from: July 12, 2021

Harry Lampart, 116 Barchester Way

5/4/2021

Applicant is seeking approval to enlarge and renovate their kitchen and construct a rear yard deck with partial roof contrary to Section 12.04 E.1 Floor Area Ratio (FAR) of the Land Use Ordinance. Maximum FAR permitted is 30%/ 4,000 square feet. Proposed is 28.63%/ 4,224 square feet. **Application deemed completed July 13, 2021. 120-day decision date is November 10, 2021.**

Chairman Masciale swore in applicant, Mr. Lampart and Architect, Mr. Algarin. Mr. Algarin explained that the applicant is seeking approval to enlarge and renovate their kitchen and construct a deck across the side and back of the house. It is a 1-story addition along the back of the house that will allow the kitchen to be larger and to build a deck along the back of the house; ½ covered, ½ uncovered. The FAR and grading of the lot are the main issues causing a variance for this addition. The lot is not being overdeveloped.

Opened to the Board for discussion.

Chairman Masciale asked for explanation of the height measurements.

Mr. Fusaro asked about the porch and if it would be covered.

Mr. Algarin explained both of these concerns.

Open to the Audience.

None

Open to the Board for discussion.

Chairman Masciale stated that due to the nature of the slope of this property the grading triggers the FAR. He did not feel that this was a big ask. He supported the application. It was a small ask of the Board for this variance

Mr. Fusaro agreed with Chairman Masciale. He expressed that he would like a condition to be placed on this application to state that the covered deck remain open on 3 sides.

Mr. Sontz agreed.

Chairman Masciale called for a motion to be made to approve this application. Mr. Fusaro made a motion to approve this application with the condition that the covered deck remain open on 3 sides, seconded by Mr. Cohen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon

Motion carried.

Application approved with condition.

CARRIED FROM: August 9, 2021

Leo and Hannah Rodriguez, 128 Florence Avenue

1/26/21

Applicant is seeking approval to construct a front porch to an existing home contrary to Section 11.09E5, 11.09E6, 12.04E1, 12.04E3 and 12.04G of the Land Use Ordinance. Ordinance requires a front yard to conform to the average front yard setback. Proposed is 14.75 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 5.91 feet. Ordinance requires a maximum coverage of buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 21.8%. Ordinance requires a maximum of coverage by buildings and above grade structures with ingress/egress platforms, porches and decks of 4% but not above 420 square feet. Proposed is 4.4%/254 square feet. Ordinance requires a maximum of coverage by improvements of 50% but not above 6,400 square feet. Proposed is 51.9%/3,023 square feet. **Application deemed completed June 8, 2021. 120-day decision date is October 6, 2021.**

Chairman Masciale swore in applicants, Mr. and Mrs. Rodriguez and Architect, Mr. Gregory Ralph. Mr. Ralph stated that this application has been re-noticed. Ms. Dabulas reviewed the notification and asked Mr. Ralph to read it to the Board. Mr. Ralph presented the plans to construct a front porch. He explained that this porch was similar to the surrounding

neighborhood homes and posed no detriment to the neighborhood. There were 3 similar homes that had similar setbacks. This porch addition will not stand out but rather blend into the home and make the existing home more aesthetically pleasing.

Open to the Board for questions.

Mr. Fusaro expressed his concern over the garage and current portico and deck.

Mr. Cohen asked about drainage concerns.

Both issues were addressed by Mr. Ralph.

Open to the Audience.

None.

Open to the Board for discussion.

Chairman Masciale stated that the covered porch is a good element for this house. He felt it blended in nicely with the character of the neighborhood. He is in favor of the application.

Mr. Fusaro stated that he supported the application with the condition that the porch remain open.

Mr. Sontz agreed.

Chairman Masciale called for a motion to approve this application. Mr. Fusaro made a motion to approve this application with the condition that the porch remain open, seconded by Mr. Reisen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Charles Gelinis, Allyson Hroblak, Eldy Pavon

Motion carried.

Application approved with condition.

Xiaoyan Zhuang, 811 Grant Avenue

4/6/2021

Applicant is seeking approval to construct a one-story addition on the front of the home contrary to Section 12.03C, D & E, 12.04F1 and 12.04E1 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is 22 feet 1 inch. Ordinance requires a maximum coverage by buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 23.36%. Ordinance requires a maximum floor area ratio of 37% but not above 3,200 square feet. Proposed is 38.82%. **Application deemed completed June 8, 2021. 120-day decision date is October 6, 2021.**

Chairman Masciale swore in applicant, Xiaoyan Zhuang and Architect, Mr. Bailey. Chairman Masciale asked the applicant if they wished to proceed as it is a D variance application.

Applicant asked to be carried to the October 13, 2021 meeting.

Stephen Irons, 736 Oak Avenue**3/12/2021**

Applicant is seeking approval to remove their existing staircase exit to their backyard and replace with a deck contrary to Section 11.09E14 of the Land Use Ordinance where the minimum garage space is a 1-car garage. Proposed none. Section 12.03F2 Building Coverage where 22% is permitted and proposed is 28.2%. Section 11.09E6 Side Yard Setback where 10 ft is permitted and proposed is 6.7ft. **Application deemed completed July 16,2021. 120-day decision date is November 13, 2021.**

Chairman Masciale swore in applicant, Mr. Irons. Mr. Irons explained his revised plan to remove his existing deck and staircase and replace it with a patio. The property has a slope and he is looking to utilize some of the outdoor space with this deck. The only variance needed is due to the lack of the required 1 car garage. He explained that due to his property size it is not an option.

Open to the Board for discussion.

Chairman Masciale stated that he was happy with the way that this applicant came back to the Board with his revised plan.

Mr. Fusaro asked about the stairs that were currently there. Mr. Irons stated that they were being replaced. Mr. Fusaro also asked about the location of the existing shed on the property.

Mr. Cohen asked about drainage concerns from this new patio.

Mr. Irons stated that the architect did not feel it would be an issue as the property is sloped and tapers to the back. He did not see it as a concern however, if there were any issues, he would address them immediately.

Mr. Reisen also expressed his drainage concerns.

Open to the Audience.

None.

Open to the Board for discussion.

Chairman Masciale stated that the applicant took a proposed large deck and changed it to a patio based on the Boards recommendation eliminating one variance. He supports this application.

Mr. Cohen expressed his concern with drainage.

Ms. Dabulas stated that the drainage concerns would be noted in the resolution.

Mr. Fusaro agreed that this lot is undersized for a 1 car garage and understood the hardship.

Chairman Masciale asked for a motion to approve this application. Mr. Fusaro made a motion to approve this application with the drainage concern noted and stating that the applicant would address any drainage issue if they arose, seconded by Mr. Reisen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon

Motion carried.
Application approved.

NEW APPEALS:

Frank & Camille Fortino, 1 Priscilla Lane

5/10/2021

Applicant is seeking approval to expand existing patio pavers and install a new spa contrary to the Land Use Ordinance Section 12.04G. Ordinance requires maximum coverage by improvements of 30% but not above 8,000 square feet. Proposed is 32.77% / 9,068 square feet. **Application deemed completed July 29, 2021. 120-day decision date is November 26, 2021.**

Chairman Masciale swore in applicant, Mr. Fortino. He explained his proposed plan to expand his patio and install a spa. He noted that the spa had a covered lid that locked for safety. His property also had an existing underground piping system with drywells to support any drainage concerns.

Open to the Board for discussion.

The Board members discussed the concerns over fencing and safety. They also expressed concerns over safety requirements for a pool vs. a spa. Ms. Dabulas referred to the Land Use for clarification. It was stated that the spa had to have a lockable lid. No fence was required. The Board addressed Mr. Fortino about his fencing on the property. He stated that he had a fence on the entire property except for the driveway. He also stated that this new spa would have a lockable lid for safety. He also specified that this spa would be located in a corner area with a small wall for privacy and landscaping.

Open to the Audience.
None.

Open to the Board for discussion.

Mr. Fusaro stated that this property was large enough.

Mr. Cohen stated that he would like the landscaping to be maintained for the neighbor.

Chairman Masciale asked for a motion to approve this application. Mr. Fusaro made the motion to approve this application with the condition that the landscaping along the property line be maintained, seconded by Mr. Reisen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz
OPPOSED: None
ABSTAINED: None
ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon

Motion carried.
Application approved.

Albert & Karen Rimondi, 533 Clark Street

5/8/2021

Applicant is seeking approval to construct an inground pool, patio and fencing with a landscaped buffer contrary to the Land Use Ordinance Section 13.02.D.3 where the minimum side yard

setback for a pool is 15' and proposed is 11.40' and Section 13.02.1.1 in which the minimum setback from the property Line for Patio is 5' and proposed is 3.4'. **Application deemed completed July 28, 2021. 120-day decision date is November 25, 2021.**

Chairman Masciale swore in Mr. Bonner, Attorney and applicants, Mr. & Mrs. Rimondi. Mr. Bonner introduced Mr. Watson, Engineer. Mr. Watson was sworn in and his credentials were recognized by the Board. Mr. Watson presented the application and drawings to the Board. The application is for an inground pool, patio and fencing with a landscaped buffer. The applicants are requesting a relief setback variance as their property is narrow and the rear of the property has a storm sewer easement. There is no other place to put this pool than in this location.

Open to the Board for discussion.

Chairman Masciale asked about the existing white picket fence.

Ms. Rimondi, applicant was asked to join the discussion. She was sworn in by Mr. Masciale. She stated that this fence was the neighbors and that it would be removed once their fence was installed.

Mr. Sontz asked about the size of the patio area around the pool. He stated that he felt some areas were large and that perhaps there could be some cutbacks in the plans to decrease the patio and the variances.

Mr. Watson explained the desire of the patio area and that a cutback wouldn't make much difference and would only hinder the applicants needs. He expressed the hardship on the property shape and topography. He also, stated that any water concerns would be addressed with this pool as it was able to handle rain and runoff concerns.

Open to the Audience.

None.

Open to the Board for discussion.

Chairman Masciale stated that he felt this pool was close to the side of the property; nicely tucked in and had little or no impact on the neighbors. He was in favor of the application.

Mr. Sontz stated he had no coverage concerns. He was fine with the location of the pool.

Mr. Fusaro and Ms. Dabulas discussed decreasing the 2 sides of the patio to eliminate the side yard variance.

Mr. Cohen, Mr. Fusaro, Mr. Sontz, and Mr. Reisen request to open this application for public discussion. They want to discuss options with the applicant.

Chairman Masciale opens the application to discussion.

The Board proposed that the applicants agree to reduce the 2 side patios to eliminate the side yard variance.

The applicants and Attorney agreed to reduce the size of the patio from 8 feet to 6.4 feet.

The Board is in agreement. Chairman Masciale asked if all Board members were in agreement.

The Board all agreed and supported the application with the change.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Charles Gelinias, Allyson Hroblak, Eldy Pavon

Motion carried.

Application approved with change.

Ben & Dina Ebel, 465 Channing Avenue

6/16/21

Applicant is seeking approval to enclose a swimming pool with fencing and screening contrary to the Land Use Ordinance Section 13.02 D where the permitted solid fence is 6' and proposed is 4' open style fence. **Application deemed completed August 11, 2021. 120-day decision date is December 9, 2021.**

Chairman Masciale swore in Mr. & Mrs. Ebel and Architect, Mr. Nissim. Mr. Nissim presented a color rendered version of the plans to the Board. He described the application and the property. The applicants are seeking approval to enclose their existing swimming pool with a 4-foot aluminum style fence and screening of evergreens for privacy.

Open to the Board for discussion.

Chairman Masciale asked if the fence met all safety standards. Mr. Nissim stated yes. Ms. Dabulas reviewed the noticing.

Mr. Fusaro stated that the evergreens to be planted should be 6 feet or higher. He also asked about the size of the pool and the style of the fence. Mr. Nissim stated the evergreens will be 6-7 feet tall and the pool size is 18-foot x 36 feet. The fence will be a 4-foot wrought iron fence. Chairman Masciale asked the applicant if they considered installing a 6-foot required fence to cut down on costs and to eliminate the variance. Mr. Ebel stated that they wanted to keep the natural aesthetic look of the property and add evergreens for privacy. It would be cheaper to install the 6-foot fence but we feel this will look better. It is aesthetically pleasing to the property and to the neighborhood.

Mr. Fusaro expressed his concerns about the proximity to the neighbor's property.

Open to the Audience.

Chairman Masciale swore in Mr. Horner, neighbor at 459 Channing Ave. He stated that he had no issues with this fence. He supported the application.

Chairman Masciale swore in Mr. and Mrs. Wasserman, neighbors at 471 Channing Ave. They stated that the fence was aesthetically pleasing to the property and neighborhood. The fence meets all safety standards. They liked the landscaping for privacy. They too were in support of this application.

Chairman Masciale swore in Ms. May, neighbor at 456 Channing Ave. She stated that she too felt this fence and screening were aesthetically pleasing and supported the application.

Open to the Board for discussion.

Chairman Masciale expressed that the screening needs to be maintained along the fence. He did not feel privacy was an issue.

Mr. Fusaro expressed his concern over tree removal. He had concerns with the neighbor's proximity.

Chairman Masciale stated that the tree removal would be addressed from the tree preservation commission. The neighbors present had no issues.

Mr. Sontz asked why they wouldn't just install a 6-foot fence to eliminate this variance.

Mr. Ebel stated that he did not want a 6-foot solid fence as it would ruin the views of the property. This fence and screening would look much better.

Mr. Cohen stated that we had testimony from 3 neighbors that support the application. His only concern was that the screening maintenance needed to be addressed. There was no safety issue.

Mr. Sontz agreed with Mr. Cohen.
Mr. Reisen also agreed with Mr. Cohen.

Chairman Masciale asked for a motion to approve this application with the condition that the screening be maintained. Mr. Cohen made a motion to approve this application, seconded by Mr. Reisen.

ALL IN FAVOR: Chris Masciale, Michael Cohen, Samuel Reisen
OPPOSED: Frank Fusaro, Matt Sontz
ABSTAINED: None
ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon

Motion carried.
Application approved with condition.

Rachel Paris, 634 Norman Place

6/7/21

Applicant is seeking approval to construct a front porch contrary to the Land Use Ordinance Section 12.03 C, D & E where the front yard setback permitted is a 38.56 ft and the proposed is 33.34 ft and Section 12.D4G where the maximum coverage by improvements permitted is 50% and the proposed is 56.2%. **Application deemed completed August 13, 2021. 120-day decision date is December 11, 2021.**

Chairman Masciale swore in Ms. Paris and Architect, Ms. Carminio. Ms. Carminio explained the applicants request for a covered front porch. She felt that it was aesthetically pleasing to the house and the applicant would be able to utilize this for enjoyment and to watch her children while they were playing outside.

Open to the Board for questions.

Mr. Sontz asked if this covered porch would be tied into the gutter system. Ms. Carminio stated yes; there would be no runoff concerns.

Mr. Reisen was concerned about the number of pavers along the property. Ms. Carminio stated that these were used for landscaping purposes prior to the applicant purchasing this house.

Mr. Cohen asked if the applicant had considered removing any pavers to lower the coverage. Ms. Carminio stated no as the pavers were being utilized. She expressed the hardship was from the undersized lot.

Chairman Masciale stated that the design of the front porch was very nice and there were a lot of pavers on the property but they tie everything together and do not impact the neighbors. He supports this application.

Mr. Fusaro agreed that the design of the front porch was aesthetically pleasing but wanted the condition that the 3 sides of the porch remain open to be noted on this application.

Mr. Sontz agreed.

Chairman Masciale asked for a motion to approve this application Mr. Fusaro made a motion to approve this application with the condition that the 3 sides of the porch remain open, seconded by Mr. Reisen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Matt Sontz
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Carla Bonacci, Charles Gelinas, Allyson Hroblak, Eldy Pavon

Motion carried.

Application approved with condition.

There being no further business, a motion was made by Mr. Fusaro to adjourn the meeting. All in favor. The meeting adjourned at 10:31 pm.

CARRIED to October 13, 2021

Elite Performance LLC, 918 South Avenue West

4/8/2021

Applicant is seeking approval to construct an addition to an existing business contrary to Section 11.28E1, 11.28E2, 12.04E3, 17.02C5, 17.05B and 17.10C of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 40feet. Proposed is 23.46 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 4.55 feet. Ordinance requires a maximum floor area ratio of 50%/5,000 square feet. Proposed is 60.83%/6,083 square feet. Ordinance requires a minimum number of parking spaces for medical office of 13 spaces. Proposed are 5 spaces. Ordinance requires a minimum driveway width of 20 feet. Proposed is 12 feet. Ordinance requires the maximum illumination at the property line to be .3 footcandle. Proposed is .5 footcandle. **Application deemed completed May 11, 2021. 120-day decision date is September 8, 2021.**

Xiaoyan Zhuang, 811 Grant Avenue

4/6/2021

Applicant is seeking approval to construct a one-story addition on the front of the home contrary to Section 12.03C, D & E, 12.04F1 and 12.04E1 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is 22 feet 1 inch. Ordinance requires a maximum coverage by buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 23.36%. Ordinance requires a maximum floor area ratio of 37% but not above 3,200 square feet. Proposed is 38.82%. **Application deemed completed June 8, 2021. 120-day decision date is October 6,2021.**

Respectfully submitted,
 Kristine Burd
 Board Secretary