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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
(SPECIAL MEETING) :
BOARD OF ADJUSTMENT REORGANIZATION :
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TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, January 9, 2023

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

1 B E F O R E:

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B E F O R E:

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FRANK FUSARO, CHAIRMAN

5

CHRIS MASCIALE, VICE-CHAIRMAN

6

MICHAEL COHEN, MEMBER

7

OMAR KARAME, MEMBER

8

MATT SONTZ, MEMBER

9

CAROL MOLNAR, MEMBER

10

PAUL EILBACHER, FIRST ALTERNATE

11

SAMUEL REISEN, SECOND ALTERNATE

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JENNY MANCE, ZONING OFFICER/ASST. PLANNER

15

DON SAMMET, TOWN PLANNER

16

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A B S E N T:

18

ELDY PAVON, MEMBER

19

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

20

WELLS, JAWORSKI & LIEBMAN, LLP

21

BY: KATHRYN J. RAZIN, ESQ.

22

Attorney for the BOARD

23

24

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P R O C E E D I N G S
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MR. SAMMET: Happy New Year,
everyone. This is the January 9, 2023,
reorganization meeting of the Westfield Board of
Adjustment. In compliance with the Open Public
Meetings Act of the State of New Jersey, adequate
notice of this meeting was provided in the
Westfield Leader and the Star Ledger and by
posting a copy on the bulletin board here in town
hall in the hallway right on the side of this
room. If everyone can please stand for the pledge
of allegiance.

(Whereupon, the Pledge of Allegiance
was recited.)

MR. SAMMET: This evening we have
two new members of the Board. Welcome Mr. Karame
and Mr. Eilbacher. We'll have you sworn in as
well as Mr. Sontz; whose term has been renewed, I
guess you could say. So I believe Katie is going
to swear you in.

(Whereupon, OMAR KARAME, PAUL
EILBACHER, AND MATTHEW SONTZ, Having been duly
sworn, were appointed/reappointed as a Member of

1 the Westfield Board of Adjustment.)

2 MS. RAZIN: Congratulations and
3 welcome back. And if you can please sign the
4 oaths that you have and pass them to Maria before
5 the end of the meeting, that would be great.

6 MR. SAMMET: Roll call; I'll start
7 from my right. Ms. Molnar.

8 MS. MOLNAR: Here.

9 MR. SAMMET: Mr. Cohen.

10 MR. COHEN: Here.

11 MR. SAMMET: Mr. Sontz.

12 MR. SONTZ: Here.

13 MR. SAMMET: Mr. Masciale.

14 MR. MASCIALE: Here.

15 MR. SAMMET: Mr. Fusaro.

16 CHAIRMAN FUSARO: Here.

17 MR. SAMMET: Mr. Eilbacher.

18 MR. EILBACHER: Here.

19 MR. SAMMET: Mr. Karame.

20 MR. KARAME: Here.

21 MR. SAMMET: Mr. Reisen.

22 MR. REISEN: Present.

23 MR. SAMMET: And Ms. Pavon is absent
24 this evening. Next on the agenda you have to
25 elect a Chair and Vice-chair. I understand

1 there's a nominating committee which is willing to
2 make or ready to make nominations for those
3 positions.

4 MR. SONTZ: Yes. The nominating
5 committee for the Westfield Board of Adjustment
6 would like to put forward the following proposal
7 for nominations for Board Officers for the
8 calendar year 2023; Board Attorney, Kathryn J.
9 Razin, Esq.; Chairman of the Board of Adjustment,
10 Frank Fusaro; and, Vice-chairman of the Board of
11 Adjustment, Chris Masciale.

12 MR. SAMMET: Thank you.

13 MS. MOLNAR: Do you need a second?

14 MR. SONTZ: Second.

15 MS. MOLNAR: Second.

16 MR. SAMMET: Mr. Sontz seconded by
17 Ms. Molnar.

18 Let me just ask; are there any
19 nominations from the floor outside of the
20 committee? I see none. So I'll do a roll. We
21 have Mr. Sontz seconded by Ms. Molnar for
22 Mr. Fusaro as Chair. All in favor.

23 BOARD MEMBERS: Aye.

24 MR. SAMMET: Any opposed? Any
25 abstentions? And then, for Mr. Masciale as

1 Vice-chair, we had a motion by Mr. Sontz and by
2 Ms. Molnar. All in favor.

3 BOARD MEMBERS: Aye.

4 MR. SAMMET: Any opposed? Any
5 abstentions? Congratulations to Mr. Fusaro and
6 Mr. Masciale if you choose to accept those
7 positions.

8 CHAIRMAN FUSARO: Yes.

9 MR. MASCIALE: Yes. Thank you for
10 your support.

11 (Applause.)

12 MR. SAMMET: With that, Mr. Chair, I
13 can step aside unless you'd like me to continue.

14 CHAIRMAN FUSARO: Thank you, Don.
15 Believe we have the appointment of the Secretary
16 for the Board, Ms. Breien. Do we need to...I'd
17 like to make a motion -- can I have a motion from
18 the floor to accept?

19 MS. MOLNAR: So moved.

20 CHAIRMAN FUSARO: Second?

21 MR. REISEN: Second.

22 CHAIRMAN FUSARO: All in favor.

23 BOARD MEMBERS: Aye.

24 CHAIRMAN FUSARO: Opposed? This
25 motion is passed. Second, we have resolutions

1 that were just distributed to us this evening
2 appointing Kathryn Razin of Wells, Jaworski and
3 Liebman, LLP, of Paramus as Board Attorney. May I
4 have a motion to approve Ms. Razin as our Board
5 Attorney?

6 MR. COHEN: So moved.

7 CHAIRMAN FUSARO: Second.

8 MR. REISEN: Second.

9 CHAIRMAN FUSARO: All in favor.

10 BOARD MEMBERS: Aye.

11 CHAIRMAN FUSARO: Any opposed? The
12 resolution has passed. Ms. Razin, welcome to the
13 Board again.

14 MS. RAZIN: Thank you.

15 CHAIRMAN FUSARO: Thank you for your
16 services. (Applause.) And we need to swear in
17 our Town Planner, Don Sammet; and, our Zoning
18 Officer and Assistant Planner, Jenny Mance.

19 (Whereupon, DONALD SAMMET, and
20 JENNY MANCE having been duly sworn, were appointed
21 as Town Planner and Zoning Officer/Assistant
22 Planner for the Westfield Board of Adjustment.)

23 CHAIRMAN FUSARO: Thank you. The
24 last item on our reorganization agenda is the
25 publishing -- or the approval, I should say -- of

1 our meeting dates for 2023. I'll read through
2 them real quick. The first meeting of the year is
3 obviously this evening January 9, 2023, the next
4 meeting is February 13, 2023, March 13, April 10,
5 May 8, June 12, July 10, August 14, September 11,
6 October 11, November 13, December 11, 2023,
7 January 8, 2024, and, February 12, 2024. These
8 meeting dates are posted on the town's website
9 should anyone need to refer to them in the future.

10 MS. MOLNAR: Is that a holiday,
11 February 12?

12 CHAIRMAN FUSARO: Say that again.

13 MS. MOLNAR: Is that a holiday?

14 CHAIRMAN FUSARO: February 12.

15 MR. REISEN: Unless you count my
16 wife's birthday, no.

17 CHAIRMAN FUSARO: No, okay. We will
18 double-check. If it's a federal holiday,
19 obviously, we won't be meeting and it will be
20 pushed it to a different date. So we'll
21 double-check that, thank you. As I mentioned,
22 those dates are published on the town's website
23 should anybody need to reference them in the past.

24 May I have a motion to adjourn the
25 reorganization meeting?

1 MR. MASCIALE: So moved.

2 CHAIRMAN FUSARO: Second?

3 MR. COHEN: Second.

4 CHAIRMAN FUSARO: All in favor.

5 BOARD MEMBERS: Aye.

6 CHAIRMAN FUSARO: The reorganization
7 meeting is adjourned. I thank everyone in the
8 audience for your patience with the business we
9 had to take care of. With that being said, we'll
10 move along into our regularly scheduled meeting
11 agenda.

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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :
: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, January 9, 2023

Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:40 p.m.

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B E F O R E:

FRANK FUSARO, CHAIRMAN

CHRIS MASCIALE, VICE-CHAIRMAN

MICHAEL COHEN, MEMBER

OMAR KARAME, MEMBER

MATT SONTZ, MEMBER

CAROL MOLNAR, MEMBER

PAUL EILBACHER, FIRST ALTERNATE

SAMUEL REISEN, SECOND ALTERNATE

- - -

JENNY MANCE, ZONING OFFICIAL/ASST. PLANNER

DON SAMMET, TOWN PLANNER

A B S E N T:

ELDY PAVON, MEMBER

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

WELLS, JAWORSKI & LIEBMAN, LLP

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

JAVERBAUM WURGAFT, ET AL

BY: STEPHEN HEHL, ESQ.

Attorney for the APPLICANT WESTFIELD SENIOR
CITIZENS HOUSING CORP.

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APPROVAL OF MINUTES: JANUARY 9, 2023	16
ADOPTION OF RESOLUTIONS	
118 VIRGINIA STREET	17
942 BOULEVARD	17
403 BEECHWOOD PLACE	18
935 CLEVELAND AVENUE	19
711 AUSTIN STREET	20
416 ELM STREET	21
OTHER BUSINESS: EXTENSION REQUESTS	
ZBA 22-53	
AMY & DAVID NATHANSON	
1 BREEZE KNOLL DRIVE	
<i>(EXTENSION GRANTED TO 1/9/2024)</i>	23
ZBA 22-55	
WESTFIELD SENIOR CITIZENS HOUSING CORP.	
REPRESENTED BY: STEPHEN HEHL, ESQ.	
1129-1133 BOYNTON AVENUE	
<i>(EXTENSION GRANTED TO 1/14/2024)</i>	27

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N E W A P P E A L S
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ZBA 22-028
ANTHONY FERNANDEZ
621 VERMONT STREET
BLOCK: 4601, LOT: 2 32

WITNESS	PAGE
ANTHONY FERNANDEZ	32
GREG RALPH	34

EXHIBIT	DESCRIPTION	PAGE
NONE		
	<i>*MOTION TO APPROVE APPLICATION WITH CONDITIONS</i>	44

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ZBA 22-031
MEGAN MCCANN
857 WINYAH AVENUE
BLOCK: 2105, LOT: 21 46

WITNESS	PAGE
MEGAN MCCANN	47
MARK O'LEARY	47
DAVID BAILEY	49

EXHIBIT	DESCRIPTION	PAGE
NONE		
	<i>*APPLICATION CARRIED TO 2/13/23 PENDING CHANGES</i>	68

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ZBA 22-029
ALICIA HARRINGTON
15 FAIRHILL ROAD
BLOCK: 201, LOT: 26 69

<u>WITNESS</u>	<u>PAGE</u>
ALICIA HARRINGTON	70
MARK LIPTON	71

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	PHOTO MOCKUP - TWO SHEETS	75
	<i>*MOTION TO APPROVE APPLICATION WITH CONDITIONS</i>	88

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ZBA 22-038
MATTHEW & ILENE ROBINSON
1 FAIRHILL ROAD
BLOCK: 201, LOT: 41 89

<u>WITNESS</u>	<u>PAGE</u>
MATTHEW ROBINSON	90
LAURENCE APPEL	92
MICHAEL LAU	103

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
NONE MARKED		
	<i>*APPLICATION CARRIED TO 2/13/23 PENDING CHANGES</i>	123

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P R O C E E D I N G S
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CHAIRMAN FUSARO: The first item of business this evening is the approval of our minutes from the December 12, 2022 meeting. Has everyone had a chance to review the minutes?

MR. MASCIALE: Yes.

CHAIRMAN FUSARO: Any notations or corrections that we need to be made aware of? Seeing none; can I have a motion to approve the minutes?

MR. MASCIALE: So moved.

CHAIRMAN FUSARO: Second?

MR. REISEN: Second.

CHAIRMAN FUSARO: All in favor.

BOARD MEMBERS: Aye.

CHAIRMAN FUSARO: The minutes are approved. Okay. We have been several resolutions this evening that needs to be formally adopted. I will read through them. And, Jenny, you're going to do the roll call then, or is Don still here? Or, Don, would you like to do it? Ready, Don.

MR. SAMMET: I am ready.

CHAIRMAN FUSARO: The first

1 resolution is resolution number ZBA 22-020, Joseph
2 and Elyse Gregov, 118 Virginia Street. Has
3 everyone had a chance to review the resolution?

4 BOARD MEMBERS: Yes.

5 CHAIRMAN FUSARO: Any corrections?
6 Seeing none; may I have a motion?

7 MR. MASCIALE: So moved.

8 MR. REISEN: Seconded.

9 CHAIRMAN FUSARO: Seconded. Don,
10 please call the roll.

11 MR. SAMMET: I'm going to take the
12 roll of the eligible members for this resolution.

13 Chair Fusaro.

14 CHAIRMAN FUSARO: Yes.

15 MR. SAMMET: Vice-chair Masciale.

16 MR. MASCIALE: Yes.

17 MR. SAMMET: Ms. Molnar.

18 MS. MOLNAR: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MR. SAMMET: And Mr. Reisen.

22 MR. REISEN: Aye.

23 CHAIRMAN FUSARO: Thank you. The
24 next resolution is resolution ZBA 22-030,
25 Matthew Ritter, 942 Boulevard. Has everyone had a

1 chance to review the resolution?

2 MR. MASCIALE: Yes.

3 CHAIRMAN FUSARO: Any corrections?

4 No? Don -- may I have a motion to approve?

5 MR. MASCIALE: So moved.

6 CHAIRMAN FUSARO: Second?

7 MR. REISEN: Second.

8 CHAIRMAN FUSARO: Second,

9 Mr. Reisen. Don...

10 MR. SAMMET: Again, eligible

11 members; Chair Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MR. SAMMET: Vice-chair Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Mr. Cohen.

18 MR. COHEN: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MR. SAMMET: And Mr. Reisen.

22 MR. REISEN: Yay.

23 CHAIRMAN FUSARO: Thank you, Don.

24 The next resolution is application number

25 ZBA 22-07, Lea and Dan Gates, 403 Beechwood Place.

1 Has everyone had a chance to review the
2 resolution?

3 MR. MASCIALE: Yes.

4 CHAIRMAN FUSARO: Any corrections?
5 Seeing none; may I have a motion?

6 MR. MASCIALE: So moved.

7 MR. REISEN: Seconded.

8 CHAIRMAN FUSARO: Seconded by
9 Mr. Reisen.

10 MR. SAMMET: For the roll,
11 Chair Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MR. SAMMET: Mr. Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Mr. Cohen.

16 MR. COHEN: Yes.

17 MR. SAMMET: Ms. Molnar.

18 MS. MOLNAR: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MR. SAMMET: And Mr. Reisen.

22 MR. REISEN: Yes.

23 CHAIRMAN FUSARO: Thank you. The
24 next resolution is application ZBA 21-036, Bohdan
25 and Olena Kiyko, 935 Cleveland Avenue. Has

1 everyone had a chance to review the resolution?

2 MR. MASCIALE: Yes.

3 CHAIRMAN FUSARO: Any corrections?

4 Seeing none; may I have a motion?

5 MR. MASCIALE: So moved.

6 MR. REISEN: Seconded.

7 CHAIRMAN FUSARO: Seconded by

8 Mr. Reisen. Don?

9 MR. SAMMET: Chair Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Vice-chair Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Mr. Cohen.

14 MR. COHEN: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SONTZ: Yes.

18 MR. SAMMET: And Mr. Reisen.

19 MR. REISEN: Yes.

20 CHAIRMAN FUSARO: Thank you. We're

21 getting there; two more. The next resolution is

22 application ZBA 22-021, Maite Quinn-Richards,

23 711 Austin Street. Has everyone had a chance to

24 review the resolution?

25 MR. MASCIALE: Yes.

1 MR. REISEN: Yes.

2 CHAIRMAN FUSARO: Any revisions or
3 corrections? Seeing none; may I have a motion?

4 MR. MASCIALE: So moved.

5 MR. REISEN: Seconded.

6 CHAIRMAN FUSARO: Seconded by
7 Mr. Reisen. Don?

8 MR. SAMMET: Chair Fusaro.

9 CHAIRMAN FUSARO: Yes.

10 MR. SAMMET: Vice-chair Masciale.

11 MR. MASCIALE: Yes.

12 MR. SAMMET: Mr. Cohen.

13 MR. COHEN: Yes.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MR. SAMMET: Mr. Sontz.

17 MR. SONTZ: Yes.

18 MR. SAMMET: Mr. Reisen.

19 MR. REISEN: Yes.

20 CHAIRMAN FUSARO: The last
21 resolution this evening is application ZBA 22-024,
22 Jessica and Leonid Dubrovsky, 416 Elm Street. Has
23 everyone had a chance to review the resolution?

24 MR. MASCIALE: Yes.

25 CHAIRMAN FUSARO: Any corrections?

1 Seeing none; may I have a motion?

2 MR. MASCIALE: So moved.

3 MR. REISEN: Seconded.

4 CHAIRMAN FUSARO: Seconded by

5 Mr. Reisen. Don...

6 MR. SAMMET: Chair Fusaro.

7 CHAIRMAN FUSARO: Yes.

8 MR. SAMMET: Vice-chair Masciale.

9 MR. MASCIALE: Yes.

10 MR. SAMMET: Mr. Cohen.

11 MR. COHEN: Yes.

12 MR. SAMMET: Ms. Molnar.

13 MS. MOLNAR: Yes.

14 MR. SAMMET: Mr. Sontz.

15 MR. SONTZ: Yes.

16 MR. SAMMET: And Mr. Reisen.

17 MR. REISEN: Yes.

18 CHAIRMAN FUSARO: Thank you very

19 much, Don. It's greatly appreciated.

20 MS. MOLNAR: One housekeeping

21 question.

22 CHAIRMAN FUSARO: Yes.

23 MS. MOLNAR: Is it possible to get

24 these resolutions in our packet? We used to get

25 them when I first joined the Board.

1 CHAIRMAN FUSARO: We'll make sure
2 that we try to get them out. It depends on what
3 day of the week the packets come out.

4 MS. MOLNAR: Thank you very much.

5 CHAIRMAN FUSARO: We'll make a note
6 of that, Ms. Molnar to try and get that taken care
7 of. Thank you.

8 MS. MOLNAR: Thank you.

9 CHAIRMAN FUSARO: There are no
10 withdrawals of applications. We have two
11 extensions that are before the Board this evening.
12 The first request for an extension is application
13 ZBA 22-53, Amy and David Nathanson, 1 Breeze Knoll
14 Drive. Is anyone here from...

15 MR. NATHANSON: Hello.

16 CHAIRMAN FUSARO: Mr. Nathanson, how
17 are you?

18 MR. NATHANSON: Good evening.

19 CHAIRMAN FUSARO: Please step
20 forward. State your name and address for the
21 record.

22 MR. NATHANSON: David Nathanson,
23 1 Breeze Knoll Drive, Westfield, New Jersey.

24 CHAIRMAN FUSARO: Please raise your
25 right hand.

1 DAVID NATHANSON, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN FUSARO: Thank you. Please
4 proceed.

5 MR. NATHANSON: Thank you. This
6 evening, what we're trying to do, obviously, we're
7 trying to do a little bit of an addition on our
8 home. And during Covid with all the things going
9 on, the contractor we wanted to use put us off
10 because he was very busy. Then he asked -- he
11 said maybe we'll save some money if we wait until
12 the spring. The spring came; we delayed a little
13 bit. I had a 50th birthday party for my wife.
14 The next thing you know, it's the fall. Right
15 before we're going to start, one of the subs
16 wanted to jack the price up about 20%. Between
17 that and my father being sick, I said you know
18 what, let's hold on this. Not realizing that I
19 had an expiration on my permit. So the next thing
20 I know, I decided to hold off, and we did because
21 things got out of control. Here I am asking if it
22 is possible for an extension so I can move along
23 and do it the proper way.

24 CHAIRMAN FUSARO: Thank you. How
25 long of an extension are you requesting?

1 MR. NATHANSON: I mean once we bid
2 it, I want the job to get done. So I think my
3 expiration is like December 16.

4 CHAIRMAN FUSARO: One year is
5 sufficient?

6 MR. NATHANSON: I would think. If
7 it's not, we've got bigger problems.

8 CHAIRMAN FUSARO: If it's not, we'll
9 see you here next January. Thank you,
10 Mr. Nathanson.

11 MR. MASCIALE: Have any of the
12 conditions changed on the property?

13 MR. NATHANSON: Zero.

14 MR. MASCIALE: Everything is the
15 same?

16 MR. NATHANSON: Everything is the
17 same. I'm just hoping someone will bid that
18 doesn't go crazy.

19 CHAIRMAN FUSARO: Anyone else?

20 MR. COHEN: Do we need to swear him
21 in?

22 MS. BREIEN: He did get sworn in.

23 CHAIRMAN FUSARO: Yes. Any other
24 Board Members have any questions for Mr. Nathanson
25 at this time? Seeing none; we'll close that

1 portion of the meeting. Thank you, Mr. Nathanson.
2 May I have a motion to -- we'll, we could have
3 some Board discussion, but I don't think we really
4 need any. It's cut and dry.

5 MR. MASCIALE: Do you want to do it
6 to December or do you want to do it a full year to
7 make it easier?

8 CHAIRMAN FUSARO: Let's to a full
9 year. Is everyone in agreement?

10 BOARD MEMBERS: (Board Members nod
11 in agreeance.)

12 CHAIRMAN FUSARO: Okay, good. Can I
13 have a motion to extend the application for one
14 full year?

15 MR. MASCIALE: I'll make a motion to
16 extend the application for one year.

17 CHAIRMAN FUSARO: Do we have a
18 second?

19 MR. SONTZ: Second.

20 CHAIRMAN FUSARO: Jenny, can you
21 please call the roll?

22 MS. MANCE: Ms. Molnar.

23 MS. MOLNAR: Yes.

24 MS. MANCE: Mr. Cohen.

25 MR. COHEN: Yes.

1 MS. MANCE: Mr. Sontz.

2 MR. SONTZ: Yes.

3 MS. MANCE: Mr. Masciale.

4 MR. MASCIALE: Yes.

5 MS. MANCE: Mr. Fusaro.

6 CHAIRMAN FUSARO: Yes.

7 Mr. Nathanson, your application for
8 an extension has a one-year approval. Good luck
9 with the project.

10 MR. NATHANSON: Thank you.

11 CHAIRMAN FUSARO: Our next extension
12 request is application number ZBA 22-55, Town of
13 Westfield Senior Citizens Housing Corporation,
14 1129-1133 Boynton Avenue. Good evening, Mr. Hehl.

15 MR. HEHL: Good evening,
16 Mr. Chairman and Board Members. First
17 congratulations on the new appointments, and
18 welcome back to the returning members. And
19 congratulations -- my sympathies. It's a
20 thankless job and I really appreciate your
21 dedication; the Board Members and Board staff.

22 Yes, Mr. Chairman, I did send forth
23 a letter that was distributed to the Board. And
24 John Leshner is the Chair of the Long-Range
25 Planning Committee of Westfield Senior. They're

1 still interested in this project. They want to
2 move forward on it. The impacts of Covid are
3 still impacting significantly the senior
4 community. One of the items with this project is
5 it's not a stand-alone building all by its own,
6 it's going to be added to the existing structure.
7 There has been a slight uptick, they have been
8 very health-conscious at Westfield Senior working
9 with local pharmacies in the county. But having a
10 project like this, having the walls opened up and
11 workers coming, the population in the community
12 feels best to have it safe to have a one-year
13 extension. Certainly, if anything changes, again,
14 Westfield Senior is committed to moving forward
15 with this project. I know there's a need for
16 senior housing in the area. And Mr. Masciale may
17 ask if things changed on the property; we're not
18 seeking any changes from the previously approved
19 conditions.

20 MR. MASCIALE: Let me just -- so
21 there was a lot of discussion, and this was
22 approved back in, what was it, 2018?

23 MR. HEHL: Actually, the hearing was
24 in '18; the resolution was in '19.

25 MR. MASCIALE: Okay. Just for the

1 Board, there was a lot conversation about the
2 traffic patterns. I think we wanted also some of
3 the drainage and stuff in the back there as well.
4 So there was a lot of discussions the Board had on
5 that. And none of the traffic patterns; there
6 have been no changes that I can think of in that
7 neighborhood.

8 MR. HEHL: No.

9 MR. MASCIALE: I just want to get it
10 on the record that the Board did spend a lot time
11 looking at the traffic, listening to the
12 neighbors, and I think also the drainage on there.

13 CHAIRMAN FUSARO: In addition, I'm
14 sure you're aware, Mr. Hehl, of certain conditions
15 that were part of that approval, so if we grant,
16 those conditions will still remain.

17 MR. HEHL: They'll still remain,
18 Mr. Chairman.

19 CHAIRMAN FUSARO: They had to do
20 with landscaping, they had to do with a set of
21 stairs going onto an adjacent property, etcetera.
22 So I just want to remind you that those conditions
23 are still applicable.

24 MR. COHEN: Are we eligible to vote
25 on the extension if we were not on the Board at

1 the time?

2 CHAIRMAN FUSARO: Katie?

3 MS. RAZIN: Yes.

4 CHAIRMAN FUSARO: Yes, okay. Does
5 anyone else from the Board have any questions for
6 Mr. Hehl or from the Board of Directors,
7 Mr. Leshner? Seeing none, Mr. Hehl, is there
8 anything else you'd like to add?

9 MR. HEHL: No. Again, hopefully,
10 you won't see me -- hopefully, you'll see me -- on
11 this application again. We look forward to the
12 groundbreaking.

13 CHAIRMAN FUSARO: Is a one-year
14 extension sufficient?

15 MR. HEHL: Yes, that's fine.

16 CHAIRMAN FUSARO: Great. That
17 having been said, is there any Board discussion?
18 Seeing none, may I have a motion?

19 MR. MASCIALE: I'll make a motion to
20 extend the application for one year.

21 CHAIRMAN FUSARO: Second?

22 MR. SONTZ: Second.

23 CHAIRMAN FUSARO: Second, Mr. Sontz.
24 Jenny...

25 MS. MANCE: Ms. Molnar.

1 MS. MOLNAR: Yes.

2 MS. MANCE: Mr. Cohen.

3 MR. COHEN: Yes.

4 MS. MANCE: Mr. Sontz.

5 MR. SONTZ: Yes.

6 MS. MANCE: Mr. Masciale.

7 MR. MASCIALE: Yes.

8 MS. MANCE: Mr. Fusaro.

9 CHAIRMAN FUSARO: Yes.

10 MS. MANCE: Mr. Eilbacher.

11 MR. EILBACHER: Yes.

12 MS. MANCE: And Mr. Karame.

13 MR. KARAME: Yes.

14 CHAIRMAN FUSARO: Your extension is
15 approved. Thank you so much, Mr. Hehl. Good luck
16 with your project.

17 MR. HEHL: We'll see you soon.
18 Thank you.

19 CHAIRMAN FUSARO: Hopefully, we
20 won't see you back here next year. Have a good
21 evening, and thank you.

22 Moving right along, we have four
23 applications on the agenda this evening. We're
24 going to move right into our first application.
25 The first application is application number

1 ZBA 22-08, Anthony Fernandes, 621 Vermont Street.
2 Applicant is seeing variance approval to allow for
3 the construction of a one-story addition and porch
4 addition. The new first-floor addition will
5 include renovations to update the kitchen and
6 create a home office contrary to the following
7 sections of the Westfield Land Use Ordinance:
8 Section 12.04F where the maximum coverage by
9 buildings and above-grade structures permitted is
10 20% or 2,200 square feet and proposed is 22.5% or
11 2,473.5 square feet; Section 11.07E7 where the
12 minimum rear yard setback required is 35-feet and
13 proposed is 29.25-feet; and, Section 11.07.E5
14 where the required front yard setback is 36.9-feet
15 and 31.86-feet is proposed. Good evening.

16 MR. FERNANDES: Good evening.

17 CHAIRMAN FUSARO: Please state your
18 name and address for the record.

19 MR. FERNANDES: My name is
20 Anthony Fernandes. My address is 621 Vermont
21 Street.

22 CHAIRMAN FUSARO: Please raise your
23 right hand.

24 ANTHONY FERNANDES, having been duly
25 sworn, was examined and testified as follows:

1 CHAIRMAN FUSARO: Thank you. Does
2 Mr. Ralph want to speak first or are you?

3 MR. FERNANDES: I will.

4 CHAIRMAN FUSARO: Please proceed.
5 Tell us about your application.

6 MR. FERNANDES: Thank you. As
7 mentioned, my name is Anthony Fernandes. I'm a
8 resident of Westfield since 2019 when we purchased
9 this home. The reason for the ask is to
10 accommodate a growing family. We had our third
11 child, and my home office was sequestered by a
12 three-year-old. She's very cute, but I'm not very
13 good at sharing. We really tried to design it
14 with keeping in mind on the ask for the minimum
15 that we need for the addition of the home. Asking
16 for your consideration and a small prayer. I'm a
17 father of three girls under six years old. It's
18 great to be out of the house. This is awesome.

19 CHAIRMAN FUSARO: Thank you.
20 Mr. Ralph, good evening. Happy new year. Since
21 it's a new year and we have several new Board
22 members if you could give us a little bit of your
23 background and get familiar with the new Board
24 members and then we'll proceed from there.

25 MR. RALPH: Absolutely. Name and

1 address first?

2 CHAIRMAN FUSARO: Yes. Please state
3 your name and address for the record.

4 MR. RALPH: Gregory Ralph,
5 1924 US 22 East, Bound Brook, New Jersey 08805.

6 CHAIRMAN FUSARO: Please raise your
7 right hand.

8 GREGORY RALPH, having been duly
9 sworn, was examined and testified as follows:

10 CHAIRMAN FUSARO: Okay. Give us a
11 little history.

12 MR. RALPH: Okay. So Bachelor of
13 Architecture from Roger Williams University in
14 2207. Licensed in New Jersey since 2011. I hold
15 licenses in other states. I practice in the field
16 of residential architecture. And I've been here
17 as recently as last month.

18 CHAIRMAN FUSARO: Thank you,
19 Mr. Gregory. Any questions for Mr. Gregory -- or
20 Mr. Ralph, I'm sorry -- from the Board? Seeing
21 none, we will continue to recognize you as an
22 expert in the field of architecture. Please
23 proceed.

24 MR. RALPH: We have three variances
25 tonight; which I'll restate. We have a front yard

1 where our front porch addition is at 31.86-feet
2 where 36.9-feet is the required average based on
3 the right-side neighbor. The rear yard that we're
4 asking for is 29.25-feet, and that is being asked
5 to be given in alignment with the existing
6 structure which is also at that setback, where
7 35-feet is required. And then the building
8 coverage from the application was at 22.5% which
9 is stated, that was including the porch. So as
10 noted in the staff report, the actual variance
11 asked for building coverage is 20.3% if you picked
12 that up on the staff report. So 20.3% where 20%
13 is required. So we're actually quite close if we
14 didn't have that porch factored in, in terms of
15 porch credit.

16 MR. COHEN: What was the front yard
17 variance again?

18 MR. RALPH: 31.86 is proposed; 36.9
19 is prevailing. I will be brief because I believe
20 this is a relatively straightforward one for once.
21 I just want to point out -- this is the same
22 drawing you have as in your packet -- so on B-1,
23 this is just context from the lot itself. So
24 we're this square lot, Lot 2. And our addition is
25 on plan left and the top of the plan. I just want

1 to point out that these two lots here, Lot 6 and
2 Lot 3, those are actually their yards that we
3 abut, so we're not up against structures. And I
4 just thought that was worth noting because it's
5 the site context around where we're doing this
6 addition, where we have the rear-yard
7 encroachment, and where we have the coverage
8 coming in.

9 I'll just walk you through the plan
10 and why we think you can approve it based on the
11 standards that you have to impose. If I flip on
12 over to my V-4, which you should have as well,
13 First Floor Plan, kind of the core of the project
14 as mentioned was to expand the kitchen and that
15 family living area and add a home office. In the
16 upper right before you, you have the first-floor
17 demolition plan. You can see that the upper left
18 quadrant of the plan has some interior partitions
19 being demolished. That currently functions as the
20 dining, kitchen, and the family room all kind of
21 separated and divided up. As you see before your
22 Board quite frequently, the ask now is to open up
23 that space to connect it better. And in doing so,
24 looking they were looking for a little bit more
25 width for that kitchen and dining room area. So

1 that kitchen expansion is 3-foot-10 1/2-inches.
2 So you can see that on the upper left-hand corner
3 of the kitchen expansion.

4 So the encroachment for the rear
5 yard that's at 29.25, is only happening for a
6 length of 3-foot-10. So we took that into
7 consideration, we just asked for what we needed.
8 Whereas, if we had complied with the standard, we
9 wouldn't have had an inset in the kitchen and it
10 wouldn't flow as well. And, again, in
11 consideration of the total length of the rear
12 wall, we felt that an additional 3-foot-10 seemed
13 reasonable. So that's the kitchen area and that's
14 all open.

15 And then, Mr. Fernandes asked for a
16 home office as he had that on the upper level of
17 this split-family dwelling. He had asked for that
18 on the first floor facing the front of the house
19 so he can see people coming, packages, whatever
20 throughout the day, family coming in and out. So
21 the office is just 13-by-11 located there.
22 (Indicating.) We felt that, again, that was a
23 modest size. It did drive a small building
24 coverage variance ask for this for what he's
25 looking for the size of his home office there.

1 And you'll see that that has a double French door
2 which leads out to the proposed front porch. So
3 when we were doing the design, we wanted this
4 addition to feel harmonious with the house. And
5 if you make your way down to V-7, you'll see that
6 the kind of front perspective that we've provided
7 with the front elevations the intent is to carry
8 that porch line across with a nice new roof, nice
9 new columns and beam, and kind of frame that
10 addition so it's a less obvious addition, it feels
11 more integrated into the home. So that, honestly,
12 is kind of a programmatic project that we have
13 here. Meaning, there's no work on the second
14 floor. There's really no other work throughout
15 the house, we're left with this left-side
16 extension.

17 So just a couple of points for your
18 consideration in your hopeful approval of this.
19 The improvements are modest in terms of where
20 we're starting. The house that totals for the
21 finished addition is 199 square feet for that
22 kitchen and office expansion. It's all one story.
23 We tried to keep the mass down. And, again, it's
24 in line with the existing back wall of the house.
25 As I stated before, the linear impact to the rear

1 yard is only 3-foot-10, and it abuts the backyard
2 of the other property that's behind us. Their
3 house is set far over to the side from where this
4 work is happening. The existing front wall of the
5 house is nonconforming with the average front yard
6 setback. We only have one neighbor that
7 contributed to that front yard setback, our
8 neighbor to the right. The neighbor to the left
9 has the corner lot; so they don't contribute. So
10 there's not a lot of data points there, and then
11 it goes off to trees. It's a very nice lot, in
12 fact. So the point there is that there wasn't a
13 lot to average there. And so, we picked up on
14 that existing porch line and we're just asking to
15 extend it. And that's within 4-feet of the -- let
16 me make sure that's accurate -- that's within
17 5-feet of the requirement. So that porch is only
18 encroaching 25-feet into the front yard. And that
19 porch is all open-air. And again, one story,
20 limited light.

21 And then the last point on the
22 building coverage; we met with them, we had
23 initial plans we typed up the plans. And where we
24 found ourselves was still needed that .3% that
25 we're asking for tonight for building coverage.

1 And we looked at where and how the house sits on
2 the lot and how it affects the neighbors, and we
3 felt it was reasonable to continue with that ask.
4 That's my opening.

5 CHAIRMAN FUSARO: Thank you,
6 Mr. Ralph. I have a couple of quick questions. I
7 noticed that the existing home has a two-car
8 attached garage and there is a two-car detached
9 garage on the property as well.

10 MR. RALPH: Yes.

11 CHAIRMAN FUSARO: Was any
12 consideration given, based on the photographs that
13 you gave us as well, it looks like the attached
14 garage is being used for vehicles; there's one
15 parked in the driveway. And the detached garage
16 is used for...?

17 MR. FERNANDES: Christmas
18 decorations.

19 CHAIRMAN FUSARO: Was any
20 consideration given to possibly using or utilizing
21 the detached garage or garage and possibly create
22 an office or some additional space that you've
23 requested taking that out of the attached garage?

24 MR. RALPH: Yeah. That's a good
25 question. Just with the way that the house flows,

1 the nature of the split level, it's a good
2 consideration. We felt that the office being on a
3 main living level adjacent to the primary function
4 made sense. And with the two-car garage with the
5 limited street parking there with the narrow
6 street and drop off, we were having a conversation
7 prior as well there's a lot of school traffic on
8 the street. So those two-car garage bays are
9 valuable to him attached to the house.

10 CHAIRMAN FUSARO: Thank you. And I
11 have one more odd question. I see there's a well
12 on the property. I'm assuming -- can you give us
13 a little background? Is the well active? I'm
14 sure it's properly secured.

15 MR. NATHANSON: I can only give you
16 the history as it was told to me. My
17 understanding is that the property belonged to the
18 house facing Rahway at some point that the wall
19 went back. And that well, and the carriage house
20 that you're referencing belonged to and serviced
21 the house facing Rahway. It's capped, it's not
22 used. It's decorative at this day.

23 CHAIRMAN FUSARO: I'm glad to hear
24 that. I don't have any additional questions for
25 the Applicant or the architect. Do any Board

1 members have any questions?

2 MS. MOLNAR: I have a question.

3 CHAIRMAN FUSARO: Carol.

4 MS. MOLNAR: Based on the location
5 of where you're putting the new office, it appears
6 that the chimney is going to be inside the home,
7 inside the addition; is that correct?

8 MR. RALPH: Yeah. So that's the
9 back of the chimney and we're working around that.
10 It still vents out of the house. There's really
11 only a one-story structure, so we're just
12 encapsulating that. It's masonry.

13 MS. MOLNAR: So when you sit in the
14 room, you won't see the chimney, you're building a
15 box around it? When you say "encapsulate" what do
16 you mean?

17 MR. RALPH: Frankly, in terms of
18 interior design, if we could keep it exposed and
19 make it a feature; we would. But it's definitely
20 safe because it's all non-combustible.

21 MS. MOLNAR: Are any building code
22 issues that --

23 MR. RALPH: No. We wouldn't be
24 subject to building code.

25 MS. MOLNAR: You can close in a

1 chimney like that.

2 MR. RALPH: Yes, correct. Because
3 that's the backside.

4 MS. MOLNAR: Thank you.

5 CHAIRMAN FUSARO: Any other Board
6 Members have any questions for the Applicant or
7 Mr. Ralph? Seeing none. Any final comments you'd
8 like to give?

9 MR. RALPH: No. That's our
10 application. Thank you so much.

11 CHAIRMAN FUSARO: I'm sorry. Pardon
12 me. Is there anyone from the public who would
13 like to address the application at this time? If
14 so, please come forward and state your name and
15 address for the record. Seeing none, Mr. Ralph,
16 any additional comments?

17 MR. RALPH: No, thank you.

18 CHAIRMAN FUSARO: Okay. Thank you
19 so much. We'll close the public portion of the
20 meeting and open it up to Board discussion at this
21 time. You've heard from the Applicant and his
22 architect the reasoning behind the request for the
23 variance. I think we've worked with Mr. Ralph in
24 the past, he's always looked at as many options or
25 alternatives as possible for his plans are usually

1 very accurate. And taking into construction some
2 of the questions that we tend to bring up. As you
3 can see, if we were to approve the application, I
4 would recommend a condition, our usual condition
5 that the porch remains open on three sides. Other
6 than that, I don't have any issues with the
7 application and I would be in support of it. How
8 does the rest of the Board feel?

9 MR. MASCIALE: In agreement. It's a
10 minimal request. The room size, it's not
11 oversized. The kitchen extension is very
12 functional. It will be a great addition.

13 CHAIRMAN FUSARO: Thank you, Chris.
14 Anyone else?

15 MS. MOLNAR: I was just going to say
16 I think the property can handle the additional
17 coverage. It's an effective use.

18 CHAIRMAN FUSARO: Thank you, Carol.
19 Anyone else have any comments? No? Seeing none;
20 may I have a motion?

21 MR. COHEN: Move to approve the
22 application as submitted with the additional
23 condition that the front porch remains open on,
24 actually, two sides.

25 MR. MASCIALE: Rear porch.

1 MR. COHEN: I'm sorry?
2 CHAIRMAN FUSARO: Front porch.
3 MR. COHEN: Front porch.
4 MR. MASCIALE: Correct.
5 MR. COHEN: It's going to end up
6 being open on two sides.
7 CHAIRMAN FUSARO: Yes, it's a
8 corner. You're correct. I'm mistaken. May I
9 have a second?
10 MR. SONTZ: Second.
11 CHAIRMAN FUSARO: Jenny, please call
12 the roll.
13 MS. MANCE: Ms. Molnar.
14 MS. MOLNAR: Yes.
15 MS. MANCE: Mr. Cohen.
16 MR. COHEN: Yes.
17 MS. MANCE: Mr. Sontz.
18 MR. SONTZ: Yes.
19 MS. MANCE: Mr. Masciale.
20 MR. MASCIALE: Yes.
21 MS. MANCE: Mr. Fusaro.
22 CHAIRMAN FUSARO: Yes.
23 MS. MANCE: Mr. Eilbacher.
24 MR. EILBACHER: Yes.
25 MR. KARAME: Yes.

1 CHAIRMAN FUSARO: Your application
2 is approved. Thank you so much. Have a good
3 evening.

4 Our next application is application
5 ZBA 22-031, Megan McCann, 857 Winyah Avenue.
6 Applicant is seeking to construct a two-story
7 addition on the rear of the dwelling to expand the
8 first-floor kitchen and add a mudroom. The second
9 floor will add a master bedroom suite. There will
10 be a second-floor addition over the existing
11 garage as part of the new master bedroom suite.
12 The existing first-floor kitchen and powder room
13 area will be renovated to expand into the
14 addition. The existing second floor will have the
15 bedroom #2 renovated to be part of the new master
16 suite. There will be a new stair addition to the
17 attic to add a bedroom, bath, and office area;
18 and, the rear addition will be built over a crawl
19 space contrary to the following sections of the
20 Westfield Land Use Ordinance: Section 12.04F1
21 where the maximum building coverage permitted is
22 20% and proposed is 21.2%; Section 11.07E2 where
23 minimum side yard setback permitted is 10-feet and
24 proposed is 8.28-feet; and, Section 12/04E1 where
25 eh maximum FAR permitted is 3,200 square feet and

1 proposed is 3,397 square feet. Good evening.

2 MR. BAILEY: Good evening.

3 CHAIRMAN FUSARO: I'm sure you're
4 aware, I just want to make the Applicant and the
5 architect aware that this is a D variance, and as
6 such, we will require five affirmative votes from
7 the Board.

8 MR. BAILEY: That's fine.

9 CHAIRMAN FUSARO: Please come up to
10 the mic and state your name and address for the
11 record.

12 MS. MCCANN: Megan McCann,
13 857 Winyah Ave.

14 CHAIRMAN FUSARO: This gentleman?

15 MS. MCCANN: My husband.

16 MR. O'LEARY: Mark O'Leary,
17 857 Winyah Ave.

18 CHAIRMAN FUSARO: Please raise your
19 right hand.

20 MEGAN MCCANN and MARK O'LEARY,
21 having been duly sworn, were examined and
22 testified as follows:

23 CHAIRMAN FUSARO: Tell us about your
24 application.

25 MS. MCCANN: Great. Thank you for

1 hearing our request. My name is Megan McCann.
2 This is my husband, Mark O'Leary. I'll summarize;
3 we're looking to expand our kitchen, add a
4 mudroom, and then build a master suite above the
5 attic space and our one-story garage. We moved to
6 Westfield six years ago as a family of four with
7 two children. We now have four children, and this
8 addition is to help accommodate our family.
9 Initially, we started looking for larger homes but
10 came back to where we are for several reasons.
11 First off, the look and feel of the neighborhood,
12 the proximity to the school, and the character of
13 our home.

14 So we decided to work with David on
15 renovating and modernizing the home and make it
16 fit for our family. Prior to sending the notices
17 to our neighbors, we spoke to 11 of the 21 that we
18 had to notify, and all are in favor of us making
19 this investment in our home. Do you have anything
20 to add?

21 MR. O'LEARY: No.

22 CHAIRMAN FUSARO: Good evening. How
23 are you?

24 MR. BAILEY: Pretty good. And you.

25 CHAIRMAN FUSARO: Mr. Bailey, since

1 this is a new year and as I mentioned previously,
2 we have some new Board members. If you would be
3 so kind as to give us a little background. But
4 before we do that, please state your name and
5 address for the record.

6 MR. BAILEY: Dave Bailey, architect.
7 Office address 828 South Avenue West, Westfield.

8 CHAIRMAN FUSARO: Please raise your
9 right hand.

10 DAVID BAILEY, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you. Please
13 give us a little bit of background.

14 MR. BAILEY: I received my Bachelor
15 of Architecture degree from the University of
16 Kentucky in 1980. I've received my New York State
17 architect's license in 1989. I received my New
18 Jersey State architect's license in 1990. I've
19 had my own firm, Forefront Designs, since 1996.
20 And I've appeared before this Board numerous,
21 numerous times.

22 CHAIRMAN FUSARO: Yes, numerous
23 times indeed. Your license is still active in the
24 State of New Jersey?

25 MR. BAILEY: Yes.

1 CHAIRMAN FUSARO: Thank you. Does
2 anyone have any questions or objections to
3 Mr. Bailey's qualifications? Seeing none; we'll
4 continue to recognize you as an expert in the
5 field of architecture. Please proceed.

6 MR. BAILEY: Sure. I'd like to
7 start the Board with the existing plans. So if
8 you turn to Sheet EX-1, and look at Number 6 on
9 EX-1, the Existing First Floor Plan, as you heard
10 Ms. McCann state, the existing house is small for
11 their current needs. So you can see on the
12 Existing First-Floor Plan, there's an existing
13 small kitchen in the back. There's an attached
14 garage that's undersized, there's a low ceiling, a
15 7-foot-3 ceiling, so it's not really usable as a
16 full-sized garage. There's a glass greenhouse in
17 the back of the garage. The flow from the kitchen
18 to the family room in the back is not a very good
19 flow, you have to go through the dining room to
20 get to the family room. So it's a pretty tight
21 and compact first floor. There's a mudroom there.
22 And the family room is small, the kitchen is
23 small, it doesn't flow into the family room.

24 On Drawing 7 on EX-1, the Existing
25 Second-Floor Plan, there're currently four

1 bedrooms and two baths on that level. The
2 existing master bedroom is in the front in the
3 corner with a very tiny bathroom and small
4 closets. There's a modest hall bath. And then,
5 there's an unfinished attic. Existing stairs to
6 the unfinished attic. Number 8 on EX-1 the stairs
7 don't have good headroom, it's not a very
8 comfortable attic as exists.

9 If you look at the existing
10 photographs on PH1, existing photos, you will see
11 on the top left the existing front elevations.
12 The existing one-car garage has a flat roof. So
13 it has a low ceiling, 7-foot-3, a flat roof, it's
14 not very attractive. You can see in the middle
15 there the parched widow with the little peak on
16 it; that's where we're proposing to expand it to
17 get headroom to access the existing attic. The
18 top right-hand corner, the existing front of the
19 house, we're not changing that view. There's an
20 existing porch that since there's a second floor
21 over it, we can't discount that porch from
22 building coverage. It just gets discounted from
23 FAR. As you can see in those two top photographs,
24 it's a nice-sized front porch with a second floor
25 over it. So that's part pat building coverage

1 that gets counted.

2 If you look at the middle-left
3 photograph, the existing rear of the house, you
4 can see that flat roof garage. You see that
5 little glass greenhouse there which doesn't have
6 much function. And then the middle right
7 photograph, again, you see the existing rear of
8 the house with the one-story family room and,
9 again, the little greenhouse in the back. And
10 then you can see left to right there in this
11 neighborhood, in Wychwood, there are some very
12 nice-sized homes. Two-and-a-half stories is the
13 average. You can see the two neighbors left and
14 right are two-and-a-half story homes. You get
15 glimpses of some of the other views of the
16 neighboring houses.

17 Just three doors down at the end of
18 Wychwood, there's that humongous house that just
19 got built that was in front of the Board for the
20 swimming pool variance. So this neighborhood and
21 people are expanding their homes and doing
22 nice-sized additions. Directly behind the McCanns
23 on Wychwood Road, that's my client. I just
24 finished construction drawings for a sizable
25 addition, so that's behind them. So they're in a

1 neighborhood that's surrounded by homes that are
2 large and being enlarged.

3 If you look at Sheet A-3, Proposed
4 Floor Plans, we're proposing on 2 on A-3, Proposed
5 First Floor Plan, we're proposing tear down the
6 greenhouse and do the two-story addition behind
7 the existing garage. So one of the variances
8 being requested is the side yard setback. So that
9 existing detached garage is not conforming with
10 the 10-foot side yard setback. I think it's an
11 8.28-foot setback when 10 is required. The new
12 addition we have pulled in to conform. So the
13 construction, the new addition; the new foundation
14 will conform to the 10-foot side yard setback.
15 You can see I put a dashed line at the top of the
16 proposed first-floor plan. We're expanding the
17 kitchen out towards the backyard of the addition
18 to make a nice-sized breakfast room. We'll be
19 opening up the wall between the expanded kitchen
20 and the existing family room to have a flow with
21 the great room. The open floor plan is popular
22 with the dining room to make the floor plan more
23 open. We made the powder room, which was existing
24 and very small a little bigger and more practical
25 by moving the entry closet and vestibule there to

1 make that powder room more functional and private.

2 Because we're doing a second-floor
3 addition over the existing garage, we're raising
4 the ceiling up so instead of having a 7-foot-3
5 ceiling, which is not very functional for a
6 garage, it's a 10-foot-10 ceiling. The existing
7 small size of that garage is not changed, but at
8 least we've raised the ceiling to make it more
9 useful. The addition is built over a crawl space.
10 We're not expanding the basement as you can see on
11 1 on A-3. If you go to the A-4 Sheet, Draw 1 on
12 A-4, the Proposed Second-Floor Plan, we're
13 expanding over the existing attached garage.
14 That's where that primary suite is and a two-story
15 addition on the back behind the garage. On the
16 second floor is a sitting area. The expansion is
17 over the expanded kitchen, it has the master bath.
18 And then we're gutting the existing fourth bedroom
19 to add a laundry room. There's currently a
20 laundry room in the basement, so they'll be a
21 laundry room on the second floor. We'll get a
22 decent closet space to the bathroom and decent
23 sitting areas for the master suite.

24 We added a new staircase to the
25 third floor. So we've stacked on the existing

1 staircase in that corner. And if you go to the
2 next page A-5, we're expanding that third level,
3 the attic plan, over the existing stair tower to
4 add a bedroom. We're going to move the stairs up
5 to the finished third-floor attic. We're adding a
6 full bath, an office loft area, and a fifth
7 bedroom. The McCanns have four children, so six
8 people are living here. So five bedrooms are
9 certainly needed, and a home office space is
10 needed also.

11 On the proposed elevations, on the
12 first sheet, A-1, Drawing 1 on A-1, the Proposed
13 Front Elevation, here we took the flat roof off
14 the attached one-car garage to the left, added a
15 second floor with details and finishes to blend in
16 with the existing. It's a very traditional house.
17 The existing stair at that old corner middle of
18 the house is being expanded up with that dormer
19 and an arched window to bring the staircase up to
20 the top level. Drawing 2 on A-1, you can see in
21 the background of the addition to the back not
22 much has changed on that side facing the neighbor.
23 Looking at the next sheet, A-2, 1 on A-2, the
24 other side, the driveway side of the house, we're
25 going straight up over the existing attached

1 one-car garage which is the reason for that side
2 yard setback variance. It's set back some from
3 the street so that we're going to have windows in
4 the stair tower and also cut back on some of the
5 massing seen from the street.

6 The two-story addition on the back,
7 you can see on the left there, Drawing 1 on A-2,
8 there's a stoop with a mudroom addition.
9 Drawing 2 on A-2, the Proposed Rear Elevation,
10 where the kitchen is expanding, we have French
11 doors out to the patio. We've got the
12 second-floor master bath in the center of the
13 second-floor addition. And then part of the
14 master suite we did a French balcony on the right,
15 the mudroom is just below that. Again, we're
16 picking up the details and the style of the
17 existing house.

18 If you look at the very last sheet
19 in your set, the renderings, the top one is a view
20 looking from the street, so that add-a-level
21 garage, again, is set back a little bit from the
22 garage. Again, there're more details and finishes
23 to match the existing style of the house. The
24 stairs come and expanded with that dormer giving
25 more headroom in the new staircase. And the

1 bottom one, that shows the two-story addition on
2 the back, and you can see part of the second-floor
3 addition over the garage.

4 So to address the variances, if you
5 look at the Proposed Site Plan Sheet SP-2, again,
6 one of the variances is a side yard setback. So
7 look at the left, the red shaded area there,
8 that's where the second floor is being added over
9 the existing attached garage. Again, that
10 blue-dashed line is the 10-foot required side yard
11 setback. So the existing side yard setback on
12 that side is 8.28 and 8.66. We're going straight
13 up over the existing garage, so we're not going
14 closer there. That's an existing nonconforming
15 condition. We're going straight up for the master
16 bedroom addition. It's set back from the street a
17 little bit. And again, the new additions on the
18 back conform with the setbacks.

19 The other variance we're requesting
20 is the building coverage. It's now my
21 understanding from the report, this lot, this
22 property is a little bit undersized for the
23 required zone. It's an RS-10 zone, it requires a
24 10,000-square-foot property; the existing lot area
25 is 9,770 square feet. So the building coverage of

1 21.2% proposed is 117 square feet over the maximum
2 20%; 20% is 1,954. We're proposing 2,071 square
3 feet, and 21.2% instead of 20%. So that
4 additional footprint, 117 square feet, keep in
5 mind this is a little bit of an undersized
6 property and you've heard the testimony from the
7 homeowners about the need for the large house.

8 The next variance is the FAR. So we
9 more than conform by 1% percent. The maximum
10 percent is 37% the proposed house is 34.77%. But
11 the not to exceed at 3,200 is where the variance
12 comes in; 197 over the cutoff not to exceed.
13 We're 2.37% under the maximum percent. But,
14 again, the cutoff of 3,397 square feet
15 (indiscernible) the cut off. We're more than
16 conforming on improvement coverage. The
17 all-coverage is 24% we're well under that. And,
18 again, referring to that proposed rendering, most
19 of the addition is in the back of the house. What
20 you see from the street is the, well, the garage
21 -- most of the massing of the 197 square feet is
22 over the mass of the garage at the back of the
23 house, so it's not that visible to the neighbors.
24 It's really a modest addition seen from the street
25 from the front of the house. Again, we're more

1 than conforming with the percent. We're just over
2 that not to exceed 3,200 and, again, we're an
3 undersized lot for the RS-10.

4 CHAIRMAN FUSARO: Thank you,
5 Mr. Bailey. A couple of quick questions. The
6 existing family room; would you happen to know --
7 you or the applicant know -- if that was a
8 previous addition to the house?

9 MS. MCCANN: Yes.

10 CHAIRMAN FUSARO: It was.

11 MS. MCCANN: I think in the late
12 '90s it was added.

13 CHAIRMAN FUSARO: Thank you. The
14 other question that I have -- again, this is an
15 FAR variance, a D variance pertaining to FAR --
16 while you are under the percentage, obviously
17 you're over the maximum square footage. The
18 reason we have that is it's a massing issue that
19 the town is very concerned over. You're
20 increasing -- according to my calculations -- from
21 2,624 square feet to 3,397 square feet. That's a
22 little over a 29% increase in square footage. I
23 understand that the lot is a deep lot and it's
24 narrow, so we'll certainly take that into
25 consideration. We just don't want a building to

1 -- we want to make sure that the lot can
2 accurately hold this size addition. There is
3 criteria under the c(1) variance due to the shape
4 of the lot and the narrowness. So we'll certainly
5 consider that as well. However, I am a little
6 concerned with the percentage of increase, almost
7 a 30% increase in square footage. I'm looking at
8 the floor plan -- and I thank you, Mr. Bailey, for
9 keeping the side yard setback at that mudroom at
10 10-feet. You could have easily extended it
11 towards the garage which would have exacerbated it
12 even more. So I appreciate you working with us on
13 that.

14 Was any consideration given to the
15 depth of the addition with respect to the mudroom
16 and pantry? The kitchen; the kitchen now is
17 22 1/2-feet in length, which is a pretty sizable
18 kitchen. If that were reduced a little bit, it
19 would certainly bring you closer since you're only
20 about 197 square feet over in the FAR square
21 footage-wise. Were you looking at that at all,
22 Mr. Bailey?

23 MR. BAILEY: The proposed rear
24 additions do not extend further into the backyard
25 on the existing family. And the kitchen is set

1 2-feet back from that existing family room wall.
2 If you look at the kitchen where we have that
3 table where it fits six people eating, it's only
4 9-foot-4. The island only fits four bar stools.
5 It's not that big a kitchen. For the same reason,
6 going out further towards the backyard, you open
7 up the family room. But, again, 9-foot-4 by a
8 little less than 13-feet to fit a table to seat
9 six people is not oversized. And the island
10 kitchen is not that big by today's standards
11 either.

12 MR. COHEN: But if you eliminated
13 the mudroom and pantry or at least cut it, and you
14 cut the sitting room on the second floor above it,
15 you substantially reduce the FAR concern; which
16 you should.

17 MR. BAILEY: Well, we took like
18 2-feet off of the sitting room by a little less
19 than 11-feet. We've taken that 22 square feet
20 times two, about 44 square feet off of the FAR.

21 MR. COHEN: You're talking about
22 making it flush with the kitchen addition?

23 MR. BAILEY: We don't want to make
24 the mudroom too small because it's also
25 circulation from the garage to the kitchen and

1 outside. And, again, we want mudroom storage for
2 a family of six. Currently, there is no mudroom.
3 So this is not that, again, not that oversized for
4 a family of six, but we're willing to take a of
5 couple feet off of that area. That would be up to
6 you. (Mr. Bailey directs the last comment towards
7 the Applicant.)

8 MR. COHEN: I'm not here to design
9 it for you. I mean you've got a massing problem
10 in the house, especially on the left side. The
11 renderings we're looking at, you know, it's a
12 sizeable addition with massing. So I'm trying to
13 figure out what you might have done -- and
14 Mr. Fusaro is too -- to bring it in line.

15 CHAIRMAN FUSARO: While I understand
16 your concern, and I appreciate the answer to my
17 question with respect to the kitchen, I fully
18 understand why a table for six would require that
19 space. However, the mudroom and the subsequent
20 sitting room above it in my opinion are areas that
21 can be made slightly smaller, and will certainly
22 help as a good-faith effort to try to bring us as
23 close -- or "closer" I would say -- to where we
24 need to be. Granted, right now, that mudroom
25 projects 24-inches beyond the kitchen. If you

1 were to pull it back, if you were to align it with
2 the kitchen, that would be 2,200-feet on that
3 floor plus an additional 20 square feet on the
4 upper floor; that's 40 square feet right there.

5 MR. MASCIALE: Frank, I think we're
6 kind of redesigning it.

7 CHAIRMAN FUSARO: Yeah, no, I
8 understand.

9 MR. MASCIALE: I think the Board has
10 said there're multiple things that could be done
11 to bring this in line. We probably can reach the
12 FAR. You know, five bedrooms, an office, a
13 sitting room; there's a lot in here. I get what
14 you're doing with the garage. I think there's
15 enough room for them to redesign and come back to
16 the Board. I don't think they have five
17 affirmative votes at this point, and sitting here
18 redesigning is -- you know, they can go back and
19 look at it and come back with a little bit closer
20 proposal that's more favorable versus if we move
21 forward.

22 CHAIRMAN FUSARO: Understood.

23 MR. MASCIALE: It would have to be
24 substantially different.

25 CHAIRMAN FUSARO: Carol?

1 MS. MOLNAR: I have a question.

2 CHAIRMAN FUSARO: Turn your
3 microphone on.

4 MS. MOLNAR: Oh, sorry. What is the
5 purpose of this one dormer? It's not in the
6 original home.

7 MR. BAILEY: Well, that's for the
8 stair expansion to go up to the --

9 MS. MOLNAR: In that to accommodate
10 the stairwell, is there another way of doing that
11 without having to add a dormer?

12 MR. BAILEY: Why wouldn't you want
13 to add a dormer right there? It's very
14 attractive. And certainly having the stairs to
15 the attic is very efficient. Currently, that
16 stair to the attic is taking space out of the
17 access to the bedrooms. It's going to be -- it
18 doesn't have any headroom, it's a winding
19 staircase, it goes through a closet. So I think
20 having an open staircase in the corner with an
21 arched window; that's a nice feature. It goes
22 with the character and style of the house.

23 MS. MOLNAR: It doesn't seem
24 integrated, it just seems to stick out like an
25 afterthought. Was any thought about doing an

1 addition over the current addition in the rear?
2 Because that doesn't look integrated either. Just
3 all of a sudden there's another addition there.

4 MR. BAILEY: Well, that contains the
5 ceiling.

6 MS. MCCANN: We had to rip out one
7 of the bathrooms to access it. You've got the
8 bathroom and shower, it's how you would access
9 that space.

10 MR. BAILEY: It's a cathedral
11 ceiling, it's a nice room.

12 MS. MCCANN: We did consider that as
13 an option.

14 MR. BAILEY: I think it's better to
15 build over that attached flat-roof garage than
16 tear out a cathedral ceiling. It's the nicest
17 room in the house. I don't think that would be a
18 good design.

19 MS. MOLNAR: Yeah, it's just more
20 visible from the street if you go across the
21 street.

22 MR. BAILEY: What's visible from the
23 street right now is that flat-roof, tiny garage
24 that we're going to make blend in better with the
25 character and scale of the house. So that would

1 be a better place to build an addition where that
2 existing garage is than to tear apart a family
3 room.

4 MR. MASCIALE: Carol, I'll just jump
5 in again, like, we're redesigning here. I think
6 it's a beautiful home. I think they can get
7 almost everything they want. Just come back with
8 a little edit. The argument of the 300 square
9 feet short is not a hardship. I think the Board
10 can vote on to give an FAR relief if they want
11 from a hardship standpoint. I think the Board is
12 struggling to find the hardship to grant the
13 variance. I think what's being proposed, there's
14 a lot of room for you to just wiggle around and
15 change it and come back with a similar proposal,
16 and I think Board would approve a favorable amount
17 of FAR.

18 MS. MOLNAR: I have one more
19 question. This side porch is new, right, so
20 that's not encroaching the side yard?

21 MR. BAILEY: No. It's not a
22 variance. You're allowed to have it going to the
23 side yard. But, yes, there is an addition there
24 to get from the mudroom to the yard to meet up
25 halfway to the front, but that is not a variance.

1 You're allowed to have to --

2 MS. MOLNAR: All right. So it's not
3 going to encroach an 8-foot side yard is what
4 you're saying. Okay. Thank you.

5 CHAIRMAN FUSARO: Do any other Board
6 Members have any questions or comments for the
7 architect or the Applicant at this time? Does
8 anyone from the audience wish to address this
9 application? If so, please come forward and state
10 your name and address for the record. Seeing
11 none. Mr. Bailey and Mrs. McCann and Mr. McCann
12 --

13 MS. MCCANN: It's Mr. O'Leary.

14 CHAIRMAN FUSARO: Pardon me,
15 O'Leary. Pardon me. You've heard the Board's
16 comments. It's your option whether you would like
17 us to vote on the application this evening. I
18 think you've heard we've had some comments from
19 the Board on areas where I think we believe some
20 revisions could be made to get you closer to the
21 FAR. A D variance is really -- we study it very
22 in-depth and we don't like to grant too many FAR
23 variances. There's a reason why that ordinance
24 was passed. So if you would like to discuss it
25 with your client for a minute or so and decide

1 whether you'd like us to vote on the application
2 this evening or whether would you'd like to carry
3 it to the next meeting.

4 MR. MASCIALE: Just understand, if
5 we do move forward and it is denied, your plan
6 would have to be substantially different.

7 CHAIRMAN FUSARO: Correct. If we
8 vote on it this evening and the application is not
9 approved, in order for you to come back before
10 this Board, your plans have to be significantly
11 different. You can't come back with, basically,
12 the same plan; move a wall here and there. So I
13 just want to make you aware of that.

14 (Whereupon, Mr. Bailey confers with
15 Ms. McCann and Mr. O'Leary off the record.)

16 MR. BAILEY: The McCanns -- the
17 O'Learys -- would like to be carried over and come
18 back with revised drawings next month.

19 CHAIRMAN FUSARO: Thank you so much.
20 What we'll do is this application will be carried
21 to our February 13 meeting.

22 MS. RAZIN: Let me just double-check
23 that. Right, it's February 13 without further
24 notice.

25 CHAIRMAN FUSARO: Thank you so much.

1 MR. MASCIALE: Just a note to the
2 new Board Members to keep the application.

3 CHAIRMAN FUSARO: Yes take this
4 back, you're going to need it.

5 MR. SAMMET: I'll just ask if the
6 Board would request that the Applicant's plans are
7 in 10 days prior to the hearing, this was to give
8 adequate time to review them.

9 MS. RAZIN: Mr. Bailey, can you aim
10 to get your plans in by February 2?

11 MR. BAILEY: Okay.

12 MS. RAZIN: Okay? To the
13 professionals, so that way they can have adequate
14 time to provide a review to the Board.

15 MR. BAILEY: All right.

16 CHAIRMAN FUSARO: And if for some
17 reason you can't, just let the Board secretary
18 know and we'll push you to the following meeting.

19 MS. RAZIN: Thank you.

20 CHAIRMAN FUSARO: Thank you so much.

21 Our next application is application
22 ZBA 22-029, Alicia Harrington, 15 Fairhill Road.
23 Applicant is seeking approval to install a
24 6-foot-high aluminum fence with pickets every
25 4-inches on center to match the existing

1 neighbor's fence. Fence is being installed to
2 enclose a proposed swimming pool in lieu of a
3 stockade, board-on-board or solid fence contrary
4 to the Westfield Land Use Ordinance: Section
5 13.02D5 where pool enclosure and screening
6 required is a 6-foot stockade, board-on-board or
7 other solid fence, but not chain link, and
8 proposed is a 6-foot aluminum picket fence. Good
9 evening.

10 MS. HARRINGTON: Good evening.

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

13 MS. HARRINGTON: Alicia Harrington,
14 15 Fairhill Road.

15 ALICIA HARRINGTON, having been duly
16 sworn, was examined and testified as follows:

17 CHAIRMAN FUSARO: Please proceed.
18 Tell us a little bit about your application.

19 MS. HARRINGTON: Sure. Like you
20 said, we're seeking approval for a 6-foot aluminum
21 fence instead of a solid fence for a proposed
22 pool. I come in, though, through the back of my
23 house because our driveway is in the back off of
24 Prospect. So if there were to be a solid fence up
25 there I'd be pulling up to a solid fence all

1 around a fairly large yard. I also have three
2 young children four and under, so a wild night for
3 me as well. But I would like to, when I pull into
4 my driveway, be able to see who's out running
5 around; my dog, my kids. I'm a little concerned
6 with a big solid fence up that it's going to block
7 a lot of that. But, yeah, that's pretty much what
8 we're looking for. He has all the details.

9 CHAIRMAN FUSARO: Please state your
10 name and address for the record.

11 MR. LIPTON: Mark Lipton, 123 Munsee
12 Way, Westfield, New Jersey. I'm the architect.

13 CHAIRMAN FUSARO: Please raise your
14 right hand.

15 MARK LIPTON, having been duly sworn,
16 was examined and testified as follows:

17 CHAIRMAN FUSARO: Since I don't
18 believe you've appeared before the Board recently
19 if you could give us a little background about
20 your professional experience; I'd appreciate it.

21 MR. LIPTON: Sure. I got my
22 Bachelor of Architecture degree in 1973 from the
23 City College of New York. And I got my master's
24 in '76 from Poly Tech Institute of New York. I've
25 been in practice since 1980, and, I'm old. What

1 can I tell you?

2 (Laughter.)

3 MR. MASCIALE: Experienced.

4 CHAIRMAN FUSARO: Experienced; not
5 old.

6 MR. LIPTON: Yeah. That's a better
7 way to put it. I'm very experienced.

8 CHAIRMAN FUSARO: Your license is
9 current in the State of New Jersey?

10 MR. LIPTON: I'm licensed in New
11 Jersey, New York, and Pennsylvania currently.

12 CHAIRMAN FUSARO: Great, thank you.
13 Does anyone have any questions of the architect?
14 No? Seeing none; we'll continue to recognize you
15 as an expert in the field of architecture. Please
16 proceed.

17 MR. LIPTON: As Alicia stated, you
18 have the site I believe in front of you, her
19 property faces -- which is through-lot -- it faces
20 Fairhill Road in the front of the house, and it
21 faces Prospect Street at the back of the house.
22 The driveway to get into the garage is through
23 Prospect Street to her two-car garage. The
24 swimming pool we're proposing is about 170-feet
25 back Prospect Street. It will not be seen from

1 Fairhill Road whatsoever because the house and the
2 patio will block the swimming pool. So it would
3 not be visible from either Prospect Street or
4 Fairhill Road. To put up a 6-foot stockade
5 board-on-board fence would, as Alicia said, the
6 vision coming into her property would really be
7 poor and it would really not be in sync with
8 either the neighbors or the rest of the block.
9 We're proposing a 6-foot fence, even though this
10 is considered a front yard, the back of the house.
11 And you're only by code permitted a 4-foot-high
12 fence, we're suggesting a 6-foot-high fence
13 because it will also be keeping people out of the
14 swimming pool area. Which is required 6-foot for
15 the swimming pool, but not more than 4-foot for a
16 front yard, so we're sort of stuck in a catch-22
17 here. So we're proposing the higher 6-foot fence
18 off of Prospect Street.

19 To give you an idea, the property is
20 about 30,000 square feet. And just to give you an
21 idea, the swimming pool is going to be back in
22 this area here. This is a shot taken from
23 Prospect Street. (Indicating.)

24 CHAIRMAN FUSARO: That's a
25 photograph that's in our packets, I believe.

1 MR. LIPTON: It is in your packages.
2 That's Photo 1 in your package. And just to give
3 us an idea, to give Alicia a good idea and to show
4 you, is this the way a stockade fence would look
5 if we used a solid wood fence versus --

6 MS. RAZIN: Mr. Lipton, is that
7 photograph or mockup in our --

8 MR. LIPTON: No, it's not.

9 MS. RAZIN: Can we just mark that?

10 MR. LIPTON: I'm sorry?

11 MS. RAZIN: Can we mark that as an
12 exhibit?

13 MR. LIPTON: Sure.

14 MS. RAZIN: And is there just --
15 we're going to mark that as Exhibit A-1. Is there
16 more than one photo?

17 MR. LIPTON: Yes.

18 MS. RAZIN: Can you tell me how many
19 sheets there are?

20 MR. LIPTON: This would be --

21 MS. RAZIN: There're two.

22 MR. LIPTON: I mean this would be
23 what we're actually recommending.

24 MS. RAZIN: So we'll do Photo Mockup
25 as A-1, two sheets. Okay.

1 (Whereupon, Applicant's Exhibit A-1,
2 PHOTO MOCKUP - TWO SHEETS, was marked for
3 identification.)

4 MR. LIPTON: And what we're
5 proposing is to do this type of fence around the
6 entire property. There's no access to either the
7 property or the swimming pool.

8 MR. MASCIALE: So we've heard
9 testimony now from Prospect and from Fairhill
10 Road. What about the neighbors on the sides if
11 you're proposing to have the see-through fence on
12 the sides as well?

13 MR. LIPTON: Right. Two of the
14 sides of the property -- two sides already have
15 the aluminum picket fence 6-foot-high. One side
16 has a swimming pool actually on it. And then,
17 we're proposing to finish surrounding the house
18 with the same type of fence.

19 MR. MASCIALE: Is there visibility
20 from the sides from the neighbors?

21 MR. LIPTON: Well, where this
22 swimming pool is and his picket fence, he would be
23 able to see from his swimming pool to our
24 property. This property is a lot higher and
25 there's a berm there. So you would not have any

1 visibility whatsoever. And I can show you a
2 photo. As a matter of fact, there's a photo of
3 that in your packet.

4 MR. SONTZ: Does the neighbor have a
5 variance for their picket fence surrounding their
6 pool?

7 MR. LIPTON: I had no idea if they
8 had the variance or not. I think Don did the
9 research and it said originally it was called out
10 as a stockade fence.

11 MR. SONTZ: I'm sorry. Say that
12 again. It was originally called out as a stockade
13 fence?

14 MR. LIPTON: As a solid fence;
15 right. But it's an aluminum picket fence.

16 MR. SONTZ: Right. Don?

17 MR. SAMMET: So, yeah. Actually,
18 Jenny discovered that, so she would be better --

19 MS. MANCE: Yes. So as I was
20 reviewing this, it was mentioned that in 2016 when
21 the neighboring pool was approved for a permit it
22 was approved with a 6-foot solid fence.

23 MR. LIPTON: Solid.

24 MR. SONTZ: And they put in an
25 aluminum fence?

1 MS. MANCE: Correct.

2 MR. SONTZ: So would you be so kind
3 and issue them a violation?

4 MS. MANCE: That's correct, yes.

5 CHAIRMAN FUSARO: Yes. We're not in
6 the enforcement business, but --

7 MR. SONTZ: Jenny is.

8 (Crosstalk.)

9 MR. LIPTON: Just to give you an
10 idea.

11 CHAIRMAN FUSARO: That's our
12 concern. We have that photograph in your packet.
13 The reason that the ordinance exists, a 6-foot
14 solid fence, whatever material you choose as long
15 as it's solid, is basically for privacy. Many
16 municipalities in the State of New Jersey I
17 believe have requirements that a fence around a
18 pool be 4-foot-high. The Town of Westfield
19 ordinance is 6-foot and it's specifically solid
20 for privacy; both your privacy and the neighbor's
21 privacy. As evidenced in the photographs,
22 especially in Photograph Number 6, you have a
23 clear view of your neighbor's pool with their
24 fence that wasn't supposed to be picket. And I
25 understand that your property is very deep and

1 you're 150-feet-plus from Prospect. I don't have
2 any concerns about the views from Prospect or from
3 Fairhill Road either. However, the neighboring
4 property is only 27-feet away from the property
5 line.

6 In addition, based on some of the
7 photographs that we have in the packet, it doesn't
8 appear -- and we have made in the past, we've put
9 in conditions on these types of applications where
10 there's heavy screening, landscaping. You know,
11 there're dense trees and you're --

12 MR. LIPTON: We're intending to do
13 that, yes.

14 CHAIRMAN FUSARO: You know, that's
15 some consideration that we've given in the past as
16 well. But, again, looking this Photograph Number
17 6 right now, you can see clearly in that
18 Photograph Number 6 in the packet, Photograph
19 Number 4 in the packet; you can clearly see the
20 neighbor's pool from your property and vice versa.
21 So that's -- and Photograph Number 2.

22 MR. MASCIALE: Frank, if we ask if
23 they would be willing to put solid on the side and
24 then clear on the rest despite what the neighbor
25 does; if you work out with what the neighbor does.

1 MR. LIPTON: I mean, if it's
2 possible, I think we would prefer to put like
3 6-foot arborvitaes across that entire lot line
4 fence where that open fence is versus putting a
5 solid fence there.

6 CHAIRMAN FUSARO: We'll certainly
7 take that into consideration. As I mentioned, we
8 have made that exception in the past. However, I
9 don't know if several of the Board Members have
10 seen one of the complaints that we've received
11 this week in that we made that condition and they
12 installed arborvitaes and the screening is not
13 enough and you can see right through them. And
14 now, we have another issue on our hands with what
15 we're dealing with another property.

16 That having been said, I think the
17 two exhibits that you proposed; one with a
18 stockade and one with the aluminum fence.
19 Obviously, the stockade is not pleasurable to the
20 eye, it's an eyesore in that particular location.
21 However, perhaps -- as Mr. Masciale had mentioned
22 -- perhaps an aluminum fence on that particular --
23 in that particular area, and then possibly a
24 stockade fence or a solid fence along the property
25 line; your neighbor's property line. Perhaps that

1 might be something that we would consider. The
2 other property is -- I'm looking for a dimension
3 here, I don't seem to find it -- it appears that
4 it's approaching 100-feet away. And as you said,
5 there's a berm there, so we shouldn't have an
6 issue with any line of sight there.

7 Does anyone else from the Board have
8 any questions for the architect or the Applicant
9 at this time? Seeing none on this side and the
10 right side.

11 MR. MASCIALE: I just want to
12 reiterate, Frank, is that we did allow on that
13 side what was previously the Board said to put a
14 solid fence because it's so close, and it wasn't
15 put there. I think we'd be going against that
16 prior judgment that we made. So I really think
17 I'd like to see the solid fence where you're only
18 20-feet from the neighbor, where you know with
19 arborvitaes they're not enough sprawling to get
20 across the property.

21 CHAIRMAN FUSARO: I would tend to
22 agree. I'm sorry. Yes, please.

23 MS. HARRINGTON: I was just going to
24 say the intent is to, like we were saying, along
25 all that whole side beyond the neighbor's portion,

1 and my portion as well, is to plant like a big,
2 thick screen of tall trees there for their privacy
3 but also for mine and my kids running around the
4 yard. And maybe to keep the deer out. But just
5 in general, we are planning on having a nice,
6 thick lush screen there.

7 CHAIRMAN FUSARO: I understand that
8 and --

9 MR. MASCIALE: Where would we want
10 to see the solid fence on the side? Because we
11 don't want necessary a solid fence going out
12 towards just being an eyesore.

13 CHAIRMAN FUSARO: I would say that
14 the solid fence that we're talking about is
15 basically the -- I'm trying to get my bearings
16 here -- the right side of the house, it doesn't
17 have to go along the angel of the property in line
18 with Prospect Street. We're just talking about --

19 MR. LIPTON: Right. So I think
20 we're talking about this line right here.
21 (Indicating.)

22 CHAIRMAN FUSARO: Yes. From there
23 to there, yes.

24 MR. LIPTON: This entire length.

25 CHAIRMAN FUSARO: That entire length

1 which is --

2 MR. LIPTON: Which is 70-feet.

3 CHAIRMAN FUSARO: Probably 70- to
4 75-feet, something like that.

5 MR. MASCIALE: It sounds like your
6 neighbors are going to be putting in a solid fence
7 in most of that area as well.

8 MR. LIPTON: That's a good question.
9 I mean if we put a solid fence on the property
10 line it will serve us both; I would think.

11 CHAIRMAN FUSARO: That's correct.
12 The application before us is this application.

13 MR. LIPTON: Right, exactly.

14 CHAIRMAN FUSARO: We would require
15 you to do it whether you work it out with your
16 neighbors because he's going to be in violation as
17 well. So you might want to work that out. That's
18 been you and --

19 MS. HARRINGTON: Yeah. It's just in
20 that one portion.

21 MR. LIPTON: Yeah, it's 75-feet.

22 MS. HARRINGTON: If we're planting
23 in front of it anyway.

24 MR. LIPTON: Right. That's fine.

25 CHAIRMAN FUSARO: So you would be

1 amenable to that?

2 MR. LIPTON: Yes, absolutely.

3 CHAIRMAN FUSARO: Is there anyone
4 from the audience who would like to address the
5 application at this time? Please come forward and
6 state your name and address for the record.
7 Seeing none. Any further comments, questions for
8 the Board?

9 MR. LIPTON: No, sir. Thank you.

10 CHAIRMAN FUSARO: Any Board Members
11 have any other questions?

12 MR. SONTZ: I generally never vote
13 to allow open fences around the property. Our new
14 Board Members will come to know that. So I'm a
15 "no." And the neighbor having an open fence
16 absolutely infuriates me. So, Jenny, please issue
17 that, like, tomorrow.

18 CHAIRMAN FUSARO: That violation
19 will be issued and a construction official will
20 deal with that in due time. I'm going to close
21 this portion of the meeting and open it up to
22 Board discussion. We'll discuss it amongst
23 ourselves before we take a vote.

24 We've basically heard the pros and
25 the cons. It is a large piece of property, it's

1 30,000 square feet. I really don't see any issue
2 with any light of sight from Prospect Street which
3 is 130-feet away. There's a berm to the left side
4 of the house which is also approximately 100-feet
5 away. I don't really see any issue there. I am
6 concerned about the neighbors to the right where
7 the existing pool is. And, Matt, I fully
8 understand your position. It's been constant for
9 the last five years, I don't expect you to change.
10 I appreciate that. Sam, as well, I've got you
11 covered. Not a problem. However, in my opinion,
12 I would be open to having them install a solid
13 fence along that, approximately, 75-foot length
14 abutting the right side of the neighbor's property
15 and allowing the open 6-foot-high aluminum fence
16 to close the rest of the property.

17 MR. MASCIALE: I'd just like to
18 reiterate that I guess I have a lot of experience
19 with the architect, and I do remember the Town
20 Council passing the ordinance on the fencing and
21 the objective was privacy. And I think we're
22 reading it correctly. And there're large
23 sprawling properties putting up 6-foot vinyl
24 fencing around, I mean, if I was a neighbor, I
25 would just be very upset. And also, it's a safety

1 issue with viewing. A lot of times the solid
2 fences block the view from the house to the pool
3 and you can't see your kids. So there are
4 exceptions and that's why you come in front of the
5 Board here.

6 CHAIRMAN FUSARO: Plus, in addition,
7 we also have to take into consideration that while
8 this Applicant owns the property today, we don't
9 know who will own it five years from now, 10 years
10 from now. So that's something that we'll need to
11 consider. That having been said, Chris, I agree.
12 I don't really think people would like to see
13 500-feet of one fence around the entire property.
14 That would be an eyesore in my opinion. Anyone
15 else?

16 MS. MOLNAR: I think it's a good
17 compromise what you're recommending; the partial.

18 CHAIRMAN FUSARO: I'm sorry?

19 MS. MOLNAR: The partial
20 board-on-board and open.

21 MR. REISEN: What Chris suggested.

22 CHAIRMAN FUSARO: Yes.

23 MR. SAMMET: I'm sorry. I'm not
24 clear on the 75-feet which part it is.

25 CHAIRMAN FUSARO: Basically, Don, if

1 you're looking at the site plan -- unfortunately,
2 there's no dimension -- however, if you look where
3 the bearing is North 73 degrees, 36 minutes, 45
4 seconds.

5 MS. RAZIN: One minute. Can you
6 define that for a resolution? I mean I see it, I
7 just --

8 MR. SAMMET: Yeah, I got it.

9 CHAIRMAN FUSARO: It's from here to
10 here. (Indicating.)

11 MS. RAZIN: The southern --

12 MR. MASCIALE: From here to here.

13 (Laughter.)

14 MS. RAZIN: Right. I'll make sure I
15 got that.

16 MR. LIPTON: That's the technical
17 term "from here to here."

18 CHAIRMAN FUSARO: It's a length on
19 the right side of the house leading from the --
20 looks like the existing patio to the property line
21 that changes to a bearing. So it's a property
22 line that has a bearing at North 73 degrees,
23 36-feet, 45 minutes West.

24 MS. RAZIN: Wait, North 73 -- go
25 ahead.

1 CHAIRMAN FUSARO: 73, 36, 45 West to
2 where that property line turns to a bearing of
3 South 46 Degrees, 36 Minutes, Zero Seconds West.
4 So from that corner to the edge of the patio
5 corner, so a distance of approximately 75-feet
6 that would be a solid fence; a 6-foot-high solid
7 fence. And the remainder of the fence would be
8 6-foot-high aluminum with a picket space no more
9 than 4-inches apart.

10 MR. MASCIALE: That meets whatever
11 the safety...

12 CHAIRMAN FUSARO: Yeah, that's a
13 state approval. Anyone else have any other
14 comments? Is that sufficient, Katie?

15 MS. RAZIN: Yes, thank you. And
16 also, I mean it's for me and for the person who's
17 looking that everyone is in compliance; assuming
18 that this passes.

19 CHAIRMAN FUSARO: Correct. I'm
20 assuming that the architect and the Applicant
21 understand that?

22 MR. LIPTON: Yes.

23 MS. MCCANN: Yeah. And where that
24 property line turns, there's just woods behind
25 there. You can't see another house.

1 CHAIRMAN FUSARO: Yeah, I can see
2 from the photographs there's shrubby along the
3 rest of the property line. Okay. Seeing no
4 further discussion; do I have a motion?

5 MR. MASCIALE: I'll make a motion to
6 accept the application with the solid fence being
7 stated in accordance -- so that would be stated,
8 approximately, 75-feet in length, and that the
9 remaining can remain as an open fence that meets
10 the pool safety requirements.

11 CHAIRMAN FUSARO: Do we have a
12 second?

13 MS. MOLNAR: Second.

14 CHAIRMAN FUSARO: Second by
15 Ms. Molnar. Jenny, please call the roll.

16 MS. MANCE: Ms. Molnar.

17 MS. MOLNAR: Yes.

18 MS. MANCE: Mr. Cohen.

19 MR. COHEN: Yes.

20 MS. MANCE: Mr. Sontz.

21 MR. SONTZ: No.

22 MS. MANCE: Mr. Masciale.

23 MR. MASCIALE: Yes.

24 MS. MANCE: Mr. Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MS. MANCE: Mr. Eilbacher.

2 MR. EILBACHER: Yes.

3 MS. MANCE: Mr. Karame.

4 MR. KARAME: Yes.

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

7 MR. LIPTON: Thank you.

8 CHAIRMAN FUSARO: Thank you so much.
9 Have a good evening.

10 We're going to take a five-minute
11 break.

12 (Break taken.)

13 CHAIRMAN FUSARO: We are back. Our
14 final application of the evening is Application
15 Number ZBA 22-038, Matthew and Ilene Robinson,
16 1 Fairhill Road. Applicants are seeking to
17 install a roof over a portion of an existing patio
18 space to create a covered, open-air outdoor space
19 contrary to the following sections of the
20 Westfield Land Use Ordinance: Section 11.05E7
21 where the required rear yard setback is 40-feet
22 and proposed is 20.84-feet. Good evening.

23 MR. ROBINSON: Good evening.

24 CHAIRMAN FUSARO: State your name
25 and address for the record.

1 MR. ROBINSON: Sure. Matt Robinson,
2 1 Fairhill Road, Westfield.

3 CHAIRMAN FUSARO: Please raise your
4 right hand.

5 MATTHEW ROBINSON, having been duly
6 sworn, was examined and testified as follows:

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

9 MR. ROBINSON: Sure. First, I want
10 to thank you for your time and consideration on
11 the proposed variance. I'm Matthew Robinson, and
12 my wife and I moved to Brightwood Park about five
13 years ago. After spending five years watching my
14 sister and brother-in-law raise our niece and
15 nephew in Westfield, we knew this was a community
16 we wanted to raise our children in. And we now
17 have a family of four. We have two young kids and
18 couldn't be happier to be in Westfield. As Covid
19 has impacted all of us as has created different
20 challenges we weren't expecting. My dad got
21 diagnosed with cancer, and with two young kids, we
22 knew it would be safer for all of us to be
23 spending as much time as possible together outside
24 versus inside.

25 However, providing adequate shade

1 and protection from bad weather has proven to be
2 extremely difficult. We'd like to put the roof
3 over our existing patio which is very consistent
4 with other homes in the area. But in the process
5 we learned because we're a corner lot, the side of
6 our house is treated like a rear lot, and
7 therefore, we had to apply for a variance today.
8 I've spoken with our neighbors about the project,
9 the neighbors in the 200-foot radius, minus two
10 that we didn't get to them, have all been in
11 support of this as well as the next-door neighbor
12 who is here in support of the application. Again,
13 I want to thank you for your time and
14 consideration. And I'm here with the architect,
15 Larry Appel, to answer any questions you guys have
16 about our proposal.

17 CHAIRMAN FUSARO: Thank you. Good
18 evening.

19 MR. APPEL: Hi.

20 CHAIRMAN FUSARO: Please state your
21 name and address for the record.

22 MR. APPEL: My name is
23 Laurence Appel, 23 Vreeland Road, Florham Park,
24 New Jersey.

25 CHAIRMAN FUSARO: Mr. Appel, please

1 raise your right hand.

2 LAURENCE APPEL, having been duly
3 sworn, was examined and testified as follows:

4 CHAIRMAN FUSARO: Thank you so much.
5 As I don't believe we've seen you recently before
6 the Board, could you give us a little background
7 and your license in architecture; I'd appreciate
8 it.

9 MR. APPEL: Sure. I hold a Bachelor
10 of Science degree in Civil Engineering as well as
11 a Master's in Architecture. I'm a principal at
12 Appel Design Group Architect. I'm licensed in New
13 York, New Jersey, and Pennsylvania. I'm also NFR
14 certified. I have appeared before this Board once
15 remotely, so that was fairly recent. And then,
16 before that a couple of times going back.

17 CHAIRMAN FUSARO: And your license
18 is current in the State of New Jersey.

19 MR. APPEL: Yes, it is.

20 CHAIRMAN FUSARO: Thank you so much.
21 Does anyone have any questions for the architect?
22 Seeing none; we'll continue to recognize you as an
23 expert in the field of architecture. Please
24 proceed.

25 MR. APPEL: Great. Thank you. I

1 understand the Board is in receipt of all the
2 appropriate legal notices, so all of that stuff is
3 taken care of. I have exhibits here; they're
4 identical to the packages that you have. It's a
5 survey by Morgan Engineering updated specifically
6 for this application. The prior surveys, although
7 nothing has changed, was a little stale. It
8 didn't meet the two-year lookback. Our
9 architectural drawings; there are four sheets:
10 V-0, V-1, V-2, V-3 originally submitted 8/17/2022.
11 Drawing Number V-0 was revised 10/15/22, for this
12 application to address some questions that require
13 a little bit -- more additional information on
14 coverage calculations. The Drawing V-3 has a
15 photo exhibit board. These were taken last
16 summer. And I do have copies of any of the
17 handouts if anyone needs it, but it seems like
18 everybody has their packages here.

19 The property, as indicated, is
20 948 Woodmere, also known as 1 Fairhill. It's in
21 the RS-16 zone. The application, as was already
22 discussed, was to add a roof over a portion of a
23 current patio space which would just enable the
24 Robinsons to have some covered outdoor space. The
25 proposed area is open-air, but it will permit

1 protection from the sun and rain for the family
2 and guests. There is an existing -- this is an
3 existing space, so this area (indicating) if you
4 look at the -- the area behind the family room,
5 kind of pointing to the back corner of the lot,
6 over here is already an existing patio. So this
7 is -- these are not new spaces. They are spaces
8 that are currently existing. Our proposal is just
9 to put a covered roof over this area. Really, the
10 big problem with this is that the house is located
11 along a curve in the road. And when you look at
12 this in perspective of the adjoining lots, the
13 house really doesn't have a rear yard. The rear
14 yard comes to a point and the two adjoining
15 properties to either side in here really feel like
16 side yards. However, the way zoning is applied to
17 this is that one of these side yards turns from a
18 15-foot side yard setback to a 40-foot side yard
19 setback. And that's really the reason why we're
20 here.

21 We looked at various other places to
22 place the covered patio. None made sense for the
23 property or the functional uses of the house. One
24 of the places that there is some adjoining space
25 to the south of the property is adjoining a

1 windowless wall, which is a kitchen. So that
2 really wouldn't be practical. Plus, on the
3 addition, it would not be shielded or buffered
4 from the street, so it would be an area that would
5 become very open. Whereas the rear portion of
6 this property is quite remote from the neighbors,
7 and really doesn't impact them.

8 So it's an unusual lot with a house
9 placed diagonally along the lot. It's a unique
10 configuration. The relationship of the adjacent
11 houses as I mentioned, the right and left more
12 closely reasonable side yard configurations. The
13 ordinance minimum is 15-feet. So the two setbacks
14 at 23.84 on one side and 17.72 on the other side
15 are clearly acceptable side yards, but, of course,
16 one of these side yards turns into a rear yard and
17 is non-conforming. Again, the structure is not
18 enclosed; it's open air. And I don't believe it
19 creates any negative impact to the neighbors.
20 There're existing trees and vegetation screening
21 both of the neighbor's yards. And one could also
22 argue that having a roof over this area actually
23 doesn't just provide privacy and protection for
24 the Robinsons, but it also helps screen and buffer
25 the neighboring yards as well. I don't have any

1 more to add this evening. If there're any
2 questions, I'd be happy to address them.

3 CHAIRMAN FUSARO: Yes, I have a
4 couple of quick questions, Mr. Appel. I just want
5 to confirm that you're not enlarging the patio
6 area; is that correct?

7 MR. APPEL: Well, the patio is
8 slightly enlarged, and that was really a function
9 that we placed furniture along this and just
10 wanted to create a scenario where the furniture
11 fits, that you're not half in and half out. So it
12 is extended a couple of feet to the rear yard, but
13 we tried to match it and articulate it with the
14 architecture. I'm referring to Drawing Number
15 V-2; when you look at this, we've matched the
16 plane of the existing roof of the family room.
17 And we used this because we felt that it matched
18 the house, it was part of the architecture; it
19 made sense. And all of this structure is open,
20 including the end gable. So it's a fairly-airy
21 structure.

22 CHAIRMAN FUSARO: And is there along
23 the property line -- I'm going to call it the
24 "side property line" -- is there an existing fence
25 currently? I see in photograph --

1 MR. ROBINSON: Yeah. There's a
2 black fence on my neighbor's yard.

3 CHAIRMAN FUSARO: I see it looks
4 like a 4-foot-high aluminum fence.

5 MR. APPEL: You're correct. You can
6 see it in one of the photographs. On Drawing V-3,
7 you can see it. It's hard to note, but you can
8 make out the fence. It looks to be like a
9 powder-coated aluminum picket fence.

10 CHAIRMAN FUSARO: And is there one
11 on the other side yard property? I can't tell
12 from the photographs.

13 MR. ROBINSON: There's not.

14 CHAIRMAN FUSARO: There's not?

15 MR. ROBINSON: There're big trees.

16 MR. APPEL: It's a fairly dense tree
17 line.

18 CHAIRMAN FUSARO: Was any
19 consideration given to reducing the size of this
20 enclosure somewhat? It's 28-feet-long; which is a
21 sizable enclosure. I understand that you're going
22 to have a quote-unquote "outdoor kitchen" with the
23 addition of some furniture, and so on. However,
24 the rear yard setback is 40-feet, you're basically
25 cutting it in half. You're asking for 20.84-foot

1 setback; which, you know, seems a little
2 excessive. Is there anything -- have you given
3 any consideration or was any consideration given,
4 to possibly reducing that somewhat?

5 MR. APPEL: When we were first
6 contacted by the Robinsons, that's exactly the
7 question that we raised. The first thing we
8 questioned that, well, I see these other pockets
9 of space in here and why not move them? You know
10 why can't we just -- maybe there's another way.
11 And then Matt said just come over and look at the
12 property and it will make sense. And that's what
13 I did. I came over to the property and I said,
14 no, you're kind of spot-on with all of this. So
15 we then went to the exercise that how big does it
16 really need to be? And then we had all these
17 discussions, well, does it extend all the way;
18 part inside, part outside? And we maintained that
19 you have one area that is uncovered with the side
20 and one area that is covered. Now, the discussion
21 that we had is there's limited rear yard space, so
22 that's a premium also. So that was a balancing
23 act that the client did internally as well. And
24 when we started putting some furniture and putting
25 some clearances and accounted for some mobility

1 that would make sense to entertain in this space
2 is that it sort of kept coming back to that
3 28-feet. Unless you pull the kitchen out, I'm not
4 sure that you could pull, you know, reduce that
5 substantially.

6 CHAIRMAN FUSARO: One other quick
7 question. Directly on the diagonal -- since the
8 home is on the diagonal on the property --
9 directly behind you, there is a relatively large
10 lot. I'm assuming based on the tax map, there's
11 no building on that property directly behind you.
12 Do you know exactly what's there? Is that a
13 residential piece of property?

14 MR. ROBINSON: Yeah, it's just
15 woods. It's one of the houses on Brightwood, it
16 had a deep -- it just comes all the way back and
17 it's nothing but woods.

18 MR. APPEL: So what's interesting is
19 there was a staff report that was papered. We
20 received a copy, I'm sure all of you received a
21 copy as well in your packages, and it does have a
22 tax lot that shows -- so you can really see where
23 this is located is really adjacent to side yards
24 of each of the adjoining houses in here. So you
25 can see that this lot feels to the neighbors like

1 it should be a side yard. And I know zoning tells
2 you differently, and zoning tells you that there's
3 another way to look at it. But it looks and feels
4 very much like a side yard. And I think that is
5 why something in that location in there doesn't
6 really bother me. I think that it doesn't present
7 a negative impact to the neighbors. In addition,
8 if we were to put that in another location, if you
9 look at the photograph of the street, this is the
10 only other place to put it; which I think would be
11 much more disruptive to the streetscape especially
12 to have more activity and grilling and stuff like
13 that. So it feels like it's in the right place.

14 CHAIRMAN FUSARO: If we were to
15 approve the application, one standard condition
16 that we normally put on these types of additions
17 is that it remains open on three sides and not
18 closed in the future. So just be aware of that if
19 we were to vote on the application.

20 MR. APPEL: Understood.

21 CHAIRMAN FUSARO: I have no further
22 questions. Do any Board Members? Yes,
23 Ms. Molnar.

24 MS. MOLNAR: More and more homes are
25 adding outdoor kitchens. Are there any plans to

1 add any kind of fixtures outside?

2 MR. LIPTON: This actually includes
3 an outdoor kitchen. But we haven't -- and when I
4 say an "outdoor kitchen" it's sort of an elaborate
5 grill. You know, that area is --

6 MS. MOLNAR: I must have missed it.

7 MR. APPEL: I'll refer to the
8 drawing.

9 CHAIRMAN FUSARO: V-2, it's on
10 there.

11 MS. MOLNAR: V-2?

12 MR. APPEL: You can see it on V-2.
13 It's the area that is directly adjacent and
14 backing up to the fireplace to the house is that
15 outdoor kitchen. And so, that put that activity
16 instead of hanging outdoors, it's very tight to
17 the existing house. So that portion of the use
18 for the area, the outdoor kitchen is within the
19 area that is conforming. So that area is
20 happening tight to the house within the setback
21 line.

22 MS. MOLNAR: You said it's V-2?

23 MR. APPEL: Yes. If you look on
24 V-2, you can see -- it's hard to see because this
25 a black-and-white copy. You can see the

1 countertop as well as the kitchen.

2 MS. MOLNAR: Oh, I see. It's built
3 in there.

4 MR. APPEL: Yes, exactly. An
5 under-counter refrigerator, and a basic barbecue
6 unit, and some countertops.

7 MS. MOLNAR: Thank you.

8 CHAIRMAN FUSARO: Do any other Board
9 Members have any questions for the architect or
10 Applicant at this time?

11 MR. MASCIALE: I was just asking --
12 looking at if I was the neighbor facing the front
13 of the house to the left and you're sitting back
14 on your patio behind the neighbor's house and
15 you're looking -- so this is kind of coming in on
16 your side yard -- and we were just doing some
17 dimensions, and it looks like it's not 10-feet
18 from the property line; it looks like it's back.
19 How far would you say it's back from the
20 neighbor's patio where they'd be sitting?

21 MR. ROBINSON: Do you want to ask
22 him?

23 MR. MASCIALE: That's the neighbor
24 that's here? That's kind of what I was getting
25 it.

1 MR. ROBINSON: Yeah, it's probably
2 going to be about 50- or 60-feet if I were to
3 guess.

4 CHAIRMAN FUSARO: Does anyone from
5 the audience wish to address the application? If
6 so, please come forward and state your name and
7 address for the record.

8 MR. LAU: My name is Michael Lau,
9 L-a-u, 3 Fairhill Road; directly next door to
10 Matt.

11 CHAIRMAN FUSARO: Please raise your
12 right hand.

13 MICHAEL LAU, having been duly sworn,
14 was examined and testified as follows:

15 CHAIRMAN FUSARO: Thank you. Please
16 tell us...

17 MR. LAU: I believe the question you
18 guys asked was how far is it from my property or
19 my deck, my established deck; I would guess it
20 would be 25- to 30-feet.

21 MR. ROBINSON: I mean, right now my
22 patio is 30-feet from just the tree line. So I
23 would assume --

24 MR. LAU: And then I would add an
25 extra 8- to 10-feet to our deck.

1 CHAIRMAN FUSARO: Are you the home
2 to the left or to the right?

3 MR. LAU: If you're facing his
4 house; I'm to the left.

5 CHAIRMAN FUSARO: That's the home we
6 were talking about. We weren't sure basically
7 sitting in your backyard how far, or the corner of
8 your house, how far away it would be to this
9 proposed structure. And since we don't have an
10 exact dimension, we're guessing that it's a
11 minimum of 20- to 30-feet; would you say?

12 MR. LAU: Yes, exactly.

13 MR. MASCIALE: Is there any
14 screening between the two or do you have like a
15 clear view?

16 MR. LAU: We have big trees on my
17 property. Just a line of them, essentially. And
18 I have a big jungle gym set as well. So, you
19 know, and sort of the way my patio is elevated is
20 a deck. So it's an elevated deck too, so
21 especially when you're sitting there, it's a wall.
22 I would have to really kind of crane my neck and
23 wave; which I do sometimes. (Laughter.) But I
24 might add they're great people, very courteous
25 considerate neighbors. Our children and their

1 children share swing sets and come over and say
2 hello and at times grill and stuff.

3 CHAIRMAN FUSARO: Thank you. I
4 appreciate you coming out and supporting the
5 application. Any other questions? Yes,
6 Ms. Molnar.

7 MS. MOLNAR: I have a question for
8 the architect. This room with the bump-out room
9 in the back, was that an addition, in your
10 professional opinion, or was that part of the
11 original home?

12 MR. APPEL: I believe so.

13 MR. ROBINSON: We built the home
14 four years ago.

15 MS. MOLNAR: Oh, you did.

16 MR. ROBINSON: We didn't add it. It
17 was all part of the house.

18 CHAIRMAN FUSARO: The home was built
19 in 2018.

20 MS. MOLNAR: Is that a kitchen?
21 What is it?

22 MR. ROBINSON: The bump-out is our
23 living room.

24 MS. MOLNAR: Yeah?

25 MR. ROBINSON: Yeah.

1 MS. MOLNAR: That's interesting.

2 Thank you.

3 CHAIRMAN FUSARO: Any other Board
4 Members have any comments or questions for the
5 architect? Anything else you would like to add,
6 Mr. Appel or Mr. Robinson?

7 MR. APPEL: No, not on my end. I
8 thank everyone for their questions and
9 consideration.

10 CHAIRMAN FUSARO: I'll close it to
11 the public portion and open it up to Board
12 discussion. You've heard from the Applicant and
13 the architect. You basically heard their
14 reasoning for asking that their existing patio be
15 covered based on the c(1) criteria, the variance
16 can be seen as it's an odd-shaped lot. And as
17 Mr. Appel stated what the ordinance with the
18 zoning refers to as the rear yard could be
19 questionable as to whether it's a side yard
20 because of the position of the home. And it is a
21 new home that was recently built, that's why we're
22 considering it the rear yard of the property.
23 There is a fence on one side. Even though it's
24 open, it is separated, and if you look at the
25 photograph package that we have, the neighbor's

1 property -- who just testified before us -- you
2 will see that there is a line of trees there which
3 is a tree border on the right side of the rear
4 yard. There's a line of trees there that offers
5 some buffering to that side of the property.

6 With that being said, as we see more
7 and more of these applications with outdoor
8 kitchens basically coming before us, even though I
9 am a little concerned about the 20-foot rear yard
10 setback, we've also heard from the architect and
11 the applicant that the property behind, and can
12 you can see from the tax map, there are no
13 residences directly behind this home. It's a
14 large piece of property. It went from -- it's
15 going from that rear property line that would
16 basically have the issues with the proposed
17 structure. That being said, if we vote to approve
18 the application, I would recommend a condition
19 that the structure remains open on three sides.
20 How does the rest of the Board feel?

21 MR. COHEN: I think it's too much.

22 CHAIRMAN FUSARO: You think it's too
23 much?

24 MS. MOLNAR: It's too big.

25 MR. COHEN: It looks like -- I mean

1 I'm relying on V-2 here -- it sticks out like a
2 sore thumb. I don't know what else to say. I'm
3 sure it's lovely. I'm sure it would be a very
4 nice addition. I recognize that the neighbor
5 doesn't have a concern, and I appreciate him
6 coming in to testify that he doesn't have a
7 concern. I'm concerned about what happens when
8 the next neighbor moves in. It's a lot. It's a
9 lot. It's a significant, if not, excessive
10 encroachment into the setback. I have concerns.

11 CHAIRMAN FUSARO: Understood. Thank
12 you. Anyone else?

13 MS. MOLNAR: You mentioned it was
14 28-feet long; right?

15 CHAIRMAN FUSARO: The structure,
16 yes, is 28-feet, yes. The covered portion is
17 28-feet long. I had questioned the architect if
18 any consideration had been given to the making it
19 shorter somewhere in the 18-foot to 20-foot-range
20 which would increase the rear yard setback from
21 the current ask of approximately 21-feet to at
22 least 30-feet, 31-feet which is about half. Right
23 now, we're going from 40 to 21, if you cut 2-feet
24 off of it, you're at the 30-foot-range. However,
25 you heard from the architect that from a layout

1 standpoint, it didn't work for them. They'd have
2 to basically remove the outdoor kitchen portion of
3 the structure. It is a large structure.

4 MS. MOLNAR: I agree with Mike that
5 it's massive and bulky looking.

6 CHAIRMAN FUSARO: I think what might
7 be contributing to -- if you want to call it the
8 "massing" or the "massive look" of it -- if you
9 look at some of the 3D renderings that were
10 proposed is that he's picking up the roofline of
11 that existing room in the back. So now you've got
12 a 28-foot roofline that you're existing to an
13 existing roofline which is probably another 10- or
14 15-feet. So now you're looking at almost a
15 40-foot-long roofline ridge. That's what I
16 believe is making it look a little out of
17 proportion.

18 MS. MOLNAR: Do we want to encourage
19 that, something like that? A 40-foot roofline?

20 CHAIRMAN FUSARO: As Chris had
21 mentioned, it's not really our job to redesign the
22 thing.

23 MS. MOLNAR: No, but it's causing it
24 to be close to the property line.

25 CHAIRMAN FUSARO: I fully

1 understand. I'm not questioning your judgement,
2 and if you're not in support of the application, I
3 fully understand. There're valid reasons here on
4 both sides of the argument. It's just a question
5 of, as I said, that existing room that's
6 projecting from the rear of the house is adding to
7 the massive look of the proposed structure.

8 MR. COHEN: I think you're right,
9 Frank. I just think I recognize that one
10 potential avenue here is the c(1) hardship given
11 the shape of the lot. But they built the house on
12 the lot in 2018, they knew what the lot looked
13 like when they built it. You know, it's just,
14 from my perspective here, it's too much.

15 MR. MASCIALE: I agree with Mike.
16 It may give some relief, but not the 28-feet. You
17 know, there are some parts -- there's nobody right
18 behind him, it's a side yard on there. But to me,
19 it's just too much going back for the relief
20 they're asking for, but I would consider some
21 relief based on the arguments that were made but
22 not 28-feet.

23 CHAIRMAN FUSARO: Matt?

24 MR. SONTZ: I agree with Chris and
25 Mike.

1 CHAIRMAN FUSARO: The right side of
2 my Board here; any questions, comments, concerns?

3 MR. KARAME: I'm sensitive to no
4 backyard and you're trying to accommodate it, so
5 would have been in support to grant as you
6 suggested it.

7 MR. EILBACHER: I would have too.

8 CHAIRMAN FUSARO: Thank you. If
9 it's okay with the Board, I would like to reopen
10 it to the Applicant and the architect to ask some
11 questions. Is everybody good?

12 You've kind of heard our Board
13 comments. I know you had mentioned that if you
14 were to reduce it you would have to eliminate your
15 outdoor kitchen. Again, I'm not here to redesign
16 your project, however, perhaps you would consider
17 a redesign that would include covering just the
18 kitchen portion perhaps. Obviously, you would
19 want your appliances, even though they're made to
20 be outdoors, at least be able to be protected from
21 the wind and snow and so on and so forth, and
22 rain, and possibly leave a portion -- the
23 remaining portion of the patios open. I think
24 you've heard what the Board Members had to say.
25 It just seems like it's a massive structure coming

1 off the back of that house. And again, I think
2 what's contributing to that is that addition
3 that's currently there. So if you'd like us to
4 vote on it, we certainly will. If you'd like to
5 take a few minutes to discuss with your client a
6 possible redesign and coming back; that's your
7 prerogative.

8 (Whereupon, Mr. Appel confers with
9 his client off the record.)

10 CHAIRMAN FUSARO: Yes, sir.

11 MR. ROBINSON: I'd like to ask a
12 question. This is my first time here.

13 CHAIRMAN FUSARO: Yeah, yeah, yeah.
14 We're not rushing you. I just want to make one
15 other statement that if for some reason you would
16 like for us to take a vote this evening and we
17 vote it down, keep in mind that you can't come
18 back with the exact same plan. It would have to
19 be substantially different in order for us to
20 review it. I just want to make you aware of that.

21 MR. ROBINSON: Understood.

22 MR. MASCIALE: He could also come
23 back.

24 CHAIRMAN FUSARO: Yeah, you could
25 also come back with whatever changes you

1 contemplated making and you'd be carried to the
2 next meeting.

3 MR. ROBINSON: And then I had a
4 question. I heard you guys -- and I appreciate
5 the concern. When you look at V-3, the thing I
6 hear is it's this massive structure. If you look
7 at the top left picture, you don't actually see
8 that jut out from the street. So in essence, it's
9 not -- what I'm hearing is the concern is the
10 size. You don't actually see it from the street.
11 That's part of the side of the lot. And that's
12 why when you look at the space, we need a space
13 for my family to be out outside. The other part I
14 mentioned is being the homeowner and trying to
15 keep the look and feel, you know in the other
16 picture, you can actually see the grill activities
17 are visible from the street with the way that it's
18 set up. And we'll move them out of visibility and
19 put them under the covering so they're no longer
20 visible from the street. So that's the part I
21 just wanted to...

22 MR. MASCIALE: I guess our concern
23 is -- and at least my concern was -- it's not more
24 so the street, it's your neighbor. Right now, it
25 seems like you guys are throwing beers between

1 your yards, which is great. I wish I had
2 neighbors like that. But you know neighbors
3 change and then somebody else is looking at the
4 patio looking at the side of your, you know... The
5 amount of relief you're asking is a substantial
6 ask. But I think you've made a good argument and
7 I would be considering some relief; at least
8 that's my opinion. But I think the size of it is
9 just too much for me to give that kind of variance
10 relief that you're asking.

11 MR. ROBINSON: So the only way they
12 would actually be able to see it is if they
13 actually removed the trees. Like the trees
14 just...

15 CHAIRMAN FUSARO: We understand the
16 trees are there. And the next neighbor comes by
17 and decides I hate trees and cuts them all down.
18 You know?

19 MR. APPEL: Would the Board be more
20 favorable on this if there was landscaping that
21 was planted on the Robinson's side so that
22 essentially that would provide additional
23 buffering to that area as well?

24 CHAIRMAN FUSARO: From what I'm
25 hearing, I think that Board -- and please correct

1 me if I'm wrong -- that they just feel it's more
2 of a massing issue with respect to the rear
3 portion of the home. And again, what's
4 contributing to that is that roofline. Anyone?

5 MR. COHEN: The other concern I
6 think we should at least state for the record is
7 that it has to do with the precedent that allowing
8 a structure like this would set, you know --
9 generally speaking -- I understand that you have
10 an unusually-shaped lot and that contribute to the
11 issue. And perhaps on other lots it might be a
12 permitted use that would require variance relief.
13 But you go out 40-feet, maybe the next guy goes
14 out 50-feet and he needs something too. And I
15 have a concern about setting that precedence,
16 especially when --

17 MS. RAZIN: I just want to say one
18 thing. I don't want to use anyone's application
19 as setting a precedence. We're not supposed to
20 from a legal standpoint.

21 MR. COHEN: Okay. Every property is
22 unique.

23 MS. RAZIN: Every property and every
24 application is unique. And so you don't -- I just
25 want to be a little careful that that's...

1 MR. COHEN: Fair enough.

2 MS. RAZIN: I'm not disregarding any
3 prior concerns. I just want to be careful from a
4 legal standpoint that the Board would not be able
5 to rely on any other prior grants or denials, from
6 that standpoint.

7 (Crosstalk.)

8 MR. COHEN: And we look at each
9 application standing and falling on its own
10 merits.

11 MS. RAZIN: Right.

12 CHAIRMAN FUSARO: We do have certain
13 applicants come up and say, you know, three of the
14 neighbors have the exact same thing. We have to
15 review every application by itself and take it
16 individually. And if three of your neighbors have
17 the same thing, who knows when it was done, why it
18 was done, etcetera. Each application has to stand
19 on its own merits.

20 MR. APPEL: And that's -- I
21 appreciate everyone's remarks on all sides here.
22 This is on a very unusual lot because of the way
23 the house is placed. If you look at this, I was
24 not even sure how to propose setbacks on here.
25 And I'm even sure that I even agree with how the

1 setbacks are placed on here because these feel
2 like side yards and we've honored them as side
3 yards. However, it's an unusual lot. You have
4 three sides, not four sides. So it's unfortunate
5 and it is a hardship to the lot. This is a zoning
6 hardship because of how this is placed. But we
7 were also very careful trying to make sure that
8 where it is placed was not impacting the
9 neighbors. Would it be helpful to see an aerial
10 photograph so you can understand?

11 MR. SONTZ: The argument though of
12 the hardship goes away a little bit because this
13 isn't a matter of a house that's 100 years old, 50
14 years old that was built before the current zoning
15 and the owner just bought a house and wants
16 something modern; you know. The house was built
17 in 2018 and that's in line with the current
18 ordinance. So in 2018 was the time to consider do
19 I make my house as big as it can be built to the
20 setbacks or do I make it look smaller so I can
21 have an outdoor pavilion or swimming pool or an
22 outdoor kitchen. And maybe it wasn't known four
23 years ago five years ago that an outdoor pavilion
24 was going to be wanted, but those decisions were
25 made. And now, you can't create your own hardship

1 why you made the house so big that the pavilion
2 can't be supported now. I mean that was a
3 decision that wasn't made by a past owner 50 years
4 ago.

5 MR. APPEL: The house did not max
6 out the property before. If you look at the
7 coverage calculations it is not an overbuilt lot.
8 It is just the way the setbacks work in the area.
9 For instance, one of the -- there are two
10 different front yard setbacks that were applied in
11 here also, and that all impacted the way the house
12 was placed. And you're spot-on that this was not
13 on the radar; it's on the radar now. While I
14 agree and understand with your comment,
15 respectfully, I don't agree that this is a zoning
16 hardship because of the unusual shape of the
17 property.

18 MR. SONTZ: So I live on a corner
19 lot and I've said this to many applicants; when
20 you buy a corner lot, especially in Westfield and
21 where it's going to be situated, and usually it's
22 a bigger lot than the lots next to you, but you
23 have other obligations such as two front yards,
24 and I don't know -- I don't think that makes it a
25 hardship because, in essence, we're trying to get

1 a piece of property -- fine, it's a pie-shaped
2 property -- but this was known when the property
3 was purchased and then the house was built. It
4 was known what you could and couldn't build. And
5 as Chris said, I think there is some leeway for
6 some relief, but this is just very massive. To
7 me, it's almost commercially large what's being
8 proposed here. Especially in light of the fact
9 that the house was only built three years ago. I
10 have less -- I have more sympathy for someone who
11 buys a 50-year-old house and there are things on
12 it and now since the pandemic people have started
13 turning their yards into their kingdoms. People
14 don't want the county clubs anymore. We see a lot
15 of the outdoor TVs, we see a lot of the outdoor
16 kitchens, the fire pits, and the pools. And we'll
17 say, well, you know five, 10 before the pandemic,
18 everyone was just maxing out the size of their
19 house, and now, suddenly, the pandemic hit and
20 it's we don't want that. And in 2018 was before
21 the pandemic, but you knew what the zoning was.
22 You knew if you wanted a pool, you're going to run
23 into side yard, you know, front yard problems. If
24 you wanted an outdoor kitchen, if you wanted a
25 pavilion; these are going to be the issues that

1 are going to constrain you. So I don't -- the
2 hardship argument is lost a little bit to me under
3 these circumstances.

4 CHAIRMAN FUSARO: Would you like us
5 to vote or would you like to come back with a
6 redesign?

7 MR. ROBINSON: Can I just ask how
8 this works?

9 CHAIRMAN FUSARO: Yeah. I'll
10 explain it to you one more time. It's very
11 simple. If we vote the application down, you need
12 a majority, it's no D variance, it's a majority;
13 okay?

14 MR. APPEL: It's not a
15 supermajority.

16 MR. ROBINSON: Okay.

17 CHAIRMAN FUSARO: Correct. If the
18 majority of the Board Members vote the application
19 down then you cannot come back to us with a
20 redesign unless it is substantially different from
21 what you're proposing. In other words, if we turn
22 it down and you come back with another application
23 that's the exact same thing or 10-feet shorter,
24 chances are we wouldn't review the application
25 because it's not substantially different. Or you

1 could say --

2 MS. RAZIN: I don't know how --
3 let's not give examples of what's substantial and
4 not. Based on what's before us -- it's based on
5 the limited nature of this application. Things
6 like feet might make a difference in terms of
7 what's substantial. I just want to be real
8 careful about that.

9 CHAIRMAN FUSARO: Thank you. The
10 Board at the time will determine what's
11 substantial.

12 MS. RAZIN: Yes, that's correct.

13 CHAIRMAN FUSARO: And if it is
14 substantially different, then the Board will hear
15 your subsequent application.

16 MS. RAZIN: That's correct.

17 CHAIRMAN FUSARO: If it is not, then
18 the Board will not hear your application.

19 MS. RAZIN: There's a preliminary
20 determination, the Board will make a preliminary
21 determination as to if you've reached the level of
22 substantial.

23 CHAIRMAN FUSARO: In conjunction
24 with the zoning officer and the planner.

25 MS. RAZIN: Correct.

1 CHAIRMAN FUSARO: The other option
2 is that you've heard our comments, and you've kind
3 of heard the Board and what the comments are and
4 what they feel the issues are with the
5 application, you can go back with your architect,
6 you make whatever revisions you think the Board
7 would accept and come back to us next month or the
8 following month; providing your architect can
9 prepare the plans at least 10-days before the
10 meeting, and that the application will be carried
11 without further notice. Those are your two
12 options.

13 MR. ROBINSON: Is it okay if talk to
14 him?

15 CHAIRMAN FUSARO: Certainly.

16 MR. ROBINSON: I'm trying to learn
17 tonight too.

18 (Whereupon, Mr. Appel and
19 Mr. Robinson confer off the record.)

20 CHAIRMAN FUSARO: Yes, sir.

21 MR. ROBINSON: Can I ask one more
22 question and then we'll...

23 CHAIRMAN FUSARO: Sure.

24 MR. ROBINSON: How would the Board
25 feel if we pulled the roof back about 5-feet?

1 Would that make everybody feel better about it? I
2 just want to make sure we're coming back with
3 something that --

4 CHAIRMAN FUSARO: To be honest with
5 you, I don't think 5-feet --

6 MR. MASCIALE: No, a little bit
7 more. Definitely more.

8 CHAIRMAN FUSARO: 28- to 23-feet; I
9 don't think that will make much of a difference in
10 my opinion. The rest of the Board? Everyone
11 seems to be shaking their head "no." Do you want
12 to come back? It's my suggestion, but it's your
13 decision.

14 (Whereupon, Mr. Robinson and
15 Mr. Appel confer off the record.)

16 MR. ROBINSON: Yeah, we'll come
17 back. Thank you.

18 CHAIRMAN FUSARO: You're going to
19 come back?

20 MR. ROBINSON: Yeah.

21 MS. RAZIN: Wait one second. We
22 want to officially carry you to February 13
23 without further notice.

24 CHAIRMAN FUSARO: We'll carry you to
25 February 13 without further notice provided that

1 you can get your revised plans to us on or about
2 February the 2nd. If for some reason you can,
3 we'll gladly follow you to the following meeting
4 which is March 13. Thank you.

5 MR. ROBINSON: Can you say those
6 dates one more time?

7 MS. RAZIN: Yes. You're carried to
8 February 13 with your plans submitted by
9 February 2. And if you cannot do that, please
10 advise Maria and Don and Jenny or any combination
11 of those individuals, and you'll be on for March
12 13.

13 MR. ROBINSON: Thank you so much.

14 CHAIRMAN FUSARO: May I have a
15 motion to adjourn?

16 MR. MASCIALE: So moved.

17 MR. REISEN: Second.

18 CHAIRMAN FUSARO: We're adjourned.

19

20

21 (The meeting was adjourned at

22 10:01 p.m.)

23

24

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