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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES
Monday, February 13, 2023
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

MATT SONTZ, MEMBER

6

CAROL MOLNAR, MEMBER

7

PAUL EILBACHER, FIRST ALTERNATE

8

SAMUEL REISEN, SECOND ALTERNATE

9

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10

JENNY MANCE, ZONING OFFICIAL/ASST. PLANNER

11

12

A B S E N T:

13

14

OMAR KARAME, MEMBER

15

ELDY PAVON, MEMBER

16

17

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

18

WELLS, JAWORSKI & LIEBMAN, LLP

19

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

20

JAVERBAUM WURGAFT, ET AL.

21

BY: STEPHEN HEHL, ESQ.

Attorney for the APPLICANTS IRWIN

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P R O C E E D I N G S
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CHAIRMAN FUSARO: This is a regularly scheduled meeting of the Board of Adjustment for the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting has been provided by posting on the bulletin board at town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the Town Clerk with the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act. Katherine Razin, our board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria. And we will do the Pledge of Allegiance immediately thereafter.

MS. RAZIN: Good evening. The Board of Adjustment has the power to grant variances from Zoning Ordinances. The Board can only grant a variance in accordance with the Municipal Land Use Law, and these can be D-type variances or

1 C-bulk variances. In all instances, it's the
2 applicant's burden to present his or her case and
3 the applicant must demonstrate the granting of the
4 variance will not create substantial harm or
5 negative impacts to the public, or substantial
6 impact to the intent and purpose of the Zoning
7 Ordinance.

8 CHAIRMAN FUSARO: Thank you. Please
9 rise for the Pledge of Allegiance.

10 (Whereupon, the Pledge of Allegiance
11 was recited.)

12 CHAIRMAN FUSARO: Jenny, can we
13 please have the roll call?

14 MS. MANCE: Mr. Cohen.

15 MR. COHEN: Here.

16 MS. MANCE: Mr. Sontz.

17 MR. SONTZ: Here.

18 MS. MANCE: Ms. Molnar.

19 MS. MOLNAR: Here.

20 MS. MANCE: Mr. Karame.

21 Chairman Fusaro.

22 CHAIRMAN FUSARO: Yes.

23 MS. MANCE: Vice-chair Masciale.

24 MR. MASCIALE: Here.

25 MS. MANCE: Mr. Eilbacher.

1 MR. EILBACHER: Here.

2 MS. MANCE: Mr. Reisen.

3 MR. REISEN: Present.

4 CHAIRMAN FUSARO: Thank you. Has
5 everyone had a chance to review the minutes from
6 our last meeting? Any questions, comments,
7 revisions? Seeing none, may I have a motion to
8 approve the minutes?

9 MR. MASCIALE: So moved.

10 MR. REISEN: Seconded.

11 CHAIRMAN FUSARO: All in favor.

12 BOARD MEMBERS: Aye.

13 CHAIRMAN FUSARO: The minutes are
14 approved. We have several resolutions that are
15 being memorialized this evening. I believe there
16 are two. The first resolution is ZBA Number
17 22-028, Anthony Fernandez, 621 Vermont Street.
18 Has everyone had a chance to review the
19 resolution?

20 MR. MASCIALE: Yes.

21 CHAIRMAN FUSARO: Any corrections?
22 Seeing none, may I have a motion to approve?

23 MR. MASCIALE: So moved.

24 MS. MOLNAR: Second.

25 CHAIRMAN FUSARO: Roll call, Jenny.

1 MS. MANCE: Chairman Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MS. MANCE: Vice-chair Masciale.

4 MR. MASCIALE: Yes.

5 MS. MANCE: Mr. Cohen.

6 MR. COHEN: Yes.

7 MS. MANCE: Mr. Sontz.

8 MR. SONTZ: Yes.

9 MS. MANCE: Ms. Molnar.

10 MS. MOLNAR: Yes.

11 MS. MANCE: Mr. Eilbacher.

12 MR. EILBACHER: Yes.

13 CHAIRMAN FUSARO: Thank you. The
14 next resolution is Application ZBA 22-029,
15 Alicia Harrington, 15 Fairhill Road. Has everyone
16 had a chance to read the resolution?

17 MR. MASCIALE: I did, Frank, and I
18 have a quick question. The aluminum fence,
19 obviously, it's 6 feet, and not to have spaces no
20 more than 4 inches. So is 4 inches the code? I
21 always forget.

22 MS. RAZIN: That's what your Chair
23 said as a condition.

24 MR. MASCIALE: It should meet the --

25 MS. RAZIN: You can switch that to

1 indicate --

2 CHAIRMAN FUSARO: Per the building.

3 MS. RAZIN: -- per the building and
4 the spacing. Just that piece of the width.

5 MR. MASCIALE: Right. Because it
6 meets the pool code. Thank you.

7 MS. RAZIN: But that's just
8 referring to the open portion.

9 CHAIRMAN FUSARO: It's supposed to
10 be speared no more than 4 inches.

11 MS. RAZIN: But that's how it was
12 voted on. I read the transcript.

13 CHAIRMAN FUSARO: Okay.

14 MS. RAZIN: So as modified as
15 necessary to meet the building code, I can put it
16 in.

17 CHAIRMAN FUSARO: Excellent. May I
18 have a motion to approve the resolution?

19 MR. MASCIALE: I'll move to approve
20 the resolution.

21 MS. MOLNAR: Second.

22 CHAIRMAN FUSARO: Seconded by
23 Ms. Molnar. Jenny, please call the roll.

24 MS. MANCE: Chairman Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MS. MANCE: Vice-chair Masciale.

2 MR. MASCIALE: Yes.

3 MS. MANCE: Mr. Cohen.

4 MR. COHEN: Yes.

5 MS. MANCE: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MS. MANCE: Mr. Eilbacher.

8 MR. EILBACHER: Yes.

9 CHAIRMAN FUSARO: Thank you. There
10 are no withdrawals of any applications this
11 evening, there are no extensions, etcetera. That
12 the having been said, let's move to our first
13 application.

14 Our first application this evening
15 is Application ZBA 22-034, Greg and Hillary Irwin,
16 251 East Dudley Avenue. Applicant is seeking
17 variance approval for construction of a pool with
18 a patio area, an extension to the existing covered
19 patio, and new fencing together with the removal
20 of an existing impervious coverage from the
21 driveway and portions of the existing tennis court
22 contrary to the following sections of the
23 Westfield Land Use Ordinance: Section 13.02D5,
24 enclosure and screening, where required is a solid
25 board-on-board fence and proposed is open; and,

1 12.04G where maximum all improvements coverage is
2 20% or 12,970 is permitted and 26.4% or
3 17,093 square feet is proposed.

4 Good evening, Mr. Hehl.

5 MR. HEHL: Good evening,
6 Mr. Chairman and Board Members, it's great to see
7 you all again. I'm here on behalf of Greg and
8 Hillary Irwin. We're here this evening for relief
9 from two sections of the ordinance. And just
10 backing up, the one with respect to the impervious
11 actually represents now a reduction in impervious
12 from a previous approval by the elimination of a
13 portion of what was a tennis court that now, they
14 got rid of half of that, and it's a small half
15 basketball. And also, a portion of the driveway
16 were reduced. So we're actually reducing in
17 impervious coverage from previous approval. And
18 with respect to the request for the decorative
19 fence and landscaping rather than a sold fence,
20 this truly is -- and I'm sure you've gone by this
21 house, and my clients put together a handout for
22 the Board -- this truly is a unique home. It's a
23 stately mansion. There's a lot of history that
24 the Irwins will explain to you.

25 They purchased the house, by the

1 way, after the last approval. I know there was a
2 request for the pool and the withdrawal of the
3 request for the solid fence. They purchased it
4 after that and they've really done a great job.
5 Again, when I go by that house and went into the
6 house and looked in the backyard, it's just a
7 fantastic residence. And we feel -- and you'll
8 hear testimony from the landscape representative
9 and our professional planner -- that having the
10 decorative fence with the landscaping is much,
11 much more attractive and in keeping with the
12 historic nature of this home and the homes in the
13 surrounding area. In fact, several of the homes
14 in the area have pools in the backyard with a
15 decorative fence and landscaping that's existing
16 and proposed. Again, this is a unique situation
17 with a unique home.

18 What I'd like to do first is to call
19 upon Greg and Hillary to come up and be sworn and
20 tell us a little bit about their history in
21 Westfield and the history with the house. And we
22 did receive the report that Don and Jenny did, and
23 we have that, and we're prepared to respond to
24 that.

25 MR. IRWIN: Good evening.

1 CHAIRMAN FUSARO: Good evening.
2 Please state your name and address for the record.

3 MS. IRWIN: Hillary and Greg Irwin,
4 251 East Dudley Avenue.

5 CHAIRMAN FUSARO: Please raise your
6 right hand.

7 GREGORY and HILLARY IRWIN, having
8 been duly sworn, were examined and testified as
9 follows:

10 MR. HEHL: First, while I hand these
11 out, you prepared a packet with photographs and
12 some diagrams that I know that you would like to
13 explain to the Board. First, confirm -- and
14 perhaps Katie we'll mark this as A-1 -- just tell
15 us a little bit about that you prepared this, the
16 photographs, you took, and they accurately
17 represent the conditions at this time.

18 MR. IRWIN: We put together some
19 material that we thought basically told the story
20 of what we're trying to achieve and what we're
21 asking for.

22 MR. HEHL: Let me hand these out.

23 MS. RAZIN: Do you want any specific
24 title? Do you want to give it any kind of title?

25 MR. HEHL: Well, it's called the

1 "Irwin Family Zoning Board Variance Request."

2 MS. RAZIN: Perfect.

3 (Whereupon, APPLICANT'S EXHIBIT A-1,
4 PHOTOGRAPH PACKET - IRWIN FAMILY ZONING BOARD
5 VARIANCE REQUEST DATED 2/13/2023, was marked for
6 identification.)

7 MR. IRWIN: It's a short 70-page
8 presentation.

9 (Whereupon, Exhibit A-1, was handed
10 out to the Board Members.)

11 BY MR. HEHL:

12 Q. I think Hillary is going to start us
13 out. First, give us a little background and
14 probably go through this handout. A little bit of
15 the history of the house. Or why don't we start
16 with your history in Westfield, and then, we can
17 move on to this particular home?

18 A. First, thank you all for being here
19 tonight. We really appreciate it and we're really
20 excited for this. Greg and I have lived in
21 Westfield for 17 years. We started off on Summit
22 Avenue and then we have driven on this block of
23 Dudley countless times and really just like
24 dreamed of living there. All the houses are just
25 so gorgeous and historic and beautiful, and one of

1 the things we really, really love about this town.
2 And then when this house came on the market, we
3 were so excited to purchase this home. We bought
4 the house not this past summer, but the summer
5 before. And we're just so excited to make this
6 our forever home. We live in the town with our
7 two children and two dogs. And we are really
8 involved in the town. Greg is actually on the
9 board of the Westfield Foundation. And we're
10 never leaving this property. Like I really want
11 to stay here forever. It's really beautiful.
12 And, as you can see from these photos, it's a
13 gorgeous historic property in Westfield. It was
14 actually built in 1902.

15 And our goal is to maintain, like,
16 the history of the home. We've worked to update
17 it on the inside. We've made some updates to the
18 backyard. But we really want to maintain the
19 character, you know, respect the history of the
20 home, respect the higher of Westfield, and so that
21 is really why we're here tonight. We did put in a
22 pool. That was one of the updates that we made.
23 And we want to maintain the look and feel of the
24 neighborhood. And that's why we're asking for
25 this variance. We want to keep the backyard safe.

1 We want to keep privacy for ourselves; for our
2 neighbors. We actually have our neighbors that
3 live on either side of us here tonight to speak
4 about this project. I'd like to turn it over to
5 Greg.

6 Q. Okay. I was going to say he'll go
7 through it.

8 A. He did a deep dive into the history
9 of this home, so he's more of an expert on that
10 than I am.

11 MR. IRWIN: I don't know that we
12 need to go through the history. I think you've
13 seen the property.

14 BY MR. HEHL:

15 Q. Why don't you just touch on it
16 briefly how we put it together on this page?

17 A. We've done research together with
18 our kids and understanding the history going back
19 to a Civil War family, going back to an iron
20 family, and eight different families that have
21 lived in the home. We really just want to express
22 that we really respect the history and it's a
23 property that we really want to invest in. When
24 we decided to make the big life-changing move to
25 buy the home it came with the understanding that

1 we were going to invest in the property and invest
2 in the community which is part of what we're here
3 to talk about.

4 Page 4, has a breakdown of the
5 specific request that we think is the topic. And
6 if you see the outline, the red line is the
7 decorative aluminum fence that we want to put up.
8 And then across the front, is the brick and metal
9 fence that we want to put across which is the part
10 that would be facing Dudley. And that's that
11 image on the lower right. We think it matches the
12 character, it matches really specifically what a
13 number of our neighboring homes have and fits the
14 character of Dudley Avenue. If you turn to Page 5
15 --

16 Q. And then you also have in the back
17 --

18 A. Oh, yeah. In the back, it used to
19 have a tennis court. So with that, it has a
20 10-foot chain-link fence, and it has mature
21 evergreens. There's a picture of that later in
22 the presentation. So our proposal is to retain
23 that. That abuts our neighbors in the back and
24 their backyard, and we think provides more than
25 sufficient privacy and security for the property.

1 Q. And again, when I was there, as you
2 can see in the pictures, the evergreen buffer is
3 actually behind that fence?

4 A. Correct. So Page 5, has the mockup
5 of what the fencing that we're proposing would
6 look like. It would have full evergreens and
7 brick and be at least 6 feet high. Page 6 just
8 shows our immediate neighbors have a similar fence
9 including the decorative aluminum as well around
10 their properties. So we think it not only fits
11 the character of the street, it matches exactly
12 the style of fencing that's used by our neighbors.
13 That's about all I was --

14 Q. Why don't we touch on -- I think you
15 did you -- why don't you -- you did the...just
16 briefly explain the other.

17 A. Sure. So one of the great things
18 about the property is it's a lot of property. So
19 when we look at the setbacks of the house, which
20 is -- the house, itself, is 130 feet off the
21 street. And the pool, itself, which I presume is
22 the issue at hand, is offset 200 feet from the
23 street. It's not visible in any way from the
24 street unless you come out onto the property. And
25 our neighbor to the right is 135 feet, off the

1 neighbor to the back is 120 feet, and our neighbor
2 to the left who is here, Mr. Hertell, is 40 feet
3 to our left. And basically, we'd be adjacent to
4 Mr. Hertell's pool to our home.

5 Q. I think next we'll move on to the
6 photographs of the property.

7 A. Yeah. We wanted to show you this.
8 This was taken a couple of weeks ago, so there're
9 no leaves. This is just the evergreens that
10 you're seeing here. And we really do have a lot
11 of privacy on the property. Page 8 is the
12 left-side view where you really can't see through
13 to the property. And on the right, is our view to
14 Luke Cook, who is here with us as well.

15 MS. BREIEN: I couldn't hear what
16 you just said.

17 MR. IRWIN: Oh. This Slide 9, is
18 showing the view to our neighbor to the right
19 which is Mr. Cook's property. And he's here this
20 evening.

21 MS. BREIEN: Thank you.

22 MR. IRWIN: And then, lastly,
23 Page 10 shows the fencing in the back. And the
24 picture to the left is what Steve was talking
25 about. When you look back from the pool, you can

1 see the heavy evergreens. You can't even see the
2 10-foot chain-link fence from the back. So it
3 really probably exceeds the 6-foot standard that
4 we understand is the requirement.

5 BY MR. HEHL:

6 Q. And I think the final is just
7 showing the distance of the back of the pool --

8 A. Yes. Page 11, from the street,
9 there's no view even prior to the fence we're
10 talking about.

11 Q. And just confirm you're committed to
12 maintain and enhance the landscape and, first of
13 all, obviously, install the decorative fence as a
14 requirement? And you will maintain and install
15 and enhance the landscaping to preserve that
16 privacy?

17 A. One hundred percent. We bought --
18 you know, the reason we bought the property is we
19 love the openness, we love the park-like nature of
20 it; and absolutely comfortable committing. That's
21 what we want. So absolutely.

22 MR. HEHL: Great. I have no further
23 preliminary questions of the Irwins at this time.

24 CHAIRMAN FUSARO: Do any Members of
25 the Board have questions? I have a couple. A

1 couple of quick things, Mr. Hehl. As you know,
2 this application was before us not too long ago
3 with the previous owner, and I'm going to read you
4 a quote from the resolution. It said -- and this
5 is Ms. Stanek, I believe?

6 MR. HEHL: Yes, the previous owner.

7 CHAIRMAN FUSARO: "If the pool is
8 granted, she will be moving into the property."
9 The pool was granted, obviously, she did not move
10 into the property. I'm assuming that you spoke
11 before they bought the property. I see from the
12 photographs that you've installed the pool. As
13 you know, when the application was before us
14 previously, we granted a variance for the pool, we
15 granted a variance for the coverage, and we
16 requested a 6-foot board-on-board fence be placed
17 around the pool. Not necessarily around the
18 property. I don't recall exactly the verbiage,
19 but I believe that we had approved that 6-foot
20 board-on-board fence. In addition, at that time,
21 to assist with the coverage issue there was a
22 portion of the driveway that was going to be
23 removed. Has that been removed?

24 MS. IRWIN: That, and then some. We
25 actually removed more than was on there.

1 MR. IRWIN: Yes.

2 CHAIRMAN FUSARO: And then the other
3 area that was going to be -- the other impervious
4 area that was to be removed was two -- I want to
5 call it the "ends of the tennis court" and two
6 areas alongside of that. Has that been done?

7 MS. IRWIN: We actually removed half
8 of the tennis court. So we did more than --

9 MR. IRWIN: I think the descriptions
10 there relate to the property under the ownership
11 of Mr. and Mrs. Stanek. Subsequent to that, we
12 removed more of the driveway than they were
13 proposing and half of the tennis court.

14 CHAIRMAN FUSARO: So that's why
15 you're bringing down the coverage from
16 27.6%/17,873 square feet, and now it's brought
17 down to 17,093 square feet which is,
18 approximately, 780 square feet less.

19 MR. IRWIN: Correct.

20 CHAIRMAN FUSARO: Your plan is to
21 keep the 10-foot-high fence around the remaining
22 portion of the tennis court; is that correct?

23 MS. IRWIN: Yes.

24 MR. IRWIN: Across the whole back,
25 even across the portions where the tennis court

1 was removed because it serves as a good property
2 buffer.

3 CHAIRMAN FUSARO: The remainder of
4 the property -- I don't recall seeing in the
5 photographs -- does the remainder of the property,
6 of the sides, currently have any fence in addition
7 to the evergreens?

8 MR. IRWIN: It does not.

9 CHAIRMAN FUSARO: No fence
10 whatsoever.

11 MR. IRWIN: No, we want -- we
12 certainly want to put --

13 (Crosstalk.)

14 CHAIRMAN FUSARO: You want to put a
15 6-foot-high open fence.

16 MR. IRWIN: That's correct.

17 CHAIRMAN FUSARO: I know we have one
18 guy on the Board that will object to that.
19 Anyway...

20 MR. HEHL: We'll see if we can
21 convince Mr. Sontz this time.

22 CHAIRMAN FUSARO: Now, I see the
23 evergreens and I know you said these photographs
24 were taken recently; which is the fall. So we can
25 still see through them a little bit. I'm assuming

1 that in the spring, the foliage would grow even
2 more. If we were to approve the application, we
3 would obviously ask that you maintain those
4 evergreens. Are there any plans to add any
5 plantings at this point in time?

6 MR. IRWIN: Yeah. It was a dry
7 summer last summer, so we lost some evergreens
8 along the right side. So we intend to install
9 some evergreens along the right side. That's our
10 current intention.

11 CHAIRMAN FUSARO: So you would be
12 agreeable to us adding that as a condition if we
13 so desire?

14 MR. IRWIN: Yes.

15 CHAIRMAN FUSARO: Those were the
16 only questions that I had. Anyone else? Yes?

17 MS. MOLNAR: Number one, growing up
18 in Westfield, this was always my favorite house.
19 So congratulations.

20 MS. IRWIN: Thank you.

21 MS. MOLNAR: On Page 6, you give the
22 fencing around the homes two doors down from you.
23 The house next door to you, what kind of fence do
24 they have?

25 MR. IRWIN: This gentleman's home

1 right here, Mr. Hertell, has a decorative aluminum
2 fence around his pool.

3 MS. MOLNAR: What kind? Aluminum?

4 MS. IRWIN: Yes.

5 CHAIRMAN FUSARO: We'll ask him in
6 the audience to come up in a little while.

7 MS. MOLNAR: For some reason
8 (indiscernible) in the photos?

9 MS. IRWIN: His fence is directly
10 around his pool, and the others, that he put in
11 the photos go around the whole property.

12 MR. IRWIN: Those are exactly what
13 we want to replicate.

14 MS. MOLNAR: I see.

15 CHAIRMAN FUSARO: Anyone else from
16 the Board have questions for the Applicant?
17 Seeing none. Is there anyone from the audience
18 wish to address the application? If so, please
19 come forward and state your name and address for
20 the record.

21 MR. HEHL: Again, we do have other
22 witnesses. If you want, we could --

23 CHAIRMAN FUSARO: Go ahead. Please
24 proceed.

25 MR. HEHL: Thank you. And by the

1 way, Mr. Chairman, if the Board was kind enough to
2 grant the application, having that as a
3 requirement, no problem having -- and Ms. Razin
4 can certainly craft the language -- having an
5 obligation, a landscape maintenance plan, in
6 effect, and to maintain. Which we -- not so much
7 on residential, but we've regularly done that on
8 commercial projects.

9 CHAIRMAN FUSARO: Thank you.

10 MR. HEHL: Yes. I'd like to call
11 upon Joe Davi.

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

14 MR. DAVI: Joe Davi, 6 Franklin
15 Road, Mendham, New Jersey.

16 CHAIRMAN FUSARO: Please raise your
17 right hand.

18 JOSEPH DAVI, having been duly sworn,
19 was examined and testified as follows:

20 CHAIRMAN FUSARO: You'll be
21 testifying as?

22 MR. DAVI: An expert witness for
23 landscape construction.

24 CHAIRMAN FUSARO: I don't believe
25 you've appeared before our Board this year and we

1 have a couple of new Board members. If you could
2 give us a little background.

3 MR. DAVI: Sure. I've been in the
4 industry for over 20 years now. And I have my own
5 company now for 10 years. I've been working with
6 the Irwins for over a year.

7 MR. HEHL: And your degree?

8 MR. DAVI: Environmental design and
9 landscape architecture.

10 CHAIRMAN FUSARO: Thank you. Does
11 anyone from the Board have any questions? We'll
12 recognize you as a landscape architect. Please
13 proceed.

14 BY MR. HEHL:

15 Q. If you could give a little
16 background on the landscaping and fence design
17 from your perspective as an expert in that field
18 and how the decorative fence with proposed
19 landscaping blends in with this property?

20 A. So the proposed fence that we want
21 to go for really falls back to the history of the
22 house and how it would have been. And put up any
23 kind of board-on-board style fence I feel is going
24 to be unattractive for the final look that we're
25 going for here. My goal is to not see fence no

1 matter what we do on these properties, and outside
2 of Westfield as well. To see the landscaping
3 instead is my preference. You can see the nature
4 instead of seeing a solid wall of fencing going
5 around.

6 Q. And that would include not just -- I
7 guess there would be two options -- one would be a
8 board-on-board around the perimeter of the
9 property; which we discussed. And what would be
10 the impact, if any, of putting let's say a
11 board-on-board or one of those PVC fences around
12 the pool itself and how would that detract from
13 the layout?

14 A. If it was just around the pool, I
15 feel like if you were in the pool area, you'd not
16 be able to see out to the majestic yard that they
17 have. So it's really going to take away from the
18 view and the beauty of that. So, obviously, the
19 preference is to keep it on the perimeter as it
20 is.

21 Q. And as the Chairman was mentioning
22 about the addition of some landscaping to the
23 site. If you could briefly touch on that. And I
24 know you've worked with them.

25 A. Yeah. So there are a few, let's

1 say, holes and views that are undesirable right
2 now from a few trees that have been lost and a few
3 more trees that we want to change out. It's
4 mostly you know evergreen, a mix of evergreens
5 that surrounds the property now. But there is a
6 mix of some deciduous. We'd like to have a little
7 bit more evergreen shrubs for the first few feet,
8 you know, first 8- to 10 feet, so regardless, you
9 can't see through this time of year. We'd also
10 like to add or replace the ones that have died
11 from drought this summer.

12 Q. So there would be an enhancement.
13 And you'll work with them as a professional to lay
14 that out?

15 A. Exactly.

16 MR. HEHL: Great. I have no further
17 questions at this time of Mr. Davi.

18 CHAIRMAN FUSARO: I have one quick
19 question. The plan that I'm looking at -- I guess
20 it's the site plan prepared by the engineer -- it
21 shows along the left side of the property a fence.
22 It doesn't give us the height of the fence. Now,
23 is that -- I'm assuming that's a new fence that's
24 going to be installed -- we can just ask the
25 Applicant because there is no fence there.

1 MR. DAVI: Yeah. That would be a
2 new fence. I think he does illustrate it on --
3 let's see what page it's on. That would be part
4 of the 6-foot-9 aluminum border between the two
5 properties to the left.

6 MR. HEHL: That, I believe, is --

7 MR. DAVI: Page 4.

8 MR. HEHL: Page 4.

9 MR. DAVI: It does have it in red.

10 CHAIRMAN FUSARO: There's a note on
11 the fence to the right of the property which says
12 "new 6-foot aluminum fence." But it doesn't say
13 anything about the fence to the left, nor does the
14 site plan say anything about the height of the
15 chain-link fence surrounding the court. We have
16 established that it's 10-feet high from the
17 photographs and the testimony from the Applicants.
18 I have no further questions for this witness.

19 MR. MASCIALE: A question, Frank.
20 In your opinion, the fence ordinance that's in
21 place and that was put in place should provide
22 privacy to the neighbors. With the location of
23 the screening, in your opinion, is there
24 sufficient privacy with the shrubbery that a solid
25 fence would not be required?

1 MR. DAVI: Yes. For this particular
2 property, and most of the trees that are
3 surrounding this property, are upwards of 20-plus
4 feet. So even if the first 6 foot was a solid
5 fence there would be no difference to the existing
6 vegetation that exists. This is a property that
7 you can't even see the pool from the other, you know,
8 the rear of the two sides from the neighbors. The
9 vegetation does all the hiding from there.

10 MR. MASCIALE: Thank you.

11 CHAIRMAN FUSARO: Anyone else have
12 any questions of this witness? No? Thank you.

13 MR. HEHL: And as our final witness,
14 I'd like to call upon Katherine Keller our
15 professional planner.

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

18 MS. KELLER: Good evening, Chairman,
19 and Members of the Board. Kate Keller, 70 Hudson
20 Street, Hoboken, New Jersey, Suite 5.

21 CHAIRMAN FUSARO: I believe you've
22 testified before.

23 MS. KELLER: I have. I have, yes.

24 CHAIRMAN FUSARO: Please raise your
25 right hand.

1 KATHERINE KELLER, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN FUSARO: Please proceed.

4 MR. HEHL: Yeah. Kate was here not
5 that long ago on one of the applications with us.
6 And you're...?

7 MS. KELLER: I'm a licensed
8 professional planner in the State of New Jersey.
9 I just became a board member with my partners
10 called Philips Preiss Grygiel Leheny and Hughes.
11 I believe you're also familiar with my colleague.
12 So, yes, just to briefly -- you know we've heard a
13 lot of the details of this application from
14 Mr. and Mrs. Irwin and from the landscape
15 architect. And so I just really want to get into
16 the meat of the c(2) variances that we're
17 requesting tonight.

18 So in terms of the fence we're
19 dealing with, the ordinance really requires a
20 solid fence for screening purposes. And I think
21 when you look at the zoning alternative that we're
22 proposing here which is an aluminum fence that's
23 more open. This is really a unique property, and
24 the proposal for this fence, as you've heard, this
25 is fitting for this property. And in that sense,

1 it really does represent a zoning alternative.
2 This is a unique site, this is a historic home
3 that people are familiar with. Ms. Molnar, you
4 just referenced that you knew this house growing
5 up. My father grew up in Westfield, I happened to
6 mention it to him, he knew these houses too.
7 These are very unique houses. They're beautiful
8 homes. And even in your Master Plan, the Historic
9 Preservation Element speaks of this area as the
10 Dudley Park -- proposed Dudley Park Historic
11 District because of the unique nature of these
12 sites. They were developed at different times.
13 They were developed in a similar nature. They are
14 large properties, which, in this case, provide
15 extra screening. And it's really a place where
16 the area has kept its character over all the
17 changes that the town has seen over the last 10
18 years.

19 And in this case, you have an owner
20 who is seeking -- you know, has invested in this
21 property is seeking to make this their forever,
22 you know, their permanent home and they have a
23 vision for the property. And you have unique
24 existing features like the carriage house, like
25 the long driveway, the tennis court that was in

1 place there. And that all adds up to the other
2 variance that we're requesting which is for the
3 coverage which was just detailed with what the
4 Irwins are requesting which is less than what was
5 previously approved given the fact that they have
6 removed extra portions of the driveway and extra
7 portions of the former tennis court.

8 So I think here you have a case
9 where the purpose of your ordinance is to provide
10 screening. The fact that this property is really
11 extra-large; it's three times the size of what's
12 required in the zone, several hundred feet set
13 back from the street, additional setbacks from all
14 neighbors, there's 20-foot existing evergreens in
15 place. There're photos that are in Mr. Irwin's
16 presentation that's really about as sparse as the
17 trees are ever going to get, you know, taken in
18 the thick of winter. That's not when people are
19 using the pool. When people are using the pool,
20 we talk about protection from privacy from the
21 neighbors; for the neighbors and the homeowners,
22 that's the time when there is going to be extra
23 foliage evergreens. And the Irwins have agreed to
24 add additional plantings as needed. And I think
25 with all of those conditions combined really meet

1 the intent of the screening ordinance.

2 And just what we're proposing here
3 is a fence that's decorative in nature, it's
4 similar to the surrounding properties. And that,
5 I think, speaks to the first column of the
6 negative criteria for the C(2) variance which is
7 that there's no detrimental impact on the public
8 good. Which, in residential locations, typically
9 meant to address how it will impact the as a
10 whole, and in particular, the surrounding
11 neighbors. I'll let those members of the public
12 who are here speak for themselves, but I think the
13 fact that similar fencing and similar kind of
14 landscaping treatments are in place for other
15 pools in the area speaks for that.

16 In terms of the impact on the zoning
17 plan and zoning ordinance, I mentioned the fact
18 that this is a unique area of the town as called
19 out in the Historic Preservation Element. And
20 also, what the Irwins are doing here really meets
21 the goals I think of the town in terms of keeping
22 these historic properties intact, you know,
23 bringing them up to meet the needs of a modern
24 21st-century-family not letting them demolish,
25 subdivide it, or go not disrepair. So that's

1 really what we have here, almost an ideal case
2 where this is a family that sees this as their
3 home and they want to make it as best as they can
4 to meet their needs and to keep the visual
5 environment of the town in check. Really improve
6 it as much as possible.

7 So in terms of purposes, and you
8 know of advancing the purposes of zoning, I think
9 that what we have proposed as here advances
10 Purpose (A) Promoting Public Health Safety and
11 Welfare. In terms of safety, I would note that
12 any fencing that is put in place on this site will
13 have to be -- will be pool-compliant, will meet
14 all building codes, will meet all construction
15 safety codes. Really improve the ability to
16 provide light, air, and open space. This visual
17 impact of these large yards and these large
18 properties will remain in place even with the
19 fencing and the landscaping and the safety that's
20 required to have a pool. Promoting Purpose (I)
21 which Promotion of a Desirable Visual Environment.
22 You know, I think I've given substantial testimony
23 on that.

24 And then, you know, finally another
25 purpose, Purpose (J) which is to promote the

1 conservation of historic sites, historic
2 districts, and historic patterns of open space.
3 And while this is not formally in a historic
4 district, it's in an area that has been identified
5 as such. It's adjacent to one of your Town's
6 historic districts on Kimball. And this is really
7 trying to keep that character intact. The fence
8 ordinance for the pool; it makes sense in certain
9 cases. Either a smaller property, you know, the
10 pool, especially if it's a pool that can't meet
11 setbacks or something like that it provides
12 privacy for everybody involved. But this is a
13 unique property; it's a large site that has
14 existing landscaping in place, and I believe the
15 criteria is met.

16 MR. HEHL: Thank you. No further
17 questions of Ms. Kessler at this time.

18 CHAIRMAN FUSARO: Does anyone on the
19 Board have a question for the planner? Seeing
20 none, thank you for your testimony. Mr. Hehl?

21 MR. HEHL: We have no further
22 witnesses at this time. But certainly, any of the
23 witnesses that have testified are here if the
24 Board or public has further questions. But there
25 are members of the public that do want to speak.

1 CHAIRMAN FUSARO: Anyone from the
2 public wish to address the application please come
3 forward and state your name and address for the
4 record.

5 MS. RAZIN: Or they can ask
6 questions of the witnesses regarding their
7 testimony.

8 MR. HEHL: Oh, yes.

9 CHAIRMAN FUSARO: Good evening,
10 Mr. Hertell.

11 MR. HERTELL: Pleasure to see you
12 again, Chairman Fusaro.

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

15 MR. HERTELL: Keith Hertell, 241
16 East Dudley Avenue.

17 CHAIRMAN FUSARO: Please raise your
18 right hand.

19 KEITH HERTELL, having been duly
20 sworn, was examined and testified as follows:

21 CHAIRMAN FUSARO: Please proceed.

22 MR. HERTELL: I rise tonight to
23 speak only to the issue of privacy, of the
24 integrity, the character of the entire
25 neighborhood. There are six homes on the block,

1 five have pools. When I moved in 50 years ago,
2 we, my wife and I were the only ones who didn't
3 have a pool. Since that time, neighbors have put
4 pools in. The latest being Mr. and Mrs. Irwin.
5 During that time, they all, that is all of our
6 neighbors, really looked at the fencing that we
7 had around our pool. Thought it attractive,
8 thought it lent to the beauty of the property, and
9 also provided the necessary safety.

10 I am in a house alone now which is
11 an 8-bedroom house. Property taxes -- I don't
12 have to tell you about property taxes -- are out
13 of sight, but I'm not going to move. And the
14 reason I'm not going to move; is when I sit on my
15 back deck, even now, but especially in the spring,
16 summer, and the fall I cannot see another house.
17 Another house I cannot see in my backyard. It's
18 like sitting in a park. I've got eight outdoor
19 speakers, I play classical music which the
20 neighbors -- I hope the new neighbors like to
21 hear. When my kids and grandkids come over, it's
22 wonderful. The neighbor to the left has a fence,
23 an aluminum fence, black, just like mine. His
24 neighbor, the same. The neighbor there, and the
25 neighbor on the corner. One of the beautiful

1 things about that neighborhood is the fact that
2 the owners that have come in -- I'm the longest
3 one now on the block, like I said, for 50 years --
4 is that everyone has maintained the landscaping,
5 the beautiful landscaping all the way around.

6 Just to end with this one
7 observation, I've had six New Jersey festival
8 orchestra concerts in my backyard with 35-piece
9 orchestras. The last time, we had 450 people.
10 None of the neighbors could see. They would try
11 to peer through -- I think the bushes would have
12 to do it to see. So that's the type and that's
13 the kind of privacy that was there. At one time,
14 there were 24 kids in the neighborhood under the
15 age of 15, and none of them had to go out front
16 along East Dudley. They all ran through the
17 yards, and it was wonderful. It was a big, big
18 playground for them. And I would suggest to you
19 having a solid fence in the neighborhood now would
20 ruin the character of the home that is placed in the
21 neighborhood. And I think the proposed similar
22 fencing that all the other neighbors have would be
23 -- if this Board decided in favor -- would be the
24 right direction, the step to go. Thank you.

25 CHAIRMAN FUSARO: Thank you,

1 Mr. Hertell. Anyone else from the audience who
2 would like to address the application please come
3 forward. Please state your name and address for
4 the record.

5 MR. COOK: My name is Luke Cook,
6 265 East Dudley Avenue.

7 CHAIRMAN FUSARO: Please raise your
8 right hand.

9 LUKE COOK, having been duly sworn,
10 was examined and testified as follows:

11 CHAIRMAN FUSARO: Please proceed.

12 MR. COOK: I just want to keep it
13 short and sweet. It's hard to follow a legend.
14 I'll do my best. I have lived at our property on
15 the corner for the past two years. We come in
16 just before the Irwins. I can attest to what's
17 being said. We're the property right next to them
18 and there's nothing but privacy. We're actually
19 considering the same type of style fence for ours
20 in between and off the back, so it definitely goes
21 with the character of the neighborhood. And I'm
22 fully in support of it. My wife and I are too.
23 So I just wanted to come up and share that with
24 you guys and show full support of what they're
25 trying to do here.

1 CHAIRMAN FUSARO: Thank you. We
2 appreciate it. Anyone else in the audience
3 interested in addressing the application or any of
4 the professionals that testified? Seeing none.
5 Mr. Hehl, is there anything else you'd like to
6 add?

7 MR. HEHL: No. Just very briefly,
8 again, this is a unique situation. A unique piece
9 of property, a beautiful piece of property. And I
10 think based upon the fantastic presentation that
11 the Irwins put together with the handout, I think
12 the testimony of the professional showing
13 commitment to maintain that landscaping; so we
14 have no problem having that as a condition of the
15 approval. And certainly, the c(2) balancing test
16 that the benefits of granting the variance with
17 respect to the fence certainly outweigh any
18 detriment that we've possibly seen. We have the
19 neighbors in support of this. It's consistent
20 with the fencing in the area. And I think with
21 all of the justifications for the variance for the
22 fence have been established.

23 As far as the impervious, like I
24 said, we're actually reducing impervious by the
25 extra area of the driveway that was removed and

1 the extra area of the tennis court. And I think,
2 again, when you look to grant a variance you say
3 what differentiates this. This certainly is a
4 unique piece of property, a unique area of town.
5 And certainly, we feel that the relief that we're
6 seeking truly does support the intent and purpose
7 of the zoning ordinance. And we request the Board
8 grant this application, and have this unique piece
9 of property maintain the character. Thank you
10 very much.

11 CHAIRMAN FUSARO: Thank you,
12 Mr. Hehl. At this point, if there's no one else
13 from the audience who wishes to address the
14 application, we'll close the public comment and
15 open up to Board discussion.

16 MS. MOLNAR: I have a housekeeping
17 question.

18 CHAIRMAN FUSARO: I'm sorry?

19 MS. MOLNAR: I have a housekeeping
20 question.

21 CHAIRMAN FUSARO: Sure.

22 MS. MOLNAR: On November 22, 2021,
23 this Board approved a carport. Has that been
24 added?

25 CHAIRMAN FUSARO: That's a good

1 question.

2 MR. IRWIN: It has.

3 MS. MOLNAR: You do have the
4 carport. Okay. Thank you.

5 CHAIRMAN FUSARO: Okay. So we've
6 heard testimony from the planner, the landscape
7 architect, the Applicants, etcetera. As you know,
8 as they've explained, it is a unique piece of
9 property. We generally don't approve coverages
10 that are 1/3 above what is required by zoning.
11 This is a large piece of property, and we've
12 discussed it previously before the Board, and I
13 believe everyone felt the additional coverage was
14 appropriate. I want to thank the Applicants for
15 reducing it further by 780 square feet. That
16 certainly helps. I guess, obviously, the main
17 question before us is the fence. Now, we've gone
18 back and forth with fences it seems like for the
19 last 20 years. When Mr. Hertell's pool was put
20 in, there was no fence ordinance that required a
21 board-on-board. However, that was introduced and
22 that's basically the question we have before us.

23 Normally, we look to enforce the
24 fence ordinance. As Mr. Masciale had said, it's
25 basically there for privacy. That's one of the

1 main reasons in addition to safety. We've heard
2 from the Applicant. We've heard from their
3 landscape architect. We've heard from several
4 neighbors that the privacy, in their opinion, is
5 not an issue. When the application was before us
6 the last time, we obviously requested that a
7 board-on-board fence be installed. Based on the
8 testimony that I've heard, I don't have a major
9 problem with granting the fence variance. I know
10 it is a hot topic for the Board, so I'll open it
11 to some members and see whatever it gets.

12 MR. MASCIALE: I'll just jump in
13 Frank and say under the c(2) I think we can
14 approve this. I mean our job is to hear these
15 variance requests. The ordinance was put in place
16 primarily for privacy. And we do have a lot of
17 properties where the pool is 15 feet off the
18 property line. I always use my cannonball
19 example. If you cannonball and water can hit the
20 neighbor or hit the neighbor's patio, you're too
21 close. In this case, I don't think anyone's going
22 to get the water to hit the neighbor's property.

23 But in the case of the c(2) there is
24 no negative impact. We've heard testimony on the
25 screening. Our job is to hear these variance

1 requests, and I feel under the c(2) criteria we
2 can grant this variance. And just a note, the
3 criteria we usually look for in a small community
4 is a safety perspective. If the homeowner doesn't
5 put a solid fence around the pool, it can
6 introduce all sorts of safety issues which we look
7 at. And in this case, it's around the perimeter
8 of it. I just wanted to point that out to the new
9 Board Members, it's another criteria we look at in
10 these types of applications. And we look at them
11 one by one.

12 CHAIRMAN FUSARO: Thank you. Matt?

13 MR. SONTZ: As per my usual, I'm a
14 "no" on this. This is the same argument that's
15 made. I mean it's a different property and we
16 look at each property, property by property. But
17 it's the same argument that's always being made;
18 the property is unique, it provides adequate
19 privacy. First, I don't see anywhere in the
20 ordinance that it says 6-foot board-on-board or
21 similar protection. And secondly, two factors
22 that I think always play into this are; one, the
23 passive nature of the board-on-board versus the
24 active nature of screening. We've now seen that
25 for the last three years. I've kind of spoken in

1 a vacuum about; is the screening going to be
2 sufficient, will it be maintained? And now, we're
3 getting our first appeal in a month or two where a
4 neighbor and owner are fighting over whether the
5 screening that was approved by the Board is
6 sufficient to provide the privacy that they were
7 led to believe it would be.

8 And then the second part is I
9 appreciate the testimony by the owners and the
10 neighbors, but owners and neighbors change. And
11 that is not more evident than in this application
12 no more than two years ago the owner was here and
13 said I'm going -- grant my variance, and I'm going
14 to live on the property. And the owner didn't do
15 it. So with all due respect, owners could sell
16 their property, neighbors could sell their
17 property, people can have different opinions over
18 whether screening is sufficient. A board-on-board
19 fence makes it very objective. It means it's not
20 coming back before us and the purpose of the
21 ordinance is met. So I'm a "no."

22 CHAIRMAN FUSARO: Thank you.

23 MS. MOLNAR: I think we should add
24 though, the attorney mentioned some obligation to
25 maintain the landscaping or some sort -- put

1 something in there.

2 CHAIRMAN FUSARO: Yes. I had
3 mentioned that previously if we were to approve
4 the application, one of the conditions that I
5 would like to see is that the evergreens be
6 maintained. And I don't know if we can -- the
7 landscape architect also mentioned that they were
8 going to add some additional screening. I don't
9 know if we want to quantify that or not. It's
10 certainly something that --

11 MR. COHEN: How does something like
12 that get enforced?

13 CHAIRMAN FUSARO: How's that going
14 to be enforced?

15 MR. COHEN: Yeah. Who determines
16 how much screening is enough screening?

17 MR. SONTZ: Well, it appears we are
18 now have decided that.

19 CHAIRMAN FUSARO: That's why I said
20 if we quantify it.

21 MS. RAZIN: That's a common
22 condition.

23 MR. SONTZ: It appears we're going
24 to police that because an appeal is coming before
25 us in a month or two where a neighbor is saying

1 the variance says you can have an open fence but
2 it needs to be screened, and the neighbor is
3 saying the screening is insufficient. I guess the
4 owner is saying it is sufficient and it's coming
5 before us in a month or two so we can decide.

6 MR. COHEN: Right. And I guess
7 that's -- we're talking to exactly the same point
8 here, Frank. In one case, maybe we're talking
9 about -- you know, we talk about levels of
10 screening differently. Here, we're talking about
11 20-foot-tall evergreens here. Are they putting in
12 20-foot-tall evergreens next week, I don't know
13 about that. But, again, putting in a 5-foot
14 evergreen that might grow to 20 feet; I don't
15 know. What kind of screening are we talking
16 about? How can enforce that? Are we really going
17 to be the arborist of that sort of thing?

18 CHAIRMAN FUSARO: The application
19 that is going to come before us, the ongoing
20 argument as to the required screening. Yes, you
21 can still see through the screening. However,
22 their landscaper or landscape architect is saying
23 that in three years from now or two years from now
24 they move away, and yes, we became the arborist.
25 I fully understand your position. And I think

1 again, it's something that we can consider as a
2 Board. The size of the property is kind of what's
3 helping my decision-making here. It is such a
4 large property. It's two...three times the size
5 of what's required in the zone. How do the rest
6 of the Board members feel? Sam?

7 MR. REISEN: Usually, I'd go along
8 with what they want regarding the fence, but
9 Matt's kind of swaying me a little bit here
10 especially considering the recent history of the
11 selling between the owners of this property; the
12 neighbors could sell too. And you know what
13 happens then if there's another fight? Do we want
14 to continually be having these appeals where
15 people are saying, oh, well, not enough screening,
16 and like feel trips to go see these things? Like
17 what's really legitimate and being screened or
18 not. I don't think that's a condition where we
19 have been to be -- well, I don't know if we can be
20 that specific about these giant evergreens or not.

21 MS. RAZIN: You can suggest a
22 planting height that you like.

23 CHAIRMAN FUSARO: And spacing.

24 MS. RAZIN: Yeah, you can.

25 MR. REISEN: Maybe that's

1 something...

2 MR. MASCIALE: We've done that in
3 the past. I think it would be -- to have a
4 statement that says the screening would be at
5 least to the equivalent to the height of a solid
6 fence; which would be 6 feet in this case.

7 CHAIRMAN FUSARO: Mr. Eilbacher, any
8 comments?

9 MR. EILBACHER: Yeah. Because of
10 the unique nature of the property, I'm in favor of
11 it. The screening is important. It has to be at
12 least the size of the fence, it has to be done
13 well. I know this property very well; the lot.
14 And I think the size of it kind of mitigates the
15 normal requirement to have a solid fence.
16 Although, the ordinance says total (indiscernible)
17 but I think in this case, I'm okay with it
18 provided it's screened properly.

19 CHAIRMAN FUSARO: Thank you. Anyone
20 else? No? So, basically, we've heard the Board's
21 comments. I would be in favor of supporting the
22 application. However, I do want to add a
23 condition, basically, outlining the heights of
24 some additional evergreens, the spacing of the
25 evergreens, and, obviously, the maintaining of the

1 existing shrubbery. That having been said, may I
2 have a motion?

3 MR. MASCIALE: I'll make a motion to
4 approve the application with the condition that
5 the screening be maintained middle of the height
6 of a 6-foot solid fence and that it not be
7 see-through.

8 MS. RAZIN: I'm sorry. Can you that
9 condition how you worded it slower?

10 MR. MASCIALE: That the screening
11 has to be the height of the fence, a 6-foot solid,
12 and would be not --

13 MS. RAZIN: At the time of planting?

14 MR. MASCIALE: At the time of
15 planting.

16 MS. RAZIN: Any additional plantings
17 that go in. Okay.

18 CHAIRMAN FUSARO: Maintenance of the
19 existing.

20 MR. MASCIALE: Maintenance.

21 MS. RAZIN: Yes. I got that.

22 MS. MOLNAR: Does our building
23 department check that out or what?

24 MR. MASCIALE: If there's a
25 complaint, they can get there and I think look at

1 it before it comes back to us. I think it
2 wouldn't come back on appeal. If I remember my
3 history, one or two cases.

4 CHAIRMAN FUSARO: Do we have a
5 second?

6 MR. REISEN: Second.

7 CHAIRMAN FUSARO: Jenny, please call
8 the roll.

9 MS. MANCE: Mr. Cohen.

10 CHAIRMAN FUSARO: Mr. Cohen?

11 MR. COHEN: Yes.

12 MS. MANCE: Mr. Sontz.

13 MR. SONTZ: No.

14 MS. MANCE: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MS. MANCE: Chairman Fusaro.

17 CHAIRMAN FUSARO: Yes.

18 MS. MANCE: Vice-chair Masciale.

19 MR. MASCIALE: Yes.

20 MS. MANCE: Mr. Eilbacher.

21 MR. EILBACHER: Yes.

22 MS. MANCE: Mr. Reisen.

23 MR. REISEN: Yes.

24 CHAIRMAN FUSARO: Your application
25 is approved. Good luck.

1 MR. HEHL: Thank you so much. Have
2 a great night. I appreciate your comments.

3 CHAIRMAN FUSARO: The next
4 application is Application ZBA 22-015, Christine
5 and Jay Rossin, 26 Cornwall Drive.

6 Applicant is seeking minor
7 improvements to the existing dwelling that alter
8 the existing facade. The plan includes expanding
9 the master bathroom into a bay window on the front
10 of the house and construct a front porch picking
11 up the line of the existing garage contrary to the
12 following sections of the Westfield Land Use
13 Ordinance: Section 11.07E5 where the minimum
14 required front yard setback is 32.6 feet and
15 proposed is 26.3 feet; and, Section 11.07E14 where
16 the attached front-facing garage is required to
17 have a 2-foot offset behind the main facade and no
18 offset is proposed.

19 MS. ZIOLKOWSKI: Good evening.

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

22 MS. ZIOLKOWSKI: Sure.
23 Roxanne Ziolkowski, and the address is 1924
24 Route 22.

25 CHAIRMAN FUSARO: And you are?

1 MS. ZIOLKOWSKI: I'm from the
2 architecture -- I'm here representing Greg Ralph.

3 CHAIRMAN FUSARO: I don't believe
4 we've seen you before our Board. If you could
5 give us a little background and history.

6 MS. ZIOLKOWSKI: Yup. So I've been
7 in the industry about 10-plus years, and I am a
8 registered licensed architect of about one year.

9 CHAIRMAN FUSARO: And your license
10 is current in the State of New Jersey?

11 MS. ZIOLKOWSKI: Correct.

12 CHAIRMAN FUSARO: Anyone have any
13 questions for the architect? Seeing none, we'll
14 recognize you as an expert in the field of
15 architecture. Please proceed.

16 MS. ZIOLKOWSKI: I do have our
17 homeowner here. So she just wants to say a few
18 words.

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

21 MS. ROSSIN: Christine Rossin,
22 26 Cornwall Drive, Westfield.

23 CHAIRMAN FUSARO: Please raise your
24 right hand.

25 CHRISTINE ROSSIN, having been duly

1 sworn, was examined and testified as follows:

2 CHAIRMAN FUSARO: Thank you.

3 MS. ROSSIN: Well, I'm just here
4 this evening to present plans to improve the
5 facade of the house and to introduce a relaxing
6 outdoor front porch.

7 CHAIRMAN FUSARO: Did we swear you
8 in?

9 MS. ZIOLKOWSKI: No.

10 CHAIRMAN FUSARO: Please raise your
11 right hand.

12 ROXANNE ZIOLKOWSKI, having been duly
13 sworn, was examined and testified as follows:

14 MS. ZIOLKOWSKI: The property in
15 question is 26 Cornwall Drive, Block: 3303,
16 Lot: 38. And the applicant is -- we're here this
17 evening seeking approval to permit the
18 construction of a single-story front porch and
19 second-story bay window which extends from the
20 existing master bedroom -- bathroom. Both are
21 located on the west side of the existing
22 residence. The additions there are creating a
23 certain variance relief from the Board as follows.
24 As you stated, the first is a front yard setback
25 where the established front yard depth is

1 32.6 feet and the existing nonconforming is 32.1,
2 and the proposed will be 26.3. And the second is
3 minimum garage offset required which is 2 feet,
4 and the existing nonconforming is 5.67 feet, and
5 proposed is zero feet. The property in subject is
6 unique as it is irregularly shaped. There is a
7 curve or arched side of the lot which is at the
8 end of a cul-de-sac and includes an existing
9 arched front yard -- it is a garage, which I think
10 we have to put this on the record as exhibits?

11 MS. RAZIN: Are those part of the
12 plans that were submitted?

13 MS. ZIOLKOWSKI: Yes.

14 MS. RAZIN: We don't need to mark
15 them.

16 MS. ZIOLKOWSKI: On the lot, as you
17 can see, this is an arched area considered the
18 front yard, and there's an additional arched
19 driveway that comes up to the second -- or to the
20 two-story existing home. The property does
21 contain a number of existing nonconforming
22 conditions. The first being the minimum lot depth
23 which is 100.09 feet where 120 is required. The
24 second is a minimum front yard depth where the
25 existing is 32.1 feet where the average required

1 is 32.6 feet. The third is the minimum rear yard
2 setback where existing is 33.5 feet where 35 is
3 required. Four is the minimum garage offset where
4 the existing is 5.67 feet, where 2 feet is
5 required. And the last is the maximum building
6 mass at zoning side yard which the existing is
7 28.3 feet and 34 feet; so they're both 28.3 and
8 34 feet, where 25 is required. All the other
9 setbacks do conform.

10 The lot currently developed is a
11 2 1/2 story wood-framed dwelling with 4 bedrooms
12 and 2 1/2 baths and existing arched driveway is
13 noted with an attached two-car garage, and there
14 is also the existing patio in the back of the
15 residence. Regarding the coverage of the existing
16 house, it's 1,271 square feet and the garage is
17 454 square feet which is a total of 1,725 square
18 feet which is approximately 13.4% where 20% is
19 required. The existing porch is 41.5 square feet
20 or .32% where 3.5% is required.

21 Regarding the proposed addition, it
22 is a 241-square-foot front porch which is about
23 200 more feet than the existing. Based on the
24 ordinance, we stay at 13.4% for building coverage
25 whereas 20% is required. The porch is designed to

1 have the minimal accepted dimensions creating a
2 5.67-foot section which is on the left side. I'll
3 turn over the plans. There's the existing porch
4 that currently resides on the left side.
5 Currently, the rear proposes to come all the way
6 out to the front of the garage. We are looking at
7 Sheet V-3. As you can see on the First Floor
8 Plan, the proposed porch comes out to the front of
9 the garage and then does extend out a little
10 further toward the end. And based on the density
11 input of this zone, the neighborhood lends itself
12 to communal gathering, which the adjacent property
13 to the west of the site has also recently done a
14 very similar porch including another offset.

15 So I'll finish here with a variety
16 of lot sizes surrounding the area, the density of
17 the development; which are greater to them than
18 what we are proposing. It's a pretty modest
19 addition to the front of the house and we're below
20 the maximum building and impervious coverage. We
21 are in relationship to the existing neighborhood
22 and neighbors which include full-length porches
23 and the mass of the porch -- the proposed porch is
24 a one-story open-air element, nothing is enclosed
25 so it doesn't impede on any neighbors to the house

1 or the surrounding.

2 On the side yard, there's also a
3 15-foot easement which we also have to adhere to
4 and we stop right before that. So it's not any
5 closer to the lot line than it is currently.
6 Regarding the front yard setback, the front porch,
7 the proposed front porch is 26.3 feet at the
8 closest of the face of the hipped roof section
9 which is right here towards the right. And the
10 actual main element in the front is about 31 feet.
11 The majority of the mass is towards the middle of
12 the property. And since the existing lot is an
13 irregular shape with an arched front yard, any
14 additions proposed to the building would make
15 conforming pretty much unachievable.

16 The application also includes a
17 second-story bay window which is an extension of
18 the existing master bathroom. It's going to
19 extend the entirety, which means less impact and
20 creates depth to the facade. So our overall goal
21 is to update the facade of the home because
22 currently, it does just have a few columns coming
23 from the roof down to the ground with a small
24 porch. So now, I'd like to address any comments
25 or questions.

1 MR. MASCIALE: Let me ask about the
2 existing shed. It's on the property line right
3 now?

4 MS. ZIOLKOWSKI: The existing shed?

5 MR. MASCIALE: The shed.

6 MS. ZIOLKOWSKI: This one right
7 here?

8 MR. MASCIALE: Yeah. In the back on
9 the side.

10 MS. ZIOLKOWSKI: This is the
11 existing, correct. This is not on the property --
12 is that what you're referring to?

13 CHAIRMAN FUSARO: The site plan, the
14 survey that was prepared by EKA in the package
15 shows the shed at .5 feet or 6 inches beyond their
16 property line to the neighbor's house.

17 MS. ZIOLKOWSKI: Correct. This is
18 -- that is existing.

19 MR. MASCIALE: Right. I just want
20 to make sure we're not giving variance relief for
21 the shed.

22 MS. ZIOLKOWSKI: No.

23 MR. MASCIALE: Was it in the -- no,
24 the garage isn't having to seek negative
25 (indiscernible.)

1 MS. ZIOLKOWSKI: Correct. It was
2 just the two for the front area and the garage
3 setbacks, but not the shed.

4 MR. MASCIALE: So the shed is not in
5 compliance being on the neighbor's property. Was
6 there any discussion on removing the shed to be
7 compliant?

8 MS. ZIOLKOWSKI: No, not during the
9 -- for the front porch, we haven't discussed that.

10 MR. MASCIALE: And has the town
11 raised any questions about the shed?

12 MS. ZIOLKOWSKI: No, we haven't
13 received anything from them.

14 MR. MASCIALE: Jenny -- let me just
15 ask, Jenny, how would that be typically handled?
16 Would we be able to approve the application? I
17 know the shed is not part of it, but...

18 MS. MANCE: It's existing
19 nonconforming. It has it listed on the
20 application. So we have not issued any violations
21 of it. We typically don't require permit
22 applications for a shed, so it's up to the
23 homeowner to put the shed in compliance when they
24 erect a shed.

25 MR. MASCIALE: Let me ask the

1 homeowner then. So you're aware the shed is on
2 the neighbor's property?

3 MS. ROSSIN: That, I was not aware
4 of. There's an existing fence that's solid resin,
5 so we put the shed at least a foot in front of
6 that. I can actually scoot behind the shed and
7 the fence so we did not know it wasn't on our
8 property.

9 MR. MASCIALE: The town calls for
10 5 feet from the property line so there is room.
11 You look like you can get back in it 1 foot where
12 most people, I don't think I could, for
13 maintaining, and that's why we have the setback.
14 But it is 5 feet. So I think my recommendation
15 would be is to relocate the shed to be compliant
16 with the town.

17 MS. ROSSIN: But I just have a
18 question.

19 MR. MASCIALE: Sure.

20 MS. ROSSIN: You say it's on our
21 neighbor's property?

22 CHAIRMAN FUSARO: That's what the
23 survey says.

24 MR. MASCIALE: That's what the
25 survey says.

1 CHAIRMAN FUSARO: The survey says
2 it's 6 inches on your neighbor's property .5 feet.

3 MR. SONTZ: Right. The fence is not
4 on the property line.

5 MS. ZIOLKOWSKI: We can go back to
6 the survey to confirm.

7 MR. MASCIALE: Okay. The fence is
8 one thing. Being on the neighbor's property, we
9 see that and I'm not going to comment on that.
10 That's not that uncommon. But the shed is --
11 really needs to be within the 5-foot setback.

12 (Whereupon, Ms. Ziolkowski and
13 Ms. Rossin speak off the record.)

14 MR. MASCIALE: Now, this is also for
15 your protection because then if your neighbor
16 files with the town, it becomes a bigger deal. If
17 you are able to just have somebody shift it over
18 you would avoid any problems in the future.

19 MS. ROSSIN: We can do that. Okay.

20 MR. MASCIALE: That would be my
21 recommendation. And it's not really part of this
22 package, but I'm okay hearing from you that you
23 would be willing to resolve this.

24 MS. ROSSIN: We can certainly do
25 that.

1 MS. MANCE: No, it does not. It's
2 the one that you're referring to probably on the
3 garage side of the left portion. The continuous
4 wall is only for exterior walls and does not count
5 towards porches that are open.

6 MR. SONTZ: All right. I mean it's
7 in the existing nonconforming, but then it says
8 "permitted, present, proposed" and it shows it not
9 being consistent on the plan. So is that an
10 ordinance on this project? I mean a variance on
11 this project?

12 MS. MANCE: No, it's not.

13 MS. ZIOLKOWSKI: I think it's just
14 saying that it's nonconforming.

15 MS. MANCE: Right. It's existing
16 nonconforming on the --

17 MR. SONTZ: So it's just the
18 proposed 34 should just say it remains 28.4?

19 MS. MANCE: Right. No change.

20 MR. SONTZ: No change.

21 MS. MANCE: Which I believe it does
22 on Sheet VO. It's saying "no change."

23 MR. SONTZ: Got it. If you can
24 comment, one of the things on these setback things
25 that concern me, especially when you do prevailing

1 setbacks, is when something sticks out like a sore
2 thumb. If you look at where you have the
3 prevailing setback calculation document, if you
4 look at Lot 36 is 33.1, Lot 37 is 32.1, Lot 39 is
5 30.1, Lot 40 is 34.1; nothing is closer than 30.9.
6 And then this one is going to be 25.3. I mean
7 that sticks out like a sore thumb; right?
8 Anyone's going to look at that and say how did the
9 Board miss that that's 20% closer than the other
10 four properties that they have a prevailing
11 setback?

12 MS. ZIOLKOWSKI: I did note that
13 this property is at the end of the cul-de-sac that
14 you aren't just -- that anyone who's just driving
15 by will see it. The Lot 39 also has a similar
16 layout and design of their front porch. So it is
17 kind of a mirror of that property. So I don't
18 think that anyone would really feel like it sticks
19 out as much, as you're describing, driving by. If
20 you're on Lot 37 and 36, I think you actually
21 impede -- this design would impede on a house as
22 you're driving through that neighborhood.

23 MS. MOLNAR: Is the Applicant wedded
24 to that bump-out of the porch?

25 MS. ZIOLKOWSKI: Sorry?

1 MS. MOLNAR: The front porch.

2 MS. ZIOLKOWSKI: The bump-out, does
3 that --

4 (Crosstalk.)

5 MS. MOLNAR: Yeah, are they wedded
6 to it?

7 MS. ZIOLKOWSKI: We're pretty much
8 set on having that bump-out at this time.

9 MS. ROSSIN: So Roxanne mentioned my
10 neighbors across the street who have a similar
11 type -- it's enclosed, a gazebo-type in front. So
12 I'm very much attached to that design because I
13 watch them sit on their front porch with their
14 food and they're drinking -- you know, evening
15 drinks or whatever it is. When I went over there
16 to sit there I really enjoyed it. So I would have
17 to say I'm attached to it.

18 CHAIRMAN FUSARO: I have a question
19 for the architect. How is the coverage not
20 increasing?

21 MS. ZIOLKOWSKI: The coverage?

22 CHAIRMAN FUSARO: According to our
23 chart, the coverage is not increasing, yet you're
24 adding the porch. I understand the porch would
25 take up some of the existing stoop and column

1 space. However, with this -- I'm going to call it
2 an "octagonal bump-out" it would appear to me that
3 we're increasing the coverage. Am I missing
4 something?

5 MS. ZIOLKOWSKI: I think we're just
6 covering the building coverage, I think that's
7 including it not the actual I guess enclosed. I
8 mean I know what you're talking about the enclosed
9 to the overall coverage. So it wouldn't -- this
10 would just cover the building coverage, not the
11 overall coverage.

12 MS. MANCE: I think you mean that
13 the porch is lending to the 12.04F3 for 241 square
14 feet is increasing that coverage and not the F1
15 coverage. It is reflected, it's just not under
16 F1, it's under F3.

17 CHAIRMAN FUSARO: Thank you.

18 MS. ZIOLKOWSKI: Yeah. I think it's
19 1.8% in total.

20 CHAIRMAN FUSARO: Anything else
21 you'd like to add?

22 MS. ZIOLKOWSKI: No, that's it.

23 CHAIRMAN FUSARO: Any Board Members
24 have any questions for the architect?

25 MS. MOLNAR: Yes, I have one

1 question. I was a little unsure, it says the
2 Applicant is seeing minor improvements to the
3 existing house. You're totally gutting the second
4 floor; correct?

5 MS. ZIOLKOWSKI: No.

6 CHAIRMAN FUSARO: They're only
7 adding a master bath and a walk-in closet. Minor
8 modifications to the second floor.

9 MS. MOLNAR: It's a second-floor
10 demolition, I see the walls are coming down.

11 MS. ZIOLKOWSKI: The two closets are
12 being removed on the right and that's creating one
13 closet of two that's a walk-in in the master
14 bedroom. And then in the master bath, there's a
15 single wall being removed and then the extension
16 for another walk-in in the front.

17 MS. MOLNAR: And on the first floor,
18 there's no demolition either than the porch?

19 MS. ZIOLKOWSKI: Correct.

20 CHAIRMAN FUSARO: Anyone else from
21 the Board have any questions for the architect or
22 Applicant at this time? If anyone from the
23 audience wishes to address the application, please
24 come forward and state your name and address for
25 the record. Seeing none, we'll close that

1 portion. Are there final comments, questions that
2 you'd like to address the Board with before we
3 close it and open it up to Board discussion?

4 MS. ZIOLKOWSKI: Actually, I do have
5 one question. Would you like to include that in
6 the resolution; for the shed?

7 CHAIRMAN FUSARO: For the...?

8 MS. ZIOLKOWSKI: Would you like to
9 include that in?

10 CHAIRMAN FUSARO: We discussed if it
11 would be included, the relocation of the shed as a
12 condition.

13 MR. MASCIALE: I was willing to
14 leave it off.

15 CHAIRMAN FUSARO: Leave it off?

16 MS. RAZIN: It's up to you guys.

17 MR. MASCIALE: If we heard testimony
18 from the neighbor, at this point, it hasn't been
19 brought to our attention. If it had been brought
20 to our attention by the zoning official or a
21 neighbor complaining, I would say we could do it.
22 In this case, Frank's eagle eye identified it. So
23 that's my thought.

24 CHAIRMAN FUSARO: Well, we've heard
25 from the Applicant that they would be willing to

1 move it. We recommend that you move it. If you
2 don't, it's going to be your headache later and
3 we're going to have to deal with it. With that
4 having been said, anything else from the Board,
5 questions, comments? No? Anything else on your
6 end?

7 MS. ZIOLKOWSKI: No, that's it.

8 CHAIRMAN FUSARO: Thank you so much.
9 We're going to close it to the public testimony
10 and open it up to Board discussion.

11 So what we have before us basically
12 is an application with some minor interior
13 renovations to the home. The porch that they are
14 proposing, yes, while it is encroaching -- Matt, I
15 understand your concerns about encroaching into
16 the front yard setback by a good 4 feet versus
17 everyone else on that block -- however, as the
18 architect has stated it is on a cul-de-sac and it
19 is on the turn. So normally, when we're concerned
20 with setbacks it's when the homes are in a row and
21 you're looking down the street and all of a sudden
22 you see one house sticking 5 or 6 feet out.
23 That's not the case here, so I would be okay with
24 that minor encroachment there. I do want to thank
25 the Applicant and the architect, Mr. Ralph, I know

1 he usually does a good job with keeping things
2 down to a minimum. You know they are reducing --
3 even though they're asking for a variance with
4 that garage setback, right now, the garage sticks
5 out approximately 6 feet in front of the house and
6 they basically reduced it to zero even though it's
7 supposed to be two, but they've cut that back
8 significantly. I appreciate you taking care of
9 that. I don't have any other comments. I would
10 support the application with our usual condition
11 that the porch remains open on three sides. How
12 does the rest of the Board feel?

13 MR. SONTZ: I agree with you, Frank.
14 I think this property can handle it at the end of
15 a cul-de-sac. It kind of mirrors off 39. None of
16 the neighbors are here to complain. I think it's
17 fine.

18 CHAIRMAN FUSARO: Thank you. Anyone
19 else? Seeing none, may I have a motion?

20 MR. SONTZ: Motion to approve with
21 the conditions stated.

22 CHAIRMAN FUSARO: The porch remains
23 open on three sides.

24 MR. REISEN: Seconded.

25 CHAIRMAN FUSARO: Mr. Reisen.

1 Jenny, please call the roll.

2 MS. MANCE: Mr. Cohen.

3 MR. COHEN: Yes.

4 MS. MANCE: Mr. Sontz.

5 MR. SONTZ: Yes.

6 MS. MANCE: Ms. Molnar.

7 MS. MOLNAR: Yes.

8 MS. MANCE: Chairman Fusaro.

9 CHAIRMAN FUSARO: Yes.

10 MS. MANCE: Vice-chairman Masciale.

11 MR. MASCIALE: Yes.

12 MS. MANCE: Mr. Eilbacher.

13 MR. EILBACHER: Yes.

14 MS. MANCE: Mr. Reisen.

15 MR. REISEN: Yay.

16 CHAIRMAN FUSARO: Your application
17 is approved. Good luck. Have a good evening.

18 The next application is ZBA 22-042
19 Tom Bartolucci, 4 Tamaques Way.

20 Applicant is seeking variance
21 approval to add a partial second floor to the
22 existing one-story dwelling contrary to the
23 following sections of the Westfield Land Use
24 Ordinance: Section 11.08E6 where the minimum side
25 yard setback required is 10 feet and proposed is

1 7.73 feet; Section 11.08E13 where the maximum
2 permitted building mass at the zoning side yard is
3 25 feet and proposed is 26.2 feet; and, from
4 Section 12.04F in that the maximum permitted
5 building and above-grade structure percentage is
6 20% and proposed is 21.3%.

7 MR. BARTOLUCCI: Good evening.

8 CHAIRMAN FUSARO: Good evening.

9 Please state your name and address for the record.

10 MR. BARTOLUCCI: Thomas Bartolucci,
11 4 Tamaques Way.

12 MS. BARTOLUCCI: Galila Bartolucci,
13 4 Tamaques Way.

14 CHAIRMAN FUSARO: Please raise your
15 right hand.

16 THOMAS BARTOLUCCI and GALILA
17 BARTOLUCCI, having been duly sworn, was examined
18 and testified as follows:

19 CHAIRMAN FUSARO: Please proceed.

20 MR. BARTOLUCCI: We've been
21 homeowners in town for 12 years now raising our
22 family in our one-story home. We have three boys
23 and we would like for them to each have their own
24 bedroom and some extra garage space for all of the
25 outdoor activities and equipment that we have. In

1 addition, looking to just improve the overall look
2 of the home and feel so that we could continue to
3 stay where we have been as we raise our family.
4 So not much more to add than that. And I'll turn
5 it over to our architect.

6 CHAIRMAN FUSARO: Good evening.

7 MS. CARMINIO: Hi.

8 CHAIRMAN FUSARO: Have you appeared
9 before us this year?

10 MS. CARMINIO: We were here nine
11 months ago with this project.

12 CHAIRMAN FUSARO: We have some new
13 Board Members. If you don't mind, run through
14 your credentials real quick.

15 MS. CARMINIO: I've been registered
16 -- I've been doing this for 30 years. What do you
17 want to know?

18 CHAIRMAN FUSARO: Is your license
19 current in the State of New Jersey?

20 MS. CARMINIO: Yes, it is.

21 CHAIRMAN FUSARO: Anyone have any
22 questions for the architect? We'll continue to
23 recognize you as an expert in the field of
24 architecture. Please proceed -- please raise your
25 right hand.

1 ANDREA CARMINIO, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN FUSARO: Please proceed.

4 MS. CARMINIO: So we were here nine
5 months ago and we were approved for very similar,
6 or exactly the same variances. I think we had
7 another variance. We put the project out to bid.
8 Bids came in over budget, so we decided what can
9 we do to downsize the scope of work. The existing
10 one-story home has a vaulted area in the front of
11 the house. If you look at the drawings, you will
12 see the living room area on page V2, Proposed
13 First Floor Plan, the whole front of the house is
14 vaulted straight across from the existing living
15 room towards the proposed garage. We decided --
16 the owners decided -- let's see how much of the
17 first floor we can save and move the boys
18 upstairs. So our previous application had us
19 basically gutting the whole first floor, the
20 family room, and the big kitchen and everything
21 else. So instead, we decided to save the kitchen,
22 the existing office, the living room with the big
23 vaulted ceiling, and combine the two bedrooms that
24 were in the middle in the back of the house and
25 make that a master suite. Pretty much leaving

1 everything the way it was. So we're not going to
2 be building on top of the vaulted area, we're just
3 going to add stairs to go up and add three
4 bedrooms and a bathroom upstairs and a small
5 office. We've downsized the scale of the project
6 except for we have the same variance because we
7 have existing nonconforming situations on the
8 property.

9 First of all, our existing property
10 is undersized by 606 square feet; about 70%. The
11 front of the lot width is 10% below what it needs
12 to be. So that's what's causing us to have a side
13 yard issue. And on the other side, we have a lot
14 of room and an easement. So the house is placed
15 poorly on the property. Those are our hardships.
16 And our existing lot coverage; we're actually
17 taking away a deck in the back and just doing an
18 egress porch down to the backyard. So we're
19 actually decreasing the footprint of the building
20 space even though we're still above because things
21 are being counted differently. What's bringing us
22 up the .5% is the side porch that's existing and
23 our egress porch in the rear which is actually in
24 place of a 142-square-foot deck that we're taking
25 out. What else? Our other issue is the building

1 sides massing; the 25-foot mass wall. By only
2 adding to the back of the house, the existing is
3 39.2 feet, so by adding to the back of the house
4 we're lessening it to 26.2 feet. So we're a foot
5 and two inches over what's required.

6 CHAIRMAN FUSARO: I have a question
7 about the 39. I'm looking at your V2 sheet. So
8 the 39-foot-5 dimension on the right-hand side
9 doesn't come into play because the garage breaks
10 up that dimension; correct?

11 MS. CARMINIO: Yes.

12 CHAIRMAN FUSARO: On the left side,
13 you have the 39.5 -- 39-foot-5-inch dimension is
14 that what you call a "stoop" is that being added?
15 Does that line up to the 39?

16 MS. CARMINIO: No. We're just going
17 above the second floor towards to back.

18 CHAIRMAN FUSARO: So that's the
19 facade. The side yard is still going to have the
20 39-foot?

21 MS. CARMINIO: Yeah, the first floor
22 is still going to be like that. But we're
23 breaking it up by adding in the back of the house.

24 CHAIRMAN FUSARO: Is that a covered
25 stoop?

1 MS. CARMINIO: Excuse me?

2 CHAIRMAN FUSARO: Is it covered?

3 The steps, no?

4 MS. CARMINIO: No.

5 CHAIRMAN FUSARO: Just open steps?

6 MS. CARMINIO: Just open.

7 CHAIRMAN FUSARO: Jenny, if that
8 were covered, that would break up that 25 foot?

9 MS. MANCE: Technically, no.

10 CHAIRMAN FUSARO: No? Okay. Thank
11 you.

12 MS. CARMINIO: I mean we could take
13 the little steps out. I mean it's not here or
14 there on the steps over there because that's where
15 it is existing. We don't plan on removing it now
16 because we're not redoing the kitchen.

17 CHAIRMAN FUSARO: Understood.

18 MR. MASCIALE: Frank, just V2, we're
19 looking at the south elevation in the front; is
20 that what you're talking about?

21 CHAIRMAN FUSARO: Yeah.

22 MR. MASCIALE: So that is 26 1/2 or
23 39 at the bottom.

24 CHAIRMAN FUSARO: Right. Thank you.

25 Please continue.

1 MS. CARMINIO: The existing house;
2 there's a bedroom in what the previous owner
3 turned a garage into a bedroom. So we're
4 eliminating that bedroom and turning it back into
5 a garage. We also have a shed that is being moved
6 because it is nonconforming by 3.3 feet. So we're
7 going to move the shed to make it comply.

8 CHAIRMAN FUSARO: One other
9 question. On your V3 sheet, east elevation, side
10 yard; you give us, I believe -- would you happen
11 to know the dimension to the peak of the roof
12 there on the right-hand side? You give us the
13 dimension floor-to-floor 8-foot-0 --

14 MS. CARMINIO: On the...

15 CHAIRMAN FUSARO: What's the
16 dimension from the ridge down to the bottom?

17 MS. CARMINIO: The existing ridge?

18 CHAIRMAN FUSARO: The new ridge.

19 MS. CARMINIO: The new ridge down to
20 grade?

21 CHAIRMAN FUSARO: Yes.

22 MS. CARMINIO: The new, 31 feet
23 7 1/2 inches.

24 CHAIRMAN FUSARO: So you're under
25 the 32 feet.

1 MS. CARMINIO: Yes, or else I would
2 need a variance.

3 CHAIRMAN FUSARO: I just wanted to
4 make sure. There's no dimension there.

5 MR. MASCIALE: It is on V2.

6 MS. MOLNAR: It is on V2.

7 CHAIRMAN FUSARO: Thank you.

8 MS. CARMINIO: We are looking to
9 build a house that suits my clients which is
10 affordable so they can stay in the neighborhood.
11 It's not causing a detriment to the neighborhood.
12 I think it's improving the area. That's why we're
13 requesting the variance.

14 CHAIRMAN FUSARO: Thank you.

15 MS. MOLNAR: So what's the maximum
16 height allowed?

17 MR. MASCIALE: Thirty-two.

18 MS. MOLNAR: So it's 5 inches under.

19 CHAIRMAN FUSARO: Say that again.

20 MS. MOLNAR: The maximum is 32.

21 CHAIRMAN FUSARO: And they're at 31,
22 7 1/2; under 32. One other quick item that I'm
23 going to bring to your attention; similar to the
24 last application, your shed is 3-foot-3 off the
25 rear property line, you're going to have the same

1 issue.

2 MS. CARMINIO: No. No. No. We're
3 moving it.

4 CHAIRMAN FUSARO: You're moving the
5 shed?

6 MS. CARMINIO: If you look at the --

7 MR. MASCIALE: She said that in her
8 testimony.

9 CHAIRMAN FUSARO: Okay. Thank you.
10 I missed that. I had it before. Thank you.
11 Anyone have any questions for the architect at
12 this time?

13 MS. MOLNAR: One more question. The
14 second-story addition does not totally cover the
15 first-floor addition; correct?

16 MS. CARMINIO: No.

17 MS. MOLNAR: And that's due to
18 pricing?

19 MS. CARMINIO: Yes. The previous
20 variances or the previous project, we, like I
21 said, gutted the first floor and did all the
22 bedrooms upstairs.

23 MS. MOLNAR: Now, aesthetically,
24 you're only adding a certain spot, and that one
25 area is going to be 31-32 feet; how's that going

1 to look?

2 MS. CARMINIO: I think it's going to
3 look fine. There are other houses on the same
4 block that have done the same thing.

5 MS. MOLNAR: Oh, I was going to say
6 in that area --

7 (Crosstalk.)

8 MS. CARMINIO: In that whole area,
9 there are very small ranches that were actually
10 U-shaped with a courtyard to kind of walk into the
11 house. So a few of the houses if you drive in
12 that neighborhood, you'll see they've treated it
13 -- some of them kept the little courtyard to walk
14 in. There are very odd-shaped houses with a few
15 similar to this.

16 MS. MOLNAR: So some of them are
17 partial pop-ups?

18 MS. CARMINIO: Yeah. And a lot of
19 the houses have been knocked down.

20 MS. MOLNAR: Okay. Thank you.

21 CHAIRMAN FUSARO: Anyone else,
22 questions for the architect? Is there anyone from
23 the audience who would like to address the
24 application or testimony from the architect?
25 Please state your name and address for the record.

1 Seeing none. We're all good. Any final comments
2 you'd like to make before we open it up to Board
3 discussion?

4 MS. CARMINIO: Not really.

5 CHAIRMAN FUSARO: Got everything?

6 Okay, great. Thank you. I'll close that portion
7 of the meeting and open it up to Board discussion.

8 Basically, we've heard from the
9 Applicant and the architect. They have appeared
10 before us previously. We granted a variance for
11 that addition. You've heard that due to financial
12 aspects of the project, they've decided to reduce
13 the size of the renovation. We addressed the
14 shed; it will be moved from 3.3 feet to 5 feet off
15 the property line. Confirmed the building height
16 is going to be under 32 feet. The maximum
17 building coverage is only a .5% increase from what
18 is existing today; from 20.8% to 21.3%. And we've
19 heard some testimony as to the massing issue with
20 the 25 feet wall; it is 26-foot-2. Based on the
21 size of the rooms that they're proposing for the
22 second floor, I don't really see how cutting an
23 extra 14 inches is going to make that much of a
24 difference. Especially, since the first floor is
25 a 39-foot-5 massing issue. I don't have any major

1 objections to the application. How does the rest
2 of the Board feel?

3 MR. MASCIALE: It's good.

4 MR. SONTZ: It's fine.

5 MS. MOLNAR: Looks good.

6 CHAIRMAN FUSARO: Moving right along
7 then, I don't believe there're any conditions that
8 we need to add unless anyone has anything they
9 want to add. May I have a motion?

10 MR. SONTZ: Motion to approve as
11 submitted.

12 MR. REISEN: Second.

13 CHAIRMAN FUSARO: Second,
14 Mr. Reisen. Jenny, please call the roll.

15 MS. MANCE: Mr. Cohen.

16 MR. COHEN: Yes.

17 MS. MANCE: Mr. Sontz.

18 MR. SONTZ: Yes.

19 MS. MANCE: Ms. Molnar.

20 MS. MOLNAR: Yes.

21 MS. MANCE: Chairman Fusaro.

22 CHAIRMAN FUSARO: Yes.

23 MS. MANCE: Vice-chair Masciale.

24 MR. MASCIALE: Yes.

25 MS. MANCE: Mr. Eilbacher.

1 MR. EILBACHER: Yes.

2 MS. MANCE: Mr. Reisen.

3 MR. REISEN: Yeah.

4 CHAIRMAN FUSARO: Your application
5 is approved. Good luck. We're going to take a
6 5-minute break. See you in a few minutes.

7 (Break taken.)

8 CHAIRMAN FUSARO: We are back. The
9 next application is Application ZBA 22-037,
10 Justin Schwartz, 735 Hanford Place.

11 Applicant is seeking variance
12 approval to construct a one-story addition over an
13 unfinished basement on the rear of the dwelling
14 which will add a family room and relocate the
15 current powder room and a third-floor addition for
16 a master bedroom suite contrary to the following
17 sections of the Westfield Land Use Ordinance:
18 Section 11.09E6 where the minimum side yard
19 setback required is 10 feet and proposed is
20 9.92 feet; Section 12.04F1 where the maximum
21 building coverage permitted is 20% and proposed is
22 22.18%; Section 11.09E12 where the maximum eave
23 height permitted is 22 feet and proposed is
24 28-feet-2-inches; and, Section 11.09E8 where the
25 maximum number of stories permitted is 2 1/2

1 stories and proposed is 3 stories. Good evening.

2 MR. SCHWARTZ: Good evening.

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

5 MR. SCHWARTZ: Justin Schwartz,
6 735 Hanford Place in Westfield.

7 MS. SCHWARTZ: Maureen Schwartz,
8 735 Hanford Place, Westfield.

9 CHAIRMAN FUSARO: Please raise your
10 right hand.

11 JUSTIN and MAUREEN SCHWARTZ, having
12 been duly sworn, was examined and testified as
13 follows:

14 CHAIRMAN FUSARO: Thank you. Tell
15 us a little about your application.

16 MR. SCHWARTZ: Sure. So we moved to
17 Westfield in 2011 to start a family. Which we
18 successfully did; we have three kids now. We have
19 a 1924 three-bedroom Colonial. A lot of small
20 rooms and chopped-up spaces. So we're looking to
21 update the house to fit a more modern lifestyle.
22 Both of us are working from home substantially at
23 this point which is mostly consisting mostly of a
24 desk in our bedroom. So what we'd like to do is
25 expand the first floor a little bit and have a

1 combination dining room/family room so we can
2 breathe rather than be squeezed into a side of the
3 house. The second floor stays as is for the most
4 part. And then we'd like to convert the attic
5 into the master bedroom suite where we'd get a
6 master bedroom for us as well as an office. And
7 we've got some neighbors here in support of this
8 project tonight. So we look forward to your
9 decision.

10 CHAIRMAN FUSARO: Thank you so much.
11 Good evening, Mr. Bailey. Please state your name
12 and address for the record.

13 MR. BAILEY: David Bailey;
14 architect. Office address is 828 South Avenue
15 West, Westfield.

16 CHAIRMAN FUSARO: Please raise your
17 right hand.

18 DAVID BAILEY, having been duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO: Since you've
21 testified numerous times before the Board, we'll
22 continue to recognize you as an expert in the
23 field of architecture. Please proceed.

24 MR. BAILEY: Yes. I'd like to start
25 with the Existing Floor Plans. If you go to

1 Sheet EX-2, and you look at Drawing 2 on
2 Sheet EX-2, the Existing First Floor Plan, as you
3 heard the Schwartz' state, the age of the house
4 and the deficiencies it has for a family of five,
5 so if you look at the First-Floor Plan, Existing,
6 currently, there's a relatively new kitchen, but
7 there's a powder room that opens directly into the
8 kitchen and then there's that back door in that --
9 I guess you would call that a mudroom. The
10 mudroom is very tiny, it's 3-by-3, so there's not
11 much flow to the backyard. You've got the tiny
12 door there, the tiny stoop, you've got the
13 bathroom and kitchen, you've got the dining room,
14 living room, and the den.

15 You've also heard them say on the
16 existing second floor, Drawing 3 on EX-2, Existing
17 Second Floor Plan, currently, there're three
18 bedrooms and one small bath. And the bedrooms
19 have the 1920's small closets. Drawing 4 on EX-2,
20 the Existing Attic Plan, there's an existing
21 walk-up unfinished attic. The stairs are facing
22 the closet between two bedrooms, they're narrow
23 and steep. Drawing 1 on EX-2, Existing Floor
24 Plans, that rear kitchen is sitting over a crawl
25 space. You can see on Sheet PH-1 in the back,

1 Existing Photographs, you can see the upper
2 right-hand one, the existing rear of the house,
3 there's that existing one-story wing that the
4 kitchen, powder room, and mudroom entry is in.
5 You can see on the bottom left-hand corner, also
6 the back of the house with that one-story den
7 right there, where the one-story kitchen would be.
8 And the upper left-hand corner is the front of the
9 house. You can see it's a Dutch Colonial style.
10 And again, on the left, is the one-story.

11 I'll walk you through the proposed
12 plans now. If you look at Sheet A-2, look at
13 Drawing 2 on A-2, the Proposed First Floor Plan,
14 we're proposing to square off the corner of the
15 existing house. So we're squaring off from the
16 dining room wall to the existing kitchen wall.
17 And we're taking out the interior walls there,
18 relocating the powder room. So we're going to
19 have that open-plan great room that's desirable.
20 (Indiscernible) space of the existing dining room,
21 relocate the powder room and a coat closet. We're
22 leaving the relatively new kitchen intact, just
23 opening up that side wall; we took out the powder
24 room and mudroom. And then we have a new family
25 with French doors out to the stoop out to the

1 backyard. That area of the house remains one
2 story with existing vaulted ceiling over the
3 existing kitchen proposing a vaulted ceiling in
4 the family addition squaring off the house.

5 Drawing 1 on A-2, the Proposed
6 Basement Plan, we're proposing building a family
7 room in an unfinished basement. Again, we're
8 squaring off the house. You can see on the
9 Foundation Plan where the existing foundation is,
10 the existing footprint, and where we're squaring
11 it off. Sheet A-3, Drawing 1 on A-3, the Proposed
12 Second Floor Plan, the proposed second floor is
13 not being expanded with any additions. We're just
14 doing some minor interior renovations to make the
15 closets more functional for those bedrooms. Got
16 rid of that little attic stair in the closet.
17 We're going to stack a new stair to the new attic
18 over the existing stairs. And we're keeping that
19 on the left one story and keeping the kitchen
20 addition on the rear of the house one story.

21 Drawing 2 on A-3, Proposed Third
22 Floor Plan, currently, the house has three
23 bedrooms and one full bath. It will now become
24 four bedrooms and two baths. The top floor will
25 be the master suite, their home office, closets,

1 sleeping room, and their own private bathroom.
2 Because of the calculations and the numbers, the
3 proposed dormer additions will be at that third
4 floor, the three stories. So I have the
5 calculations there in the blue-shaded areas. The
6 area is 7 foot or higher with the attic floor.
7 That's going to be almost 500 square feet; 497.
8 That's 72.76% of the second floor. The second
9 floor is relatively small. It's just a square
10 area with three bedrooms. And the green shaded
11 area is the FAR living space. Again, part of the
12 new living spaces counts towards FAR, but when we
13 get the site plan, we have no issue with the FAR.
14 We have an issue with the three-story variance and
15 then I'll explain the other variances too.

16 Going to Sheet A-1, Proposed
17 Elevations, Drawing 1 on A-1, it shows the new
18 front elevation. So we're raising the roofline of
19 the third floor to fit the new space, the new
20 master suite we're putting up there. So we're
21 doing a shed dormer on the front of the house to
22 gain space for the home office. It's a
23 shed-style, it goes with this style house. If you
24 look at Drawing 2 on A-1, where we're raising the
25 roof, we're keeping the Dutch Colonial style with

1 the fly rafters, and the front dormer is a shed.
2 And then looking at Drawing 3 on A-1, the rear
3 dormer for the master bath is also a shed. We've
4 added fly rafters to give the Dutch Colonial barn
5 look to break up that massing of the rear barn.
6 So one of the variances is the eaves height. So
7 that shed dormer across the back, it's going to be
8 about 28-foot-2-inches where 22 feet is the
9 maximum eaves height allowed. We're breaking up
10 that soffit line with the fly rafters. So
11 technically, it's still a variance even though it
12 breaks up the line. So that is one variance we're
13 requesting. But we're breaking up the massing,
14 making it attractive to the rear. That's the rear
15 of the house. That dormer is facing the backyard
16 and not the street. We are making it blend in
17 with the Dutch Colonial style breaking up the
18 massing of that shed dormer.

19 The proposed shed dormer on the
20 front of the house on Drawing 1 on A-1, that's
21 less than half the length of the second-floor wall
22 below, so that is exempt from having to conform
23 with the 22 feet maximum soffit height. Drawing 2
24 on A-1, that's the driveway side proposed
25 elevation. So currently, there's that offset

1 dining room. You see the center of the first
2 floor and, currently, there's a chimney, and
3 again, we're proposing fly rafters to match the
4 Dutch Colonial style.

5 And one of the variances that's
6 being requested is the side wall massing. So if
7 you go to Sheet A-2, Drawing 2 on A-2, the
8 Proposed First Floor Plan, that wall is longer
9 than 25 feet with that 2-foot offset in plane, but
10 it has an existing bump outside. The existing
11 fireplace sticks out 12 inches from the wall. The
12 existing box bay in the dining room projects out
13 18 inches. And again, we're squaring off the back
14 of the house with existing walls. Part of that
15 side wall massing is to make that wall look
16 interesting to the neighbors (indiscernible) is
17 5%. So going back to 2, A-1, proposed west side
18 elevation, the driveway side elevation, I think
19 that this is an attractive enough view to the
20 neighbor next door with that existing box bay on
21 the first floor and existing chimney running
22 through the house and all those multiple fly
23 rafters and more than 5% less.

24 The photograph of that side wall
25 existing, and you'll go back to PH-1, Existing

1 Photos, the right-hand corner photograph, that's
2 at the side of the wall that needs the side wall
3 massing variance. You can't even see that box bay
4 projecting out into the driveway, the dining room.
5 You can see on the upper two photos that existing
6 brick chimney that's along there. And that
7 driveway, you have not only all the rafters and
8 chimney and box bay breaking up that side wall,
9 you also have cars parked there. And if you go to
10 the Site Plan, if you look at Sheet 1, SP-1, the
11 Existing Site Plan, and also the Proposed Site
12 Plan, that existing side wall where the driveway
13 is and the box bay and the chimney is, that's only
14 9.92 feet and that is to the main wall. The box
15 bay projects 18 inches into the almost 10 feet.
16 So if you were to say, well, let's just make the
17 box bay 6 inches deeper it would be 2 feet and
18 then you wouldn't need the variance, well, then
19 you wouldn't get your car backed to the garage;
20 it's already tight. It's already roughly, what,
21 1-foot-1/2 off the 10, it's already about 8 1/2 or
22 8-foot-5 clearance from the property line to that
23 existing box bay.

24 While we're on this page, one of the
25 variances is also the side yard setback. The

1 existing house is at 9.92 feet. We're proposing
2 the brand-new addition squaring off the existing
3 house, so it is the same setback 9.92 feet. So
4 9.92 feet, that is .08-foot less than the required
5 10 feet. So .08-foot is slightly less than
6 1 inch. So we're only into that 10-foot side yard
7 setback by less than an inch. So to build the
8 family room wall an inch in, if you go to that
9 Proposed Floor Plan, Sheet A-2, Drawing 2,
10 Proposed First Floor, if you push that wall in an
11 inch it doesn't seem to make sense to me to break
12 up the wall just for an inch. I think that's
13 de minimis.

14 Another variance is the building
15 coverage. So again, going back to SP-1, the
16 Proposed Site Plan and Existing Site Plan, the
17 existing house first floor footprint is 997 square
18 feet. We're proposing that the family room
19 addition, the first floor, 1,093 square feet.
20 That is an increase of 96 square feet of the
21 footprint of the foundation of the existing house.
22 So the 96 square feet gives us the plan that
23 allows the great room and the open plan family
24 room. So, yes, we're asking for a building
25 coverage variance of 22.18% and the maximum is

1 20%. But it's only an increase of less than 100
2 square feet and it solves a lot of the problems
3 the existing first floor has with the building.
4 The powder room in the center, having a family
5 room, having a desirable first floor, and a nicer
6 portico stoop to the rear yard. So part of the
7 increase is the proposed rear stoop being wide
8 enough for a pair of French doors is 28 square
9 feet. The existing window is 12 square feet. So
10 again, part of the increase in building coverage
11 is the bigger rear stoop, it flows to the patio
12 and then the rest of it is 96 square feet to,
13 again, create the great room.

14 The variance for the third floor; I
15 had here photographs that I passed to the Board of
16 the neighboring homes that show that we fit in
17 size-wise and scale-wise with the existing
18 neighborhood. These are the 12 sets of photo
19 sheets. There're two photo sheets here; PH-2 and
20 PH-3. So we've got 12 copies of PH-2 and PH-3
21 photographs and we'll talk about it. I'll pass
22 those around.

23 MS. RAZIN: Mr. Bailey, do you want
24 to mark those together as A-1, or do you want to
25 mark them separately? They're one sheet?

1 MR. BAILEY: They're stapled, so...

2 MS. RAZIN: Okay. We'll mark those
3 as A-1.

4 (Whereupon, Applicant's Exhibit A-1,
5 PHOTOGRAPHIC SHEETS PH-2 and PH-3 dated 8/10/2022,
6 were marked for identification.)

7 (Whereupon, Exhibit A-1 was handed
8 out to the Board Members by the Stenographer.)

9 MR. SCHWARTZ: I think you all have
10 a copy. We really like this house. It's got a
11 lot of character. I think the addition has the
12 same. We were looking around the neighborhood
13 trying to evaluate what would it in and what
14 wouldn't. So I think you can see here if you look
15 across, some of the other homes on the block who
16 have done similar renovations. In particular,
17 719, you'll see a similar dormer; 714, a different
18 style but also dormers on top. And some of the
19 side angles from the other existing homes in the
20 neighborhood including 741, a completely different
21 style, but with quite a bit high elevation as
22 well. So from our view when we look at the block,
23 we think this fits in despite the variances we're
24 requesting.

25 MR. BAILEY: There're two sheets of

1 the neighbors and the addresses are on the
2 photographs.

3 MR. MASCIALE: Do you have the
4 heights of the neighbor's houses? I noticed the
5 one house looks like it sits higher than the
6 existing Applicant's house.

7 MR. BAILEY: Yeah. There are some
8 houses that are definitely taller. We're
9 conforming with the maximum height on the
10 application. It's just the number of stories for
11 the variance --

12 MR. MASCIALE: Yeah, just from a
13 scaling perspective. I was looking at the
14 neighbor's property.

15 MR. BAILEY: If you look at 736 on
16 PH-3 the bottom two photographs, that's clearly
17 taller than the Schwartz'. And there's even a
18 brand-new construction at 728; it's clearly three
19 stories, an even higher roof. And then, it's even
20 bigger the front dormer; 714 on PH-2, that's a big
21 gable dormer, we're proposing a shed dormer to
22 lower our massing. But that's a similar-style
23 house certainly on the left, and a similar room
24 sized dormer on the third floor. 719 is size-wise
25 a closer match to our proposed dormer addition on

1 the front; the shed dormer. So 719, the third row
2 down on the left, the second row far right, you'll
3 see a similar-aged house, similar-style house, and
4 a similar dormer on the front. So the view from
5 the street is going to be, again, a modest shed
6 dormer, and the bigger dormers across the back of
7 the house are facing the backyard and not the
8 street. But, clearly, there are homes on the
9 street that are three stories and some are bigger.
10 720 Hanford, that huge shed dormer is visible from
11 the street, it's on the side of the house; middle
12 of the row 3 on PH-2. So, clearly, we're keeping
13 in scale with the existing homes. The existing
14 homes are all similarly aged; 1920.

15 One reason we have we have to build
16 up to gain that fourth bedroom master bathroom,
17 technically, a master suite. Again, if you go to
18 Sheet A-3, Proposed Floor Plan, Drawing 1, the
19 Proposed Second Floor Plan, if we were to say,
20 okay, let's build the addition over that side on
21 the left to make a master suite of that Bedroom
22 Number 2 on the site plan, that den is an existing
23 nonconforming setback condition; it's 5 feet from
24 the property line. If you made that two stories,
25 that would be a pretty major variance setback, and

1 that would only gain you a master suite; you'd
2 still need three bedrooms. There wouldn't be a
3 fourth bedroom. And the rear being there and the
4 existing kitchen that's in good shape that has a
5 vaulted ceiling; if you start taking off the
6 roof of the ceiling to expand out the back, you
7 would lose that vaulted ceiling for the proposed
8 family room. And then the footprint of the first
9 floor is enough to add that fourth bedroom being a
10 master suite. So we really don't have any good
11 options for that fourth bedroom, bathroom, and
12 master suite on the second floor. The best is to,
13 again, match the neighbor and put the new living
14 space on the top of the house, the third floor.
15 You've heard the Schwartz' testify they both work
16 at home, so the master suite has the private
17 office up there and it's that shed dormer across
18 the front.

19 CHAIRMAN FUSARO: Mr. Bailey, can
20 you point out where the 36-foot maximum building
21 mass is currently? You said it's 26 and it's
22 being proposed as 36. I'm looking at your A-2,
23 where might I find that 36-foot?

24 MR. BAILEY: The driveway side, it's
25 the right-hand side of the first floor. If you go

1 from the existing living room corner to the rear
2 corner of the proposed family room addition, that
3 entire length is 36 feet. So, technically, those
4 bump-outs and the chimney and box bay don't extend
5 2 feet. If they were deeper, then there would be
6 no issue with side wall massing. But the box bay
7 is only an 18-inch projection.

8 CHAIRMAN FUSARO: So the box bay is
9 not 2 feet?

10 MR. BAILEY: It's 18 inches. And as
11 you saw from the site plan, you can't just make
12 that box bay deeper because you barely have room
13 to get your car to the backyard now. It's just
14 8-foot-5-inches clearance from that existing box
15 bay to the property line. But you have the 9.92
16 feet and you minus the foot-and-a-half --

17 CHAIRMAN FUSARO: It's tight.

18 MR. BAILEY: It's tight; it's
19 8-foot-5. It's already tight to get a car back
20 there. As far as side massing and the elevation
21 towards the neighbor, the box bay, the chimney,
22 all the fly rafters, and I think with all the
23 windows, I think we have an interesting elevation
24 to face the next-door neighbor. Plus, the cars in
25 the driveway to break up that wall.

1 CHAIRMAN FUSARO: So that box bay
2 does not go down to the ground; is that correct?

3 MR. BAILEY: It's cantilevered.
4 Yeah, there's no foundation for it. You will see
5 it in the photographs, PH-1 in the upper
6 right-hand corner, it's almost touching the
7 ground, but it stands before it. Yes, we're
8 proposing a seat in it, but it exists. If you
9 look at the Existing Floor Plan, EX-2, Drawing 2,
10 that is part of the room. So it's cantilevered,
11 there's no foundation with that. It's part of the
12 room, we're just proposing to put a seat in. It's
13 not a window-seat bay existing, it's a
14 floor-to-ceiling bay existing. It's just
15 cantilevered, there's no foundation here. You
16 will see that in the photograph on PH-1. It
17 exists only 18 inches deep. So, technically, it's
18 not meeting the 2-foot offset on the plane, but we
19 can't make that any wider or we wouldn't be able
20 to use the driveway. Those fly rafters; they
21 project a little bit. There's a whole bunch of
22 fly rafters and the chimney; there's a lot going
23 on in that wall. It's not going to be a boring
24 flat wall 36 feet long.

25 CHAIRMAN FUSARO: So you're 9.92

1 feet side yard currently is for practical purposes
2 a vehicle driveway, and you said that box bay
3 projects 18 inches out. So your 9.92 is actually
4 8.42; so it's just under 8 1/2 feet. And you're
5 saying that your vehicle can't get by there?

6 MR. SCHWARTZ: It can. We have two
7 vehicles. I haven't tried the bigger one. The
8 smaller one definitely fits.

9 CHAIRMAN FUSARO: Thank you.
10 Anything else, Mr. Bailey?

11 MR. BAILEY: I think I've covered
12 all the variances. We conform with FAR. We
13 conform with the maximum improvement coverage. We
14 conform with the all building coverage, we're
15 under 24%. So we're adding 96 square feet to the
16 footprint of the house to create the great room.
17 So that is the main variance for building
18 coverage. And we heard testimony that to fit the
19 fourth bedroom to be a master suite, there're no
20 good options to put that fourth bedroom on the
21 third floor. And you saw from the photographs of
22 the neighbors, a three-story house is certainly in
23 keeping with the neighborhood.

24 CHAIRMAN FUSARO: Do you happen to
25 know the current height of the unfinished attic?

1 MR. BARTOLUCCI: Yes. If you look
2 at EX-1, the Existing Elevations, the surveyor had
3 given us the spot grades and ridge height and the
4 first-floor height. So from the average grade to
5 the top of the existing ridge is 27.05 feet. So
6 the headroom in that existing attic is EX-2 --

7 CHAIRMAN FUSARO: So it's 5-foot-11?

8 MR. BAILEY: Yeah. Yeah. You
9 really can't stand up in it. It's not usable as
10 living space, currently.

11 CHAIRMAN FUSARO: The other question
12 I had pertains to the eaves height. The 28-foot-2
13 eaves height, we're basically raising it up it
14 looks like from 20-foot-2 to 28-foot-2, so it's a
15 full 8 feet. Is there anything that can be done
16 to drop that down a little bit or no?

17 MR. BAILEY: Well, the ceiling
18 height of the proposed third floor is 7 1/2 feet.
19 And I broke up that rear soffit line of the shed
20 dormer with the fly rafters to create that Dutch
21 Colonial shape. I think the ceiling is low enough
22 on that third floor. So if you start lowering
23 that roofline of that shed dormer, it's going to
24 get pretty low there. And again, it's only 7 1/2
25 feet that we have for the new third floor.

1 CHAIRMAN FUSARO: So you currently
2 have a 7-foot-6-inch ceiling height on the third
3 floor?

4 MR. BAILEY: Proposed, yes.

5 CHAIRMAN FUSARO: Proposed, correct.
6 That's what I meant.

7 MR. BAILEY: So where that bathroom
8 is and where the bed is that's a 7 1/2-foot high
9 ceiling. So 7 feet is the minimum allowed by
10 code, building code, for a living space. So the
11 most we could lower that soffit line would be
12 about 6 inches and have a 7-foot ceiling in the
13 bathroom and the bedroom there.

14 CHAIRMAN FUSARO: Thank you.

15 MR. BAILEY: But we did break it up
16 so it's interesting. And you then you have the
17 one-story projections too. If you're a neighbor
18 behind them then you have a pretty good distance.
19 And what you're looking at looks like a Dutch
20 Colonial home, it's a current-style home.

21 CHAIRMAN FUSARO: Okay. Thank you.
22 Anyone have any questions for Mr. Bailey or the
23 Applicants at this time; Board Members? Is there
24 anything else you'd like to add?

25 MR. SCHWARTZ: We have a couple of

1 neighbors in support of the project.

2 CHAIRMAN FUSARO: I'm going to get
3 to that part next. If there's anyone in the
4 audience who wishes to address the application or
5 the testimony of the architect or the Applicant,
6 please come forward, state your name and address
7 for the record:

8 MR. TABACHNICK: My name is
9 John Tabachnick, I live at 714 Hanford Place.

10 CHAIRMAN FUSARO: Please raise your
11 right hand.

12 JOHN TABACHNICK, having been duly
13 sworn, was examined and testified as follows:

14 CHAIRMAN FUSARO: Thank you so much.

15 MR. TABACHNICK: So you saw the
16 house, I'm at 714 Hanford Place. We've been on
17 the block since 1987. We've lived in Westfield
18 since 1982. We actually owned a place right
19 behind them the first five years in town. We have
20 no objections to this application. I think it
21 fits nicely into the block, and we'd love to have
22 these people stay on our block.

23 CHAIRMAN FUSARO: Great. Thank you.
24 Good evening. Please state your name and address
25 for the record.

1 MR. WOOD: My name is Harold Wood,
2 724 Hanford Place.

3 CHAIRMAN FUSARO: Please raise your
4 right hand.

5 HAROLD WOOD, having been duly sworn,
6 was examined and testified as follows:

7 CHAIRMAN FUSARO: Please proceed.

8 MR. WOOD: Yes, I agree with what
9 John said. I have no issue with this plan as it's
10 been discussed. I think there's been great care
11 to ensure that this renovation fits into the
12 neighborhood.

13 CHAIRMAN FUSARO: Great. Thank you
14 for your comment. We appreciate it. Anyone else
15 in the audience wish to address the application?
16 Seeing none, Mr. Bailey, any closing comments you
17 or the Applicant would like to make.

18 MR. BAILEY: I think I've addressed
19 all the variances.

20 CHAIRMAN FUSARO: Okay. Any Board
21 Members have any questions or comments? Anything
22 else you'd like to say?

23 MR. SCHWARTZ: No.

24 CHAIRMAN FUSARO: No. Okay, great.
25 Thank you so much. I'm going to close the public

1 portion of the meeting and open it up to Board
2 discussion.

3 We've basically heard from the
4 Applicants and architect. I understand the
5 massing issue, that's why I asked about the
6 36 feet. Mr. Bailey was kind enough to explain
7 it. I didn't realize that the box bay did not go
8 down to the ground. That's why we have the
9 36-foot request. Jenny, can you possibly
10 elaborate a little on the 2 1/2 story versus the
11 3 story? I'm assuming that it's because it's
12 three full?

13 MS. MANCE: Right. Because it
14 exceeds 1/3 of the floor below, and because it
15 exceeds the 6-foot-11 inches to the top of the
16 ceiling joists. That's why it makes it a third
17 floor.

18 CHAIRMAN FUSARO: Thank you. As far
19 as the maximum building coverage, they're
20 basically asking for an increase of approximately
21 2% going from -- it's currently over slightly at
22 20.33% versus the maximum of 20, and they're
23 looking to increase it 22.18, so approximately
24 22%. I don't have any major issues with the
25 application. I don't really think there's too

1 much more they can do in order to gain what
2 they're looking for. The home, especially looking
3 at the east side elevation on A-1, it looks a
4 little tall. But then again, if you look at some
5 of the other homes in the neighborhood in the
6 photographs that were provided to us, there are
7 similar rooflines which kind of incorporate the
8 Dutch Colonial and with various other styles of
9 architecture. At this point, I don't have any
10 major concerns about the application. How does
11 the rest of the Board feel?

12 MR. MASCIALE: I'm in support of the
13 application. I think under c(2) we can approve
14 it. I think the challenge is that the second and
15 third floors really aren't that big. Where if
16 they were larger, then I may have an issue with
17 the third. But since the second and third stories
18 are actually smaller, I think it's less on
19 massing. And I think it fits in the neighborhood
20 and looks great. I'd like to keep these Dutch
21 Colonials. So I don't have a problem with the
22 eaves height. It's maintaining to Dutch Colonial
23 look, which is nice.

24 CHAIRMAN FUSARO: Thank you. Any
25 other Board Members want to weigh in?

1 MS. MOLNAR: Well, someone that
2 should have this house is similar to 719 Hanford,
3 and Hanford went out the back rather than going
4 up. I'm really not comfortable with the height.
5 It's just too big. If you go down Hanford where
6 this house is located, it's going to be massive.
7 Way too tall. He's going 33 1/3% above what's
8 allowed. To me, it's too tall. It's got to be
9 brought back down. Maybe the attic, I don't know
10 what portion.

11 CHAIRMAN FUSARO: They're not
12 exceeding the maximum height at 32 feet. They're
13 under by 6 inches with 31-foot-6. We basically
14 heard from the architect. That's why I asked what
15 the existing height of the existing attic was and
16 what the proposed is. He's, as you know,
17 generally speaking, floor-to-ceiling heights are
18 approximately 8 feet; he's got it down to
19 7-foot-6. I don't really think you want to go
20 much lower than that.

21 MS. MOLNAR: But the eave is going
22 from 22 to 28, it's 33 1/3% more height. That's
23 way too much in this neighborhood. Especially
24 this block. These pictures of these homes are
25 farther down than the current home. The current

1 home, when you drive by, the homes are much closer
2 together, and it's just too tall with this
3 addition. It's just way too big.

4 CHAIRMAN FUSARO: I think what
5 you're going to end up with, if you look at the
6 photographs that we were given to us, PH-2, and
7 you look at the home at 720 Hanford Place, that's
8 basically the same roofline that you're going to
9 see; give or take.

10 MS. MOLNAR: We don't know if that's
11 a full third-floor room.

12 CHAIRMAN FUSARO: It looks like the
13 center photograph where you see the addition on
14 the right there, the shed -- I mean I can't
15 verify, but it looks like a full third floor.

16 MS. MOLNAR: We don't know if they
17 had variance relief.

18 CHAIRMAN FUSARO: Similarly, I guess
19 the 741 photograph there also looks like it has a
20 full third floor, as does possibly 736. We can
21 certainly ask Mr. Bailey if you'd like to ask a
22 question regarding those properties.

23 MS. MOLNAR: Regarding what?

24 CHAIRMAN FUSARO: Regarding those
25 three properties that I just mentioned whether

1 they're 2 1/2 or 3 stories.

2 MS. MOLNAR: Yeah, yeah. What, 720?
3 And what're the others?

4 CHAIRMAN FUSARO: 736, 720, and 741.
5 Do you want me to open it up to --

6 MS. MOLNAR: But they're on a
7 different block than this house.

8 MR. SCHWARTZ: Can we comment?

9 CHAIRMAN FUSARO: Sure.

10 MR. SCHWARTZ: 741 -- all of these
11 houses are on our block -- 741 is actually only
12 two houses over in the one direction, and they're
13 all on the block.

14 CHAIRMAN FUSARO: Mr. Bailey, would
15 you be able to tell us is 720, 741, and 736 if
16 those are 3-story homes or 2 1/2?

17 MR. BAILEY: Yeah. It looks like
18 720, particularly if you look at the right-hand
19 photo for 720, there's also a dormer on the left
20 side. So you've got almost a flat roof on the
21 right side of 720, it's almost the length of the
22 house, the depth of the house. And then you've
23 got the dormer on the left side too. I don't have
24 a calculation from the top of the rafters, but
25 just from eyeballing it, that looks pretty much

1 like a third floor. And that third story came
2 about in 2009. Before that, you were allowed
3 3 stories, and even back in the day, 38 feet.
4 These houses all predate when the town decided
5 let's just have 2 1/2 story houses. We're fitting
6 into a neighborhood that predates, like, almost
7 100 years, that code restricting heights from 3
8 stories to 2 1/2 stories. We conform with the
9 maximum height of 32 feet.

10 CHAIRMAN FUSARO: I understand
11 you're 6 inches below the maximum height. I see
12 some of the neighbors shaking their heads when I
13 asked about the third floor in the audience saying
14 "yes" that those homes are a full 3 stories.

15 MR. BAILEY: Yeah. And 731, that's
16 a pretty steep-pitched roof there. So if you were
17 adding in your calculation of 7 feet and a floor
18 at the top rafters, you probably would say 731 is
19 a 3-story house. And then 714, you can see
20 peeking behind the existing ridge this big
21 addition that's as tall as the dormer on the
22 front.

23 CHAIRMAN FUSARO: As I mentioned,
24 Carol, just by looking at the elevations, yes, the
25 homes seem tall. However, I really don't see what

1 else they could do to bring the height down.

2 MS. MOLNAR: It looks very massive
3 to me in these drawings from an aesthetic point of
4 view. I mean Westfield used to have a very
5 horizontal look. This is just creating a more
6 vertical look.

7 CHAIRMAN FUSARO: Understood. Any
8 other Board Members have any other comments? Sam,
9 no? You're good?

10 MR. REISEN: I think the testimony
11 from the neighbors behind and the fact that
12 they're on the same block that it's not going to
13 be out of character with the neighborhood.
14 Regardless of what it was in the past being a
15 horizontal line, I think it's clearly changed to
16 the extent that it fits with it. I'm in support
17 of the application.

18 CHAIRMAN FUSARO: Thank you. Anyone
19 else with any comments?

20 MR. COHEN: I would have otherwise
21 been inclined to agree with Carol. I find the
22 presentation of PH-2 and PH-3 to be fairly
23 persuasive, and so far as establishing what's
24 proposed here, will fit in reasonably with the
25 neighborhood. So despite my reservations, I'm

1 inclined to support the application.

2 CHAIRMAN FUSARO: Thank you. Seeing
3 no other comments; may I have a motion?

4 MR. REISEN: Motion to accept the
5 application.

6 MR. EILBACHER: Second.

7 CHAIRMAN FUSARO: Please call the
8 roll, Jenny.

9 MS. MANCE: Mr. Cohen.

10 MR. COHEN: Yes.

11 MS. MANCE: Mr. Sontz.

12 MR. SONTZ: Yes.

13 MS. MANCE: Ms. Molnar.

14 MS. MOLNAR: No.

15 MS. MANCE: Chairman Fusaro.

16 CHAIRMAN FUSARO: Yes.

17 MS. MANCE: Vice-chair Masciale.

18 MR. MASCIALE: Yes.

19 MS. MANCE: Mr. Eilbacher.

20 MR. EILBACHER: Yes.

21 MS. MANCE: Mr. Reisen.

22 MR. REISEN: Yay.

23 CHAIRMAN FUSARO: Your application
24 is approved. Good luck.

25 MR. BARTOLUCCI: Thank you.

1 CHAIRMAN FUSARO: Our next
2 application this evening is ZBA 22-043,
3 Burns Benson, 805 Nancy way.

4 Applicant is seeking variance
5 approval to construct a new front porch contrary
6 to the following sections of the Westfield Land
7 Use Ordinance: Section 12.03CDE where the minimum
8 front yard setback required is 39 feet, and
9 proposed is 33-feet-2 inches. Good evening.

10 MR. BENSON: Hi, good evening.

11 MS. PIRONE-BENSON: Good evening.

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

14 MR. BENSON: Burns Benson, 805 Nancy
15 Way.

16 MS. PIRONE-BENSON: Pamela
17 Pirone-Benson, 805 Nancy Way. I don't know if I
18 need to go on record. I'm an attorney for the
19 State of New Jersey.

20 CHAIRMAN FUSARO: Please raise your
21 right hand.

22 BURNS BENSON and PAMELA
23 PIRONE-BENSON, having been duly sworn, were
24 examined and testified as follows:

25 CHAIRMAN FUSARO: Tell us about your

1 application.

2 MS. PIRONE-BENSON: Sure. We've
3 lived in Westfield for 15 years. We started with
4 a starter home on the north side by the park,
5 worked our way up to our favorite house; we're
6 excited. We've been looking for the last three
7 years. Got involved in all the big
8 (indiscernible) and whatnot. Found this beautiful
9 property on Nancy Way on 1/2 acre of land. Very
10 excited to find that on the north side -- south
11 side -- sorry, south side. And I guess my husband
12 wanted -- jokingly in a sense that I always wanted
13 a big kitchen and a nice porch. And he's a
14 landscape architect and wanted a big backyard. So
15 here we are with a nice house, a big backyard, and
16 no porch.

17 CHAIRMAN FUSARO: Thank you.
18 Mr. Blaise, please state your name and address for
19 the record.

20 MR. BLASI: Greg Blasi. My business
21 address is 552 Westfield Avenue.

22 CHAIRMAN FUSARO: I believe you've
23 appeared before us numerous times. I believe
24 you've appeared this year as well.

25 MR. BLASI: Yes.

1 CHAIRMAN FUSARO: So we will
2 continue to recognize you as an expert in the
3 field of architecture.

4 MR. BLASI: Thank you.

5 CHAIRMAN FUSARO: Please proceed.

6 MR. BLASI: I'd like to start with
7 S-100 on the top left corner of the Site Plan it
8 shows hatched on the bottom right a new porch.
9 It's a wrap-around porch that's being proposed.
10 The existing -- I think the offset on that site
11 plan is currently being built. So very quickly,
12 on A100, it's just showing the foundations of the
13 piers for the wrap-around porch on the bottom
14 right. As we go to the next sheet which is A-101,
15 you will see the new set of stairs coming up on
16 the left side of the covered porch which would
17 lead you right to the door. Or you would be able
18 to walk across in front of the dining room and
19 entertainment area and wrap around and come into
20 the house. You would be able to go from the front
21 entry around the wrap-around porch and then come
22 back into the house.

23 The next sheet we'll skip over.
24 It's just basically the Second Floor Plan showing
25 the roof below. And then, the most important,

1 Sheet A-300. Number 1, the Top Elevation, if you
2 look at what I have here it's the same sheet as
3 you have, I just rendered it with a little
4 shading. What you have now is the existing
5 bi-level that the gable has been added to creates
6 an (indiscernible) the larger area has got a new
7 master bedroom and its lower porch now comes
8 across the front and it turns along the side. It
9 will have columns, handrails, upper piers, and
10 lattice below to tie in the modifying it from a
11 bi-level to a shingle-style Craftsman-style home.
12 So the plated window, the gable, the metal roof,
13 and the columns now give it more of a traditional
14 home and basically modifying it from the
15 post-World War II bi-level home that was really
16 stripped down to begin with.

17 So going back to the Sites Plan
18 quickly, you can see where the average front yard
19 setback would be. So in order to have a front
20 porch there would be no other way to have it
21 besides asking for a variance. The house was
22 built basically on the average front yard setback.
23 So that becomes the first problem. As far as
24 benefits I see is that the existing residence was
25 kept and an addition was added in a traditional

1 design, scale, and details. The porch continues
2 the design of this modification of this
3 traditional home in line with Westfield's history
4 and character. Also, the depth of the porch is in
5 keeping with most traditional porches. As you go
6 around the neighborhood, you will see other
7 porches on that street as you go around the curve.
8 But they're much smaller porches; and, in fact,
9 some of the porches are very shallow in depth in
10 which you can't sit in front of them. So this is
11 actually consistent with a 6-foot deep porch to
12 sit on which will have a wood deck and a Beadboard
13 ceiling.

14 As far as detriments, I mean I can't
15 find any detriments. But also, it is, as I said
16 before, a post-World War II home split that is
17 continuously being altered in this type of
18 neighborhood. So I think it's fitting to what
19 happens on then the blocks in that area of
20 Westfield. It also has -- without the porch front
21 facade, which I think would be a detriment,
22 without this front porch, it remains that flat
23 facade that it originally had. So it had a
24 negative space in which you would come up to the
25 home and then walk underneath an overhang and walk

1 into the house. So the facade was very flat to
2 begin with. This alleviates, this now gives some
3 shade and shadow and gives it some depth and it
4 actually lightens the house up for people that are
5 viewing the house from the street.

6 The other thing that I find most --
7 also not create a detriment is because it's on the
8 curve, the house to the left of it, looking at the
9 house, it's a corner house, so it's not in line
10 with the average front yard setbacks. And the
11 house to the right is only turn the curve. So
12 unlike other streets where the houses are very
13 straight and you can tell the difference between
14 an average front yard setback, the distance
15 between the neighboring houses takes away your
16 view from being able to see that this is forward
17 of an average front yard setback. So with that,
18 I'll open up to any questions.

19 CHAIRMAN FUSARO: A couple of quick
20 questions. To your point of the front yard
21 setback and the home being near a curve, which Lot
22 15 would obviously come into play, if you're
23 standing on Nancy Way looking at the front of the
24 house the lot to your left, Lot Number 40 on the
25 corner, is that home facing Nancy Way or is it

1 facing the other street?

2 MR. BLASI: It's facing the other
3 street.

4 CHAIRMAN FUSARO: It's facing the
5 other street.

6 MR. BLASI: The garage is facing
7 Nancy Way.

8 CHAIRMAN FUSARO: Okay. So there
9 would be no front yard setback issue with your
10 porch lining up with the porch on that house?

11 MR. BLASI: Correct.

12 CHAIRMAN FUSARO: The other question
13 I had; looking at your A-1 of 1, do you have any
14 dimensions of what the width of the porch is
15 across the front and the L-shape? There're no
16 dimensions on the drawing.

17 MR. BLASI: The width is 37 -- it's
18 over where it says "front porch" over to the right
19 -- the width is 37-foot-8.

20 CHAIRMAN FUSARO: The kitchen and
21 the family room total up to 600 -- roughly
22 700 square feet; that checks out. Any Board
23 Members have any questions for the architect?
24 Yes, Carol.

25 MS. MOLNAR: I just want to make

1 sure I'm reading the plans right. You're totally
2 gutting the interior; correct?

3 MR. BLASI: No, the house was built
4 -- the house was -- the original plans were to
5 gutt the right side of the house leaving the
6 bedrooms on the left side the way they are. They
7 didn't remove materials, but they left the
8 bedrooms -- they left the left side of the house
9 plan exactly the way it was.

10 MS. MOLNAR: All right. So they're
11 not tearing down walls on the left side, just the
12 right side. Okay.

13 CHAIRMAN FUSARO: Any other Board
14 Members have any questions for the architect at
15 this time? No? Anyone from the audience wishes
16 to address the application? If so, please come
17 forward and state your name and address for the
18 record. Good evening.

19 MS. PREGENZER: Good evening. I'm
20 Linda Pregonzer at 807 Nancy Way, the house to the
21 right.

22 CHAIRMAN FUSARO: Please raise your
23 right hand.

24 LINDA PREGENZER, having been duly
25 sworn, was examined and testified as follows:

1 CHAIRMAN FUSARO: Thank you. Please
2 proceed.

3 MS. PREGENZER: My husband and I
4 have been living in Westfield for over 33 years.
5 We feel that the porch is going to be sticking out
6 6 feet from the house and it's going to be that
7 much closer to the road. And if you look at the
8 three houses -- I don't know, I got the plan --
9 from the left side, the three houses to the right,
10 we're all 39 feet from the road. The house facing
11 Knollwood Terrace faces Knollwood Terrace. So I
12 feel that this porch is not in keeping with the
13 character of Nancy Way, and is not consistent with
14 the look of the other houses on Nancy Way.

15 CHAIRMAN FUSARO: Ma'am, where is
16 your home located with respect to this particular
17 site?

18 MS. PREGENZER: Facing the house, we
19 are on the right; 807 Nancy Way.

20 CHAIRMAN FUSARO: So you're Lot 15
21 to the right of the home? Looking at the house,
22 you're to the right of the house?

23 MS. PREGENZER: We're on the curve
24 of the street.

25 CHAIRMAN FUSARO: Lot 15, that's

1 what I thought. And the setback along the street
2 -- do we have a list of the properties? 797 is
3 the corner property that I referenced before
4 actually faces Knollwood and that's 28 feet. 807
5 which is your home; correct?

6 MS. PREGENZER: Yes.

7 CHAIRMAN FUSARO: That's 39. 809 is
8 39, and 811 is 39; so the average is 33.4. Thank
9 you. Is there anything else that you'd like to
10 add, ma'am?

11 MS. PREGENZER: No concerning the
12 application.

13 CHAIRMAN FUSARO: Thank you so much.
14 We appreciate your testimony. Any Board Members
15 have any other questions or comments for the
16 architect?

17 MR. SONTZ: On this drawing that I
18 have, this calculation, this gives too if you
19 exclude 797 if you don't. Is that just to show us
20 that it would be 33.4 if you include 797 minus 797
21 should not be included per the ordinance?

22 MR. BLASI: Correct.

23 CHAIRMAN FUSARO: Because 797 would
24 be a street side yard, correct, Jenny?

25 MS. MANCE: Actually, the shorter

1 lot line is where we take that front yard depth
2 from which would be facing the other street. So
3 it would not count.

4 CHAIRMAN FUSARO: Thank you.

5 MR. SONTZ: And, Jenny, you don't
6 take into account any of the other houses on the
7 other side of the street?

8 MS. MANCE: That's correct. It has
9 to be the same side.

10 CHAIRMAN FUSARO: Well, there is no
11 hardship, so it would not fall under a c(1) or a
12 c(2) variance. I'm assuming that in our report
13 one of the questions that was asked: Are front
14 porches prevalent in the neighborhood?

15 MR. BLASI: To the right of them, so
16 if you came out of the house and you look to right
17 across the street, that main street that's there,
18 there is a Colonial with two-story columns that
19 has a porch that actually has chairs on it. But
20 as you go around to the left, there're smaller
21 porches and there're also some of those porches
22 that are a little shallow where they look like
23 porches but you can't sit on them. So there are
24 porches as you go around.

25 CHAIRMAN FUSARO: And the width of

1 your porch I believe is 7-foot-2.

2 MR. BLASI: 7'2, yes. Which it goes
3 5-foot-9 into the setback because of the angle.
4 If you look at the site plan, it's closer -- it is
5 an angle down a ridge. You can see that it's
6 closer and then it gets wider to the right side.

7 CHAIRMAN FUSARO: So the 39-foot
8 setback, if you were to conform with the 39-foot
9 setback, you basically wouldn't have a front
10 porch?

11 MR. BLASI: Correct. You could not
12 put a front porch without asking for a variance.

13 CHAIRMAN FUSARO: If we went to the
14 33-foot setback, we're adding 5 1/2 feet.

15 MR. BLASI: Yes, 5'9.

16 CHAIRMAN FUSARO: And that still
17 doesn't work for your porch?

18 MR. BLASI: Basically, at 7 feet,
19 you could put the couch and have walking distance
20 to the handrail. So if you're looking where the
21 columns are, the columns take up 1 foot of
22 diameter -- and then you have with the handrail
23 between -- so then it's just 3 feet; 3 feet which
24 would be a porch that you would see on Summit,
25 Carleton, you know, anywhere with within the 1920s

1 blocks. So if you wanted to reduce it, I'm more
2 than happy to ask the client if they would be able
3 to reduce the porch to 6 feet. But that is the
4 reason why it was drawn at that depth.

5 MS. MOLNAR: What style is this
6 house being done with?

7 MR. BLASI: It will be a
8 shingle-style. It will be eclectic like the rest
9 of them have. But if you look on Carleton Road
10 where you connect Park and Washington, it will
11 have a shingle-style -- shingle-Craftsman-style
12 feel to it. So taking that existing house has
13 that blocky section, this piece that was added on
14 creates the gable; creates the scale and
15 proportion of the porch to look like a
16 shingle-style home.

17 MS. MOLNAR: You're moving to
18 farmhouse windows based on --

19 MR. BLASI: It would fit that
20 timeframe, that style.

21 MS. MOLNAR: Is that what you're
22 going for?

23 MR. BLASI: Yes, they're drawn --

24 (Crosstalk.) They did not go with
25 black and white windows. (Crosstalk.)

1 The pattern though of the window,
2 you would call that a "modern pattern."

3 MS. MOLNAR: A big pane.

4 MR. BLASI: Yes, correct.

5 MR. SONTZ: So the porch wraps
6 around, and you intended it to be 7-foot-2 on the
7 front and 7-foot-2 on the side?

8 MR. BLASI: Correct.

9 MR. SONTZ: So if you pushed it
10 fully back in front, you wouldn't have to pull it
11 back on the side?

12 MR. BLASI: Well, you would because
13 of this -- the valley that's in the hip, the two
14 slopes would change look so it would look awkward
15 and there's no variance need for the side. But it
16 would create an awkward corner.

17 CHAIRMAN FUSARO: So you wouldn't
18 have a symmetrical corner; I understand.

19 MS. MOLNAR: The house is not
20 parallel to the street, correct, is it at an
21 angle?

22 MR. BLASI: It's on an angle. So
23 the property line is closer on the left side of
24 the house. As you go this way, it opens up. So
25 basically to get the distance at that front door

1 it comes out further on the other side.

2 CHAIRMAN FUSARO: Mr. Blasi, we're
3 looking at trying to find a compromise here. Your
4 7-foot-2, would you be -- discuss this with the
5 Applicant -- would you be willing to reduce that
6 by at least 1 foot to 6-foot-2 or 6-foot. I know
7 that you would still be able to keep your 7-foot-2
8 on the side; the return shape of the porch.
9 Again, that corner is going to be a little -- not
10 a symmetrical shape, but I'm sure you can figure
11 something out there. Is that something that you
12 would consider?

13 MS. PIRONE-BENSON: We're willing to
14 consider, but I also think when you read the
15 statute and you're talking about detriment versus
16 inclusions and whatnot, what we've done to improve
17 that house is significant. It was falling apart,
18 it was an absolute mess. The singles were broken,
19 the siding was broken, the concrete was broken.
20 We dumped more money in than we had to afford to
21 make it look decent and nice. We're just asking
22 for additional space to live, to grow into, and to
23 be happy in the front. If we cut it down, it's
24 not usable with the columns on and look of the
25 house. I'm not saying that I'm amenable to it,

1 but what we've done to improve the house has been
2 significant. I don't know if my neighbor feels
3 that way, but it was very broken down.

4 CHAIRMAN FUSARO: I'm sure with the
5 improvements that you've done have improved the
6 home and the neighborhood; we're not questioning
7 that. It's just a question of -- as you've heard
8 from our discussions -- there are quite a few
9 homes along that entire street that have the
10 larger setback. And that's what -- we're just
11 trying to reach a happy medium. I know that's
12 kind of the definition of "compromise."

13 MS. PIRONE-BENSON: Sure,
14 absolutely. Absolutely, I know it well. I also
15 think it's important to note that the house is
16 small in scale on that size property compared to
17 what's in the neighborhood and what's been
18 improved and what things look like in Westfield.
19 We did not want to build this monstrous house. We
20 kept with the character of what it looks like. We
21 have a smaller house that takes up a lot less
22 space than what we see in Westfield, so we were
23 asking for the extra foot on the porch. But we're
24 asking -- the compromise is a foot; a little less,
25 a little more.

1 CHAIRMAN FUSARO: Something just
2 crossed my mind -- I'm speaking out loud here --
3 and Mr. Blasi, maybe you can help me out with this
4 -- if we were to reduce the depth of the porch in
5 the front by the 1-foot-2 that I mentioned, could
6 you increase the width of the porch on the side
7 there? It looks like it's currently not aligned
8 with the corner of the home, so if you're trying
9 to gain that square footage of porch area to the
10 right, perhaps you make that porch side a little
11 bit wider and the front a little narrower.

12 MR. BLASI: So I don't mean to be
13 argumentative. If we just look at the front
14 though and we put a couch at 3 feet and then left
15 the space of 3 feet between, which the columns
16 would come into and add the handrail, like, 6-6
17 would actually give you both. I don't know if
18 that's enough for you guys, but that would allow
19 -- it would bring the corridor between the couch
20 and the columns less than 3 feet, but they would
21 have a little bit more in between. I think wider
22 on the side, it will work, it's just going to,
23 like I said, it's going to manipulate the --

24 CHAIRMAN FUSARO: A lot of
25 applications that come before us, basically, their

1 concern with the size of the porch is what kind of
2 furniture they're going to put on it. A 4-foot
3 porch doesn't allow you to put any furniture on
4 it.

5 MR. BLASI: Correct.

6 CHAIRMAN FUSARO: And that's why I'm
7 saying if maybe you make the one on the side a
8 little larger, you can put whatever furniture
9 you'd like and still keep the general aesthetic
10 and appearance you're looking for in the front.
11 Granted, you won't be able to put perhaps the
12 furniture you were planning on there; however, you
13 can still keep that look that you're looking for
14 and possibly move it over to the side. That's why
15 having it --

16 MR. COHEN: My concern with that
17 proposal, Frank, is you're creating an asymmetry
18 in design which seems to be exactly the opposite
19 of what the homeowner is going for; right? I get
20 the concern of the neighbor, but it seems to me
21 that this particular project is you take it as is
22 or you don't do it at all. I guess if you're
23 going to cut it all down to 6 feet versus
24 7-whatever it is --

25 CHAIRMAN FUSARO: Two.

1 MR. COHEN: 7 and 2, I guess that's
2 one thing. If you're going to cut it down
3 chopping it a foot on one side and adding a foot
4 on the other seems to be contrary to what they're
5 trying -- contrary to the building objective.

6 MR. MASCIALE: I just want to add,
7 Frank. I agree with Mike on that. I'd rather the
8 architect feel comfortable and provide something
9 that's symmetrical and let us not dictate. I
10 think you're trying to find a compromise here, but
11 I think the real compromise is for the Board to
12 decide -- and I want to avoid commentary right now
13 -- but it's a front-porch ordinance, which is an
14 ordinance in town, and it's supposed to encourage
15 front porches where we can. I hope all the Board
16 Members have read the front porch ordinance.
17 Versus the front yard setback, which I'm almost
18 always a no against changing the front yard
19 setback unless it's on a corner. You know, if you
20 walk out and you look left and you look right and
21 somebody's protruding in front of you, I'm against
22 it. Now, you're on a corner, the way it lines up;
23 it's not impacting anybody. So I looked at the
24 c(1) and it's not a negative detriment even though
25 we've heard testimony from the neighbor concerned

1 about, you know, front/side and encroaching, and
2 it's not for us for the Board here to make -- and
3 if it could work at 6'6 and do symmetrical and
4 look better, I think it's something the neighbor
5 would rather look at than something unsymmetrical
6 at 6 feet. Because from the distance from their
7 house, they're not going to see it. And it
8 doesn't really sound like we're really holding
9 Westfield --

10 (Crosstalk.)

11 MR. COHEN: I don't know if cutting
12 it 8 inches -- it's several feet over the setback
13 anyway, cutting it 8 inches is de minimis.

14 MR. MASCIALE: But we heard that 6'6
15 works.

16 MR. COHEN: Yeah, I know, I get 6'6
17 works and the objective may be to.

18 (Crosstalk.)

19 MR. MASCIALE: I feel that it's not
20 affecting the front yard setback.

21 MR. COHEN: It's 5 feet over the
22 front yard setback line, and if we're going to cut
23 it 8 inches, then I'd rather not do it at all. It
24 just seems to me to be compromising for the sake
25 of compromising. You're not gaining what you

1 think you're gaining from doing that. As I said,
2 it seems to me with the project you either do it
3 or you don't. It's not, you know, cut it 4 inches
4 -- due to respect to the neighbor, I don't think
5 she's going to magically think it's better because
6 you're cut it 4 inches or 6 inches or 8 inches.

7 MR. MASCIALE: Well, why don't we
8 just go back to it, Mike? To me, it's front yard
9 setback versus the front porch.

10 MR. COHEN: Yeah, no, I agree. I
11 get it and I understand the intention. It seems
12 to me it's either you do it all or you don't.

13 MR. SONTZ: To me, earlier tonight,
14 I was okay with the Cornwall Drive one with the
15 exact same thing on the curve; if you look left
16 and look right you don't have that on a curve.
17 That's exactly what you have here. So I don't see
18 a problem with it.

19 CHAIRMAN FUSARO: This side, any
20 comments?

21 MR. REISEN: I actually drive by
22 this house every single day pretty much when I
23 drop my daughter off at daycare, so I've seen its
24 progress and everything. I'm very familiar with
25 that neighbor's house, it's quite bit back and

1 there's this nice little drawbridge where people
2 walk through. I think there's a park or
3 something. But I don't think it would be that
4 terrible. Honestly, I drive by the house, I don't
5 think it would stick out that far. Granted, I'm
6 not the neighbor, I don't live next to it. I kind
7 of agree with Mike and Matt, I think this is what
8 they're trying to build; I kind of think they
9 should get it too. I understand the need for
10 compromise. But I'm in support of the
11 application.

12 CHAIRMAN FUSARO: Thank you.
13 Mr. Blasi and the Applicant, is there anything
14 else you'd like to add before I close it?

15 MR. BLASI: No.

16 MS. PIRONE-BENSON: Thank you.

17 CHAIRMAN FUSARO: Thank you. We'll
18 on to Board discussion -- you've heard most of it
19 anyway. I tried to come up with a couple of
20 alternatives, but I fully understand where
21 everyone is coming from. You know, is 8 inches
22 going to make a difference or not? Probably not.
23 It's not noticeable to the naked eye; so to speak.
24 I do -- as we said in the previous application
25 this evening -- the home is on a curved street.

1 That is the neighbor is actually on the curve
2 itself. So, yes, while I think it does encroach
3 into the front yard setback, I don't think it's
4 going to be a detriment to the neighborhood. I
5 think it will certainly improve the aesthetic of
6 the home. And as Chris mentioned, the ordinance
7 does encourage the addition of front porches. So
8 that being said, I guess I would be in support of
9 the application unless any of the Board Members
10 are set on wanting to reduce it the 8 inches.

11 MS. MOLNAR: The Applicant was
12 willing to reduce it.

13 CHAIRMAN FUSARO: Say that again?

14 MS. MOLNAR: The Applicant was
15 willing to reduce it.

16 CHAIRMAN FUSARO: Yes, I understand
17 that. Chris, any other comments?

18 MR. MASCIALE: No. I think I was
19 looking for a compromise like you were, Frank, but
20 I agree with Mike's comments. To me, as long as
21 something is symmetrical, it looks better for the
22 neighbor. The last thing I want is a neighborhood
23 to look at something, you know, that's a
24 compromise and unsymmetrical. We know the
25 architect. We know he wants to build something

1 right. So I would support the application as is.

2 CHAIRMAN FUSARO: Okay. May I have
3 a motion?

4 MR. REISEN: Motion to accept the
5 application as is.

6 CHAIRMAN FUSARO: Second.

7 MR. COHEN: Second.

8 CHAIRMAN FUSARO: Jenny, please call
9 the roll.

10 MS. MANCE: Mr. Cohen.

11 MR. COHEN: Yes.

12 MR. MASCIALE: Mr. Sontz.

13 MR. SONTZ: Yes.

14 MS. MANCE: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MS. MANCE: Chair Fusaro.

17 CHAIRMAN FUSARO: Yes.

18 MS. MANCE: Vice-chair Masciale.

19 MR. MASCIALE: Yes.

20 MS. MANCE: Mr. Eilbacher.

21 MR. EILBACHER: Yes.

22 MS. MANCE: Mr. Reisen.

23 MR. REISEN: Yay.

24 CHAIRMAN FUSARO: Your application
25 is approved.

1 MR. BLASI: Thank you very much.

2 CHAIRMAN FUSARO: The next
3 application for the evening is an application that
4 was carried from our January meeting. It's
5 Application ZBA 22-031, Megan McCann, 857 Winyah
6 Avenue.

7 Applicant is seeking to construct a
8 two-story addition on the rear of the dwelling to
9 expand the first-floor kitchen and add a mudroom.
10 The second floor will add a master bedroom suite.
11 There will be a second-floor addition over the
12 existing garage as part of the new master suite.
13 There will be a new stair addition. The existing
14 first-floor kitchen and powder room will be
15 renovated to expand into the addition. The
16 existing second floor will have the Bedroom #2
17 renovated to be part of the new master suite.
18 There will be a new stair addition to the attic to
19 add a bedroom, bath, and office area; and, the
20 rear addition will be built over a crawl space
21 contrary to the Westfield Land Use Ordinance:
22 Section 12.05F1 where the maximum building
23 coverage permitted is 20% proposed is 21.2%;
24 Section 11.07E where the minimum side yard setback
25 permitted is 10 feet, and proposed is 8.28 feet;

1 and, Section 12.04E1 where the maximum FAR
2 permitted is 3,200 square feet and proposed is
3 3,397 square feet.

4 Good evening, Mr. Bailey.

5 MR. BAILEY: Good evening.

6 CHAIRMAN FUSARO: The Applicants,
7 please step up and state your name and address for
8 the record.

9 MR. O'LEARY: Mark O'Leary,
10 857 Winyah Avenue.

11 MS. MCCANN: Megan McCann,
12 857 Winyah Avenue.

13 CHAIRMAN FUSARO: Please raise your
14 right hand.

15 MARK O'LEARY and MEGAN MCCANN,
16 having been duly sworn, was examined and testified
17 as follows:

18 CHAIRMAN FUSARO: Tell us about your
19 application. We've heard the application before.
20 Before we get started, as you know this is a
21 d-variance for the FAR. You need five affirmative
22 votes of the seven members sitting on the Board.
23 We made some comments the last time. Hopefully,
24 Mr. Bailey has worked on those comments and you've
25 come back with us to something that conforms to

1 the comments we made. So please proceed.

2 MR. O'LEARY: Yes. As you just
3 mentioned, we were here last month. And we've
4 submitted variance requests to add a mudroom,
5 expand the kitchen, the master bedroom, and office
6 over the garage. Like we have mentioned before,
7 we have four young kids. So this is a project
8 that we'd like to do so we can grow into this
9 house over the next 20 to 30 years. So, yeah, we
10 understand it's a d-variance and there's concern
11 over the FAR. So we took your suggestions and
12 worked with David to shrink the mudroom and some
13 of the master bedroom and office as well. And
14 also, to attempt to support our case, we've
15 included some pictures of the neighborhood; PH-2
16 here, just to kind of give an idea of the size of
17 some of the other houses on the block, on the
18 street. And there're some large houses and we
19 think that this addition is not as big as some of
20 the other houses and within the character of the
21 neighborhood. And we also put in the table other
22 houses that are exceeding FAR in the neighborhood.
23 So, again, this is we think this addition is not
24 excessive and fits within the character of the
25 other houses on the street. And finally, we have

1 neighbors here to provide us with support for our
2 application.

3 MR. MASCIALE: Can I just ask a
4 question on a comment you made? You mentioned
5 that several houses in the neighborhood exceed the
6 FAR.

7 MR. O'LEARY: Well, from what we
8 believe, yeah. There are photos of them of what
9 we think --

10 MR. MASCIALE: Your opinion is that
11 they exceed FAR? I'm just trying to follow your
12 --

13 MR. O'LEARY: Sure, yeah. So I
14 looked up the acreage on the tax maps, and
15 basically, the house sizes I can find from Zillow
16 and Redfin, plugged those in, and calculated the
17 FAR. Which I know that may not be the most
18 accurate assessment of the area, but that seemed
19 plausible.

20 MR. MASCIALE: So your testimony is
21 there're other large houses in the neighborhood --

22 MR. O'LEARY: Correct.

23 MR. MASCIALE: -- you looked at it
24 and the math doesn't work in your estimation.

25 MR. O'LEARY: Right. Compared to

1 the size of my house.

2 MR. MASCIALE: But you don't have
3 any actual stats on them?

4 MR. O'LEARY: Correct.

5 MR. MASCIALE: I just want to codify
6 what you just said.

7 (Crosstalk.)

8 MS. MCCANN: It's not the best that
9 we have --

10 MS. MOLNAR: He's not an expert;
11 right? He can't testify as to these numbers.

12 MR. MASCIALE: That's correct.
13 That's his opinion. That's his opinion as a
14 homeowner.

15 CHAIRMAN FUSARO: The photographs on
16 PH-2 obviously show several larger homes.
17 However, they're also sitting on larger lots.
18 We'll take that into account. Mr. Bailey, raise
19 your right hand -- actually, please state your
20 name and address for the record. Sorry.

21 MR. BAILEY: David Bailey Architect.
22 Business address is 828 South Avenue West.

23 DAVID BAILEY, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: Thank you. Please

1 proceed.

2 MR. BAILEY: I'll walk the Board
3 through the changes from last time. If you go to
4 Sheet SP-2, the Proposed Site Plan --

5 CHAIRMAN FUSARO: Mr. Bailey, excuse
6 me for one second; I'm sorry for interrupting. I
7 know we have reviewed this application before. If
8 you could -- and I believe all of the Board
9 Members are here this evening who were here the
10 last time -- so if you could concentrate on what
11 changed instead of rehashing the whole
12 application, we would appreciate it.

13 MR. BAILEY: That's fine.

14 CHAIRMAN FUSARO: Thank you.

15 MR. BAILEY: SP-2, the last time we
16 were here, the Board suggested that possibly
17 taking 2 feet off the back of the house and being
18 two stories, it would take off around 40 square
19 feet. So what we've done is we have taken off
20 some square footage. And I'll show you where they
21 are. On the FAR page, we reduced the FAR proposed
22 about 44 square feet from last month. So did take
23 off roughly the 40-something square feet the Board
24 suggested last month; 44 square feet we took off.
25 It's still above the not to exceed the 3,200. But

1 just like last month, it was well below the
2 maximum percent of 37; it's now 34.32%. The
3 maximum percent is 37, not to exceed is 3,200, but
4 we did take off 44 square feet from last month.
5 So I'll walk you through where those numbers came
6 off.

7 If you go to Sheet A-3, the Proposed
8 First Floor, so we didn't take 2 feet off the
9 mudroom because you've heard testimony there are
10 four kids, two adults; so six people coming in you
11 need some elbow room and storage. We did take out
12 6 inches from the first floor. So the reduction
13 is from the first floor, that mudroom sticks out
14 18 inches from the back wall kitchen, that's 2
15 feet. So the 6 inches, almost 11 feet, it took
16 off 5 square feet there. The rest of that 44
17 square feet came off of the second floor. If you
18 look at A-4, the Proposed Second Floor, we took
19 off from the office area on the upper right-hand
20 corner. It was sticking 2 feet farther toward the
21 backyard than the existing master bath. So
22 instead of it being a 12-foot-1 wing there, it's
23 now 10-foot-1. So we took 2 feet off of that
24 office area. And then the sleeping room in the
25 primary suite we pushed back from the street that

1 wall over the garage a foot. So it's now 18 1/2
2 feet wide the bedroom wing instead of the 19 1/2
3 it was last month. So a foot off the sleeping
4 area, 2 feet off the office area, and then 6
5 inches off the mudroom; that gave us a total
6 reduction of FAR the 44 square feet.

7 Those were the main suggestions from
8 the last month. The other variances -- unless you
9 want me to go over them.

10 MS. MCCANN: We reduced one of the
11 other variances with the changes.

12 MR. BAILEY: Yeah, the building
13 coverage went down slightly, yes. Because we took
14 off 6 inches off the mudroom, the building
15 coverage variance went down about 5 square feet.
16 So slightly less than last month's proposed 21.15%
17 now. So, yes, that variance is reduced slightly
18 and the FAR variance was reduced also.

19 CHAIRMAN FUSARO: Mr. Bailey, on the
20 maximum permitted coverage for building and
21 above-grade structures, it looks like you went
22 from 2,071 square feet down to 2,066 square feet
23 which is only a reduction of 5 square feet. Am I
24 interpreting that correctly?

25 MR. BAILEY: Which number are you

1 talking about?

2 CHAIRMAN FUSARO: Your total maximum
3 permitted coverage for building above-grade
4 structures which the maximum is 20% or 1,954
5 square feet. Existing is 18.96 or 1,852 square
6 feet, and proposed is -- or was, I should say --
7 2,071 square feet, and you've revised that down by
8 .05% to 2,066 square feet which is only a
9 reduction of 5 square feet.

10 MR. BAILEY: Yes. To take more --

11 CHAIRMAN FUSARO: Is that the
12 mudroom?

13 MR. BAILEY: Yes. The mudroom -- to
14 shrink the mudroom further in -- and you heard
15 testimony that they have four kids and they're six
16 people using this mudroom and need storage and it
17 has a wet bar in it. So they didn't want to take
18 2 feet out of the mudroom, they were willing to
19 take out 6 inches. And they felt with a 6-inch
20 reduction it would still be a functional mudroom
21 for a family of six who come in and need storage,
22 cubbies for backpacks, and they have three doors
23 going into it; the garage door, the outside door,
24 and, of course, the doorway into the kitchen.
25 There's only a slight reduction in building

1 coverage. We did take off 44 square feet from the
2 FAR.

3 CHAIRMAN FUSARO: The mudroom still
4 is approximately 11-by-11; it's 10-foot-11 by
5 9-foot-6. So it's still below -- not over
6 100 square feet, and relatively large for a
7 mudroom. I understand that the Applicant has four
8 children and they want to have a sink or wet bar,
9 whatever, and mudroom, and pantry. However, as
10 you know, we take FAR overages very seriously, and
11 even though it's been reduced by 44 square feet,
12 you're still 153 square feet over the FAR. Which
13 even if you were to remove the entire mudroom, you
14 would still be over on the FAR. And I understand
15 that the mudroom affects the office on the second
16 floor; I believe. Yes. Have you looked at any
17 other areas where you could reduce this FAR? I'm
18 looking at the primary suite or the master bedroom
19 which is 17-by-11.6. Have you considered anything
20 else? Granted, I appreciate you coming back and
21 making some minor revisions, but I think the Board
22 would be looking for something a little more
23 significant. Any other areas that you considered
24 reducing?

25 MS. MCCANN: That we considered

1 reducing?

2 MR. O'LEARY: We definitely touched
3 base on the master bedroom. We felt that the
4 mudroom -- the mudroom/slash pantry because we
5 certainly need storage in the kitchen, and we're
6 expanding it for a dining room or kitchen table.
7 So we took some off there. We took a chunk off
8 the master bedroom. We could make that smaller,
9 but then we're really -- it's no bigger than the
10 current master bedroom, so it sort of doesn't make
11 sense to do that all. We've explored a lot of
12 options and this was kind of the direction we
13 thought would make some improvement on it. With
14 the current layout, it didn't seem to make sense
15 to do anything else really.

16 MR. BAILEY: We took a total 3 feet
17 off the master suite because we took 2 feet off of
18 that office area from 12'1 to 10'1, and then we
19 took a foot off of the sleeping area from 19 1/2
20 to 18 1/2. So we took 3 feet off of the entire
21 master suite.

22 CHAIRMAN FUSARO: And still only a
23 total of 44 square feet?

24 MR. BAILEY: Yeah. The total
25 reduction of FAR is 44 square feet, yes.

1 MS. MCCANN: One of the other
2 concerns we had with reducing the mudroom was the
3 visual of the house from the back because we were
4 building it out to meet the current design of the
5 home; the layout of the home. And if we pulled it
6 back it's flat, it looks -- it might almost look a
7 little awkward. But having the depth was going to
8 help more aesthetically in the back of the home
9 from our peripheral.

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

12 MR. MASCIALE: I think, Frank, we
13 kind of bailed out of redesigning this last month.
14 And I think we really can't design this on the fly
15 whether it currently looks good or not. It's
16 really up to the architect to do with the
17 Applicant. To me, the FAR is -- if you look at
18 the house, you know, pre and then after and does
19 it look like the house can contain it. Sometimes
20 you get FAR and the front of the house doesn't
21 change at all with nothing visible from the
22 street. This with the changes -- I'm having a
23 hard time.

24 MS. MOLNAR: The FAR is there for a
25 reason. The FAR is there for overbuilding. The

1 Supreme Court in New Jersey said; "The Applicant
2 must show that the excess FAR will not result in a
3 monster building that overwhelms the site." This
4 is way overbuilt. Way overbuilt.

5 MR. MASCIALE: I think it's the
6 purpose of us coming here. So we have two
7 calculations; the square foot and the percentage.
8 Only one of the two comes here, and it's for this
9 Board to look at. And in looking at this from the
10 front, I think it is increasing the massing more.
11 Because even though we've approved FAR
12 applications in the past, there really was no
13 change in the front.

14 MS. MOLNAR: I think it's over 153
15 feet. They've got to go back and find a spot and
16 get rid of 153 feet. This FAR is not a
17 suggestion; it's definitely good planning. Their
18 FAR is too high in my mind.

19 MR. MASCIALE: It's good planning.
20 And that's the purpose of the Board. That's what
21 we're doing here, Carol.

22 MS. RAZIN: And by the way, just so
23 you know, this fact, Coventry Square case itself
24 did not deal directly with FAR, it dealt with the
25 -- so just before we start quoting things -- the

1 Coventry establishes the standard of whether or
2 not a site can accommodate a development, and they
3 used -- it's actually a conditional use case, and
4 it uses the same standard as what you would have
5 relied upon for FAR. So I don't want to...

6 MS. MOLNAR: Yeah, I just saw it
7 here.

8 MS. RAZIN: I know. It's here
9 because of the Coventry Square -- it's a
10 conditional -- it's a D-3-type case. But that's
11 what the standard is in a sense can the property
12 -- which was what Vice-chair Masciale was saying
13 -- can the site accommodate, can the property
14 accommodate the use? And then you look at the
15 deviation. And then you look at can the Board
16 impose any conditions that would help accommodate
17 or alleviate any negative impacts? And that's
18 what --

19 (Crosstalk.)

20 MS. MOLNAR: It would help to
21 accommodate to get rid of ---

22 MS. RAZIN: I would not say that in
23 any way -- I don't know if the Supreme Court said
24 that -- I just want to want to emphasize --

25 (Crosstalk.)

1 MS. MOLNAR: It says though "the
2 Applicant must show that it will not result in a
3 monstrous" --

4 MS. RAZIN: But I don't know that
5 the Supreme Court said that.

6 MS. MOLNAR: Wherever it came from,
7 I think that's a wonderful planning point that we
8 have to keep in mind. That's why FAR is there to
9 begin with.

10 MS. RAZIN: Right. But the role
11 that I think we have to also think about -- your
12 role is also to think whether or not the site can
13 accommodate it, and then any conditions that can
14 be imposed to alleviate any negative impacts.

15 MS. MOLNAR: And the condition is we
16 reduce it 152 feet.

17 CHAIRMAN FUSARO: Correct. Okay.

18 MS. RAZIN: Well, that would be a
19 different application altogether.

20 MR. MASCIALE: I just want to add
21 another comment. Really, we heard testimony that
22 there're other large houses in the neighborhood
23 and the Applicant, who is not an expert, felt that
24 other houses are larger than his. But none of the
25 lots are consistent, they're all irregularly

1 shaped. So I don't think there's any real easy
2 way to judge because each house has a different
3 square footage. It's not like all of the lots are
4 the same. So from a perspective standpoint, I
5 think it's even more challenging. And I
6 understand the Applicant's frustration seeing
7 other large houses in the neighborhood, but I
8 don't think it's very easy to compare these with
9 each lot in the area.

10 MS. MCCANN: So is the primary area
11 of concern the build above the garage?

12 MR. MASCIALE: It's the FAR, it's
13 the massing. So we're challenged with the floor
14 area ratio and whether or not the additional
15 massing of the house will impact massing in the
16 neighborhood. You know, if you have -- let's say
17 going out in the back and we can't see from front
18 anything and there's no increase in massing
19 visually to the eye; we may look at the FAR
20 differently. Is there a negative impact? That's
21 what our Board attorney was pointing out; it's a
22 criteria. That's what the Board is challenged to
23 look at, and I'm having a hard time with that with
24 your application. I think your plans are
25 wonderful and you're trying to get what you want

1 out of your house, which I would want the same
2 thing, but for the Board to approve it, we're
3 going against what we're dictated to follow, and
4 we're having hard time with your application.

5 MS. MCCANN: I understand that. In
6 speaking with our neighbors -- I know that this is
7 hearsay -- but almost every signal one of them has
8 stated we were wondering when someone would build
9 above the garage, not in shock that we would be
10 doing that, but almost like as if that was the
11 logical progression for our home. So we can work
12 on the square footage, but I think the overall
13 intent of the project is to modernize the home and
14 make it fit for most families in town. And the
15 particular -- like, the massing or the view, which
16 I brought up from the front, has been -- and we
17 have one neighbor here, but we had multiple
18 comments speaking in favor to us after receiving
19 the notification.

20 MR. MASCIALE: This is the
21 challenge, and the criteria for FAR is five
22 affirmative votes. Now, I'm just going to speak
23 for myself and not the rest of the Board, that's a
24 tough hurdle for your to reach with the FAR. My
25 suggestion would be either we could go ahead and

1 vote -- and Mr. Chairman with your input -- either
2 look to get rid of the FAR with the design. I've
3 worked on plans with my house, the more I sat on
4 them, the more I reworked them; the better it was
5 in the long term. It takes time and work. But if
6 you were to go forward with FAR, to get five
7 affirmative votes from this Board, I would rethink
8 that.

9 MS. MOLNAR: Last month, I check
10 with Don Sammet, the house next door to the left,
11 I said did that house on the left need an FAR
12 variance, and he said "no." It's a bigger lot
13 apparently.

14 CHAIRMAN FUSARO: The lot is
15 approximately the same size.

16 MS. MOLNAR: It looks a little
17 wider.

18 MR. MASCIALE: Yeah, the front looks
19 wider. I mean they're all different.

20 CHAIRMAN FUSARO: Yeah. The lot on
21 the left is drawn, believe it or not, a little
22 larger -- it's the exact same dimensions -- it's
23 60-foot across the back, 71.01 feet across the
24 front. They're just on a different curve.

25 MR. O'LEARY: I think it's over

1 10,000, so I think the line for the next lot is
2 10,000. Ours is just under 10,000. I think
3 theirs is over 10,000.

4 CHAIRMAN FUSARO: Any other Board
5 Members want to comment real quick? We have one
6 more application, and we're trying to get through
7 everything tonight which is a rarity for us.

8 MR. MASCIALE: I mean I think the
9 Applicant's either, you know, we do ahead and we
10 vote or...

11 MR. COHEN: Either we're going to go
12 ahead and vote or we're going to --

13 MS. MOLNAR: If we vote, it has to
14 be substantially different --

15 CHAIRMAN FUSARO: No, no, no. I'll
16 explain that. I'll give the options. So here's
17 where we're at. First of all, is there anyone
18 from the audience who wishes to address the
19 application? Please come forward and state your
20 name and address for the record. Thank you for
21 waiting; by the way.

22 MS. SEASTREAM: I'm Sandra, and this
23 is Steven Seastream.

24 MS. RAZIN: I'm sorry, what's your
25 last name?

1 MS. SEASTREAM: Seastream. Sandra
2 and Steven Seastream.

3 CHAIRMAN FUSARO: Address?

4 MS. SEASTREAM: 861 Winyah Avenue,
5 Westfield. We're next to our neighbors Megan and
6 Marc.

7 CHAIRMAN FUSARO: Please raise your
8 right hand.

9 SANDRA and STEVEN SEASTREAM, having
10 been duly sworn, were examined and testified as
11 follows:

12 CHAIRMAN FUSARO: Please proceed.

13 MS. SEASTREAM: So we've been living
14 at that house since 2015, and ever since Megan and
15 Mark moved in next to us -- they have four
16 wonderful little children as they've already said
17 -- and so we've reviewed their plans including
18 what the front would look like with the bedroom
19 over the garage. And we fully support it. I
20 don't feel it will be a huge monster on the block
21 at all. I think it's going to fit in character
22 with the block and street, and I support people
23 investing in their homes.

24 CHAIRMAN FUSARO: Just again, for
25 reference for the Board, are you to the right or

1 to the left?

2 MS. SEASTREAM: From standing at my
3 house or at the street?

4 CHAIRMAN FUSARO: From their house.
5 Standing, looking at the Applicant's house, are
6 you to right or to the left?

7 MS. SEASTREAM: If I'm standing in
8 the street?

9 CHAIRMAN FUSARO: Yes.

10 MS. SEASTREAM: I'm to the right.

11 CHAIRMAN FUSARO: You're to the
12 right.

13 MS. SEASTREAM: To the right,
14 standing in the street. 861 Winyah.

15 CHAIRMAN FUSARO: Your lot is
16 significantly larger than theirs.

17 MR. SEASTREAM: At the risk of being
18 a little bit duplicitous to what actually everyone
19 has been saying, I support it. I have 30 years of
20 living in Westfield. I was born and raised here
21 and went through the school system. And I
22 reviewed their plans as well, and I think it's
23 fantastic. I'm excited for them. And I think it
24 will look fantastic in the neighborhood.

25 CHAIRMAN FUSARO: Thank you. We

1 appreciate your testimony and coming forward.

2 Thank you for waiting.

3 MR. BAILEY: I have a comment.

4 CHAIRMAN FUSARO: Yes, Mr. Bailey.

5 MR. BAILEY: The massing view from
6 the street. So where the second-floor addition is
7 over the garage, it's set back that -- that new
8 wall is set back from the existing second-floor
9 wall 22 feet, so it's not right on top of the
10 street. So most of the proposed addition is in
11 the backyard. So you're driving down the street,
12 you're not seeing the full additions on the front,
13 you're seeing -- and we've pulled it a foot
14 further back from last time -- your 22 feet from
15 the main front wall of the house to that new wall
16 of the primary suite.

17 MR. MASCIALE: I hear what you're
18 saying, Mr. Bailey, but it's still an addition on
19 the front. So the addition, the massing, which
20 makes us really trigger the question evaluating
21 the FAR; which I'm having a hard time. I think my
22 other Board Members are having a hard time
23 evaluating that to approve the floor area ratio.
24 I know what you're saying about the setback, and I
25 like what you did with that, but we're still

1 tackling the massing of the FAR, the criteria the
2 Board has to make a decision on.

3 CHAIRMAN FUSARO: We understand the
4 setback and that's really appreciated. However,
5 as you've heard, some Board Members basically
6 still basically have an issue with the FAR. So
7 here are our options -- here are your options. We
8 can vote on it this evening. If you don't receive
9 five affirmative votes and it is turned down, you
10 cannot come back an application unless it is
11 significantly different than what you've applied
12 for. Or you can go back -- and you've heard our
13 comments again -- try to get closer to the FAR.
14 I'm not saying we're not going to -- FAR is
15 something that we take very seriously -- I'm not
16 saying we're not going to grant an FAR for a
17 couple of square feet or 10 square feet or 5
18 square feet, but 150 square feet over is
19 significant. And the Board, as you've heard from
20 their comments, is still concerned about that. So
21 those are your two options. If you'd like to
22 discuss it and get back to us quickly, I'd
23 appreciate it. We have one more application to
24 go.

25 (Whereupon, Mr. Bailey confers with

1 his clients Megan McCann and Marc O'Leary.)

2 MR. BAILEY: Yeah, we'd like to be
3 carried over.

4 CHAIRMAN FUSARO: You're going to
5 carry. Okay. So we're going to carry you without
6 notice to --

7 MS. MOLNAR: April. April; right?

8 CHAIRMAN FUSARO: I'm sorry?

9 MS. MOLNAR: We're carrying it to
10 April, not March.

11 CHAIRMAN FUSARO: We have one slot
12 in March. We're going to carry you to the
13 March 13th meeting. If for some reason you can't
14 get it to us by then, we'll carry you to the April
15 one. But for now, you're on for March. Fair
16 enough?

17 MR. BAILEY: When do you want the
18 drawings by?

19 MS. BREIEN: Ten days before.

20 CHAIRMAN FUSARO: The drawings, 10
21 days before.

22 MS. RAZIN: March 2, please.

23 MR. BAILEY: March 2.

24 MS. RAZIN: March 2 for the plans,
25 March 13 is your hearing. And if you cannot make

1 it, then on March 13 we'll announce that you're
2 carrying.

3 CHAIRMAN FUSARO: Thank you so much.
4 Enjoy your evening.

5 Our final application of the evening
6 is another continuation carried from our January 9
7 meeting. Application ZBA 22-038, Matthew and
8 Ilene Robinson, 1 Fairhill Road.

9 Applicants are seeing to install a
10 roof over a portion of an existing patio space to
11 create a covered, open-air outdoor space contrary
12 to the Westfield Land Use Ordinance: Section
13 1105E7 where the required rear yard setback is 40
14 feet, and proposed is 20.84 feet. Good evening.

15 MR. ROBINSON: Good evening. Thank
16 you guys for hanging in there for us.

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

19 MR. ROBINSON: Matt Robinson,
20 1 Fairhill Road, Westfield.

21 CHAIRMAN FUSARO: Please raise your
22 right hand.

23 MATTHEW ROBINSON, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: Please tell us

1 about your application or would you prefer to have
2 your architect go first?

3 MR. ROBINSON: We'll be short. I'm
4 just going to hand him the floor.

5 CHAIRMAN FUSARO: Name and address
6 for the record.

7 MR. APPEL: Laurence Appel,
8 principal of Appel Design Group Architects in
9 Florham Park, New Jersey.

10 CHAIRMAN FUSARO: Please raise your
11 right hand.

12 LAURENCE APPEL, having been duly
13 sworn, was examined and testified as follows:

14 CHAIRMAN FUSARO: Welcome back,
15 Mr. Appel. We're familiar with your application.
16 You've heard the Board's comments from last time.

17 MR. APPEL: Yes.

18 CHAIRMAN FUSARO: Hopefully, you've
19 listened to them and made some revisions. Please
20 continue.

21 MR. APPEL: Yes, and thank you all.
22 I know it's late and I'll try and go quickly. We
23 listened very carefully to the Board's comments at
24 the last meeting. We gave careful thought on how
25 to address. We have resubmitted three drawings

1 dated 1/19/23, that's Drawing V-0, V-1, and V-2.
2 V-3, our Existing Photos; this was not reissued.
3 As you recall, the application was to add a roof
4 over a portion of the current patio space to
5 enable the homeowner to have a covered outdoor
6 space. The proposed area is open-air. The cover
7 will permit protection from sun and rain and allow
8 the family and guests to use the rear yard and
9 spaces like that year-round. We worked hard to
10 look at how to address and we've made the
11 following changes. The original covered patio was
12 28 feet by 19 feet. We've reduced this
13 substantially down from 28 feet to 19-foot-6; so
14 under 20 feet. What's interesting is that this
15 brings the leading corner -- and I'm referring to
16 Drawing V-0 -- it brings that leading corner at
17 the north side down right to that rear yard
18 setback corner. Now, the side yard, which is the
19 north side, the setback increased from 17.72 feet
20 to 23.36 feet which exceeds the required minimum
21 setback which is only 15 feet. At the opposite
22 side, so this would be the other yard, is actually
23 a rear yard, which increased from -- normally,
24 this would be a side yard on a lot like this, it's
25 actually because of the configuration of the

1 property, it's a rear yard. So, normally, it
2 would only be 15 feet, but in this particular
3 case, it's 40 feet. So the rear yard, which is
4 the south side of the property, the setback
5 increased based on reducing the size of the
6 covered patio. It increased from 20.84 to 27.34,
7 while 40 feet is permitted.

8 Now, again, we feel that this feels
9 more like a side yard when you look at the
10 property in the context that's both from the
11 street, from the neighbors, and everything like
12 that. But this is what we're dealing with. To
13 the rear corner of the site -- so I'm pointing
14 from the rear of the proposed covered patio to the
15 corner of the site -- the setback increased from
16 36.51 feet to 45.01 feet. So we're now in excess
17 of the minimum rear yard setback at that corner.
18 So all of the coverage numbers improved, but they
19 were all conforming beforehand. This is not an
20 overbuilding of this lot. These are all okay on
21 the coverage, we just got a little bit better. I
22 won't go through all those number because I'm not
23 sure that it's really relevant.

24 Another thing that we changed -- I'm
25 going to refer to Drawing V-2. We had a perimeter

1 low-stone wall. In order to lighten things up, we
2 removed that wall. We believe that it provides a
3 little bit more of an open space as well even
4 though this is opened up on three sides. Getting
5 rid of that low wall we felt lightened it up a
6 little bit. We did look at other options in here.
7 We did lower the roof. We sent emails back and
8 forth with the client and looked at it. It kind
9 of looked a little strange because it didn't look
10 quite as integrated. And as a result of doing it,
11 it would have left up the top portion over here
12 where the chimney was a rake board and it just
13 felt kind of odd just floating. It just wasn't
14 very integrated with the design. We also looked
15 at other places that we could try to incorporate
16 on this use rather than the rear. Actually, we
17 felt that it impacted the neighbors far more. It
18 would be visible from the front street because of
19 the way the lot is configured. This lot is
20 configured on the curve of the road and it is a
21 pie-shaped lot. It's unusual.

22 Kind of, in short, we believe that
23 the addition is well-integrated architecturally.
24 Due to the design of the existing house and the
25 placement of the lot there really is not any

1 practical place to add this that makes sense with
2 the property as well as we believe that many of
3 those other locations where we could build this
4 within the setback would actually impact the
5 neighbors more. And we did look at all of this.
6 At the prior meeting, one of the neighbors was
7 here speaking in support. They're not here, but I
8 don't think anything changes. We've only made it
9 smaller than it was before.

10 As previously discussed, these
11 outdoor spaces both are valuable and practical.
12 We see a lot more of these types of spaces.
13 Really, I think it was something that just got
14 accelerated from Covid and the pandemic. As a
15 reminder, this is an existing patio. The use is
16 already there. It's being used in this manner.
17 We're just trying to put a roof to provide some
18 cover, and we believe we've done so well
19 integrated with the architecture. There're no
20 other changes proposed at this time. We believe
21 that the roofed area does not encroach. The
22 project beyond the rear setback -- (brief
23 interruption) -- due to the unique configuration,
24 what normally would have been a side yard is now a
25 rear yard.

1 We believe that this is -- this and
2 the unique shape of the property is what caused
3 the hardship. The relationship of the adjacent
4 houses both to the right and left, we feel that
5 the houses share side yards to those houses. The
6 proposed structure is not enclosed, it's a single
7 story and is located in an area of the property
8 behind this there is no house. It is an empty,
9 wooded area of a lot. So there is no person
10 directly behind. There's no house directly
11 behind. In addition, there is substantial
12 screening and vegetation at the property line on
13 both sides of the property. So all of these
14 things we believe that -- in our professional
15 opinion, we believe that the project will not
16 negatively impact the neighbors or the
17 neighborhood. And this project can be granted
18 successfully without any perceived detriment to
19 the public good.

20 CHAIRMAN FUSARO: Thank you,
21 Mr. Appel. A couple of -- and I appreciate you
22 listening to our comments and making revisions. I'm
23 looking at my notes here from the previous meeting
24 and I see that you are not increasing -- I had
25 asked if you were enlarging the patio area, and

1 your response was "no." I assume that's still the
2 same?

3 MR. APPEL: That's correct.

4 CHAIRMAN FUSARO: Is there a fence
5 along the property line? I think I asked that
6 last time. I don't recall.

7 MR. ROBINSON: Only on one side. So
8 if you're looking at the house, it's the house to
9 the right, has a black wrought iron fence. The
10 other side, where our neighbor came, has the
11 trees.

12 CHAIRMAN FUSARO: Understood. Okay.
13 I appreciate the reduction. Approximately, 162
14 square feet was removed. One quick -- I want to
15 call it a "comment" or "correction" your V-0
16 drawing, which is the one you have there.

17 MR. APPEL: Yes.

18 CHAIRMAN FUSARO: The rear yard
19 setback is still listed as 20.84, and I believe
20 you said that's 27.34; is that correct? On the
21 chart. On the chart. Right where Number 3 is on
22 the chart. Your revision Number 3, it says
23 "20.84." That should be 27.34; correct?

24 MR. APPEL: You're correct, one
25 hundred percent. It's corrected on the drawing,

1 but not on the table.

2 CHAIRMAN FUSARO: I understand. I
3 was confused as you eliminated 162 square feet,
4 yet, the setback was the same; that's impossible.
5 So it's just a typo. Got it. Again, I appreciate
6 the modifications. You listened to our comments,
7 and I certainly don't have any issues with what's
8 being proposed.

9 Is there anyone from the audience
10 who wishes to address the application? Since it's
11 just the reporter, I'm going to close that portion
12 of the meeting. Anything else you'd like to add
13 before we open it up to Board discussion?

14 MR. ROBINSON: Thank you for your
15 time again.

16 CHAIRMAN FUSARO: You're good.
17 Mr. Appel?

18 MR. APPEL: Yes, thank you.

19 CHAIRMAN FUSARO: Opening up to
20 Board discussion; you've basically heard the
21 Applicant and their architect. They've reduced
22 the size significantly. And we've also heard why
23 in a normal condition that would really be a side
24 yard setback. However, due to the unique
25 configuration of the lot, it is perceived to be a

1 rear yard setback. So now, we have a reduction of
2 basically the depth of this addition going from 28
3 feet to 19-foot-8 with it basically staying the
4 same. So I have no issues with the revisions
5 having been made. I want to thank the Applicant
6 and the architect for working with us. Any Board
7 Members have any questions or comments they'd like
8 to add?

9 MR. SONTZ: It's a 30% reduction. I
10 have the old drawing compared to the new drawing
11 and it definitely looks more in line with what I
12 think should be there. So I think it's fine.

13 CHAIRMAN FUSARO: Anyone else?

14 MR. MASCIALE: I really like the
15 open air. Getting rid of the wall really opened
16 it up. And I'm in favor of the application.

17 CHAIRMAN FUSARO: The one addition
18 that I would add which is what we normally add is
19 that it remains open on three sides. So having
20 said that; may I --

21 MS. MOLNAR: One question. You
22 still have all that kitchen equipment there;
23 right?

24 MR. APPEL: Yes.

25 MS. MOLNAR: You took out the sides

1 wall?

2 MR. APPEL: Correct. Well, there
3 were no side walls. It was a rear wall.

4 MS. MOLNAR: It was a rear wall.
5 You can always use furniture to give it that
6 feeling.

7 MR. APPEL: Correct. It was a
8 screen to give it a little -- we tried to do what
9 we can to lighten it up a little bit.

10 CHAIRMAN FUSARO: May we have a
11 motion?

12 MR. SONTZ: Motion to approve
13 subject to the condition that it remain open on
14 three sides.

15 MR. REISEN: Second.

16 CHAIRMAN FUSARO: Second,
17 Mr. Reisen. Jenny?

18 MS. MANCE: Mr. Cohen.

19 MR. COHEN: Yes.

20 MS. MANCE: Mr. Sontz.

21 MR. SONTZ: Yes.

22 MS. MANCE: Ms. Molnar.

23 MS. MOLNAR: Yes.

24 MS. MANCE: Chairman Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MS. MANCE: Vice-chair Masciale.

2 MR. MASCIALE: Yes.

3 MS. MANCE: Mr. Eilbacher.

4 MR. EILBACHER: Yes.

5 MS. MANCE: Mr. Reisen.

6 MR. REISEN: Yay.

7 CHAIRMAN FUSARO: Your application
8 is approved. May I have a motion to adjourn?

9 MR. MASCIALE: So moved.

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12 (The meeting was adjourned at

13 11:12 p.m.)

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