

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**January 11, 2021**

The Westfield Board of Adjustment met on Monday, January 11, 2021. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

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

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

**REGULAR MEETING:**

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

Diane Dabulas, Board of Adjustment Attorney, gave a brief statement explaining the Board's powers, purpose, and criteria for granting variances.

ROLL CALL: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen  
Matt Sontz, Charles Gelinias, Samuel Reisen  
ABSENT: Allyson Hroblak  
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the December 14, 2020, meeting. Frank Fusaro made a motion to adopt the minutes; Sam Reisen seconded.

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

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the December 14, 2020, meeting:

**Ernest Fantini, 787 West Broad Street**, application approved with conditions.

**Zachary & Ashley Ostrowski, 501 Topping Hill Road (510 Kimball Turn)**, application approved with conditions.

**Anthony DeFoe, 714 Austin Street**, application approved with conditions.

**Gregory & Halliston Heintz, 218 Seneca Place**, application approved with conditions.

**Westfield Senior Citizens Housing Corp., 1129 & 1133 Boynton Avenue**, extension approved.

Frank Fusaro made a motion to adopt the resolutions; Sam Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Carla Bonacci, Eldy Pavon, Michael Cohen  
Matt Sontz, Charles Gelinias, Samuel Reisen

OPPOSED: None

ABSTAINED: None

ABSENT: Allyson Hroblak

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

Chairman Masciale made the following announcement:

The following applications have been carried to the February 8, 2021, meeting:

**Francis Scott Ferraro, 712 Oak Avenue**

**Monica Alvarez & Alvaro Quintana, 158 North Euclid Avenue**

**Howard & Nadine Mandel, 25 North Wickom Drive**

The following application has been withdrawn:

**Alexander & Annemarie Lawrence, 29 Moss Avenue**

**EXTENSION OF TIME:**

**Ryan & Lori Spector, 132 Marlboro Street**

Applicant is requesting a one-year extension of previous approval.

Chairman Masciale swore in Lori Spector. Ms. Spector stated she is requesting an extension of one year. The plans remain unchanged, but due to COVID, the project has not been pursued.

Opened to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed there was not an issue with approving the one-year extension.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Sam Reisen seconded.

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

Motion carried.

Extension approved.

**Matt & Julie Sachs, 24 Hawthorn Drive**

8/20/2020

Applicants are seeking approval to construct an addition contrary to Section 11.06E7, 11.06E5, 12.04F1, 12.04E1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21.94%. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 19 feet. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 14.4 feet. Ordinance allows a maximum floor area ratio of 32% (3,600 square feet). Proposed is 36.25% (3,727 square feet). **Application deemed complete on October 26, 2020. 120 day decision date is February 23, 2021.**

Chairman Masciale swore in Matt & Julie Sachs and their architect Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Sachs stated they bought the home in August, and are looking to make the home more comfortable for their growing family.

Mr. Algarin stated there is not any work proposed on the first floor, the building coverage is only being increased by 17 square feet because of a window seat on the second floor which is cantilevered; the footprint of the home is not changing. There will be a second-floor addition built over the first-floor footprint, which will add a master bedroom suite, an additional bedroom, laundry room, and a walk-in closet. There are existing non conformities as the lot is undersized for the RS-12 zone; 12,000 square feet is required and the lot is only 10,280 square feet. We are increasing the building coverage only by 17 square feet, which already over at 21.77% and we are proposing 21.94%; if the lot conformed, we would be under the building coverage. The rear yard setback of 19 feet is existing and the street side yard setback is currently 14.4 feet, and we are not increasing either of those setbacks. The last variance is for the f.a.r., we have an undersized lot and as a result of adding the second floor, we are adding 994 square feet to the house. If we had a conforming lot, we would be at 31% for the f.a.r. but we would still be over by 127 square feet. The garage is large, it is 450 square feet and is adding to the f.a.r. Mr. Algarin stated the home is a unique corner location at the end of Hawthorn Drive, and there are only 4 houses which includes the subject property. Photos of homes in the neighborhood were shown to show the work would be consistent with the neighborhood.

Opened to the public for questions and comments.

Matt Grier (23 Hawthorn Drive) stated he reviewed plans and believes it is in spirit with the other homes in the neighborhood, and he approves of the plans.

Closed to the public for questions and comments.

The Board was concerned about the addition being large and the proposed f.a.r., but the lot being undersized and the placement of the house is a hardship; the Board agreed without the hardship factor it would be difficult to approve what is being requested.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz, Carla Bonacci, Charles Gelinis

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Allyson Hroblak

Motion carried.

Application approved.

**Evan Molloy, 846 Cedar Terrace**

8/27/2020

Applicant is seeking approval to construct an addition contrary to Section 11.08E6 and 12.04F1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21.81%. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 6.56 feet.

**Application deemed complete on October 26, 2020. 120 day decision date is February 23, 2021.**

Chairman Masciale swore in Evan & Kirsten Molloy, and their architect David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. Molloy stated we are looking to demolish an existing screen porch and build a two-story addition. We cannot use the porch in cold weather and this addition would allow us to build a mudroom and sunroom on the first floor, and a walk-in closet and a new master bathroom on the second floor. The current porch extends 12 feet into the rear yard, but the addition would only extend 10 feet into the rear yard setback.

Mr. Bailey went through the plans with the Board, and stated we are proposing to tear down the screen porch and build an addition across the back of the house which will only go back 10 feet. There will be an addition of a mudroom and portico, a sunroom addition that open with half walls into the family room, and we are putting up new wall to create a vestibule to enter the guest room and bath. On the second floor we are adding a full master bathroom and a walk-in closet. The side yard setback variance is an existing non-conforming condition and the sunroom does not extend any further into the existing side yard. The building coverage exceeds the maximum because the existing two-car garage is larger than what is required for the zone. If the existing garage was replaced with a smaller garage, the building coverage variance would not be needed. The proposed addition is only 106 square feet over the maximum allowed building coverage.

Opened to public questions and comments. None. Closed to public questions and comments.

The Board felt there were not be any impact to the neighbor with the side yard setback, and liked that the addition is pulled in on the second floor. The overage on coverage is 165 square feet which is not significant and the architect did a good job with the plans.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,  
Carla Bonacci, Charles Gelinias

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Allyson Hroblak

Motion carried.

Application approved.

**Jeffrey Singer, 1141 Tice Place**

9/18/2020

Applicant is seeking approval to construct a patio and outdoor kitchen contrary to Section 12.04F1, 12.04F2, 12.04F3 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20% (3,600 square feet). Proposed is 20.2% (2,398 square feet). Ordinance allows an additional coverage by a deck of 2%, but not above 400 square feet. Proposed is 5.18%/615 square feet. Ordinance allows a maximum building coverage with a deck and porch of 24%, not to exceed 420 square feet. Proposed is 26.31%, 749 square feet. **Application deemed complete on November 5, 2020. 120 day decision date is March 5, 2021.**

Chairman Masciale swore in Melanie & Jeffrey Singer. Mr. Singer stated we are requesting a variance for a patio in our backyard. We had to replace our existing patio, which settled and sunk in a few areas. The house is raised so we designed a new patio with three steps to a raised level and two more steps down to a lower level. This design was more functional and accessible for our family to get outside and visit with COVID. We have 3 steps that are above 12 inches, it was designed to be below 12, but with the grade it is about 12 inches. Also, we installed a counter and refrigerator and enclosed the grill which counts toward building coverage. Mr. Singer looking at the survey referenced the areas that were over 12 inches, he stated where the stairs meet the house it is 11 inches, but at the edge of the house it is slightly over 12 inches, and where the patio meets the grass it is over 12 inches there as well. The lower level of the patio is ground level and under the 12 inches. Lyndsay Knight stated any portion of the patio that is more than 1-foot above grade is considered to be a deck and is included in the additional coverage by decks. The ordinance permits 2% but not above 400 square feet and 5.18%/615 square feet is proposed. There is also a front porch so the increase in the deck triggers the need for a variance for the maximum coverage with a porch; the lot is permitted to have 24%, and 26.21% is proposed. The addition of the outdoor kitchen brings the building coverage to 20.2% where a maximum of 20% is allowed. Mr. Singer stated a neighbor called to complain about the dust being created from the contractors cutting the stone to make the patio, and every issue that was raised by the neighbor was addressed. Several trees were added for screening, a total of 5 arborvitaes, 3 that are 15 feet tall and 2 arborvitaes 8 feet tall along the right side where the grill is located; there is also a 6-foot fence for screening. We were not made aware a permit was necessary until a neighbor called and the construction official visited and confirmed that patio and kitchen needed permits. When we applied for permits it was determined that the variances would be needed.

Open to public comments and questions.

Jennifer Sinocchi (460 Otisco Drive) stated she is a backyard neighbor, and there is tremendous privacy. She stated she did look at the work when it was finished, and it something that was built in proportion with the applicant's home and property.

Closed to public comments and questions.

The Board believed the testimony was credible and the applicants were not aware that the upper patio counts towards coverage. The applicants did install some screening, the patio does not have any negative impact to the neighbors, and it is fitting with the home. The overage of .2% with outdoor kitchen is minor, and most people do not know the ordinance that if a patio is over 12 inches, it is considered a deck. A condition was suggested that the applicants maintain the arborvitaes screening the adjacent property.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve with the suggested condition; Michael Cohen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,  
Charles Gelinis  
OPPOSED: Carla Bonacci  
ABSTAINED: Samuel Reisen  
ABSENT: Allyson Hroblak

Motion carried.

Application approved with conditions.

**Kenneth & Nancy Leonard, 206 Dickson Drive**

9/11/2020

Applicant is seeking approval to widen the driveway contrary to Section 17.05A of the Land Use Ordinance. Ordinance allows a maximum driveway width of 24 feet. Proposed is 33 feet at the house. **Application deemed complete on November 9, 2020. 120 day decision date is March 9, 2021.**

Chairman Masciale swore in Kenneth & Nancy Leonard. Ms. Leonard stated they built a house by Tamaques Park and the current driveway is 24 feet wide but cannot be same at the street, it tapers down to 12 feet wide at the curb. We would like to add more room to the driveway and make it 33 feet at the garage end so that the homeowner can turn around and leave the driveway front first so that they can go left or right with a total view of an existing utility pole. The street is one way into Tamaques Park so most cars enter from Willow Grove to Dickson Drive to park. It is impossible to back out and do a 90 degree turn to miss the pole so that you can go left towards Willow Grove Road. We did get an estimate of \$10,000 by PSEG to remove the utility pole at the end of the driveway, but it was indicated by a neighbor the pole removal could cost anywhere up to \$40,000. Ms. Leonard stated as a builder we were trying to make the most sense of using the driveway with existing pole remaining.

A was permit was issued and approved in 2019 for the home which was to be built with an 18.75-foot driveway that included the pole being removed to accommodate the driveway which was indicated on the plan prepared by EKA Associates. There are a lot of safety concerns with the plan that was presented, and the Board was not in favor of what was being proposed. It was the responsibility of the builder to have budgeted the cost to have PSEG remove the pole or to have built the house so you can safely maneuver a vehicle out of the driveway with the pole in place. The Board gave the applicants the opportunity to get an actual quote for the cost of

removing the pole or come up with a better solution for the driveway. The application was carried to the February 8th meeting without need for further notice.

**Simon Block, 527 Coleman Place**

8/13/2020

Applicant is seeking approval to construct a garage contrary to Section 13.01GA, 12.04F1, 12.04G of the Land Use Ordinance. Ordinance requires a minimum rear yard setback for an accessory structure of 5 feet. Proposed is 0.9 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 30.89%. Ordinance allows a maximum improvement coverage of 50%. Proposed is 56.60%. **Application deemed complete on November 10, 2020. 120 day decision date is March 10, 2021.**

Chairman Masciale swore in Simon and Tamara Block, and their architect Andrea Carminio (515 Coleman Place). The Board accepted Ms. Carminio's credentials as a licensed architect.

Mr. Block stated we are looing to replace our garage which was destroyed when a tree in our backyard fell and crushed the existing garage. The garage will be rebuilt in the same spot as the previous garage.

Ms. Carminio stated looking at the tax map, the lot is 25% smaller than what is required in the RS-6 zone, and lot depth is also 28 feet shorter. The application is over on lot coverage and improvement coverage; a building coverage of 30.89% is proposed where 20% is the maximum, and an improvement coverage 56.60% is proposed where 50% is the maximum allowed. The garage will be 5 feet from the side yard setback which will conform with ordinance, but it will be .9 feet from the rear yard setback where a minimum of 5 feet is required. The rear yard setback of .9 feet is the same location of the previous garage. If we were to move the garage to comply with the 5-foot rear yard setback, we would less than 6 1/2 feet from the existing deck and cutting off a lot of the property.

Open to public questions and comments.

Scott Orr (523 Coleman Place) confirmed that garage was demolished and prefers to have the garage located where it was previously, and does not have any issue with the plan.

Closed to public questions and comments.

The Board felt there is a hardship with the size of the property, and the garage size is minimal but functional.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz, Carla Bonacci, Charles Gelinaz

OPPOSED: None

ABSTAINED: Samuel Reisen

ABSENT: Allyson Hroblak

Motion carried.

Application approved.

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Chairman Masciale announced the following applications are carried to the February 8th meeting:

**Neil Dias, 1416 Boulevard**  
**Stephanie Nash, 237 Munsee Way**  
**David & Amy Nathanson, 1 Breeze Knoll Drive**  
**Daniel Jemal, 16 Breeze Knoll Drive**  
**Cara Tabatchnick, 1000 Wychwood Road**  
**Alex Mednick & Allison Stone, 621 Short Hills Court**  
**Pawel Kierzkowski, 171 Tudor Oval**  
**Thomas Sevchuk, 888 Winyah Avenue**

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**Christine Escribano, 415 Mountain Avenue**

8/27/2020

Applicant is seeking approval to construct a driveway turnaround, patio expansion, and a front and rear porch addition contrary to Section 12.03D, 13.02I, 12.04G, 12.04F1, 17.05A of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is 16.15 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 21.39%. Ordinance allows a maximum improvement coverage of 50%. Proposed is 57.2%. Ordinance requires a minimum setback of 5 feet for a patio. Proposed is 2.5 feet. Ordinance allows a maximum driveway width of the 24 feet. Proposed is 31 feet. **Application deemed complete on November 10, 2020. 120 day decision date is March 10, 2021.**

Chairman Masciale swore in Christine Escribano and John Pizzi. Ms. Escribano stated she just recently moved into the home. She is looking for a front porch addition and to create a better outdoor living space. The current patio is mostly mud and grass and was existing when she purchased the house; it is in very poor condition. Mr. Pizzi went through the proposed plans to give an overview of what is being proposed. He stated the project includes a front porch addition that will be 268 square feet which is common throughout the neighborhood and should fit in with the area. The porch on the home to the left of us is actually closer to Mountain Avenue than what we are proposing so the porch will not stick out further than the neighbor's porch. We are looking to replace the rear porch which would be about 118 square feet. The lot is irregularly shaped and is under the required 8,000 square feet for the zone. A concrete patio is proposed where the existing patio is now along with a seating area, a paver walkway, and a paved area for the barbeque grill. A turnaround area is proposed out front, Mountain Avenue is very busy and with the neighbor's shrubs, it is difficult to get out of the driveway. There is substantial landscaping proposed with a lot of trees and shrubs to screen the turnaround area. We tried to soften the appearance of the turnaround as much as we could. The interior has been fully renovated and we are trying to renovate the exterior of the property as well.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Scott Turner (261 Cleveland Avenue, Highland Park). The Board accepted Mr. Turner's credentials as a licensed engineer.

Mr. Turner gave the reasoning behind the location of the proposed patio. There is an existing patio that is 4 1/2 feet from the side property line and there is also a wooden fence there. The logic behind the patio situated 2 1/2 feet off the property line was we needed the space large enough to fit a table and be able to walk around. If were to pull that dining area back to 4 1/2 feet it would make everything very tight. The existing fence will be removed and a new vinyl fence is proposed to screen the patio. We are mitigating the variance with a new fence and

landscaping. The seating area was not put in the rear of the house to keep open lawn space. Since there was brick on already on the that side of the house and an existing patio, it would have the least impact to the existing backyard. There are three existing non conformities, we are deficient on lot area, lot depth, and there is an existing non-conforming side yard setback for the garage. There are 5 additional variances being requested. As far as the turnaround area, there is a significant safety concern trying to back out of the driveway. It is very close to the bend on Mountain Avenue and there is a very limited sight area. The homeowners are not using it as a parking space but just area to turnaround and go out with the car front facing.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Allison Coffin (823 West Park Avenue, Ocean). The Board accepted Ms. Coffin's credentials as licensed planner.

Ms. Coffin stated the lot is 7,603 square feet, contains a two story, three-bedroom dwelling, and a detached garage. The applicant is proposing a covered front porch a rear porch addition, expanding the patio, creating a safety turnaround, the fencing will be replaced, and we will be installing sufficient landscaping. Located in the RS-8 zone, there are three existing nonconformities on the property, the lot area which is 7,603 square feet where 8,000 square feet is required, a lot depth of 120 feet is required and 115.80 feet is existing, and the setback of the existing garage. A front yard setback of 16.15 feet is proposed where a 25-foot setback is required, the building coverage will be increased from 19.4% to 21.4%, the patio will require a side yard setback variance of 2.5 feet where 5 feet is required. A variance for improvement coverage is needed as 50% is the maximum allowed and 57.2% is proposed. A driveway width of 24 feet is permitted and 31 feet is proposed. The variances requested can be granted under the C1 and C2 standards. The lot depth shortage is an existing condition and the lot being undersized at 7,603 square feet in a zone where 8,000 square feet is required is not going to change. The magnitude of the relief requested is being impacted by the existing undersized nature of the lot. Also, the lot is angled along the front which affects the front yard setback and because of it the front porch addition will be angled. The driveway width of 33 feet which is increasing the lot coverage to a nonconforming amount provides a significant increase to public safety. There is a severe curve with existing landscaping on the adjacent lot that impedes the visibility of exiting the property. The creation of the turnaround will serve as a benefit to public safety. All the variances allow for improvements of the site which are appropriate and aesthetically attractive uses for the residents and improves the visual environment of the neighborhood. The front porch addition is in keeping with the visual character of the neighborhood, 4 out of 7 homes on side the where the subject property is located have front porches, and 4 out of 5 homes on the other side of Mountain Avenue have porches as well. Part of the proposed plan includes replacing a mix of patio surfaces and grass that are in poor condition with more cohesive patio materials that are more appealing along with providing sufficient buffering of the patio. The porch which will intrude into the front yard setback is open so will it will have less of an impact on light, air, and open space. Ms. Coffin stated the benefits outweigh any detriments, and positive reasons exist for granting the variances which will not have any impact on the public good, nor impair the master plan or zoning ordinance.

Opened to the public for questions and comments. None. Closed to the public for questions and comments.

The Board felt what was being proposed is a sizeable dining area on the side of the house that impacts the side yard setback; it should be moved to the rear yard. There is a safety issue so the turnaround is warranted, but there is a lot going on with the improvement coverage at 57.2%. The Board understood the front porch request, but did not see the hardship for the side patio. The applicant agreed to revise the application, and it will be carried to the February 8th meeting.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:07 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary