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TOWN OF WESTFIELD  
BOARD OF ADJUSTMENT

IN RE :  
PUBLIC HEARING :  
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TRANSCRIPT OF PROCEEDINGS  
Monday, February 14, 2022  
Municipal Building  
425 East Broad Street  
Westfield, New Jersey  
Commencing at 7:30 p.m.

*\*Meeting held virtually via Zoom\**

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B E F O R E:

- FRANK FUSARO, CHAIRMAN
- CHRIS MASCIALE, VICE-CHAIRMAN
- MICHAEL COHEN, MEMBER
- ALLYSON HROBLAK, MEMBER
- MATT SONTZ, MEMBER
- CAROL MOLNAR, MEMBER
- CHARLES GELINAS, FIRST ALTERNATE
- SAMUEL REISEN, SECOND ALTERNATE
  
- DON SAMMET, ZONING OFFICIAL/PLANNER

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

STICKEL, KOEING, SULLIVAN & DRILL, LLC  
BY: KATIE RAZIN, ESQ.  
Attorney for the BOARD

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WITHDRAWN

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1 LINCOLN PLAZA

STAN & JESSICA KOPEC #21-37 (CARRIED TO MARCH 14)  
119 SOUTH SCOTCH PLAINS AVENUE

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920 IRVING AVENUE 18

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P R O C E E D I N G S  
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CHAIRMAN FUSARO: Good evening.

This is the regular meeting of the Westfield Board of Adjustment. If everyone can please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Thank you. This is a regularly scheduled meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board of the town hall, mailing of notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk of the Town of Westfield. All in accordance with the requirements of the Open Public Meeting Act.

Katherine Razin, the board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

1 MS. RAZIN: Good evening. Last  
2 month, I explained that one of the roles of the  
3 Board of Adjustment is to hear and grant or deny C  
4 and D-type Variances. In addition, the Board also  
5 has the ability to hear and decide on appeals of  
6 the zoning officer and the zoning ordinance under  
7 Sections 70A and B of the Municipal Land Use Law,  
8 and to make interpretations and rulings on those  
9 appeals when asked to do so by applicants.

10 CHAIRMAN FUSARO: Thank you, Katie.

11 MS. RAZIN: Thank you.

12 MR. SAMMET: Shall I take the roll,  
13 Mr. Chair.

14 CHAIRMAN FUSARO: Yes. Do we want  
15 to swear in Don, first, Katie?

16 MS. RAZIN: Sure. Why don't we do  
17 the roll first and then I'll swear him in.

18 MR. SAMMET: Roll call for tonight's  
19 attendance. Mr. Cohen.

20 MR. COHEN: Here.

21 MR. SAMMET: Mr. Fusaro.

22 CHAIRMAN FUSARO: Here.

23 MR. SAMMET: Ms. Hroblak.

24 MS. HROBLAK: Here.

25 MR. SAMMET: Mr. Masciale.

1 MR. MASCIALE: Here.

2 MR. SAMMET: Ms. Molnar.

3 MS. MOLNAR: Here.

4 MR. SAMMET: Ms. Pavon is absent  
5 this evening. Mr. Sontz.

6 MR. SONTZ: Here.

7 MR. SAMMET: Mr. Gelinias.

8 MR. GELINAS: Here.

9 MR. SAMMET: And Mr. Reisen.

10 MR. REISEN: Present.

11 MR. SAMMET: Thank you, everyone.

12 (Whereupon, DON SAMMET, was duly  
13 sworn.)

14 CHAIRMAN FUSARO: Moving right  
15 along. Our next order of business is the approval  
16 of the minutes from our last meeting. Has anyone  
17 had a chance to review the minutes?

18 MR. MASCIALE: Yes.

19 CHAIRMAN FUSARO: Any adjustments,  
20 comments, questions, concerns?

21 MS. MOLNAR: Yeah. The minutes are  
22 usually nine pages long, this was 133 pages.

23 CHAIRMAN FUSARO: It's 233 pages,  
24 actually, and it's a new format that I guess the  
25 Board will be using since we have a stenographer



1 with us. I'm assuming that going forward this is  
2 the format that we'll be receiving them in. Is  
3 that correct, Maria?

4 MS. BREIEN: (Indicating.)

5 CHAIRMAN FUSARO: She's nodding her  
6 head "yes." We can discuss it a little further at  
7 some point, Carol, and if we need to make some  
8 modifications, we'll certainly do the best we can.  
9 Having heard that there are no changes to last  
10 month's meeting minutes, can I have a motion to  
11 approve the minutes?

12 MR. MASCIALE: So moved.

13 CHAIRMAN FUSARO: A second.

14 MS. MOLNAR: Second.

15 CHAIRMAN FUSARO: All in favor.

16 BOARD MEMBERS: Aye.

17 CHAIRMAN FUSARO: Opposed. I see  
18 none opposed. The minutes are approved.

19 We have the memorialization of  
20 resolutions from the January 31st meeting. Has  
21 everyone had a chance to review the resolutions?

22 MR. MASCIALE: Yes.

23 MR. SAMMET: Mr. Chairman, I think  
24 we're going to take a roll call vote on each  
25 resolution at the recommendation of legal counsel.

1                   CHAIRMAN FUSARO: Yes. I saw that  
2 the format has changed slightly from what we've  
3 done previously. So that will be fine.

4                   The first resolution is 544 Coddling  
5 Road. Mr. Benjamin Leavitt. Everyone has  
6 reviewed the resolution, are there any questions  
7 or comments? No. May I have a motion to approve  
8 that resolution?

9                   MR. MASCIALE: So moved.

10                  MS. MOLNAR: Second.

11                  CHAIRMAN FUSARO: Roll call,  
12 Mr. Sammet.

13                  MR. SAMMET: I saw Mr. Masciale,  
14 seconded by Ms. Molnar.

15                  CHAIRMAN FUSARO: Yes.

16                  MR. SAMMET: Mr. Fusaro.

17                  CHAIRMAN FUSARO: Yes.

18                  MR. SAMMET: Mr. Masciale.

19                  MR. MASCIALE: Yes.

20                  MR. SAMMET: Ms. Molnar.

21                  MS. MOLNAR: Yes.

22                  MR. SAMMET: Mr. Cohen.

23                  CHAIRMAN FUSARO: You're on mute,  
24 Michael. We can't hear you.

25                  MR. SAMMET: If can nod your head in

1 the affirmative. He's nodding in the affirmative.

2 MR. COHEN: (Indicating.)

3 MR. SAMMET: Ms. Hroblak.

4 MS. HROBLAK: Yes.

5 MR. SAMMET: And Ms. Pavon is  
6 absent. I believe Katie that is who is eligible  
7 to vote on this particular resolution.

8 MR. SONTZ: Am I not eligible to  
9 vote?

10 MS. RAZIN: Who said that?

11 MR. SONTZ: Matt Sontz.

12 MR. SAMMET: Mr. Sontz.

13 MR. REISEN: Hold on one second.

14 MR. SAMMET: Oh, I see. Hold on.

15 It carries on the next page. Forgive me.

16 Mr. Sontz.

17 MR. SONTZ: Yes.

18 MR. SAMMET: Mr. Reisen.

19 MR. REISEN: Yes.

20 MR. SAMMET: I apologize for that.

21 CHAIRMAN FUSARO: The resolution is  
22 approved.

23 The next resolution we had a  
24 revision to. So please, hopefully, everyone had a  
25 chance to review that revision. It's the

1 application for 244 Canterbury Road. Sue Seeley  
2 and David Herman. Any questions, comments, or  
3 revisions to that resolution. Seeing none. May I  
4 have a motion to approve the resolution?

5 MR. MASCIALE: So moved.

6 MS. MOLNAR: Second.

7 CHAIRMAN FUSARO: So moved by  
8 Mr. Masciale. Seconded by Ms. Molnar. Don,  
9 please call the roll.

10 MR. SAMMET: Mr. Fusaro.

11 CHAIRMAN FUSARO: Yes.

12 MR. SAMMET: Mr. Masciale.

13 MR. MASCIALE: Yes.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MR. SAMMET: Mr. Cohen. Mr. Cohen  
17 is nodding his head in the affirmative.

18 MR. COHEN: (Indicating.)

19 MR. SAMMET: Ms. Hroblak.

20 MS. HROBLAK: Yes.

21 MR. SAMMET: Ms. Pavon is absent.

22 Mr. Sontz.

23 MR. SONTZ: Yes.

24 MR. SAMMET: Mr. Reisen.

25 MR. REISEN: Yes.

1 CHAIRMAN FUSARO: The resolution is  
2 approved.

3 Our third resolution for the evening  
4 from our January 31 meeting is for 155 Tudor Oval.  
5 Lisa Seliger and Jeremy Keenan. Has everyone had  
6 a chance to review the resolution?

7 MR. MASCIALE: Yes.

8 CHAIRMAN FUSARO: No questions,  
9 comments, concerns. May I have a motion to  
10 approve the resolution?

11 MR. MASCIALE: So moved.

12 MS. MOLNAR: Second.

13 CHAIRMAN FUSARO: Mr. Sammet, please  
14 call the roll.

15 MR. SAMMET: Motion by Mr. Masciale.  
16 Second by Ms. Molnar.

17 Mr. Fusaro.

18 CHAIRMAN FUSARO: Yes.

19 MR. SAMMET: Mr. Masciale.

20 MR. MASCIALE: Yes.

21 MR. SAMMET: Ms. Molnar.

22 MS. MOLNAR: Yes.

23 MR. SAMMET: Mr. Cohen. Mr. Cohen  
24 nods his head in the affirmative.

25 MR. COHEN: (Indicating.)

1 MR. SAMMET: Ms. Hroblak.

2 MS. HROBLAK: Yes.

3 MR. SAMMET: Ms. Pavon, absent.

4 Mr. Sontz.

5 MR. SONTZ: Yes.

6 MR. SAMMET: Mr. Reisen.

7 MR. REISEN: Yes.

8 MR. SAMMET: The resolution is  
9 approved.

10 CHAIRMAN FUSARO: Thank you, Don.

11 For the record, the vote of any board member on  
12 the full set of memorialized resolutions shall not  
13 be construed to include his or her participation  
14 in voting on any resolution related to an  
15 application for which he or she did not vote or  
16 did not vote in favor of the action taken by the  
17 Board. Yes, Matt?

18 MR. SONTZ: I'm wondering; do we  
19 need that anymore if we're going to be doing each  
20 resolution individually? We may not need that  
21 anymore.

22 CHAIRMAN FUSARO: Kate?

23 MS. RAZIN: I don't you do. I  
24 listened to what you said, but I just want to  
25 review it again. But I'm pretty sure that's

1 correct. You probably don't need that anymore  
2 because the point of taking individual votes is to  
3 make sure that exact purpose is met, essentially.

4 CHAIRMAN FUSARO: One less thing.

5 MS. RAZIN: One less. Adding one  
6 thing, taking away one thing. Right.

7 CHAIRMAN FUSARO: Thank you so much.

8 MS. MOLNAR: It's good to clarify it  
9 though for the public so they know.

10 CHAIRMAN FUSARO: Let's see, do we  
11 want to just touch base, which I guess is a bit of  
12 a housekeeping item which I may have mentioned  
13 previously. I wanted to touch base so everyone  
14 knows the that zoning and planning office has  
15 prepared an annual report forgot the Zoning Board  
16 of Adjustment. It was just sent to us this week.  
17 We will be reviewing it and we will be commenting  
18 on it at our next meeting. I would ask all the  
19 board members to please review it and see if there  
20 are any questions, comments, concerns, or  
21 revisions that need to be made. And just so that  
22 everyone knows, last year, we had a grand total  
23 that we saw or heard a grand total of 123  
24 applications. Which is quite a hefty number. I  
25 want to thank everyone for their participation,

1 and please read through the report and we will  
2 discuss it in a little more detail at our next  
3 meeting.

4 MS. MOLNAR: Should we e-mail Don  
5 the changes that we have?

6 CHAIRMAN FUSARO: Sorry?

7 MS. MOLNAR: Should we email Don any  
8 changes?

9 CHAIRMAN FUSARO: Yes. You can  
10 email Don any proposed changes. That's correct.  
11 Yes, Chris?

12 MR. MASCIALE: I just want to point  
13 out it's also an opportunity for the Board to make  
14 suggestions. We've made suggestions in previous  
15 years on changes like the solar panels on the  
16 front of housing, you know, with the aesthetic  
17 pleasing. And there's been other suggestions that  
18 have come through from the Board. Suggestions  
19 like tracking how many applications the Board  
20 modifies from the way they're proposed is one in  
21 the past that's been made. Just to know that the  
22 Board doesn't approve everything. But, yeah,  
23 suggestions like that. This is our once-a-year  
24 shot. I just wanted to remind board members if  
25 they can prepare any thoughts and present them. I



1 think it's always good for the Board to discuss  
2 them.

3 CHAIRMAN FUSARO: Yes. Thank you,  
4 Chris. I appreciate the input. Yes, it's very  
5 important that any concerns or modifications that  
6 you'd like to make or suggestions that you'd like  
7 to make going forward for the following year, it  
8 would be greatly appreciated. We could also bring  
9 those suggestions to the attention of the planner,  
10 the attention of the town council, etcetera, and,  
11 hopefully, they would be passed and put into  
12 motion based on our recommendations.

13 I believe we have two applications,  
14 I just want to mention that are being carried.  
15 The first application is for 119 South Scotch  
16 Plains Avenue, Application Number 21-37, Stan and  
17 Jessica Kopec. That application, we started  
18 hearing that application at our last meeting, and  
19 they were going to make some modifications and  
20 make a resubmission. So that application will be  
21 carried to the March 14 meeting without further  
22 notice. And the second application that will be  
23 carried to the March 14 meeting is Application  
24 Number 21-38 for PNC Bank, located at 1 Lincoln  
25 Plaza. That is also carried to the March 14

1 meeting without further notice.

2 MS. MOLNAR: Is there a special  
3 order of things? What would be the order?

4 CHAIRMAN FUSARO: I believe the  
5 order of those carried applications would be South  
6 Scotch Plains Avenue first provided we receive  
7 revised drawings from the applicant. And then PNC  
8 would be second. They would be moved to the top  
9 of the agenda for next month's meeting.

10 There are no considerations for  
11 extensions of time. I don't believe there is any  
12 unfinished business that we need to discuss. Does  
13 anybody have anything? No. Okay. Seeing none,  
14 we will move into our first application of the  
15 evening which is Tonya Brubaker. If you are  
16 attending the meeting, if you could please raise  
17 your hand so Don will allow you to enter the  
18 meeting. And if you have any of your consultants  
19 with you as well, please let us know and we will  
20 let them into the meeting as well.

21 MR. SAMMET: Good evening,  
22 Ms. Brubaker. I've added, who I believe is your  
23 architect, Mr. Abrams.

24 MS. BRUBAKER: That's right.  
25 Kenneth is my architect.

1 MR. SAMMET: Is there anyone else  
2 here with you this evening you'd like me to bring  
3 in to testify?

4 MS. BRUBAKER: Nope. Just the two  
5 of us. Thanks.

6 MR. SAMMET: Thank you very much.

7 CHAIRMAN FUSARO: The application is  
8 for 920 Irving Avenue, Ms. Tonya Brubaker.  
9 Application is seeking approval to construct a  
10 one-story addition to the left side of the ppt  
11 property adjacent and behind the existing  
12 one-story structure contrary to the Land Use  
13 Ordinance Section 11.04.E.6 where side-yard  
14 setback permitted is 10-feet and proposed is  
15 4.75-feet. And Section 12.04.F.1 where maximum  
16 coverage by buildings permitted is 20% or  
17 3,600-square feet and proposed is 25.9% or  
18 1,247.25-square feet.

19 Ms. Brubaker, if you could please  
20 raise your right hand I'll swear you in. Please  
21 state your name and address for the record.

22 MS. BRUBAKER: Tonya Brubaker, 920  
23 Irving Avenue in Westfield.

24 TONYA BRUBAKER, having been duly  
25 sworn, was examined and testified as follows:

1                   CHAIRMAN FUSARO: Thank you so much.  
2                   Please tell us about your application.

3                   MS. BRUBAKER: First, thank you all  
4                   for your time and consideration this evening. As  
5                   I mentioned I'm Tonya Brubaker, the owner of 920  
6                   Irving Avenue. We bought the house in 2014 and we  
7                   love the house, we love the neighborhood here.  
8                   But our needs have since evolved a bit. We now  
9                   have two older boys in high school. And like many  
10                  of us, I'm now working from home full-time, so  
11                  what used to be our den is now my permanent  
12                  office. So what we're looking to do is just  
13                  expand this room that I'm actually sitting in  
14                  right now a bit just to have a separate office and  
15                  family room space. So with that, I'll hand over  
16                  to Kenneth, my architect on this project.

17                  CHAIRMAN FUSARO: Good evening,  
18                  Mr. Abrams. If you could please state your name  
19                  and address for the record.

20                  MR. ABRAMS: Sure. Kenneth Abrams,  
21                  765 Norman Place, Westfield.

22                  CHAIRMAN FUSARO: Thank you.  
23                  Mr. Abrams, since you haven't appeared before the  
24                  board this year and we have several new board  
25                  members; if you could please list a little history

1 about yourself and your --

2 MR. ABRAMS: Credentials.

3 CHAIRMAN FUSARO: -- credentials and  
4 as an architect.

5 MR. ABRAMS: I have a bachelor's  
6 degree from Georgia Tech, master's degree from  
7 Arizona State University, and I've been licensed  
8 in New York and New Jersey since 2003. I've been  
9 on the Board but not this year -- or at least not  
10 in front of the Board.

11 CHAIRMAN FUSARO: And your license  
12 is active?

13 MR. ABRAMS: Yes.

14 CHAIRMAN FUSARO: Thank you. We'll  
15 continue to recognize you as an expert in the  
16 field of architecture.

17 MR. ABRAMS: Thank you.

18 CHAIRMAN FUSARO: Please proceed.

19 MS. RAZIN: Let's swear him in.

20 CHAIRMAN FUSARO: Yes.

21 KENNETH ABRAMS, having been duly  
22 sworn, was examined and testified as follows:

23 CHAIRMAN FUSARO: Please proceed.

24 MR. ABRAMS: I'll try and share my  
25 screen so you don't have to go through all the

1 paperwork, but if not, then we'll revert to that.  
2 Bear with me. Here we go. I just want to go  
3 through exactly what the existing conditions are  
4 of the site and then we can kind of explain  
5 exactly what we're looking to do, and then we can  
6 go from there. Basically, as you're looking at  
7 that survey, the house is on an existing  
8 nonconforming lot, which is, approximately,  
9 4,800-square feet. For the zone, it's about  
10 6,000-square feet. So it's a little bit tighter.  
11 Not too-too much, it's mostly in the width. But  
12 the house, itself, is existing nonconforming. The  
13 location of it is, as you can see, to the right  
14 side you can see that it is 4.7-feet from the  
15 property line. And then in respect to the overall  
16 property as the numbers state, the 25.9 is what  
17 we're asking for but the actual impervious or  
18 building coverage -- impervious coverage -- sorry,  
19 building coverage that's existing is actually  
20 24.25% so we're actually asking for only  
21 81.25-square feet more than what's actually  
22 existing. As you can see on the survey and the  
23 markup survey, that small box behind the piece of  
24 the structure that's off to the -- right off of  
25 the 4.7 feet off of the side yard is actually what

1 we're trying to infill and extend the dense space  
2 and try to give her a little bit more office  
3 space, plus, additional dense space for the rest  
4 of the family. We tried to move it around in  
5 other parts of the house, but as you can see, you  
6 can't put it next to the garage, it would be too  
7 close. If you put it centrally located, it  
8 actually blocks the flow of the house out onto the  
9 property. And we tried to minimize the impact to  
10 the backyard so we can pretty much maximize the  
11 landscaping and the usage of the back without  
12 impacting it too much. So the logical or the  
13 natural location of it is actually to infill that  
14 little block in the back. And I'll show you some  
15 pictures.

16 As you can see, from the front  
17 elevation -- these are all pictures that I  
18 submitted with the package, the variance package  
19 -- this side piece off to the left side is  
20 actually the existing structure. From the back,  
21 you can see the structure right here, but also you  
22 can see where we're trying to infill where that  
23 existing concrete pad is. So we're truly not  
24 making the setback any worse than what it is  
25 already, and we're just extending it and basically

1 squaring off the house one story. And then  
2 another view, you can see that the proximity to  
3 the adjacent house they have a driveway, their  
4 house, then you have the fence, then you have the  
5 4.7 feet, and then the Brubaker's structure. So  
6 again, we're not making anything worse than what  
7 it is. And what we're trying to do is minimize  
8 any impact to the neighbors by -- it's really only  
9 one-story, so it's not getting any larger or  
10 taller and it doesn't affect them pretty much in  
11 any way, and we tried not to.

12 Basically, what we're trying to do  
13 is as you can see from the proposed left-side  
14 elevation, is that we're just extending it all the  
15 way to the back of the house, we're changing the  
16 roofline so it basically becomes a shed roof  
17 instead of a peaked roof that was there before.  
18 So it actually drops down a little bit farther, so  
19 it's less impact that you can see from the fence,  
20 and then slopes towards the house, itself. So it  
21 really doesn't -- again, it's minimizing any  
22 impact to the neighbor's property.

23 I'll show you the front again, bear  
24 with me. These are the guinea pigs for me doing  
25 this the first time. As you can see, on the right



1 side, you have the peak, the peak will change to a  
2 shed roof. So that high peak, that high point is  
3 actually going to drop down to where the gutter  
4 line is shown on the drawing. Basically, just  
5 looking at the numbers themselves, again, just to  
6 reiterate, we're adding 1.65% more than what is  
7 actually existing, which comes out to that 81.25%  
8 more than the 24.25% existing nonconforming. And  
9 the same thing with the setback line is that we're  
10 not making it any worse. We're literally running  
11 the house towards the back of the house and  
12 basically squaring it off. I'm open to any  
13 questions, I think we've heard enough.

14 MR. MASCIALE: How many square feet  
15 is the property again?

16 MR. ABRAMS: The lot itself?

17 MR. MASCIALE: Yes.

18 MR. ABRAMS: Is 4807.68.

19 CHAIRMAN FUSARO: 4808 is a  
20 considerably undersized lot in an RS-6 Zone which  
21 should be 6,000.

22 MR. ABRAMS: Correct.

23 CHAIRMAN FUSARO: It's 20% smaller  
24 than it should be.

25 MS. MOLNAR: How does this addition

1       affect the drainage?

2                   MR. ABRAMS:   Right now, it's  
3       actually being built over -- if you look at the  
4       pictures which -- bear with me -- you could see  
5       that it's being built over an existing concrete  
6       pad, so there will be no change to pretty much any  
7       change to drainage.  There's no change to  
8       impervious coverage.

9                   MS. MOLNAR:   There will be runoff;  
10       correct?

11                  MR. ABRAMS:   There may be runoff,  
12       but actually, the runoff can be toward the back of  
13       the property and not towards the side.  Right now,  
14       the drainage comes down the side of the house and  
15       it actually goes into that side yard.  But we can  
16       actually relocate it going towards the back if  
17       necessary.

18                  MS. MOLNAR:   Can you vent it to the  
19       street?

20                  MR. ABRAMS:   It's going to have a  
21       continuous run towards the front.  I mean we can  
22       probably aim it towards the street.  It has a  
23       slight slope towards the front of the house, so if  
24       you put it onto the grass, it would probably, you  
25       know, flow towards the street.

1 MS. HROBLAK: Not all -- Carol --  
2 runoff. The goal isn't to get every drop of  
3 runoff to the street. It's actually better to  
4 recharge as much as you can to the ground first,  
5 then excess. Well, that's the direction that the  
6 DEP goes.

7 MS. MOLNAR: Right now, though, it  
8 goes into the side property out to the neighbor;  
9 correct?

10 MS. HROBLAK: Once the roofline is  
11 changed, the gutter can flow to the front yard --

12 MR. ABRAMS: Or the back.

13 MS. HROBLAK: -- and then discharge  
14 onto the lawn, and if there's grading towards the  
15 street, as there should be, you know, whatever  
16 excess that doesn't get absorbed will naturally  
17 flow over.

18 CHAIRMAN FUSARO: Correct. Ideally,  
19 as Mr. Abrams mentioned, you're not increasing any  
20 impervious coverage because there is currently a  
21 concrete pad there. Any additional runoff from  
22 the roof, I would assume would be -- since the  
23 roofline is changing and he's lowering it, which  
24 would help the view to the neighbor's property as  
25 well, I assume that either one or two downspouts

1 can be or would be installed and they can either  
2 be directed towards the rear yard which has a  
3 significant grass area to absorb the runoff. Or  
4 to the front yard, which it looks like from our  
5 site plan, is, approximately, the same size as the  
6 rear yard. So we would leave that to Mr. Abrams  
7 as to which direction he would like to run the  
8 downspouts to. My comments about the application  
9 would be that I certainly understand the reasoning  
10 behind it. Assuming, Mr. Abrams, that the  
11 existing pergola will remain?

12 MR. ABRAMS: Yes. We're just  
13 cutting it back. It actually extends farther back  
14 on that one side. We're actually just modifying  
15 it so it can accommodate the new addition. It's  
16 basically getting smaller.

17 CHAIRMAN FUSARO: As I mentioned  
18 previously, I believe that the new roofline that  
19 you're changing from a gabled roof to a shed roof  
20 would certainly be advantageous to the neighbor  
21 since the new addition will be lower than what's  
22 currently there.

23 Does anyone else on the Board have  
24 any questions for either the applicants or  
25 Mr. Abrams before I open it up to any public

1 comments?

2 MS. HROBLAK: I just want to ask the  
3 architect if there's a basement to the existing  
4 structure?

5 MR. ABRAMS: There is in the main  
6 house, but not underneath the addition -- not  
7 underneath the side porch piece.

8 CHAIRMAN FUSARO: And there will not  
9 be, obviously, any under the new addition as well?

10 MR. ABRAMS: Correct. There will  
11 just be a crawl space.

12 MS. HROBLAK: Thank you.

13 CHAIRMAN FUSARO: Any other board  
14 members have any questions or comments? I see  
15 none. I would open it up to public commentary.  
16 If anyone in the public wishes to ask the  
17 architect or the applicant any questions or make  
18 any comments regarding the application, please  
19 raise your hand virtually and Mr. Sammet will  
20 allow you to enter the meeting.

21 MR. SAMMET: Anyone with questions  
22 or comments, please raise your hands. There's no  
23 one, Mr. Chairman.

24 CHAIRMAN FUSARO: Thank you,  
25 Mr. Sammet. Seeing none, we'll close that portion

1 of the meeting and open it up to some further  
2 board discussion unless anyone else has any other  
3 comments for Mr. Abrams or the applicant.

4 As I mentioned previously, I would  
5 believe that we should approve this application  
6 based on the C-1 Criteria. As Mr. Masciale had  
7 mentioned, the lot is, approximately, 20%  
8 undersized, where the current lot is 4,808-square  
9 feet in an RS-6 Zone which would require a  
10 6,000-square feet lot. So it's considerably  
11 undersized. Based on that, as I mentioned also,  
12 he was taken into account the neighbors, the view  
13 from the neighbors, the aesthetic by changing the  
14 roofline which I think is a positive aspect to the  
15 project. I don't see any issues that I have. How  
16 does the rest of the Board feel?

17 MS. MOLNAR: Could you describe what  
18 a shed roof is just so I know?

19 CHAIRMAN FUSARO: Yes. Looking at  
20 the photograph that -- I'm sorry, was that for me,  
21 Carol?

22 MS. MOLNAR: For anyone.

23 MS. HROBLAK: Aren't we closed,  
24 Frank?

25 MR. MASCIALE: We are closed.

1                   CHAIRMAN FUSARO:  Yeah, we are  
2                   closed, so I'll answer that question.  If need be,  
3                   we'll bring Mr. Abrams back in.  Carol, the shed  
4                   roof that I mentioned is -- this is the gable roof  
5                   that you currently see on the photograph up on the  
6                   screen which basically matches the gable roof  
7                   that's on the top of the house.  The shed roof is  
8                   going to be at the eaves height, which is the  
9                   gutter height that you currently see here.  And  
10                  it's going to be -- the low portion is going to  
11                  stay where the gutter is slightly above the  
12                  windows, and that gable is going to come off and  
13                  it's going to be a continuous minimum fixed-shed  
14                  roof from where you currently see those three  
15                  windows back to where the chimney is.  So it will  
16                  be a shed-type roof.  If you look at our drawing  
17                  that was submitted, you will see it.  Drawing A-1,  
18                  if you look at elevation, proposed left-side  
19                  elevation, you'll what the neighbor -- which is  
20                  Detail Number 4 -- you'll see what the neighbor  
21                  would be seeing; that shed roof with the three  
22                  little skylights.  And if you wanted to see what  
23                  the side of it would look like, if you look at  
24                  Detail Number 5 which is proposed partial front  
25                  elevation, you will see that there as well as

1 Detail Number 6. That's a shed roof that you see  
2 there, and what you see in the photograph is a  
3 gabled roof.

4 MS. MOLNAR: I see.

5 MR. SONTZ: Actually, if you look at  
6 the house in that photograph we're looking at, the  
7 neighbor's house, they have a shed roof. Do you  
8 see that?

9 CHAIRMAN FUSARO: There go. That's  
10 a shed roof.

11 MS. HROBLAK: Good eye, Matt.

12 CHAIRMAN FUSARO: Thank you, Matt,  
13 for pointing that out. Any other board members  
14 have any comments?

15 MR. MASCIALE: I just want to point  
16 out I think the 81 additional square feet is just  
17 going to fill in a void and it's going to provide  
18 a lot of utilization and only be a one-story.  
19 It's not going to have an impact on the neighbor.  
20 I support the application.

21 CHAIRMAN FUSARO: Thank you, Chris.  
22 Any other board members? I see none. May I have  
23 a motion?

24 MR. MASCIALE: I'll make a motion to  
25 accept the application as submitted.



1 MS. HROBLAK: Second.

2 MR. SONTZ: I'll second it.

3 MR. SAMMET: I saw Ms. Hroblak?

4 CHAIRMAN FUSARO: Yes.

5 MS. HROBLAK: Yes.

6 MR. SAMMET: Shall I take the roll  
7 Mr. Chairman?

8 CHAIRMAN FUSARO: Yes, please, Don.

9 MR. SAMMET: This is a vote to  
10 approve the application. Mr. Cohen.

11 MR. COHEN: Yes.

12 MR. SAMMET: Mr. Fusaro.

13 CHAIRMAN FUSARO: Yes.

14 MR. SAMMET: Ms. Hroblak.

15 MS. HROBLAK: Yes.

16 MR. SAMMET: Mr. Masciale.

17 MR. MASCIALE: Yes.

18 MR. SAMMET: Ms. Molnar.

19 MS. MOLNAR: Yes.

20 MR. SAMMET: Ms. Pavon is absent.  
21 Mr. Sontz.

22 MR. SONTZ: Yes.

23 MR. SAMMET: Mr. Sontz, affirmative.  
24 Mr. Gelinás.

25 MR. GELINAS: Yes.

1 MR. SAMMET: And Mr. Reisen.

2 MR. REISEN: Yes.

3 CHAIRMAN FUSARO: Your application  
4 is approved. Thank you so much. Enjoy the rest  
5 of your evening.

6 MR. ABRAMS: Thank you.

7 CHAIRMAN FUSARO: Thank you. Good  
8 luck.

9 Our next application is Application  
10 21-72, 712 Oak Avenue, Frances Scott Ferraro and  
11 Angela Wilkos. Applicant is seeking approval to  
12 construct a one-story addition on the rear of the  
13 house contrary to the Land Use Ordinance Section  
14 11.09E-6 where minimum side-yard setback permitted  
15 is 10-feet and proposed is 8.89-feet. Section  
16 12.04F-1 where maximum building coverage permitted  
17 is 20% and proposed is 21.57%. Section 11.09E-14  
18 where minimum garage space permitted is 1 and  
19 proposed is 3/4. And Section 12.04F-3 where  
20 maximum all buildings coverage permitted is 24%  
21 and proposed is 25.14%.

22 If Mr. Ferraro and Ms. Wilkos are  
23 here. There we go, Don will let you in as well as  
24 Mr. Bailey. Do you have anyone else that needs to  
25 be let into the meeting?

1                   MR. FERRARO: We do. We have a  
2 planner from EKA Associates. He has a conflict.  
3 He said he'll be available in a half-hour. So we  
4 were hoping if potentially we could let someone  
5 else go in front of us and then go through our  
6 submission; if that's possible.

7                   CHAIRMAN FUSARO: I don't see an  
8 issue with that. Do any board members have an  
9 issue with that? I see none. We will see you  
10 back hopefully in a half-an-hour. We will proceed  
11 to our next application.

12                   MR. FERRARO: Thank you. Thank you  
13 very much.

14                   CHAIRMAN FUSARO: See you in a  
15 little bit.

16                   Our next application is 301 Vernon  
17 Place, Kenneth Band. Is Mr. Band available?

18                   MR. SAMMET: I see a Kenneth. I'm  
19 going to --

20                   CHAIRMAN FUSARO: I assume that  
21 that's him.

22                   MR. SAMMET: I also see a  
23 Mr. Joseph Kaiser who's raised their hand.  
24 Mr. Kaiser is the architect.

25                   CHAIRMAN FUSARO: Okay. That's

1 correct. Mr. Kaiser and there's Kenneth. Why  
2 don't I read the application and then we'll see if  
3 there's anyone else and we'll swear them all in.

4 Application is for 301 Vernon Place.  
5 Applicant is seeking approval to construct a  
6 second story addition contrary to the following  
7 sections of the Westfield Land Use Ordinance.

8 (Audio interference.)

9 If you could please mute yourself  
10 for one second. Thank you so much.

11 As I was saying, applicant is  
12 seeking approval to construct a second-story  
13 addition contrary to the following sections of the  
14 Westfield Land Use Ordinance. Section 12.04F  
15 where building coverage permitted is 20% and  
16 proposed is 21.71%. Section 11.09E5 where street  
17 side-yard permitted is 20-feet and proposed is  
18 15-feet 6-inches. Section 2.11G where maximum  
19 continuous length at zoning side-yard permitted is  
20 25-feet and proposed is 31-feet 10-inches.

21 Mr. and Mrs. Band, if you could  
22 unmute yourself. There you go. If you could both  
23 raise your right hand, I'll swear you in.

24 KENNETH BAND and FELICE BAND, having  
25 been duly sworn, were examined and testified as

1 follows:

2 CHAIRMAN FUSARO: Thank you very  
3 much. Please tell us a little bit about your  
4 application and then we will bring in your  
5 architect and he can continue.

6 MS. RAZIN: I'm sorry for  
7 interrupting, but Ms. Band, can you tell me your  
8 first name just so I have it for the record?

9 MS. BAND: Felice.

10 MS. RAZIN: Felice, F-e-l-i-c-e?

11 MS. BAND: Yes.

12 MS. RAZIN: Thank you so much. I  
13 apologize. Go ahead.

14 CHAIRMAN FUSARO: I also forgot to  
15 ask if you could please state your address for the  
16 record.

17 MR. BAND: Yes. 301 Vernon Place,  
18 Westfield.

19 CHAIRMAN FUSARO: Thank you. Please  
20 proceed.

21 MR. BAND: We live in a Cape Cod  
22 right now. We moved in 2005, and we really want  
23 to just add a second floor to the house. We want  
24 to improve our living conditions. Since we've  
25 moved here, it's very small up there to live in.

1 There's no bathroom, there're no doors on the  
2 bedrooms. We want to add a second floor to our  
3 existing structure. And I'd like to pass it on to  
4 our architect Joseph Kaiser.

5 CHAIRMAN FUSARO: Mr. Kaiser,  
6 welcome. If you could please state your name and  
7 address for the record.

8 MR. KAISER: Joseph Kaiser, I'll  
9 give you my office, 45 River Road, Summit, New  
10 Jersey 07901.

11 CHAIRMAN FUSARO: Thank you,  
12 Mr. Kaiser. Since you have not appeared before  
13 the Board this year and we have several new board  
14 members, if you could please give us a little  
15 history of your credentials, that would be  
16 appreciated.

17 MR. KAISER: I'm an active, licensed  
18 architect in the State of New Jersey. I have an  
19 office in Summit. I've been up there for two  
20 years. I'm a graduate of NJIT. I've appeared  
21 before the board in Summit twice, and then also  
22 Berkeley Heights, and have done several projects  
23 in Westfield. This is my first time appearing  
24 before this board.

25 CHAIRMAN FUSARO: Thank you. We

1 will recognize you as an expert in the field of  
2 architecture. If you could please raise your  
3 right hand.

4 JOSEPH KAISER, having been duly  
5 sworn, was examined and testified as follows:

6 CHAIRMAN FUSARO: Please proceed.

7 MR. KAISER: As Kenny mentioned  
8 here, this is a survey of their property. It's an  
9 undersized lot. It's a corner property in the  
10 RS-6 Zone. It's about 6,300-square feet for a  
11 corner lot, 7,200-square feet is required.  
12 There's some existing nonconformities. One -- the  
13 main one I would say that we're requesting relief  
14 from is the street side-yard setback. The  
15 existing house is at 15.5-feet right here. And to  
16 build the second floor and align with the house  
17 and make it look like a nice, clean colonial, we  
18 need relief in that area. With that, there's this  
19 existing patio with a canopy and a hot tub which  
20 align with the house. But because they align with  
21 the house, they're also considered nonconforming.  
22 The applicants are also over on building coverage,  
23 and in an effort to help with their case or with  
24 their appeal, they're going reduce the existing  
25 building coverage, but we also need relief for

1 that just because it's the house, the front porch,  
2 and the garage takes up most of the lot coverage.  
3 There's an existing wooden porch on the side here  
4 for the door to the kitchen. That's also being  
5 removed as part of this application. As I  
6 understand, that is what's currently dictating  
7 their side-yard setback to the street, and it's  
8 8 1/2-feet so we just really want to align the  
9 addition with the existing first floor of the  
10 house.

11 With that too, we're requesting  
12 relief for the 25-foot rule because the second  
13 floor is going to align with this, which is  
14 29-feet, it cantilevers in the back. That's our  
15 31-feet, that's our request for relief for that.  
16 And we're asking for that so that if we were to do  
17 a bay window or some other adjustment to the wall,  
18 we'd either reduce the size of the second floor or  
19 bring us closer to the street side yard and we  
20 would need further relief for that. So that's why  
21 that's also on that list there.

22 Quick pictures of their house, if  
23 they're showing up on the screen share. As Ken  
24 mentioned, it's a relatively small house. Their  
25 bedroom and their sons' bedrooms are up here.



1 It's tight up there, it's not that big of a house.  
2 And we just want to align the second floor  
3 addition with that. This is the existing wooden  
4 porch on the side. This is the door to the  
5 kitchen. This is all being removed as part of  
6 their application. That's the canopy and the hot  
7 tub which are in line with the house. They're  
8 actually closer or better complying, they're at  
9 19-feet instead of 15-feet. But that's also, as I  
10 understand, need relief for that as part of the  
11 application for the house.

12 MR. MASCIALE: Need relief for what  
13 exactly?

14 MR. KAISER: The existing canopy and  
15 hot tub are also too close to the side street.

16 CHAIRMAN FUSARO: In the street,  
17 side-yard setback.

18 MR. KAISER: Yes, correct.

19 MR. MASCIALE: Got ya'.

20 MR. SONTZ: Those were put up  
21 without going through zoning. Is that what  
22 happened?

23 MR. KAISER: It is my understanding  
24 that they were put up and put in the wrong  
25 location. They did get a permit for the electric

1 for the hot tub, and it was moved over. I think  
2 it was originally supposed to go closer to the  
3 garage but was shifted towards the side of the  
4 patio. I wasn't there for that so I don't want to  
5 misspeak or speak on the applicant's behalf, but  
6 that's my understanding. It was built in the  
7 wrong spot, but the electric was permitted I think  
8 two years ago.

9 MR. BAND: Yes. The canopy was not  
10 -- we did not have a permit for that. We didn't  
11 know we needed one. I'm sorry about that. And  
12 the hot tub, we did get a permit for. I didn't  
13 know it had to stay in the spot towards the  
14 garage. When the electrical guy came out, the hot  
15 tub was down in the spot where it's at, he  
16 approved it, so I assumed that was fine there. So  
17 we just hooked it up there.

18 MR. SAMMET: Would a permit be  
19 required for the canopy?

20 CHAIRMAN FUSARO: Say that again.

21 MR. SAMMET: Would a permit be  
22 required for the canopy?

23 MR. BAND: What?

24 MR. GELINAS: I think he said was a  
25 permit required for the canopy.

1                   MR. BAND: I don't know. I think it  
2 just puts us over. It has to do with the building  
3 coverage right now.

4                   MR. MASCIALE: The canopy would  
5 count for building coverage.

6                   MR. BAND: Right. Then it might be  
7 an issue, but I didn't know we needed an actual  
8 permit for that.

9                   MR. GELINAS: If we could go back to  
10 the pictures for one second. Just for my  
11 edification, what's the blue tarp in front of the  
12 -- is that just a...

13                   MR. KAISER: There was a temporary  
14 above-ground pool there.

15                   MS. BAND: We're taking that away.

16                   MR. BAND: It's gone already.

17                   MS. BAND: Yeah. That is gone.

18                   MR. KAISER: If it helps to clarify,  
19 the canopy is included in our building coverage.  
20 Along with the garage, everything on my screen --  
21 I'm still sharing -- everything in blue here is  
22 being counted for building coverage. So we're  
23 including it as part of our application. I don't  
24 know if it had previous zoning approval.

25                   CHAIRMAN FUSARO: Mr. Kaiser, I'm

1 looking at the site plan that you have Sheet  
2 1-of-3, the one you currently have up now, and I  
3 noticed in the front where your existing driveway  
4 is it has "existing driveway to remain, 870-square  
5 feet." And then you have a proposed driveway in  
6 purple there just to the left of it for an  
7 additional 163-square feet. Can you please  
8 elaborate on why you're increasing the size or the  
9 width of the driveway?

10 MR. KAISER: Sure. It's more of a  
11 convenience. Right now, it's a single-car  
12 driveway. As we know, on the corner there, so  
13 it's a little tight to park in front of the house,  
14 in front of the stop sign there. And so it's a  
15 convenience for the applicants to have a two-car  
16 width driveway rather than parking the cars  
17 tandem. Along the driveway, if someone has to get  
18 out and go to work, they have to move the cars and  
19 jockeying the cars around. The proposed lot  
20 coverage or impervious coverage does conform under  
21 the application. There're some things to be  
22 removed, but that was the request, to widen the  
23 driveway there.

24 MS. MOLNAR: I thought our zoning  
25 code doesn't allow parking in the front yard.

1                   MR. SAMMET: You can have a driveway  
2 leading to a parking area. So that driveway would  
3 have to lead to a garage. Sorry, I'm having  
4 trouble seeing the site.

5                   MS. MOLNAR: He's built a new space  
6 which is in the front yard that doesn't lead to  
7 the garage.

8                   MR. SAMMET: Hold on, I'm having  
9 trouble seeing that plan.

10                  MS. MOLNAR: That would require a  
11 variance to have parking in the front yard like  
12 that.

13                  MR. SAMMET: So the dark purple  
14 color is a widened driveway?

15                  CHAIRMAN FUSARO: Yes. By  
16 163-square feet, and then I'm assuming that's a  
17 sidewalk in front of it.

18                  MR. SAMMET: Yeah. That's really a  
19 parking space in the front yard, in my opinion.

20                  MS. MOLNAR: That would require a  
21 variance, another variance which was not  
22 advertised.

23                  CHAIRMAN FUSARO: We'll bring that  
24 up. Let's continue with the other aspects of the  
25 application and then we can certainly address that

1 now that we've made the applicant and the  
2 architect aware of that. That would trigger an  
3 additional variance, additional noticing, revised  
4 application, etcetera.

5 MS. MOLNAR: I have another  
6 question, Don. Don, is this considering a partial  
7 demolition.

8 MR. SAMMET: Lyndsay did not note  
9 this as -- well, as a partial demolition. Yeah.  
10 I would say it's a partial demolition, not a total  
11 demolition. Lyndsay didn't note it as a total  
12 demolition. Partial.

13 MS. MOLNAR: So partial, if it's  
14 total, then you lose all your variances.

15 MR. SAMMET: Correct. That's  
16 correct.

17 MS. MOLNAR: Here, you don't lose  
18 the variances. So it is a partial, not a full.  
19 Okay. Also, one more question. Sorry, Don. Does  
20 our zoning code allow cantilevered floors?

21 MR. SAMMET: Yes.

22 MS. MOLNAR: It does. Good. Thank  
23 you.

24 MR. SAMMET: I'm going to take back  
25 my statement that the widened driveway requires

1 the variance.

2 MS. MOLNAR: Why is that?

3 MR. SAMMET: I think they're good.

4 My reading of the code isn't doing it.

5 MS. MOLNAR: It's my understanding  
6 you cannot have parking in your front yard. And  
7 to me, that is in his front yard.

8 MR. SAMMET: Correct.

9 MR. GELINAS: Again, for my  
10 edification, would there be any work on the curb  
11 that needs to be done with respect to that  
12 driveway?

13 MR. KAISER: There is no Belgium  
14 block or concrete curb at Vernon Place.

15 CHAIRMAN FUSARO: So you're not  
16 widening the entrance to the driveway, per se?

17 MR. KAISER: We're widening the  
18 entrance to the driveway. Let me grab a photo  
19 here which may show.

20 MR. GELINAS: It looks like it says  
21 block curb, but...

22 MS. HROBLAK: Right on the survey.

23 MR. GELINAS: On the survey.

24 MR. SAMMET: What I'm going to say  
25 is the zoning officer in review of the application

1 did not cite that as a variance. So I'm going to  
2 agree with her interpretation.

3 MR. MASCIALE: I'm thinking if you  
4 only have a one-car garage you can have a double  
5 driveway.

6 MR. SAMMET: Right. Exactly.  
7 Exactly.

8 MS. MOLNAR: Yeah. But you're not  
9 allowed to put it in your front yard. My neighbor  
10 had to go for a variance because he had parking in  
11 his front yard.

12 MR. GELINAS: Can we have an  
13 official ruling from legal counsel on that what  
14 the thought is?

15 MR. MASCIALE: Well, it's more of a  
16 zoning official --

17 (Crosstalk.)

18 MS. RAZIN: It's a zoning question  
19 for the zoning official. Don, could you just tell  
20 me what section you're looking at so I can also  
21 see the section? I agree that it's not  
22 necessarily my ruling, but I just want to see the  
23 section, if you don't mind, also.

24 MR. SAMMET: 17.03E1.

25 MS. RAZIN: I'm sorry, 17 -- go



1 ahead.

2 MR. SAMMET: 17.03E1.

3 MS. RAZIN: Okay. Why don't you  
4 give Don and I a minute and you guys continue?

5 CHAIRMAN FUSARO: We'll continue  
6 with the rest of the application. I have a couple  
7 of questions and then we can get back to Don's  
8 determination on that driveway.

9 You had mentioned, the applicants  
10 had mentioned, that the existing pool has been  
11 removed and it will not be reinstalled; is that  
12 correct?

13 MR. BAND: Right.

14 MS. BAND: Correct. We took that  
15 down. It was only just for the year of Covid  
16 because we always belonged to the Westfield Pool.  
17 And we want to do landscaping and make it look  
18 nice after construction is done.

19 CHAIRMAN FUSARO: That's fine.  
20 Thank you. Yes, I noticed in the photographs that  
21 the pool was up.

22 MS. BAND: Then it's down.

23 CHAIRMAN FUSARO: Chris, perhaps you  
24 can help me here. If that pool were to remain,  
25 would that trigger the 6-Foot Fence Ordinance,

1 Solid Fence Ordinance even though it's a temporary  
2 pool?

3 MR. MASCIALE: Yeah. I mean  
4 above-ground pool, it doesn't matter if it's  
5 inground or above-ground from my recollection.

6 CHAIRMAN FUSARO: That's why I asked  
7 that question.

8 MR. MASCIALE: It gets a little  
9 tricky with some of these Intex pools now that  
10 are, you know, kind of like big kiddy pools.

11 MR. BAND: Yeah. It was like  
12 3-feet.

13 MR. MASCIALE: There's got to be a  
14 determination. I don't know it off the top of my  
15 head, but that looks substantial enough to be  
16 considered a pool.

17 CHAIRMAN FUSARO: The applicants  
18 have testified that the pool is going not back.  
19 We'll take them at their word. And that will take  
20 care of the 6-foot fence issue currently.

21 The hot tub and the canopy, are  
22 there any plans to relocate that to bring it  
23 within the side-yard setback, or are we going to  
24 leave them where they are?

25 MR. KAISER: We are requesting to

1 leave them where they are. Let me grab my plan  
2 here. It's 17.5 from the property line to the  
3 canopy, and 19-foot-2 to the existing hot tub.  
4 We're requesting relief for the house at 15.6.  
5 And, of course, the distance is greater for both  
6 the hot tub and the canopy, so we are requesting  
7 to leave them where are they.

8 CHAIRMAN FUSARO: Okay. That's  
9 fine. While we're still looking at the  
10 determination for that front driveway area, can  
11 you please continue reviewing or explaining the  
12 rest of the architectural plans to us having to do  
13 with the cantilevered second floor, etcetera? Why  
14 don't you just go through the rest of the plans  
15 and then we'll jump back to that site plan.

16 MR. KAISER: Okay. That's great.  
17 This is the existing and proposed first floor.  
18 There's a living room, there're two small bedrooms  
19 and a hall bathroom. And then there's an eat-in  
20 kitchen here, and this is that deck that's being  
21 removed as part of the application. We're showing  
22 a new roof over the stoop. And then it's a  
23 modest, in my opinion, it's a modest second-floor  
24 plan with three bedrooms and two bathrooms, and a  
25 walk-in closet. We're also proposing a partially

1 finished attic on the right here. It's listed as  
2 a playroom, it might be an office. But normal  
3 under the roof, everything that's included in our  
4 FAR. Here's a 3D of the outside of the house. In  
5 my opinion, it looks very similar to what's being  
6 built in Westfield and in their neighborhood in  
7 particular. It's my opinion that it suits the  
8 neighborhood and blends with the neighborhood  
9 well.

10 The third page, we have some line  
11 drawings just showing that this is the existing  
12 first floor to remain. We are cantilevering  
13 2-feet over the back, and then a portion of the  
14 front where it's inset for the living room. Just  
15 because it's a tight floor plan to start with,  
16 we're trying to maximize and better use the space  
17 upstairs to try and get the bedrooms to fit and be  
18 comfortable; relatively normal-sized bedrooms  
19 without having to squeeze it in too much. So  
20 that's where we're cantilevering just to gain a  
21 little bit of space up there.

22 CHAIRMAN FUSARO: Thank you. I have  
23 a question about the cantilevers. I certainly  
24 understand -- if you can go back to your floor  
25 plan, Sheet 2, and the proposed second-floor plan

1       there -- I certainly understand the cantilever  
2       along the rear of the building because you  
3       certainly don't want to cut -- I see that you  
4       would need it for that bedroom along there, the  
5       walk-in closet, the shower. If you cut that back  
6       2-feet that master bedroom -- of that master  
7       bathroom, I'm sorry -- would shrink substantially.  
8       However, in the front, the cantilever in the  
9       front, which basically is being used to increase  
10      the size of the master bedroom an additional  
11      2-feet, that room is already, approximately,  
12      16-by-almost-17. It's a relatively large room.  
13      Has any consideration been given to not  
14      cantilevering the front and only cantilevering the  
15      second floor in the back?

16                   MR. KAISER: Yes. It's been  
17      considered and we tried to make it work.  
18      Originally, we did have a closet over here, and  
19      to gain access to that, we needed the space  
20      between the bedroom and the walk-in closet. Now,  
21      the closet that I'm referring to is part of  
22      Bedroom 4 here. You know, it's kind of an  
23      irregular-shaped room here because of the hallway.  
24      So I think space is usable. It's still not -- I  
25      don't think it's too big of a bedroom. Same thing

1 with the back here, it's trying to get these walls  
2 to align. And, again, it's not a lavish bathroom  
3 I don't think by too many means. It's got double  
4 sinks and a decent-sized shower, but there's no  
5 big tub or anything too crazy or lavish.

6 The other thing about the cantilever  
7 in the front is that it is over the living room  
8 where this blue line represents it. So we're not  
9 going further than the existing front yard. We're  
10 not coming any closer to the street than the  
11 existing house does where the front door and this  
12 bay window is.

13 CHAIRMAN FUSARO: Yeah. I certainly  
14 understand. As I said, I understand it along the  
15 back. It would be a big detriment to that  
16 bathroom if you cut the 2-foot out. I was just  
17 wondering what consideration was given to the  
18 front being that you're 1.17% over and perhaps  
19 that eliminating that 2-foot overhang in the front  
20 might help mitigate that. Let's see what else I  
21 have here. You had mentioned the continuous wall  
22 which is being proposed at 31-foot-10 versus the  
23 maximum 25. Let me just take a look at the  
24 first-floor plan. Could you just slide your view  
25 -- there you go. Good. So that is currently I

1 believe the application had said it was currently  
2 20-some-odd-feet or is it already the 31-foot-10?

3 MR. KAISER: This length here at the  
4 left side wall is 29-foot-10 which would be the  
5 same distance 2-feet less than the cantilever. I  
6 don't know off the top of my head if this existing  
7 deck here mitigated that or changed it because  
8 there's no roof, it's just an open deck. So the  
9 wall length, arguably, the length of the wall is  
10 the same. We're removing this deck and then the  
11 second floor above it with the two-foot cantilever  
12 is extending the continuous wall-length here.

13 CHAIRMAN FUSARO: On your  
14 first-floor plan, the jog that you have next to  
15 the existing eat-in kitchen, what is that? Just  
16 above the deck.

17 MR. KAISER: Here?

18 CHAIRMAN FUSARO: Right there, yes.

19 MR. KAISER: That is a garden  
20 window.

21 CHAIRMAN FUSARO: It's a window  
22 well. Okay.

23 MR. KAISER: No. It's a kitchen  
24 window, like, for plants.

25 CHAIRMAN FUSARO: Got it. I see it.

1 Now, if -- and Don, perhaps you can correct me if  
2 I'm wrong, in order to mitigate that 25-foot  
3 continuous wall if a bay window or a box bay or  
4 something were added there, would that contribute  
5 to the side-yard setback?

6 MR. SAMMET: We do have an exemption  
7 for a certain square footage of a box or bay  
8 window. To break up continuous wall length, we,  
9 by ordinance or by interpretation require that  
10 that box or bay extend down to the ground. But  
11 just for a box or bay to help the visual aspect of  
12 it, we do have an exemption, and I'm going to look  
13 for you.

14 MR. KAISER: It's up to 15-square  
15 feet, is my understanding.

16 MR. SAMMET: That sounds right.  
17 That's correct, 15-square feet.

18 CHAIRMAN FUSARO: Mr. Kaiser, if you  
19 were to add some sort of box bay or bay window in  
20 that existing eat-in kitchen that would eliminate  
21 one of the variances; is that correct?

22 MR. KAISER: I believe it's  
23 something we've considered. From the kitchen  
24 plan, there's the existing bay window here, and  
25 there're kitchen cabinets shown from about where



1 this door is all along that wall here. There's an  
2 existing bathtub in the bathroom there, and then  
3 there's this very small -- it's currently the room  
4 they're sitting in, the office. And I believe if  
5 it made any sense in the kitchen, it still would  
6 require -- I think it's the distance from where  
7 the bay window would start without interrupting  
8 the kitchen cabinets to the back of the house or  
9 to the new rear of the second floor, is still  
10 pretty close to 25-feet, if not more. That was I  
11 believe why it wasn't something that was  
12 considered. I can get that dimension for you, but  
13 I believe that was part of it because there was  
14 not a good location in these three areas. And  
15 then to make it work in the kitchen, I don't think  
16 it solved the problem. But I can check that  
17 dimension for you.

18 CHAIRMAN FUSARO: You certainly  
19 wouldn't want it in your bedroom and certainly not  
20 in your bathroom. That's why I had mentioned  
21 perhaps in the kitchen and we could eliminate that  
22 one variance. Don, have you had enough time to  
23 review that driveway?

24 MR. SAMMET: Yes. A variance would  
25 not be required. The code provision allows for

1 parking in a driveway area, and for a  
2 single-family dwelling plus this parking area  
3 leads to a garage.

4 CHAIRMAN FUSARO: Thank you, Don.  
5 Do any board members have any additional questions  
6 either for the applicant or for the project  
7 architect before we open it up to the public for  
8 questions? Anyone? No? Okay. If anyone in the  
9 public would like to address the application and  
10 have any questions for either the architect or the  
11 applicants, please virtually raise your hand and  
12 Mr. Sammet will allow you into the meeting.

13 MR. SAMMET: Anyone with questions,  
14 please virtually raise your hand. There's no one,  
15 Mr. Chairman.

16 CHAIRMAN FUSARO: Thank you, Don.  
17 We'll close the public portion of the meeting.  
18 Any other board members have any questions or  
19 comments one last time for the applicant or the  
20 architect before we close that portion and open it  
21 up to board discussion? I see none. We'll close  
22 that portion as well and open it up to board  
23 discussion. As I had mentioned, I had several  
24 concerns when I first saw the application. One  
25 was that pool. The applicants have testified that

1 the pool is no longer there and will not be coming  
2 back. If it did, obviously, it would trigger  
3 several other variances including the six-foot  
4 solid fence that's required. You heard from the  
5 applicants and the architect that two of the  
6 variances they're requesting pertain to both the  
7 hot tub and the canopy. That they will remain  
8 where they currently are and that's why there is a  
9 variance request for that. I looked briefly at  
10 that 25-foot wall requirement. You heard from the  
11 architect that they did consider locating a bay  
12 window along that wall, however, it doesn't work  
13 out with their kitchen layout and there currently  
14 is an existing bay window at the front of the  
15 house. And finally, my other comment pertained to  
16 the 2-foot cantilever in the front. While I  
17 believe it's certainly justified in the rear, I'm  
18 still a little bit on the fence about whether  
19 something can be done along the front to mitigate  
20 that variance.

21 MS. RAZIN: I'm sorry. Can I just  
22 ask for clarification on what you spoke about the  
23 variance to the accessory structures because if  
24 they're in line with the home, are --

25 CHAIRMAN FUSARO: They're not in

1 line with the home; I don't believe.

2 MS. RAZIN: They're not. Are they  
3 sticking out, Mr. Kaiser? Can we reopen it just  
4 for that clarification so I understand, so I have  
5 it clear? Mr. Kaiser, are they in line? I  
6 thought they weren't, but can you just go back to  
7 that picture for a second?

8 CHAIRMAN FUSARO: Right there.

9 MR. KAISER: They are further from  
10 the street than the proposed house -- I'm sorry,  
11 where the existing house and proposed addition.  
12 The hot tub and the canopy are further away from  
13 the street.

14 MS. RAZIN: But they still require  
15 variance relief from setback relief.

16 CHAIRMAN FUSARO: Yes.

17 MR. KAISER: It's my understanding  
18 from our application that it's --

19 (Crosstalk.)

20 MS. RAZIN: That they do.

21 MR. KAISER: -- it was not listed  
22 separately, it was listed as part of the house  
23 overall setback if that's the -- I'm not sure on  
24 how the properly word it. We originally applied  
25 for three separate variances; one for the house,

1 one for the hot tub, one for the canopy, and we  
2 were asked to revise it just to include just the  
3 one distance which was to the house.

4 MS. RAZIN: To the house, because  
5 that's the closest setback?

6 MR. KAISER: Yes.

7 CHAIRMAN FUSARO: That's correct.  
8 The 20-yard(sic) side-yard setback, the house is  
9 at 15-foot-6, the hot tub is at 19-foot-2, and the  
10 canopy is at 17-foot-5. So the house encroaches  
11 --

12 MS. RAZIN: Is the closest.

13 CHAIRMAN FUSARO: That's correct.

14 MS. RAZIN: Okay.

15 CHAIRMAN FUSARO: Anything else,  
16 Katie?

17 MS. RAZIN: Thank you, no. I'll  
18 work on that. Thank you.

19 MR. KAISER: One additional comment,  
20 if I may.

21 CHAIRMAN FUSARO: Yes.

22 MR. KAISER: We were originally told  
23 at one point that the existing deck that was here  
24 was considered the closest to the street and would  
25 count for the setback and it was at 8-foot-six or

1 so, 8-foot-8, and the applicants are removing that  
2 so that we're just requesting relief for the house  
3 for that 15-6 and then the other two --

4 MS. RAZIN: Right. Don, would the  
5 variance for the setback just be required than  
6 just to the home because that's the closest  
7 setback? I mean it counts for building coverage  
8 in terms of what they're proposing and for other  
9 coverage. But in terms of setback?

10 MR. SAMMET: It's technically a  
11 different section of the code.

12 MS. RAZIN: Because it's an  
13 accessory.

14 MR. SAMMET: It's an accessory  
15 structure.

16 MS. RAZIN: So whatever variance.  
17 So if they need an accessory setback, that's what  
18 they're going --

19 MR. SAMMET: Yeah.

20 MS. RAZIN: Yes. But I'll  
21 double-check that.

22 MR. SAMMET: Right. It looks like  
23 there will be two because the hot tub and the  
24 pergola are treated separately or different code  
25 sections in terms of required setbacks. So it's

1 not just one additional variance, it would be two  
2 additional accessory structure variances.

3 MR. MASCIALE: The deck is actually  
4 a patio and it's in the rear yard, not the side  
5 yard. If it came out further, I think it would be  
6 in the side yard. So I think that's good.

7 CHAIRMAN FUSARO: Actually reducing  
8 because they're eliminating that landing and a  
9 portion of the rear deck.

10 MR. SONTZ: Isn't the patio in the  
11 front yard? Doesn't this house have two front  
12 yards?

13 CHAIRMAN FUSARO: Yes. The street  
14 front yard and the side. That's correct.

15 MR. SONTZ: So there is no side  
16 yard, right, or there is a side yard?

17 CHAIRMAN FUSARO: It's a street-side  
18 yard.

19 MR. MASCIALE: Street-side yard.

20 MR. SAMMET: The street-side yard is  
21 along Boulevard.

22 MR. SONTZ: Okay.

23 MS. HROBLAK: Are we going to close  
24 it then, Frank?

25 CHAIRMAN FUSARO: Yes. Unless

1 anyone else has any other questions.

2 MS. MOLNAR: I have a comment. I  
3 have a question or a comment rather. The new  
4 parking space is not part of the previous  
5 driveway. To me, that is not good planning.  
6 We're setting a precedent. We've never allowed  
7 parking in the front yard. So I would urge that  
8 that spot be removed. And I agree with you, the  
9 cantilever in the front should be eliminated.

10 CHAIRMAN FUSARO: Okay. Well, Don  
11 has made -- hes' the zoning officer and --

12 MS. MOLNAR: I understand. If it's  
13 allowed, then we have to change our ordinance back  
14 again because it's just not good planning. It's  
15 setting a precedent if we allow that parking in  
16 the front yard.

17 MR. COHEN: There's a lot of houses  
18 in that neck of the woods that have two-car  
19 garages and one-car garage (indiscernible.)

20 MR. MASCIALE: That's correct.

21 CHAIRMAN FUSARO: Any other  
22 questions before --

23 MR. COHEN: On my street, my house  
24 is the only one that has a one-car garage. The  
25 other houses have (indiscernible.)



1 MS. HROBLAK: I can barely hear  
2 Michael.

3 CHAIRMAN FUSARO: Mike, I know we  
4 had a little issue with --

5 MR. COHEN: I'm having a technical  
6 issue.

7 CHAIRMAN FUSARO: That's good. We  
8 can hear you now. If you speak at that level,  
9 you're fine. That's great. Thank you. Any other  
10 questions before I close it to the applicants and  
11 the architect so we can continue with our board  
12 discussion? Anyone else? Seeing none, we'll  
13 close that portion and we'll continue with our  
14 board discussion.

15 You've heard my comments, we've  
16 heard from Carol as well. Don has made a  
17 determination that the driveway is as drawn is  
18 acceptable and does not require a variance. We  
19 can revisit that in our annual reports and  
20 comments and concerns that we have going forward.  
21 Anyone else have any other questions? How does  
22 the Board feel? Any other members like to chime  
23 in and see? I'd like to hear some comments from  
24 everyone else.

25 MR. MASCIALE: I'd just make a

1 comment, Frank, that this is a big change because  
2 you're going to a two-story. But when you look  
3 around the neighborhood, there's not many capes  
4 that remain. We've seen in the applications a lot  
5 of houses that have either been knocked down and  
6 then built conforming two-story or modified to be  
7 two-story. You know what it comes down to really  
8 is the percentage coverage that they're asking for  
9 and it's under the 22% that we like to see things  
10 under. But it is a big change. And I'm not sure  
11 if we take away that cantilever in the front, I  
12 think we're going to take away some of the  
13 character or some of the appeal if we remove that.  
14 I know we're kind of questioning whether we need  
15 it or not. But how do the board members feel if  
16 we take that away, what are we going to look at  
17 the front of the house. That's really my only  
18 concern there.

19 CHAIRMAN FUSARO: I don't think  
20 we're going to still bring it under the coverage,  
21 it would still be over. And I would recommend  
22 that we review this application under the C-1  
23 Variance. It is an undersized lot by almost  
24 1,000-square feet, by 900-square feet; 6,302  
25 versus 7,200-square feet. So there is a hardship

1       there with respect to the size of the lot in an  
2       R-6 Zone.  Anyone else?

3                       MS. MOLNAR:  Yeah.  I do notice that  
4       the maximum height of the building allowed is  
5       32-feet and this is exactly 32-feet.  They're  
6       building to the max.

7                       MR. SONTZ:  To me, this is what's  
8       happened in this neighborhood.  The south of  
9       Jefferson neighborhood kind of between Summit  
10      Boulevard area.  I think we've seen three or four  
11      of these in the last couple of years doing this  
12      exact thing to the capes.  I don't see what's so  
13      different about this than all the other ones we've  
14      approved.

15                      CHAIRMAN FUSARO:  Thank you, Matt.  
16      I agree.

17                      MS. HROBLAK:  To that point, we're  
18      changing all the capes to whatever just because  
19      we've seen it before.  It's just there's no longer  
20      any affordable houses if we change them all to  
21      this.  This changes the nature of the housing  
22      stock in this section of town.  So before long,  
23      there will be no small capes for anybody to buy.  
24      I'm not in favor of the parking spot in front,  
25      although, it is on Vernon.  And I'm with Frank

1 that -- I don't know, the bedroom could be  
2 smaller. It's a pretty big bedroom.

3 MR. SONTZ: Just to address the  
4 parking, just so you know. I don't know where  
5 that ordinance or the thought came that you're not  
6 allowed to park in the front. On my block alone  
7 probably more than half the houses have a driveway  
8 in the front yard and they park in the front and  
9 they've been here forever. And that's all over  
10 Boulevard and Summit. You know there is no  
11 parking on one side of Boulevard south of  
12 Jefferson, so everybody has like a front yard  
13 driveway. I don't know where that came from. Is  
14 that maybe something in a bigger zone besides R-6  
15 that you're not allowed to park in the front yard?  
16 Because that's everybody over here.

17 MS. HROBLAK: But in this case, they  
18 have a driveway that goes all the way to the back  
19 and the garage. So when there's no opportunity to  
20 do that, they'd put it in front; no? To get the  
21 cars off the street.

22 MR. SONTZ: Maybe if they put them  
23 over impervious coverage I'd say we have a  
24 problem. But it doesn't; right?

25 CHAIRMAN FUSARO: That's correct.

1                   MR. MASCIALE:  There's no variance  
2                   required for the --

3                   CHAIRMAN FUSARO:  Coverage.

4                   MR. MASCIALE:  -- for the coverage.

5                   MS. RAZIN:  Right.  There's no  
6                   variance required, so there's nothing that  
7                   prohibits them from parking that way under the  
8                   ordinance.

9                   MS. HROBLAK:  Who asked the question  
10                  about curb cutting?  The photos do show something  
11                  with the curb.  I'm not sure if someone was trying  
12                  to make a point there.  It escaped me.

13                  CHAIRMAN FUSARO:  Yes.  The curb --  
14                  the survey that we see that was submitted with the  
15                  package does show a curb cut.  It is widened at  
16                  the street.  I'm assuming that if similar -- if  
17                  you're looking at the plan I just mentioned, you  
18                  see how it widens in one direction.  I'm assuming  
19                  that it would widen in the other direction.  The  
20                  curb cut will stay the same, but once you enter  
21                  the curb, you'll be able to immediately park to  
22                  the left.  That's what I assumed would happen  
23                  because Mr. Kaiser's plan doesn't show any curbing  
24                  at all.  However, the survey does show the curb  
25                  along the street as a block curb.  Actually, both

1 streets. Both on Boulevard and Vernon Place. So  
2 I'm assuming just like we see a "Y" figure there,  
3 we'll see a "Y" in the other direction to that  
4 proposed parking space there. And as Matt  
5 mentioned and Chris, they are under on coverage,  
6 otherwise, we certainly would request that they  
7 eliminate that portion of the driveway, the  
8 driveway addition; I should say.

9                   And Allyson, while I understand your  
10 concern about the smaller ranch cape-type homes,  
11 based on what Matt has said since he's from the  
12 neighborhood, and I believe Michael as well, if  
13 you look at the numerous photographs that were  
14 included in our package for this application, it  
15 looks like pretty much everyone else in that  
16 neighborhood has built a larger home whether it's  
17 new, a teardown and a new home, or whether it's an  
18 added level or an expanded width. I'm looking at  
19 you know, at least half a dozen or more  
20 photographs in the package which show those  
21 larger-type homes I guess with open floor plans  
22 that everyone wants nowadays. It seems to be the  
23 norm rather than the exception.

24                   That's all I have. Anyone else have  
25 any questions or comments?

1                   MR. MASCIALE: Are we granting a  
2 separate variance for the coverage in the back  
3 over the hot tub, the canopy?

4                   CHAIRMAN FUSARO: Katie?

5                   MS. RAZIN: My understanding is it's  
6 part -- they included it. What I heard was that  
7 they included it as part of the overall building  
8 coverage, but that the setback issues are going to  
9 be addressed from -- the closest setback is to the  
10 dwelling, that line minus the porch, but that  
11 there will -- accessory variances, we'll just have  
12 to double-check to see if there's an accessory  
13 setback variance to either the hot tub or the  
14 structure. And so I'm going just to confirm  
15 whether those are conforming or need setback  
16 variance. But I believe they're included in the  
17 coverage calculations. That's what I heard in  
18 testimony.

19                   MR. SAMMET: That's my  
20 understanding.

21                   CHAIRMAN FUSARO: I think the  
22 architect testified to that, yes.

23                   MR. SONTZ: I know they're included,  
24 but I just want to make sure. My thought would be  
25 they'd be separate because you know it was

1 testified that the hot tub was supposed to be  
2 closer to the garage and they moved it. And I  
3 don't want them to keep -- you know, we say it's  
4 15-6 to the street, now they do whatever they want  
5 in the backyard up to 15-6. That's not --

6 MS. RAZIN: You mean from a coverage  
7 standpoint or a setback standpoint?

8 MR. MASCIALE: Setback.

9 MR. SONTZ: Coverage is included but  
10 from a setback standpoint.

11 MS. RAZIN: Coverage is included.  
12 That's why I'm saying. Okay. So right. The  
13 setback, we're going to need -- then what you can  
14 do is -- one thing you can do is ask for an  
15 "as-built" plan and you can say that it has to  
16 resemble or you can ask for a plan -- I mean you  
17 can show -- you can ask that it has to resemble  
18 the plan that's shown what we've done so far. In  
19 the three resolutions that I've done is say that  
20 it has to resemble the plans that have been shown  
21 and testified to during the hearing. And then you  
22 can also ask for an "as-built" if you like to  
23 confirm that that's been done.

24 MR. SONTZ: And Katie, do they need  
25 to re-notice because these are new variances that



1 weren't provided to the public?

2 MS. RAZIN: I have to look at the  
3 notices, but my inclination is that there's a  
4 catch-all and they're probably okay. And the  
5 closest setback is really to the dwelling. So I'm  
6 comfortable that as long as they noticed for the  
7 closest setback that they're probably okay.

8 MR. MASCIALE: Another solution is  
9 to ask them to move it and to conform.

10 CHAIRMAN FUSARO: Correct. That's  
11 why I asked specifically if they were planning on  
12 moving either of those two structures and they  
13 said, no, that's why they were requesting the  
14 variances. To Matt's point, however, I can  
15 certainly understand where Matt's coming from if  
16 we grant the variance of the street side-yard  
17 setback at 15.6, what's to stop them or a future  
18 homeowner of his property to move whatever  
19 additional structure, enlarge the existing --

20 MS. RAZIN: To 15 because I'm going  
21 to dimension out what -- I'm going to specify what  
22 -- I want to know what that exact accessory  
23 structure setback would. Another variance would  
24 be granted specifically to that. The dwelling's  
25 variance is going to be the 15. The accessory

1 structure variance -- that's why I asked the  
2 question -- the accessory structure variance is  
3 going to be separate than the dwelling.  
4 Obviously, do whatever you're comfortable with.  
5 I'm not saying you have to decide anything. What  
6 I'm just saying my intention was if you were  
7 inclined to grant it would be to grant a specific  
8 dimension to each of those structures, match it  
9 also to the plan that was given. And then if  
10 you're also inclined, you could also ask for an  
11 "as-built" plan ensuring that it's complying once  
12 it's completed. That's just another safety  
13 measure for you if you like.

14 CHAIRMAN FUSARO: An "as-built" plan  
15 is usually required by the building department  
16 when a project is --

17 MS. RAZIN: Understood. But it's  
18 not always -- I haven't seen in the resolutions  
19 that I've looked at, I mean, and the ones we've  
20 done so far, we haven't required it. But just in  
21 this case, if you wanted to take a look at it just  
22 to make sure in this case because there was  
23 something built without --

24 MR. SONTZ: Right. But isn't this  
25 -- isn't this, as an "as-built" 17-5 and 19-2?

1 MS. RAZIN: Yes. So you're right.  
2 You just want to make sure that it matches. But  
3 the distances would be -- the variances would be  
4 to those would not be to 15. It wouldn't be an  
5 all-inclusive to 15. It would be to those  
6 structures, to where those dimensions are.

7 MR. SONTZ: Right. That's what I  
8 was thinking. Yes.

9 CHAIRMAN FUSARO: If we were to  
10 grant the variance then, yes, Katie, we would ask  
11 that when the resolution is written it  
12 specifically mentions the 19-foot-2 to the hot tub  
13 setback and the 17-foot-5 to the existing canopy  
14 setback. The dimensions be incorporated in the  
15 resolution. We can also make that a condition, I  
16 believe.

17 MS. RAZIN: Yes. That would be  
18 specified in the actual grant of relief that was  
19 given.

20 CHAIRMAN FUSARO: Okay. Good.

21 MR. SAMMET: Katie, you'll want the  
22 code sections from me then, right, to work on  
23 that?

24 MS. RAZIN: Yes. And I can get that  
25 from you offline. If you can email them to me

1 that would be great. Thank you.

2 CHAIRMAN FUSARO: Okay. Great.

3 Anyone else from the Board have any comments  
4 before we make a motion? I see none. (Technical  
5 interference.) If the applicants could just mute  
6 themselves, that would be great.

7 Do we have a motion on the  
8 application?

9 MR. MASCIALE: I'll make a motion to  
10 approve the application with the conditions that  
11 the existing canopy remain at 17.5,  
12 17-foot-5-inches, and the hot tub 19-foot-2-inches,  
13 and that the canopy remains open.

14 CHAIRMAN FUSARO: Do we have a  
15 second?

16 MR. REISEN: Second.

17 MR. SAMMET: Who made the --

18 CHAIRMAN FUSARO: Who was the  
19 second?

20 MR. REISEN: I did, Sam Reisen.

21 MS. RAZIN: I also have the  
22 condition that the pool does not come back without  
23 returning to the Board. Just for the record,  
24 that's a condition I took down.

25 MR. SAMMET: Good.

1 CHAIRMAN FUSARO: Thank you.

2 Mr. Sammet.

3 MR. SAMMET: There's a motion and a  
4 second to approve the application with conditions.  
5 I'll take the roll.

6 Mr. Cohen.

7 MR. COHEN: Yes.

8 MR. SAMMET: Mr. Fusaro.

9 CHAIRMAN FUSARO: Yes.

10 MR. SAMMET: Ms. Hroblak.

11 MS. HROBLAK: No.

12 MR. SAMMET: Mr. Masciale.

13 MR. MASCIALE: Yes.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: No.

16 MR. SAMMET: Ms. Pavon is absent.

17 Mr. Sontz.

18 MR. SONTZ: Yes.

19 MR. SAMMET: Mr. Gelinias.

20 MR. GELINAS: Yes.

21 MR. SAMMET: And Mr. Reisen.

22 MR. REISEN: Yes.

23 MR. SAMMET: The application is  
24 approved.

25 CHAIRMAN FUSARO: Thank you. Your

1 application is approved with conditions. Thank  
2 you. Enjoy the rest of your evening.

3 MR. KAISER: Thank you.

4 MS. BAND: Thank you so much.

5 MR. BAND: Thank you very much. We  
6 appreciate everything. You guys are very good.  
7 Thank you.

8 CHAIRMAN FUSARO: You're welcome.  
9 Have a good evening.

10 We're going to jump back. Do we  
11 want to take a quick break now or do we want to  
12 jump back to our second application which was  
13 712 Oak Avenue? How does the Board feel? Yes?  
14 No? Maybe?

15 MR. MASCIALE: I'm fine.

16 MR. REISEN: I'm fine with that.

17 CHAIRMAN FUSARO: Okay, let's move  
18 ahead. We're going to check back in with  
19 applicants for 712 Oak, which I believe are  
20 Francis Ferraro and Angela Wilkos. Hopefully,  
21 their planner is here. I see Mr. Bailey is up on  
22 our screen. So he's here. Don, if you can find  
23 the rest of the group that would be great.

24 MR. FERRARO: It's Jim Watson from  
25 EKA Associates. He texted me.

1 MR. SAMMET: Mr. Watson. There he  
2 is.

3 CHAIRMAN FUSARO: Mr. Watson was the  
4 one delaying us; I see. There we have the  
5 applicants and Mr. Watson. Okay. I believe we  
6 have everyone. Katie, do you need me to reread  
7 the variance?

8 MS. RAZIN: You did it before, but  
9 you could just -- you don't have to. If  
10 everyone's familiar -- if recalls the application  
11 from earlier this evening. Yes?

12 MS. HROBLAK: Yes.

13 MS. RAZIN: We did not swear anybody  
14 in, however.

15 CHAIRMAN FUSARO: I'm aware of that.  
16 We'll take care of that. We have our applicants  
17 with us. I see Mr. Ferraro and I assume that it's  
18 Ms. Wilkos. If you could please state your name  
19 and address for the record.

20 MR. FERRARO: Francis Scott Ferraro,  
21 712 Oak Avenue, Westfield.

22 MS. WILKOS: Angela Wilkos, 712 Oak  
23 Avenue, Westfield.

24 CHAIRMAN FUSARO: Thank you. If you  
25 could please raise your right hand.

1                   FRANCIS SCOTT FERRARO AND  
2           ANGELA WILKOS, having been duly sworn, were  
3           examined and testified as follows:

4                   CHAIRMAN FUSARO:   Thank you so much.  
5           If you could tell us a little about your  
6           application and then we'll move to your  
7           professionals.

8                   MR. FERRARO:   We have lived in our  
9           home going on six years now and we love the area,  
10          we love the neighborhood.  And we are looking to  
11          expand slightly to maximize the space and add a  
12          bathroom to the ground floor and to make the  
13          kitchen more practical to increase the size  
14          slightly.

15                   CHAIRMAN FUSARO:   Thank you.  
16          Mr. Bailey, I see you.  I know you haven't  
17          testified before us I believe this year yet.  We  
18          do have a few new board members.  If you could run  
19          through your credentials real quick that would be  
20          great.

21                   MR. BAILEY:   Yes.  I have a  
22          bachelor's degree in architecture and I'm licensed  
23          in architecture in the State of New York and also  
24          in the State of New Jersey.  I received my New  
25          Jersey State license in 1990.  My New York State



1 license in 1989. I've had my own firm, Forefront  
2 Designs, since 1996. I've appeared before this  
3 board numerous times. I've appeared before more  
4 than 20 different boards throughout the State of  
5 New Jersey.

6 CHAIRMAN FUSARO: Thank you,  
7 Mr. Bailey. Unless anyone on the Board has any  
8 comments, we will continue to recognize Mr. Bailey  
9 as an expert in architecture. If you could please  
10 raise your right hand.

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

13 CHAIRMAN FUSARO: Thank you. I  
14 believe I may not have asked you for your address.  
15 If you could please give us that for the record.

16 MR. BAILEY: Yes. The office  
17 address is 225 Lenox Avenue, Westfield, New  
18 Jersey.

19 CHAIRMAN FUSARO: Thank you. Please  
20 proceed.

21 MR. BAILEY: Would the Ferraros like  
22 to start with why you need to expand the house?

23 MR. FERRARO: Just to maximize the  
24 space. Our family is growing, to just meet the  
25 needs of our growing family.

1 MS. WILKOS: Also, to maximize the  
2 space. Make the space that is currently here more  
3 practical. And to be able to be more -- basically  
4 user-friendly. Some areas are quite small and  
5 difficult to maneuver around.

6 CHAIRMAN FUSARO: Thank you.  
7 Mr. Bailey.

8 MR. BAILEY: I want to share a  
9 screen. Does the Board see the files?

10 CHAIRMAN FUSARO: Yes.

11 MR. BAILEY: This first sheet here,  
12 EX-2, these are existing floor plans. So on  
13 Drawing 1 here, that's the existing basement of  
14 the house. This is the front of the house with a  
15 porch above. There's a partially finished  
16 basement. There's an attached garage,  
17 slab-on-grade. And there's an existing deck in  
18 the rear. This is the existing first-floor plan.  
19 So the existing front porch, existing living room,  
20 existing dining room, existing very small kitchen  
21 and the stairs here, and detached garage. The  
22 Ferraros need to expand their home because as you  
23 can see, the kitchen is very tiny, there's no  
24 mudroom, there's no flow from the kitchen into the  
25 rest of the spaces. The garage is undersized. It

1 exists nonconforming in size. It exists roughly  
2 9-foot-clear by 16-foot-9-deep. So it's not  
3 really a functioning garage, to begin with. We're  
4 not proposing making it any smaller, but it is a  
5 small garage, very tiny kitchen, and very cutup  
6 floor plan. This is the existing second floor.  
7 There're three bedrooms and one bath on the second  
8 floor. We're not proposing changing the second  
9 floor. These are the existing elevations. This  
10 is the existing west side elevation; Number 1.  
11 And Drawing 2 is existing rear elevations. We're  
12 proposing to knock out the back rear elevation of  
13 the house on the first floor. And this is the  
14 existing east side where we're going to change the  
15 windows, knock out the back wall and expand  
16 towards the back yard. This is the existing  
17 attached garage. This is the existing kitchen.  
18 And again, we're going to knock out the back wall  
19 here and go towards the backyard.

20 I'm going to the plans. This is the  
21 proposed floor plan. In Drawing 1 here, we're  
22 proposing to build the one-story addition on the  
23 back of the house over a full basement. So we're  
24 going to expand the existing living space in the  
25 basement into the addition. We're going to

1 relocate that existing bathroom into the addition.  
2 So we open up a nice large rec room here, create a  
3 little office space here on the side, create a  
4 laundry room here, and then we're going to finish  
5 all the basement including it into the extension.  
6 The extension proposed for the addition is only  
7 8-foot deep by the width of the house. Except we  
8 did pull in along the back of the house where the  
9 garage is.

10 Here on proposed first-floor plan,  
11 we're proposing to relocate the existing door to  
12 the attached garage, straight up the stairs to the  
13 basement, relocate the door to attached garage on  
14 the back of the garage. We open directly from the  
15 back of the garage into proposed mudroom. We're  
16 going to move -- create a powder room here in the  
17 corner of the existing house. Then the 8-foot  
18 expansion here towards the rear that will be a  
19 part of the mudroom. And we'll open up the walls  
20 inside the house and expand as a great room into  
21 the 8-foot addition on the back, create a nice  
22 island kitchen, open floor plan with wide archway  
23 and a nice eating area, and then French doors to a  
24 stoop to the backyard.

25 This is proposed second-floor plan.

1 No change to the second floor. You just see the  
2 hip roof of the one-story addition here. We're  
3 going to proposed elevations. This is the  
4 proposed elevations Drawing 1 on the top, this is  
5 along the garage. So this is the 8-foot addition  
6 on the back, it's got a hip roof, one-story, we  
7 got the new stoop going into the backyard. No  
8 change to the second floor. This is proposed rear  
9 elevation. Again, it's the one-story addition.  
10 It's pulled in from the corner, it's got a hip  
11 roof, it's got nice windows, French doors to a  
12 stoop to the backyard. This the east side, where  
13 again, the addition, one-story, hip roof, over a  
14 full basement, again, the stoop to the backyard.

15 The site plan. So these are the  
16 site plans. The one here is existing site plan.  
17 So currently, there's an existing large wood deck  
18 and existing storage shed. We're proposing  
19 removing that deck and shed. Existing front porch  
20 here. This is proposed site plan. The red shaded  
21 area is the proposed one-story addition. Again,  
22 it's 8-foot deep by 29-foot-2 wide. And then the  
23 purple area here is proposed stoop to a back  
24 patio.

25 So the current building coverage for

1 the existing first floor and existing shed,  
2 existing building coverage is 852-square feet,  
3 17.5%. You can discount the front porch under the  
4 Front Porch Ordinance. The proposed building  
5 coverage here in the red area, the first floor  
6 we'll be expanding the addition to 1,038-square  
7 feet; we still discount the front porch. And we  
8 have a proposed stoop of 32-square feet, we've  
9 eliminated the deck and the shed. So the proposed  
10 building covered is 1,070-square feet, which is  
11 21.57-square feet. Now, the maximum building  
12 coverage allowed is 20% and that is not above  
13 999-square feet. So the proposed building  
14 coverage with the stoop is only 71-square feet  
15 over the maximum allowed, and 32-feet of that  
16 71-square feet is for the new stoop. It's only  
17 about 39-square feet. The variance for building  
18 coverage is for the living space. The other  
19 32-square feet is for the stoop where it's  
20 required by code to go from the doors down to the  
21 patio.

22 The side-yard setback variance is  
23 existing nonconforming. So here on the right side  
24 of the house, existing side yard is 8.89-feet,  
25 we're proposing to expand that line 8-feet. So we

1 go to the proposed floor plans. So by extending  
2 that wall 8-feet here, we get a nice open kitchen  
3 with an island. If you pull that wall over to a  
4 10-foot required setback, you have an awkward jog  
5 in your kitchen wall. Because the chimney is  
6 there, we're still okay with sidewall massing.

7 So we're just asking for relief for  
8 side-yard setback for existing nonconformance.  
9 We're only extending that nonconformance 8-feet.  
10 And, again, we want a straight wall because that's  
11 along the kitchen cabinets. And then the garage,  
12 is existing nonconforming garage. We're not  
13 making it any smaller, we're just relocating the  
14 entrance door from side to the rear to work better  
15 with the floor plans.

16 CHAIRMAN FUSARO: Thank you,  
17 Mr. Bailey. Do we want to hear from our planner  
18 before we ask any questions of Mr. Bailey or  
19 Chris, would you prefer that we take them one at a  
20 time? Chris?

21 MR. MASCIALE: Sorry guys. I  
22 suggest we allow questions to the testimony we  
23 just had while it's fresh.

24 CHAIRMAN FUSARO: As to not confuse  
25 anyone and ask too many questions all at once.

1       Okay.  Great.  That having been said, do any board  
2       members have any questions for Mr. Bailey and/or  
3       the testimony that we've heard from the  
4       applicants?

5                       MS. MOLNAR:  Yes.  I have a  
6       question.  It might be for Don Sammet.  They're  
7       enlarging the basement.  Is the basement square  
8       footage included in the FAR calculation?

9                       MR. SAMMET:  No, it is not.  Only  
10      when the basement becomes what the town considers  
11      a story level would it count.  In this case, that  
12      has not happened.

13                      MS. MOLNAR:  This the not a story  
14      level?

15                      MR. SAMMET:  Correct.

16                      MS. MOLNAR:  How do you define a  
17      story level?

18                      CHAIRMAN FUSARO:  Above-grade.

19                      MR. SAMMET:  There're three  
20      categories.  It's if any portion of the basement  
21      becomes 10-feet up out of the ground if the  
22      average grade from the base to the finish floor  
23      level is 4-feet or greater.  There's one other  
24      category I'm forgetting.

25                      MS. MOLNAR:  For the architect.



1 What does this addition do to the runoff?

2 MR. BAILEY: Let me go back to the  
3 site plan. On the improvement coverage, we're  
4 allowed 50% and even with the additions, we're  
5 well under the improvement coverage 37.94; 50% is  
6 what's allowed. As far as FAR living space, we're  
7 allowed 37% and even with the proposed addition,  
8 we're only 31.68%. We're well under the maximum  
9 improvement coverage, so I don't think it'd be an  
10 issue with runoff since we're conforming with  
11 improvement coverage. We're under the maximum  
12 allowed.

13 MS. MOLNAR: I was just wondering  
14 about runoff when it rains, the drainage.

15 MR. BAILEY: Well, the building  
16 codes, the building department requires that roof  
17 gutters be run and piped to the street when  
18 possible. So they would be underground piping  
19 from the gutters to run the water to the street.  
20 Then the next testimony will be from Jim Watson  
21 who is also a civil engineer. But the building  
22 department on the permits requires that roof  
23 gutters run underground piping to the street when  
24 feasible. And it should be feasible here.

25 CHAIRMAN FUSARO: Mr. Bailey, just a

1 quick question, and perhaps this would help the  
2 Board as well as far as drainage and runoff goes.  
3 Does the lot grading, is it from front to rear or  
4 rear to front? Do you happen to know?

5 MR. BAILEY: Let's go to the  
6 photographs here. These are the existing  
7 photographs.

8 CHAIRMAN FUSARO: I see there's a  
9 downspout on the side of the garage in your  
10 photograph on the lower left.

11 MR. BAILEY: Right here, there's a  
12 splash block pipe. It looks like currently. The  
13 gutters don't drain to underground piping. But  
14 certainly, to get building permits in Westfield,  
15 we ask for that. The yard looks fairly level.  
16 The Ferraro's might be able to testify if there's  
17 any drainage issues when there's a heavy rain. It  
18 looks fairly flat to me.

19 CHAIRMAN FUSARO: Yes. The  
20 applicant, have you had any issues with any water  
21 accumulation, flooding, etcetera, in your rear  
22 yard as a result of some of the recent storms?

23 MR. FERRARO: We did, but it was  
24 because we just hadn't had the gutters cleaned.  
25 So once we had them cleaned, that fixed that

1 problem. We had actually a neighbor's tree fall  
2 on the house and that clogged the gutters and we  
3 didn't have them cleaned so we had flooding in the  
4 basement. But other than that it's drained into  
5 the yard. I mean it's puddled up for the big  
6 storms, but nothing I don't think out of the  
7 ordinary.

8 CHAIRMAN FUSARO: Did I hear you say  
9 that you did have some basement flooding during  
10 the recent storms or not?

11 MR. FERRARO: Yes, because -- oh,  
12 during the recent storms?

13 MS. WILKOS: No. No. We had rain  
14 about -- during the spring of 2020 due to the fact  
15 that our gutter -- this was totally our fault --  
16 the gutters had not been cleaned and they were  
17 overfilled from damage to our neighbor's home when  
18 their tree fell. We never had the gutters  
19 cleaned. So that once they were cleaned, that  
20 resolved the whole problem.

21 MR. FERRARO: And we have Rainbow  
22 Gutter come regularly to address that issue.

23 MR. SAMMET: Mr. Chairman, may I ask  
24 a question?

25 CHAIRMAN FUSARO: Yes. Absolutely.

1                   MR. SAMMET: This is either for -- I  
2                   guess for the applicants. The garage depth of  
3                   16-foot-9 inches exists and has existed, do you  
4                   use your garage to park a vehicle, and if so, any  
5                   trouble fitting a vehicle in there? That's maybe  
6                   the better way to ask it.

7                   MR. FERRARO: We have not since  
8                   we've lived here. We use it for storage. We  
9                   don't park in the garage.

10                  MR. SAMMET: Yeah. It's difficult.  
11                  But do you feel if the garage was emptied out, so  
12                  to speak, do you think one of your vehicles will  
13                  fit in there?

14                  MS. WILKOS: The way that the --  
15                  because I park in the driveway -- so the way it  
16                  lines up with the door with my Subaru Forester is  
17                  the width of the door and that wouldn't even -- I  
18                  think if I was able to squeeze it in, which I  
19                  wouldn't even attempt because I'd be afraid of  
20                  damage -- the doors wouldn't be able to open. We  
21                  wouldn't be able to open the doors.

22                  CHAIRMAN FUSARO: Unless you have a  
23                  smart car, it's not going to fit in the garage.

24                  MR. SAMMET: Right.

25                  MS. WILKOS: Yes. A

1 battery-operated vehicle.

2 CHAIRMAN FUSARO: Thank you. Any  
3 other board members have any questions for the  
4 applicant or Mr. Bailey at this time? Seeing  
5 none, why don't we continue with Mr. Watson from  
6 EKA at this time.

7 MR. WATSON: Good evening. Can  
8 everybody hear me?

9 CHAIRMAN FUSARO: We can hear you  
10 and see you, Mr. Watson. Welcome. If you could  
11 please state your name and address for the record.

12 MR. WATSON: Do this first?

13 (Indicating.)

14 CHAIRMAN FUSARO: Sure.

15 JAMES WATSON, having been duly  
16 sworn, was examined and testified as follows:

17 MR. WATSON: My name is  
18 James Watson, W-a-t-s-o-n. I work for EKA  
19 Associates located at 328 Park Avenue, Scotch  
20 Plains, New Jersey. I'm a licensed land surveyor  
21 in the State of New Jersey as well as New York.  
22 I'm also a licensed professional planner. I've  
23 been doing this for over 30-years. Appointed  
24 positions in my career have been town planner for  
25 the Township of Union and the Borough of Carteret,

1 as well the planner for the public advocate of the  
2 Township of Warren. I'm here on a regular basis.  
3 I think I was here last month; if I recall  
4 correctly.

5 CHAIRMAN FUSARO: Yes, you were,  
6 Mr. Watson. You'll be testifying this evening as  
7 a planner?

8 MR. WATSON: Yes.

9 CHAIRMAN FUSARO: Unless any board  
10 members have any questions or concerns, we'll  
11 continue to recognize Mr. Watson as an expert  
12 witness with testimony in the field of planning.  
13 Please proceed Mr. Watson.

14 MR. WATSON: All right. Thank you.  
15 I'm going to refer for the variances to the Staff  
16 Report prepared by Lyndsay Knight on  
17 January 13, 2022. We're talking about four  
18 variances. The first one is for the minimum  
19 side-yard setback permitted is 10-feet, proposed  
20 is 8.89 and it actually should be 8.11 because  
21 it's closer at the front than at the back. As you  
22 push this addition towards the rear yard, that  
23 rear setback gets even bigger. But that's a  
24 preexisting nonconformity. You can grant approval  
25 under C-1, which is undo hardship. Because the

1     only way to fix the existing condition is to tear  
2     down part of the house. The new portion of that  
3     variance we can grant under C-1, again for an  
4     undersized lot, and under C-2 for positive versus  
5     negative. The next one is the maximum coverage by  
6     buildings and above-grade structures, you're  
7     permitted 20% and we are proposing 21.57%. That,  
8     we're going to ask for relief under C-2. The next  
9     one is the minimum garage space. Permitted is 1,  
10    and because it's undersized, we do not comply.  
11    It's not counted as a space. So that's, again, a  
12    preexisting nonconformance. And finally the  
13    maximum coverage for buildings and above-grade  
14    structures with ingress/egress platforms, porches,  
15    and decks; permitted is 24% proposed is 25.14.  
16    Again, we're going to proceed under C-2 for that.

17                   Starting the testimony with the C-1,  
18    the reasoning for the C-1 is that we have an  
19    undersized lot. Roughly 5,000-square feet is  
20    what's existing. That's 83% of your minimum  
21    required lot area. Interestingly, Westfield has  
22    no residential zone that supports a lot under  
23    6,000-square feet. In this neighborhood, you have  
24    a lot of -- not a lot, but a good amount of  
25    undersized lots. You also have a preponderance of

1 existing building coverage violations. If we were  
2 a conforming lot, we would be a totally conforming  
3 application with the exception of the side-yard  
4 variance that we are requesting for the extension  
5 of the rear portion of the house. I believe we  
6 have good C-1 arguments, but in addition to that,  
7 I believe we can apply under C-2, which is your  
8 positive versus negative. We have to talk about  
9 five things. First, about a specific parcel. The  
10 next thing we have to do is address the positive  
11 criteria which come from the Municipal Land Use  
12 Law Purposes of Zoning. We have to examine the  
13 negative criteria associated with it. The fourth  
14 thing we have to do is weigh this out. And  
15 finally, the fifth thing, we have to come to a  
16 conclusion that there will be no substantial  
17 detriment with the approval of this application.

18 Starting with the specific parcel,  
19 only one other lot within 200-feet is the same  
20 size as ours. Everything is bigger. So we are  
21 smaller than everything within 200-feet with the  
22 exception of our neighbor. We do match the  
23 50-foot minimum lot width which is prevalent in  
24 the area. Of the lots within 200-feet, you have  
25 22 of them, 16 of those lots' which is 72% have



1 the 50-foot lot width. And where we're deficient  
2 is you require a 120-foot dept to give you that  
3 6,000. We just don't have it. We're 100-feet  
4 deep.

5 The next thing is the positive  
6 criteria and they come from the Purposes of  
7 Zoning; like I said. The first one I think we  
8 comply with is "A" which is to "encourage  
9 municipal action and guide the appropriate use and  
10 development of all lands in the state in a manner  
11 in which will promote the public health, safety,  
12 morals, and general welfare." Going to general  
13 welfare "allowing existing residents to stay and  
14 improve existing housing stock improves the  
15 neighborhoods overall, and it actually increases  
16 real estate value surrounding them."

17 The next thing I believe we comply  
18 with is "E" which is to "promote the establishment  
19 of appropriate population densities and  
20 concentrations that will contribute to the  
21 wellbeing of persons, neighborhoods, communities,  
22 and regions, and the preservation of the  
23 environment." Layman's terms streetscape; can you  
24 match what's there. Like I said, 72% of the lots  
25 within 200-feet are 50-foot wide. We just don't

1 have that required depth of 120-feet. Nine of the  
2 lots within 200-feet don't comply with the  
3 building coverage. That's 38%. Two of the lots  
4 within 200-feet don't even have a garage  
5 associated with the dwelling. So we're not the  
6 prevalent pattern, but we're not out of the  
7 ordinary. And as Mr. Bailey testified to all of  
8 the improvements are going to the rear of the  
9 existing dwelling. Nobody will see any of that.

10 The next purpose or positive I  
11 believe we comply with is "I" which is to "promote  
12 a desirable visual environment through creative  
13 development techniques, good civic design, and  
14 arrangements." Like I said before, while we're  
15 asking for a building coverage variance, and  
16 Mr. Bailey stated this earlier, we comply with  
17 your total coverage and your FAR. And I think  
18 those are your keys to overdevelopment. It's  
19 always been the case with Westfield that you look  
20 to those two numbers to see if there is massing  
21 and overdevelopment of a lot. With the total  
22 coverage, we're at 38% roughly, 50% is what we're  
23 allowed, so we're 600-square feet more or less  
24 below the threshold. And the FAR, we have 32%  
25 roughly versus 37%. We could go -- if there was a

1 place to put it -- you could ask for another  
2 266-square feet of living space. But I think this  
3 is a good application. It's sized correctly, and  
4 it is a good creative design to allow upgrades and  
5 modernization of an existing dwelling.

6 And finally, I believe we comply  
7 with "M" which is to "encourage coordination of  
8 various public and private procedures and  
9 activities shaping land development with a view on  
10 lessening this cost of such development into the  
11 more efficient use of land." Again, all utilities  
12 are in place, you don't need a knockdown. The  
13 only thing that we're asking for is development or  
14 improvements to the rear which won't be seen by  
15 the existing neighborhood.

16 Leaving the positive criteria and  
17 addressing the third thing, which is the  
18 negatives. In this case, I don't think there are  
19 any associated with this application. Light and  
20 noise and traffic concerns, they don't increase  
21 from what's there now, and they're anticipated  
22 with this type of development in a residential  
23 zone. So there's nothing out of the ordinary that  
24 is happening here that should be of concern.  
25 Stormwater is not a concern because we're still

1 below that maximum threshold for total lot  
2 improvement. All of the original design for storm  
3 sewers and stuff use that 50% number. And what  
4 people try to do with new applications is offset  
5 any new impervious area with some stormwater  
6 management. But I think the suggestion of piping  
7 all of the leaders out to the street is a good  
8 one. Especially from the front. You want some  
9 recharge into the existing ground so you may want  
10 to leave some of it. But looking at the pictures,  
11 it seems that the typical residential development  
12 pattern is in place here where everything goes  
13 away from the building. And then everything from  
14 the rear line of the building out to the street is  
15 graded along swales that are usually along the  
16 common property line. I don't see any need for  
17 any stormwater management here. It's de minimis  
18 at the most.

19 The fourth thing that we have to  
20 talk about is weighing this out. And just a quick  
21 recap, keep in mind this house was built in 1929.  
22 It's an undersized lot by 17%. Again, no zones in  
23 the Town of Westfield allow 5,000-square foot  
24 lots, and we would conform totally if this was a  
25 6,000-square foot lot. The minimal overage on the

1 building coverage is 71-feet, and as Mr. Bailey  
2 said, the stoop is 32. So if you took that out  
3 you have 39-square feet, that's not even a sheet  
4 of plywood. It's minimal. It's a minimal ask. I  
5 think you can do this without any problems. We  
6 matched the existing streetscape. Like I said,  
7 50-foot lot width is prevalent in the area at 72%.  
8 We do meet the purposes of zoning with the  
9 positives. Again, all the improvements are to the  
10 rear and out of sight of any neighbors. And  
11 there's really no impact to the rear neighbors  
12 because there's a split -- there're two neighbors  
13 that back up to our rear lot, so they don't even  
14 see except for maybe 25 or 30-feet of our back  
15 yard. We're tucked in the very extreme of their  
16 rear yard. So we really don't impact them at all.  
17 We don't violate the maximum improvement coverage  
18 limits or the FAR limits. Which, like I said,  
19 usually control your overdevelopment reasoning.

20                   And again, this keeps a growing  
21 family in town by allowing modernization of an  
22 older home, which is what the trend is these days.  
23 You try to avoid knockdowns if you can. Westfield  
24 likes the character of the existing homes and you  
25 want to keep these. So this is what is proposed

1 here tonight and what I think is a good thing in  
2 the area. And finally, you have to come to the  
3 same conclusion that I do, and it is my opinion  
4 that you can grant the variance requested tonight  
5 with no substantial detriment to the zoning  
6 ordinance or the Master Plan of the Town of  
7 Westfield. There you go.

8 CHAIRMAN FUSARO: Thank you,  
9 Mr. Watson. Anyone from the Board have any  
10 questions for Mr. Watson at this time? Seeing  
11 none. At this portion, I would open it up to  
12 public comments. If anyone in the audience would  
13 like to address the application or have any  
14 questions for either the applicant or the  
15 architect or the planner, please virtually raise  
16 your hand at this time and Mr. Sammet will allow  
17 you to enter the meeting.

18 MR. SAMMET: Anyone with questions,  
19 again, please virtually raise your hand. No one,  
20 Mr. Chairman.

21 CHAIRMAN FUSARO: Thank you,  
22 Mr. Sammet. Okay. We will close the public  
23 portion of the meeting and open it up to Board  
24 discussion unless any board members have any  
25 questions for either the applicants or the

1 architect or the planner at this time. Anyone?  
2 Anyone questions? Seeing none, we'll close that  
3 portion of the meeting and open up to Board  
4 discussion.

5 As you've heard from the applicants,  
6 from Mr. Bailey, and Mr. Watson, the current lot  
7 is undersized as are several others or numerous  
8 others in that area. I believe that they are  
9 1.57% above the maximum coverage by buildings. We  
10 kind of have a rough rule of thumb that we like to  
11 keep that below 22% which it certainly is. I  
12 don't have any issue with that. The addition is  
13 in the rear as we've mentioned earlier this  
14 evening and we usually routinely mention during  
15 these applications. The trend nowadays is for  
16 that open look, the open floor plan, which  
17 Mr. Bailey is proposing. The addition is in the  
18 rear of the home. As Mr. Watson said, it will not  
19 be visible from the street. And if you look at  
20 the tax map which is in our packet, the rear of  
21 the home abuts the two properties that are Baker  
22 and North Chestnut in the most remote portion of  
23 their rear yards. So it shouldn't have any impact  
24 or minimal impact on the neighbors. I'm glad that  
25 the applicants and the professional have

1 eliminated that shed, eliminated that rear deck,  
2 which will certainly help with their coverage  
3 calculations. They are under the maximum improved  
4 coverage by a substantial amount; 50% is the max  
5 and they're at just under 38%. And they are under  
6 the FAR 37% is the max, and they're slightly below  
7 at 32 at 31.68.

8 I'm glad that Mr. Sammet, and I'm  
9 sure a couple of other of us on the Board, have  
10 concerns regarding the one-car garage. However,  
11 it is existing. Looking at the floor plan and how  
12 the home is currently constructed and situated, I  
13 really don't see what can be done with that garage  
14 other than it would have to be converted to some  
15 other room and a separate garage be built on the  
16 property which would just create additional  
17 coverages and additional variances and certainly  
18 add to the runoff. That being said, how does the  
19 rest of the Board feel?

20 MR. MASCIALE: Real quick, Frank. I  
21 think the C-1 hardship is real and we can give  
22 relief under C-1 based on the size of the lot and  
23 the hardships there. Under C-2, I was a little  
24 concerned about this pushing back further in the  
25 backyard, but since it's one-story, I think the



1 negative at one-story, the blocking the light and  
2 the impact on the neighbor is minimal. Where if  
3 it were two stories, I'd have some concerns. But  
4 as one-story, I don't see it, and I think we can  
5 approve it under C-2.

6 CHAIRMAN FUSARO: Thank you, Chris.  
7 I would agree. Any other board members have any  
8 comments?

9 MS. HROBLAK: I would like to make a  
10 comment or a request for a condition or at least  
11 discuss the trend in, you know, providing relief.  
12 In this case, it seems like a good application,  
13 but I was wondering if it wouldn't be prudent to  
14 start having the increase in coverage treated as a  
15 separate type of -- outside of the piping into the  
16 street. So I guess what I'm getting at is if it  
17 could pipe the or just have the runoff coming from  
18 the addition just have it spill out to the  
19 backyard. And unless that becomes a problem, then  
20 they can come to the town and ask if they can have  
21 it piped to the street. I'm thinking that  
22 increases in coverage, you know, they do cause  
23 drainage problems regardless of whether they're  
24 below the design limits. We're such a tightly  
25 packed town that those tend to cause problems.

1 Just changing, changing and adding. So, yeah, in  
2 this case, it would just be don't pipe it to the  
3 street and have it spill onto the backyard, the  
4 addition.

5 CHAIRMAN FUSARO: Yes. There's  
6 still a substantial amount of area in the  
7 backyard. We did hear from the applicants that  
8 perhaps during a major storm event, a 50 or  
9 100-year storm, there would be some ponding back  
10 there. However, I would venture to guess that  
11 that's probably the case in 25 to 30% of the lots  
12 in town. I have no issue, Allyson, with putting a  
13 condition in there that they direct the downspouts  
14 to the rear yard unless it becomes an issue and at  
15 that point, they could approach the town regarding  
16 it being run out to the street.

17 However, and perhaps Don can chime  
18 in here. I believe Don mentioned in one of the  
19 previous applications that the town requires the  
20 downspouts to be piped underground; is that  
21 correct, Don?

22 MR. SAMMET: That is -- it doesn't  
23 come through my office, through the engineering,  
24 but new, brand new homes, brand new construction  
25 does require piping to the street. For additions

1 to homes, I do not believe it's required. I  
2 recall Mr. Bailey testifying that it is  
3 recommended, but not required.

4 CHAIRMAN FUSARO: Thank you, Don.  
5 We can certainly, Allyson, as you mentioned,  
6 certainly add that condition to an approval if  
7 that's the way we're leaning. Anyone else have  
8 any other questions or comments?

9 MR. MASCIALE: I just want to  
10 comment that agree with Allyson on where it goes.  
11 But isn't it better that we leave it as a call  
12 onto the professionals than the Board trying to  
13 dictate whether it should go to the front or the  
14 back in each case? Each application is different  
15 and I don't know if we should get in the habit of  
16 each application saying where the water is going  
17 to go. We should be leaving it up to the  
18 professionals in my mind. I agree with Allyson in  
19 this case --

20 MS. HROBLAK: In the direction?

21 MR. MASCIALE: Yeah. It's more of  
22 what are we doing? We're bringing up the drainage  
23 on each case now and where it's going to go and  
24 dictating in each.

25 MS. HROBLAK: Well, I dictate -- I'm

1 not really dictating any design, just that it  
2 flows across the ground as opposed to being piped.  
3 I don't care what direction it goes in.

4 MR. MASCIALE: I think that's a good  
5 call on your part, I agree with you. I'm just  
6 kind of saying is are getting in the habit of each  
7 application dictating where it goes or should we  
8 depend on the professionals. I just want to bring  
9 it up as king of a point here. I mean, I agree  
10 with you on this case.

11 MS. HROBLAK: My thoughts are just  
12 in general that increases in coverage should try  
13 to be handled by not sending it to the street  
14 since we already have issues with our storm  
15 sewers. And so, we should first try to recharge  
16 it into the ground, and the easiest way is to just  
17 let it, you know, dump onto the lawn. You know if  
18 something else were needed, then we can start  
19 getting into more elaborate design questions I  
20 think. It's actually cheaper to dump it on the  
21 ground.

22 MR. MASCIALE: Right.

23 MS. HROBLAK: It requires less  
24 piping and things.

25 CHAIRMAN FUSARO: I think the

1 difficulty that -- and perhaps this is why this  
2 keeps coming up -- is most of the applications  
3 that come before us do not have a grading plan.  
4 So we don't know if the lot is graded towards the  
5 back, if it's graded towards the front, if it's  
6 graded towards the side; one neighbor versus the  
7 other. If you recall, we usually ask if any of  
8 the neighbors, you know, appear before us we ask,  
9 "Hey, is there any runoff from this property  
10 coming onto yours?" But without having a grading  
11 plan, it's kind of difficult for us to determine  
12 where that water is going to go or perhaps where  
13 it should go. I agree with Allyson that  
14 absolutely anything that can be recharged into the  
15 ground should certainly be done so instead of  
16 dumping it out into the street. And quite often,  
17 it's almost -- especially on a flat lot -- it's  
18 impossible to drain it to the street because you  
19 just don't have a pitch. Okay. Anyone else?  
20 Seeing none, may I have a motion on the  
21 application?

22 MS. HROBLAK: I'll a motion to  
23 accept the application as designed with the  
24 condition that the stormwater runoff from the roof  
25 of the addition be discharged to the ground.

1 CHAIRMAN FUSARO: If possible. Is  
2 that okay or, no, Allyson?

3 MS. HROBLAK: If possible.

4 CHAIRMAN FUSARO: Do we have a  
5 second?

6 MR. REISEN: Second.

7 MR. SAMMET: Seconded by Mr. Reisen.  
8 I'll call the roll. This is to approve the  
9 application.

10 Mr. Cohen.

11 MR. COHEN: Yes.

12 MR. SAMMET: Mr. Fusaro.

13 CHAIRMAN FUSARO: Yes.

14 MR. SAMMET: Ms. Hroblak.

15 MS. HROBLAK: Yes.

16 MR. SAMMET: Mr. Masciale.

17 MR. MASCIALE: Yes.

18 MR. SAMMET: Ms. Molnar.

19 MS. MOLNAR: Yes. I'm sorry. I was  
20 on mute.

21 MR. SAMMET: Ms. Pavon is absent  
22 this evening. Mr. Sontz.

23 MR. SONTZ: Yes.

24 MR. SAMMET: Mr. Gelinias.

25 MR. GELINAS: Yes.

1 MR. SAMMET: And Mr. Reisen.

2 MR. REISEN: Yes.

3 MR. SAMMET: Actually, one moment.

4 I apologize folks. Mr. Reisen is our second  
5 alternate. Katie?

6 MS. RAZIN: Yeah. I know you've  
7 been calling him. It's okay. I'm going to take  
8 his vote off the -- when I count it, I'm going to  
9 take him off.

10 MR. SAMMET: Okay. But Mr. Reisen,  
11 I believe, seconded the motion to approve.

12 MS. RAZIN: I apologize. Is there  
13 somebody else that would second that motion?

14 MR. MASCIALE: I think he can still  
15 do it. The motion, I just think it's the vote.

16 MS. RAZIN: He might be able to  
17 still do the motion.

18 MR. SAMMET: Okay. I wasn't sure.

19 MR. MASCIALE: I'm pretty sure he  
20 can.

21 MS. RAZIN: But his vote's not going  
22 to count for purposes of approving it. No  
23 offense, not that you don't count.

24 MR. REISEN: I get it. I get it.

25 MS. RAZIN: Not to rub it in a

1 little bit more.

2 CHAIRMAN FUSARO: Your application  
3 is approved. Good luck and enjoy the rest of your  
4 evening. Thank you.

5 MR. FERRARO: Thank you very much.

6 CHAIRMAN FUSARO: It's 9:43, let's  
7 take a 10-minute break. We'll resume at 9:53. We  
8 still have two applications on the agenda. I'll  
9 try to get through both of them this evening.  
10 Please mute your mics and your video, if need be.  
11 We'll see everyone in 10 minutes. Thank you.

12 (Break taken.)

13 CHAIRMAN FUSARO: Let's continue.  
14 The fourth application this evening is 440 Topping  
15 Hill Road. Thomas and Stacey Shepherd. Applicant  
16 is seeing approval to construct a roof over the  
17 existing second-floor balcony contrary to the  
18 Westfield Land Use Ordinance Section 11.07E6 where  
19 side-yard coverage permitted is 10-feet and  
20 proposed is 7.39-feet.

21 If the applicants -- I see are  
22 coming aboard here. There's Mr. Shepherd and  
23 Mr. Algarin. Is there anyone else that we need to  
24 let into the meeting Mr. Shepherd?

25 MR. SHEPHERD: No.



1                   CHAIRMAN FUSARO: Mr. Shepherd,  
2 please state your name and address for the record.

3                   MR. SHEPHERD: Sure.  
4 Thomas Shepherd, 440 Topping Hill Road in  
5 Westfield.

6                   THOMAS SHEPHERD, having been duly  
7 sworn, was examined and testified as follows:

8                   CHAIRMAN FUSARO: Thank you so much.  
9 Mr. Shepherd, tell us a little bit about your  
10 application.

11                  MR. SHEPHERD: Sure. We have a  
12 second-floor balcony in the back of the house, and  
13 we'd like to roof over it. We've had a lot of  
14 water problems in our dining room coming down  
15 through that area. And we've lived in the house  
16 since 2009, and it's been a recurring problem. So  
17 we'd like to take care of it.

18                  CHAIRMAN FUSARO: Thank you very  
19 much. I'm assuming Mr. Algarin will fill us in on  
20 the details. Welcome, Mr. Algarin. Please state  
21 your name and address for the record.

22                  MR. ALGARIN: My name is  
23 Robert Algarin, A-l-g -as in George- a-r-i-n. I  
24 have an office at 224 East Broad Street in  
25 Westfield, New Jersey.

1                   CHAIRMAN FUSARO: Thank you. Since  
2 you have not appeared before the Board this year  
3 we have some new board members. I know we haven't  
4 seen you in a little bit. Perhaps you could just  
5 go through some of your credentials for us.

6                   MR. ALGARIN: It's a little  
7 embarrassing. First of all, happy Thanksgiving --  
8 Thanksgiving -- I mean happy Valentine's Day  
9 everybody. It's 10:00 at night, so whatever  
10 romantic evening I was spending with my wife is  
11 obviously gone. Luckily, I wasn't planning one,  
12 so it's okay. I'm a little older than some of the  
13 other people. I know Joe Kaiser, he's a great  
14 guy, a friend of mine. Anyway, I graduated from  
15 The City College - City University of New York,  
16 School of Architecture in 1979. I became licensed  
17 in New York State in '86, and '87 in New Jersey.  
18 I've been in private practice in New Jersey since  
19 1989. I've served four years on the Architectural  
20 Review Board in Westfield, three years as the  
21 chairman. The first chairman in history. And I  
22 served two years on the Historic Commission in  
23 Westfield as well.

24                   CHAIRMAN FUSARO: Thank you,  
25 Mr. Algarin. Unless any board members have any

1 concerns we will continue to recognize Mr. Algarin  
2 as an expert in architecture. If you could please  
3 raise your right hand.

4 ROBERT ALGARIN, having been duly  
5 sworn, was examined and testified as follows:

6 CHAIRMAN FUSARO: Please proceed.

7 MR. ALGARIN: I'm going to share my  
8 screen. Is this my screen here. Okay. Got it.  
9 This is the rear of the house. Let's go back for  
10 a second. I'm not an expert at this -- okay,  
11 that's the front of the house, let's start here.  
12 As Tom said, the impetus behind this whole  
13 extravaganza is dealing with these flat roofs on  
14 this house. The house leaks like a sieve  
15 everywhere. They've had it fixed many many times.  
16 And they're done with the water dripping on the  
17 dining room table. So we came up with a scheme  
18 here to put pitched roofs on the house. Okay.  
19 And it kind of looks like this. You can see this  
20 3D view here of the front of the house. This is  
21 an idealized view. Let's go back to the  
22 photograph here. You'll see that this rear  
23 section of the house is really hard to see.

24 MR. SONTZ: My screen didn't change.  
25 I'm still looking at the picture with --

1                   CHAIRMAN FUSARO: We still have the  
2 same photograph, Mr. Algarin. The same original  
3 photograph.

4                   MR. ALGARIN: This one here, the one  
5 in the front of the house?

6                   CHAIRMAN FUSARO: No. It's the rear  
7 of the house with the porch in the rear.

8                   MR. SAMMET: The balcony.

9                   CHAIRMAN FUSARO: The balcony.

10                  MR. ALGARIN: This is the one you  
11 have.

12                  CHAIRMAN FUSARO: That's correct.  
13 We have it in our packet. We have two  
14 photographs. We have one which is the current one  
15 on the screen. And then you have a separate one,  
16 which is the front of the house. It's in our  
17 packet, but not on the computer screen.

18                  MR. ALGARIN: For some reason, I'm  
19 sharing it on my screen. I'm jumping back and  
20 forth between these two pictures right now, and  
21 for some reason, it's not working for you guys.

22                  CHAIRMAN FUSARO: That's okay. We  
23 have the photograph as part of our package.

24                  MR. ABRAMS: So you have it.  
25 Anyway, there's nothing on this screen or in this

1 presentation that you don't have a physical copy  
2 of. I know that because I've downloaded and sent  
3 it all to the town. So we have the exact same  
4 thing. The reason we're here even though --  
5 you're not seeing this drawing now, I take it? I  
6 have the drawing file, but the 3D image is open.  
7 So you can turn to your drawing, I think it's the  
8 third sheet of the set. It's the 3D views.

9 CHAIRMAN FUSARO: Yes.

10 MR. ALGARIN: Do you see that? Take  
11 it from A-3 with 3D views. So we're trying to  
12 solve the drainage problem on this house by  
13 putting pitched roofs on it. The minimum  
14 recommended pitch for a shingle roof is 3-on-12.  
15 And since our main problem here, and the whole  
16 reason for doing this is to get the water away,  
17 we're doing 4-on-12, which is still a relatively  
18 shallow pitch for a shingle roof. And we don't  
19 want this roof to stand out. Luckily, because of  
20 the nature of the architectural design of this  
21 house, we don't want to lose that character. So  
22 the actual street is a full story down from the  
23 first floor of this house. So the roof that we're  
24 putting onto this house you're not going to see  
25 that much. We're going to minimize the pitch,

1 minimize the overhang, and keep the shingle into a  
2 silver/gray color matching the stucco on the  
3 house. But it's all going to be pitched. That's  
4 neither here nor there.

5           The only reason we are here -- none  
6 of that has anything to do with the variance --  
7 the only reason we're here, if you look a Drawing  
8 A-3, the lower right-hand corner of the plan, the  
9 rear 3D view northwest you see that balcony there  
10 with the railing going around it, okay. The roof,  
11 itself, is not even a zoning violation. The only  
12 zoning violation here is the owner really wanted  
13 that railing to follow the curve of the bow window  
14 below. And the bow window below is in the rear  
15 side-yard setback. If you look at the survey, I  
16 think it's 7.39-feet or whatever it is, you have  
17 that there also.

18           Again, a roof overhang doesn't count  
19 in a setback unless it's more than 3-feet or  
20 something like this; it's in the ordinance. And I  
21 reviewed this with Lyndsay Knight at the very very  
22 beginning when we did it, and if we had come up  
23 the corner of the house straight and we didn't  
24 curve the railing, we wouldn't even be here, we  
25 wouldn't need a variance. But the owner wants the

1 railing to curve and a couple of those posts there  
2 to attach the rail to. So it's an existing  
3 nonconformity as to -- if you look at Drawing A-1,  
4 you have -- and I'm sharing on my screen now, but  
5 for some reason, you're not getting that -- if you  
6 look at Drawing A-1, the preliminary second-floor  
7 plan, that sundeck on the top right-hand corner of  
8 the preliminary second-floor plan, that is the  
9 worst leaking area of the house, currently. That  
10 roof just gets a lot of snow, a lot of rain. It's  
11 right above the dining room. That is the biggest  
12 problem in the whole house.

13 So not only by putting a roof over  
14 that roof deck, which is existing, the door is  
15 there, the railing is there. You saw that in the  
16 picture that we can't change. We can see the back  
17 of the house. It's a balcony, it's always been a  
18 balcony since the house was constructed. We're  
19 putting a roof over it. And the roof, itself, is  
20 not a zoning violation, but the railing and the  
21 two columns at the edge of the railing are within  
22 the setback. And the tangent point, I believe, if  
23 I go into here -- you have a mocked-up plan, you  
24 have a survey in your packet. And in red letters  
25 on the survey, it says "existing balcony to

1 receive new roof and railings." Right? So you  
2 can see on that survey, the beautiful survey,  
3 7.39-feet that is the existing setback from the  
4 side property line to the tangent line of the  
5 curve of that bow window on the ground floor. And  
6 basically, we're repeating that detail on our  
7 balcony with our railing.

8                   And Lyndsay just felt that -- well,  
9 I guess, she corrected me -- we are, technically,  
10 if somebody is standing on that rail, although  
11 inches inside that rail, they may be 8, 9-feet  
12 from the property line, you know, within the  
13 setback. But if the railing came straight off the  
14 corner, it would meet the 10-foot side yard.  
15 Because you can see the corner of the house where  
16 the railing would start is 9.83-feet. And as we  
17 go further back, the house skews away from the  
18 property line. But for aesthetic reasons -- and  
19 we didn't think it that big of a deal quite  
20 frankly -- that's why we're here.

21                   I don't know how -- I don't want to  
22 beat it to death and waste the Boards' time,  
23 that's it. You see the photograph of what we've  
24 got. You see the 3D view of what we're proposing.  
25 The violation is the railing and those two columns



1 of, approximately, 7 1/2 -feet from the property  
2 line. And even that point, it's only a tangent  
3 point, the curve, you know, smoothes away from the  
4 property line, so it's only in that one spot that  
5 we have setback issue of that magnitude. Does  
6 anybody have any questions? I know I'm going  
7 fast, but there's not much to discuss here really.

8 CHAIRMAN FUSARO: I have one quick  
9 question, Mr. Algarin. And thank you for running  
10 through the application with us. In the  
11 photograph that you currently have up on the  
12 screen, it looks the existing deck has two walls,  
13 one with a door and a window, and then one  
14 continuous wall with no openings. If you look  
15 slightly above that, is that a shingled roof that  
16 we see?

17 MR. ALGARIN: Yes. There is  
18 currently in the middle of the house, in the  
19 mid-section of the house, there is a hip roof that  
20 goes over, I don't know, approximately -- Tom  
21 would know better -- maybe 30, 40% of the house.  
22 But the pitched roof doesn't come to the edge of  
23 the house. The pitched roof that's there, it's a  
24 hip roof, it pitches in four directions, it's  
25 conventional asphalt roof shingle, but it dumps

1       into a gutter that goes like a pool around the  
2       whole edge of the house within the confines of the  
3       house. So, you know, this shed roof doesn't shed  
4       the water away from the house, it dumps the water  
5       right over the living space. You know. It's the  
6       worst possible condition. The thing fills up with  
7       water, it's snow and ice, it freezes at night, the  
8       sun hits it during the day, it melts. You know  
9       the heat from the house rises, it melts, it  
10      freezes at night. You know the freeze/thaw cycle  
11      is the worst possible thing for a roof, along with  
12      the straight UV from the sun. And there's no way  
13      of stopping this thing from leaking.

14                        I mean it's interesting  
15      architecturally, this house. I mean, it's a bow  
16      house, internationally-styled house. We also know  
17      there aren't many houses like this in Westfield.  
18      It's got pool a pool, right? And we're trying to  
19      treat it -- you know the homeowner loves it. They  
20      bought it for that reason. And we're trying to  
21      treat it very judiciously and keep as much of the  
22      character as it has now, and just try to keep it  
23      dry. So it is true that if you're across the  
24      street on the second floor of a house in a bedroom  
25      looking straight at this house, you will see our

1 new pitched roof. But if you're standing on  
2 Topping Hill Road looking up, you would hardly see  
3 it at all because the grade is so lower from the  
4 house and the pitch of our roof is so modest. But  
5 the back, the driveway in the rear where the site  
6 is relatively flat, you know, you'll see the roof.  
7 It's not going to disappear completely.

8 CHAIRMAN FUSARO: All right. I  
9 understand.

10 MR. COHEN: Is there a privacy  
11 problem? Is there currently a privacy problem?

12 MR. ALGARIN: Tom -- I don't live  
13 here. Tom, do you want to answer that.

14 MR. SHEPHERD: In terms of?

15 MR. COHEN: Looking into the  
16 neighbor from the second-floor balcony? I don't  
17 know how far away the neighbor is.

18 MR. SHEPHERD: Yeas, I guess.

19 MR. COHEN: And are we exacerbating  
20 that if it exists?

21 MR. SHEPHERD: I guess I'm not  
22 understanding the question.

23 CHAIRMAN FUSARO: Mr. Shepherd, you  
24 see, we're looking at the photograph that's on the  
25 screen, okay. You're current balcony lines up

1 with the straight wall of the house. You're  
2 asking us to approve a side-yard variance which  
3 would bring you're railing out to the curved part  
4 of your bay window underneath. Just to the left  
5 of that, we see a bunch of arborvitae trees which  
6 I assume is screening between yourself and your  
7 neighbor.

8 MR. SHEPHERD: Yes.

9 CHAIRMAN FUSARO: Now that your deck  
10 is going to -- your walkable area, if you want to  
11 call it that -- is going to protrude an additional  
12 2 or 3-feet further than your current railing.  
13 You're going to be closer to your neighbor, and we  
14 don't know how close that neighbor is to your deck  
15 or to that evergreen line there. That's the  
16 question that Mr. Cohen is asking.

17 MR. SHEPHERD: Yeah. Well, I guess  
18 -- I don't know what the -- there's a fence  
19 between us and the neighbor at ground level. I  
20 guess as Rob has pointed out, from the apex or the  
21 tangent of that curve to the neighbor's -- or I  
22 guess to the property line, is 7.39-feet. On the  
23 other side, I don't know the exact measurements,  
24 but the closest to us on the other side is the  
25 neighbor's garage, and then at some point past

1 that, is their living space. So I'm not sure  
2 there is really a privacy issue there because  
3 we're not getting that much closer. There's a  
4 fence, an arborvitae in between us, and a couple  
5 of other trees. So I would say, no.

6 MR. ALGARIN: Also, if I remember  
7 correctly, the house next door is brick, it's also  
8 kind of lower and in a different angle because the  
9 street's curving; isn't it? So the house next  
10 door, isn't it a little lower than yours and at a  
11 slightly different angle to the street than yours?

12 MR. SHEPHERD: Yes. It is at a  
13 slightly different angle.

14 MR. ALGARIN: And you've been using  
15 this balcony. How long have you lived in this  
16 house?

17 MR. SHEPHERD: Since 2009.

18 MR. ALGARIN: So I mean that fence  
19 and that tangent point is going out about two more  
20 feet, but I can't imagine that's making a world of  
21 difference. I mean you're going to be sitting out  
22 there on deck chairs and stuff like that; right?

23 MR. SHEPHERD: Correct.

24 MR. ALGARIN: And not hovering over  
25 the railing, you know, chugging down beers or

1 something.

2 MR. SHEPHERD: No.

3 CHAIRMAN FUSARO: I guess our  
4 concern was also we don't know house close the  
5 house on the existing lot adjacent to yours is to  
6 that property line, whether there's a driveway  
7 there which would provide 15 or 20-feet. Whether,  
8 as we heard from Mr. Shepherd, there apparently is  
9 a garage there and not a swimming pool or  
10 whatever.

11 MR. SHEPHERD: I was going to add;  
12 so I'm talking to you from the sunroom there where  
13 you see the two doors, and I'm looking next door.  
14 The fence is I guess the 7.39-feet from that apex,  
15 and I'm looking past the fence. I'm going to  
16 guess it's about 10-feet to the next house, which  
17 part of the house closest to us that I'm seeing  
18 right now is their garage. So their garage is  
19 toward us, so that's what's facing us that I can  
20 see right here.

21 MR. ALGARIN: Their garage must be  
22 in the back of the house?

23 MR. SHEPHERD: Yes, it is.

24 MR. ALGARIN: They have a weird  
25 garage access like you do?

1                   MR. SHEPHERD:  Yeah.  They come up  
2                   the other side of the lane and they come into  
3                   their garage in the back closest to us.

4                   CHAIRMAN FUSARO:  Mr. Algarin, I  
5                   understand your answer to my previous question  
6                   with respect to that existing asphalt roof.  I'm  
7                   assuming basically there's a flat roof around the  
8                   perimeter of that.  I see the scupper leading to  
9                   the downspout which certainly is an area of  
10                  concern where water would accumulate.  That having  
11                  been said, the ridgeline that we currently see on  
12                  the roof on the existing shingled portion of the  
13                  roof, the new roof that your building, how much  
14                  higher than that current ridgeline that we see in  
15                  the photograph will your new roof be?  Is it about  
16                  the same?  About a foot higher?  About two feet  
17                  higher?  Roughly, would you be able to --

18                  MR. ALGARIN:  I couldn't give you an  
19                  exact answer without studying the drawing, but  
20                  it's definitely going to be higher.  I would  
21                  probably guess maybe the 2 or 3-foot-range from  
22                  ridge height to ridge height.  You know, 30-inches  
23                  maybe in the middle.  You know our roof is also a  
24                  hip, so it's pitching in all directions.  But our  
25                  ridgeline will be further back.  That ridgeline is

1 closer to the front of the house because that hip  
2 roof only covers a portion of the front of the  
3 house. Our hip roof goes along the entire house.  
4 So while it might be higher, it also will be  
5 further back from the street.

6 CHAIRMAN FUSARO: Thank you. Any  
7 board members have any questions for Mr. Algarin  
8 or the applicant this time? Seeing none, we'll  
9 open it up to public commentary. If anyone in the  
10 audience has any questions, comments, or concerns  
11 for the applicant or the project architect at this  
12 time and would like to speak about the  
13 application, please virtually raise your hand, and  
14 Mr. Sammet will allow you into the meeting.

15 MR. SAMMET: Someone has raised  
16 their hand. They're identified as Googlepixel.  
17 If you unmute your microphone, we should be able  
18 to hear you.

19 CHAIRMAN FUSARO: Nothing yet.

20 MR. SAMMET: Nothing yet. The  
21 person who's identified as Googlepixel, you do  
22 have permission to speak, you just need to unmute.

23 MS. RAZIN: Mr. Algarin, do you want  
24 to un-share for a minute so maybe we can see the  
25 participants.



1 MR. ALGARIN: Yes. I'll stop  
2 sharing.

3 MS. RAZIN: Thank you.

4 CHAIRMAN FUSARO: Googlepixel is on  
5 the screen, has her hand raised but is still  
6 muted.

7 MR. MASCIALE: It doesn't look like  
8 the hand is raised anymore.

9 MR. GELINAS: Can they use the chat  
10 function just to indicate that they're trying to  
11 speak?

12 CHAIRMAN FUSARO: Sure.

13 MR. SAMMET: I'm going to change the  
14 chat function. The person identified as  
15 Googlepixel, you can try using the chat function  
16 now if you'd like to type in your question or  
17 comment. Nothing is coming up. Let me try...

18 MR. GELINAS: Did they just undo  
19 their hand up there or does that disappear  
20 automatically?

21 MR. SAMMET: I think they take it  
22 down.

23 CHAIRMAN FUSARO: It looks like  
24 their hand came down.

25 MR. SAMMET: Yeah. I'm just not

1 getting anything.

2 CHAIRMAN FUSARO: Okay.

3 MR. ALGARIN: Tom, do you maybe have  
4 a neighbor named Googlepixel? The guy next door,  
5 is that his name?

6 CHAIRMAN FUSARO: Well, the member  
7 of the public who is trying to dial in, we're  
8 going to continue with our meeting with this  
9 application for now. If you have any comments  
10 that you'd like to provide -- whoop, here we go.  
11 Don, something is in the chat.

12 MR. SAMMET: That was me. I'm  
13 trying to reach out to them.

14 CHAIRMAN FUSARO: Don will continue  
15 trying to reach out to you. If you have any  
16 comments, please type it in the chat function  
17 which is located on the bottom of your screen,  
18 along the bottom of your screen, and we will get  
19 back to you as soon as Don recognizes your  
20 question. And if your hand was raised  
21 inadvertently, it's not an issue. Let's move on.

22 Any board members have any other  
23 questions for the applicants or the architect  
24 before we close that portion and open it up to  
25 Board discussion?

1 MS. MOLNAR: I have one quick  
2 question. Are there any long-term plans down the  
3 road to fill in the balcony and enlarge the second  
4 floor?

5 MR. SHEPHERD: Not at the moment.  
6 We're really just trying to take care of the main  
7 water issue. There are others in the house which  
8 this roof hopefully will help, but the main  
9 offender is the dining room right now.

10 CHAIRMAN FUSARO: Thank you. I  
11 would assume, Carol, that if we were to approve  
12 the application that one of the conditions would  
13 be -- it's usually one that I always throw in --

14 MS. MOLNAR: You're famous for that.

15 CHAIRMAN FUSARO: -- which is that  
16 three sides remain open. In this case, it would  
17 be two sides.

18 MS. MOLNAR: Two sides remain open.

19 CHAIRMAN FUSARO: Yes. Any other  
20 board member? I see none. We'll close that  
21 portion of the meeting and open it up to Board  
22 discussion.

23 As you've heard from the project  
24 architect and the applicants, they're main  
25 function or main reason for, one of the reasons

1 for bringing this application before us is that  
2 there're numerous leaks in the existing home which  
3 they are remedying by adding a pitched roof to it  
4 which does not trigger any variances. And the  
5 reason that they are before us is simply because  
6 they'd like to extend the existing roof deck out,  
7 approximately, 2-feet from where it currently is  
8 on the second floor. Currently, the first floor  
9 already extends out that 2-feet, and they  
10 basically want to match it with the upper floor  
11 and have that radius, as I'm assuming, an  
12 architectural function to the home. I don't see  
13 any issue with it. I was a little concerned and  
14 I'm glad that Michael brought up the question of  
15 privacy since we don't have anything before us  
16 that tells us where the neighbor's home is or what  
17 is immediately adjacent to that side yard portion  
18 of the property. But we've heard from the  
19 applicant that it is a garage, we'll take him at  
20 his word. And doesn't appear that there would be  
21 any privacy issues if it were a garage. It looks  
22 like from I can tell in the photographs, there's  
23 some pretty heavy foliage there, and those  
24 arborvitaes seem to be growing pretty tall. And  
25 I'll assume they'll continue to grow in height

1       which would provide some additional screening at  
2       that point.

3                       I would agree with Carol that we  
4       should include a condition that two sides of that  
5       sunroof or sundeck, I should say, remain open.  
6       And is that -- one other -- and perhaps we may  
7       need to reopen this as a question to the architect  
8       or the applicant -- I believe the drawings call  
9       for that room that is below this deck, they call  
10      it out as a sunroom, and I don't know if it makes  
11      any difference to anyone on the Board. I was  
12      curious as to whether that was a three-season room  
13      or a regularly habitable space. If no one seems  
14      to --

15                      MR. MASCIALE: I don't think it  
16      matters, Frank, because it's not exceeding any  
17      variances. It's not causing a variance, so I  
18      think we can leave it.

19                      CHAIRMAN FUSARO: Okay. That's  
20      fine. Those are my comments. How does the rest  
21      of the Board feel? Anyone?

22                      MS. HROBLAK: I like it.

23                      CHAIRMAN FUSARO: You like it?

24                      MS. HROBLAK: It looks good, and I  
25      think extra bonus points for the use of the word

1 "tangent" on multiple occasions.

2 CHAIRMAN FUSARO: Only us engineers  
3 would appreciate that, Allyson. Anyone else? No?  
4 Don, I assume that Mr. Googlepixel has not raised  
5 their hand or provided anything in the chat.

6 MR. SAMMET: No, sir.

7 CHAIRMAN FUSARO: So at this time,  
8 if no one else has any other further comments, can  
9 we have a motion? Anyone?

10 MS. HROBLAK: I'll make a motion to  
11 approve as designed.

12 CHAIRMAN FUSARO: Okay. We want to  
13 attach a condition, Allyson.

14 MS. HROBLAK: Yes, that's right.  
15 Carol had a condition. The condition that the  
16 area remains open.

17 CHAIRMAN FUSARO: On two sides.

18 MS. HROBLAK: On all sides, Frank.  
19 Yes, on two sides.

20 CHAIRMAN FUSARO: Thank you so much.  
21 Do we have a second?

22 MR. GELINAS: Second.

23 CHAIRMAN FUSARO: Second by  
24 Mr. Gelinas. Mr. Sammet, please call the roll.

25 MR. SAMMET: Mr. Cohen.

1 MR. COHEN: Yes.

2 MR. SAMMET: Mr. Fusaro.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: Ms. Hroblak.

5 MS. HROBLAK: Yes.

6 MR. SAMMET: Mr. Masciale.

7 MR. MASCIALE: Yes.

8 MR. SAMMET: Ms. Molnar.

9 MS. MOLNAR: Yes.

10 MR. SAMMET: Mr. Sontz.

11 MR. SONTZ: Yes.

12 MR. SAMMET: Mr. Gelinias.

13 MR. GELINAS: Yes.

14 MR. SAMMET: And Mr. Reisen.

15 MR. REISEN: Yes.

16 MS. RAZIN: Do not call -- remember.

17 MR. SAMMET: I called him anyway.

18 MR. REISEN: I got it in.

19 MS. RAZIN: I know. You got it in.

20 You're in.

21 MR. ALGARIN: They should all be

22 this easy. Thank you very much.

23 CHAIRMAN FUSARO: Good luck with

24 your roof leaks. Thank you.

25 MR. SHEPHERD: Thank you.

1                   CHAIRMAN FUSARO: Okay. Our final  
2 application of the evening is 620 Lenox Avenue.  
3 Mr. Ralph Capasso. Applicants is seeking approval  
4 to construct a one- and two-story addition on the  
5 rear of the house contrary to the Westfield Land  
6 Use Ordinance Section 12.04F-1 where maximum  
7 building coverage permitted is 20% and proposed is  
8 20.29%. Section 11.07E-8 where maximum eave  
9 height permitted is 22-feet and proposed is  
10 22-feet 6-inches. And Section 12.04F-3 where  
11 maximum all building coverage permitted is 24% and  
12 proposed is 25.88%.

13                   I see Mr. Capasso is with us. Do  
14 you have any other professionals? I see  
15 Mr. Bailey, again. Do you have anyone else that  
16 you need us to allow into the meeting?

17                   MR. CAPASSO: Nope. That's it.  
18 It's just us and Mr. Bailey.

19                   CHAIRMAN FUSARO: Mr. Capasso and  
20 you're Mrs. Capasso, I assume.

21                   MR. CAPASSO: Yes. This is Rachel.

22                   CHAIRMAN FUSARO: Please state your  
23 name and address for the record.

24                   MR. CAPASSO: Name is Ralph Capasso.  
25 Address is 620 Lenox Avenue, Westfield, New



1 Jersey.

2 CHAIRMAN FUSARO: Mrs. Capasso.

3 MS. ECKERLING: Rachel Eckerling.

4 Hi. And same address, 620 Lenox Avenue.

5 CHAIRMAN FUSARO: Thank you. Please  
6 raise your right hand.

7 RALPH CAPASSO and RACHEL ECKERLING,  
8 having been duly sworn, were examined and  
9 testified as follows:

10 CHAIRMAN FUSARO: Tell us a little  
11 bit about your application.

12 MR. CAPASSO: Sure. We moved to  
13 Westfield about six months ago. We're new here in  
14 town. We have young children. We're a growing  
15 family. We bought this beautiful Victorian-style  
16 house on Lenox Avenue. The layout is dated, so  
17 we'd like to modernize it and make it more  
18 open-plan so we can see the children a little  
19 better and improve access to the backyard and the  
20 play area.

21 CHAIRMAN FUSARO: Thank you.  
22 Anything else you'd like to add before we turn it  
23 over to Mr. Bailey?

24 MR. CAPASSO: Nope. I think we'll  
25 turn it over to David now.

1                   CHAIRMAN FUSARO: Mr. Bailey, you've  
2                   been sworn in earlier this evening. Katie, do we  
3                   need to swear him in again?

4                   MS. RAZIN: Mr. Bailey, you remain  
5                   under oath; right?

6                   MR. BAILEY: Yes, that's fine.

7                   CHAIRMAN FUSARO: Just for the  
8                   record, since we have an audio of it as well,  
9                   please state your name and address for the record  
10                  once again.

11                  MR. BAILEY: David Bailey Architect.  
12                  Office address 225 Lenox Avenue in Westfield.

13                  CHAIRMAN FUSARO: Thank you,  
14                  Mr. Bailey. And as Ms. Rasin just mentioned, I'd  
15                  just like to remind you that you're still under  
16                  oath. Please proceeded.

17                  MR. BAILEY: I'd like to share some  
18                  files. Do you see the files?

19                  CHAIRMAN FUSARO: No. We see your  
20                  list of files, your pdf file list, but not the  
21                  actual drawings. There we go.

22                  MR. BAILEY: We'll go to existing  
23                  plans. This is EX-2, Drawing EX-2. And Sheet  
24                  EX-2, and Drawing 1 on EX-2 is existing  
25                  first-floor plan. So as the Eckerlings and

1 Capassos just stated, this is existing first-floor  
2 plan. So on the back of the house here, they have  
3 this kitchen, it's an awkward kitchen, not really  
4 very large, it has no flow to the family room that  
5 exists here. There's a powder room, there's a  
6 wall. It's a very cut-up floor plan. The family  
7 room has no windows or direct porch to the  
8 backyard and the backyard patio. There's an  
9 existing wraparound porch here that's mostly  
10 screened in. There's a dining room and there is a  
11 little French door off the kitchen to the large  
12 decks across the back of the house. And on the  
13 existing second floor, there're three, kind of,  
14 four bedrooms. This fourth bedroom is this  
15 oversized kind of sunroom/laundry room. And then  
16 the existing master bedroom has a small bathroom  
17 and small closet. So it's a very awkward floor  
18 plan. Tiny bathrooms. Very awkward laundry. So  
19 we're proposing to knock out the back wall of the  
20 house.

21                   And I'll show you the other two  
22 existing plans. This existing third floor,  
23 there're some unfinished areas here in the attic.  
24 It's got relatively low ceilings. There's an  
25 awkward old bathroom here, again, with low

1 ceilings. And then there's a basement that's  
2 partially finished and unfinished, and then leads  
3 to the wraparound porch in the back above. So on  
4 the elevations, these are the existing elevations.  
5 Here's the existing front of the house on, this is  
6 EX-1.1. There's an existing screed porch that  
7 wraps around the house. This is the side of the  
8 house, the south side. This is the driveway side  
9 of the house, the north side. And it shows an  
10 open-front porch here, and then it shows this  
11 large wood deck in back that exists. This is the  
12 existing rear elevation. It's got this big deck  
13 coming off the back of the house. You can see  
14 there're no windows. The door is off the existing  
15 family room there. Here's that screened porch  
16 along the side.

17                   We've got existing photographs.  
18 These are existing photographs up here on PH-1.  
19 Number 1 on PH-1, this is existing front  
20 elevation. Again, you can see this wraparound  
21 screened porch that exists. You can see the  
22 second floor with this tower. You can see the  
23 third floor with small dormers. This is existing  
24 rear of the house. You've got this big wood deck  
25 and wood patio. You've got French doors off the

1 kitchen. You've got this family room with no  
2 windows. You've got that awkward laundry room  
3 slash sunroom there. And then this is existing  
4 front of the house with the open porch part here,  
5 the driveway. This is the existing detached  
6 garage. The large two-car garage is in very good  
7 shape, and the Eckerling/Capassos use it and  
8 they'd like it to remain. This photograph in the  
9 center shows the screen porch area that wraps  
10 around the house. And this is the rear elevation  
11 showing the driveway coming down from the street.  
12 And the wood deck and the sliding glass doors  
13 coming off the kitchen.

14                   So what we're proposing; on the  
15 first floor here, proposed first floor on Sheet  
16 A-3, we're proposing to expand the rear of the  
17 house. So the family room we're expanding with a  
18 relatively modest addition going out 5-feet. So  
19 this part of the expansion on the first floor is  
20 this 5-feet. And over here, we're expanding the  
21 kitchen. Going out, again, a modest 9 1/2-feet.  
22 And then we're proposing to rebuild the deck to be  
23 more modest. And the deck will be about  
24 13.7-by-12.3. And both the expanded family room  
25 and expanded kitchen will have French doors

1 opening on the deck, and the deck will have stairs  
2 down to the new patio. Where, currently, the  
3 house has no mudroom, and powder room is in an  
4 awkward place. So we pushed the powder room to  
5 the center of the house; made it more private. We  
6 create a mudroom, so there's an actual mudroom  
7 now. And created an open plan between the eat-in  
8 kitchen and the family room. Open up the wall  
9 here, you know, a wall with sliding glass doors  
10 going to the backyard. You've got a nice island  
11 kitchen with a breakfast banquet with the box bay.  
12 So again, relatively modest additions here to make  
13 this more functional. And we're proposing to  
14 remove the screen so it's now an all open porch  
15 wrapping around the house.

16 On the second floor, again, with  
17 modest additions, 5-foot addition here. We're  
18 expanded and we're widening this part, so it's a  
19 relatively modest addition on the second floor,  
20 and that will allow us to have a real master  
21 suite. The master suite starts here with a big  
22 sleeping room, nice walk-in closet, nice master  
23 bath with the vanity, shower and tub. We made the  
24 hall bath nicer, and we created a laundry room in  
25 the center. It's not the largest room in the

1 house, and the other rooms are very much intact.  
2 On the next page, the proposed addition. And this  
3 is a better indication on how much we're expanding  
4 the footprint. So this is the expanded footprint,  
5 the 5-foot here. On the basement side, 14.3 here,  
6 and it will be an unfinished basement. Opening  
7 off the existing basement, we're refinishing part  
8 of the basement for rec rooms and music rooms.

9                   And in the attic, we're rebuilding  
10 the dormers to match the existing front dormers so  
11 we have more finished space with decent headroom.  
12 We conform with the number of stories, so we're  
13 not creating a variance issue with stories, we're  
14 still considered two-and-a-half stories. And the  
15 additional FAR, which gets added to the FAR, but  
16 we're fine with that. Going to the elevations.  
17 This is the proposed front elevation. Again,  
18 we're proposing to remove the screen to open up  
19 the wraparound porch so it's totally open. This  
20 is the proposed side elevation where again you can  
21 see the open porch here. And this is the dormer  
22 we're proposing to build on the side of the attic  
23 floor to create more headroom there.

24                   And then we're also showing the  
25 5-foot addition here. There're two stories on the

1 back. You can see in the background the bigger  
2 one-story addition that expands to the eat-in  
3 kitchen with the box bay. This is a new deck on  
4 the back. The next page, this is the new rear  
5 elevation. So the part that sticks out further is  
6 one-story. That's the eat-in kitchen with the  
7 nice box bay. This is that master bedroom area  
8 with the large windows. The addition to hip roof  
9 that match existing. We've got the wall of French  
10 doors off the expanded family room, it opens to  
11 the deck and goes to the backyard. And again, the  
12 porch is now open, wraparound, no longer screened.

13 This is the driveway side. You can  
14 see the one-story addition here expanding a little  
15 further past a second-floor room here. We've  
16 added this bay addition here to break up the  
17 side-wall massing. So we conform with the  
18 side-wall massing. Because if we go back to the  
19 proposed plans, that 2-foot cantilever here with  
20 the window is part of the walk-in closet of the  
21 master suite. So we don't have any side-wall  
22 massing issues because we have that 2-foot bump  
23 out here, existing bay here, living room. Going  
24 to the site plan. This is an existing site plan,  
25 so the yellow-shaded area is the area we're able



1 to discount with the front porch ordinance. We're  
2 only able to discount a small amount because the  
3 rest of the existing porch is screened in. So  
4 that, we're not allowed to discount from building  
5 coverage. So on the existing porch, we're only  
6 allowed to discount about 236-square feet.  
7 There's this large wood deck that exists back here  
8 and then a wood patio. And this is the oversized  
9 garage for this zone. This is an RS-10 Zone and  
10 it only requires a one-car garage. This existing  
11 garage is 609-square feet. A required one-car  
12 garage is only 250-square feet, so the garage is  
13 359-square feet larger than it needs to be for the  
14 zone. But again, it's in good shape and the  
15 Eckerlings and Capassos use it for storage and  
16 parking, so they would rather not tear it down.  
17 The porch is existing to the house,  
18 we don't want to tear down the part here that  
19 can't discount with the front porch ordinance, the  
20 shady area, it's maximum. Now, when you open up  
21 the screens, we can discount the front porch  
22 ordinance. It accounts for 420-square feet, the  
23 4%. So this represents the maximum we can  
24 discount in building coverage. This is the excess  
25 porch that exists. And we have this oversized

1 existing detached garage. So the proposed  
2 variance for building coverage, we're asking for  
3 20.29%. We're 31-square feet over the maximum  
4 20%. 20% is 2,100, we're asking for 21.31-square  
5 feet. So we're 31-square feet over the maximum  
6 20%. And again, we've got a garage that's  
7 359-square feet larger than it needs to be. And  
8 then again, you've got a porch porch that can't  
9 fully be discounted. Neither of those are living  
10 space. The porch and the garage aren't living  
11 space. So I think 31-square feet is not a big  
12 addition to create a more living-useful floor  
13 plan.

14 On the shaded areas here, the blue  
15 shaded area is the second-floor area so it's a  
16 pretty minor addition on the second floor here.  
17 This blue area kind of looks purple here. And  
18 then the red shaded area is the one-story  
19 addition. And again, that expands the family room  
20 and the kitchen. This is the new deck as we're  
21 tearing down the old decks. The eaves heights,  
22 we'll go into the eave height variance. The  
23 existing eave is slightly taller than allowed.  
24 It's 20-foot-6-inches, and the addition is  
25 extending the existing soffit and gutter line.

1 We're extending the existing eave with the  
2 additions, which I think will look better than  
3 dropping them 6-inches. It's a relatively minor  
4 addition we're asking for, the 6-inches to be at  
5 proposed 22-foot-6-inch eave height, instead of  
6 22. Again, that's an existing condition. There's  
7 a lot of rooflines to break up the massing, so  
8 it's not a blank boring wall with all the offsets  
9 and gutter lines and soffit lines. And again,  
10 it's existing. Most of the house conforms with  
11 22, it's just where the grade starts to dip down,  
12 it's a little over the 22, foot cutoff. It's  
13 about 22 1/2-feet.

14 We're okay with the maximum height  
15 we proposed at the dormer additions. The existing  
16 nonconforming height is just that tower in the  
17 front, which is remaining, not being touched. But  
18 the rest of the roof, the house, and all the  
19 additions -- proposed additions for the additions,  
20 conform at the maximum height. We conform with  
21 the number of stories with the proposed dormer  
22 additions. We're not in the variance area for the  
23 number of stories. Going back to the site plan,  
24 we conform to FAR. Maximum FAR allowed is 32%  
25 we're proposed at 24.76%. So we conform to FAR by

1 quite a bit. Maximum improvement coverage allows  
2 50% we're at 44.88%. With proposed, it's just  
3 slightly higher than the existing improvement  
4 coverage at 49-square feet. We're not changing  
5 the driveway or the front walkways. So we're just  
6 changing the improvement coverage back here by  
7 replacing these two big decks. The smaller deck  
8 and a patio and, of course, the additions. So we  
9 conform with the improvement coverage, we conform  
10 with FAR. So the two variances we're requesting  
11 for building coverage and all building coverage  
12 is, again, mainly because you have an oversized  
13 garage and an oversized wraparound porch. Neither  
14 of which are living space. Neither of which can  
15 be living space. And I think addressed all of the  
16 variances.

17 CHAIRMAN FUSARO: Thank you,  
18 Mr. Bailey. I had originally planned on asking  
19 you a question on the continuous wall exceeding  
20 25-feet on your Drawing A-3. However, you pointed  
21 out during your presentation that the second floor  
22 you are adding a box out there which would break  
23 that up. So thank you for taking care of that.  
24 Do we know how much over on maximum height that  
25 peak is?

1                   MR. BAILEY: I think, yes. I put a  
2                   number here. So I scaled off -- it's about  
3                   34-foot-10-inches. So it's just that one little  
4                   tower that exists that's nonconforming the maximum  
5                   height for this zone. Everything else seems to  
6                   work, especially, the additions.

7                   CHAIRMAN FUSARO: But at 34-foot-10,  
8                   you're over 1-foot-4, basically up from the 33.6;  
9                   right?

10                  MR. BAILEY: Right. Yes. That's  
11                  existing. Going back to photographs, we're not  
12                  touching that part of the house. And the two  
13                  dormer additions we're doing up there conform with  
14                  the height because they're lower than the main  
15                  roof. This little tower here, the little  
16                  decorative tower, we're not touching that roof, it  
17                  exists. That's the part that's nonconforming to  
18                  height. This existing dormer in the front is the  
19                  one we're trying to match for the new dormer on  
20                  the and in the rear. They're small dormers that  
21                  exist on the side and the rear, and there's very  
22                  little headroom in the existing attic. So we need  
23                  better headroom, so we're just trying to match  
24                  that front dormer.

25                  CHAIRMAN FUSARO: And those

1 overhangs, are they currently 24-inches? If you  
2 look, the photograph you have right now, the  
3 Photograph Number 1.

4 MR. BAILEY: Yes. The existing ones  
5 are more than 24. On the distance, we only have  
6 like 18-inch overhangs. Yes, those existing ones  
7 along the front are about -- looks like about  
8 3-foot which is an allowed overhang to have before  
9 they start counting as building coverage in the  
10 zoning code. Where we have the additions, we're  
11 having smaller overhangs. But, yeah, those  
12 existing overhangs are 3-feet along the front  
13 there.

14 CHAIRMAN FUSARO: It appears that  
15 your overhangs that you're proposing are 12-inches  
16 on the first floor, 15-inches on the second floor,  
17 and 24-inches on the attic area.

18 MR. BAILEY: Yes. Correct.

19 CHAIRMAN FUSARO: I am familiar with  
20 the neighborhood. I actually live a couple of  
21 blocks away from there. I'm familiar with the  
22 house as well. It certainly is in keeping with  
23 the neighborhood. And since they are opening up  
24 that porch, that will certainly help; and removing  
25 that large deck in the back. Do we have anyone

1 from the Board have any questions for either  
2 Mr. Bailey or the applicants at this time?

3 MS. MOLNAR: I have a question. The  
4 third floor of the attic is being renovated. How  
5 does that fit into the FAR? Maybe it's a  
6 Don Sammet question.

7 MR. BAILEY: I added FAR. Go back  
8 to the site plan. So I added part of the attic  
9 FAR that's not discounted. So over here, the  
10 shaded area. So on the proposed attic plan, the  
11 green shaded area is 5-foot higher in living  
12 space. So I was able to -- the entire FAR  
13 proposed for the third floor is 433-square feet  
14 which is 34.8% of the second floor. We're able to  
15 discount for the third floor 1/3 of the area of  
16 the second floor from the third floor. So  
17 18-square feet of the proposed FAR of the third  
18 floor counts towards the FAR calculation because  
19 again, you can discount up to 1/3 of the second  
20 floor from the FAR. So it's just a minor increase  
21 in FAR. But even with that increase because of  
22 the size of the property, we're still way under  
23 for FAR. We're still less than 25%. We're  
24 allowed 32% even counting 8-feet for the proposed  
25 attic.

1 MS. MOLNAR: Thank you.

2 MR. BAILEY: They're relatively low  
3 ceilings up there. So there wasn't much we're  
4 adding in with the 7-foot or higher, the blue  
5 shaded area. It's really low ceilings up there.  
6 So even the area that's 7-foot higher from the  
7 attic floor to the top rafter, that's only  
8 235-square feet, about 27.72% of the second floor.  
9 That's 7-foot or higher from the attic floor to  
10 the top of the rafters. So it's a very modest  
11 attic; hardly any headroom. We're just proposing  
12 to add dormers that match the existing dormers so  
13 we're not making the attic any higher than it is  
14 now, we're just widening a couple of the areas  
15 that we want to finish. The dormers on the side  
16 and the rear, again, will match style-wise the  
17 existing front dormer. And they're okay with the  
18 height.

19 CHAIRMAN FUSARO: Mr. Bailey, SP-1  
20 Drawing, your proposed zoning chart, under the FAR  
21 there, you are eliminating that 433-square feet  
22 for the proposed third floor. Is that what part  
23 of the discount is?

24 MR. BAILEY: Yes. That's the total  
25 square footage of the third floor, and that's why



1 I crossed out and added underneath it, I put the  
2 part that I had to add in. So I didn't have to  
3 count the entire 433-square feet. But even if you  
4 did, it would still be under the maximum. That's  
5 what that cross-out means. I just underneath that  
6 substituted, but that's the actual area of the  
7 third floor, 433-square feet, that's finished  
8 space. But because of the discount, I only had to  
9 add in 18-square feet. The same thing with the  
10 front porch. I'm able to discount 420-square feet  
11 from building coverage, but not above that. So  
12 that gray shaded area on the proposed site plan is  
13 the area of the wraparound porch, so I could not  
14 discount.

15 CHAIRMAN FUSARO: Correct. Thank  
16 you.

17 MR. BAILEY: So that's where the  
18 math comes in.

19 CHAIRMAN FUSARO: Thank you. Any  
20 other board members have any questions or comments  
21 for Mr. Bailey or the applicants at this time?  
22 Seeing none, I will open it up to the public. If  
23 anyone in the audience would like to address the  
24 application, has any questions, comments or  
25 concerns, at this time, please virtually raise

1 your hand and Mr. Sammet will allow you to enter  
2 the meeting.

3 MR. SAMMET: Do any one of our two  
4 remaining attendees have any questions or comments  
5 for the applicant or Mr. Bailey? Please virtually  
6 raise your hand. No one is doing so, Mr. Chair.

7 CHAIRMAN FUSARO: Thank you. We'll  
8 close that portion of the meeting. Unless any  
9 other board members have any questions or comments  
10 for Mr. Bailey or the applicant, we will move to  
11 Board discussion. One last call. Anyone? Seeing  
12 none, we'll close that portion of the meeting as  
13 well and open it up to Board discussion.

14 MR. MASCIALE: I agree with your  
15 summary before about what they're doing and the  
16 opening and the massing. I think you kind of hit  
17 head-on. I think it's a great addition for the  
18 neighborhood, and it fits the character of the  
19 neighborhood.

20 CHAIRMAN FUSARO: Yes. It's your  
21 typical Westfield grand-old home that was built in  
22 the 1920s. I assume this falls into that time  
23 period. As I said, I live in the neighborhood,  
24 and my home was built in 1927. It is a  
25 decent-sized lot. They are under the FAR as

1 Mr. Bailey has stated. The maximum building  
2 coverage at 20.29% is de minimus. As I mentioned  
3 earlier, we usually try to hit a goal of less than  
4 22%. Certainly, that falls into the category  
5 here. And they are I think as several other  
6 applications we've heard this evening, again,  
7 they're looking for -- they have an expanding  
8 family looking for that open concept. They are  
9 opening up the porch, which I believe will make  
10 the home look even more fitting into the  
11 neighborhood. Yeah. As it stands, I don't have  
12 any issues with the application. As Mr. Bailey  
13 said, the garage is oversized, but it is existing.  
14 We're certainly not going to ask anyone to take  
15 down a working garage simply to conform with a  
16 minor variance that they're asking as far as that  
17 comes into play. That having been said, any other  
18 comments from the Board? Anyone? I'd like to  
19 hear your opinions. Yes? No? Looks like  
20 everyone is tired.

21 MS. HROBLAK: I have one comment.

22 CHAIRMAN FUSARO: Yes, please.

23 MS. HROBLAK: I would just make the  
24 same condition that I did earlier in the evening  
25 that the roof runoff be discharged at grade for

1 the addition area.

2 CHAIRMAN FUSARO: Okay. Thank you,  
3 Allyson. And I would also suggest our usual  
4 comment or condition. I would say regarding the  
5 porch, that it remains open on three sides. Other  
6 than that, I think the application fits the  
7 neighborhood. I think Mr. Bailey and the  
8 applicants put a lot of thought into it. And it  
9 maintains the character of the home and the  
10 neighborhood. Anyone else? Seeing no other board  
11 member with any comments, I would ask for a motion  
12 at this time.

13 MR. MASCIALE: I'll make a motion to  
14 accept the application with the condition that the  
15 porch remains open on the three sides mentioned,  
16 and that the drainage from the new addition be put  
17 to grading.

18 CHAIRMAN FUSARO: Do we have a  
19 second?

20 MS. MOLNAR: Second.

21 MR. SAMMET: Second by Ms. Molnar.  
22 I'll take the roll. Mr. Cohen.

23 MR. COHEN: Yes.

24 MR. SAMMET: Mr. Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MR. SAMMET: Ms. Hroblak.

2 MS. HROBLAK: Yes.

3 MR. SAMMET: Mr. Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MR. SAMMET: Ms. Pavon is absent.

8 Mr. Sontz.

9 MR. SONTZ: Yes.

10 MR. SAMMET: Mr. Gelinias.

11 MR. GELINAS: Yes.

12 MR. SAMMET: And I won't call

13 Mr. Reisen.

14 CHAIRMAN FUSARO: Your application  
15 is approved. Good luck with the project. Thank  
16 you and have a great evening.

17 MR. SHEPHERD: Thank you very much.

18 CHAIRMAN FUSARO: Do we have a  
19 motion to adjourn? We were able to get it under  
20 11:00 as requested by Mr. Cohen, and we didn't  
21 start a new application after 10:30 as requested  
22 by Ms. Molnar. So we're two for two.

23 MS. HROBLAK: Good job.

24 MS. MOLNAR: Can we go off  
25 recording? I want to say something about

1       LinkedIn.

2                       CHAIRMAN FUSARO:   About, I'm sorry?

3       Lincoln?

4                       MS. MOLNAR:    About LinkedIn.  I'll  
5       e-mail you.

6                       CHAIRMAN FUSARO:   Yeah.  Send an  
7       email to Don.

8                       MS. MOLNAR:    No, I'll send it to  
9       you.

10                      CHAIRMAN FUSARO:   Okay.  That's  
11       fine.  Do I have a motion to adjourn?

12                      MR. MASCIALE:    So moved.

13                      MS. HROBLAK:    Motion to adjourn.

14                      MR. REISEN:     Seconded.

15                      MS. MOLNAR:    We're back in person in  
16       April; correct?

17                      CHAIRMAN FUSARO:   Yes.  Next meeting  
18       is March the 14th, it is a virtual meeting because  
19       that already has been noticed as such.  We'll  
20       hopefully be back in person for our April 11th  
21       meeting.  Thank you, everyone.  Happy Valentine's  
22       Day.  Have a great evening.

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(The meeting was adjourned at  
10:53 p.m.)

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<b>#</b>	<b>11.09E5</b> [1] - 36:16	<b>17-foot-5</b> [2] - 61:10, 75:13	<b>2022</b> [2] - 1:10, 94:17	118:19, 124:12, 150:12
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