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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, April 10, 2023

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

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

MATT SONTZ, MEMBER

6

CAROL MOLNAR, MEMBER

7

PAUL EILBACHER, FIRST ALTERNATE

8

SAMUEL REISEN, SECOND ALTERNATE

9

- - -

10

11 JENNY MANCE, ZONING OFFICIAL/ASST. PLANNER

12

A B S E N T:

13

14 OMAR KARAME, MEMBER

15

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

16

17 WELLS, JAWORSKI & LIEBMAN, LLP

BY: KATHRYN J. RAZIN, ESQ.

18

Attorney for the BOARD

19

JAVERBAUM WURGAFT, ET AL

20

BY: ROSEMARY STONE-DOUGHERTY, ESQ.

Attorney for the APPLICANTS WHEELER/SHAH

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14 ZBA 22-049
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P R O C E E D I N G S
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(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Good evening.

This is a regularly scheduled meeting of the Board of Adjustment for the Town of Westfield at which formal action may be maybe 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 the 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 Meetings Act.

Kathryn Razin, our Board Attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Zoning Board has the power to grant variances from the zoning ordinance. The Board can only grant a variance in accordance with the Municipal Land Use

1 Law, and these can be (d) type use variances or
2 (c) bulk variances. In all cases, it is the
3 Applicant's burden to prove his or her case, and
4 the Applicant must demonstrate that the granting
5 of the variance will not create substantial harm
6 or negative impacts to the public, or substantial
7 impact to the intent and purpose of the zoning
8 plan.

9 CHAIRMAN FUSARO: Thank you, Katie.
10 Jenny, can you please call the roll?

11 MS. MANCE: Chairman Fusaro.

12 CHAIRMAN FUSARO: Here.

13 MS. MANCE: Michael Cohen.

14 MR. COHEN: Here.

15 MS. MANCE: Mr. Sontz.

16 MR. SONTZ: Here.

17 MS. MANCE: Ms. Molnar.

18 MS. MOLNAR: Here.

19 MS. MANCE: Mr. Eilbacher.

20 MR. EILBACHER: Here.

21 MS. MANCE: Mr. Reisen.

22 MR. REISEN: Present.

23 CHAIRMAN FUSARO: Thank you. Has
24 everyone had the chance to review our meeting
25 minutes from the Planning(sic) Board meeting of

1 February 13? Any questions, comments, or
2 revisions? Seeing none. May I have a motion to
3 approve?

4 MR. COHEN: Motion to approve the
5 minutes from the February 13 meeting.

6 MS. MOLNAR: Second.

7 CHAIRMAN FUSARO: All in favor.

8 BOARD MEMBERS: Aye.

9 CHAIRMAN FUSARO: Any opposed?
10 Okay. The minutes are approved.

11 We also have the approval of the
12 meeting minutes from our previous, last month's
13 meeting, March 13. Has everyone had a chance to
14 review those minutes? Any revisions, comments, or
15 concerns? Seeing none. May I have a motion?

16 MR. COHEN: Move to approve the
17 meeting minutes from March 13, 2023.

18 MR. EILBACHER: Second.

19 CHAIRMAN FUSARO: All in favor.

20 BOARD MEMBERS: Aye.

21 CHAIRMAN FUSARO: Any opposed? The
22 minutes are approved.

23 We have the memorialization of
24 resolutions from our last meeting. I believe we
25 have three.

1 The first resolution is
2 Andrew Wasserman, 471 Channing Avenue. It was an
3 appeal of the zone officer's decision. Has
4 everyone had a chance to review the resolution?

5 MS. MOLNAR: Yeah. Is there a typo
6 on Number 8? It said, "The Board found and
7 concluded that the appeal of the zoning officer
8 should not be held, and, thus, the appeal
9 shouldn't be granted." Shouldn't "not" be taken
10 out?

11 MS. RAZIN: The determination was
12 not upheld.

13 CHAIRMAN FUSARO: That's correct.

14 MS. MOLNAR: It says, "concluded
15 that the appeal should not be upheld."

16 CHAIRMAN FUSARO: The determination
17 was not upheld.

18 MS. MOLNAR: The appeal of the
19 determination should not be held. Can we clarify
20 that?

21 MS. RAZIN: I can take out "the
22 appeal of the..."

23 MS. MOLNAR: Yeah. Perfect.

24 CHAIRMAN FUSARO: Thank you.

25 MS. MOLNAR: By the way, I read it

1 and this is fabulous. And I'll tell you, I loved
2 reading this. It captured the essence of what
3 happened that night. So thank you. It was
4 excellent.

5 CHAIRMAN FUSARO: Okay. Any other
6 revisions to the resolution? Seeing none. Jenny,
7 can you please call the roll?

8 MS. MANCE: Chairman Fusaro.

9 CHAIRMAN FUSARO: Yes.

10 MS. RAZIN: Just -- there's no
11 motion yet.

12 CHAIRMAN FUSARO: The people that
13 voted in favor of it; myself and Mr. Cohen.

14 (Crosstalk.)

15 MS. MOLNAR: We need a motion.

16 MS. RAZIN: We need a motion, and
17 the people who are eligible to vote are -- there
18 was a motion in favor to uphold the determination,
19 and; that was made by Mr. Cohen and Mr. Fusaro,
20 and; that did not pass. So the people who voted
21 to not uphold the determination are those who are
22 eligible to vote which would be Mr. Masciale, who
23 is not here, Mr. Sontz, Ms. Molnar, Mr. Eilbacher,
24 and Mr. Karame, who is not here.

25 MS. MOLNAR: So the three of us.

1 MS. RAZIN: Correct. So out of
2 three of you, we need a motion and a second.

3 MS. MOLNAR: So moved.

4 MR. SONTZ: Second.

5 CHAIRMAN FUSARO: Jenny, please call
6 the roll for those three members that are present.

7 MS. MANCE: Mr. Sontz.

8 MR. SONTZ: Yes.

9 MS. MANCE: Ms. Molnar.

10 MS. MOLNAR: Yes.

11 MS. MANCE: Mr. Eilbacher.

12 MR. EILBACHER: Yes.

13 CHAIRMAN FUSARO: The next
14 resolution is Julia Sharma, 12 Mohawk Trail. Has
15 everyone had a chance to review the resolution?
16 Any questions, comments, or revisions? Seeing
17 none, may I have a motion?

18 MS. MOLNAR: So moved.

19 CHAIRMAN FUSARO: Second.

20 MR. REISEN: Second.

21 CHAIRMAN FUSARO: Jenny, please call
22 the roll.

23 MS. MANCE: Sorry, I don't believe

24 --

25 MR. REISEN: That I can do it.

1 MS. MANCE: Yeah.

2 MR. SONTZ: Second.

3 CHAIRMAN FUSARO: Seconded by
4 Matt Sontz.

5 MS. MANCE: Chairman Fusaro.

6 CHAIRMAN FUSARO: Yes.

7 MS. MANCE: Mr. Sontz.

8 MR. SONTZ: Yes.

9 MS. MANCE: Ms. Molnar.

10 MS. MOLNAR: Yes.

11 MS. MANCE: Mr. Eilbacher.

12 MR. EILBACHER: Yes.

13 CHAIRMAN FUSARO: And our final
14 resolution is Garrett and Alyson Vogel,
15 240 Maryland Street. Has everyone had a chance to
16 review the resolution? Any questions or
17 revisions? Seen none, may I have a motion?

18 MR. COHEN: So moved.

19 CHAIRMAN FUSARO: Second.

20 MR. EILBACHER: Second.

21 CHAIRMAN FUSARO: Jenny?

22 MS. MANCE: Chairman Fusaro.

23 CHAIRMAN FUSARO: Yes.

24 MS. MANCE: Mr. Cohen.

25 MR. COHEN: Yes.

1 MS. MANCE: Mr. Sontz.

2 MR. SONTZ: Yes.

3 MS. MANCE: Mr. Eilbacher.

4 MR. EILBACHER: Yes.

5 CHAIRMAN FUSARO: Those are our
6 resolutions for the evening. Moving right along.
7 We do have an announcement of an application that
8 is being carried in case anyone from the audience
9 is here for that application. It is Application
10 Number ZBA 22-044, 612 Downer Street, Elshiekh
11 Enterprises. That application is being carried to
12 our meeting on May 8. So if you are here this
13 evening for that application, please note it is
14 carried to May 8 without further notice.

15 Moving to our agenda this evening.
16 We also have another application that's carried to
17 our May 8 meeting, and that is Application Number
18 ZBA 22-031, Megan McCann, 857 Winyah Avenue. If
19 you're here for that application, that's also
20 being carried to our May 8 meeting without further
21 notice.

22 Our first application of the evening
23 is Application ZBA 22-040, Paul and Allison
24 Persiani, 237(sic) Scotch Plains Avenue.

25 Applicant is seeking to construct a

1 second-floor addition. The addition will expand
2 the master bedroom with a walk-in closet and a
3 master bath and is contrary to the following
4 sections of the Westfield Land Use Ordinance:
5 Section 11.09E6 where the minimum side yard
6 setback required is 10 feet and proposed is
7 9.19 feet. Good evening, Mr. Bailey.

8 MR. BAILEY: Hello.

9 CHAIRMAN FUSARO: You are?

10 MR. PERSIANI: I'm Paul Persiani.

11 CHAIRMAN FUSARO: Please spell your
12 name first, and then your address for the record.

13 MR. PERSIANI: P-e-r-s-i-a-n-i. And
14 I heard you say 237, it's 239 South Scotch Plains
15 Avenue.

16 CHAIRMAN FUSARO: Thank you. Please
17 raise your right hand.

18 PAUL PERSIANI, having been duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO: Mr. Bailey, we
21 might as well swear you in while you're here.

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

24 CHAIRMAN FUSARO: I know you've
25 appeared before our Board numerous times this

1 year. We'll continue to recognize you as an
2 expert in the field of architecture.

3 Please tell us about your
4 application.

5 MR. PERSIANI: Sure. We moved to
6 Westfield about a year ago. We love our home, but
7 we have two small children and only one full bath.
8 We'd really like to add a second full bath. The
9 plan, we have a sunroom on the ground floor and
10 it's got a very steep roof above it that currently
11 has a closet off our bedroom. We'd like to just
12 pitch our roof a little bit to take a little bit
13 more room off our bedroom and add a second bath
14 and keep a closet there. But that's it.

15 CHAIRMAN FUSARO: Thank you.
16 Mr. Bailey, do you want to run us through the
17 drawings?

18 MR. BAILEY: Sure. I'll walk you
19 through the drawings. I'll start you with the
20 existing floor plans, Sheet EX-2. If you look at
21 Drawing 3 on EX-2, the Existing Second Floor Plan,
22 currently there is a finished attic over that
23 sunroom. It's got some closets. It's got low
24 headroom. It's basically a finished attic space,
25 and it comes off of this existing master bedroom.

1 And the existing elevations, Sheet EX-1, if you
2 look at Drawing 2 on EX-1, Existing East
3 Elevation, side elevation, the driveway side,
4 currently, there's that steep-pitched roof and
5 finished attic over the sunroom. And if you look
6 at 3 on EX-1, that's the Existing Front Elevation,
7 it's a one-story addition -- one-half-story
8 addition on the side over the sunroom,
9 steep-pitched roof. Drawing 1 on EX-1, Existing
10 Rear Elevation; it's the same thing. It's
11 one-and-a-half-story existing on the driveway
12 side. Existing photographs from the very last
13 sheet, PH-1, you can see along the top row the
14 existing front elevations. And you can see on the
15 left side of the front of the house the
16 one-half-story sunroom with the steep-pitched
17 finished attic. On the bottom two right
18 photographs, you can see the Existing Rear
19 Elevation showing the same thing. The
20 one-half-story existing wing on the driveway side.

21 We're proposing to on Sheet A-2,
22 Proposed Floor Plans, Drawing 1 on A-2, we're
23 proposing to raise the roof in line with the
24 sunroom below to give it more ceiling height and
25 that attic area and increase it to be a full

1 second floor with walk-in closets and a master
2 bath. It will not increase the third floor; the
3 attic. It will not increase the first floor. The
4 Proposed Elevations, the first sheet, A-1, if you
5 look at 1 on A-1, Proposed Rear Elevation, what
6 you will see from on the outside is what looks
7 like a shed dormer cutting a whole in the existing
8 roof popping out this shed dormer to increase the
9 headroom. The same thing with the front
10 elevation; 3 on A-1, we're cutting out the section
11 of the roof and raising it up to be a full second
12 floor. Looking at 2 on A-1, we're still keeping
13 the existing fly rafter to show the steep gable
14 roof versus the next-door neighbor. And the two
15 shed dormers, the front, and the back, will give
16 the extra headroom, but it will still be keeping
17 in the character and style of the existing house
18 with the steep-pitched gable fly rafters.

19 If you go to the Site Plans, SP-1
20 sheet; Drawing 1 on SP-1, the existing house, and
21 the existing den and part of the second floor; the
22 rear corner is 9.19 feet; the front corner is 9.41
23 feet. We're required to have a 10-foot side yard
24 setback; that's an existing nonconforming
25 addition. We're proposing to raise the wall

1 straight up over the footprint of the den to give
2 us the room for the bathroom and walk-in closets.
3 So 9.19 feet, that means that rear corner is about
4 10 inches into the 10-foot side yard setback. And
5 the front corner at 9.41 feet, that's roughly
6 8 inches into the 10-foot side yard setback.
7 That's an existing nonconforming condition.
8 Again, we're just raising the walls up. We're
9 keeping the aesthetics of that existing gable
10 shape with the fly rafters. And there're plenty
11 of windows on that side to meet the side wall
12 massing code for a minimum of glass. That's one
13 of the variances we're requesting. And, again, by
14 going straight up, we get a nice clean wall there,
15 we get a nice space inside for the master bath and
16 the closet to expand the master bedroom into a
17 full master suite. And we're matching the siding
18 so it will look like it's always been there.

19 CHAIRMAN FUSARO: Thank you. A
20 couple of quick questions. The 9.19 side yard
21 setback, and the 9.41 side yard setback in the
22 driveway; that's a shared driveway; correct?

23 MR. PERSIANI: Yes.

24 CHAIRMAN FUSARO: And it's
25 approximately, I would say, 8 feet wide,

1 currently?

2 MR. PERSIANI: At least, yeah. I
3 would say more than 8 feet.

4 MR. BAILEY: Yeah. It's about
5 8 feet existing. It's shared, so it's a tight
6 driveway.

7 MR. PERSIANI: It's a one-car width.

8 CHAIRMAN FUSARO: On A-1,
9 Mr. Bailey, you're going to have on that one side
10 that you're talking about raising adding a second
11 level there, it looks like it's four rooflines.
12 You've got that all worked out so it's going to be
13 sufficient?

14 MR. BAILEY: Yeah. What looks like
15 shed dormers, that pitch is steep enough to use
16 asphalt roofing. It just clears an existing
17 window on the third floor. So, again, we're not
18 affecting the third floor. The pitch is low
19 enough to clear the existing window. Those fly
20 rafters stay, so the pitch is sufficient.

21 MR. COHEN: We are losing a window
22 though; right? We are losing a window?

23 MR. PERSIANI: Yes. In one of my
24 children's bedrooms we're losing a window, and
25 we're going to add a second one to it.

1 (Crosstalk.)

2 MR. BAILEY: On the rear elevation,
3 the proposed rear elevation, on the proposed
4 second-floor plan, yes, we closed up a side
5 window, but we add another window to the back. So
6 it's still the same windows from the front. It's
7 just both are in the back instead of one in the
8 back and one on the side.

9 MR. COHEN: I'm concerned about what
10 the neighbor is looking at; right?

11 MR. BAILEY: We could just move the
12 window over to clear the addition because you have
13 the fly rafter. So it's just easier to put the
14 window facing the backyard. It's more private and
15 you get more wall space in the bedroom to put
16 furniture on.

17 CHAIRMAN FUSARO: It looks like
18 you're actually losing two windows. If you look
19 at EX-1 at that elevation, there are two windows
20 on the second floor which we're losing.

21 MR. COHEN: True, yeah.

22 MR. BAILEY: That's that existing
23 finished attic and we're putting the windows front
24 and back. It didn't work out to have -- well, you
25 wouldn't want a window facing the neighbor if it's

1 a closet or a bathroom. So the Persianis decided
2 not to put a window there.

3 CHAIRMAN FUSARO: And you're not
4 doing any work up in the attic; is that correct?

5 MR. BAILEY: We're not touching the
6 existing attic. And the pitch of the new addition
7 is not giving you the attic to go into. It's a
8 very low-pitched roof. It's just for running some
9 ductwork.

10 CHAIRMAN FUSARO: Understood.

11 MR. BAILEY: We're showing a flat
12 ceiling in the second-floor addition. We're
13 showing not a high-pitched gable roof over the two
14 shed dormers. We're not expanding the existing
15 attic, and we're able to maintain the existing
16 window.

17 CHAIRMAN FUSARO: Thank you. Any
18 other Board Members have any questions for the
19 Applicant or the architect at this time?

20 MS. MOLNAR: Yeah. What's the final
21 FAR? It's 26.77 when you're done?

22 MR. BAILEY: Right. That's still
23 well under the maximum.

24 MS. MOLNAR: It's 25.5. Okay.

25 CHAIRMAN FUSARO: Yeah. He's still

1 within.

2 MR. BAILEY: It's still under 37%.
3 And we're way under for the building coverage, and
4 the improvement coverage. So the only variance is
5 the side yard setback.

6 CHAIRMAN FUSARO: Anyone from the
7 audience who would like to address this
8 application at this time? If there is, please
9 come forward and state your name and address for
10 the record. Seeing none, we'll close that
11 portion. Is there anything else you would like to
12 add, Mr. Bailey?

13 MR. BAILEY: No, I'm good.

14 MR. PERSIANI: Thank you for your
15 time.

16 CHAIRMAN FUSARO: We'll close that
17 portion of the meeting and open it up to board
18 discussion. We've heard that it's cut and dry.
19 It's an existing structure. He's only off by
20 approximately 7 inches in the front, and
21 approximately 9 inches in the back where a 10-foot
22 side yard setback is required. I don't really see
23 any issues with the application. Granted,
24 Mr. Cohen, you're correct, they are losing two
25 windows, he's got a little vent there. Basically,

1 based on the inside layout of the proposed
2 addition, it would be difficult to include windows
3 in that walk-in closet.

4 MS. MOLNAR: I have one question
5 about the driveway whether there's a permanent
6 easement to use the shared driveway? If there's
7 not, technically, your neighbor could put up a
8 fence right up the middle.

9 CHAIRMAN FUSARO: Well, technically,
10 that's correct. That's a good question. We have
11 a site plan from EKA; I believe. It doesn't
12 mention the easement on the site plan. The site
13 plan is recent; I don't see any easement. And
14 also, if you look at the site -- EKA, Drawing
15 Sheet 1, if you look at the neighbor to the left
16 that's sharing the driveway, it looks like they're
17 just as close with the side yard setback.
18 Actually, there's is even less, it's 8.72 in the
19 front and 9.3 in the back.

20 MS. MOLNAR: It would be in the
21 deed, I would think when he bought the house if
22 there's an easement.

23 CHAIRMAN FUSARO: It doesn't appear.
24 I can open it back up to Mr. Bailey and the
25 Applicant.

1 Would you happen to know if there's
2 any easement involved?

3 MR. PERSIANI: Not off the top of my
4 head. But if they were to do something like that
5 they would lose their driveway too.

6 CHAIRMAN FUSARO: You understand the
7 risk?

8 MR. PERSIANI: Yeah.

9 CHAIRMAN FUSARO: Someone could
10 technically put a fence right down the middle of
11 the driveway. But if you're saying that the
12 driveway, even if someone did that where it was
13 wide enough for you to drive a car --

14 MR. PERSIANI: It wouldn't be usable
15 for either person at that point. So it seems
16 unlikely.

17 CHAIRMAN FUSARO: Carol, it looks
18 like he has a couple -- maybe, you know, 6 inches
19 or so from the curb line to the house whether you
20 think to extend the curb line a little to the
21 right. We just want to make sure that you're
22 aware of it.

23 MR. PERSIANI: Thank you.

24 CHAIRMAN FUSARO: Any other comments
25 or questions?

1 MR. SONTZ: It looks like a very
2 modest addition to me. There's nothing wrong with
3 it at all.

4 CHAIRMAN FUSARO: Anyone else?
5 Seeing none, do we have a motion?

6 MS. MOLNAR: So moved.

7 CHAIRMAN FUSARO: Second.

8 MR. REISEN: Second.

9 CHAIRMAN FUSARO: Seconded by
10 Mr. Reisen. Jenny, please call the roll.

11 MS. MANCE: Chairman Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MS. MANCE: Mr. Cohen.

14 MR. COHEN: Yes.

15 MS. MANCE: Mr. Sontz.

16 MR. SONTZ: Yes.

17 MS. MANCE: Ms. Molnar.

18 MS. MOLNAR: Yes.

19 MS. MANCE: Mr. Eilbacher.

20 MR. EILBACHER: Yes.

21 MS. MANCE: Mr. Reisen.

22 MR. REISEN: Yeah.

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

25 Our next application is Application

1 ZBA 22-049, Clint and Amanda Rekemeier -- I hope I
2 pronounced that correctly -- 732 Mountain Avenue.
3 Applicants are seeking to replace and expand an
4 existing detached garage in the front yard located
5 at North Chestnut Street contrary to the following
6 sections of the Westfield Land Use Ordinance:
7 Section 13.01E where no accessory buildings are
8 permitted in any front yard. The required front
9 yard setback is 40 feet and proposed is 29.56 feet
10 and it's unchanged; and, Section 17.05A where the
11 driveway width required is 24 feet and proposed is
12 36 feet. Good evening.

13 MS. REKEMEIER: Hi.

14 CHAIRMAN FUSARO: How are you?

15 MS. REKEMEIER: Good. How are you?

16 CHAIRMAN FUSARO: Please state your
17 name and address for the record, and please spell
18 your last name.

19 MS. REKEMEIER: Amanda Rekemeier,
20 R-e-k-e-m-e-i-e-r. We are at 732 Mountain Avenue.

21 CHAIRMAN FUSARO: Sir, your name.

22 MR. REKEMEIER: Clint Rekemeier,
23 R-e-k-e-m-e-i-e-r, 732 Mountain Avenue.

24 CHAIRMAN FUSARO: Will you both
25 please raise your right hand?

1 AMANDA REKEMEIER and CLINT REKEMEIER
2 having been duly sworn, were examined and
3 testified as follows:

4 CHAIRMAN FUSARO: Please tell us
5 about your application.

6 MR. REKEMEIER: Well, we moved into
7 our home 10 years ago, 11 years ago, and at the
8 time, the attached garage we're looking to replace
9 now should have been replaced then. And we think
10 it's original to the home. It's in dire need of
11 repair; really replacement. So we'd like to
12 increase the size of it slightly to increase our
13 storage.

14 CHAIRMAN FUSARO: I know that you
15 have a parcel of land that fronts on two streets.
16 So you have --

17 MS. REKEMEIER: Two front yards.

18 CHAIRMAN FUSARO: -- two front
19 yards.

20 MS. REKEMEIER: One of the lucky
21 ones.

22 CHAIRMAN FUSARO: One quick question
23 before your architect provides testimony. Looking
24 at the site plan, I see that your neighbor to your
25 left standing in front of your home also has a

1 driveway on North Chestnut Street; is that
2 correct?

3 MR. REKEMEIER: Yes.

4 CHAIRMAN FUSARO: Both the front of
5 your houses face --

6 MR. REKEMEIER: Mountain Avenue.

7 CHAIRMAN FUSARO: Mountain Avenue,
8 just like yours.

9 MR. REISEN: Yup. They're actually
10 the same home.

11 CHAIRMAN FUSARO: Thank you. Let's
12 hear from your architect as he runs through the
13 plans. Mr. DiGiorgio, have you testified before
14 us this year?

15 MR. DIGIORGIO: Not this year.

16 CHAIRMAN FUSARO: Give us a little
17 background if you don't mind for some of the new
18 board members.

19 MR. DIGIORGIO: Sure. My name is
20 Thomas DiGiorgio. I'm a New Jersey licensed
21 architect since 1991. I've been in town since
22 1991. I've been before this board in the past and
23 the planning board, and many of the other boards
24 in the area of Union County.

25 CHAIRMAN FUSARO: Do we have any

1 questions for Mr. DiGiorgio? We'll continue to
2 recognize you as an expert in the field of
3 architecture. Please raise your right hand.

4 THOMAS DIGIORGIO, having been duly
5 sworn, was examined and testified as follows:

6 CHAIRMAN FUSARO: Please proceed.

7 MR. DIGIORGIO: Basically, what we
8 have is a property that has two front yards and
9 the Rekemeiers would like to -- we looked at the
10 garage -- we're doing an addition at the garage.
11 But the only thing that required a variance would
12 be the garage and the width of the driveway; just
13 to clear that up. So the existing lot is 9,466
14 square feet. If you look at P-1 the Zoning Chart
15 that I have here and we've provided all the
16 information with all the calculations because we
17 needed to determine if the existing residence had
18 any issues as far as variances, but they do not.

19 Our lot width is 59.66. Lot depth,
20 because it's a skewed lot that has two fronts as
21 you mentioned, is 139.71 and 180.12. The average
22 front yard on the main house on Mountain Avenue is
23 26.75. The side yard on the main house is 12.57
24 and 7.99. And the rear yard to the main house is
25 85 and 75 feet. That addresses the main

1 residence.

2 As far as maximum building coverage,
3 originally, we had 16.6% and now we're going to
4 have 20% so that complies with the ordinance. And
5 the FAR allowed is 37%. Currently, we're at 27.4.
6 And with the addition on the main house, again,
7 like I said, that doesn't have any variances, it's
8 33.1%. The total coverage allowed is 50%. The
9 existing house has 33.3% and with the addition and
10 the replacement of the garage and the small
11 addition on the rear of the garage for storage,
12 we're still at 40.85, so we're well below what's
13 allowed.

14 Presently, the garage that's there
15 now is 2.69 feet and 3.15 feet off the side yard
16 property line. What we wanted to do was, again,
17 showing good faith to the town, we wanted to slide
18 that over to 5 feet so that we could eliminate
19 that variance. And, presently, if you look at the
20 survey on the same sheet, as Mr. Fusaro mentioned,
21 the lot on each side has garages; detached
22 garages. The one on the left side or the north
23 side has a garage that's approximately 28.48, and
24 that has a driveway that enters also on North
25 Chestnut. The other property adjacent is for the

1 south side, that has -- you enter from Mountain
2 Avenue, but that has a detached garage also. And
3 the 29.56 feet for the side -- from North Chestnut
4 Street is the existing front of the existing
5 garage. The only thing we're doing is we're
6 sliding the garage over so we comply with the
7 5-foot setback. And then, we hatched the area
8 that we're expanding the garage an additional 80
9 feet. Which, if you look at the next sheet on
10 P-2, on the bottom left, you'll see the detached
11 garage, and we're providing an expanded addition
12 on the rear of the garage maintaining the same
13 width that's there now. And that allows the
14 Rekemeiers to have some storage space instead. We
15 really didn't want to put another shed, accessory
16 structure, on the property to have a detached
17 garage and then a shed. We thought it would blend
18 into the property better. And also complement the
19 house with details on the garage so that it
20 doesn't look like a storage shed, but, basically,
21 a garage with storage behind it.

22 We're going to comply with heights.
23 The structure itself; it needs upgraded framing,
24 new footings. And we just thought it would make
25 more sense to comply with the 5 feet, and at the

1 same time, expand the garage and bring it up to
2 code, so all the building codes would comply with
3 that. Presently, on North Chestnut Street, most
4 of the homes on that street; they have dimensional
5 driveways, you pull in the front, your front door
6 is here, and your garage is detached or attached
7 in the front. This is a little special case
8 because we have some detached garages adjacent to
9 us. If we were to comply with the 40 feet and
10 pull the garage down another 10 feet, it would
11 encroach so much into their rear yard with what
12 they really enjoy, you know, their kids, their
13 dog, they like to use the backyard, and it would
14 detract from the rear yard. And it's been there
15 probably -- this was built in I believe 1925, the
16 garage was probably built at the same time; maybe
17 a little later. But it's been there. It's part
18 of the neighborhood. It's not going to detract
19 from anything. It's not going to be overbuilt;
20 it's going to comply with all the height
21 requirements and coverages. Now, the variance is
22 for that because if we repaired it, basically,
23 there were no variances because it's a
24 pre-existing condition. But we thought we should
25 repair that -- replace that and relocate it;

1 partially.

2 Then the driveway is the other
3 variance. Right now, it's just a straight
4 driveway off of North Chestnut. And what we
5 thought would be good is as you're backing up, you
6 could back into the lane and turn around so you're
7 not backing up directly onto the street. So that
8 would be the second variance. If you see noted,
9 you're allowed 24 feet, we have 36. But we're
10 proposing new, we're going to fence that off on
11 North Chestnut. Possibly do some plantings there.
12 So you don't really see that driveway that impedes
13 on that area. The other reason we didn't want to
14 move the garage in addition to using the backyard,
15 we really didn't want an impervious area. And
16 we're really trying to maintain the maximum amount
17 of green space that we can.

18 MS. MOLNAR: On P-2 -- no, no, P-4.
19 I'm sorry.

20 MR. DIGIORGIO: I'm sorry. This
21 one? (Indicating.)

22 MS. MOLNAR: P-4, it shows Number
23 Picture 5, it shows the elevation of the house
24 being 31 feet 10 inches.

25 MR. DIGIORGIO: Well, that's the

1 height to the ridge that you're asking?

2 MS. MOLNAR: Yeah. The height to
3 the ridge.

4 MR. DIGIORGIO: Right. Well, that's
5 existing.

6 MS. MOLNAR: Picture 5, Drawing 5,
7 the height of the house is 31-feet-10-inches.

8 MR. DIGIORGIO: Right.

9 MS. MOLNAR: The document said the
10 building height when you're done is 29.83.

11 MR. DIGIORGIO: Well, no, that's the
12 existing residence is that high.

13 MS. MOLNAR: Oh, it's currently at
14 29.83.

15 MR. DIGIORGIO: Yeah. The addition
16 is on the bottom. If you look at the proposed
17 rear addition on the same sheet on the bottom.

18 MS. MOLNAR: Yes.

19 MR. DIGIORGIO: So that height
20 there, that's approximately -- because it depends
21 where you take it from the grade. So there, it's
22 about 27 feet. But there are no variances on the
23 main house. The only variance we have is the
24 detached garage and the driveway.

25 MS. MOLNAR: I see. Okay. Thank

1 you.

2 CHAIRMAN FUSARO: A couple of quick
3 questions. I'm assuming that you're going to be
4 repaving the driveway; is that correct? You'll be
5 repaving it?

6 MR. DIGIORGIO: Yes.

7 CHAIRMAN FUSARO: That having been
8 said, although you're okay with the coverage, as
9 you know, there's an ongoing concern not only
10 throughout Westfield but throughout the state with
11 stormwater runoff and impervious coverage. Is
12 there any way since you've moved the garage over
13 5 feet to comply with the setback there, I'm
14 looking at your P-1 drawing, it looks like you
15 have approximately 5 feet of additional driveway
16 between your new garage and the property line.

17 MR. DIGIORGIO: Well, if you look at
18 the original survey -- because we didn't change
19 that line. That's what was there presently on
20 EKA's drawing. We basically just expanded and
21 kept the line where it was and expanded over. But
22 if you want us to cut it back a little bit...

23 CHAIRMAN FUSARO: That's why I asked
24 if you were redoing the driveway. If you were not
25 redoing the driveway, I wouldn't want you to have

1 the added expense of cutting 12 feet out, but
2 since you are and that would also minimize the
3 width from the 36 feet to 31 feet, which brings it
4 a little closer.

5 MR. DIGIORGIO: Right. I just have
6 to be careful with the curb cut. We didn't want
7 to touch the curb cut that's there now.

8 CHAIRMAN FUSARO: No, I understand.
9 If you were to basically just draw a line from
10 your new corner of your garage straight out to the
11 curb cut, according to my calculations, you would
12 be removing, approximately, 5 feet.

13 MR. DIGIORGIO: The only thing with
14 that is that we're losing that 5 feet if we're
15 trying to back up and turn around. That's why I
16 was kind of maintaining what was there.
17 Otherwise, I would have probably made that a
18 little deeper. And I was trying not to go too
19 much more into the front yard.

20 CHAIRMAN FUSARO: Understood.
21 There's a note on your drawing showing a gate and
22 a fence that's to be relocated. Can you give us a
23 little history on what's there now and what's
24 going to happen with that?

25 MR. DIGIORGIO: Sure. Right now,

1 there's a fence there in the back because they
2 have dogs. So that's all closed in and gated. So
3 you pull in the driveway now, and there's -- it
4 doesn't show a gate here, but where the sidewalk
5 is on the existing EKA drawings, there is a gate
6 there. So the fence just goes alongside the
7 driveway on the left side, and then up on the
8 North Chestnut Street side. And then it cuts
9 back, it's kind of irregular on the right side
10 there on the EKA drawing. So what we're going to
11 do is we're going to straighten that out and then
12 provide on North Chestnut a fence and then wrap it
13 around the driveway so it's still secure. But
14 then we're going to extend the fence on the one
15 side on North Chestnut just to screen that paved
16 area from the street. But you'd still be able to
17 drive in there, but we want to have the backyard
18 secure for the dogs and for the kids.

19 CHAIRMAN FUSARO: And do we know the
20 height of that fence?

21 MS. REKEMEIER: It's currently 4
22 feet.

23 CHAIRMAN FUSARO: Four feet. I
24 think that's the only question that I currently
25 have. Do any other Board Members have any

1 questions?

2 MS. MOLNAR: Yeah. Are you totally
3 gutting the first floor?

4 MS. REKEMEIER: No.

5 MS. MOLNAR: You're gutting half of
6 it; is that it?

7 MR. DIGIORGIO: No.

8 MS. MOLNAR: You're taking the walls
9 down or something?

10 MR. DIGIORGIO: No, no. We're just
11 doing an addition. No, the first floor, we're
12 just taking some wall down, we're going to expand
13 the cathedral in the family room. And then we're
14 creating a mudroom and a bathroom. But we're not
15 gutting the first floor.

16 MS. MOLNAR: I see.

17 MR. DIGIORGIO: Same thing on the
18 second floor. Which is where it is dark is where
19 it's existing.

20 MS. MOLNAR: Okay. Thank you.

21 MR. DIGIORGIO: Now, one thing we
22 need to talk about, Mr. Fusaro, regarding that
23 5 feet; would it be okay if we only went 2 feet
24 over just we could still have the turnaround and
25 have some grass area there?

1 CHAIRMAN FUSARO: That's fine.
2 Anything you can cut back there; that would
3 certainly be helpful. I don't have any other
4 questions for the Applicant. Any other Board
5 Members have questions of the Applicant? Does
6 anyone in the audience want to address this
7 application? If so, please come forward, and
8 state your name and address for the record. Good
9 evening.

10 MS. SAFONOV: Good evening.

11 CHAIRMAN FUSARO: Please state your
12 name, address, and please spell your last name for
13 the record.

14 MS. SAFONOV: My name is Larisa
15 Safonov, and that's S-a-f-o-n-o-v, 726 Mountain
16 Avenue.

17 CHAIRMAN FUSARO: Thank you. Please
18 raise your right hand.

19 LARISA SAFONOV, having been duly
20 sworn, was examined and testified as follows:

21 CHAIRMAN FUSARO: Please proceed.

22 MS. SAFONOV: We live right adjacent
23 to the Rekemeiers at 726, and we just wanted to
24 say that we have no objection to what they're
25 proposing. Our garages are literally right next

1 door to each other. We'd love to see a brand-new
2 one.

3 CHAIRMAN FUSARO: Great. Thank you
4 so much. We appreciate you coming out. Thank
5 you.

6 One other quick question; the
7 storage area that you're building in the back of
8 the garage it's going to be used strictly for
9 storage?

10 MS. REKEMEIER: We've got three kids
11 with a lot of sports in this town and we have no
12 room in our house anymore. So, yeah.

13 CHAIRMAN FUSARO: Great. Thank you.
14 Anything else you'd like to add?

15 MR. DIGIORGIO: No, that's it. I
16 mean other than we're trying to complement the
17 house with whatever details we do on the garage.
18 You know, they've lived in the house a long time.
19 They have businesses. We just want to complement
20 the rest of the neighborhood, and I think it does
21 that.

22 CHAIRMAN FUSARO: Thank you. At
23 this time, I'll close that portion of the meeting
24 and open it up to board discussion. You've
25 basically heard from the Applicant and their

1 architect as to the reasoning. Obviously, the
2 garage that's there needs to come down. They are
3 bringing it into compliance as far as the setback
4 goes with the garage, and that's a good thing.
5 They've agreed to cut back that driveway area
6 along the property line by approximately 2 feet.
7 I'm assuming that -- Katie, we'll need to make
8 that a condition of approval. Certainly, we could
9 approve this under a c(1) variance; there is a
10 hardship. This is a lot that does front two
11 streets. So we have similar applications like
12 these come before us in the past. So I don't
13 really have an issue with the application. Again,
14 you've heard about the fence; it is 4 feet in
15 height. That's why I asked the owner if they
16 didn't want a 6-foot fence there. And we heard
17 from one of the neighbors, and they're in support
18 of the application as well. How does the rest of
19 the Board feel?

20 MR. SONTZ: Sounds good to me.

21 MS. MOLNAR: No objection.

22 MR. COHEN: No objection.

23 CHAIRMAN FUSARO: Seeing no further
24 discussion, may I have a motion?

25 MR. REISEN: For the motion, do you

1 want to put in the two conditions then? I'll do
2 it. Motion to approve the application with the
3 two conditions that the storage space will never
4 be used for livable quarters, and the other that
5 they'll reduce the space between the driveway and
6 the other property line to 2 feet from the bottom
7 of the fence.

8 CHAIRMAN FUSARO: Do we have a
9 second?

10 MR. SONTZ: Second.

11 CHAIRMAN FUSARO: Seconded by the
12 entire Board. Jenny, please call the roll.

13 MS. MANCE: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MS. MANCE: Mr. Cohen.

16 MR. COHEN: Yes.

17 MS. MANCE: Mr. Sontz.

18 MR. SONTZ: Yes.

19 MS. MANCE: Chairman Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MS. MANCE: Mr. Eilbacher.

22 MR. EILBACHER: Yes.

23 MS. MANCE: Mr. Reisen.

24 MR. REISEN: Yay.

25 CHAIRMAN FUSARO: Your application

1 is approved. Good luck.

2 MR. DIGIORGIO: Thank you and good
3 night.

4 CHAIRMAN FUSARO: Our next
5 application is Application ZBA 22-045, George
6 Lyons, 718 Warren Street. Applicant is seeking to
7 add a second-floor addition over the existing
8 first-floor garage as well renovating adjacent
9 bedroom space to create a master bedroom suite
10 with a small office loft in the attic contrary to
11 the following sections of the Westfield Land Use
12 Ordinance: Section 12.04F1 where the building
13 coverage permitted is 20% and proposed is 22.45%;
14 and, Section 11.09E6 where the minimum side yard
15 required is 10 feet and proposed is 8.07 feet.

16 Good evening. Please state your
17 name and address for the record, and please spell
18 your last name.

19 MR. LYONS: Good evening. George
20 Lyons, L-y-o-n-s, and I live at 719 Warren Street
21 in Westfield.

22 GEORGE LYONS, having been duly
23 sworn, was examined and testified as follows:

24 CHAIRMAN FUSARO: Thank you. Please
25 tell us about your application.

1 MR. LYONS: Thank you. I've lived
2 in my house for about seven years now. I have two
3 daughters. We are trying to expand more space
4 within the house. I've been working from home, so
5 I'd like to make an office to work there. The
6 house is the oldest house on the block on Warren
7 Street. It's about 90 years old. I have carriage
8 doors but (indiscernible) --

9 MS. BREIEN: Can you please speak
10 into the microphone?

11 MR. LYONS: Other renovations that
12 we've over time over time have added different
13 materials to the front and sides of the house and
14 the overall look of the house. Maybe it doesn't
15 have the best curb appeal. So this renovation
16 would be to improve the overall facade of it and
17 have a more uniform look. And then adding this
18 master bed and bath and office will really improve
19 the utility of the house overall.

20 CHAIRMAN FUSARO: Thank you. I see
21 your architect is here. Good evening. I believe
22 you've appeared before us this year; correct?

23 MS. CARMINIO: Yes.

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

1 MS. CARMINIO: Andrea Carminio,
2 515 Coleman Place, Westfield, New Jersey.

3 CHAIRMAN FUSARO: Please raise your
4 right hand.

5 ANDREA CARMINIO, having been duly
6 sworn, was examined and testified as follows:

7 CHAIRMAN FUSARO: Thank you. We'll
8 continue to recognize you as an expert in the
9 field of architecture. Please proceed.

10 MS. CARMINIO: Currently, the
11 property is overdeveloped. It's currently at 22%.
12 The existing property is zoned RS-8. It's
13 supposed to be 8,000 square feet, but it's 7,500
14 square feet. So it's an undersized lot, so that's
15 one hardship. The previous owner added a
16 first-floor family room with vaulted ceilings and
17 went over to 22%. We are proposing adding over
18 the garage, which is on the left side of the house
19 above the carriage doors, we're going to raise
20 that roof approximately 5 feet. And then we're
21 going to extend over the back -- the whole side
22 yard above the garage to the back of the house.
23 We're only asking to increase the lot coverage for
24 32 square feet. Which is less than half a
25 percent. We're going off all existing space

1 except where we have two cantilever overhangs
2 which, on the side yard, is to mitigate a side
3 yard 25-foot wall maximum wall. And also, offer
4 another design element that we could use to wrap
5 around the back of the house. That overhang that
6 goes into the -- encroaches onto the property also
7 adds 11 square feet of the 32 square feet.
8 Otherwise, we'd have a long flat wall and we would
9 need the side wall variance.

10 If you take a look at V-1, the rear
11 of the house, you could see all the various roofs.
12 There's a flat roof, there're different roofs,
13 different soffits. So we're extending that from
14 the new ridgeline, we're extending it back
15 overhanging only 2 feet above where you see that
16 door. And we're trying to be consistent with our
17 materials. We're getting brackets and other
18 elements to kind of bring the house around the
19 corner and tie the whole back of the house and get
20 rid of all those little roofs. Basically, we're
21 asking for 32 square feet, and we're going into
22 the side yard 5-feet-5-inches, 2 feet over.

23 The other choices would have been to
24 maybe add above the one-story addition in the
25 back. They're all vaulted ceilings and they're

1 raised, so we have to put new ceilings and do all
2 the other things. And this back area is kind of a
3 dead space. You could also see the existing
4 plans, the bedrooms aren't very big. His
5 daughter's bedroom is 8 1/2-by-10-feet. It's a
6 very, very small bedroom. So by making a real
7 master suite and adding a bathroom and then
8 creating this loft, we're not going above the
9 existing ridgeline. We're keeping all the same
10 elements, and we're going to try to bring together
11 all the materials so it makes it look cohesive.

12 CHAIRMAN FUSARO: You're not going
13 over the existing family room; right?

14 MS. CARMINIO: No.

15 MS. MOLNAR: Is this second-floor
16 cantilever walk-out box bay really required? It
17 just seems to stick out.

18 MS. CARMINIO: I didn't hear the
19 question.

20 MS. MOLNAR: On the second floor,
21 you're showing a 2-foot depth foot for a
22 cantilevered walk-out box bay with brackets.

23 MS. CARMINIO: Yeah.

24 MS. MOLNAR: Can you eliminate that?

25 MS. CARMINIO: Then I'd be asking

1 for a different variance.

2 MS. MOLNAR: The 25-foot wall, and
3 --

4 MS. CARMINIO: Yes. And I like that
5 element because in the back, we're kind of
6 repeating it.

7 MS. MOLNAR: And the rear of the
8 house, the addition is cantilevered 2 feet over?

9 MS. CARMINIO: Yes. That was
10 basically just to gain some more space. We didn't
11 have really -- to get the stair in to get to the
12 second floor, we had to rise above the existing
13 ceiling below and I had to add a little so we
14 could actually have a space where he could fit in
15 some desks and some storage.

16 MS. MOLNAR: So if you didn't have
17 that 2 feet you're saying you wouldn't have a
18 stairwell?

19 MS. CARMINIO: We wanted to see if
20 we could gain the extra space because it's not a
21 very big room. It's only 7 feet down the middle
22 and then it slants down. So he could have a desk
23 right under the window and then maybe some storage
24 on the sides.

25 CHAIRMAN FUSARO: That overhang

1 accounts for approximately 20 square feet. So if
2 you're over by 31, you'd still need the variance.

3 MS. CARMINIO: Yeah. I need the
4 variance anyway.

5 CHAIRMAN FUSARO: Correct.

6 MS. CARMINIO: And then we're really
7 adding a very small amount.

8 CHAIRMAN FUSARO: Understood. One
9 quick question. I saw a note on your drawings
10 that you're planning on residing a portion of the
11 home. I see there's a little stucco, it's looks
12 like T1-11, some cedar shakes. A little bit of
13 everything.

14 MS. CARMINIO: So what we're
15 planning on doing is leaving the brick, taking off
16 the T1 vertical boards, and just where we think
17 could be wood or Hardie plank we're going to do
18 clapboard.

19 CHAIRMAN FUSARO: So the masonry is
20 staying and the rest of the siding is going?

21 MS. CARMINIO: Yes. All going. So
22 we're not going to have -- it's very hard to turn
23 the corners when you have different material.

24 MS. MOLNAR: What kind of siding do
25 you have?

1 MS. CARMINIO: We're proposing some
2 sort of clapboard; either wood or Hardie.

3 CHAIRMAN FUSARO: Someone could use
4 the house as a sample board. We come across that
5 all the time with architects. You have every type
6 of material known to man on one building.

7 MS. CARMINIO: I haven't heard
8 someone call it "T1" what you called it in a very
9 long time.

10 CHAIRMAN FUSARO: Correct. Anyone
11 else from the Board have any questions?

12 MS. MOLNAR: How tall is your fence?

13 MS. CARMINIO: Excuse me?

14 MS. MOLNAR: How tall is the fence?

15 MR. LYONS: It's 6 feet in the back.

16 MS. CARMINIO: And a lot of the
17 houses in the vicinity have already developed much
18 bigger, much taller houses than what we're
19 proposing.

20 CHAIRMAN FUSARO: Any other
21 questions from the Board? None. Anyone from the
22 audience who would like to address the application
23 at this time please come forward and state your
24 name and address for the record. Seeing none.
25 We'll close that portion of the meeting.

1 Is there anything that you or the
2 Applicant would like to add at this time?

3 MR. LYONS: No. Thank you.

4 CHAIRMAN FUSARO: Thank you. We'll
5 close that portion of the meeting and open it up
6 to Board discussion. We basically heard from the
7 Applicant and architect as to why they are
8 requesting a variance. It is a minimal 32 square
9 feet. While, Carol, I agree that perhaps that
10 could have shortened that walk-in closet and
11 office space the 2 feet and the cantilevered, it
12 still would require a maximum coverage variance.
13 And as we heard from the architect, the bump-out
14 which is causing the side-yard setback variance
15 would be eliminated. If we were to remove the
16 bump-out, however, then they would have a greater
17 than 25-foot continuous wall which would require
18 another variance.

19 MS. MOLNAR: What about a bay window
20 instead?

21 CHAIRMAN FUSARO: Say that again.
22 I'm sorry.

23 MS. MOLNAR: A bay window.

24 CHAIRMAN FUSARO: A bay window would
25 still -- Jenny, that would still encroach in the

1 side yard setback; correct?

2 MS. MANCE: Correct. It's
3 essentially the same variance.

4 MS. MOLNAR: Okay.

5 CHAIRMAN FUSARO: You've heard from
6 the architect, we can approve this under the c(1)
7 variance criteria; the lot is undersized. I
8 believe that what they're asking for is a minimal
9 addition. That's why I had asked if they were
10 planning on raising anything above the family
11 room. They have opted not to do that; which I
12 believe they still have a little bit of room to go
13 as far as the FAR goes. I'm also happy that they
14 are eliminating a bunch of these various types of
15 siding on the house, and will basically be
16 residing the entire house with the exception of
17 the masonry on the first level. I believe that
18 will improve certainly the aesthetics and be in
19 character to the neighborhood as well. That
20 having been said, how does the rest of the Board
21 feel?

22 MR. SONTZ: Again, it looks like a
23 modest improvement. I think there's nothing wrong
24 with it.

25 MR. EILBACHER: Yes. It's very

1 modest.

2 MR. COHEN: Agreed.

3 CHAIRMAN FUSARO: May I have a
4 motion?

5 MR. REISEN: Motion to approve the
6 application in its entirety.

7 CHAIRMAN FUSARO: May I have a
8 second?

9 MR. SONTZ: Second.

10 CHAIRMAN FUSARO: Jenny, please call
11 the roll.

12 MS. MANCE: Ms. Molnar.

13 MS. MOLNAR: Yes.

14 MS. MANCE: Mr. Cohen.

15 MR. COHEN: Yes.

16 MS. MANCE: Mr. Sontz.

17 MR. SONTZ: Yes.

18 MS. MANCE: Chairman Fusaro.

19 CHAIRMAN FUSARO: Yes.

20 MS. MANCE: Mr. Eilbacher.

21 MR. EILBACHER: Yes.

22 MS. MANCE: Mr. Reisen.

23 MR. REISEN: Yay.

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

1 Our next application is Application
2 ZBA 22-041, Jessica and Brian Fineburg,
3 164 Landsdowne Avenue. Applicants are seeking to
4 construct a second-floor addition over the
5 existing first-floor garage and expand the
6 existing second floor. The addition will allow
7 for a total of four bedrooms, four bathrooms, and
8 a laundry room contrary to the following sections
9 of the Westfield Land Use Ordinance: Section
10 11.06E6 where the minimum side yard setback
11 permitted is 12.5 feet and the present or proposed
12 is 6.89 feet which is unchanged; Section 11.06E13
13 where the maximum mass at the side yard permitted
14 is 25 feet and the present and proposed is
15 29.83 feet and 58.63 feet which is unchanged,
16 Section 11.06E14 where the minimum garage space
17 required is two and present is one; and, Section
18 12.04E where the FAR floor area ratio permitted is
19 37% and proposed is 38.7% or 2,906 square feet.

20 I just want to make everyone aware
21 that this is a D variance which will require five
22 affirmative votes from the Board. Good evening.

23 MS. FINEBURG: Hi. How are you?

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

1 MS. FINEBURG: Jessica Fineburg,
2 164 Landsdowne Avenue.

3 CHAIRMAN FUSARO: Can you please
4 spell your last name?

5 MS. FINEBURG: F-i-n-e-b-u-r-g.

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

8 JESSICA FINEBURG, having been duly
9 sworn, was examined and testified as follows:

10 CHAIRMAN FUSARO: Thank you. Please
11 tell us about your application.

12 MR. FINEBURG: We have lived in our
13 house almost seven years. We love our
14 neighborhood, our street. We're super close with
15 our neighbors. Our boys are best friends. We are
16 very happy where we are. We're in close proximity
17 to the elementary school and our younger son still
18 has four years there. And we've just been so
19 happy that instead of moving we decided we just
20 want to renovate our home because we just love
21 where we live. The reasons why we want to do
22 renovations are because my husband works from
23 home, he doesn't even really travel as much as he
24 used to so he really needs an office space. And
25 he's struggling with that kind of moving all

1 around the house; the kitchen table, the basement.
2 So we definitely need that. My in-laws are about
3 two hours away and when they come they don't have
4 anywhere to stay in our house. So we would love
5 to have a room for them the stay over. And also,
6 on our second floor, we only have the one bathroom
7 and as my boys are getting older, it's just not as
8 easy to share a bathroom with four people. So
9 those are like the major reasons why we want to do
10 this. And we explored a bunch of options and
11 ultimately we just scaled down to this one.

12 CHAIRMAN FUSARO: Thank you. I see
13 your architect is waiting there. Mr. Ralph, good
14 evening.

15 MR. RALPH: Good evening.

16 CHAIRMAN FUSARO: I believe you've
17 appeared before us this year.

18 MR. RALPH: I have.

19 CHAIRMAN FUSARO: We'll continue to
20 recognize you as an expert in the field of
21 architecture. Please state your name and address
22 for the record.

23 MR. RALPH: Gregory Ralph,
24 1924 Route 22 East, Bound Brook, New Jersey 08805.

25 CHAIRMAN FUSARO: Please raise your

1 right hand.

2 GREGORY RALPH, having been duly
3 sworn, was examined and testified as follows:

4 CHAIRMAN FUSARO: Thank you.
5 Mr. Ralph, please proceed.

6 MR. RALPH: This is a channeling one
7 for sure, so I'm going to spend a little more time
8 in explaining it than I usually do with the
9 applications. I'll start with Page V-0, and just
10 run through the plot plan and the lot
11 characteristics because those will become
12 important to the reasons that I think this could
13 be approvable. We are in the RS-12 zone which
14 would require a 12,000-square-foot lot, but our
15 existing lot area is 7,500 square feet. So rather
16 significantly undersized which is the direct
17 factor with the FAR issue, which I'll come back
18 to. And the lot width on the frontage required is
19 75 feet, but we only have a 50-foot lot. Which
20 again, severely affects the buildability(sic) on
21 this lot as compared to what would be expected.
22 And also, if you take a look at the tax map on
23 that same sheet, you will actually note that we're
24 one of two 50-foot lots right near that corner.
25 Every other lot -- and I checked that again today

1 preparing -- every other lot is 75 feet or more.
2 So when we think about whether or not this size
3 house is appropriate for the neighborhood, we can
4 see that the rest of the lots in the neighborhood
5 could build at the same width or larger width than
6 we have. And at a 12,000 square foot lot, you
7 could build a 3,600 square foot FAR home, and
8 we're asking for 2,900. So I just wanted to put
9 it into perspective that while this appears
10 challenging at the surface when you make it
11 relative to the block that it's on, the actual
12 design that we're proposing could make sense here.

13 I'll also state that the existing
14 structure as noted is not conforming in the ways
15 that were mentioned. And the most particular ways
16 that affect us on the side yards. We just have
17 that 6.89 feet on the right side, we inherited a
18 58-foot side wall massing, and we inherited that 9
19 feet on the left side; 9.87 feet to be exact. So
20 the homeowner mentioned when we first started the
21 design, we actually had a design with a detached
22 two-car garage -- you don't see that, but I'm just
23 talking you through the iterations -- we had
24 attempted a two-car detached garage, we had
25 converted the garage to living space, we had fully

1 built over it; we had a beautiful floor plan. And
2 in looking at that compared to the ordinance, we
3 advised the homeowner that would have been too
4 much of an ask for the Board. The FAR values were
5 too high, the building coverage number was too
6 high, it was too much for the lot. So we
7 scaled-back from that. So the homeowner made a
8 statement that this is a scaled back plan. She's
9 referring to our design process where we went
10 through a few iterations to try to achieve what
11 they wanted and balance what we felt was
12 reasonable for this particular lot.

13 I'll also note that the existing
14 dwelling -- and you if you can spend a quick
15 minute on V-1 -- no meaningful changes to the
16 basement; so I won't really touch on that. That
17 existing first floor is what you would expect
18 built in 1956; a very tight kitchen and all the
19 rooms are completely enclosed and separated from
20 each other on the first floor. And there are
21 three bedrooms on the second floor. But if you
22 look at the dimensions, we have less than 8 feet
23 in Bedroom 3, and then there's that dashed line
24 for the eaves line in Existing Bedroom 2, so you
25 really only have about 9-foot-10 of usable area.

1 So I'm just drawing attention to the fact that
2 that second floor, while it's there, is not very
3 usable as it is, and they've done well with it to
4 date.

5 So that comes to what we've
6 proposed. Our mandate from the client, and the
7 Applicant, was to create a more livable
8 second-floor space. And so you'll see on V-4 -- I
9 apologize, V-5, I'll jump right to it because the
10 first-floor changes are really modest -- we made
11 no footprint changes to the building. In scaling
12 back from our original designs, we kept the
13 footprint on the first floor exactly the same, and
14 we worked with what we had on the first floor. On
15 the second floor, we went through various
16 iterations where we tried to step the house in, we
17 tried to build over less the house, and all of
18 this while trying to balance massing and appeal.
19 What we did not want to do was to sacrifice what
20 you saw from the street at all. And if you
21 imagine, if we were to comply with the ordinance,
22 we would take that right second-floor wall and we
23 would move it over 6 feet. And then, we would
24 take that left wall and we would move it over
25 3 1/2 feet. And then we could have a compliant

1 footprint, but the aesthetics from the street are
2 asymmetrical, they don't feel pleasing, it doesn't
3 feel right, and we also have the existing
4 footprint where it is today.

5 On V-5, you can actually see some of
6 the walls are not full shade, they're white-filled
7 inside. Those are the existing second-floor walls
8 just to represent that it is actually built there
9 currently and we're raising the plate heights of
10 those walls up. And then the gray shaded walls
11 are the new 8-foot ceiling height spaces we've
12 created. So we've ended up with four bedrooms
13 total on the second floor where we used to have
14 three. And we've ended up with three bathrooms
15 where we used to have one. So we have a Jack and
16 Jill bathroom for what's intended to be the sons'
17 bedrooms, we have a full bathroom near the front
18 which is intended for that guest room -- which
19 could also double as the office when not in use --
20 and then we have the master bedroom in the rear
21 with its own bathroom; as you would expect.

22 And you'll see the room sizes, I'd
23 say they're not the most modest, but they're
24 pretty average sized; 12-by-12 bedrooms pretty
25 much throughout. The bathrooms are pretty

1 modest-sized. The master suite has only one
2 walk-in where I usually like to fit two; we just
3 couldn't fit it. That's kind of the footprint of
4 the second floor for you. And I'll also note that
5 the attic is just a pull-down access, so they
6 don't have intentions to finish the attic or have
7 a walk-up at this time.

8 A couple of other data points and
9 then I'll open it up to questions. The FAR is
10 another interesting one. We had thought about how
11 do I shave that 150-or-so square feet. Do I take
12 it from the back? Do I take it from the side?
13 And again, for us, the big thing, as you can see
14 on the elevations, V-6, I think it's quite a nice
15 front elevation we've created. And that was
16 really important because that's the primary thing
17 you'll see as a neighbor and as you experience the
18 house. And then we kind of inherited these side
19 wall masses on the right elevation.

20 And if we pause there on V-6 looking
21 at the right elevation, we had attempted to put a
22 bay to break it. And I know even from last
23 month's hearing, I understand the importance of
24 that continuous wall mass in terms of the
25 ordinance. But if I were to put a 2-foot bay on

1 that side, by 2-foot bay would be at 4 1/2 feet
2 from the property line which just seemed like too
3 much to ask just for the sake of breaking up that
4 wall. We had also thought about inseting the
5 second floor for portions. It just didn't feel
6 like it would solve the problem. And on that side
7 wall, that gutter line is 18 feet from grade, and
8 then the roof slopes away. In other words, we're
9 attempting to keep that height as low as possible
10 in terms of massing within the side yard and then
11 taper away from the neighbor. And I did have a
12 data point that that existing -- the height of the
13 existing ridge was 23 feet. So the existing
14 second-floor ridge is 23 feet, so that's what's
15 there now. And we're establishing the gutter line
16 at 18 feet sloping away. So we just wanted to try
17 to provide some sort of comparison, and we're
18 attempting to keep that mass minimal on the side.

19 A couple of summary points.

20 Regarding the single-car garage, as I mentioned in
21 the beginning, we looked at ways to add a second
22 garage bay. But as you can see from the plot plan
23 and numbers, this would now cause a building
24 coverage variance, and we didn't feel like that
25 was necessary to ask for because we have a very

1 long driveway on one side of the house which
2 provides off-street parking. So it's not like the
3 one-car garage is at the front of the house where
4 you have a short driveway. We actually have a
5 long driveway run where they can park cars and
6 juggle them if needed.

7 Regarding the FAR, I mentioned it
8 before, but a comparable lot -- even their direct,
9 adjacent neighbor who is a conforming lot size --
10 they can build a 3,600 square foot home as a
11 right, and we're asking for 2,906 square feet. So
12 while over 1.7% over on our lot, in the
13 neighborhood, generally, it's still undersized for
14 what you would find. Regarding the building mass;
15 I would like to point out that on the left side of
16 the house, there is actually is an existing
17 chimney and I believe that we were just shy of
18 what would qualify as a break. But we are going
19 to maintain that existing chimney, and that will
20 function as a visual break on that side's massing.
21 So I feel that the left side is easily approvable.
22 I feel that the right side, honestly, we looked at
23 so many ways to try and rectify this. We tried
24 roof overhangs; it came out 3 feet. We tried a
25 door entry. Nothing seemed to make sense on that

1 right side to break it. Completely open to the
2 Board's feedback or input on that. If there's a
3 strong feeling; we are open. But I couldn't come
4 up with a reasonable solution that wouldn't incur
5 additional variances. That's on the side point --
6 that's on the building mass point; sorry.

7 And then on the side yard point; as
8 I mentioned in the beginning, this lot is
9 undersized by 25 feet in width, and by
10 2,500 square feet. Where the house was placed is
11 what we have to work with. And we opted to
12 continue over that a lot for the sake of that
13 front elevation which makes a lot of sense. It's
14 very symmetrical and looks great by extending
15 those walls that are nonconforming up. The
16 existing and proposed width of the home is 33
17 feet. So when you think of it that way; a 33-foot
18 home on a 50-foot lot; that would actually make
19 sense in an RS-6 or an RS-8 zone; right? With
20 10-foot setbacks, I would have a 30-foot home if
21 this was in a different zone. So we felt like the
22 width of the house also made sense. And then in
23 terms of the pattern of the neighborhood, this
24 would be undersized in width as well even though
25 it's nonconforming.

1 I then, I mean that's about it. I
2 did some Google Maps measurements and walked the
3 property and how it relates to the right-hand
4 neighbor. The right-hand neighbor is at least
5 conforming; if not more. So mathematically,
6 there's about 20 feet between us and our addition
7 and the neighbor's wall. And that's a developed
8 2 1/2-story dwelling currently. Their side wall
9 is about 32 feet, so they are over the side wall
10 massing and they do not have a break on it I just
11 bring that up for comparison and that there is
12 light and air between us and that it's a pretty
13 blank facade on the neighbor's side as well. And
14 about 20 feet of our addition just abuts open-air
15 yard. That's what I have for you.

16 CHAIRMAN FUSARO: Thank you,
17 Mr. Ralph. I have a list of questions that I, and
18 I'm sure some of the Board Members will also ask
19 some questions. Right now, you're 131 square feet
20 over on the FAR, which is approximately 1.7%. I'm
21 going to address that 58-foot lodge wall first. I
22 know you said that you looked into -- I understand
23 your reasoning for not wanting to bump out. That
24 certainly makes sense. You said you did look into
25 an indentation. I looked at that as well. On the

1 first floor, on your V-4 sheet, I considered an
2 indentation somewhere in your dining room/sitting
3 room area, and that would translate to -- V-5,
4 that would translate to somewhere in the area of
5 your master bath perhaps. You certainly wouldn't
6 want it in the closet, but it's certainly an
7 option.

8 The other consideration I'd like to
9 ask if you looked into is just basically cutting
10 the addition back in the rear. The master
11 bedroom, according to my calculations, is
12 266 square feet, your one walk-in closet is 784
13 square feet, and your master bath is 146 square
14 feet. If you were to just cut -- and it wouldn't
15 really matter all that much to me where you cut a
16 couple of feet from the back -- but at a width of
17 20 1/2 feet, every foot that you cut off, is 200
18 square feet. If you were to cut off a couple of
19 feet, it certainly would help the cause in my
20 opinion.

21 We talked about that indentation. I
22 understand that your lot is drastically
23 undersized. They're in an RS-12 it's 12,000
24 square feet, and you only have 7,500. I fully
25 understand that. However, the lot size is the lot

1 size. And, you know, we can't put -- we don't
2 want to overbuild on the lot that much. Your
3 coverage is already over by 10%; I believe. Yeah,
4 20% at 22.28.

5 One other quick question. You
6 mentioned an eave height of...

7 MR. RALPH: Yeah, 18 feet from grade
8 on that side.

9 CHAIRMAN FUSARO: Yeah. My question
10 pertained to on your -- bear with me here -- on
11 your V-6, and I believe on your V-7 as well, you
12 show on the right-side elevation a maximum ridge
13 height of 28-foot-2. However, on the front
14 elevation, it looks like the ridge height is --
15 oh, pardon me, it's 28 -- I saw a 31.

16 MR. RALPH: Yeah. The height
17 proposed from average grade, you are correct, it's
18 31-foot-10. And I think that's shown on the rear
19 elevation and the front, yup; it's dimension. And
20 then that max ridge height, that's on our modeling
21 software. That's pulling from the zero data, so
22 it's not from grade; it's the difference.

23 CHAIRMAN FUSARO: So it's not
24 31-foot-10; it's 28-foot-2?

25 MR. RALPH: 31-foot-10 would be the

1 ridge height actually. Thirty-one-ten would be
2 the ridge heights, but eave heights are still the
3 18 feet that I mentioned.

4 CHAIRMAN FUSARO: Okay.

5 MS. MOLNAR: Currently, the house is
6 how tall; 25 feet?

7 MR. RALPH: Approximately 25 feet to
8 the ridge, yes.

9 MS. MOLNAR: So you're adding 6 feet
10 more pitch to the roof?

11 MR. RALPH: Correct. And again,
12 since they're not finishing the attic and making
13 it a walk-up, that was primarily aesthetics
14 driven. Because it's a very narrow house, to get
15 an impact visually, we'd have to go steeper with
16 the roof otherwise if we stay at the lower pitch,
17 in my opinion, it wouldn't look right for the
18 narrower house. So it was really a function of
19 front aesthetics.

20 CHAIRMAN FUSARO: Any other Board
21 Members have any questions for the architect?

22 MR. SONTZ: Yeah, I do. On your
23 V-6, the right elevation is what concerns me.
24 From the walk-in closet in the master bedroom in
25 the back -- or I guess it's from the bathroom is

1 the last window on the second floor -- can you put
2 in a window somewhere along that second floor and
3 maybe cut a decorative dormer in the roof to break
4 that up, possibly a window in the triangular
5 portion of the attic? And I know it will be
6 decorative, obviously, because it's not habitable
7 space up there, but it's something to break up.

8 MR. RALPH: One hundred percent.
9 There's no real specific reason that those aren't
10 windows. And if you were to approve it, we would
11 add -- I could see three, at least three windows;
12 one in the walk-in, two in the master, and then we
13 could very easily add a window to that attic, like
14 a faux, just to add more glazing along that side.

15 CHAIRMAN FUSARO: That lower window
16 there, is that in the garage?

17 MR. RALPH: That is, yeah.

18 CHAIRMAN FUSARO: And you said you
19 did consider the indentation that I spoke about
20 and you opted not to do it?

21 MR. RALPH: Correct. Because we're
22 not changing the first-floor footprint, and
23 because of how the basement and crawl space and
24 garage slab all connect, construction feasibility
25 to indent the existing first floor would be rather

1 difficult. So then we studied the second-floor
2 indentation, but I didn't feel that the impact to
3 that visually just to have extra corner trim would
4 make a real meaningful difference to the wall
5 mass.

6 CHAIRMAN FUSARO: I certainly think
7 that the dormer or dormers, fake dormers that
8 Mr. Sontz mentioned certainly would help that
9 elevation and possibly a window on that second
10 floor. Any other Board Members have questions?

11 MS. MOLNAR: I've said this before,
12 our FAR at 37% is generous. Some towns are 30 and
13 35. So I have to agree with Frank that you need
14 to cut it back and pull it in. I think it's just
15 overbuilding the lot. It just overbuilds this
16 small lot.

17 MR. RALPH: Yeah, I hear that. And
18 in answer to your question and comment, and your
19 comment, if I were to bring it to compliant FAR,
20 we would need about 6 or 7 feet to come in from
21 that back. And when you look at the dimensions,
22 that master bedroom is only 13 feet deep so I can
23 take maybe a foot, but even that starts to become
24 pretty small. And I don't mean in Westfield
25 standard, I just mean --

1 MS. MOLNAR: Can't you make the
2 master bath smaller?

3 MR. RALPH: Similarly, I could
4 probably pull a foot or two from it and move the
5 entry. The walk-in closet would become one-sided
6 if I pull 1-foot-6. I guess what I'm getting at
7 is I don't feel that I could get under the FAR,
8 and then I would be altering the massing from the
9 exterior. And I'm not saying which is right or
10 wrong, but subjectively, for me, design-wise it
11 made sense to keep the walls aligned because that
12 was kind of the architectural rule of the design.
13 We made a choice early on to align, and now, is
14 the exterior elevation aesthetic. And because I
15 couldn't without really, severally -- like we'd
16 lose that walk-in closet or we'd lose something
17 pretty significant for the Applicant. To fully
18 conform with FAR, we had stuck with --

19 CHAIRMAN FUSARO: I fully understand
20 you would need 6 feet, approaching 7 feet to
21 conform to the FAR. I understand that that would
22 be a stretch because, like you said, your master
23 bedroom is only 13 feet wide so even if you shrunk
24 a little bit of the closet, a little bit of the
25 master bath.

1 MR. RALPH: And width-wise we'd be
2 the same, right, because we're 23-foot-10 for the
3 whole master wing that comes off, I would still
4 need that 6 or 7 feet. I mean, you see it. And,
5 again, I completely respect the comment, I just...

6 MS. MOLNAR: And the guest room in
7 front is 12 feet; it could be 10. You could make
8 the laundry room smaller or the master bath. You
9 need a total of 6 feet; right?

10 MR. RALPH: Yeah. I don't dispute
11 that. I think what I'm saying is they were pretty
12 comfortable with how we presented it. And I agree
13 with don't overbuild a lot, but also, don't
14 overbuild the neighborhood. It's the point of the
15 FAR regulation. Because the entirety of the rest
16 of the block can build up to 3,600, in my mind, I
17 hadn't felt that this was asking too much at 1.7%.
18 But again, we're open if it's going to...

19 CHAIRMAN FUSARO: We understand the
20 rest of the block can, and you're correct.
21 However, their lots are also substantially larger
22 than yours. Would something along the lines of a
23 3-foot cut back; would that help you?

24 MR. RALPH: Sure.

25 CHAIRMAN FUSARO: You'd still be

1 over on FAR, understand, but now instead of your
2 1.7% over it would be --

3 MR. RALPH: Probably cut in half.

4 CHAIRMAN FUSARO: -- just under --
5 yeah, about half that, just under 1%. Which, I
6 mean, it's not that much of a stretch, in my
7 opinion.

8 MS. MOLNAR: But you know the FAR
9 was here when you designed this building, these
10 additions. It's there. And you can't -- like
11 Frank said, the lot and property cross the street,
12 the lot is the lot. You can't overbuild a lot.
13 That's why the Master Plan in 2019 set this in
14 effect. So it just doesn't make sense.

15 CHAIRMAN FUSARO: Do any other Board
16 Members have any questions for Mr. Ralph or the
17 Applicant?

18 MR. COHEN: I'm not sure it's really
19 for us to be redesigning the second floor and
20 chipping away a foot of the master or 1/2 foot
21 from the guest room. I respect Mr. Ralph's
22 explanations. I thought it was credible. And I
23 understand why he's doing what he's doing. I
24 understand the import of the FAR, I understand the
25 impact. I'm not sure that you're going to see a

1 significant amount of the massing from the front,
2 which leads me to be a little bit more favorably
3 predisposed to the application. But you know I'll
4 certainly defer to the other members on the board
5 if you want to send this one back for a review or
6 however we want to handle it. I don't have any
7 gigantic problem with the setup now, and I
8 understand the arguments that Mr. Ralph is making.

9 CHAIRMAN FUSARO: I know Mr. Ralph
10 in the past has gone through many iterations of
11 the design.

12 MR. RALPH: Yes.

13 CHAIRMAN FUSARO: Every time you've
14 appeared before our Board you have done a lot
15 before coming before us. So we value that, and we
16 appreciate that. Any other Board Members have any
17 comments at this time? No? Anyone from the
18 audience with to address the application at this
19 time? If so, please come forward and state your
20 name and address for the record. Seeing none,
21 I'll close that portion. Is there anything else
22 you'd like to add at this time before I open it up
23 to Board discussion, Mr. Ralph?

24 MR. RALPH: Nothing else to add
25 pending Board discussion.

1 CHAIRMAN FUSARO: Okay. Thank you.
2 You've heard from the Applicant and the architect
3 as to their reasoning behind their ask. I agree
4 it is a lot. We do take FAR very seriously when
5 applications come before us with respect to that.
6 It is 1.7% over, which is not a huge ask, however,
7 as I said, it is over. Now, I don't believe
8 there're any options, in my opinion, to alleviate
9 that variance altogether. We have heard from the
10 architect, and I believe Mr. Sontz's comments
11 regarding the addition of a couple of windows to
12 break up that massing along that right side. As
13 well as one or two false dormers there I believe
14 would certainly help. We also heard from
15 Mr. Ralph that the neighbor on that side is
16 approximately 30-some-odd feet away. So I think
17 that certainly works in his favor.

18 We could do two things, I guess. We
19 could move on the application that's before us or
20 we can ask Mr. Ralph and the Applicant to come
21 back with a slightly different design. I think
22 that you've heard they are open to eliminating
23 possibly a couple of feet in the length of the
24 building. You know, is it going to make a drastic
25 difference? No, the variance will still be

1 required. We'll reduce it and bring it in just
2 under 1%. We've certainly approved FARs in that
3 range in the past. I don't have a major problem
4 with that at all. How does the rest of the Board
5 feel?

6 MR. SONTZ: I'm okay with the
7 length. I like the idea of if they put the window
8 in the closet, a double window in the bedroom, a
9 window up on the third floor through the siding, a
10 dormer or two through the roof; I'd be okay with
11 that. I think that would sufficiently from a
12 distance, the neighbor's side -- in fact, and only
13 the neighbor is looking at it -- I think that
14 would break it up sufficiently. If it gets us
15 there, I'm okay taking off a foot or two or three.
16 But that's what really what I think is necessary.

17 MR. REISEN: I don't think there
18 were any efforts towards reducing the FAR. And I
19 agree with Carol, it was put in place and we have
20 to try to adhere. I know it's a balancing act
21 between the homeowner, Master Plan. And I agree
22 with Matt, I think if we have to shave a couple of
23 feet off to get it, then that could be worth it.

24 MR. EILBACHER: The FAR is going
25 from well under to over, which gives them sort of

1 decision?

2 MR. RALPH: We would like to study
3 the FAR number and see where we can tighten it up
4 a little bit and submit it, hopefully, very
5 quickly so we can see you next month. It would be
6 helpful to get tonight or soon what the submission
7 deadline would be so that we could be on next
8 month; if possible.

9 CHAIRMAN FUSARO: What would be the
10 timeframe?

11 MS. BREIEN: It would be 10 days
12 before our next meeting which is May 8.

13 CHAIRMAN FUSARO: The 8th is our
14 next meeting.

15 MS. BREIEN: But we're very full at
16 our next meeting.

17 CHAIRMAN FUSARO: We have a full
18 agenda at our next meeting -- we have five
19 applications?

20 MS. BREIEN: We have six total.

21 CHAIRMAN FUSARO: We have six and we
22 had five this evening. Mr. Ralph, we can put you
23 on for next month. We'll try to get to you. This
24 evening, as you saw -- hopefully, that will be the
25 same next month. I really don't know what it

1 looks like.

2 MR. RALPH: Okay.

3 CHAIRMAN FUSARO: I have full faith
4 in you that you'll come back with something that
5 will pleasing and we'll be able to move it
6 forward.

7 MR. RALPH: Very good.

8 MS. RAZIN: You have to submit by
9 around the 28th.

10 MS. BREIEN: Do you need it earlier,
11 Jenny?

12 MS. MANCE: Ten days before.

13 CHAIRMAN FUSARO: Ten days before.
14 Approximately, the 28th.

15 MS. RAZIN: And you're carried right
16 now without further notice.

17 CHAIRMAN FUSARO: Our next
18 application is Application ZBA 22-039, a
19 continuation from the March 13 meeting, Nathan
20 Wheeler and Mili Shah, 114 Lincoln Road.
21 Applicants are seeking to construct a two-store
22 rear addition with a small relocated deck and
23 walkway which will reconfigure and create a true
24 master bedroom with bath on the second floor, and
25 add a mudroom with flex space in lieu of a formal

1 dining room on the first floor. Applicant is also
2 reconfiguring the existing attic space to include
3 a bathroom and home office/play area contrary to
4 the following sections of the Westfield Land Use
5 Ordinance: Section 12.04F1 where the maximum
6 building coverage and above-grade structures
7 permitted is 20% or 1,300 square feet and proposed
8 is 21.04% or 1,368 square feet; Section 12.04F2
9 where the maximum building coverage and
10 above-grade structures including decks permitted
11 is 22% or 1,430 square feet and proposed is 23.44%
12 or 1,534 square feet; Section 12.04F3 where the
13 maximum building coverage and above-grade
14 structures including decks and porches permitted
15 is 24% or 1,560 square feet and proposed is 26.93%
16 or 1,751 square feet; and, Sections 11.07E13 and
17 2.11G where the maximum continuous wall length at
18 zoning side yard permitted is 25 feet and proposed
19 is 46.3 feet. Good evening.

20 MS. STONE-DOUGHERTY: Good evening,
21 Mr. Chairman and Members of the Board, attorney
22 Rosemary Stone-Dougherty with the law firm of
23 Javerbaum Wurgaft here tonight on behalf of the
24 Applicants, Nathan Wheeler and Mili Shah. This
25 is, as Mr. Chairman indicated, a continuation from

1 your last meeting. We were here on March 13. And
2 just as a little bit of a takeaway; everything
3 that Mr. Chairman read was all old information
4 based on our initial application. We did submit
5 revised plans that were dated March 22, 2023. I
6 have to my right Mr. Steven Hockstein who is our
7 architect who was sworn in at the last meeting.

8 BY MS. STONE-DOUGHERTY:

9 Q. Do you understand that you're still
10 under oath this evening.

11 A. Yes.

12 Q. And your licenses are still current
13 this evening; correct?

14 A. Yes.

15 MS. STONE-DOUGHERTY: And I would
16 like before we start to mark as Exhibit A-1,
17 Revised first page of what the board members.
18 There's a notation to the drawing part. There was
19 a correction on the calculations as Ms. Mance had
20 pointed out in her -- for lack of a better word --
21 review email. So if we could have that marked as
22 Exhibit A-1. It's our only exhibit. Otherwise,
23 the Board Members have full, complete packages.

24 (Whereupon, Applicant's Exhibit A-1,
25 SHEET A-1 W/REVISED CALCULATIONS, was marked for

1 identification.)

2 MS. STONE-DOUGHERTY: With that
3 being said, we listened to the Board's comments
4 when we were here. As the Board is aware, this is
5 an undersized lot. Also, significantly undersized
6 in the RS-10 zone that requires a
7 10,000-square-foot lot, and we're at 6,500 square
8 feet. We're also undersized on lot width; we're
9 at 50 feet where the zone requires 70 feet. The
10 only thing my poor clients have going for them is
11 we're over on lot depth by 10 feet. With that
12 being said, what the architect did is he went back
13 to the drawing board with my clients and looked at
14 many variations. So I'll let you take it over
15 from here Steven about what we can do about that
16 continuous wall issue.

17 MR. HOCKSTEIN: Sure.

18 CHAIRMAN FUSARO: Mr. Hockstein, let
19 me just swear you back in.

20 MR. HOCKSTEIN: Sure.

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

23 MR. HOCKSTEIN: Steven Hockstein;
24 S-t-e-v-e-n, H-o-c-k-s-t-e-i-n. My office is 281
25 Main Street, Millburn, New Jersey.

1 STEVEN HOCKSTEIN, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN FUSARO: Thank you. Please
4 proceed.

5 MR. HOCKSTEIN: No problem. So
6 based on the feedback we had last time, I felt
7 that the biggest issue was the continuous wall
8 length. If you look at the resubmitted drawings
9 that I sent, in the A-6 drawing what we did is we
10 actually eliminated the preexisting continuous
11 side yard variance and we built -- if you look at
12 the right elevation -- we built a bay that
13 bump-outs from the stairway which now makes the
14 wall length conforming, there is no side yard
15 variance required. We went back and forth with
16 the zoning official as to whether it's considered
17 a bay or not because it's not on the first floor,
18 it's not on the second floor, it's kind of in the
19 middle, and; we determined that it is not a bay.
20 And so, by extending this out into the side yard
21 2 feet, we needed a side yard variance. So we got
22 rid of the continuous wall variance, but now we
23 need a minor side yard variance only for the
24 7-foot wide bay that we're putting there, which is
25 going to now be at 8.7 feet from the side yard

1 instead of 10 feet.

2 BY MS. STONE-DOUGHERTY:

3 Q. But that 8.7 starts at a much higher
4 point on the elevation; correct?

5 A. Absolutely. And purposely put it up
6 high because the driveway is so narrow that it
7 would impact the ability to use the driveway. So
8 it breaks up the wall, but at the same time, it
9 makes the driveway usable because you can pass
10 underneath it even if have a large SUV. If there
11 was a bay window on the first floor it would
12 impact the ability to use the driveway.

13 Q. Which was part of the discussion we
14 had with the Board last time about different
15 creative ways to resolve the issue of the
16 continuous wall?

17 A. Absolutely. And the other thing is
18 we had looked at some other options of actually
19 making the building a little bit smaller. And
20 what I did just for in that packet you have, I put
21 some furniture in the A-2 and A-3 drawings that
22 you have. And I just want to demonstrate to you
23 that if we made -- on the proposed first-floor
24 plan -- if we made the family room even smaller,
25 it would be very difficult to use that room. We

1 only have seating for five or six people in there
2 with a TV with normal-sized furniture. We also
3 looked at reducing the width of the deck with some
4 of the feedback we got, and if we made the deck
5 any smaller, it would really be unusable. So it
6 would require us to come down -- I believe it was
7 about 8 or 10 steps to grade -- and then we'd end
8 up having to build some kind of patio at grade.
9 And then even though the deck counts as coverage
10 because there's dirt underneath the deck, it
11 really does absorb some of the groundwater. So we
12 are really impacting the water runoff by building
13 a larger patio on the lower level. So we felt
14 that building a deck was still the better option
15 as far as the small site and the impact on the
16 property.

17 Q. And just to refresh the Boards'
18 memory, this very narrow, undersized lot is in
19 between two corner lot properties that are
20 substantially larger than what the RS-10 zone
21 requires. And as Mr. Hockstein testified, our
22 neighbor that would be adjacent on the side that
23 has now corrected the continuous wall preexisting
24 condition, are approximately how many feet away?

25 A. I believe we thought it was like 50

1 or 60 feet away because the house is from house to
2 house because it is the backyard. So it is pretty
3 far back is my guess. And one other thing; if you
4 look at A-3, there's also a mention about making
5 the primary bedroom smaller. And I put a bed in
6 there to show you that it's not a tremendous
7 bedroom. It's what would be expected in today's
8 living for a primary bedroom. The room is
9 16-by-16 which is a nice-sized room, but it's not
10 crazy large, and really for having the driveway
11 and family room underneath you're not having the
12 step-out of the structure.

13 CHAIRMAN FUSARO: I'm looking at my
14 notes from our last meeting, and we had asked you
15 to address the bay window situation. I see that
16 you've done that. And I fully understand you've
17 eliminated one variance and added another.
18 However, since it is elevated, I'm certainly happy
19 to see that you've incorporated that into the
20 project. One other question I had the last time
21 was with respect to the new attic space next to
22 the playroom. That is going to remain unfinished;
23 is that correct?

24 MR. HOCKSTEIN: The one in the
25 front. Correct. And so we are complying with the

1 finished attic space that's allowed.

2 CHAIRMAN FUSARO: And now, I was
3 comparing -- according to my notes, it looks like
4 the coverage -- all the coverages remain the same.
5 However -- going back to the chart -- on your
6 previous set of drawings, I'm looking at your A-1
7 drawing, okay, and I don't know if this has to do
8 with the corrections that you mentioned.

9 MS. STONE-DOUGHERTY: It exactly
10 does, Mr. Chairman. So maybe it would better if
11 Mr. Hockstein just read off the correct what would
12 be the coverages now for the bay window added.

13 MR. HOCKSTEIN: It adds about
14 15 square feet --

15 CHAIRMAN FUSARO: Correct.

16 MR. HOCKSTEIN: -- to what's
17 considered the building coverage. So just to let
18 you know what the difference is; the deck coverage
19 stayed the same, but the building coverage is now
20 1,383 which is 21.28. The first floor, we're
21 adding -- we're going to be at 21.28% for building
22 coverage, we're going to be at 23.66 for building
23 coverage and above-grade structures, and 27.16 for
24 building coverage and above-grade structures
25 including decks and porches. It's really all

1 because of that bay we're adding that little bit
2 of the 7-by-2 bay.

3 CHAIRMAN FUSARO: So, basically, on
4 the variance chart that I see on A-1, the lower
5 right-hand corner is where you have your proposed
6 percentages and square footages everything is over
7 by between 14.4 -- it's above what was previously
8 submitted by about 15.4 to 15 -- from 14.4 to
9 15.4.

10 MR. HOCKSTEIN: Approximately.
11 Correct.

12 MS. STONE-DOUGHERTY: And
13 Mr. Chairman even though there was that error when
14 we submitted the updated plans on the cover sheet,
15 we did submit an addendum that had all the correct
16 numbers on it for the Board Members.

17 CHAIRMAN FUSARO: Okay. Again,
18 looking at my previous notes, and while I
19 understand I guess your hesitancy to reduce the
20 size of that addition in the rear, I believe the
21 last time that I had mentioned that if it was
22 reduced by 3 to 4 feet, at 3 feet you would
23 eliminate 3 feet, obviously, from the rear of the
24 building and the deck as well, it would be a
25 reduction of 81 square foot, and if were 4 feet,

1 it would be a reduction of 108 square feet. Which
2 is bringing us closer to compliance. And I guess
3 none of that was taken into account; is that
4 correct?

5 MS. STONE-DOUGHERTY: No, that's not
6 correct. The client and the architect did go back
7 and look at some different things. But again, as
8 I know Mr. Chairman is very aware, with an
9 undersized lot case, and as case law indicates,
10 it's not about only looking at the size of the lot
11 and if you could make the house fit specifically
12 to this lot. It is the character of the
13 neighborhood, the size of what the zone permits,
14 the sizes of the houses around us. And that's why
15 this is the c(1) hardship because we are not only
16 undersized on square footage but also on lot
17 width. And with that being said, as we look at
18 all these things and the design of the house and
19 the improvements of the house, we really felt that
20 we do meet with case law whether it's Commons vs
21 Westwood Zoning or whether it's the Lang case;
22 whichever one that you preference to look at,
23 we're talking about overall square footage of a
24 modest-sized home from what it's compared to the
25 surrounding neighborhood. And this is one

1 interior lot surrounded by two corner lots that
2 are substantially larger with substantially larger
3 homes. And we have a client who unknowingly
4 bought an undersized lot because that was not
5 known at the time that they purchased. As you've
6 heard, they only bought in November of 2022 -- not
7 sorry, November of 2021, and here we are, you
8 know, they're putting roots down, hoping to grow a
9 family, and looking to reconfigure and make what
10 they have usable to stay here in Westfield.

11 CHAIRMAN FUSARO: I understand. I
12 understand the undersized lot, I understand the
13 undersized width. However, the reductions -- if
14 you want to call them that -- that I had commented
15 on the last time, basically, had nothing to do
16 with the width, it had to do with the depth of a
17 lot. And as you mentioned, you are above the
18 required minimum depth of the lot. So I just
19 wanted to point that out. Any other Board Members
20 have any questions for the architect?

21 MS. MOLNAR: Yeah.

22 CHAIRMAN FUSARO: Please turn your
23 mic on, Carol.

24 MS. MOLNAR: The attic; I guess A-4,
25 I guess the square footage is reduced because you

1 can't stand up in the corners of the attic. Is
2 that the whole logic?

3 MR. HOCKSTEIN: Correct.

4 MS. MOLNAR: So it's not useable...
5 or maybe it is. So it's not usable really?

6 MR. HOCKSTEIN: Right. It's also
7 important to point out we're not changing any
8 rooflines on that part of the house. It's all
9 existing space, we're just finishing what's inside
10 to what's allowed.

11 MS. MOLNAR: So there's -- where did
12 I see that measurement?

13 MR. HOCKSTEIN: There's a
14 calculation on A-4.

15 MS. MOLNAR: Page 4?

16 MR. HOCKSTEIN: On A-4 there's a
17 calculation.

18 MS. MOLNAR: I knew I saw it
19 somewhere.

20 MR. HOCKSTEIN: That demonstrates
21 the area.

22 MS. MOLNAR: So it's almost at the
23 third. If it was a little larger, it would have
24 been part of the FAR. But the current FAR is at
25 what; do you know?

1 MR. HOCKSTEIN: We're well within
2 the FAR. We're not asking for any FAR variance.

3 MS. MOLNAR: Yeah, I see. You're at
4 35. But if you included the attic, that brings
5 you up to 37. All right. Thank you.

6 CHAIRMAN FUSARO: Any other Board
7 Members have any questions for the architect at
8 this time or their attorney?

9 MS. MOLNAR: Didn't you bridge up
10 the possibility of indenting the second floor?

11 CHAIRMAN FUSARO: We had brought up
12 indenting it, but I believe it didn't work from an
13 architectural floor plan layout scenario, and
14 that's why they opted to go with that bump-out. I
15 mean, in my opinion, I think it adds some
16 character to the exterior of the house.

17 MS. MOLNAR: The indent does?

18 CHAIRMAN FUSARO: I'm sorry?

19 MS. MOLNAR: What adds character?

20 CHAIRMAN FUSARO: The bump-out. And
21 as you've heard from both the architect and the
22 Applicant's attorney, they couldn't bring that
23 down to the first floor because of the width of
24 the driveway. So while it reduced -- it
25 eliminated the one variance and added the one side

1 yard variance. We're going from 10 to 8.7. You
2 did mention that both of the adjacent properties
3 are corner lots. It would appear that the lot to
4 the right, you're in the rear yard so that
5 8.7-foot side yard setback really wouldn't have
6 too much of a bearing on that one lot. And it
7 would appear that the house to the left of it as
8 well is pretty -- basically, the tax map, it's
9 pretty far back from that home as well. The left
10 side of the house is not an issue. As I said, I
11 think that bump-out gives it some aesthetic
12 character. I have no issues with that. Any other
13 Board Members have any questions for them at this
14 time? Is there anyone from the audience who
15 wishes to address this application, if so, please
16 come forward and state your name and address for
17 the record. Seeing none, we'll close that
18 portion. Is there anything else you'd like to
19 add?

20 MS. STONE-DOUGHERTY: Just that my
21 clients have worked very hard with Mr. Hockstein.
22 Mr. Hockstein really did his best to save the
23 character of the home and improvements to match
24 with the elevations, the materials being used. We
25 testified to all of that at the last hearing, but

1 if the Board Members would like to be refreshed as
2 far as any of the aesthetics go and the design of
3 the house, I can certainly have Mr. Hockstein
4 reiterate that for the record. Because the idea
5 here was to definitely keep the character and
6 charm of this house. And that's why besides
7 having the lot width issues, rather than trying to
8 go up or change the roofline because of the grade,
9 they went back to give that room for their future
10 expansion and family needs.

11 CHAIRMAN FUSARO: Fair enough. If
12 no one else has any questions for their architect
13 or their attorney at this time, I'll close it and
14 open it up to Board discussion.

15 You've basically heard the changes
16 that they've made from our previous meeting. As I
17 said earlier, I'm happy with the bump-out that
18 they've included. It is raised to the second
19 floor, which I think is fine. I am still -- I
20 would have liked to have seen the house cut back a
21 little bit from the back. I think they still
22 could have made some concessions there. While the
23 architect has mentioned that the rooms are not
24 overly oversized, I would agree. However, they're
25 a pretty decent size and perhaps could have been

1 brought in somewhat. That being said, it still
2 would not have eliminated the variance altogether.
3 They're over by 94 square feet on building
4 coverage. If they took the 3-foot reduction that
5 I suggested, they still would have been over.
6 However, if they took the 4-foot suggestion, they
7 would comply with that -- that variance would go
8 away. That would be a reduction of 108 square
9 feet, and they're only over by 94.

10 That having been said, we know that
11 it's a severely undersized lot. And again, as we
12 have seen from our previous application, even
13 though the lot is undersized and it would fall
14 under a c(1) hardship variance, we don't want to
15 overbuild on the lot. How does the rest of the
16 Board feel? Questions? Comments?

17 MR. REISEN: I don't get to vote on
18 this one.

19 MR. SONTZ: I also appreciate that
20 the wall length varies. I'm okay with the side
21 yard encroachment. I think on balance, getting
22 rid of the 38 feet is more important than losing
23 the 2 feet on the side yard. However, on the
24 other variances, I think it's a little bit of a
25 stretch to say that you can't cut the deck or the

1 back of the house down and it becomes completely
2 unusable. You know, I understand that's what the
3 applicant wanted, but we do have an ordinance and
4 we're supposed to try and stick to as close as
5 possible, and if we're going to go over on areas
6 that it could be cut down to become more in
7 compliance; and in this case, I think there are.
8 I think at this point, I mean, an 11-by-14 deck,
9 11-by-11 deck, I don't know, is that much less
10 functional than an 11-by-14. There're a lot of
11 17-by-14 bedrooms, you know, 17-by-11, 13-by-14 is
12 certainly a workable bedroom. I appreciate the
13 furniture being put in to show what it would look
14 like, but you can get conforming furniture
15 depending on the room size. I think at this
16 point, I'm not in favor of the application.

17 CHAIRMAN FUSARO: Carol?

18 MS. MOLNAR: Yeah. You mentioned
19 it's decent-sized rooms and it could be brought
20 in. So I think we should take some footage off
21 the back.

22 CHAIRMAN FUSARO: Thank you.

23 Michael, any comments?

24 MR. COHEN: Yeah. I agree with
25 Mr. Sontz. We provided comments at the last

1 meeting with some suggestions to bring the
2 application closer into compliance. The Applicant
3 took us up on the continuous wall issue, which I
4 think was a significant issue for us and I
5 appreciate that. But the other coverage questions
6 were also equally significant for us. The Board
7 Members, as I recall, at least a lot of us agreed
8 that there should have been at the back of the
9 house, should have been brought in to bring the
10 application much closer into compliance. And the
11 Applicant opted not to do that. That's certainly
12 their right. And I just don't know. I heard the
13 explanation. The ordinance exists for a reason.
14 You don't get to build whatever you want where you
15 want because you want it. You have to try and
16 comply with the ordinance. And here, I feel like
17 there could have been greater compliance and there
18 wasn't.

19 CHAIRMAN FUSARO: Thank you. Paul,
20 do you want to add anything?

21 MR. EILBACHER: No, I agree. I
22 think there could have been a better effort to
23 minimize the size to get come better in compliance
24 with our ordinance.

25 CHAIRMAN FUSARO: Okay. Thank you.

1 You've heard our discussion, and kind of see where
2 the Board is leaning. I'll leave it up to you if
3 you'd like for us to vote on what's before us or
4 if you want to take one more crack at reducing
5 that. I'm looking at the three variances that
6 pertain to the building coverage. Your first
7 variance is only over by 68 square feet. That
8 would go away if you reduced it by 3 feet; that
9 would go away entirely. Your second variance
10 which includes the building coverage and the deck,
11 again, at 3 feet -- you're over by 94 -- a
12 reduction of 3 feet in the back of the house would
13 bring you to 81 which -- it wouldn't eliminate it,
14 but it would be close. The third variance with
15 the porches and everything, you're over by 191
16 square feet. Again, eliminating 81 would bring
17 you around 100; give or take.

18 I understand it's an undersized lot,
19 but like I said, it's undersized predominantly in
20 the width and I think you have plenty of depth
21 where I don't see shrinking it down a couple of
22 feet would affect it all that much. But again,
23 it's your home, it's your prerogative. I'll leave
24 it up to you as to what you'd like us to do. Feel
25 free to take some time and discuss it with your

1 clients and let us know how you'd like to proceed.

2 MS. STONE-DOUGHERTY: Yeah. If you
3 don't mind, I'd like just a few minutes to discuss
4 this with my clients because, as you've indicated,
5 it's their home, not mine, and I'd like their
6 input on what they would like.

7 CHAIRMAN FUSARO: I understand one
8 hundred percent. Please take your time.

9 (Whereupon, Ms. Stone-Dougherty
10 confers with her clients and their architect off
11 the record.)

12 MS. STONE-DOUGHERTY: Mr. Chairman,
13 after speaking to my client and the architect,
14 we'd like to see how Mr. Chairman and the Board
15 Members would feel about if they brought it in
16 2 feet off the deck and the back of the house
17 which brings it into really conformance to what
18 was there now with the existing deck and it still
19 allows them the room sizes that they would need
20 for height for that open family area which is
21 really their main area on the downstairs level and
22 still a respectful master suite above. It won't
23 eliminate a variance, but it brings all of them
24 down significantly. And even though, to go to
25 Board Member Cohen's point, that your ordinances

1 are there for a reason, which they absolutely are,
2 the fact that we have an undersized lot this is
3 why we're asking for that c(1) hardship relief and
4 for those variances which would be -- listen; if
5 we were a 10,000-square-foot lot, we are a matter
6 of right application, we wouldn't be here. But
7 unfortunately, we're not a 10,000 square foot lot.
8 You're right, my clients bought it.

9 Unfortunately, they knew nothing about zoning and
10 undersized lots when they bought it until they
11 hired this man to build an addition and they found
12 out they couldn't do anything that they thought
13 they could do. But we think that we showed the
14 effort that the Board is looking for. It still
15 gives -- as you know, we're nowhere asking for any
16 variances for rear or front yard setbacks. The
17 other side yard is compliant. This side yard, to
18 me, is more like a technical variance because we
19 can't bring that all the way down because then
20 we'd lose the driveway.

21 CHAIRMAN FUSARO: Understand. So if
22 you eliminate, cut back 2 feet, you're looking at
23 32 square feet on the one floor -- I'm sorry -- 32
24 square feet and then 2 feet because it's a 16-foot
25 wide master bedroom, plus another 11-foot wide

1 deck. So that would make it 32 square feet of the
2 building and 22 square feet of the deck. Am I
3 making that total of 54 square feet; is that
4 correct?

5 MR. HOCKSTEIN: It's actually
6 17 feet wide, so it would be 34 square feet of
7 building.

8 CHAIRMAN FUSARO: Thirty-four of
9 building, and 22 of deck; correct?

10 MR. HOCKSTEIN: Correct.

11 CHAIRMAN FUSARO: So that's 56.
12 Fifty-six square feet would still need the
13 variance for building coverage because you're at
14 68, but you're only 12 square feet over. Cuts the
15 coverage of building and above-ground structures
16 to less than half. You were at 94, now you'll be
17 at, whatever, 40-something. I mean, I don't --
18 how does the rest of the Board feel here? It's
19 certainly an effort. It is what we have
20 requested. It doesn't eliminate a variance, but
21 it comes very close to eliminating a variance
22 within 12 square feet.

23 MS. STONE-DOUGHERTY: Mr. Chairman
24 -- I apologize, Mr. Sontz, for interrupting. But
25 also remember, we picked up some building coverage

1 by adding that bay eliminating the preexisting
2 continuous wall situation. So that's about 15 or
3 16 square feet there. So if you brought that
4 down, we're really close.

5 CHAIRMAN FUSARO: Correct.

6 MR. SONTZ: I think it's an
7 acceptable compromise.

8 CHAIRMAN FUSARO: Carol?

9 MS. MOLNAR: Yeah.

10 CHAIRMAN FUSARO: Michael?

11 MR. COHEN: Yes.

12 MR. EILBACHER: Yes, it's a
13 good-faith attempt.

14 CHAIRMAN FUSARO: All right good.
15 So just so that we get this correct on the record.

16 MS. RAZIN: How about can you
17 provide -- I mean understanding what you've
18 stipulated to, I mean you can condition that --
19 can you provide me with the precise revised
20 calculation sheet very shortly so that I have --

21 MR. HOCKSTEIN: Absolutely.

22 MS. STONE-DOUGHERTY: Absolutely.

23 MR. HOCKSTEIN: And I'll revise
24 drawings and everything --

25 MS. RAZIN: So everyone understands

1 the variances in terms of the differences. The
2 variances still exist, they're just substantially
3 reduced. But in terms of precise calculation,
4 you'll provide those to me.

5 MR. HOCKSTEIN: Absolutely.

6 CHAIRMAN FUSARO: You'll provide
7 them to Jenny, and she will get them to Katie.
8 So, do we need to make that a condition?

9 MS. RAZIN: We're going to make a
10 condition that it's cut back and then -- we're
11 going to say it's part of the revised set of
12 plans?

13 MS. STONE-DOUGHERTY: Yes.

14 MS. RAZIN: Okay. We can work on
15 that. But let's put the condition in so that
16 we're set as to what was testified to.

17 CHAIRMAN FUSARO: The rear addition
18 will be reduced, approximately, 2 feet.

19 MS. RAZIN: Correct. And then that
20 will match --

21 CHAIRMAN FUSARO: And the deck. Do
22 we have a motion?

23 MR. SONTZ: Yeah. I'll make a
24 motion to approve on the condition that the rear
25 of the building and the rear of the deck be moved

1 in 2 feet.

2 CHAIRMAN FUSARO: Do we have a
3 second?

4 MS. MOLNAR: Second.

5 CHAIRMAN FUSARO: Jenny, please call
6 the roll.

7 MS. MANCE: Ms. Molnar.

8 MS. MOLNAR: Yes.

9 MS. MANCE: Mr. Cohen.

10 MR. COHEN: Yes.

11 MS. MANCE: Mr. Sontz.

12 MR. SONTZ: Yes.

13 MS. MANCE: Chairman Fusaro.

14 CHAIRMAN FUSARO: Yes.

15 MS. MANCE: Mr. Eilbacher.

16 MR. EILBACHER: Yes.

17 CHAIRMAN FUSARO: Thank you. Your
18 application is approved. Thank you for working
19 with us. Please get the revised numbers to the
20 zoning officer. She will review them with the
21 board attorney and they will be memorialized in
22 the resolution. Motion to adjourn.

23 MR. COHEN: So moved.

24 (The meeting was adjourned at
25 9:41 p.m.)

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1 [5] - 17:9, 17:22, 18:5, 18:20, 24:15 1% [2] - 75:5, 78:2 1,300 [1] - 82:7 1,368 [1] - 82:8 1,383 [1] - 89:20 1,430 [1] - 82:11 1,534 [1] - 82:12 1,560 [1] - 82:15 1,751 [1] - 82:16 1-foot-6 [1] - 73:6 1.7% [5] - 65:12, 67:20, 74:17, 75:2, 77:6 1/2 [4] - 61:25, 64:1, 68:17, 75:20 1/2-by-10-feet [1] - 48:5 1/2-story [1] - 67:8 1/9 [1] - 3:15 10 [13] - 1:11, 15:6, 19:4, 28:7, 33:10, 34:24, 44:15, 74:7, 80:11, 84:11, 86:1, 87:7, 95:1 10% [1] - 69:3 10,000 [1] - 102:7 10,000-square-foot [2] - 84:7, 102:5 10-foot [5] - 18:23, 19:4, 19:6, 23:21, 66:20 100 [1] - 100:17 1006 [1] - 6:4 105 [1] - 6:11 108 [2] - 91:1, 97:8 11 [3] - 3:8, 28:7, 47:7 11-by-11 [1] - 98:9 11-by-14 [2] - 98:8, 98:10 11-foot [1] - 102:25 11.06E13 [1] - 55:12 11.06E14 [1] - 55:16 11.06E6 [1] - 55:10 11.07E13 [1] - 82:16 11.09E6 [2] - 15:5, 44:14 114 [2] - 6:4, 81:20 12 [7] - 3:8, 12:14, 37:1, 74:7, 103:14, 103:22 12,000 [2] - 59:6, 68:23 12,000-square-foot	[1] - 58:14 12-by-12 [1] - 62:24 12.04E [1] - 55:18 12.04F1 [2] - 44:12, 82:5 12.04F2 [1] - 82:8 12.04F3 [1] - 82:12 12.5 [1] - 55:11 12.57 [1] - 30:23 1203 [1] - 4:15 13 [12] - 3:6, 3:6, 3:9, 6:4, 9:1, 9:5, 9:13, 9:17, 72:22, 73:23, 81:19, 83:1 13-by-14 [1] - 98:11 13.01E [1] - 27:7 131 [1] - 67:19 139.71 [1] - 30:21 14 [4] - 3:17, 3:20, 4:2 14.4 [2] - 90:7, 90:8 146 [1] - 68:13 15 [5] - 4:4, 4:5, 89:14, 90:8, 104:2 15.4 [2] - 90:8, 90:9 150-or-so [1] - 63:11 16 [1] - 104:3 16-by-16 [1] - 88:9 16-foot [1] - 102:24 16.6% [1] - 31:3 164 [3] - 5:13, 55:3, 56:2 17 [1] - 103:6 17-by-11 [1] - 98:11 17-by-14 [1] - 98:11 17.05A [1] - 27:10 18 [4] - 64:7, 64:16, 69:7, 70:3 180.12 [1] - 30:21 191 [1] - 100:15 1924 [1] - 57:24 1925 [1] - 33:15 1956 [1] - 60:18 1991 [2] - 29:21, 29:22	2.11G [1] - 82:17 2.69 [1] - 31:15 2/13/2023 [1] - 3:15 20 [4] - 50:1, 67:6, 67:14, 68:17 20% [4] - 31:4, 44:13, 69:4, 82:7 200 [1] - 68:17 2019 [1] - 75:13 2021 [1] - 92:7 2022 [1] - 92:6 2023 [5] - 1:11, 3:6, 3:6, 9:17, 83:5 21 [1] - 3:17 21.04% [1] - 82:8 21.28 [1] - 89:20 21.28% [1] - 89:21 2105 [1] - 3:17 22 [6] - 4:2, 4:15, 57:24, 83:5, 103:2, 103:9 22% [3] - 46:11, 46:17, 82:11 22-031 [2] - 3:15, 14:18 22-039 [2] - 6:3, 81:18 22-040 [2] - 4:1, 14:23 22-041 [2] - 5:12, 55:2 22-044 [2] - 3:18, 14:10 22-045 [2] - 5:1, 44:5 22-048 [1] - 3:9 22-049 [2] - 4:14, 27:1 22-52 [1] - 3:8 22.28 [1] - 69:4 22.45% [1] - 44:13 23 [2] - 64:13, 64:14 23-foot-10 [1] - 74:2 23.44% [1] - 82:11 23.66 [1] - 89:22 237 [1] - 15:14 237(sic) [1] - 14:24 239 [2] - 4:2, 15:14 24 [2] - 27:11, 34:9 24% [1] - 82:15 240 [2] - 3:9, 13:15 25 [5] - 55:14, 66:9, 70:6, 70:7, 82:18 25-foot [3] - 47:3, 49:2, 52:17 25.5 [1] - 22:24 26 [1] - 4:9 26.75 [1] - 30:23 26.77 [1] - 22:21 26.93% [1] - 82:15 266 [1] - 68:12 27 [2] - 4:15, 35:22 27.16 [1] - 89:23 27.4 [1] - 31:5	2710 [1] - 3:20 28 [3] - 4:17, 4:18, 69:15 28-foot-2 [2] - 69:13, 69:24 28.48 [1] - 31:23 281 [1] - 84:24 2813 [1] - 4:2 2814 [1] - 5:3 28th [2] - 81:9, 81:14 29.56 [2] - 27:9, 32:3 29.83 [3] - 35:10, 35:14, 55:15	4-foot [1] - 97:6 40 [3] - 4:19, 27:9, 33:9 40-something [1] - 103:17 40.85 [1] - 31:12 42 [1] - 4:23 425 [1] - 1:12 44 [2] - 5:3, 5:5 46 [1] - 5:5 46.3 [1] - 82:19 471 [2] - 3:8, 10:2
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