

MINUTES
Town of Westfield Board of Adjustment
June 14, 2021

The Westfield Board of Adjustment met on Monday, June 14, 2021. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

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

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

REGULAR MEETING:

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

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

ROLL CALL: Chris Masciale, Frank Fusaro, Charles Gelinas, Michael Cohen, Samuel Reisen, Carla Bonacci, Alyson Hroblak, Matt Sontz
ABSENT: Eldy Pavon,
Also present: Diane Dabulas, Esq, Lyndsay Knight, PP, AICP, Zoning Officer

ADOPTION OF RESOLUTIONS: May 10, 2021

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the May 10, 2021:

Monica Alvarez & Alvaro Quintana, 158 North Euclid Avenue, application approved;
Gilberto Arroyo, 230 Elizabeth Avenue, application approved with conditions;
Jacob Kriss, 1300 Overhill Street, approved with conditions. Mr. Fusaro noted that page 5 of this resolution for 1300 Overhill Street had an open item that needed to be input and the attorney, Ms. Dabulas would review and make the correction.
Kimberly Tosh, 617 Lawrence Avenue, approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Michael Cohen seconded.

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

Motion carried.

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

CARRIED FROM May 10, 2021:

BHB Company, 215 South Avenue East

12/15/2020

Applicant is seeking approval to replace the existing freestanding monument sign contrary to Section 16.04E4 and 16.04E1 of the Land Use Ordinance. Ordinance allows a freestanding sign only as an alternative to a wall sign. Proposed is a freestanding sign. Ordinance allows only 1 wall mounted sign. Proposed are 2 wall mounted signs. **Application deemed completed March 22, 2021. 120-day decision date is July 20, 2021.**

Chairman Masciale swore in the applicant, Mr. Fuller. Ms. Porter, attorney described the application and stated that the applicant is seeking a free-standing sign. This monument sign application required a survey as well as a picture of the of the existing sign and information on the proposed sign design and its location on the property. Ms. Porter stated that this new sign will be within 5 ft of the property line. Mr. Fuller then presented all of the sign details. He also presented examples of existing signs from businesses in the surrounding area.

Open to public questions and comments. None.

Closed to public questions and comments.

Mr. Smith, sign maker, was sworn in by Chairman Masciale and his credentials were stated and approved by the Board. Mr. Smith described the sign as not being illuminated and will be made of aluminum with raised letters and external down lighting on the top of the sign.

Chairman Masciale asked Ms. Knight if zoning allowed this type of sign. Ms. Knight confirmed it is permitted and the top light must be shielded.

The board discussed the application.

Open to public questions and comments. None.

Closed to public questions and comments.

Chairman Masciale stated this new sign meets the needs of the business and was in support of the application. Mr. Fusaro supported the proposed sign application with 2 conditions: (1) the sign will be located within 5 ft of the property line as stated in the ordinance and (2) the sign will be illuminated only during the hours stated in the ordinance.

The board further discussed the application.

Chairman Masciale called for a motion. Mr. Fusaro made a motion to approve this application, seconded by Mr. Cohen.

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

Motion carried.
 Application approved.

1929 Central Avenue, LLC., 1929 Central Avenue 2/24/2020

Applicant is seeking approval to construct an addition contrary to Section 12.04E, 11.09E5, 12.04F1, 12.03C, 11.09E7 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 25%. Ordinance allows a maximum floor area ratio of 37%. Proposed is 39%. Ordinance requires a minimum front yard setback of 40 feet. Proposed 35.2 feet. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 14 feet 5 inches. Ordinance requires a minimum rear yard setback of 35 feet. Proposed 22 feet 2 inches.
Application deemed completed March 25, 2021. 120-day decision date is July 23, 2021.

The applicant's attorney Miles Hunter presented the application. Mr. Hunter explained that this is a single-family house on an undersized corner lot. Chairman Masciale swore in Mr. Porter and Mr. Viteson were both sworn in and their credentials were recognized by the Board. Mr. Porter presented the plans and described the proposed addition to this existing 1 ½ story home.

Chairman Masciale asked which walls would remain so that it would not be considered a new building. Mr. Porter stated that 50% of the walls would remain. Ms. Knight stated that the requirements were met with using 50% of the existing walls for the addition.

Ms. Bonacci asked if there were any ways the design could be changed to meet the FAR. She stated that the master bedroom, bathroom and closet space were nicely sized for an undersized lot. She felt some adjustments could possibly be made.

Chairman Masciale stated that the houses in the neighborhood area are significantly larger and that he felt this addition was not oversized. There would be no external change in the size from the outside of the house.

Ms. Bonacci asked if it was possible to reduce the addition to be in conformance.

Mr. Porter stated that the addition helped align the wall-to-wall space and that bedroom #3 would be awkwardly sized if a reduction in the plan was made.

The board discussed the application.

Chairman Masciale summarized the application. He stated that this application was not meeting the criteria for the Board and that revisions would need to be made.

The board further discussed the application and the need for several changes to be made.

Open to the public for questions and concerns.

Ms. Cox, 1925 Central Avenue, was sworn in. She lives on the left side of this property. She stated she is concerned about the bump out as it will be on her left side of the property and it will block sunlight and also pose safety concerns and visibility when pulling out of her driveway. The Board acknowledged her concerns.

Closed to the public.

Open to the Board for discussion.

Chairman Masciale discussed with the applicant's attorney that the plans and design need to be revised to closely match the ordinances. Mr. Hunter discussed privately with the applicant. The applicant agreed to revise the application and the application would be carried to the July 12th meeting.

Lauren & Marc Shanker, 1621 Rising Way

2/1/2021

Applicants are seeking approval to install an open style fence contrary to Section 13.02D5 of the Land Use Ordinance. Ordinance requires a pool to be enclosed by a 6-foot stockade, board on board or another solid fence. Proposed is a 6-foot open fence. **Application deemed completed March 26, 2021. 120-day decision date is July 24, 2021.**

Chairman Masciale swore in Lauren and Marc Shanker. Mr. Shanker explained the application to the board and discussed the natural woods elements surrounding the property. Mr. Shanker stated there was a lot of vegetative screening there were not privacy concerns. The property to the right has an open style fence surrounding the pool and the property to the left side supported their application and was on the call this evening.

Chairman Masciale stated that the ordinance passed for solid fences was to provide privacy to the existing neighbors. If this fence was permitted the applicant would need to provide a buffering/screening of green plants and maintain them for privacy.

Chairman Masciale opened to the Board for discussion.

Mr. Fusaro stated that he agreed with Chairman Masciale that privacy plants would be recommended. He proposed there be plantings on both sides of the pool and along the rear of the property. The property behind this house was very far from the property behind it so there were no privacy concerns.

Ms. Bonacci stated that the Board needed to see pictures of the fence to make a decision. Mrs. Shanker quickly found an online picture of the fence and also provided a quote stating the type of fence to be used.

Ms. Dabulas and Chairman Masciale both stated that if this fence was approved there would be a condition for approval of the fence style, model number etc.

The Board agreed to this condition after discussion.

Open to public questions and comments.

Mr. Lochman, 1619 Rising way was sworn in by Chairman Masciale. He stated that he was in support of this application and had no concerns. He felt there was already a natural buffering from existing plants along the property line.

Closed to public questions and comments.

Chairman Masciale opened to the Board for discussion.

He summarized that the open 6 ft fence on this property would be desirable to keep the natural elements and the fence line will be buffered with greenery on the two sides of the property. Mr. Sontz stated that he did not support the open fence. Ms. Hroblak agreed with Mr. Sontz. She stated that since the other houses were in support of this fence, she too felt the fence line should have greenery on both sides of the property to provide privacy to the neighbors.

Mr. Fusaro stated that a discussion should be open to the applicants. He specified that the Board was split with their decision.

Open to public questions and comments.

Mr. Fusaro asked the applicants if they would like to proceed with their application or change their proposed open fence project. He also discussed the option of 2 solid sides of the fence. The applicants and the Board discussed the application.

Closed to public questions and comments.

The board discussed the application.

Chairman Masciale called for a motion to vote on this application. Mr. Fusaro called for a motion to approve this application with 2 conditions: (1) the fence will be 6 ft aluminum open style and (2) there will be greenery on both the left and right sides to provide privacy. The motion was seconded by Mr. Gelinis.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Charles Gelinis

OPPOSED: Alyson Hroblak, Carla Bonacci, Matt Sontz

ABSTAINED: None
ABSENT: Eldy Pavon

Motion carried.
Application approved with conditions.

Chairman Masciale announced the following applications are carried to the July 12, 2021 meeting:
Nick Boccagna, 765 First Street

Chairman Masciale announced the following applications are carried to the June 22nd special meeting:
Jason Nagel, 605 East Broad;
Rory Alegria & Michelle Cristaldi, 671 Carleton Road;
Neal Patel, 728 Tamaques Way;
Timothy & Melissa Fern, 450 Beechwood Place;
Christopher and Lindsay Mascali, 516 Dorian Court;
Elite Performance LLC, 918 South Avenue West.

Craig Hunsinger, 150 Stanmore Place (736 Clark Street) 2/8/2021

Applicant is seeking approval to construct an addition contrary to Section 11.08E6 and 11.08E13 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 8.73 feet. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 28 feet 8 inches. **Application deemed completed March 26, 2021. 120-day decision date is July 24, 2021.**

Chairman Masciale swore in Mr. and Mrs. Hunsinger. David Bailey, the applicant’s architect, presented the plans and explained the application. Mr. Bailey showed the proposed plans in comparison to the existing home and explained the addition will result in a 4-bedroom 2-bathroom house with attic storage and a mud room. There will be no other changes to this property. It is a modest addition.

Open to public questions and comments. None.

Closed to public questions and comments.

The board further discussed the application.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Charles Gelinas, Alyson Hroblak, Carla Bonacci, Matt Sontz
OPPOSED: None

ABSTAINED: None
 ABSENT: Eldy Pavon

Motion carried.
 Application approved.

Matthew Archer, 1601 Boynton Avenue

2/17/2021

Applicant is seeking approval to expand an existing deck contrary to Section 13.02C2 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 25 feet for a deck. Proposed is 18 feet. **Application deemed completed March 31, 2021. 120-day decision date is July 29, 2021.**

Chairman Masciale swore in Mr. and Mrs. Archer. Mr. Archer explained the proposed plan and the variance relief needed to grant the application.

Chairman Masciale, Mr. Fusaro and Ms. Bonacci discussed the existing deck and the new deck plans as well as the staircase changes with the applicants.

Open to public questions and comments. None.

Closed to public questions and comments

Chairman Masciale felt that there was no significant impact on the neighbors with this proposed plan as this new deck will be low to the ground. Ms. Knight stated that the existing home was well under the permitted building coverage. Ms. Fusaro stated that this lot was substantially smaller than the other lots on the block. Chairman Masciale concluded that this deck will not infringe upon the neighbor as it is low to the ground and it will not have any significant impact on the existing neighbors.

He recognized the hardship and the uneven ground issues. He is in favor of this application.

Mr. Fusaro agreed to keep these plans as presented.

Mr. Fusaro made a motion to approve this application, seconded by Mr. Sontz.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Samuel Reisen, Charles Gelinas, Alyson Hroblak, Carla Bonacci, Matt Sontz

OPPOSED: None
 ABSTAINED: None
 ABSENT: Eldy Pavon

Motion carried.
 Application approved.

NEW APPEALS:

Stephen Squeri, 801 Lenape Trail

2/3/2021

Applicant is seeking approval to construct an in-ground swimming pool and at grade patio contrary to Section 12.04G of the Land Use Ordinance. Ordinance requires a maximum

coverage by improvements of 40% but not above 7,200 square feet proposed is 45.2%/10,205 square feet. **Application deemed completed March 31, 2021. 120-day decision date is July 29, 2021.**

Chairman Masciale swore in Mr. and Mrs. Squeri. Mr. Hehl, the attorney for the applicant presented a summary of the proposed application to the Board. 801 Lenape Trail is an undersized lot with an existing single-family home. Chairman Masciale swore in the applicant's engineer Mr. Skrable, He explained that the proposed plan is to install a pool and a patio and the variance relief required.

The board discussed ways the applicant could reduce the coverage.

Mr. Skrable discussed possibly removing an existing patio area.

Open to public questions and comments.

Mr. McIntyre, neighbor at 902 Prospect Street, is sworn in by Chairman Masciale. He expressed his concern for water management as his property is behind this property.

Mr. Skrable discussed the storm runoff issues with increased property coverage. He agreed to address storm runoff. He stated that a seepage pit would be constructed in this project. Mr. Sontz stated that these plans need to be submitted for review of this application. Chairman Masciale expressed that this application and variance need to be focused on, not the water management at this point.

Mr. McIntyre asked for a condition to be sited that the Town Engineer will review any drainage plans before this application is approved.

The Board discussed that they need to see a water drainage plan for this application. Chairman Masciale proposed to close discussion on this application and move forward to the July 12, 2021 me

Mr. Skrable will provide a revised plan as well as a storm water control plan for this project. Application is moved to the July 12, 2021 meeting.

Board Discussion on the Annual Report:

Chairman Masciale asked if the Board had any proposals for this report. The Board discussed possible changes in fencing. Mr. Fusaro discussed the number of variances and that most are in the RS-6 zone. Mr. Cohen inquired to the possibility of looking at surrounding towns and their applications. Westfield seems to have more variance applications than the surrounding towns in the area. Ms. Bonacci expressed her concerns with residents buying and staying in their Westfield homes instead of moving as their family or needs change.

There being no further business a motion was made to end the meeting by to Mr. Fusaro, seconded by Ms. Hroblak.

The meeting adjourned at 11:01 pm.

Respectfully submitted,

Kristine Burd
Board Secretary