

MINUTES
Town of Westfield Board of Adjustment
July 12, 2021

The Westfield Board of Adjustment met on Monday, July 12, 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, Michael Cohen, Samuel Reisen and Carla Bonacci, Eldy Pavon, Matt Sontz, Alyson Hroblak

ABSENT: Charles Gelinis

Also present: Diane Dabulas, Esq., Lyndsay Knight, Zoning Officer, Kristine Burd, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the June 22, 2021 meeting. Mr. Fusaro made a motion to adopt the minutes, seconded by Mr. Cohen. All in favor.

ADOPTION OF RESOLUTIONS: June 14, 2021

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the June 14, 2021 meeting:

Lauren & Marc Shanker, 1621 Rising Way, application approved with conditions.

Craig Schneider, 150 Stanmore Place, application approved.

BHB Company, 215 South Avenue East, application approved.

Matthew Archer, 1601 Boynton Avenue, application approved.

Mr. Fusaro made a motion to adopt the resolutions, seconded by Mr. Cohen.

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

OPPOSED: None

ABSTAINED: None
 ABSENT: Charles Gelinas

Motion carried.

CARRIED FROM June 14, 2021 & June 22, 2021:

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.**

Chairman Masciale introduced Mr. Hunter, Attorney. Mr. Hunter introduced Mr. Porter, Architect to summarize the changes to the proposed application on behalf of the applicant. The revised plan reduced the size of the 2nd floor addition, the overall square footage and the back extension along the rear elevation of the roof.

Chairman Masciale opened to the Board for questions.

Chairman Masciale recognized the advantages of the 2 variances being requested. (1) the rear yard setback and (2) the maximum building coverage. He stated that this plan would conform with the surrounding neighborhood homes and allow the family the space that they need. Mr. Vitenson, Architect reviewed the proposed plan as well. Mr. Flynn, Planner was sworn in by Chairman Masciale and his credentials were approved. He provided a presentation of the proposed property. He explained that this dwelling is small compared to the other buildings in the surrounding neighborhood and is located on a small corner lot. He showed the rear yard expansion and the green area that will be increased along the back of the driveway area. He explained that this property is already on a preexisting non-conforming lot. The proposed plan will renovate the property and conform with the existing style of the neighborhood. He is asking for variance relief.

Chairman Masciale opened to the Board for questions to the Planner. None.
 Open to the public for questions. None.

Chairman Masciale concluded that this presentation was excellent. The sizing of the house was appropriate with the neighborhood. The variances on this property are needed to update the neighborhood.

Mr. Fusaro presented a condition on this application: that the 2 wrap around porches remain open.

Ms. Bonacci stated that she appreciated the modifications but still thought that they were large.

Mr. Cohen supported the application and appreciated the presentation and modifications.

Ms. Hroblak stated that this house was large for a small lot.

Mr. Reisen thought that the changes were not that different and he was not supporting the application.

Mr. Cohen wanted the attic space addition to be noted that the area is not habitable.

Ms. Dabulas stated that the two 2 conditions could be made on this application.

Mr. Fusaro made a motion to approve this revised application with 2 conditions: (1) that the porch remain open and (2) that the area above the attic space be noted as non-habitable space. Seconded by Mr. Cohen.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz, Eldy Pavon

OPPOSED: Carla Bonacci, Allison Hroblak, Samuel Reisen

ABSTAINED: None

ABSENT: Charles Gelinis

Motion carried.

Revised application approved with conditions.

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 applicant, Mr. Stephen Squeri. Mr. Michael Bonner, Attorney introduced Mr. Paul Grygiel, Planner and Mr. Tom Skrable, Engineer. Mr. Skrable explained the reduced impervious coverage as well as the storm management relief reduction plan that will assist in added drainage perimeters.

Chairman Masciale asked if the Board had any questions.

Mr. Fusaro asked if the fence around the pool would be 6' in height. Mr. Squeri stated yes.

Chairman Masciale opened to the public for comments or questions.

Mr. McIntyre, adjacent property owner, stated that this revised drainage plan addressed his concerns and that he had no problems with this application.

Mr. Grygiel stated that this lot is not a regular shaped lot. The proposed size of the pool has been reduced and the drainage concerns have been addressed. There will be no noticeable impact on the property. The location is in the rear of the yard and it is buffered. All criteria have been met.

Chairman Masciale opened to the Board for discussion. None.

Open to the public for discussion.

Mr. Gary Buchalter, 745 Lenape Trail, is sworn in by Chairman Masciale. He is happy with this application and the storm management conditions proposed.

Closed to public comments and questions.

The Board discussed the application.

Chairman Masciale concluded that the revised plans removed the patio, reduced the size of the pool and addressed the storm water management concerns. He supported the application.

Mr. Fusaro echoed Chairman Masciale's statement and appreciated the application reductions and drainage plan. He supported this application. He asked that the rear fence be replaced to a 6' board on board fence as the existing fence had lattice.

Ms. Hroblak expressed her drainage concerns and asked to have the town Engineer review the plan prior to the construction.

Mr. Fusaro stated that it was part of the permit process.

Chairman Masciale asked if this condition can be placed on the application.

Mr. Skrable explained that there would be ground perk tests completed prior to the construction. It would be reviewed during the permit process.

Mr. Fusaro made a motion to approve this revised application with the following 2 conditions: (1) that the drainage system be reviewed and approved by the Engineering department and that a perk test be completed prior to the drainage system approval and (2) that the owner agreed to cover the existing lattice fence or replace with 6' solid fence so that the pool will be totally enclosed with 6' solid fencing. Seconded by Mr. Resien.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Charles Gelinis

Motion carried.

Revised application approved with conditions.

Nick Boccagna, 765 First Street

1/26/2021

Applicant is seeking approval to construct an addition to the second floor of an existing single family home contrary to Section 11.09E6 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 6 feet. **Application deemed completed March 31, 2021. 120-day decision date is July 29, 2021.**

Chairman Masciale swore in Mr. & Mrs. Boccagna and Mr. Greg Ralph, Architect. Mr. Boccagna is requesting an expansion on the 2nd floor over the rear section of the existing 1st floor. They need an additional bedroom for his family of 4. They will be adding a moderate sized master suite. He is asking for variance relief based on the setback of his existing non-conforming property. Mr. Ralph stated that this plan will allow the functionality of this property. The ridge on the roofline will be expanded to allow a 3rd bedroom and bathroom/master suite. There will be limited impact on the neighbors as the addition will only be on the right side of the property and the front façade will be preserved. There is already an existing buffer of trees along the property. It is a very modest proposal.

Chairman Masciale opened to the Board for discussion.

Chairman Masciale concluded that there would be no impact on the neighbors. The footprint of the house is not changing. This is a positive change and he supported the application.

Mr. Fusaro complimented Mr. Ralph on his plan and stated that he too supported this application.

Ms. Bonacci commended the applicant and the Architect for their revised plan. She stated that this applicant listened to the Boards concerns and submitted a reduced plan.

Chairman Masciale opened to the public. None.

Chairman Masciale made a motion to accept this revised application, seconded by Mr. Fusaro.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Charles Gelinis

Motion carried.

Revised application approved.

Chairman Masciale announced the following 2 applications are carried to the August 9, 2021 meeting:

Brett and Tony Ann Ferry, 646 Fourth Avenue

Xiaoyan Zhuang, 811 Grant Avenue

Elite Performance LLC, 918 South Avenue West

4/8/2021

Applicant is seeking approval to construct an addition to an existing business contrary to Section 11.28E1, 11.28E2, 12.04E3, 17.02C5, 17.05B and 17.10C of the Land Use Ordinance.

Ordinance requires a minimum front yard setback of 40feet. Proposed is 23.46 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 4.55 feet. Ordinance requires a maximum floor area ratio of 50%/5,000 square feet. Proposed is 60.83%/6,083 square feet.

Ordinance requires a minimum number of parking spaces for medical office of 13 spaces.

Proposed are 5 spaces. Ordinance requires a minimum driveway width of 20 feet. Proposed is 12 feet. Ordinance requires the maximum illumination at the property line to be .3 footcandle.

Proposed is .5 footcandle. **Application deemed completed May 11, 2021. 120-day decision date is September 8, 2021.**

Chairman Masciale swore in Mr. and Mrs. Mohammed. Mr. Foerst, Attorney summarized the proposed plan and introduced the applicants. Mr. Mohammed introduced his family and explained their Physical Therapy business. This building is located in the GB3 zone. He and his wife are both physical therapists and work in their office and reside above it. They are looking to expand their building to include a 2-story gym as well as additional patient rooms, waiting area, storage area in the basement and an elevator. He stated that this addition will not cause any

parking issues as he and his wife each only treat 1 patient at a time. Mr. Foerst explained the mixed-use building. He stated there are only 2 people on staff and that at most 6 people/cars would be on site while they have 8 parking spaces.

Chairman Masciale opened to the Board for questions. None.

Opened to the public for questions.

Mr. & Mrs. Sylvester, 925 South Avenue West, who live across the street, expressed their concerns of this proposed plan. They stated that this is a more residential feel of a neighborhood and that this addition would not fit in. They also expressed their parking concerns and property use concerns.

Chairman Masciale closed to the public for discussion.

Mr. Foerst allowed Mrs. Mohammed to describe the proposed PT facility. She explained the patient care and required needs of their practice. She explained the different treatment rooms and the gym area. She also reassured that there would only be 2 patients at a time with possibly two waiting. There were no additional staff; only herself and her husband.

Mr. Matarazzo, Engineer was sworn in by Chairman Masciale and his credentials were recognized by the Board. He shared his presentation and explained the concerns with the driveway, footcandle, lights, parking spaces, curbs, dumpster, etc.

Mr. Foerst mentioned other businesses in the surrounding neighborhood. The setbacks of this property and neighboring properties were discussed. He felt this proposed property plan would fit in the mixed-use neighborhood.

Chairman Masciale announced the following 2 applications are carried to the August 9, 2021 meeting:

Leo and Hannah Rodriguez, 128 Florence Avenue
Kathleen Shannon, 420 Birch Avenue

Chairman Masciale opened to the Board for discussion.

Mr. Fusaro expressed several concerns: (1) If the dumpster would have an enclosure (2) If an electric car charging station would be required (3) the pavement design- the use of standard residential materials that are being used in a commercial parking area (4) the drainage plan as they are increasing the lot coverage (5) the parking concerns as they are short 8 parking spaces and (6) the need of 5 treatment rooms.

Mr. Matarazzo explained the drainage concerns and that the runoff would be redirected to the rear parking lot.

Mr. Sontz expressed his concern with the business if this tenant leaves.

Ms. Hroblak agreed with Mr. Sontz regarding future tenant concerns. If this building had 5 rooms that could mean 5 offices and more parking concerns even though this applicant stated that they will only use 2 rooms at a time.

Mr. Sontz asked if there could be a condition placed on a new owner.

Ms. Dabulas stated that this application is based on usage and that stipulations could be placed or enforced if the tenant and building use change in the future.

Chairman Masciale stated restrictions would be discussed if the property was to be used for a different use other than a physical therapy office.

Ms. Bonacci expressed her concern with so many office rooms and spaces.

Ms. Dabulas discussed with Ms. Knight the enforcement of proposed conditions.

Mr. Cohen expressed his concern over the condition to limiting the number of people that can use this facility and the parking spaces.

Chairman Masciale discussed with Mr. Foerst and the Board all of the concerns brought up and how this application requires revisions and review.

Chairman Masciale announced the following application will be carried to the August 9, 2021 meeting:

John Mirrone, 124 Livingston Street

Mr. Foerst introduced Ms. De Cosimo, Architect. Chairman Masciale swore in Ms. De Cosimo and recognized her credentials. She presented the proposed plan and expressed the need for these applicants/ physical therapists to have both ample therapy space as well as appropriate living space in this building. She stated that it does fit in with the neighborhood and that it will not impact the neighbors.

Chairman Masciale asked for additional feedback from the Board.

Ms. Bonacci expressed her deep concern over the size of this gym and the 2nd and 3rd floor spaces. She also stated that you cannot restrict the number of people coming in and out of a building.

Mr. Fusaro expressed several additional concerns: (1) the need for an elevator (2) possible reductions in the front foyer and basement storage area (3) front yard setbacks (4) the long continuous wall along the right side of the property (5) the trash/dumpster area needs an enclosure/screening and lastly, (6) the renderings of this building are too modern and do not fit in with the neighborhood.

Mr. Sontz and Ms. Bonacci both discussed their concerns over the use and future use of this building.

Chairman Masciale stated that there are too many concerns to proceed with this application. The applicant needs to address the Boards concern. He suggested that they will hear the application again after the plan has been revised.

Mr. Foerst stated that he will have new plans drawn and thanked the Board for their input and suggestions.

Mr. Cohen expressed his concerns with accessibility issues for wheelchairs and therapies and the width of the rooms and hallways. He felt these concerns had not been properly addressed.

Chairman Masciale concluded that the number of professionals and the number of clients/patients need to be limited and enforced. He wants to limit the use as done in the past with other businesses.

Mr. Foerst concluded that he will take all of this input and modifications and have a new plan revised. **Chairman Masciale stated that this application will carry to the August 9th meeting.**

Mr. Fusaro made a motion to adjourn the meeting, seconded by Ms. Bonacci. All agree.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:16pm.

CARRIED TO AUGUST 9, 2021:

Elite Performance LLC, 918 South Avenue West

4/8/2021

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Proposed is .5 footcandle. **Application deemed completed May 11, 2021. 120-day decision date is September 8, 2021.**

Respectfully submitted,

Kristine Burd
Board Secretary