



TOWN OF WESTFIELD  
BOARD OF ADJUSTMENT MINUTES (Special Meeting)  
Tuesday, August 1, 2023

**Pledge of Allegiance**

**Statement by the Chairman / Board Attorney**

Chairman Fusaro called the meeting to order at 7:30 p.m., where he announced that the meeting was duly advertised in accordance with the provisions of the “Open Public Meetings Act.”

Board attorney, Katherine Razin, gave a brief statement about the Board of Adjustment’s powers, purpose, and criteria for granting variances.

**Roll Call- *Jenny Mance calls the roll***

**Members Present:**

Chairman Frank Fusaro	Vice-chair Chris Masciale
Carol Molnar	Michael Cohen
Matt Sontz	Samuel Reisen (Alt.1)
	Vacant (Alt.2)

**Members Excused:**

Mr. Karame  
Mr. Eilbacher

**Others in Attendance:**

Katherine Razin, Esq. – Board Attorney  
Jenny Mance – Zoning Officer  
Maria Rose Breien – Board Secretary/Stenographer

**Adoption of Minutes**

No minutes were adopted.

## Adoption of Resolutions

No resolutions were adopted.

## Appeals Pending/Carried

- **ZBA 22-035 – Marius Perdon, 415 Wells Street, Block: 3402, Lot: 10**  
Chairman Fusaro announced that the application is still pending and that the board secretary will keep the Board informed of the status.

## New Appeals

**ZBA 23-033 – Erjona Frasheri, 940 Wyandotte Trail, Block: 305, Lot: 22**

**Witnesses:** Erjona Frasheri, and, Eltion Frasheri, Applicants

**Public:** Elisa Sananman, 963 Wyandotte Trail, Neighbor

**Exhibits:** None Marked

**Applicant sought variance relief to construct a portico and platform on the front of dwelling.**

The Applicants, Erjona Frasheri, and, Eltion Frasheri were sworn in by Chairman Fusaro. Ms. Frasheri began her testimony by explaining their first application in 2021 where they were originally seeking coverage relief on a new build and relief for a porch which was the width of the entire new dwelling. Ms. Frasheri indicated that the Board denied their application. Once denied the Frasheris decided to scale down the original plans, after which, they resubmitted a new application but only for the inside of the home. She indicated that the building application was approved.

Ms. Frasheri explained that they met with their architect a few months later to discuss the front/outside of the home and were told if they didn't put a roof on the front porch they would not be in violation of the setback. The Frasheris then went on to submit site plans for the pool, driveway, etcetera, and were denied their application by Interim Zoning Officer, Zuzanna Karas. After receiving the denial, Ms. Frasheri indicated that she requested an informal courtesy review with Ms. Karas to understand the issues. Ms. Frasheri noted that after their meeting, and much correspondence via email and the resubmittal of plans, a zoning approval was granted based on the calculations presented in the new plans.

Ms. Frasheri explained that in March of 2023, they received a call from the Town noting that the newly built front porch was in violation. Ms. Frasheri indicated that she then met with Construction Official, Frank Vuoso, and Zoning Officer, Jenny Mance, to discuss the violation. Ms. Frasheri

indicated that she was informed at that time that the porch was not part of the building approval and that only the portion applied for had been approved.

Ms. Frasheri also noted that after this meeting, she requested a new survey and used the calculations of Lots 20 through 24 from that survey for their architect to revise the plans. Ms. Frasheri then noted that Ms. Mance reviewed the new plans and informed the Applicants that Lot 21 should not be used in the calculations due to it being a corner lot and that Lot 25 should have been included, whereas, it had not been. Ms. Frasheri then asked how to move forward with this situation and indicated that she was told to either remove the portico or to come for variance relief.

The Board questioned the Applicant. Chairman Fusaro asked Ms. Frasheri about her previous application noting that he had read the transcript of those proceedings. He recapped that in the original application which was denied the FAR was over by 2% and the Board asked for revised plans. He continued that the new plans did not include a front portico when they were approved. Chairman Fusaro then explained that after their home was built, they subsequently filed plans for their pool, and noted that on those plans there was now a portico shown. He indicated that those plans were approved not taking into account that the review process was for the pool and not the dwelling because it had already been approved for the build on a prior application. The change made to the home itself with the portico was not picked up by the Town nor was it applied for by the Applicant. Thus, only the pool application was approved.

Ms. Frasheri interjected that since they weren't exactly sure what the process was, it was their understanding that as long as they identified anything new to the plans compared to the approved plans, it would be part of the review. Ms. Molnar wanted further clarification about the portico. Ms. Mance explained that it was shown on the site plan, but there were no architectural drawings submitted related to the portico for the building permits.

Ms. Razin explained that, from the Applicant's standpoint, they submitted a plan that showed the portico, and that plan got approved, and that from Ms. Mance's technical standpoint, it was not formally approved just because it was on the plan as it had not been applied for. Ms. Mance explained that after she and the Construction Official, Frank Vuoso, pulled the application folder, the application for the pool only indicated "pool" and it did not mention "portico." Ms. Frasheri indicated that the portico was now open and not covered.

Ms. Molar questioned Ms. Frasheri as to the architect knowing that there was a front yard issue. Ms. Mance pulled the site plan application and read the architect's revision notes which did not include the portico. She also indicated that on the building subcode form submitted when applying for the pool, it says "adding inground pool and whirlpool." It does not mention anywhere for the construction official to review the porch as well.

Chairman Fusaro questioned Ms. Frasheri about the stop-work order as to when it was issued. Ms. Frasheri responded that the stop-work order was issued after the portico was completed. Ms.

Frasheri assured the Board that had she known it was a problem, they would have come up with another design and/or made sure they had the right permits.

Chairman Fusaro discussed the setback calculations again noting that Lot 20 came out and Lot 25 is included to reach the average front yard setback. Chairman Fusaro also discussed that the Applicant was given the option to remove the portico for a TCO, and they decided against this option. Ms. Frasheri indicated that she was told if they went for the variance, they would receive a TCO once the special meeting was scheduled and noticed.

Chairman Fusaro suggested an option to leave the portico but remove patio areas on both sides. Mr. Frasheri replied that it is all concrete. Vice-chairman Masciale asked Chairman Fusaro to clarify his suggestion. The Applicants came forth on the dais as Chairman Fusaro showed how this option would work on the site plans and what would need to be removed as a compromise.

Ms. Frasheri rebutted that she specifically went through all the calculations with Ms. Karas and the overall coverage and felt she had been approved for the portico. Mr. Reisen interjected that not all of the subparts to be approved were submitted. Chairman Fusaro asked Ms. Mance about the platform. Ms. Mance and the Board discussed in depth the platform, its size, and which plans the platform was presented on. The Board also discussed how the first application was withdrawn.

Chairman Fusaro asked for the members of the public who wished to ask questions of the witnesses or provide comment on the application to please come forward.

Neighbor, Elisa Sananman, was sworn in by Chairman Fusaro. Ms. Sananman expressed her support of the portico. She continued by expressing her displeasure with the Town for allowing such large homes to be built on the surrounding lots as they create flooding issues that have caused her monetary losses. Chairman Fusaro thanked Ms. Sananman for coming forward.

Chairman Fusaro closed the public portion of the meeting and opened it up to board discussion.

Before the board began their discussion, Chairman Fusaro asked the Applicants to come forward. He noted to the Applicants that the variance being sought is a c(2) variance and would like for the Applicants to give testimony to support the c(2) criteria of the negative and positive. Ms. Frasheri explained how most houses in the area have porches and some have a closer setback than theirs. Chairman Fusaro reviewed the survey and which surrounding lots have a porch. Chairman Fusaro asked the board members if they had any additional questions for the Applicant.

Chairman Fusaro then pointed out that based on the zoning office's report, should they approve the application, a condition will be added that the Affordable Housing Development Fee will need to be paid due to this being a new home. He described that the initial building permit plans filed indicated that the home was a "renovation" and that the Interim Zoning Officer, Ms. Karas, determined that too much of the home was being demolished and that it was considered a new build.

Ms. Frasheri indicated that this information was completely new to them and explained they understood that if they kept 25% of the home, it would be a renovation and not a new build. Ms. Mance noted that the tax assessor already had the plans and agreed that the build exceeded the 75%. Vice-chairman Masciale noted that in the Frasheri's first hearing, the Board recommended to them that when they go back to revise the plans, they should leave enough of the old dwelling to meet the renovation criteria. Chairman Fusaro noted that the Applicants did not meet that criterion on the revision. Ms. Frasheri recants that this is new information to them. Mr. Sontz interjected and read an excerpt from the first hearing's transcript where Chairman Fusaro explained to the Frasheris that "this is not an addition, and for building permit purposes, it will be considered a new construction..." Ms. Frasheri replied that the first application was withdrawn. Vice-chairman Masciale discussed how the new plans did not take into account any of the Board's initial recommendations from the first hearing on the new plans. Ms. Razin noted that she would include a condition that the Applicant would need to pay any applicable fees.

Mr. Sontz asked for further clarification on the site plan approval versus the architectural plan approval. Ms. Mance explained the miscommunications between the two approvals. Mr. Sontz indicated that the portico was never approved. It was on a site plan that was reviewed for a pool. Mr. Cohen and Ms. Mance discussed the setback for the front yard and when the portico was built.

Mr. Cohen indicated that he felt there wasn't enough justification to tear down what is already built on this lot, and compared it to a nearby home with an even greater setback.

Chairman Fusaro closed the current portion of the meeting and opened it up to board discussion.

The Board discussed the application. Ms. Molnar acknowledged the one neighbor's setback issue but that the other neighbors do conform. Mr. Sontz stated that he felt the Applicant's professionals failed them and that although one neighbor showed support, a neighbor had called the zoning department to complain and thus brought the violation to the Town's attention. Vice-chairman Masciale felt that the Applicants did not take into account the advice the Board gave them on their initial application and that they came back with a design at the maximum percentage. And, although he felt that this was a nice look and an improvement on the home, the platform is a further encroachment, and would like to see the porch reduced in size.

Chairman Fusaro added that since there is a pool, a 6' solid fence will need to be installed and will be added as a condition of approval; should the application be approved.

Mr. Reisen understands both points from Mr. Cohen and Mr. Sontz. He felt that since there was a miscommunication on both sides, there needed to be a compromise. He felt that the suggestion that Chairman Fusaro put forth was the best way to go.

Mr. Cohen disagreed with Mr. Reisen on the compromise of removing the wings of the porch because he felt it was approved. However, Chairman Fusaro noted to Mr. Cohen that the approval of the porch is questionable because it was not on the approved site plan.

