

MINUTES
Town of Westfield Board of Adjustment
August 9, 2021

The Westfield Board of Adjustment met on Monday, August 9, 2021. 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.

REGULAR MEETING:

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

Alan Trembulak, Attorney, gave a brief statement explaining the Board's powers, purpose, and criteria for granting variances. He explained the voting process for the D variances as only 5 Board members were present at tonight's meeting. A majority vote would be required for a D variance application to be approved. He stated to the applicants, if their application was for a D variance, they may request to be carried to the Sept. 13, 2021 meeting to allow for a full member voting opportunity. The meeting proceeded.

ROLL CALL: Chris Masciale, Carla Bonacci, Michael Cohen, Charles Gelinis, Matt Sontz
ABSENT: Frank Fusaro, Alyson Hroblak, Samuel Reisen, Eldy Pavon
Also present: Alan Trembulak, Esq., Kristine Burd, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the June 14, 2021 and the July 12, 2021 meeting. Ms. Bonacci made a motion to adopt the minutes, seconded by Mr. Gelinis. All in favor.

ADOPTION OF RESOLUTIONS: June 22, 2021 & July 12, 2021

Chairman Masciale called for a motion to adopt the following resolutions for applications. Ms. Bonacci made a motion to adopt the resolutions, seconded by Mr. Gelinis. All in favor.

Rory Alegria & Michelle Cristaldi, 671 Carleton Road, approved with conditions.

Christopher and Lindsay Mascali, 516 Dorian Court, approved with conditions.

Timothy & Melissa Fern, 450 Beechwood Place, approved with conditions.

Neal Patel, 728 Tamaques Way, approved with conditions.

Nick Boccagna, 765 First Street, revised application approved.

Stephen Squeri, 801 Lenape Trail, approved with conditions.

Jason Nagel, 605 East Broad, approved with conditions.

CARRIED from: July 12, 2021

John Mirrione, 124 Livingston Street**4/6/2021**

Applicant is seeking approval to construct an addition to the rear of an existing single-family home contrary to Section 11.12E6, 11.12E13, 11.12E14 and 12.04F of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet proposed is 3.6 feet. Ordinance requires a maximum continuous wall length at zoning side yards of 25 feet. Proposed is 57.33 feet. Ordinance requires a minimum garage space of one car. There is no garage space proposed. Ordinance requires a maximum coverage by buildings and above-grade structures of 20% but not above 3,600 square feet. Proposed is 26.6%/1,118 square feet.

Application deemed completed May 14, 2021. 120-day decision date is September 11, 2021.

Chairman Masciale swore in applicant, Mr. Mirrione and Architect, Mr. Javier Fuentes. Mr. Fuentes credentials were explained and recognized by the Board. Mr. Fuentes presented the plans for a 1 story rear addition. This addition would add a bathroom on the 1st floor, allow stair access to the yard and add a flexible space for the applicant.

Chairman Masciale asked questions regarding neighboring houses and if they were similar to this buildup being requested. Mr. Mirrione stated that 2 neighboring houses as well as others were all similar.

Ms. Bonacci asked about the size of the room and its purpose. Mr. Mirrione explained that the room will be used for many reasons. It is modest in size and most importantly needed for the structure of this addition.

Mr. Sontz asked if the existing pavers would be removed. Mr. Fuentes stated yes. Mr. Sontz stated that a condition to remove these pavers should be included in the application.

Open to the audience for discussion. None.

Open to the Board for discussion.

Chairman Masciale summarized that the property lot is narrow. The applicant is trying to modernize his home to make it more livable. This addition will have no impact on his neighbors. He recognized the hardship based on the existing lot size and house size. He supported this application and concluded that it will not be a detriment to the neighbors.

Mr. Sontz agreed as long as a condition to remove the patio pavers was placed in the application. Mr. Cohen and Mr. Gelinas both added that they too supported this application.

Closed to the Board for discussion.

Chairman Masciale called for a motion to be made to approve this application with the condition that the existing patio pavers will be removed. A motion was made by Mr. Cohen, seconded by Mr. Gelinas.

ALL IN FAVOR: Chris Masciale, Carla Bonacci, Michael Cohen, Charles Gelinas, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Frank Fusaro, Alyson Hroblak, Samuel Reisen, Eldy Pavon

Motion carried.

Revised application approved with condition.

Kathleen Shannon, 420 Birch Avenue

4/5/2021

Applicant is seeking approval to construct an elevator to the rear of the home contrary to Section 12.04E and 12.04F of the Land Use Ordinance. Ordinance requires a maximum floor area ratio of 32% but not above 3,600 square feet. Proposed is 32.43%/3,405 square feet. Ordinance requires maximum coverage by buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 20.84%/2,188 square feet. **Application deemed completed June 8, 2021. 120-day decision date is October 6, 2021.**

Chairman Masciale swore in applicant, Ms. Shannon and Architect, Mr. Robert Algarin. Chairman Masciale stated that this application is for a D variance and asked if the applicant wished to proceed with the application tonight based on only 5 Board members vote. Applicant stated yes. Mr. Algarin proceeded with the presentation of the plans to construct an elevator in the rear of the home. He explained that this would not be noticeable from the exterior of the house. Ms. Shannon further explained that her husband needed this elevator based on his medical condition. It would allow him access throughout the house.

Open to the audience for discussion. None.

Open to the Board for discussion.

Ms. Bonacci asked about the access to this elevator and ADA requirements. Mr. Algarin explained that there is plenty of room for this access based on a single residence.

Mr. Cohen asked where the machinery for this elevator will be placed. Mr. Algarin stated that all machinery will be located in the basement within the house.

Mr. Gelinas asked if this elevator will have generator power. Ms. Shannon stated that she had a whole house generator and, in addition, this elevator had a battery back up component for safety. Chairman Masciale stated that this elevator addition will not be noticeable. This elevator addition will allow the applicants to make use of their home and provide the access needed by the husband to be able to remain in his home. He is in support of this application.

Mr. Chen and Ms. Bonacci both stated that they too supported this application.

Closed to Board discussion.

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

ALL IN FAVOR: Chris Masciale, Carla Bonacci, Michael Cohen, Charles Gelinas, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Frank Fusaro, Alyson Hroblak, Samuel Reisen, Eldy Pavon

Motion carried.

Application approved.

Leo and Hannah Rodriguez, 128 Florence Avenue

1/26/21

Applicant is seeking approval to construct a front porch to an existing home contrary to Section 11.09E5, 11.09E6, 12.04E1, 12.04E3 and 12.04G of the Land Use Ordinance. Ordinance requires a front yard to conform to the average front yard setback. Proposed is 14.75 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 5.91 feet. Ordinance requires a maximum coverage of buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 21.8%. Ordinance requires a maximum of coverage by buildings and above grade structures with ingress/egress platforms, porches and decks of 4% but not above 420 square feet. Proposed is 4.4%/254 square feet. Ordinance requires a maximum of coverage by improvements of 50% but not above 6,400 square feet. Proposed is 51.9%/3,023 square feet. **Application deemed completed June 8, 2021. 120-day decision date is October 6, 2021.**

Chairman Masciale swore in applicants, Mr. and Mrs. Rodriguez and Architect, Mr. Gregory Ralph. Mr. Ralph presented the plans to construct a front porch. The Board did not have the revised plans. In addition, the public notice was different than the application. **This application was carried to the September 13, 2021 meeting.** The applicant was informed that the architectural drawings needed to be submitted to the zoning office for review and re-noticing to the public was required prior to the next meeting to present their application.

Xiaoyan Zhuang, 811 Grant Avenue

4/6/2021

Applicant is seeking approval to construct a one-story addition on the front of the home contrary to Section 12.03C, D & E, 12.04F1 and 12.04E1 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is 22 feet 1 inch. Ordinance requires a maximum coverage by buildings and above grade structures of 20% but not above 3,600 square feet. Proposed is 23.36%. Ordinance requires a maximum floor area ratio of 37% but not above 3,200 square feet. Proposed is 38.82%. **Application deemed completed June 8, 2021. 120-day decision date is October 6, 2021.**

Chairman Masciale swore in applicant, Xiaoyan Zhuang and Architect, Mr. Bailey. Chairman Masciale asked the applicant if they wished to proceed as it is a D variance application. **Applicant asked to be carried to the September 13, 2021 meeting.**

Brett and Tony Ann Ferry, 646 Fourth Avenue

5/3/2021

Applicant is seeking approval to construct an inground pool and accessory patio contrary to Section 11.07E14 and 12.04G of the Land Use Ordinance. Ordinance requires a minimum garage space of one. Proposed is 0. Ordinance requires a maximum coverage by improvements of 50% but not above 6,400 square feet. Proposed is 76.8%/5,851 square feet. Ordinance requires a maximum floor area ratio of 37% but not above 3,200 square feet. **Application deemed completed June 16, 2021. 120-day decision date is October 14, 2021.**

Chairman Masciale swore in applicants, Mr. & Mrs. Ferry and Engineer, Mr. Egarian. His credentials were stated and the Board recognized him as an Engineer. Mr. Ferry expressed that he wanted to construct an inground pool for his family to enjoy. Mr. Egarian stated the property site plan and the swimming pool plan. He stated that the house would be consistent with the residential area. He also stated that there would not be any additional storm water runoff and that all issues were addressed in this application.

Open to the Board for discussion.

Mr. Gelinis asked if the design included space for the equipment. Mr. Egarian stated that the location of the equipment was noted on the plans.

Mr. Sontz expressed his concern regarding the property already being built out on a smaller lot. He also expressed that it was difficult for him to understand the need for an additional variance on this property.

Chairman Masciale expressed that this undersized lot needed to explain their hardship for this improvement.

Mr. Egarian stated that this applicant had not done any previous improvements on this house. All of the existing variances on this property were done prior to the sale of this house.

Mr. Cohen stated that this was a big ask.

Mr. Gelinis asked if there were any reasons the pool was needed other than for pleasure. The applicant stated none.

Ms. Bonacci also asked the need of this pool. Mr. Ferry stated that he wanted this for his family to enjoy at their home.

Open to the Audience for discussion. None.

Chairman Masciale reopened to Board discussion.

He stated that this is an undersized lot and that the property is already at maximum coverage. He cannot justify the application. He is not in support of this application.

Mr. Cohen asked if the applicant could change their plan and possibly remove something else on the property to reduce the maximum coverage.

Mr. Gelinis felt this application needed more details.

Chairman Masciale explained to the applicants and Engineer that this application would most likely not be approved and gave the applicant the option to withdraw their application and possibly submit a new application at a later date. **The application was withdrawn.**

NEW APPEALS:

Robert A. Magnanini, 539 Lawrence Avenue

5/17/2021

Applicant is seeking approval to construct a two story, 3 car carriage house contrary to Section 12.04G-1, 13.01D, 13.01G, 13.011-1B of the Land Use Ordinance. Maximum coverage by improvements of 30%. Proposed is 36.28%. Maximum floor area for accessory structures is 750 sq ft. Proposed is 926 sq. ft. Rear yard location of accessory structures over 500 sq. ft. is 10 ft. distance from property line. Proposed is 5 ft. Maximum height of accessory structures is 15 ft. Proposed is 20.73 ft. **Application deemed completed June 30, 2021. 120-day decision date is October 28, 2021.**

Chairman Masciale swore in applicants, Mr. & Mrs. Magnanini and Architect, Mr. Bailey. Mr. Magnanini explained how the existing 3-car carriage house would be removed since it is close to the property line and a new two story 3- car carriage house would be constructed in a different location on the property.

Mr. Bailey presented the plans. He explained the new location of the carriage house as well as the storage space above the garage on the 2nd floor and the addition of a bathroom. He expressed the need of this bathroom as the carriage house is far from the existing home.

Open to the Board for discussion.

Chairman Masciale asked if any utilities would be installed. Mr. Magnanini stated that the only new utility would be a sewer line to the bathroom. Chairman Masciale asked the purpose of the upstairs room. He stated his concern as he did not want this to be a livable space. Mrs. Magnanini stated that they would use this room for storage and or other uses such as a playroom or possibly for her painting hobby. It would not be used as a livable space.

Open to the Audience for discussion. None.

Open to the Board for discussion.

Ms. Bonacci expressed the need of the large increase in the size of the new proposed carriage house. She stated that the current two car carriage house is much smaller than the proposed plan.

Mr. Cohen expressed his concern over the 2-floor plan. If the applicants kept it to one floor, they could possibly eliminate one variance. He asked the need of the 2 floors.

Mr. Magnanini stated that the existing carriage house has two floors and that they were trying to maintain the historical character of the carriage house while obtaining the space that they needed.

Mr. Cohen and Ms. Bonacci both discussed the size of the new carriage house and stated that while they appreciate the design, the size is of concern to them.

Chairman Masciale concluded by stating that he liked the new location of the carriage house but he agreed that the size was of concern. He felt the property could support this carriage house however it could be smaller. He urged the applicant to come back with a smaller revised plan.

The applicants and Architect agreed. **This application was carried to the September 13, 2021 meeting.**

Stephen Irons, 736 Oak Avenue

3/12/2021

Applicant is seeking approval to remove their existing staircase exit to their backyard and replace with a deck contrary to Section 11.09E14 of the Land Use Ordinance where the minimum garage space is a 1-car garage. Proposed none. Section 12.03F2 Building Coverage where 22% is permitted and proposed is 28.2%. Section 11.09E6 Side Yard Setback where 10 ft is permitted and proposed is 6.7ft. **Application deemed completed July 16,2021. 120-day decision date is November 13, 2021.**

Chairman Masciale swore in applicant, Mr. Irons. Mr. Irons explained his plan to remove his existing deck and staircase and replace it with a new deck. The property has a slope and he is looking to utilize some of the outdoor space with this deck.

Open to the Board for discussion.

Chairman Masciale stated that the slope appears most significant by the house. The other slopes to the sides and rear of the property were not that bad.

Ms. Bonacci stated that the deck size could be shrunk and possibly have a step down to include a patio area.

Mr. Cohen stated that the deck was large for the lot size.

The Board discussed that they all were in agreement that this deck was too big and that perhaps the applicant could propose a smaller deck with a step down to a patio as an option.

Mr. Cohen expressed that he was not opposed to this deck.

Chairman Masciale and the applicant discussed options to revise this application.
The application will be carried to the September 13, 2021 meeting.

Taylor & Jacqueline Young, 822 Village Green

6/1/2021

Applicant is seeking approval to construct a roof above their existing backyard patio contrary to the Land Use Ordinance Section 12.04 F1 where the maximum coverage by buildings & above grade structures 20% is permitted and proposed is 24.1%. **Application deemed completed July 19, 2021. 120-day decision date is November 16, 2021.**

Chairman Masciale swore in applicants, Mr. and Mrs. Young. Mr. Young explained his proposed plan to construct a roof over an existing backyard patio. He will not be extending the roof but rather simply squaring it off with the existing patio to provide some shade and protection from the weather. This will allow this space to be more livable. There will be pillars to support the roof and gutters for drainage concerns.

Open to the Board for discussion.

Mr. Cohen confirmed that gutters would be installed. Applicant stated yes.

Open to the Audience for discussion. None.

Open to the Board for discussion.

Chairman Masciale stated that there were no negative criteria with this application and that he supported this plan. All Board members agreed.

Chairman Masciale called for a motion to be made to approve this application with the condition that the area remain open. A motion was made by Mr. Sontz, seconded by Mr. Gelinas.

ALL IN FAVOR: Chris Masciale, Carla Bonacci, Michael Cohen, Charles Gelinas, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Frank Fusaro, Alyson Hroblak, Samuel Reisen, Eldy Pavon

Motion carried.

Application approved with condition.

Anthony Melzi, 312 Washington Street

6/4/2021

Applicant is seeking approval to construct a rear porch addition with an outdoor kitchen and entertaining area contrary to the Land Use Ordinance Section 12.04 F-1 where the maximum permitted coverage by buildings & above grade structures is 20% and proposed is 23.42% and Section 12.04F-3 where the maximum coverage permitted by ingress/egress platforms, porches and decks is 24% and proposed is 24.75%. **Application deemed completed July 19, 2021. 120-day decision date is November 16, 2021.**

Chairman Masciale swore in applicant, Mr. Melzi and Architect, Mr. Bailey. Mr. Melzi stated that he is seeking approval to build an outdoor kitchen and entertaining area so that they can

utilize their outdoor space. The current space is not user friendly or protected from the weather. Mr. Baily presented the plans and provided explanation.

Open to the Board for discussion.

Chairman Masciale asked if this space would remain open. Mr. Bailey stated yes.

Ms. Bonacci stated her concern of the large size based on permitted coverage. She suggested the size to be reduced.

Open to the Audience for discussion. None.

Open to the Board for discussion.

Mr. Sontz agreed that the size was big and that they should reduce the size.

The Board discussed the reduction in the proposed addition. They all agreed it needed to be under 23% coverage. They also discussed that it needed to be stated that this space will remain open. If these conditions were placed then the 1st variance would be eliminated from the application.

Chairman Masciale asked for a motion to be made to accept this application with conditions. Mr. Sontz stated that he would make a motion to approve this application based on 3 conditions: (1) that the Land Use Ordinance Section 12.04 F-1 be eliminated from the application since they are reducing the coverage amounts by reducing the size of the addition (2) the addition would be revised to reflect a decrease so the coverage will be less than 23% and (3) the outdoor space will remain open. Seconded by Ms. Bonacci.

ALL IN FAVOR: Chris Masciale, Carla Bonacci, Michael Cohen, Charles Gelinis, Matt Sontz

OPPOSED: None

ABSTAINED: None

ABSENT: Frank Fusaro, Alyson Hroblak, Samuel Reisen, Eldy Pavon

Motion carried.

Application approved with conditions.

Mr. Sontz made a motion to adjourn the meeting, seconded by Mr. Gelinis. All in favor.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:26 pm

CARRIED to September 13, 2021

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.**

Harry Lampart, 116 Barchester Way**5/4/2021**

Applicant is seeking approval to enlarge and renovate their kitchen and construct a rear yard deck with partial roof contrary to Section 12.04 E.1 Floor Area Ratio (FAR) of the Land Use Ordinance. Maximum FAR permitted is 30%/ 4,000 square feet. Proposed is 28.63%/ 4,224 square feet. **Application deemed completed July 13,2021. 120-day decision date is November 10, 2021.**

Respectfully submitted,

Kristine Burd
Board Secretary