



TOWN OF WESTFIELD
BOARD OF ADJUSTMENT MINUTES
Monday, August 14, 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:

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| Chairman Frank Fusaro | Vice-chair Chris Masciale |
| Matt Sontz | Michael Cohen |
| Paul Eilbacher | |

Members Excused:

Carol Molnar
Samuel Reisen (Alt.1)

Others in Attendance:

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

Adoption of Minutes

A motion to adopt the minutes of the June 12, 2023, BOA meeting was made by Vice-chair Masciale and seconded by Mr. Cohen. The roll call vote was taken as follows:

VOTE:

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| IN FAVOR: | Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher, Mr. Cohen |
| OPPOSED: | None |
| ABSTAIN: | None |

Adoption of Resolutions

The Board memorialized resolutions for the applications heard at the July 10, 2023, and, *August 1, 2023, meetings.

- **ZBA 23-24** -- YMCA, 138 Ferris Place, Block: 2504, Lot: 20

A motion to *approve* this resolution was made by Vice-chair Masciale, and was *seconded* by Mr. Cohen with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

- **ZBA 23-22** – Matt Sachs, 24 Hawthorne Drive, Block: 2102, Lot: 6

A motion to *approve* this resolution was made by Vice-chair Masciale, and was *seconded* by Mr. Cohen with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

- **ZBA 23-01** – Erika Kozolchyk, 41 Moss Avenue, Block: 5501, Lot: 5

A motion to *approve* this resolution was made by Vice-chair Masciale, and was *seconded* by Mr. Cohen with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

- **ZBA 23-04** -- Rodney Ross, 779 Fairacres Avenue, Block: 3501, Lot: 22

A motion to *approve* this resolution was made by Vice-chair Masciale, and was *seconded* by Mr. Sontz with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

- **ZBA 23-030** -- Mehdi Saber/Westlink01, LLC, 507 Westfield Avenue, Block: 3003, Lot: 49

A motion to *approve* this resolution was made by Vice-chair Masciale and was *seconded* by Mr. Sontz with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None **ABSTAIN:** None

- **ZBA 23-09** -- Ben & Lauren Pearlman, 304 Roanoke Road, Block: 406, Lot: 35

A motion to *approve* this resolution was made by Vice-chair Masciale and was *seconded* by Mr. Cohen with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

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

A motion to *approve* this resolution was made by Vice-chair Masciale and was *seconded* by Mr. Sontz with no members opposing or abstaining. The roll call vote was taken as follows:

VOTE: **IN FAVOR:** Chairman Fusaro, Vice-chair Masciale, Mr. Sontz, Mr. Eilbacher,
Mr. Cohen
OPPOSED: None
ABSTAIN: None

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| Appeals Withdrawn |
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No applications were withdrawn

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| Appeals Pending/Carried |
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- **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.

- **ZBA 21-056** – Christopher Osborne, 15 Sunnywood Drive, Block: 201, Lot: 70

Chairman Fusaro announced that the application is being carried to the September 11, 2023, BOA meeting, and that no further notice would be given.

ZBA 23-05 – Joshua Ungerlieder, 145 Madison Avenue, Block: 201, Lot: 10

Witnesses: Grace Ungerlieder and Joshua Ungerlieder, Applicants
Steve Majewski, Architect

Public: None

Exhibits: None Marked

Applicant sought variance relief to construct a two-story rear addition to the existing dwelling, add an attached one-car garage, and new on-suite bathroom to the existing second-floor master bedroom.

The Applicants, Grace Ungerlieder; and, Joshua Ungerlieder were sworn in by Chairman Fusaro. Ms. Ungerlieder began her testimony by explaining their application and the need for expansion to accommodate their growing family in an older-style home that requires updating. Chairman Fusaro informed the Applicants that the Administration Office of the Town of Westfield received a letter from the New Jersey Department of Environmental Protection regarding a fence on the property in question and that it may be encroaching onto the Brightwood Park land.

The Applicants' architect, Steven Majewski, was sworn in by Chairman Fusaro and accepted as an expert in the field of architecture. Mr. Majewski continued to discuss the fence encroachment and explained that he doesn't believe it's owned by the Applicants, and that it is owned by the parkland. Mr. Ungerlieder agreed interjected that the fence is not on their property and is located behind the park's property line. Mr. Majewski continued that he believed the fence in the rear is owned by the parkland. Mr. Majewski explained the scope of work proposed in the application plans. He felt that the house, as built, is very modest in size with small, unmodernized bedrooms, and odd-shaped closets, the kitchen and dining room are small as well, and the first floor has a poor flow from room to room. He also noted that the lot is undersized in width and depth. He felt that the proposed improvements will only be a benefit and not a detriment to the neighbors and neighborhood. Charman Fusaro questioned the size of the patio and if any consideration was given to reducing the patio size to eliminate one variance. Mr. Majewski felt it was only 1% in overage, but would be amenable if that request was made of the Board. Vice-chair Masciale asked about the garage size and was concerned with the massing to the neighbor.

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. No members of the public came forward. Chairman Fusaro closed the public portion of the meeting and opened it up to board discussion.

The Board discussed the application. Chairman Fusaro discussed the application and the relief being sought with the Board Members. Chairman Fusaro expressed his support of the application. The Board collectively felt that they will not add a condition regarding the fence as it is not relative to the variance determination. Chairman Fusaro called for a motion.

ZBA 23-13 – Kyle & Natalie Luciano, 727 Fairacres Avenue, Block: 3501, Lot: 35

Witnesses: Kyle Luciano and Natalie Luciano, Applicants
Daniel Encin, Architect

Public: None

Exhibits: None Marked

Applicant sought variance relief to reconstruct and expand an existing covered front porch.

The Applicants, Kyle Luciano and Natalie Luciano, were sworn in by Chairman Fusaro. Ms. Luciano explained her family's need for the relief as their recently purchased home requires to be upgraded in order to have a better flow for functionality as well as for her family's overall enjoyment.

The Applicant's architect, Daniel Encin, was sworn in by Chairman Fusaro and accepted as a professional in the field of architecture. Mr. Encin began his testimony by explaining that the existing house is an older home constructed in 1925, with a single-story addition added at a later time. Mr. Encin also described how there currently are two shed structures on the property. He noted that the second shed structure in the rear will be removed as part of the plan. For the scope of work on the dwelling, he described the existing conditions, and in detail, he described the proposed work to be done which will update and expand the dwelling. Chairman Fusaro asked Mr. Encin to clarify some questions he had on the photographs submitted. He also questioned the proposed front porch which is now exacerbating the front yard setback even further than it already is. He expressed his concern with the porch sticking out further than the other homes nearby. Ms. Luciano explained that the houses on both sides of their home project out further than what they are proposing.

Chairman Fusaro also questioned the large size of the master bedroom and that the expansion of the home will now max out the FAR (floor area ratio) on the property. Mr. Encin acknowledged this fact and that the Applicants are aware. Mr. Sontz inquired if the Mr. Encin considered adding small shed dormers on either side of the second-floor roof since there is a long stretch of roof. Mr. Encin said that he would take this suggestion into consideration. Mr. Cohen asked if they had considered making some of the rooms smaller since he felt they were maxing out the size of the home. Chairman Fusaro asked if the Applicants would consider reducing the size of coverage in the rear. Mr. Encin confirmed that the Applicants would be amenable to that request.

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. No members of the public came forward. Chairman Fusaro closed the public portion of the meeting and opened it up to board discussion.

The Board discussed the application. Chairman Fusaro discussed the application and the relief being sought with the Board Members. Vice-chair Masciale, and Mr. Eilbacher noted that they

The Board discussed the application. Chairman Fusaro discussed the application and the relief being sought with the Board Members. He expressed concern over the large size of the project. He felt something can be done to bring down the numbers to help alleviate the massing. Ms. Razin indicated that the extra height would create a D variance. Mr. Waga agreed to continue working on the plan to bring down the height avoiding the D variance, and to tweak some of the other numbers to come closer into conformance.

Chairman Fusaro announced that the application will be carried to the October 11, 2023, BOA meeting pending changes.

ZBA 23-23 – Seth and Susan Tenant, 419 Linden Avenue, Block: 2208, Lot: 3

Witnesses: Seth Tenant, Applicant
Kenneth Abrams, Architect

Public: None

Exhibits: None Marked

Applicants sought variance relief to construct a two-story addition to their dwelling with an existing one-car garage.

The Applicant, Seth Tenant, was sworn in by Chairman Fusaro. Mr. Tenant explained his need for the relief due to the small size of his home and his expanding family.

The Applicant's architect, Kenneth Abrams, was sworn in by Chairman Fusaro and accepted as a professional in the field of architecture. Mr. Abrams explained that they are seeking relief to continue only having a one-car garage on the property, even though a two-car garage is required by ordinance, as there really isn't any room or proper grading on this lot to increase the garage size. He also indicated that there is plenty of parking on the driveway and street to meet the needs of the family.

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. No members of the public came forward. Chairman Fusaro closed the public portion of the meeting and opened it up to board discussion.

The Board discussed the application. Chairman Fusaro discussed the application and the relief being sought with the Board Members. He felt that he didn't see any problem with having only the one-car garage and that the addition is very modest in size. Vice-chair Masciale expressed his support of the application as submitted.

Chairman Fusaro called for a motion.

