

MINUTES
Town of Westfield Board of Adjustment
October 13, 2021

The Westfield Board of Adjustment met on Wednesday, October 13, 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.

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

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz, Carla Bonacci,
Charles Gelinias, Allison Hroblak, Eldy Pavon

ABSENT: Samuel Reisen

ALSO PRESENT: Diane Dabulas, Esq., Lyndsay Knight, Zoning Official, Kristine Burd, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the September 13, 2021 meeting. Mr. Fusaro made a motion to adopt the minutes, seconded by Mr. Gelinias. All in favor.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the resolutions for applications acted upon at the August 9, 2021 and September 13, 2021, meetings.

Taylor & Jacqueline Young, 822 Village Green, application approved with conditions.

Kathleen Shannon, 420 Birch Avenue, application approved.

Anthony Melzi, 312 Washington Street, application approved.

John Mirrione, 124 Livingston Street, application approved with conditions.

Leo & Hannah Rodriguez, 128 Florence Avenue, application approved with conditions.

Harry Lampart, 116 Barchester Way, application approved with conditions.

Frank & Camille Fortino, 1 Priscilla Lane, application approved with conditions.

Stephen Irons, 736 Oak Avenue, application approved with conditions.

Ben & Dina Ebel, 465 Channing Place, application approved with conditions.

Rachel Paris, 634 Norman Place, application approved with conditions.

Albert & Karen Rimondi, 533 Clark Street, application approved with conditions.

Ms. Dabulas stated that there were corrections to the 533 Clark resolution. These revisions were noted and will be changed.

Mr. Fusaro made a motion to adopt the resolutions, seconded by Chairman Masciale. All in favor.

Chairman Masciale explained that the following applicants are requesting an extension of their previously approved application.

EXTENSION OF TIME:

Westfield Senior Citizens Housing Corp./Westfield Senior Citizens Urban Renewal Partnership, LP

1129-1133 Boynton Avenue

Applicant is requesting a one-year extension of previous approval.

Chairman Masciale swore in Mr. Hehl, attorney representing application for Westfield Senior Citizens Housing Corp. Mr. Hehl explained that due to covid the senior center did not want any outside influx of workers in the building. They are requesting a 1-year extension for their application.

Chairman Masciale asked if any conditions have changed regarding traffic patterns or drainage issues. Mr. Hehl stated no conditions have changed. Chairman Masciale stated that this application is bound by the previously approved conditions. Mr. Hehl agreed.

Open to the Board for questions of Mr. Hehl.

Chairman Masciale stated that he understood the covid issues and the sensitive nature of not having an influx of workers in the senior citizen building. He had no concerns extending the application for one year.

Mr. Fusaro agreed.

Mr. Sontz also agreed.

Chairman Masciale asked for a motion to extend this application for 1 year, seconded by Mr. Gelinas.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Samuel Reisen

Application extended for 1 year.

Stuart Maxwell

519 Mountain Avenue

Applicant is requesting a one-year extension of previous approval.

Chairman Masciale swore in Mr. Maxwell. He explained that he had started this application but it is in phases and they haven't applied for the last permit. He is asking for a 1 year extension due to covid and delays in work being able to be completed.

Open to the Board for questions of Mr. Maxwell.

Chairman Masciale stated that he understood the work challenges faced with covid. He had no concerns extending this application for 1 year.

Mr. Fusaro and Ms. Knight discussed the phase permit process. It was determined that this extension was needed as this phase has not begun yet.

Chairman Masciale asked for a motion to extend this application for 1 year. Mr. Fusaro made a motion, seconded by Ms. Pavlon.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Samuel Reisen

Application extended for 1 year.

Rebecca & Aditya Verma

935 New England Drive

Applicant is requesting a one-year extension of previous approval.

Chairman Masciale swore in Mr. & Mrs. Verma. Mrs. Verma explained that they had some family matters and covid concerns which caused a delay in starting their work. She is asking for an extension of their application.

Open to the Board for questions of Mr. & Mrs. Sharma.

Chairman Masciale asked if they could complete their work in 6 months. Mrs. Verma stated that she felt they could. Chairman Masciale stated that he understood her concerns and had no issue with extending their application 6 months.

Chairman Masciale asked for a motion to extend this application for 6 months.

Ms. Bonacci made a motion, seconded by Ms. Pavlon.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Samuel Reisen

Application extended for 6 months.

APPEALS:**Carried to November 8, 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.**

Chairman Masciale stated that Elite Performance has requested to be carried to the November 8, 2021 meeting. Ms. Dabulas stated that if this application was not presented at this meeting the applicant would have to reapply and or re notice. The applicant will be notified.

Application will be carried to November 8, 2021.

Carried From: July 12, 2021**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 Ms. Zhuan and architect, Mr. Bailey. Mr. Baileys' credentials were recognized by the Board. Ms. Zhuan summarized her application. She is asking for a one-story addition to extend her terrace and entry way and add a functional porch.

Mr. Bailey presented the plans to the Board. He explained that the entry way is very tight and the porch size is small. He had researched similar houses and their front porches and setbacks in the neighborhood. This proposed plan would not have any negative impact on the neighborhood.

Open to the Board for questions of Ms. Zhuan and Mr. Bailey.

Chairman Masciale stated that he felt this addition would not impact the streetscape of the neighborhood and that he liked the open porch design. He also felt that this addition would dress up the house. He understood the pre-existing conditions.

Mr. Fusaro had concerns about the side elevation of the retaining wall and asked if a railing would be installed. Ms. Zhuan stated that this is not in an area of a walkway.

Ms. Bonacci inquired of the FAR and building coverage.

Ms. Knight stated that there was no previous application from the owner. The variances existing on this property were prior to this owner and predated based on the land use ordinance.

Closed to the Board.

Open to the Public for questions or concerns. None.

Open to the Board for discussion.

Chairman Masciale stated that he supported this application. It would be an improvement to this house and the neighborhood.

Mr. Fusaro agreed. He stated that a condition to keep the porch open on 3 sides should be added to the application.

Mr. Sontz agreed with Mr. Fusaro.

Chairman Masciale asked for a motion to approve this application. Mr. Fusaro made a motion to approve this application with the condition that the porch remain open on 3 sides, seconded by Mr. Gelinas.

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

OPPOSED: None

ABSTAINED: None

ABSENT: Samuel Reisen

Application approved with conditions.

Carried From: August 9, 2021

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 Mr. & Mrs. Magnanini and architect, Mr. Bailey. Mr. Baileys' credentials were recognized by the Board. Chairman Masciale asked the applicants if they would like to continue with their application or restart. The applicants chose to restart their application.

Mrs. Magnanini explained their love of Westfield and how they have lived in Westfield for 24 years. Her and her husband wanted to rebuild a carriage house as the existing carriage house was in bad shape. Their proposed plan is to move the location of the carriage house 5 ft away from the property line. They want to rebuild a new carriage house while preserving the historical character of the property. It will be slightly larger to suit their family needs.

Next, Mr. and Mrs. Magnanini showed pictures to the Board of existing carriage houses in the neighborhood for comparisons to size, style and street visibility. Mrs. Magnanini stated that their proposed carriage house would not be a detriment to the neighborhood. They are proposing a 2-story 2-car carriage house and an area for a cabana and bathroom for their pool as well as storage area.

Open to the Board for questions of Mr. and Mrs. Magnanini.

Chairman Masciale asked Mr. and Mrs. Magnanini their intended use of the carriage house. He inquired if they plan to make the second floor habitable. He also asked if they intended to add heat or a cooling system to the addition. The applicants stated that they would use the second-floor area for storage. They had no plan to add heating or cooling. Currently the area had water, electric and gas for their pool.

Ms. Hroblak asked about the pool equipment placement. Mr. Magnanini explained that it would be moved into an enclosure for weather protection but it already existed.

Mr. Bailey explained the plans and showed the Board the location of the pool equipment. He explained the plans of the carriage house.

Chairman Masciale asked if the materials of the carriage house would match the existing house. Mr. Bailey stated yes. The applicants are trying to replicate the historic qualities of the existing carriage house to match the existing home.

Ms. Bonacci expressed her concerns with the size of the carriage house. She felt that it could be much smaller. Ms. Magnanini expressed that while it could be smaller it wouldn't allow them to utilize the space that they needed if it were smaller. Ms. Bonacci understood the need to replicate the carriage house however, she did not find it truly necessary to make the additions to the carriage house. She sought room for flexibility. She did not agree with the large size.

Mr. Fusaro asked for an explanation in the height of the storage area.

Mr. Bailey described the maximum height and the lower height of the storage area.

Chairman Masciale asked for further clarification.

Mr. Fusaro and Ms. Bonacci discussed the height, size and placement of the carriage house.

Mr. Bailey further explained that the location of the carriage house was based on the pool location and that the size of the carriage house was based on their needs. He also, stated that it was much smaller than many of the carriage houses in the neighborhood. If the carriage house was moved anywhere else it would obstruct the view of the pool from the house. The owners did not want that nor would it be beneficial or aesthetically pleasing on the property.

Ms. Knight asked about drainage issues.

Mr. Magnanini explained that pumps were already installed throughout his property to address and prevent any drainage issues. He will address any more issues if or when they arise. He felt drainage concerns were met.

Closed to the Board.

Open to the public for questions and concerns. None.

Open to the Board for discussion.

Chairman Masciale stated that he was in favor of the application. He stated that every application is treated individually. This carriage house had no negative impact on the neighborhood and it is consistent with the surrounding houses. It is even shorter than some of the others. He felt that this property could support this size carriage house.

Mr. Cohen stated that he too was in favor of the application after hearing the applicant's testimony as they clarified the size concerns and showed existing carriage houses in the surrounding neighborhood. This carriage house fits in with the property size and neighborhood.

Mr. Fusaro expressed his coverage concerns. He also stated that he would like to have seen the carriage house further away from the property line; 10 ft instead of the proposed 5 ft however, he understood the reason for the location after explanation. He also, stated that he would like 2 conditions to be placed on this application: (1) that there would be no heating or cooling system and (2) the space would not be unhabitable.

Mr. Sontz stated that he was moved by the applicant's testimony and agreed with Mr. Fusaro's 2 conditions. He wanted those conditions placed on this application.

Chairman Masciale asked for a motion to approve this application. Mr. Fusaro made a motion to approve this application with 2 conditions: (1) that no heating or cooling be installed and (2) that the attic/storage space not be unhabitable, seconded by Mr. Sontz.

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

Application approved with conditions.

The Board took a 15-minute break.
Ms. Bonacci left the meeting.

NEW APPEALS:

Julia Sharma, 12 Mohawk Trail

8/3/2021

Applicant is seeking approval to construct 2 first-floor additions and a second story to add bedrooms contrary to the following sections of the Westfield Land Use Ordinance: Section 11.08.E.7 which requires a minimum rear yard setback of 35 feet. Proposed is 30.75 feet; Section 11.08.E.14 which requires a garage to be setback a minimum of 2 feet from the main façade. Garage is proposed to be located 6.25 feet in front of the main façade; Section 12.04.E.1 which allows a maximum FAR of 30%. Proposed is 33.24%. **Application deemed completed September 10, 2021. 120-day decision date is January 8, 2022.**

Chairman Masciale swore in Mr. & Mrs. Sharma. Mrs. Sharma explained that they purchased

this house 14 years ago and now have 4 children. They do not wish to leave the neighborhood but need to renovate their home to accommodate a family of 6. They are proposing 2 first- floor additions as well as a second- story addition. The first-floor addition will allow the kitchen to be enlarged. They also want to expand their garage area. The second-floor addition will be to move and add bedrooms for their family. The shape of their property does not allow them the proper setbacks for this addition therefore, they are requesting variance relief.

Open to the Board for questions for Mr. & Mrs. Sharma.

Mr. Cohen asked if this would be considered new construction as they are moving so many walls throughout the existing house.

Ms. Knight confirmed this application is not considered new construction.

Mr. Fusaro stated that the proposed room sizes were very large. He asked if they considered making any of the rooms smaller.

Mrs. Sharma stated that the room sizes were determined by the space of the addition; there was no way to decrease the room sizes based on the plan. They are increasing the footprint of the house by building up. This will allow their family the space needed. They are utilizing the space given by the addition of the second floor.

Ms. Hroblak asked to view the property survey.

Closed to the Board.

Open to the public.

Mr. Offerman, neighbor at 17 Mohawk Trail, was sworn in by Chairman Masciale. He stated that he was in support of this addition and that these neighbors were great and he didn't want to lose them as a neighbor. They needed more space as they now have a family of 6.

Chairman Masciale asked Mr. Offerman if he was concerned about any street obstructions. He had no concerns.

Mr. and Mrs. Gerckens, neighbors at 10 Mohawk Trail, were sworn in by Chairman Masciale. Mrs. Gerckens stated that this addition was a great plan and they were both in support of this application. They had no concerns and the addition would add to the neighborhood.

Closed to the public.

Open to the Board for questions of Mr. & Mrs. Sharma.

Ms. Hroblak asked about water issues on their property especially based on the recent storm of Ida. They stated that their house had no issues.

Chairman Masciale stated that a hardship does clearly exist on this property due to its unique property size and house structure. The family is in need of the addition.

Mr. Fusaro stated that the room sizes are oversized but he understood the reason based on the addition plans.

Chairman Masciale and Mr. Fusaro discussed the nature of the garage and the curve of the driveway. This new change will make the obstruction less severe and will also look better. Mr. Fusaro stated that he was in favor of this application. Mr. Cohen agreed.

Ms. Pavlon stated that she lived close by and felt that this addition would fit into the neighborhood very nicely. She was in support of this application.

Chairman Masciale asked for a motion to be made to approve this application. Mr. Fusaro made the motion, seconded by Ms. Hroblak.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Michael Cohen, Matt Sontz,
Allison Hroblak, Charles Gelinas

OPPOSED: None

ABSTAINED: None

ABSENT: Carla Bonacci, Samuel Reisen

Application approved.

There being no further business, a motion was made by Mr. Fusaro to adjourn the meeting, seconded by Ms. Pavlon. All in favor. The meeting adjourned at 10:21 pm.

Respectfully submitted,
Kristine Burd
Board Secretary