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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
: :
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TRANSCRIPT OF PROCEEDINGS
Monday, April 11, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

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B E F O R E:

FRANK FUSARO, CHAIRMAN

CHRIS MASCIALE, VICE-CHAIRMAN

ELDY PAVON, MEMBER

MATT SONTZ, MEMBER

CAROL MOLNAR, MEMBER

DON SAMMET, ZONING OFFICIAL/PLANNER

A P P E A R A N C E S:

WELLS, JAWORSKI & LIEBMAN, LLP
BY: KATHRYN J. RAZIN, ESQ.
Attorney for the BOARD

HEHL & HEHL
BY: STEPHEN HEHL, ESQ.
Attorney for the APPLICANT BEE KIND
PEDIATRICS, LLC; and, GANGAVARAM

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P R O C E E D I N G S
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CHAIRMAN FUSARO: Good evening. Can everyone please rise for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Good evening. This is a regular meeting of the Board of Adjustment of the Town of Westfield at which formal action may be taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board of the town hall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the town clerk in the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act.

Katherine Razin, our Board attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

MS. RAZIN: Good evening. The Zoning Board of Adjustment has jurisdiction to

1 hear D-type variances including D1 use variances
2 through D6 height-type variance requests as well
3 as C1 and C2-type variances. Typically, the
4 Zoning Board does not hear a site plan review
5 unless in conjunction with variance requests. The
6 Board also can hear appeals of the Zoning Officer
7 under Section 70A, and requests for
8 interpretations under Section 70B.

9 CHAIRMAN FUSARO: Thank you, Katie.
10 Mr. Sammet, would you please call the roll.

11 MR. SAMMET: Certainly. Mr. Cohen
12 is absent. Chairman Fusaro.

13 CHAIRMAN FUSARO: Here.

14 MR. SAMMET: Ms. Hroblak is absent.
15 Vice-chair Masciale.

16 MR. MASCIALE: Here.

17 MR. SAMMET: Ms. Molnar.

18 MS. MOLNAR: Here.

19 MR. SAMMET: Ms. Pavon.

20 MS. PAVON: Here.

21 MR. SAMMET: Mr. Sontz.

22 MR. SONTZ: Here.

23 MR. SAMMET: Mr. Gelinas is absent,
24 and Mr. Reisen is absent.

25 CHAIRMAN FUSARO: Thank you. Has

1 everyone had a chance to review our minutes from
2 our meeting of March 14?

3 MR. MASCIALE: Yes.

4 CHAIRMAN FUSARO: Any changes? I
5 see none. Can I have a motion to approve the
6 minutes?

7 MS. MOLNAR: So moved.

8 CHAIRMAN FUSARO: Second?

9 MR. MASCIALE: Second.

10 CHAIRMAN FUSARO: The minutes are
11 approved. We have the memorialization of the
12 resolutions from our March meeting. Let's see
13 here. The first resolution is the resolution of
14 800 Hillside Avenue, Christopher and
15 Natalie Licini, Block 505, and Lot 5. Has
16 everyone had a chance to review the resolution?
17 Any comments? Seeing none. Mr. Sammet, please
18 call the roll.

19 MR. SAMMET: Do we have a motion to
20 adopt?

21 MS. MOLNAR: So moved.

22 MR. SAMMET: Motion by Ms. Molnar.
23 Is there a second?

24 MS. PAVON: Second.

25 MR. SAMMET: Second by Ms. Pavon.

1 And Chair Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MR. SAMMET: Vice-chair Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MR. SAMMET: Ms. Pavon.

8 MS. PAVON: Yes.

9 MR. SAMMET: Mr. Sontz.

10 MR. SONTZ: Yes.

11 MR. SAMMET: And that's it.

12 CHAIRMAN FUSARO: Thank you. Our
13 second resolution is Stan and Jessica Kopec,
14 119 South Scotch Plains Avenue, Block 2819,
15 Lot 10. Has everyone had a chance to review the
16 resolution?

17 MR. MASCIALE: Yes.

18 CHAIRMAN FUSARO: Any changes?

19 Seeing none. May I have a motion?

20 MR. MASCIALE: So moved.

21 MS. MOLNAR: Second.

22 CHAIRMAN FUSARO: Seconded by

23 Ms. Molnar. Mr. Sammet.

24 MR. SAMMET: Chair Fusaro.

25 CHAIRMAN FUSARO: Yes.

1 MR. SAMMET: Vice-chair Masciale.
2 MR. MASCIALE: Yes.
3 MR. SAMMET: Ms. Molnar.
4 MS. MOLNAR: Yes.
5 MR. SAMMET: Ms. Pavon.
6 MS. PAVON: Yes.
7 MR. SAMMET: Mr. Sontz.
8 MR. SONTZ: Yes.
9 CHAIRMAN FUSARO: Thank you. Our
10 next resolution is Christopher Johnson 245 Charles
11 Street, Block 2502, Lot 1.01. Has everyone had a
12 chance to review the resolution?
13 MR. MASCIALE: Yes.
14 CHAIRMAN FUSARO: Any changes?
15 Seeing none. May I have a motion?
16 MR. MASCIALE: So moved.
17 MS. MOLNAR: Second.
18 CHAIRMAN FUSARO: Mr. Masciale,
19 seconded by Ms. Molnar.
20 MR. SAMMET: Chairman Fusaro.
21 CHAIRMAN FUSARO: Yes.
22 MR. SAMMET: Vice-chair Masciale.
23 MR. MASCIALE: Yes.
24 MR. SAMMET: Ms. Molnar.
25 MS. MOLNAR: Yes.

1 MR. SAMMET: Ms. Pavon.

2 MS. PAVON: Yes.

3 MR. SAMMET: And Mr. Sontz.

4 MR. SONTZ: Yes.

5 CHAIRMAN FUSARO: Thank you,
6 Mr. Sammet. Our next resolution is
7 Giuseppe DiPietro and Lena Ferraro 300 Roanoke
8 Road, Block 406, Lot 33. Has everyone had a
9 chance to review the resolution?

10 MR. MASCIALE: Yes.

11 MS. RAZIN: There were three typos
12 that I was made aware of today, and I've corrected
13 them already.

14 CHAIRMAN FUSARO: Thank you. Do I
15 have a motion to approve the resolution?

16 MS. MOLNAR: So moved.

17 MR. MASCIALE: Second.

18 CHAIRMAN FUSARO: Ms. Molnar,
19 seconded by Mr. Masciale. Mr. Sammet.

20 MR. SAMMET: Chair Fusaro.

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Vice-chair Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. SAMMET: Ms. Pavon.

2 MS. PAVON: Yes.

3 MR. SAMMET: And Mr. Sontz.

4 MR. SONTZ: Yes.

5 CHAIRMAN FUSARO: I have two other
6 resolutions this evening. Both are for our board
7 attorney, Katherine Razin of WELLS, JAWORSKI &
8 LIEBMAN. One for ordinary services to be provided
9 for the Board, and the second for extraordinary
10 services. Has everyone had a chance to review the
11 resolutions?

12 MR. MASCIALE: Yes.

13 CHAIRMAN FUSARO: Any comments?
14 Seeing none. May have a motion?

15 MR. MASCIALE: So moved.

16 MS. MOLNAR: Second.

17 CHAIRMAN FUSARO: Mr. Masciale,
18 seconded by Ms. Molnar.

19 MR. SAMMET: This is for both
20 resolutions?

21 CHAIRMAN FUSARO: Yes.

22 MR. SAMMET: Okay. Masciale, second
23 by Ms. Molnar. And the roll. Chair Fusaro.

24 CHAIRMAN FUSARO: Yes.

25 MR. SAMMET: Vice-chair Masciale.

1 MR. MASCIALE: Yes.

2 MR. SAMMET: Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MR. SAMMET: Ms. Pavon.

5 MS. PAVON: Yes.

6 MR. SAMMET: And Mr. Sontz.

7 MR. SONTZ: Yes.

8 CHAIRMAN FUSARO: Thank you,

9 Mr. Sammet. There're no applications this evening
10 that are being withdrawn. However, we have two
11 applications that are being carried. The first
12 one is Application Number 21-74, 4 Tamaques way,
13 Tom Bartolucci. That will be carried to our
14 May 9th meeting without further notice. And the
15 second application that's being carried is one
16 that we started at the last meeting, Application
17 Number 21-084, 437 Hillside Avenue,
18 Mr. Michael King. That will also be heard at our
19 May 9th meeting without further notice. I believe
20 that does it this evening for our regular
21 business.

22 Our first application this evening
23 is Application Number 21-068, Laura Stankiewicz,
24 920 Cranford Avenue. Applicant is seeking
25 approval to replace the existing front covered

1 stoop with a portico and add three decorative
2 peaks to the roof contrary to the following
3 sections of the Westfield Land Use Ordinance:
4 Section 12.03C, D & E where minimum front-yard
5 setback permitted is 33.02-feet and proposed is
6 26-feet-6-inches.

7 Mr. Bailey, good evening. How are
8 you? I know you've testified before the Board
9 this year so we'll continue to accept your
10 testimony as an expert in the field of
11 architecture. Ma'am.

12 MS. STANKIEWICZ: Yes.

13 CHAIRMAN FUSARO: Please state your
14 name and address for the record.

15 MS. RAZIN: Can Mr. Bailey just
16 state his name for the record?

17 CHAIRMAN FUSARO: I'm sorry.
18 Mr. Bailey, go ahead.

19 MS. RAZIN: Thank you so much.

20 MR. BAILEY: David Bailey Architect.
21 My office address is 225 Lenox Avenue, Westfield.

22 MR. MASCIALE: Do you want to swear
23 him in?

24 CHAIRMAN FUSARO: Yeah. Please
25 raise your right hand.

1 DAVID BAILEY, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN FUSARO: Thank you. Ma'am.

4 MS. STANKIEWICZ: Laura Stankiewicz,
5 920 Cranford Avenue.

6 CHAIRMAN FUSARO: Thank you so much.
7 Please raise your right hand.

8 LAURA STANKIEWICZ, having been duly
9 sworn, was examined and testified as follows:

10 CHAIRMAN FUSARO: Please proceed.
11 Tell us about your application.

12 MS. STANKIEWICZ: We just want to --
13 our house needs an exterior refresh. And we'd
14 like to improve the curb appeal, so decorative
15 peaks would add some dimension to the house and
16 interest. And then the slightly larger portico
17 would make it more functional and also just
18 balance the proportions of the house. That's it.

19 CHAIRMAN FUSARO: Thank you.
20 Mr. Bailey.

21 MR. BAILEY: I'll walk the Board
22 through the drawings. If you start with Sheet
23 EX-1, the existing elevations. Drawing 1 on EX-1,
24 that's the existing front elevation. Like
25 Ms. Stankiewicz stated, there's an existing front

1 stoop there; it's covered. And you can see the
2 existing front elevation is kind of boxy and
3 plain. The existing garage doors are kind of
4 dated also. So on the existing floor plans EX-2,
5 you can see on Drawing 2 of EX-2 the existing
6 first-floor plan. You can see the half-circle
7 stoop coming off the front, and it extends towards
8 the street 4-foot-9. So it's 4-foot-9 deep by
9 about 10-foot wide. So that's the existing
10 conditions. And on the last sheet, PH-1, existing
11 photographs, you can see the bottom left-hand
12 photograph shows the existing rounded portico with
13 the roof over it and the masonry steps. You can
14 see the second floor is pretty plain looking. The
15 roof is plain looking. And the upper left-hand
16 corner the garage doors are dated-looking. And
17 the upper right-hand corner is another view of the
18 front of the house. And you can see looking to
19 the left, there's a lot of landscaping along the
20 street Cranford Avenue. And the bottom right-hand
21 corner shows the existing east-side elevation.
22 Again, you can see some landscaping there.

23 If you look at Sheet A-2 -- if you
24 look back at Sheet EX-1, the tax map. So the
25 existing property is colored in magenta there. So

1 Cranford Avenue, when it gets to the 920 Cranford
2 Avenue property it starts to curve, and it curves
3 quite a bit and turns around the corner going
4 towards Cranford. So the street frontage along
5 that street when you get to 920 Cranford Avenue,
6 it's no longer a straight line. It starts to veer
7 and curve quite a bit to go around the corner. So
8 this front porch addition is not interrupting a
9 straight street frontage along the straight
10 street. Where it hits this property, it starts to
11 curve, you can see on the tax map. If you go to
12 the first Sheet A-1, the proposed elevations,
13 Drawing 1 on A-1 shows the proposed front
14 elevation. So we're proposing replacing the
15 rounded portico with the rectangular one. You can
16 see the elevation here (indicating) it's 13-feet
17 wide and projects from the first floor 4-foot-9
18 towards the street. So it projects the same
19 distance to the street as the existing portico
20 we're demolishing.

21 The upper floors; the second floor
22 cantilevers out a little bit towards the street.
23 And we're proposing on the elevation of the second
24 floor putting a nice trim and shutters around the
25 windows and the two decorative peaks you see on

1 the roof there to decorate the facade. And then
2 we're putting also a decorative peak over the
3 attached garage. Replace the garage doors with
4 nice-looking doors and putting a little trellis
5 there to decorate it. We're proposing adding a
6 little canopy roof. You can see on 1 of A-1.
7 That breaks up the first floor and second floor.
8 And the proposed roofs of the portico and that
9 canopy will be metal.

10 On the proposed floor plans A-2,
11 Drawing 2 on A-2 shows the proposed portico coming
12 out 4-foot-9 towards the street by 13-feet wide.
13 And the upper plan, Number 3 on A-2 shows the roof
14 of the new portico and the little canopy roof
15 along the second floor and shows the decorative
16 peak over the garage on the right there. So going
17 to SP-1, the site plans, Drawing 1 of SP-1 shows
18 the existing site plan. You can see that existing
19 covered stoop, the half-circle one that projects
20 4-foot-9 towards the street. So it's
21 26-and-a-half-feet from the front property line to
22 the edge of it. And on Drawing 2 on SP-1, the new
23 portico comes up the same depth. It's also
24 26-feet-6-inches. The square footage to this
25 portico is 62-square feet. So it's not a large

1 porch. Again, it only comes out 4-foot-9 towards
2 the street.

3 And we're okay with building
4 coverage. There's no change to FAR; we're okay
5 with that also. Improvement coverage; we're more
6 than conforming with that. And all coverages
7 together, a maximum 24% we're under that too. So
8 the only variance we're requesting is for the
9 front-yard setback, which, as you can see on the
10 site plans, runs across the front of the existing
11 house. We're not changing the driveways or the
12 walkways.

13 CHAIRMAN FUSARO: Thank you,
14 Mr. Bailey. I have just a couple of quick
15 questions. On your Sheet A-2, 3 of A-2, proposed
16 second-floor plan, I see the portico that you're
17 talking about is encroaching the front-yard
18 setback. On either side of that, you're building
19 what appears to be like an eyebrow. Is that
20 eyebrow also encroaching the front-yard setback?

21 MR. BAILEY: Yes. That canopy roof
22 -- if you look at the side elevations -- is
23 projecting towards the street. And on the
24 proposed elevations, I put the front-yard setback
25 in the blue dashed line. You see that little

1 canopy roof is extending into that setback, but
2 it's extending only 30-inches from the second
3 floor to break up the wall between the first and
4 the second floor to make it more decorative. It's
5 projecting 30-inches towards the street. It is
6 projecting into the front-yard setback.

7 CHAIRMAN FUSARO: And on the A-1,
8 the two windows that are going to be added to the
9 front of the house there, the typical dormer type,
10 they are -- there's no third floor to the home,
11 but is there a vaulted ceiling up on the upper
12 floor? Are those windows just decorative, they
13 won't be accessible?

14 MR. BAILEY: Right. On A-2, the top
15 plan, the proposed second-floor plan, we're not
16 making any changes to the second floor. Those are
17 just decorative stuck-on peaks. So it's just
18 decorative windows. It's not cutting into the
19 attic to increase the attic size. It's purely for
20 decoration. So it's not affecting the second
21 floor. And it's not really a walk-up attic, it's
22 a pull-down stair to it. So it's not a very high
23 ceiling in that attic. It's not living space,
24 it's a pull-down storage attic. And those peaks
25 are just stuck on over framed.

1 CHAIRMAN FUSARO: Yeah. I didn't
2 see any attic plan, that's why I didn't know where
3 those windows were going.

4 MR. BAILEY: It's not a walk-up
5 attic. It's purely decorative. Same with the one
6 over the garage.

7 CHAIRMAN FUSARO: Thank you. Any
8 Board members have any questions? Yes, Ms. Molar.

9 MS. MOLNAR: Do you know when this
10 home was built? It looks rather new.

11 MS. STANKIEWICZ: 1976, I believe.

12 MS. MOLNAR: 1976. I'm curious if
13 there is a preexisting variance. The left-side
14 wall is almost 30-feet, and the statute only
15 allows 25. Would that be part of when the house
16 was built, the building department would have
17 reviewed the plans?

18 MR. BAILEY: You're talking about
19 the sidewall massing?

20 MS. MOLNAR: Yes. Yes.

21 MR. BAILEY: That zoning code came
22 into effect in 2009.

23 MS. MOLNAR: 2009 was what?

24 MR. BAILEY: 2009 was when the code
25 for sidewall massing took effect in Westfield.

1 And this house was built --

2 MS. MOLNAR: So this 25-foot massing
3 went into effect in 2009 is what you're saying?

4 MR. BAILEY: Right. It took effect
5 in 2009 and this house was before that.

6 MS. MOLNAR: Okay. Now, you
7 mentioned that the portico is going to have a
8 metal roof, but the rest of the house is shingled,
9 correct, based on the pictures?

10 MR. BAILEY: Right.

11 MS. MOLNAR: Is there any other
12 roofing material available other than a metal
13 roof?

14 MR. BAILEY: A metal roof is much
15 more desirable; more attractive. Yes, you could
16 put asphalt shingles there but the homeowner like
17 it, it's more decorative. That's very common to
18 do to portico as an accent in metal. I do it all
19 the time. It's an accent. It's actually an
20 improvement. It's a luxury.

21 MS. MOLNAR: It seems very modern
22 for a home that's a center-hall colonial.

23 MR. BAILEY: It's more a farmhouse
24 style.

25 MS. MOLNAR: Pardon me?

1 MR. BAILEY: Metal roofs are not
2 modern. This is more a farmhouse style. And then
3 with all the other trim with the shutters and the
4 trim and the trellis and the traditional garage
5 doors and then the portico with classical railings
6 and columns; there's nothing modern about this
7 house. And metal roofs go back hundreds of years.

8 MS. MOLNAR: Now, the roof is going
9 to stay as-is; correct? You're not changing the
10 roofline at all to accommodate these decorative
11 peaks? You're just adding and placing them on top
12 of the roof.

13 MR. BAILEY: Right. We're not
14 reframing the existing roofs, just over framed.

15 MS. MOLNAR: Based on the pictures
16 here, you don't think these peaks would be too --
17 are they called peaks, yeah -- too bulky for the
18 house having three of them; two and one over the
19 garage?

20 MR. BAILEY: No. They're not in the
21 same plain. One is a whole story lower.

22 MS. MOLNAR: And what was the reason
23 for doing these peaks?

24 MR. BAILEY: Decoration.

25 MS. STANKIEWICZ: The house is

1 pretty flat looking.

2 MR. BAILEY: I do decorative pieces
3 for projects all the time.

4 MS. MOLNAR: To break up the line.

5 MS. STANKIEWICZ: It just adds some
6 interest and dimension to the house.

7 MR. BAILEY: It actually makes it
8 more traditional. A more modern house would not
9 have those.

10 MS. MOLNAR: I see. Okay. Thank
11 you.

12 CHAIRMAN FUSARO: Any other Board
13 members have any questions or comments for the
14 Applicant or Mr. Bailey? No. Anyone from the
15 public would like to address either the
16 architect's testimony or have any questions for
17 the Applicant at this time? Seeing none, we'll
18 close that portion. And Mr. Bailey, is there
19 anything else you'd like to add before we go into
20 Board discussion?

21 MR. BAILEY: No, I'm good.

22 CHAIRMAN FUSARO: Thank you. As we
23 see from what's before us here, they're basically
24 adding a portico to the existing front stoop of
25 the home already. If we were to look in favor of

1 this application, I would suggest that one
2 condition be that the portico remains open on
3 three sides; which is usually what we attach as a
4 condition to these types of applications. I was a
5 little concerned about that additional metal roof
6 on either side of the portico, which I had
7 mentioned to Mr. Bailey earlier. However, it
8 certainly does add character to the home, and I
9 would agree with you that it's a little flat right
10 now. So I kind of understand that. The lot is
11 undersized where 120-feet is required and this lot
12 only has a 100-foot depth. So we can grant the
13 variance under a C1 hardship. I don't really see
14 any other obstacles or any changes that, you know.

15 MR. MASCIALE: I agree, Frank. I
16 think I was worried about the massing. You're
17 making the portico bigger and when you always come
18 forward, it's that never-ending bringing the
19 streetscape closer and cutting down the distance.
20 But in this case, it's going to remain open. I
21 think it's going to make the house look a lot
22 better, more modern. I think it's going to dress
23 it up really nice. And as long as it remains
24 open, I'm in favor of the application.

25 CHAIRMAN FUSARO: Thank you. Anyone

1 else from the Board have any comments? No. May I
2 have a motion?

3 MR. MASCIALE: I'll make a motion to
4 accept the application with the condition that the
5 porch remains open.

6 MS. PAVON: I second.

7 CHAIRMAN FUSARO: Mr. Sammet.

8 MR. SAMMET: Roll call.

9 Chair Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Vice-chair Masciale.

12 MR. MASCIALE: Yes.

13 MR. SAMMET: Ms. Molnar.

14 MS. MOLNAR: Yes.

15 MR. SAMMET: Ms. Pavon.

16 MS. PAVON: Yes.

17 MR. SAMMET: Mr. Sontz.

18 MR. SONTZ: Yes.

19 MS. RAZIN: Can we just say who made
20 the motions?

21 CHAIRMAN FUSARO: The motion was
22 made by Chris, seconded by Ms. Pavon.

23 MS. RAZIN: I appreciate it. Thank
24 you.

25 CHAIRMAN FUSARO: Thank you so much.

1 Your application is approved. Good luck with your
2 project.

3 Our next application is Application
4 Number 21-082, Ed Laczynski, 855(sic) Highland
5 Avenue. Applicant is seeking approval to
6 construct a second-floor addition for bedrooms
7 contrary to the following sections of the
8 Westfield Land Use Ordinance: Section 11.04.E.5
9 where existing building does not meet setback;
10 seeking to build over existing and propose new
11 front porch. Permitted is 68.86-feet and proposed
12 is 35-foot-3-inches; Section 11.04.E.7 existing
13 building does not meet setback; seeking to build
14 over existing structure. Permitted is 50-feet and
15 proposed is no change. Good evening.

16 MR. LACZYNSKI: Hi there, members of
17 the Board -- sorry.

18 CHAIRMAN FUSARO: Please raise your
19 right hand and state your name and address for the
20 record.

21 MR. LACZYNSKI: Hi. Ed Laczynski,
22 857 Highland Avenue.

23 EDWARD LACZYNSKI, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: Sir.

1 MR. BAIIO: I'm the architect.
2 Thomas Baio, B-a-i-o, 343 Millburn Avenue,
3 Millburn, New Jersey.

4 THOMAS BAIIO, having been duly sworn,
5 was examined and testified as follows:

6 CHAIRMAN FUSARO: Thank you. Could
7 you give -- I don't believe we've seen you before
8 the Board this year -- could you give us a little
9 bit of history about your credentials and so on.

10 MR. BAIIO: Absolutely. Thomas Baio,
11 I'm licensed in the State of New Jersey for 31
12 years. I've had a practice of architecture
13 continually for the entirety of the 31 years.
14 I've testified before over 100 municipalities
15 throughout the state over that period of time;
16 including Westfield. And I remain in good
17 standing with the State Board of Architects.

18 CHAIRMAN FUSARO: Thank you so much.
19 Does anyone have any comments regarding Mr. Baio's
20 credentials? No. We'll continue to accept your
21 testimony as an expert in the field of
22 architecture. Please proceed.

23 MR. LACZYNSKI: Thank you so much.
24 My name is Ed Laczynski. I live at 857 Highland
25 with my wife Kathleen and our three boys. She

1 couldn't be here today. We had spring break
2 plans. I know everyone is really excited to be
3 back here in person, so I'm glad that we're here
4 for the first in-person meeting. We've lived here
5 for 18 years in Westfield. For the last 10, we've
6 lived on Highland Avenue in our current home
7 raising our three boys. We've been active members
8 in the community coaching in sports, getting
9 involved in initiatives, and a helping hand
10 whenever we can -- lending a helping hand.

11 As you know, children get bigger.
12 You keep feeding them, they get bigger no matter
13 what you do. Our three boys are now in 10th, 8th,
14 and 5th grade and fill our house with joy, but
15 also we're bursting at the seams. We only have
16 three bedrooms in our home. I believe we're only
17 one of the only three-bedroom homes in the entire
18 neighborhood of The Gardens, where our house is
19 located. Two of our sons share a bedroom, and our
20 other son uses a smaller bedroom and has to make
21 use of the only first-floor guest bathroom we
22 have. And you can imagine what that's like after
23 a few hurried mornings before school.

24 The Covid-19 pandemic has also
25 shrunk our house. Like many of the community, I'm

1 not working fully remote with no plans to return
2 to an in-office scenario. My wife who has worked
3 in the school system here for many years is also
4 now volunteering for various organizations and
5 needs space for her work as well. So we're
6 working out of my dining room. Kathleen works on
7 the kitchen table, and we just don't have the
8 room. As a result of the lot shape we have and we
9 have a clear hardship I think to overcome to
10 provide a suitable home for our growing family.
11 We need more bedrooms. We need home office areas.
12 Our home also needs many repairs including the
13 siding and the roof. And it just wouldn't make a
14 lot of sense to invest in this home without making
15 the changes that we've proposed.

16 We love our neighborhood; we don't
17 want to move. And even if we wanted to, there's
18 literally no housing stock available in town that
19 would provide us with the space that we need. And
20 even if there were suitable alternatives that were
21 economically viable for us, the liquid outcome of
22 selling a home of this smaller size and condition
23 in a premier street with larger stately homes
24 would likely be a knockdown situation, and we
25 don't think that they would have the same care for

1 the character of the community that we do.

2 Speaking of that character; when we
3 moved onto Highland Avenue we were very charmed by
4 the beautiful homes and our neighborhood. The
5 family-friendly street layout, the walkable feel.
6 We knew this would be our forever street. There
7 are many grand homes on Highland Avenue. Some of
8 them have names like Humdinger Hill, which is
9 right up the street from us. It's pretty cool.
10 So the plan that we're proposing, I think adds
11 substantial character and value to this
12 neighborhood.

13 Our current home is one-and-a-half
14 stories and barely a half story. Our master
15 bedroom is really like a converted attic from
16 prior to us purchasing it. It's probably one of
17 the only one-and-a-half story homes on the street.
18 We're staying within the height guidelines of the
19 current zoning. We want to add a beautiful porch.
20 I've counted around 18 homes that line Highland
21 Avenue with front-facing porches that line
22 Highland Avenue. It respects our neighbors; all
23 our rear neighbors are set up very high up the
24 hill on Hillside Avenue with generous rear yards
25 that are above 30-feet vertically above our home.

1 And our side neighbors are far away from any
2 proposed alterations. In fact, we only have one
3 side neighbor on Highland Avenue. So I think our
4 plan brings Highland to the standards -- 857
5 Highland to the standards of the neighborhood,
6 substantially as a public good. And we appreciate
7 your consideration. I'd like to defer to Tom Baio
8 my architect who would like to speak in more
9 detail.

10 CHAIRMAN FUSARO: Thank you.

11 MR. BAIIO: Well, with that as a
12 presentation, there's not much more I can add.
13 I'll speak to the semantics of why we're here.
14 I'm pointing to an exhibit -- do you want me to
15 enter it? It's really the architectural drawings
16 that are before you.

17 CHAIRMAN FUSARO: If it's in the
18 plans that we have in front of us you do not need
19 to enter as an exhibit. If it's something new,
20 you will have to.

21 MR. BAIIO: I did add two highlighter
22 lines to the survey; a yellow and a pink. The
23 pink --

24 MS. RAZIN: If you marked it up,
25 let's just mark that. Mark your board.

1 MR. BAIIO: Certainly.

2 MS. RAZIN: Tell me what you would
3 like to call it. Okay?

4 MR. BAIIO: I'm going to call this
5 Exhibit A-1. It's represented as Drawing C-1. So
6 it's Exhibit A-1 --

7 MS. RAZIN: C-1, and do you want to
8 say "marked up?" Or do you want colorized -- not
9 colorized -- do you want to say "marked?"

10 MR. BAIIO: Yes.

11 (Whereupon, Applicant's Exhibit A-1,
12 Drawing C1 - Marked, was marked for
13 identification.)

14 MR. SAMMET: Mr. Baio, if you could
15 just leave that with us and we'll put it into the
16 file for you.

17 MR. BAIIO: I will, certainly. I'll
18 fold it up.

19 Pointing to the exhibit, it's quite
20 simple. The yellow line depicts the front-yard
21 setback line. That front-yard line was
22 established after a survey of the neighboring
23 properties and the establishment of an average
24 that was accepted by the Zoning Board Secretary.
25 The pink line is the rear setback line that is

1 established by the regulatory ordinance. The two
2 cross over the house to the point where virtually
3 no addition on this house can be built. The
4 expansion over the existing footprint is a very
5 positive neighborhood thing to do. We don't
6 occupy any more ground cover, we don't dispense
7 any additional waters, and quite frankly, it
8 brings the house -- which is a ranch-style home --
9 into this vernacular of a two-story neighborhood.

10 I can get into more details. We're
11 adding, approximately, 800-square feet. One of
12 the big things we're doing is we're moving his
13 master bedroom floor up about 24-inches just to be
14 level with our new second floor because it's a
15 split level.

16 MR. MASCIALE: Can I just interrupt
17 you? Could you just pass the exhibit around? I'd
18 like to see the front-yard setback line that was
19 drawn. It's the same one.

20 MR. BAIIO: It is reflected on the
21 drawing.

22 MS. MOLNAR: It's already on our
23 drawing though. The dotted lines.

24 MR. MASCIALE: Oh, it's the same
25 one.

1 MR. BAIIO: I just put pink and
2 yellow highlighter.

3 MR. MASCIALE: I didn't realize that
4 it was the same existing lines, but that's fine.
5 Thank you.

6 MR. BAIIO: All right. Thank you.

7 We're adding 800-square feet. We're
8 elevating the current master floor 24-inches so
9 that it aligns with our new second floor that sits
10 above the garage.

11 CHAIRMAN FUSARO: Your application
12 mentions that the addition, the second-story
13 addition, will be cantilevered over the existing
14 first story. Could you give us a little
15 clarification on that? Where is it going to be
16 cantilevered? How much larger is it?

17 MR. BAIIO: Certainly. Well,
18 consistent with the 2009 ordinance, any new
19 building walls that you create just you can't run
20 30 consecutive feet of it. So what I have done is
21 I've cantilevered parts of the rear of the home
22 here (indicating) over the garage portion
23 24-inches to break up the segment. And I've also
24 cantilevered on Sheet A3, your Architectural Sheet
25 A3, the wall partially over the garage wall with

1 this beautiful -- I think it pays homage to some
2 of the homes on the street. It's a Tudor style,
3 timbered cantilever. One of the kids is going to
4 benefit from this window seat, but it's a
5 beautiful little window seat. And that is -- if
6 that answers your question, that's why we did it.

7 CHAIRMAN FUSARO: One of the
8 questions I had here. The lot is undersized, as
9 we know. Could the existing structure physically
10 support an addition that would not encompass the
11 entire first floor of the building if you were to
12 -- because we are dealing with significant
13 front-yard and rear-yard setbacks? Is there
14 anything that can be done, in your opinion, where
15 at least along the front knowing that the homes
16 behind this house are higher up -- I'm more
17 concerned about the front-yard setback than rear
18 -- is there anything that can be done to cut down
19 the size of this addition and bring it a little
20 more into conformity with our codes? I mean
21 you're going from a three-bedroom home to a
22 six-bedroom home. The front porch alone is over
23 400-square feet. The master bedroom is the size
24 of most conference rooms. The master bathroom is
25 the size of my conference room. Anyway, so could

1 you elaborate on that a little? Has any thought
2 been given to or can anything be done to move the
3 second-story addition back so it would be in a
4 little more conformance with the front-yard
5 setback?

6 MR. BAIIO: I can speak to that. So
7 predominantly, you want to build walls on top of
8 walls. Structurally, from a water standpoint,
9 from a structural, the house -- to answer the
10 first question; the home cannot support the inside
11 improvement without bearing on some outside walls.
12 I'd have to do some substantial work, and he'd
13 have to move out; that's Number One. Number two;
14 the improvements, well, the second floor, is not
15 really fully built out. We're building it out so
16 that we have a common ridgeline and we're
17 consistent with the architecture of the
18 neighborhood. But about 20% of that second-floor
19 area is attic; the back part. He does need it for
20 storage because the house like this really lacks
21 basement. It has a garage and a first floor, and
22 a part second floor, and it is sort of this
23 split-level game. And I think, quite honestly,
24 the neighborhood could support it, and I'm going
25 to tell you why. The front porch breaks up the

1 volumity(sic), the volume of a pure two-story
2 front. That front porch while extending across
3 the whole thing and sounding quite broad allows a
4 neighborhood engagement, which is a very positive
5 thing that we should all encourage. It's not just
6 for the front stoop, this is a front porch. He's
7 going to put a couple of rocking chairs out there,
8 and he intends to engage the neighborhood as
9 people do a lot more walking post-Covid. So for
10 those reasons, I really want you to look at the
11 application as if it's not such a density as much
12 as it is a pragmatic and a social benefit in
13 general.

14 CHAIRMAN FUSARO: The entire porch
15 without the -- well, including the portico without
16 the addition to the left of the entrance, it's
17 over 50-feet long and 8-feet wide. That's a
18 pretty large porch.

19 MR. BAIIO: The porch pays respect to
20 a bunch of front rooms. If you look at the floor
21 plan, we have French doors that come in off of the
22 rooms all the way to the right -- left if you're
23 looking at the plan -- and to the front door. So
24 we've connected it. And it allows for just a
25 circulation pattern. I mean it could be made

1 smaller, but that's the reason we did it.

2 CHAIRMAN FUSARO: Thank you. Does
3 anyone from the Board have questions? Yes,
4 Ms. Molnar, for the architect.

5 MS. MOLNAR: Currently, you would
6 call this the raised ranch? Is that what it's
7 called?

8 MR. LACZYNSKI: Ranch or
9 ranch-split. It's kind of a unique home. It's
10 built into the side of a hill.

11 MS. MOLNAR: Yeah. There's the
12 first floor and then it goes up to a smaller
13 second floor. Are you demolishing the second
14 floor and going to make a totally new second
15 floor?

16 MR. LACZYNSKI: What is now the
17 master bedroom floor, which is sort of a converted
18 attic from prior to when we bought the home will
19 be removed. The whole top of the house will come
20 off.

21 MS. MOLNAR: So you're creating a
22 whole new second story --

23 MR. LACZYNSKI: Correct.

24 MS. MOLNAR: -- to fill in this
25 whole first floor?

1 MR. LACZYNSKI: Correct.

2 MR. BAIIO: That's right. It's not
3 the least expensive thing to do, but it really is
4 the most practical with the children. It gives
5 them the access to be on one level. Not that the
6 kids roam at 3:00 in the morning into their bed
7 anymore, but having them at the same level is a
8 personal benefit.

9 CHAIRMAN FUSARO: Just to confirm
10 what you had stated in your testimony previously;
11 most of the homes in the neighborhood are
12 two-story, two- to three-story?

13 MR. BAIIO: One hundred percent.
14 It's a beautiful neighborhood. If you've not
15 driven Highland, they're much more stately. This
16 was a 1951 split ranch. Certainly, I respect the
17 era and the vintage. I think it's probably not
18 been added onto or changed ever. And this is the
19 first iteration of an improvement on it. But it's
20 probably because you could never do work on it.
21 The subdivision clearly was preexisting to the
22 ordinances because the house can't be there. The
23 front and rear yard lines cross. I mean if
24 anything on the Zoning Board of Adjustments was --
25 if anything is more pure; a C1? I've never had

1 one. In 31 years, I've never seen the front lot
2 line cross the rear lot line setback. So it's a
3 unique one for me.

4 CHAIRMAN FUSARO: We understand.
5 That's why the depth at 160-feet where you have
6 53-feet, I mean it's nowhere near being in
7 compliance. That's why I had mentioned, I had
8 requested if any consideration had been given to
9 reducing a) either the size of the second-floor
10 addition, cutting it back a little; or, b)
11 certainly possibly cutting down the porch
12 somewhat. Any other Board members have questions?

13 MS. MOLNAR: I'm sorry. One more
14 question. The second floor is being cantilevered
15 over the first story -- did you ask this question
16 already?

17 MR. BAIIO: It's okay. I'll explain
18 it.

19 MS. MOLNAR: Can you build the
20 second floor without cantilevering it over the
21 first one?

22 MR. BAIIO: No.

23 MS. MOLNAR: That's right, you said
24 it's load-bearing.

25 MR. BAIIO: I have to do something

1 with the --

2 MS. MOLNAR: That's right. You did
3 answer it.

4 MR. BAIIO: I have the building wall
5 issue where we're trying to -- it's a very good
6 Westfield ordinance. I actually think it helps
7 shape the building, and it produces this wonderful
8 cantilever, which we're holding up --

9 (Audio interference.)

10 CHAIRMAN FUSARO: It's a woodpecker.

11 (Laughter.)

12 MR. BAIIO: Mentally, when I talk too
13 much, that's what I hear. So for those reasons.

14 CHAIRMAN FUSARO: Thank you.

15 MS. MOLNAR: Is it cantilevered in
16 the rear as well? I forgot to look.

17 MR. BAIIO: Just along the -- yes.
18 If you look at the back elevation, you'll see
19 along the right side over the garage portion there
20 is an overhang of 24-inches. Also, the house is
21 quite narrow. So it's interesting, Chairman, that
22 you brought -- you know if you bring that front
23 in. The rooms are generous and he's earned it, he
24 wants to do it. But again, that house is not very
25 deep, so at 30-feet, it's okay. But that

1 cantilevered does also heap.

2 CHAIRMAN FUSARO: Yeah, the width of
3 the existing home is just under 30-feet. You add
4 a 2-foot cantilever in the front. A 2-foot
5 cantilever in the back.

6 MR. BAIIO: Oh, no. There's no
7 cantilever in the front.

8 CHAIRMAN FUSARO: It says new 2-foot
9 overhang above the garage.

10 MR. LACZYNSKI: Right. Over the
11 whole garage portion. Yeah.

12 MR. BAIIO: Over the garage portion.
13 That's right. We did do that, yes.

14 MR. LACZYNSKI: Otherwise, the room
15 sizes won't make sense --

16 CHAIRMAN FUSARO: On one side? Only
17 on one side.

18 MR. LACZYNSKI: Yes. Yes.

19 CHAIRMAN FUSARO: Any other Board
20 members.

21 MR. MASCIALE: Yeah. I just had a
22 lot of questions about the attic space and what
23 you're doing there, and I understand you're
24 building it all out. I was just wondering you
25 know it's very easy to convert that to living

1 space and you know; the intention is to keep that
2 as storage.

3 MR. LACZYNSKI: Absolutely. So,
4 today, that second floor that we have where the
5 master bedroom is, the half floor, next to that is
6 an attic. That all going to go away, so we'll
7 have no storage. So that will be filled with
8 storage.

9 MR. MASCIALE: And that will be
10 filled with storage?

11 MR. LACZYNSKI: Yes. Absolutely.

12 MR. BAIIO: I think he's asking to
13 the future convertibility. Testify that you have
14 no interest --

15 MR. LACZYNSKI: Yeah. I have no
16 interest in doing that. And also, it comes off
17 our master bedroom closet, it would be a very odd
18 place to put a room or something like that.

19 MR. MASCIALE: Right. I actually
20 live in a 1951 split-level ranch, but not as nice
21 as this. But, yeah, so I understand that and what
22 you're doing there. It makes sense.

23 MR. BAIIO: Thank you.

24 CHAIRMAN FUSARO: Matt or Eldy, any
25 questions? No? Does anyone in the audience wish

1 to address this application or question the
2 architect? Yes, sir. Please come up to the mic.
3 Please state your name and address for the record.

4 MR. BASTA: My name is Mike Basta, I
5 live at 827 Highland Avenue in Westfield.

6 MS. RAZIN: Spell your last name for
7 me.

8 MR. BASTA: B, as in boy, a-s-t-a.

9 CHAIRMAN FUSARO: Please raise your
10 right hand.

11 MICHAEL BASTA, having been duly
12 sworn, was examined and testified as follows:

13 CHAIRMAN FUSARO: Thank you so much.
14 Please proceed.

15 MR. BASTA: Yes. I had an
16 opportunity to meet with both Ed and Kathleen and
17 they shared the details of the plan. My wife and
18 I renovated a home about six years ago. I'm
19 actually from Westfield, and while I understand
20 homeowners have the right to do whatever they like
21 within the ordinances with their home, we're big
22 advocates of anyone in the neighborhood who wishes
23 to renovate their home as opposed to knock it down
24 and build again. And that was our main concern
25 really from an aesthetic standpoint, frankly. And

1 having reviewed the plans with Ed and Kathleen and
2 even getting some color around the different
3 elements that are part of this application, we
4 were just so impressed with the aesthetic aspect
5 of it and what it will do to the neighborhood.
6 And as approximate neighbors, we are big
7 supporters of this application and we hope that
8 the Board will be a supporter of it and approve it
9 as well. Hopefully, more and more neighbors can
10 renovate as opposed to knocking their homes down.

11 CHAIRMAN FUSARO: Thank you. Where
12 is your home located?

13 MR. BASTA: So if you're looking at
14 the Laczynski home, there is one home to the left,
15 and we are the second one. It is a white,
16 center-hall colonial.

17 CHAIRMAN FUSARO: And you don't have
18 any issues with the encroachment into the
19 front-yard setback?

20 MR. BASTA: No. Absolutely not.

21 CHAIRMAN FUSARO: Thank you so much.
22 Anyone else in the audience? Yes, ma'am. Please
23 come up. Good evening. Please state your name
24 and address for the record.

25 MS. MCGURN: Can you hear me? I'm a

1 little shorter. My name is Michelle McGurn, and I
2 live at 436 Hillside Avenue with my husband Kevin.

3 MS. RAZIN: I'm sorry. Can you
4 spell your last name for me?

5 MS. MCGURN: Yes, McGurn. M, as in
6 Mary, C as in Charlie, G as in Gary, U, R as in
7 Richard, N as in Nancy.

8 CHAIRMAN FUSARO: Please raise your
9 right hand.

10 MICHELLE MCGURN, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you so much.
13 Please proceed.

14 MS. MCGURN: So I live -- if you're
15 looking at the Laczynski's house, it's two
16 properties over on Hillside Avenue. And our
17 backyard actually backs up to Highland. I lived
18 at 421 Birch Avenue for 20 years before that, and
19 we did a home renovation there. And much like
20 Mike was saying, we really appreciate the fact
21 that this home is being renovated and cared for
22 and not knocked down. Even though I know the
23 1950s isn't necessarily considered historic, it is
24 a huge part of our town's history, and I feel like
25 those are always the first houses to go. I've

1 looked extensively at their plans and they're
2 beautiful. They really are. When you turn that
3 corner on Highland, this is a home you see. And
4 as a longstanding member of this neighborhood, I
5 would love, love, love to see this passed. It's
6 going to be absolutely beautiful. And Kathleen
7 and Ed are responsible people. They really are.
8 They would never do anything that would be a
9 detriment to the neighborhood. We're huge
10 supporters.

11 CHAIRMAN FUSARO: Great. Thank you
12 so much.

13 MS. MCGURN: Absolutely. Thank you.

14 CHAIRMAN FUSARO: Enjoy your
15 evening. Anyone else from the audience wish to
16 address the application? Seeing none, we'll close
17 that portion of the meeting and open it up to
18 Board discussion.

19 As I had mentioned, I believe the
20 porch is one of the things I'm kind of having some
21 issues with. It is a very large porch in addition
22 to the size of the addition. You're basically
23 more than doubling the size of the house. This
24 would certainly fall under a C1 variance if there
25 ever were a definition of it, this would be it.

1 How does the rest of the Board feel?

2 MR. MASCIALE: Frank, I was taken
3 back by the numbers and what's being proposed
4 here. One of my largest concerns coming tonight
5 was the effect on the neighborhood of the house;
6 the massing and the nature of the update. So I
7 think this makes it a little even harder for me
8 because now we hear that we're maintaining the
9 look and the neighbors have reviewed it and think
10 it will stay in character. I was thinking because
11 there's only a drawing here that it would be out
12 of nature, changing the nature of the
13 neighborhood. And now we've heard testimony from
14 two neighbors that they find it desirable, that it
15 will keep it in the nature of the neighborhood and
16 not kind of like a new box building. There is a
17 lot of architectural detail that went into it that
18 remains the character; which I appreciate. I'm
19 just having a hard time with the numbers. You
20 know you're building out that envelope. And I
21 heard the testimony of the architect where you're
22 just taking that second story and you're knocking
23 down and you have that split level part and you're
24 raising it. So now it's truly a two-story house,
25 and you're just filling it in. And there's a lot

1 of space there. There's really no hardship on
2 that space. You know who wouldn't have
3 his-and-her closets that size. But you're just
4 filling in an empty shell, which we've heard the
5 testimony of. And then the front porch; you know
6 we have a front porch ordinance that the Town
7 Council passed. We're supposed to promote front
8 porches in the town as long as it's not
9 encroaching on the setback where you're blocking
10 the view and it remains open. You know the Board
11 typically looks in favor of it. I think the
12 design is great where it's going to get the
13 walk-around. But you know is it something that
14 we're going to walk by or when we drive by in that
15 neighborhood and say, whoa, what did we approve --

16 CHAIRMAN FUSARO: A 50-foot porch.

17 MR. MASCIALE: -- afterward. You
18 know I'm trying to envision it right now and
19 that's what I'm struggling with. How does the
20 rest of the Board members feel about that? Like
21 when we go by this in six months from now, are we
22 going to have the regret if we pass it?

23 CHAIRMAN FUSARO: Your thoughts,
24 Carol.

25 MS. MOLNAR: It looks like a massive

1 addition. I'm trying to wrestle with that.

2 CHAIRMAN FUSARO: It's basically
3 doubling the size of the house.

4 MS. MOLNAR: I'm trying to deal with
5 that.

6 CHAIRMAN FUSARO: Eldy or Matt, any
7 thought?

8 MR. SONTZ: I mean coming in, I
9 thought it was very large, and I guess it's a good
10 reason we've heard testimony that might change our
11 minds. As far as being too large, I mean they're
12 not over FAR or all the elements that address
13 large. So it's really just setback. And I don't
14 live in the neighborhood. I've heard testimony
15 from neighbors that say it's better than what's
16 there now, and if it was knocked down, who's to
17 say that house wouldn't have a 400-square foot
18 porch.

19 CHAIRMAN FUSARO: Well, if it was
20 knocked down, there wouldn't be anything built
21 there.

22 MR. SONTZ: Right. So maybe it's
23 too big, but any neighbors that thought so aren't
24 here. It doesn't offend me.

25 CHAIRMAN FUSARO: Thank you, Matt.

1 Eldy, anything?

2 MS. PAVON: I mean I sort of had the
3 same hesitation about the porch, but hearing
4 testimony from the neighbors saying that they
5 round the corner and you know it would be such a
6 nice view to round off of Highland and to see this
7 beautifully renovated home with a nice porch and
8 some nice sitting chairs and kids playing. I mean
9 so you know I looked at it and I was like, wow,
10 this is a big addition. But you know there are
11 constraints to it. It's sort of they are -- like
12 what Matt said -- they are within their FAR. So
13 would like them to pull back the porch a bit?
14 Could you do a foot or two? You know?

15 MR. MASCIALE: Well, what's the
16 depth of the porch? How wide is it?

17 CHAIRMAN FUSARO: It's 8-feet.

18 MS. PAVON: Yeah, 8-feet.

19 CHAIRMAN FUSARO: Including the
20 front door stoop, it's 8-by-50-foot-8inches;
21 405-square feet.

22 MR. MASCIALE: I mean you can get by
23 with 6-feet.

24 MS. PAVON: 6-feet; that would make
25 me happy.

1 CHAIRMAN FUSARO: You can get by
2 with 6-feet. You can also cut it back so it's not
3 the entire length of that wing of the house. I'm
4 kind of a little bit in limbo here.

5 MS. PAVON: I can appreciate it's a
6 beautiful design. I appreciate what they're
7 trying to do with the porch and all the windows
8 and the doors and sort of access in through and
9 out of their house. Maybe there's room for a
10 little bit of porch improvement.

11 CHAIRMAN FUSARO: Yeah. I'm going
12 to open it back up to the architect.

13 MR. MASCIALE: Yeah. I don't think
14 we should chop it up ourselves.

15 CHAIRMAN FUSARO: I fully
16 understand. Well, that's why I had asked the
17 architect and the Applicant if any consideration
18 had been given to making make it slightly smaller
19 so it would encroach a little bit less into that
20 front-yard setback, which is dramatic right now.

21 MR. LACZYNSKI: I just want to
22 mention on the size. As you mentioned, we're with
23 every other zoning rule, we're within the limits.
24 Like height, FAR, impervious coverage; everything.
25 So it's not the massing is actually there, we're

1 within those limits. But on the porch, I would
2 say that you know Westfield encourages porches.
3 There're, like I said, no less than 18 porches on
4 the street. And from a design perspective, to
5 start pulling back the porch and reducing the
6 porch or removing the porch you've got a massive
7 front wall then in front of it. So this gives
8 depth to the plan, this creates a better sight
9 line from the street. This is -- if you
10 understand how the street works -- there's a curve
11 there. So coming there, you're not going to see
12 -- you're not ever driving into this porch right
13 on a perpendicular. You'll always be coming up
14 the street for it. And one other thing I would
15 mention -- and I heard you say something like you
16 wouldn't be able to build something there -- the
17 house next to me is vacant. It's been for sale
18 for a long time and there's basically an
19 unoccupied home that's been unoccupied since July
20 of last year next to me. So whether or not this
21 land would be used; who knows. I wouldn't -- I
22 just wanted to make sure you guys knew that. That
23 we want to preserve the character of the community
24 and not sell it to a builder.

25 CHAIRMAN FUSARO: Yes, I'm familiar

1 with the neighborhood. And I don't believe we
2 were asking that the porch would be removed. We
3 were asking just that it be kind of cut back a
4 little bit. Whether it be, again, in the 6-foot
5 direction in the width or whether it be in the
6 51-feet in the length. There's a door I see that
7 comes out of the family room onto that porch down
8 at that end. So if consideration were to be given
9 to shrinking the length of that porch, then that
10 wouldn't work.

11 MR. BAIIO: Chairman, I can add a
12 couple of words as well.

13 CHAIRMAN FUSARO: I'm sorry?

14 MR. BAIIO: Can I add a couple of
15 words as well?

16 CHAIRMAN FUSARO: Absolutely.

17 MR. BAIIO: As an architect for 31
18 years and an elected official in another town, I
19 always tell people fostering and encouraging
20 private reinvestment, having homeowners improve is
21 the greatest vote a citizen can cast in any
22 municipality. And the non-fostering of that is
23 why he probably suggested that, you know, "if not
24 me." He's got to get some space for his family.
25 The porch is generous at 8-feet. I think we can

1 accept it at 7-feet or 7-feet-6. Six-feet with
2 those columns produces a net 4-feet-8-inches.
3 Those are 14- to 16-inch columns with the basis,
4 and it wouldn't be fair to the Applicant. I'd
5 like to offer that we bring it into
6 7-feet-6-inches. It's a token, but it's something.
7 And it would be impactful because it would only
8 give him a net 6-foot-and-change at the column.
9 And he does have a rocking chair he wants to die
10 in, so...

11 (Laughter.)

12 CHAIRMAN FUSARO: You're sure it's
13 not a hammock?

14 MR. BAIIO: It's not a hammock,
15 right, it's a rocking chair?

16 MR. LACZYNSKI: A rocking chair.

17 MR. MASCIALE: I'd have to say,
18 Frank, the 6-feet is needed for a porch.

19 CHAIRMAN FUSARO: You need 6-feet
20 clearance in order to have any type of usefulness
21 of the porch.

22 MR. BAIIO: Six-inches, I know it
23 doesn't sound like a lot, but it really would
24 impact him. And if that is a favorable thing the
25 Board would look upon; there's our consideration.

1 MR. MASCIALE: Actually, I had a
2 follow-up question on the coverage because I'm not
3 following and maybe I missing it on the drawing
4 here. So the town gives a percentage for a porch?

5 MR. SAMMET: Right.

6 MR. MASCIALE: Are we over that,
7 Don?

8 MR. SAMMET: No. There's no
9 coverage variance needed.

10 MR. MASCIALE: So there's no
11 coverage variance?

12 MR. SAMMET: No. If you need a
13 break for any reason.

14 MR. MASCIALE: You know that says a
15 lot right there. Specifically, when we do a
16 percentage where the house is over, plus then you
17 get the X number percentage. You know the town
18 passed the front porch ordinance.

19 MR. SAMMET: They're actually well
20 within permitted coverages. There's room to
21 spare.

22 MR. MASCIALE: Then really my issue
23 is coming forward and maybe we do a token and take
24 it in a little to lessen the impact.

25 CHAIRMAN FUSARO: I think it being

1 on the curve certainly helps because that will
2 kind of minimize your line of sight as you're
3 approaching the house from either direction. Any
4 other questions, comments you'd like to add?

5 MR. LACZYNSKI: No, thank you.

6 MR. BAIIO: No, thank you.

7 CHAIRMAN FUSARO: Okay. We'll close
8 that portion. So anything -- yes, Don.

9 MR. SAMMET: Can I just add a
10 comment on the porch too? If you look at the
11 house, it's not actually parallel to the front lot
12 line.

13 CHAIRMAN FUSARO: That's correct.

14 MR. SAMMET: The house on the left
15 side of the house as you're looking at it from the
16 street actually steps further back. So it's
17 really that closest -- there's one corner of the
18 porch closer to the street than another. So that
19 may help the Board in its deliberation.

20 MS. RAZIN: Just two quick comments.
21 First, Mr. Sammet has been previously sworn for
22 the entirety of 2022. So does anybody -- now that
23 he's given some testimony. And second, since
24 there was additional testimony given; if you want
25 to reopen it to the public just in case.

1 CHAIRMAN FUSARO: Sure. Okay. No
2 problem. We'll reopen it to the public. Any
3 other comments from anyone in the public based on
4 the new testimony we just heard with the reduction
5 of 6-inches on the porch? No. Any questions for
6 Mr. Sammet. I see none. Thank you, Katie.

7 So we've heard from the Applicant
8 and the architect that they're willing to reduce
9 the width of the porch from the 8-foot that they
10 show on the plan, to 7-foot-6. Although it is a
11 minor amount, I think every little bit helps since
12 they are encroaching so much into that front-yard
13 setback. Obviously, my one suggestion would be if
14 we were to approve this, our standard porch
15 remains open on three sides; blah, blah, blah.
16 Anybody else have any other comments? No. Okay.
17 May I have a motion?

18 MS. PAVON: I'll make a motion.
19 I'll make a motion to approve the plan with the
20 revised 7-foot-6-inches on the porch. Also, that
21 the porch remains open and not covered.

22 CHAIRMAN FUSARO: Thank you. Can I
23 have a second?

24 MR. SONTZ: Second.

25 CHAIRMAN FUSARO: Second, Mr. Sontz.

1 Mr. Sammet, please call the roll.

2 MR. SAMMET: Chair Fusaro.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: Vice-chair Masciale.

5 MR. MASCIALE: Yes.

6 MR. SAMMET: Ms. Molnar.

7 MS. MOLNAR: Yes.

8 MR. SAMMET: Ms. Pavon.

9 MS. PAVON: Yes.

10 MR. SAMMET: Mr. Sontz.

11 MR. SONTZ: Yes.

12 CHAIRMAN FUSARO: The application is
13 approved.

14 MR. LACZYNSKI: Thank you very much.
15 I appreciate it.

16 MR. BAIIO: Thank you, Mr. Baio, for
17 giving me the 6-inches.

18 CHAIRMAN FUSARO: Our next
19 application is Application Number 21-083, Bee Kind
20 Pediatrics, LLC, 166 Mountain Avenue. Applicant
21 is seeking approval to repurpose and modify the
22 existing building to be utilized as a pediatrics
23 and telemedicine office; the residential component
24 of the existing building will be eliminated;
25 contrary to the Land Use Ordinance Section

1 11.11.A, where principal uses and structures
2 permitted are one- and two-family residences;
3 public parking and playgrounds; community
4 residences and proposed is a professional office;
5 Section 17.02.C.5.A where off-street parking
6 permitted is 19 spaces and proposed is 9 spaces;
7 Section 16.01 where freestanding business I.D.
8 sign is not permitted and proposed is one
9 freestanding business I.D. sign 6-foot-high max;
10 8-square feet max; and Section 16.01 where
11 building-mounted business I.D. sign is not
12 permitted and proposed is one wall-mounted
13 business I.D. sign 6-foot max horizontal; 2-foot
14 mas vertical.

15 Mr. Hehl, good evening. How are
16 you?

17 MR. HEHL: Mr. Chairman and Board
18 Members, Stephen Hehl representing the Applicant,
19 Bee Kind Pediatrics. It's great to see everybody
20 in person. Last month it was great to hear that
21 we're back here. So again, thank you so much for
22 entertaining us this evening.

23 CHAIRMAN FUSARO: State your name
24 and address for the record, Mr. Hehl.

25 MR. HEHL: Yes. Stephen Hehl,

1 370 Chestnut Street, Union. Representing the
2 Applicant. And just a little bit of background,
3 and you'll hear Dr. Rolnick speak, but she's had a
4 long history in the Town of Westfield with the
5 school here and now wants to pursue her studies
6 and her practice in Westfield. In fact, I was
7 mentioning to Mr. Sammet that I was here I think
8 two or three years ago for her parent's house over
9 on Boulevard. They did a beautiful job
10 renovating. I don't know if anybody was on the
11 board then, but if you go by it, it's
12 545 Boulevard, and look at the great job her mom
13 and dad did.

14 We think this is an excellent
15 application repurposing this building for the
16 pediatric use. Again, I discussed it with
17 Mr. Sammet, it's kind of surprising when you
18 looked at the zoning and say, wait, this property
19 is zoned for one- and two-family homes. It's all
20 businesses around there. You've got the park
21 behind it. It's just, again, a great location for
22 this building. At the present time, there's the
23 acupuncture and residential. You'll see that by
24 the nature of her practice it really fits in very
25 well. Parking demands are minimal. Again, you'll

1 hear her testimony and certainly justify that.
2 The building footprint is not being expanded.
3 We're going to re-stripe the parking lot which
4 does not have striping now. Just to designate and
5 add the handicap parking space behind it. Again,
6 the building works out excellent for Dr. Rolnick
7 and her practice. She has a contract purchase of
8 the property contingent upon the approval of this
9 Board; then move on to purchase it and place her
10 practice there.

11 Mr. Chair and Board Members, what
12 I'd like to do first is call upon our architect to
13 take us through the building and the layout, and
14 later we'll talk a little bit about her practice
15 and move on to the site and then our planning
16 testimony.

17 CHAIRMAN FUSARO: Thank you,
18 Mr. Hehl. I just want to mention -- and I
19 apologize, I should have mentioned it to you
20 before -- as you know, this is a D application
21 which requires five affirmative votes. I
22 apologize to you, but we only have five members
23 this evening, so in order for the application to
24 be approved it would have to be passed by all five
25 members. If you would like to carry the

1 application at our next meeting, I'm sure we'll
2 have at least two additional members. That's
3 entirely up to you and the Applicant. I believe
4 you spoke to our attorney today regarding that as
5 well, and you've decided to move ahead with at
6 least your expert testimony and then we'll make a
7 decision further on whether you'd like to bring it
8 to a vote this evening or not. Is that correct?

9 MR. HEHL: Yes, that is true. And I
10 appreciate both Mr. Sammet, Kristine, and Kate
11 giving us the update on that. And I did want to
12 clarify to -- and I know we talked about it to
13 both counsel and Mr. Sammet -- we recognize that
14 while the application referenced "inherently
15 beneficial" technically, a pediatric practice is
16 not an inherently beneficial use but we think that
17 we'll provide planning testimony that shows the
18 benefits of particularly having this type of
19 practice close to the downtown Westfield area.

20 CHAIRMAN FUSARO: Thank you.

21 MR. HEHL: I'd like to first call
22 upon Jeffrey Beer, our architect, to take us
23 through the architectural aspects and layout of
24 the building.

25 CHAIRMAN FUSARO: Good evening,

1 Mr. Beer. Please raise your hand.

2 JEFFREY BEER, having been duly
3 sworn, was examined and testified as follows:

4 CHAIRMAN FUSARO: Thank you. I
5 don't believe you've appeared before the Board
6 this year, you may have in the past, could you
7 give us a little background.

8 MR. BEER: Sure. I'm a licensed
9 architect in New Jersey for the last 36 years.
10 Been continuously practicing over that time. I've
11 been before this Board before, more than once I
12 believe, and certainly been before hundreds of
13 boards over my career as an expert witness in
14 architecture.

15 CHAIRMAN FUSARO: You're currently
16 licensed in the State of New Jersey, it's in good
17 standing?

18 MR. BEER: Yes, it is.

19 CHAIRMAN FUSARO: Thank you so much.
20 Do any Board Members have any questions for this
21 architect? No. We'll continue to recognize you
22 as an expert in architecture. Please proceed.

23 MR. HEHL: Thank you very much,
24 Mr. Chairman.

25 BY MR. HEHL:

1 the bottom of the page you enter up the steps from
2 the street or there's an ADA handicap ramp that
3 allows you to come into the waiting room. And
4 there's just simply a circulation that takes you
5 back to the stairwell. And off that circulation,
6 you have an admin space, the pharmacy space,
7 waiting room space, triage space, and then four
8 examination rooms. What's unique about the four
9 examination rooms is that each room will be set up
10 for age-appropriate children. And Dr. Rolnick
11 will speak about that; how she runs her practice
12 in that regard. So then if you go up the
13 stairwell you end up in the center of the second
14 floor, which is currently a residential use. In
15 this application, it will be used for office
16 space. There're two offices. One office is
17 Dr. Rolnick's office. The second office is
18 actually a conference table in a conference room
19 for her to have conferences and meet with the
20 parents and discuss treatment practices and so
21 forth. And then there're two bathrooms that exist
22 now and then there's a break room that exists now.
23 And there's actually a nice balcony off the back
24 -- which I'll show you a picture of -- which
25 overlooks the backyard from almost a three-story

1 perspective because of the way the topography
2 slopes down in the back.

3 As you come down the stairs and go
4 all the way to the basement, the front half of the
5 basement is just mechanical. I mean it's you know
6 old stone foundation, original building. The back
7 half of the building is just used for storage.
8 And there is a direct exit out of the basement
9 from the half-landing point, which you see in the
10 middle floor plan. That's actually half a flight
11 down. If I switch over to Sheet A2, which, again,
12 you have in front of you, it shows the four
13 elevations of the building. You can see we have a
14 pretty handsome building. It's a Second-Empire
15 Victorian style of architecture. This is the
16 view. The bottom right says "front elevation"
17 that's the view directly from the street. Again,
18 you can see the handicap ramp that exists now and
19 the steps that exist now which are pretty much
20 level to the street. And if you look at the side
21 elevations, the left-side elevation, bottom left
22 on the page, you can see how the property slightly
23 slopes down gently to the back which is where the
24 parking is. And you can also see the side door
25 which enters into the building at that

1 half-landing point that I described. So from that
2 landing point, you go down a half a flight to the
3 basement level or you go up a half a flight to the
4 main level. And then within that stairwell, go up
5 another flight to the second level. The second
6 level of the building, which is the office space
7 and currently the residential use, you can see is
8 within the roofline of the structure. And again,
9 we're not changing any of this. It's strictly
10 accessed legally through dormer windows. And then
11 on the top right, you see the rear elevation.
12 This shows that view that I was describing out the
13 back of the property once the topography slopes
14 down. So we're not quite to the basement level.
15 The basement level is about 3-feet below this
16 deck, but it does give you that viewpoint of the
17 back of the building which looks -- I want to say
18 a stream, but I think there's a water structure
19 back there or something -- it's quite beautiful.
20 So this top balcony that you see, which exists
21 now, is on that break room that I described
22 earlier.

23 And then the last elevation that you
24 see is the view from the parking lot of the
25 church. Again, you can see the slight grade

1 change elevation from front to back inside this
2 view. And on this elevation, is where we're
3 proposing to do a building sign. This would be
4 the only location that we're proposing to add a
5 sign on the building. This, we will have to
6 enter. This, you do not have. So I guess this is
7 A-1.

8 Q. A-1 with today's date, please.

9 (Whereupon, Applicant's Exhibit A-1,
10 DETAILED SIGNAGE RENDERING 04/11/2022, was marked
11 for identification.)

12 MR. HEHL: The site plan referenced
13 a location of the sign, but as Mr. Sammet noted in
14 his review, details weren't provided so we're
15 going to show that here.

16 MR. MASCIALE: What's the rough size
17 of that? I just want to get an idea.

18 MR. BEER: The sign?

19 MR. MASCIALE: Yes.

20 MR. BEER: It's 2-foot-by-6-foot.

21 MR. MASCIALE: And previously a
22 2-by-4 sign was approved?

23 CHAIRMAN FUSARO: A freestanding
24 one.

25 MR. MASCIALE: There's a

1 freestanding one.

2 CHAIRMAN FUSARO: There's a
3 freestanding one in the front that's 2-by-4.
4 That's the one on the side; 2-by-6.

5 MR. MASCIALE: So this is an
6 additional new sign?

7 CHAIRMAN FUSARO: There're two sign
8 variances they're requesting.

9 MR. MASCIALE: Okay. Thank you.

10 MR. BEER: So this is a
11 2-foot-by-6-foot sign mounted to the building.
12 It's not backlit. It will be lit with gooseneck
13 lights that shine down on it so there's nothing
14 emitting light out. And this whole view along
15 this line is actually a parking lot for the
16 church. You park right here. So when you're
17 coming down the street, you can actually see this
18 side of the building because this is a parking
19 lot. And that gives us a little bit of signage
20 and then they'll be the 2-foot-by-4-foot sign out
21 here on the street. (Indicating.) That gives the
22 perspective of a sign of a 2-foot-by-6-foot sign
23 on this facade.

24 CHAIRMAN FUSARO: And it will be
25 illuminated?

1 MR. BEER: It will be illuminated by
2 downlights.

3 CHAIRMAN FUSARO: A gooseneck-type
4 fixture.

5 MR. BEER: Right.

6 MR. SAMMET: What's the mounting
7 height of that sign, Mr. Beer?

8 MR. BEER: Sure. I can tell you
9 that.

10 MR. HEHL: He came prepared with his
11 scale in his pocket.

12 MR. BEER: So the top of the sign is
13 11-feet from the floor.

14 MR. SAMMET: And it's just above the
15 first-floor level, it's not the --

16 MR. BEER: It's not within the
17 roofline of the second-floor level. It's below
18 that. This is the second-floor level (indicating)
19 it's below that on the wall.

20 MR. SAMMET: I guess what my
21 question is getting at: If this were a
22 storefront, it would be located at the storefront
23 level, it wouldn't be on an upper story?

24 MR. BEER: The sign; you're
25 referring to?

1 MR. SAMMET: Yes.

2 MR. BEER: If you wrap this level
3 around to the front of the building that would be
4 the equivalent of right here. (Indicating.)

5 MR. SAMMET: Right.

6 MR. BEER: And you have this
7 Sheet PH-1 in your package also. This is
8 original. So it would be the equivalent of here.
9 It's not up on the roof. And that side view, that
10 would be this view, this photograph. (Indicating.)

11 MR. HEHL: And you're describing? I
12 know that was part of the package, but...

13 MR. BEER: I'm sorry. PH-1. So the
14 side view which is the right-side view, the sign
15 would be here which is in between the two center
16 windows but below the roofline on the wall. And
17 then here, you can see the parking for the church.
18 (Indicating.) And that's pretty much it
19 architecturally.

20 MR. SONTZ: What's the sign going to
21 say?

22 MR. BEER: Bee Kind.

23 MS. ROLNICK: Bee Kind Pediatrics.

24 MR. BEER: As in B-e-e.

25 CHAIRMAN FUSARO: Bee Kind, B-e-e

1 K-i-n-d Pediatrics.

2 MR. SAMMET: Mr. Hehl, is Mr. Beer
3 going to testify as to the need for the two signs;
4 the wall-mounted and --

5 MR. HEHL: I think our planner will
6 touch on that, but it's certainly -- if you want
7 to expand on that.

8 MR. BEER: Sure. So the one sign,
9 the 2-foot-by-4-foot sign is at the street for
10 obviously immediate drive-by traffic. There's not
11 really an opportunity to get a building sign
12 facing the street because you're just going to
13 drive right by it and not see it. The left side
14 of the building has another structure right there,
15 so there's really not an opportunity for a sign
16 there as well. The really the only place that
17 there was an opportunity for the sign on the
18 building that would have any effect is the one
19 facing the parking lot of the church because that
20 is an open area that you can see as you're driving
21 in that direction. You won't see it driving in
22 the opposite direction.

23 MR. SAMMET: So visibility of the
24 ground-mounted sign at the curb will be somewhat
25 limited?

1 MR. BEER: Well, it's always
2 limited. And your ordinance limits the height of
3 that, so it's very limited to see that when
4 there's traffic around.

5 CHAIRMAN FUSARO: I have a whole
6 list of questions.

7 MR. HEHL: Sure. And if not
8 answered by Mr. Beer, we have our other witnesses
9 that will testify.

10 CHAIRMAN FUSARO: Apparently,
11 there's a deed restriction associated with this
12 property. Can you elaborate on that a little bit?

13 MR. HEHL: I saw that in the prior
14 resolution. I'm not handling the transaction for
15 the closing, but we are going to check into that.
16 And that was I guess years back the Board took it
17 upon to put those deed restrictions in. So what
18 we would do is if the Board is kind enough to
19 grant this application, have that deed restriction
20 lifted. But that really was a deed restriction
21 imposed as part of the last resolution.

22 CHAIRMAN FUSARO: The parking, the
23 current parking layout that you have on the plan
24 is for 9 spaces, as you know, 19 are required.
25 However, in the previous application from 2004, it

1 said that there were 12 spaces. What happened to
2 the other 3 spaces?

3 MR. HEHL: Great question.

4 Mr. Hollows will cover that more when he describes
5 the site plan, but the space is just -- they
6 haven't been striped --

7 CHAIRMAN FUSARO: They disappeared.

8 MR. HEHL: -- and you need a
9 handicap space now, an ADA accessible space. And
10 again, they probably just said, okay, yeah, it's
11 12 spaces back there. But when we went and laid
12 it out we wanted to have spaces that were, in
13 fact, usable, and include the ADA.

14 CHAIRMAN FUSARO: The signage that's
15 going on the ground in front of the building; one
16 of the variances that are requested is for the
17 location of that sign. It only being 6-inches or
18 .5-feet from I guess the property line where
19 5-feet is required by ordinance. Correct; Don?

20 MR. SAMMET: Yeah. The sign itself
21 is not permitted in this particular zone.

22 CHAIRMAN FUSARO: Period.

23 MR. SAMMET: So I think it's a good
24 -- it's still worthwhile to look at the
25 regulations for a freestanding office use. And it

1 does comply with the dimension requirements, but
2 they do not with the setback requirement for a
3 freestanding sign where the 5-foot would be
4 required and only the .5-foot is permitted.

5 CHAIRMAN FUSARO: So the 5-feet, in
6 your opinion, would be too far away from the
7 street?

8 MR. HEHL: And again, Mr. Hollows
9 will touch on that location. But we did, all
10 these questions, we considered --

11 CHAIRMAN FUSARO: I'm just going to
12 walk through them and then whoever would like to
13 answer --

14 (Crosstalk.)

15 MR. HEHL: But if I can explain
16 thought it actually, you've got the curb line,
17 then grassy area, then the sidewalk, and then the
18 sign beyond the sidewalk, so...

19 CHAIRMAN FUSARO: We briefly touched
20 on the lighting of the sign that's on the
21 building. What about the freestanding sign? Is
22 that going to be lit as well?

23 MR. BEER: That would be lit, but it
24 would be lit on the sign, not an illuminating
25 sign.

1 CHAIRMAN FUSARO: And will those
2 signs be lit 24-hours a day or what time would
3 they be -- Don, is there something that requires
4 those signs to be turned out off at 10:00 or
5 11:00?

6 MR. SAMMET: There actually is not.

7 CHAIRMAN FUSARO: There's not?

8 MR. SAMMET: No, not for the
9 freestanding office signs or wall-mounted signs.

10 MR. HEHL: I just got a whisper in
11 my ear, it's shut off at 10 p.m., but the doctor
12 can testify to that.

13 CHAIRMAN FUSARO: Can you, or again,
14 I don't know if your engineer or planner is going
15 to testify. If he does, we would like some
16 information on how you're going to handle the
17 trash. There's no dumpster location, no trash
18 encloser, whatever.

19 MR. BEER: Yeah. So the trash
20 pick-up is driven down to the parking lot below
21 and that's where the trash is picked up. But the
22 recyclables are brought up to the curb.

23 CHAIRMAN FUSARO: So they'll just be
24 brought outside and left. There is no trash
25 enclosure?

1 MR. BEER: No. It's actually at the
2 back of the building now. You could see it in
3 this picture. (Indicating.)

4 CHAIRMAN FUSARO: I see the garbage
5 cans around along the back underneath --

6 MR. BEER: The mechanical units are
7 here also in the back of the building. I'm sorry,
8 I'm on PH-1.

9 CHAIRMAN FUSARO: I see it.

10 MR. BEER: Existing photo rear. So
11 the garbage is stored in this location next to the
12 HVAC units.

13 CHAIRMAN FUSARO: And since there're
14 four exam rooms, how many doctors, Mr. Hehl, are
15 there going to be? Just one?

16 MR. HEHL: Again, Dr. Rolnick can
17 touch on that.

18 CHAIRMAN FUSARO: No problem. The
19 basement use is -- I would just like to remind you
20 -- that it is described in the previous approval
21 that it is to be used strictly for storage. No
22 office space, no etcetera. What about HVAC
23 equipment? Is that going to be entirely
24 encompassed within the building?

25 MR. BEER: We're not adding any HVAC

1 equipment. What is there is what stays. And
2 again, it's located in the back at the back rear
3 of the building up against the building before the
4 parking starts.

5 CHAIRMAN FUSARO: Against the trash
6 cans.

7 MR. BEER: Right next to the trash
8 cans, yes.

9 CHAIRMAN FUSARO: Got it. The
10 second-floor rear deck you said is going to stay?

11 MR. BEER: Yes.

12 CHAIRMAN FUSARO: The shed that's
13 currently on the property, I believe it's either
14 on the property line or close to the property line
15 and I believe it needs to be 5-feet off the
16 property line; is that correct, Mr. Sammet?

17 MR. SAMMET: Yes. The shed is a
18 5-foot setback requirement.

19 CHAIRMAN FUSARO: So we would need
20 you to address that at some point. And just so
21 the Board knows there are currently 11 -- which
22 I'm sure you've seen -- existing nonconforming
23 variances. Two additional ones which would bring
24 it to 13 for this property. And these items are
25 all referenced to -- a lot of this information

1 that I'm taking is from the Board of Adjustment
2 Memorandum that Mr. Sammet prepared and
3 distributed to Mr. Hehl as well. So that's where
4 some of our information is coming from.

5 MS. MOLNAR: Can I ask how many
6 doctors? I didn't hear the answer because of the
7 acoustics in here.

8 CHAIRMAN FUSARO: They're going to
9 address --

10 (Crosstalk.)

11 MS. MOLNAR: Oh, someone is going to
12 testify. Also, is someone going to discuss the
13 dimensions of the parking spaces? Apparently,
14 there's going to be no overhang. I saw it
15 somewhere here.

16 MR. HEHL: Yup. Mr. Hollows will
17 touch on that.

18 MS. MOLNAR: Thank you.

19 MR. MASCIALE: Can I ask a
20 procedural question? My procedural question is:
21 So if the prior variances granted have all the
22 conditions on it, so with this new proposal, are
23 we going to have to look at those prior variances
24 granted -- or conditions, I should say, I'm sorry
25 -- conditions that were previously? All the

1 conditions are they going forward? Do we revisit
2 them? And I just want to make a comment about the
3 deed restriction. If a deed restriction was put
4 on this put on this -- I used to be on the Board
5 back then -- and it was done because the Board was
6 serious about the conditions not changing. So
7 that means they got by, by a squeak, and the Board
8 wanted to make sure nothing changed. And that's
9 why they reached the deed restrictions, it was the
10 feeling back then. So I kind of want to know how
11 these prior conditions are going to carry forward
12 or do we need to revisit them all?

13 CHAIRMAN FUSARO: That's a very good
14 question. I would --

15 MS. RAZIN: I haven't had the
16 opportunity to look at that. I haven't been given
17 that information yet, so I'm not necessarily in a
18 position to answer that question without having --
19 I need to -- I apologize, I mean I'm only given
20 what I'm given. So I'd just like to have the
21 opportunity to sort of look and see what the prior
22 approval -- to actually look at it.

23 CHAIRMAN FUSARO: I would think they
24 would remain in effect; no?

25 MR. MASCIALE: Let me just give an

1 example. The basement of the building is not
2 being utilized for any patient treatment, patient
3 visits, other than the applicant's administrative
4 staff --

5 MS. RAZIN: If they're seeking new
6 variance relief and they're abandoning the prior
7 variance relief --

8 MR. MASCIALE: Then the Board should
9 probably revisit the preexisting conditions to see
10 if they're relevant, and then --

11 CHAIRMAN FUSARO: Although, can't we
12 just add a condition that says that we would like
13 these conditions to stay remain in effect?

14 MS. RAZIN: Right. We can go
15 through them. I think it's appropriate to go
16 through them.

17 MR. MASCIALE: I would agree with
18 that.

19 MS. RAZIN: But I would think that
20 concern aspects would carry forward. Except that
21 you're not asking the variances necessarily be
22 carried forward. I mean I don't know. Without
23 having read the prior resolution, and I'm assuming
24 it was a use variance since you're in a
25 residential zone and we were --

1 MR. MASCIALE: Right. So I think we
2 should review them and take them into
3 consideration. They're not automatically carried
4 forward is what I'm hearing.

5 MS. MOLNAR: This said the deed
6 restriction included the use is only to one
7 professional.

8 CHAIRMAN FUSARO: One professional;
9 and I think it was one full-time professional, one
10 part-time professional. And we're going to hear
11 from the Applicant Carol as to how many doctors,
12 etcetera, etcetera. So we'll cross that bridge.

13 MS. RAZIN: Maybe Mr. Hehl and I can
14 discuss it over a break. Because again, I haven't
15 -- without looking at the resolution, that would
16 sort of help me a little bit.

17 MR. MASCIALE: Yeah. I mean, no
18 offense, Mr. Hehl, but if there's a deed
19 restriction, oh, yeah, that'll just go away.
20 Well, there's a reason there was a deed
21 restriction, and I just want to make sure we
22 understand.

23 MR. HEHL: Certainly. I did read
24 that and we reviewed that prior resolution. And
25 among the things, we're actually -- with the old

1 approval, the basement, in fact, was usable space
2 as opposed to storage, so they wanted to make sure
3 it wasn't going to be used for patient treatment.
4 And then with respect to the residential, it was
5 limited to the operator of the first-floor
6 facility to be used only for those and not to
7 third parties. So those are the type of things.
8 This is different.

9 MS. RAZIN: And you're carrying
10 forward -- you're not asking to carry forward any
11 of the prior relief; correct?

12 MR. HEHL: No. I mean some of the
13 things, obviously --

14 MS. RAZIN: They're not conforming
15 conditions --

16 MR. HEHL: Correct.

17 MS. RAZIN: -- it's about the use,
18 itself.

19 MR. HEHL: Correct. So the
20 nonconforming conditions are nonconforming
21 conditions. But the use variance is being -- now
22 they're asking for a new use variance.

23 MR. MASCIALE: So the conditions
24 should be reviewed. They don't automatically
25 carry forward.

1 MS. RAZIN: Right. Because they're
2 not asking to continue that use variance.

3 CHAIRMAN FUSARO: That's correct.
4 Of professional and residential.

5 MS. RAZIN: Right. They're not
6 saying because it was a professional then it's a
7 professional now. You're asking for a new use
8 variance.

9 MR. HEHL: Correct.

10 CHAIRMAN FUSARO: Any Board Members
11 have any questions for the architect before we
12 continue?

13 MS. RAZIN: And also, just to keep
14 in mind, it was dual-use previously, so...

15 CHAIRMAN FUSARO: Does anyone else
16 have any questions for the architect at this time?
17 Does anyone from the public have any questions or
18 comments that they would like to ask the architect
19 at this time? Seeing none. Mr. Hehl, why don't
20 you -- actually, I do have one other quick
21 question. I'm sorry. And I'm assuming that
22 Mr. Beer this is strictly either a typo or an
23 oversight; on your A-1 plan. It currently labels
24 the upper-level floor plan as "existing." It's
25 not existing, that's new; right?

1 MR. BEER: No. It's existing. The
2 room names have changed; it used to be bedrooms.

3 CHAIRMAN FUSARO: The next floor
4 over.

5 MR. BEER: I'm sorry. The room
6 names have changed from "bedroom" to "office" but
7 the floor plan exists.

8 CHAIRMAN FUSARO: Okay. So the
9 floor plan is the same, but it's currently a
10 residence?

11 MR. BEER: Correct.

12 CHAIRMAN FUSARO: So it's not
13 currently an office, it's currently a residence?

14 MR. BEER: Correct.

15 CHAIRMAN FUSARO: Thank you.

16 MR. HEHL: I had the same question
17 when I got the plan. I called him up and said it
18 says "existing."

19 CHAIRMAN FUSARO: It's new or
20 existing. It says "existing" but I don't see --

21 MR. HEHL: It's the layout that's
22 existing, yes.

23 CHAIRMAN FUSARO: Okay. Great.
24 Thank you please proceed, Mr. Hehl.

25 MR. HEHL: Now, I'd like to call

1 upon Blair Rolnick.

2 CHAIRMAN FUSARO: Good evening.

3 Please state your name and address for the record.

4 MS. ROLNICK: Sure. My name is
5 Blair Rolnick. I currently reside at 545
6 Boulevard in Westfield, New Jersey.

7 MS. RAZIN: Can you just spell your
8 first and last name, please?

9 MS. ROLNICK: Sure. B, as in boy,
10 l-a-i-r, last name, R-o-l, N as in Nicolas, i-c-k.

11 CHAIRMAN FUSARO: Thank you. Please
12 raise your right hand.

13 DR. BLAIR ROLNICK, having been duly
14 sworn, was examined and testified as follows:

15 CHAIRMAN FUSARO: Thank you so much.
16 Please proceed.

17 BY MR. HEHL:

18 Q. As I said in my opening -- first, a
19 little background on first your involvement in
20 Westfield, and then we can move on to the
21 practice. And you can tell a little bit about
22 where you're living right now.

23 A. Yes. Certainly. So I spent my
24 whole life in Westfield. I grew up in the same
25 house that I'm currently residing in. I'm

1 crashing with my parents until I can finish my
2 house which is I just purchased a property on
3 10 Cornwall Drive in Westfield. So I've lived my
4 whole life at 545 Boulevard for 35 years there.
5 I'm one of five children. My sister lives in
6 Westfield as well with her three children. My
7 other younger brothers are still in Manhattan. So
8 I went to school here. I was just saying, I was
9 reviewing before I came in how many different
10 preschools my immediate family has gone to. I
11 think we've hit literally all of the preschools in
12 Westfield. And I'm super excited, where we're
13 moving on Cornwall, I went to Christopher Academy
14 the Montessori Preschool that's going to be on my
15 block. So that will be really cool for my son who
16 is nine months old if I could send him back to the
17 preschool that myself and my brothers went to. I
18 think that would be pretty cool.

19 I did my training at Morristown
20 Medical Center. So I came back to New Jersey to
21 do my pediatric training, and I got the
22 opportunity to train with a lot of local
23 pediatricians here in the Town of Westfield and
24 the surrounding areas. And then, I decided that I
25 wanted to be prepared for really anything that

1 came through the door, so I pursued some specialty
2 training in pediatric emergency medicine. And I
3 felt to do that I really need to be at a very busy
4 trauma children's hospital ideally. Like a
5 freestanding children's hospital. So I went down
6 to Philadelphia to pursue additional subspecialty
7 training in the area of pediatric emergency
8 medicine. And ultimately, it was always the idea
9 to come back to Westfield and start my own
10 practice. I mean I'm a young doctor. I mean I
11 want to spend my whole life where I already grew
12 up and with my family, and so that was always kind
13 of my long-term goal.

14 Q. Tell us a little bit about -- and
15 you've heard some of the questions from the Board
16 -- tell us a little bit about the nature of your
17 practice, and then, as the Board was asking, how
18 you intend to operate. And we've talked about
19 this extensively; why this building and location
20 work out so great for you.

21 A. Yeah. I mean I love the building
22 for two things. Part of me, I think growing up in
23 Westfield, you have such a great appreciation of
24 Victorian architecture and the Addams Family and I
25 just feel like this architecture is so classically

1 Westfield. And I don't think anything about it
2 really needs to be changed. I thought it was the
3 perfect size. At least the first-floor space I
4 think is the perfect size for what I would like to
5 do. And I'll tell you a little bit more about how
6 I plan to run my practice. I think the area is
7 great. I mean Mindowaskin Park is behind you.
8 You guys are right here. You could probably look
9 out one of these windows and see the building.
10 The Presbyterian Church is where my nieces go to
11 preschool. You know, there's a parking lot. And
12 I just think it's a great safe area for a
13 pediatric practice. You know I felt like although
14 nine parking spots isn't a lot, I know whenever
15 I'm parking in downtown Westfield, like it's
16 probably easier for me to walk there most of the
17 time. So I still feel like it's a great sized
18 parking for moms and families and parents to be
19 convenient to come see their doctor if they need
20 to.

21 Q. Now, take us through a bit of the
22 nature of your practice and then you can address
23 the questions about how many people will be there
24 and focus on the different rooms.

25 A. Sure. One of the things I think is

1 really important in pediatrics is to support the
2 family and to try to -- you know the ultimate goal
3 of any pediatrician is to have children meet their
4 optimal developmental trajectory with as minimal
5 disruptions as possible. And I think in order to
6 do that you need to spend quality amounts of time
7 with your patients. Like definitely more than 15
8 or 20 minutes. Certainly, more than I ever got to
9 spend in the ER with my patients. And so
10 alongside of that, I think I wanted four rooms
11 that were developmentally appropriate. I want to
12 be able to -- the model is to -- there're three or
13 four elements of my business model I think are
14 really important to my patients. First, is one
15 hour to one family. So every physician or myself
16 will be blocked for one hour per family as opposed
17 to the traditional office model which is about 15
18 minutes per physician face-time with a family.
19 The reason that that's really important to the
20 exam rooms is I think it's really hard to get a
21 good sense of a child's development in any
22 meaningful manner in 15 minutes. I think you need
23 time to spend time watching especially younger
24 children play with play toys that are
25 developmentally appropriate, watching how they

1 respond to their parents and how they interact
2 with those toys. And so I think the environment
3 in which you examine a child is crucial for that
4 kind of assessment.

5 And so I'd like to have four rooms.
6 Along with that; one for infants, one for
7 school-aged children, one for toddlers, and one
8 for adolescents. I also think it's important for
9 the adolescents. You know they might be a little
10 bit further developed in their developmental
11 trajectory, but I don't think it's comfortable
12 necessarily for adolescents to be examined in a
13 newborn room, for example. The second part of it
14 is one-to-one physician time; I'm going to partner
15 with a company called TytoCare Healthcare
16 Platform; they're a telehealth device. So it's a
17 device that I'm going to send each of my families
18 home with. The exams that it's capable of doing
19 in the home is it allows parents to record heart
20 sounds, lung sounds, do ear checks, throat exams,
21 and skin exams. And you can give patients, for
22 example, patients with a chronic lung disease or
23 asthma the additional accessory to be able to do
24 pulse oximetry or lung oxygen tests at home. And
25 the reason I think this is very important is

1 because I, you know, being a mother myself, I
2 think the idea of taking your newborn child or
3 even your older children if you want to go to the
4 doctor every time they're sick is really a barrier
5 I think in access to healthcare. And this will
6 allow my patients to be able to do a complete exam
7 at home. The software uses artificial
8 intelligence to take perfect pictures. That
9 complete exam is then sent to me through a
10 HIPAA-compliant platform, and then I can review
11 it, and hopefully, treat them at home so that they
12 never have to leave the comfort of their home with
13 their child. I think that's important for the
14 family, but I also think it's important for the
15 community not to bring sick kids into the office
16 around potentially well children.

17 I chose this device because it was
18 FDA approved and the Academy of Pediatrics also
19 gave its stamp of approval, but also its metrics.
20 So to speak a little bit about office space; it
21 uses -- it showed a reduction in about 60% of
22 emergency room visits within an acute-care
23 setting, but also in 90% of sick visits in the
24 outpatient office setting. So it really gives the
25 family the ability to stay home when their kids

1 are sick unless they absolutely need to come out
2 of their home for some reason.

3 Q. And if you can now touch on how you
4 intend to utilize the first floor, the second
5 floor, your number of employees, and hours of
6 operation.

7 A. Sure. So the idea for the practice
8 is going to be that: Normal hours of operation,
9 except that patients will have access to their
10 pediatrician or a pediatrician 24/7. I really
11 don't want families to be worried about their sick
12 kids at nine/ten o'clock at night and go to the
13 emergency room or a pediatric ER. So they can use
14 their Tyto Healthcare Platform to send us an email
15 and someone will be on-call to review their exams.
16 The number of physicians right now is just me. I
17 hope to have at least a physician's -- like either
18 a medical assistant or a secretarial staff just to
19 answer phone calls so that I'm not interrupted
20 when I'm with my patients.

21 The second-floor space, the reason I
22 wanted a second office space was I'd really like
23 to do -- I do a lot of education. I did a lot of
24 education for pediatric emergency medicine
25 fellows. And so I wanted to record a mini-series

1 of short educational videos to really empower
2 families with the knowledge they need. I think
3 just basic things that you don't think about all
4 the time, but like the difference between a glass
5 and plastic bottle, for example, I think would be
6 like a great educational video. So videos and
7 blogs will be the main purpose of that office.
8 But I'm also a certified lactation consultant. So
9 if I needed to bring a mom in or any mom to talk
10 about lactation, I could use that office space.
11 Or if for some reason a parent wanted to come in
12 just the two of them without their child and talk
13 to me, I think that's also a great space for that.
14 As well as, I like to meet all of my new families
15 before they join the practice just to make sure
16 that I'm a good fit for them and they're a good
17 fit for me. And so I would like to have that kind
18 of space to do that as well.

19 Q. And the parking, you touched you'd
20 probably walk to work, but discuss the adequacy of
21 the spaces there and assuming everything is by
22 appointment.

23 A. Yeah. So everything will be like I
24 said, one-hour blocked appointments. One hour per
25 physician per family. If you were sick and you

1 did need to come in, there's going to be a couple
2 of options for that. So all of the newborns -- I
3 should have mentioned this from the beginning, I
4 apologize -- all of my babies less than
5 four-months-old are going to be treated in the
6 home to minimize their exposure to pathogens in
7 the office but also getting to the office space.
8 So we'll be sending either myself or if I had a
9 physician's assistant out to the office to give
10 them their vaccines, do their weight and their
11 growth checks at home. If you are sick, you will
12 have the option of either having somebody come to
13 your home to see you if you needed or you will be
14 brought into the office only if needed. Ideally,
15 most of my patients, even if they're blocked off
16 for an hour, are probably not going to want to
17 talk to me for an entire hour. But if they do,
18 then I'll have to call my next patient and tell
19 them that I'm either going to be 15 minutes late
20 or hope that I finish my other patient early to
21 bring them in. Everything else will always be by
22 appointment.

23 Q. So the nine parking spaces that are
24 proposed are more than adequate for you?

25 A. I would hope that -- you know, I

1 think that really goes against my ethics of what
2 I'm trying to do with this is which is make it an
3 experience that is accessible to families to be
4 with their physician. So I feel like if I have
5 even four cars in my parking space, like, that's
6 three too many. It really should be just the
7 doctor, their family, and if there was a sick
8 patient waiting in the parking lot. I do have a
9 small waiting room. But again, I really want to
10 reduce the burden of having sick children with
11 healthy in the office. So I'll be using an EMR
12 that allows patients to check-in before when they
13 leave the house, so that hopefully by the time
14 they hit the parking lot they can choose to wait
15 in the parking lot if they're sick and they don't
16 want to come in and then they just can be brought
17 in, look at a text that says the exam room is
18 ready, come straight back or not.

19 Q. And I know when we were talking
20 before you wanted to say -- there was a discussion
21 on trash/recyclables. What about medical waste?

22 A. We'll contract a third party for
23 medical waste. I think that is probably what most
24 medical practices are doing. It's just the safest
25 and most compliant way to get rid of your waste.

1 The bottom floor, I think to that manner, I'll use
2 for storage. And I prefer to leave as much waste
3 as I can in the building spaces as opposed to out
4 of the back of the building because I just don't
5 think it's as cleanly for patients.

6 Q. And I know when we were talking
7 about when Chairman raised the question about the
8 shed.

9 A. I was hoping to take down that shed
10 actually. I don't think it serves any real
11 purpose to my business plan. And you can see it
12 from Mindowaskin Park a little bit between the
13 bamboo, it's just kind of unsightly, so I don't
14 see any purpose for it.

15 Q. And, obviously, you've had an
16 opportunity to review the reports from Mr. Sammet.
17 We've gone over that. And confirming that again,
18 the basement will only be used for storage, not
19 for an active part of your practice?

20 A. Yes, that's correct. It's also just
21 not a very -- we were kind of talking about this
22 -- it's a great space for I think patients or
23 families or children to get down to because of the
24 staircase situation.

25 MR. HEHL: I have no further

1 preliminary questions of Dr. Rolnick at this time.

2 CHAIRMAN FUSARO: Any Board Members?

3 MS. MOLNAR: I assume -- you
4 testified you're going to have a staff member?

5 MS. ROLNICK: Yes.

6 MS. MOLNAR: What about a nurse or a
7 physician's assistant?

8 MS. ROLNICK: I would likely try to
9 get an MA who would do vital signs and also
10 secretarial duties. I don't plan to hire a
11 physician's assistant. I really deeply feel that
12 children should be seen by pediatricians and
13 though I think advanced practitioners certainly
14 serve our community --

15 MS. MOLNAR: A nurse to take blood
16 and take their temperature? Something like that.

17 MS. ROLNICK: I'm going to be taking
18 the blood work because of my additional training
19 in pediatric emergency medicine. I'm also trained
20 in hand-held ultrasound which greatly improves the
21 efficiency and efficacy of being able to draw
22 blood, especially on small tiny children with
23 little veins that squirm. So I would like to draw
24 it so that I can minimize the number of sticks for
25 the children.

1 MS. MOLNAR: Thank you.

2 CHAIRMAN FUSARO: And your lab
3 pick-ups and so on, I'm assuming will be inside
4 the building. So you are going to have a vehicle,
5 but it will obviously be parked there and simply
6 come in, pick up the samples, and leave.

7 MS. ROLNICK: Exactly. I also would
8 probably contract a third party for labs. I'll
9 have a CLIA Lab Certification to do things like
10 rapid strep tests, mono, and Covid tests. But
11 outside of the blood work, there would be no
12 reason for me to have any other testing on site.

13 MS. MOLNAR: Is lab pick-up ever
14 after hours?

15 MS. ROLNICK: Yes.

16 MS. MOLNAR: So you've got to put it
17 outside somewhere?

18 MS. ROLNICK: Usually what happens
19 is the last person to close up the office waits
20 for the pick-up, and then they close up and leave.
21 Because you have to store your samples in an
22 appropriate setting until they're picked up.
23 Sometimes on ice if it's a blood sample.

24 CHAIRMAN FUSARO: Any other
25 questions for Ms. Rolnick?

1 MR. SONTZ: Yeah. So no matter how
2 -- I'm not a doctor, but obviously, I've taken
3 kids to the pediatrician for years. One of the
4 big drivers of patents is the number of doctors.
5 So you'd be okay with a restriction that only one
6 licensed physician works at this practice?

7 MS. ROLNICK: I think that I'm
8 trying to do something a little bit different. I
9 think the number of doctors can be important. I
10 think I would probably need one other, either a
11 partner -- I'd either have to partner with one
12 local pediatrician or another potential physician
13 because I'd like to have 24-hour coverage of
14 calls. And additionally, most insurance companies
15 require you have a cross-covering physician in
16 order to meet that need so that your patients
17 always have somebody that they can call for the
18 reasons that you're saying.

19 MR. SONTZ: Right.

20 MS. ROLNICK: But I think like four
21 or five physicians like definitely, that would be
22 against kind of what I'm trying to do which is to
23 bring back like a hometown feeling to a doctor
24 where it's your doctor and you have a
25 relationship, you know, exclusively with them.

1 MR. SONTZ: I don't want to question
2 the business model because I'm not a doctor and
3 you know if it can work for you; that's great.
4 But just to the extent, I'm concerned that a lot
5 of -- you know how much parking, how much traffic
6 is going to be generated is based on the success
7 of the business model. So you're talking like
8 eight to 10 patients a day as opposed to -- I
9 would say most physicians off the top of my head;
10 eight to 10 patients an hour -- and there're cars
11 coming in and out of the lot every hour. You'll
12 be able to between leaving to see the
13 four-month-olds with house calls and come back and
14 8 to ten patients, you know, one patient an hour,
15 make ends meet that you wouldn't have to hire the
16 second physician to be in the office and now
17 you're seeing you know 16 patients per day, and
18 then -- do you see where I'm getting at?

19 MS. ROLNICK: We're going to be a
20 membership/concierge model, so the driver of my
21 being able to make ends meet will not be having to
22 meet my insurance company's minimum number of
23 patients seen per day. And I think that that's
24 kind of in line with ethically how I want to
25 practice medicine.

1 CHAIRMAN FUSARO: If we were to say
2 -- Matt had mentioned one, and you said you'd
3 probably want to go somewhere beyond that simply
4 for coverage purposes and so on. Would two be a
5 fair number?

6 MS. ROLNICK: I think two is
7 probably a more reasonable number. I think one,
8 again, I couldn't possibly take calls 24/7 all by
9 myself.

10 MS. RAZIN: You're talking about
11 you're okay with two physicians plus a staff?

12 MS. ROLNICK: I need a medical
13 assistant to do -- yeah, vital signs.

14 MR. SONTZ: So I don't actually mind
15 how many physicians you have working for you if
16 they're working from another office like a
17 covering physician or answering the phone. But
18 I'm talking like there would be one physician
19 physically at the site as opposed to two working
20 at the site.

21 MS. ROLNICK: There would probably
22 have to be two. At least one person answering the
23 acute-care emails and exams, and one physician
24 seeing patients. But there should never be more
25 than two.

1 MR. SONTZ: But two physicians at
2 the site, but only one physician seeing on-site
3 patients?

4 MS. ROLNICK: I would think so,
5 but...

6 MR. SONTZ: I'm trying to get at how
7 do we -- if it gets approved -- how do we phrase
8 the restriction so that it's something --

9 MS. RAZIN: I don't know if you can
10 limit what they're doing -- I mean how they're
11 operating -- and I don't mean "operating" as in a
12 doctor -- I mean operating like what they're doing
13 during the day. You can potentially limit the
14 number of physicians because that's what the
15 Applicant is potentially stipulating to; if that's
16 a medical position. But I don't know if you can
17 say what they'd be doing during the day. I don't
18 want to be saying what they'd be doing --

19 MR. SONTZ: No. No. That's fair.
20 But I don't want to say the practice can only have
21 two doctors when if she has a doctor working from
22 Mountainside covering things and another doctor
23 working from Phoenix covering at night.

24 CHAIRMAN FUSARO: On-site.

25 MR. MASCIALE: On-site.

1 (Crosstalk.)

2 MS. RAZIN: The testimony I heard
3 was that there may be as many as two on-site, plus
4 an MA as needed.

5 MR. MASCIALE: That's what I heard.

6 MR. SONTZ: But that's what worries
7 me. If my pediatrician has two doctors on-site
8 and they're seeing patients continuously. So it
9 goes from one an hour to how many they can see in
10 an hour, and that's going to drive up parking, and
11 that's what I'm concerned about.

12 MS. RAZIN: Well, then the question
13 back I guess would be if the business model I
14 guess is going to remain the same for the
15 co-position, then that would be two patients per
16 hour, two doctors. So that would bring it up to
17 -- then if the response is it's the same, which
18 I'm not answering for you, then you can sort of
19 calculate the parking based on whether their
20 co-position is going to have the same business
21 model. That might be how you get to the same
22 amount.

23 MR. SONTZ: Yeah. I think we're
24 saying the same thing. I thought to limit it
25 somehow.

1 (Crosstalk.)

2 MS. RAZIN: Right. But I'm saying
3 you may still only get to nine if the answer is
4 that the second position is going to run the same
5 business model. But if the second business was
6 going to run a different business model seeing
7 somebody every 15 minutes then there's an issue.

8 MR. MASCIALE: And keep in mind,
9 it's currently zoned for one-and-a-half
10 professionals.

11 CHAIRMAN FUSARO: One-and-a-half,
12 correct.

13 (Crosstalk.)

14 MS. MOLNAR: And the deed
15 restriction.

16 MR. SONTZ: Right, but I thought
17 they were wiping out all the old --

18 CHAIRMAN FUSARO: We are, but we're
19 going to put something to replace it.

20 MR. SONTZ: That's my question --

21 (Crosstalk.)

22 MS. RAZIN: During the interim, I
23 read the conditions and so since the fourth
24 condition says that any use has to come back and
25 basically get different approval. I'm of the

1 opinion that as long as the Applicant is now here
2 getting an additional approval, so I'm -- this is
3 my opinion at least -- that the conditions have
4 been met and now we're here getting, you know, a
5 change of view. So that the prior applicant has
6 met its conditions, and now we're here getting a
7 new approval.

8 MR. SONTZ: Those all go away.

9 MS. RAZIN: Potentially, but the
10 Board has stipulated --

11 (Crosstalk.)

12 CHAIRMAN FUSARO: We're going to add
13 ones to replace them.

14 MS. RAZIN: -- they've stipulated to
15 Number One already. Number Two is going to change
16 because it's a different type of practice. And
17 Number Three is changing because they've already
18 addressed signage. So there's no other -- I mean
19 I didn't read word-for-word, but that only leaves
20 you with four, which they're back getting a new
21 change. But they've stipulated to one already.
22 And the sign, you can address if you have an issue
23 last will with the signage. But you can discuss
24 certainly what you're comfortable with in terms of
25 limitations as to the numbers of positions.

1 MS. MOLNAR: Plus, they're
2 restricted by parking. It's a small lot.

3 MR. SONTZ: But they're not
4 restricted by parking because you could
5 theoretically have 10 doctors working there and
6 just tell your patients go park wherever you find
7 it. And then they go into the church, they go
8 down --

9 MS. MOLNAR: Yeah. It's so
10 dangerous on that road. We wouldn't approve it
11 knowing that.

12 MR. MASCIALE: Because I mean look
13 at Warby Parker. So where there's a limit to the
14 number of professional doctors, physicians seeing,
15 and they had to buy additional offsite parking I
16 believe for some of the staff. So I think if we
17 can do the numbers. I don't know, Don, if there's
18 a number, is there a guide number that we should
19 be using for office visits for a physician?

20 MR. SAMMET: No. The parking
21 regulation doesn't go by --

22 MR. MASCIALE: Trip generation?

23 MR. SAMMET: -- it doesn't mention
24 visits in particular. It does mention that for
25 each doctor there should be four parking spaces.

1 MR. MASCIALE: Four parking spaces.

2 MR. SAMMET: Right. And then plus
3 one additional space per employee. So it kind of
4 backs its way into making an assumption that
5 there's going to be a certain number of patients.

6 MR. SONTZ: Well, there's two
7 though.

8 CHAIRMAN FUSARO: Two positions,
9 that's eight parking spaces.

10 MR. SONTZ: But there're two ways to
11 do it, and you go by the higher one.

12 MR. SAMMET: We go by the higher
13 one.

14 MS. ROLNICK: Yeah. I went by the
15 higher one because of the square footage in the
16 practice.

17 MR. SONTZ: Right. So they're using
18 the business model as justification for why the
19 nine parking spaces are sufficient. And I'm okay.
20 I don't question a business model. I'm not a
21 doctor. I'm just saying how do we phrase the
22 restriction to make sure the business model
23 applies to what they're doing.

24 CHAIRMAN FUSARO: And we're limiting
25 the number of physicians.

1 (Crosstalk.)

2 MR. MASCIALE: Thinking of Warby
3 Parker, we limited the number of positions and
4 professional staff.

5 MR. SAMMET: Limited positions
6 on-site at any one time.

7 MR. SONTZ: Right, but --

8 CHAIRMAN FUSARO: If the model
9 changes.

10 MR. SONTZ: Right, so then two
11 physicians have to follow the model.

12 CHAIRMAN FUSARO: Right. That's
13 correct.

14 MS. MOLNAR: They may not.

15 MS. ROLNICK: I was saying I think
16 if I went by physicians I probably would have
17 enough space. Two physicians and one MA staff
18 would have gotten me to nine. But the office
19 building itself is much larger than I actually
20 need. I don't need the bottom storage space and I
21 don't need the top floor office spaces so much.
22 Like I have -- the break room is twice the size of
23 my actual office. It's just that I love the
24 building so much, I wanted to make the storage
25 space and top space work for me. But I'm really

1 only using the first floor for clinical space at
2 all. So by square footage, I've got up to 19
3 because it's such a big house.

4 MS. RAZIN: Right, so that was my --
5 Don, square footage is based on -- the parking
6 count is based on the square footage; that's the
7 19?

8 MR. SAMMET: That's correct. And as
9 Mr. Sontz said, the ordinance requires us to
10 calculate two separate ways; by square footage and
11 --

12 MS. RAZIN: Right. And that's when
13 you're taking the higher of.

14 MR. MASCIALE: But that's why we're
15 here to evaluate the two and see what makes sense.

16 CHAIRMAN FUSARO: We could also ask
17 the Applicant -- this has been done in the past --
18 if we feel that the parking is insufficient, that
19 they would need to go out and rent some additional
20 spaces from the church or from another business in
21 the area that has available parking to them. I
22 mean again, that's something that we can discuss.

23 MR. SONTZ: Right. So how would we
24 put that in a variance approval? Because would we
25 say the business model --

1 MS. RAZIN: Can I just say one other
2 thing? That the parking for a typical medical use
3 which I believe is four, right, per physician?

4 CHAIRMAN FUSARO: Yes.

5 MS. RAZIN: Does not follow, is not
6 following the Applicant's business model.

7 MR. MASCIALE: Right. But we can't
8 really enforce this.

9 MS. RAZIN: I understand. But that
10 still meets the nine with two.

11 MR. SONTZ: If we only went by that
12 way of calculating it.

13 MS. RAZIN: Right. But I'm saying
14 regardless of meeting the business model, if you
15 had two physicians, you, in essence, meet the
16 parking -- you meet the parking under the code in
17 some way for having two positions even if you
18 weren't going by the business model that's being
19 testified to. So in terms of trying to structure
20 it to meet a business model, I'm mean I'm very
21 hesitant to put that in a resolution because I
22 don't think you can guide what people do during
23 the day. Right? But regardless, the ordinance is
24 not written to the business model, it's written to
25 meet a general physician's need, and that's four,

1 plus one. So you're basically there without the
2 model. The model is less than that. So if both
3 your physicians meet the --

4 MR. SONTZ: No. No. I hear what
5 you're saying. You're saying if we just went
6 regular business model or say two physicians,
7 they'd meet the nine. But that's only if you
8 discount the square footage requirement.

9 CHAIRMAN FUSARO: You have to go
10 with the most stringent requirement, which is 19,
11 which is really what's before us. So forget about
12 the nine, it's 19.

13 (Crosstalk.)

14 MS. MOLNAR: We should hear
15 testimony from the site planner.

16 MR. MASCIALE: We don't have to go
17 with it.

18 CHAIRMAN FUSARO: It's required.

19 MR. MASCIALE: It's required, yes.

20 CHAIRMAN FUSARO: That's what's
21 required, we don't have to go with 19 spaces.

22 MS. RAZIN: Right. But you're
23 hearing about the use, so you're trying to figure
24 out --

25 MS. MOLNAR: We've got to hear the

1 site plan testimony about the parking. He may
2 have issues with the parking. He'll probably
3 decide on the language.

4 CHAIRMAN FUSARO: After hearing the
5 rest of the testimony if we decide you know what,
6 we're not comfortable with nine, we want to see
7 12, 13, whatever. We can just say, listen you're
8 going to have to go out -- a condition of approval
9 is you're going to have to go out and rent four
10 parking spaces from wherever within a certain
11 distance of the facility. I mean it's been done
12 before. I've done it.

13 MS. MOLNAR: Plus, they're
14 substandard spaces.

15 CHAIRMAN FUSARO: Right. Okay. Are
16 there any other questions for the Applicant at
17 this time? Does anyone from the audience have any
18 questions for the Applicant? I see none.
19 Mr. Hehl, why don't you --

20 MR. MASCIALE: Do you want to take a
21 break?

22 CHAIRMAN FUSARO: Yeah. I'm sorry.
23 It's 9:24. It's getting away from me. We're
24 going to take a 10-minute break. We'll be back in
25 10 minutes. Thank you so much.

1 (Break taken.)

2 CHAIRMAN FUSARO: Please have a
3 seat. Mr. Hehl, quick question for you. It's
4 9:35, we have two applications after yours. How
5 much longer do you think you're going to need?

6 MR. HEHL: We have Mr. Hollows who
7 is going to take us through the site plan. That's
8 an essentially existing condition. And then, we
9 have Kate Keller our planner. I don't think
10 either testimony is going to be that long.

11 CHAIRMAN FUSARO: Okay. All right.

12 MR. MASCIALE: Do you want to ask
13 the two applicants if they want to stay or go?

14 CHAIRMAN FUSARO: Sure. We have
15 Mr. and Mrs. Ring, 145 Lincoln.

16 MR. RING: We'll stay.

17 CHAIRMAN FUSARO: You're going to
18 stay. Okay. Great. And then 1020 Summit Avenue.
19 I see Mr. Blasi back there. You guys are going to
20 stay? Okay. We'll do the best we can. My Board
21 keeps giving me a bunch of grief about being here
22 until midnight, so we'll try to get out of here.

23 MR. HEHL: No we won't do that. And
24 it's not virtual.

25 CHAIRMAN FUSARO: You know, we don't

1 get paid overtime. Mr. Hehl, thank you so much.
2 Please proceed.

3 MR. HEHL: Yes. I'd like to now
4 call upon William Hollows.

5 CHAIRMAN FUSARO: Please state your
6 name and address for the record.

7

8 MR. HOLLOWES: William Hollows,
9 192 Central Avenue, Sterling, New Jersey.

10 MS. RAZIN: Spell your last name for
11 me.

12 MR. HOLLOWES: H-o-l-l-o-w-s.

13 WILLIAM HOLLOWES, having been duly
14 sworn, was examined and testified as follows:

15 CHAIRMAN FUSARO: I don't believe
16 we've seen you.

17 MR. HOLLOWES: It's been a while.
18 I've been more before the planning board of late
19 than I have before the zoning board.

20 CHAIRMAN FUSARO: All right. Unless
21 the Board has any issues, we'll just continue to
22 recognize him.

23 MR. HEHL: And actually, Mr. Hollows
24 is subbing tonight for Kathy who couldn't be here
25 this evening.

1 CHAIRMAN FUSARO: Sounds good.

2 BY MR. HEHL:

3 Q. Mr. Hollows, you've heard some of
4 the preliminary questions for the Board. If you
5 could please take us through the site plan aspects
6 of the application.

7 A. Sure. I think everyone is probably
8 familiar with where the property is?

9 CHAIRMAN FUSARO: Yes.

10 MR. HOLLOWES: So we don't have to go
11 through that. But I just wanted to say that in
12 that neighborhood there are a number of other
13 businesses even though it's a two-family,
14 single-family zone; especially across the street
15 on Mountain Avenue. But what I've done is I've
16 rendered the drawing really just the proposed site
17 area.

18 MR. HEHL: That's different. Why
19 don't we mark that? I believe we're A-2.

20 MS. RAZIN: So rendered -- tell me
21 the plan sheet, please.

22 MR. HOLLOWES: It's Sheet 2 of 2 of
23 the site plan drawings.

24 (Whereupon, Applicant's Exhibit A-2,
25 SITE PLAN DRAWINGS - SHEET 2 OF 2, was marked for

1 identification.)

2 MR. HOLLOWS: And really, it's just
3 for clarity. I know you're further away from me.
4 This is where the Zoom meetings work well because
5 you have it right in front of you.

6 CHAIRMAN FUSARO: Can you share your
7 screen?

8 MR. HEHL: Pass it around.

9 MR. HOLLOWS: You've got the
10 driveway to the north side of the property. It
11 goes into a parking area that presently is not
12 striped, and we can fit nine parking stalls in
13 that existing paved parking area. One of them
14 would be an ADA parking stall. The other eight
15 would be 9-by-8(sic) parking spaces. There's a
16 24-foot backup. And we are deficient in the
17 overhang in the front. We have, approximately,
18 6-inches between the edge of the curb and there's
19 the fence there at the present time; and that's
20 the deficiency in the parking. But we do have a
21 9-by-18 stall, we do have the 24-foot wide back
22 up. We don't have a 20-foot driveway, but again,
23 this is an existing nonconforming condition of the
24 site. At the entrance coming off Mountain Avenue,
25 it's 18.4-feet.

1 BY MR. HEHL:

2 Q. Just touching on that, from an
3 engineering standpoint, could you please indicate,
4 does it work particularly in view of the limited
5 --

6 A. Yeah. I think under the limited
7 conditions it would work fine. There's enough
8 space in that 18.4 that if you had a car that
9 wanted to go out onto Mountain Avenue, providing
10 they stay to the right, another car could actually
11 get in adjacent to him. And then one car could
12 exit onto Mountain Avenue and then the other car
13 could proceed to the back parking lot.

14 Q. How about the drive aisle in the
15 parking space?

16 A. Again, the parking space size is
17 9-by-18, 24-foot-wide back up, which is code. And
18 then the 6-inch overhang, and that's because
19 there's a fence there.

20 CHAIRMAN FUSARO: The 20-foot-wide
21 driveway requirement versus the 13.6 that you have
22 -- and looking at the site plan, I would assume
23 that you would concur that there really is no way
24 to increase the width of that driveway based on
25 where the building is currently located?

1 MR. HOLLOWS: No, there is not.
2 You've got a walkway that goes from the back
3 parking lot up to the front door. There's no way
4 to make that wider. You really need that walkway
5 separation from the driveway. There's a curb
6 there, so it's 6-inches higher than the driveway
7 in.

8 CHAIRMAN FUSARO: Is that a dry well
9 that I see in the fourth parking space or the
10 fifth parking space that appears to go through an
11 existing inlet; is that correct?

12 MR. HOLLOWS: It's a manhole. I
13 don't know if it's a dry well. The rim was locked
14 when the surveyors were out there and they made a
15 note on their survey that it was locked. So they
16 couldn't observe what it possibly was. Typically,
17 they would take the lid off and take a look in and
18 get measurements as to the depth. But again, it
19 was locked.

20 CHAIRMAN FUSARO: Thank you.

21 MR. SONTZ: The doctor testified
22 that the shed, she'd like to remove it.

23 MR. HOLLOWS: Yes.

24 MR. SONTZ: If you remove the shed,
25 would that be enough space or room for another

1 space or no?

2 MR. HOLLOWS: No, it wouldn't.

3 MR. HEHL: It just adds to the green
4 space.

5 MR. HOLLOWS: And just to kind of
6 bring you up to date on you know there was talk
7 about the sign in the front being a 1/2-foot off
8 the front property line. From the curb line to
9 the front property line is 14-feet. And the
10 existing sign is actually out in the right-of-way,
11 so we'd be making this, as far as conforming, to
12 be on the subject property. The existing sign is
13 about a foot and a half off the exiting sidewalk.
14 So it's approximately a foot and a half into the
15 right-of-way.

16 CHAIRMAN FUSARO: So that sign being
17 1/2-foot off the property line is, approximately,
18 15-feet from the curb?

19 MR. HOLLOWS: Yes.

20 CHAIRMAN FUSARO: Or will be 15-feet
21 from the curb. Thank you.

22 BY MR. HEHL:

23 Q. All right. If you can continue to
24 take us through lighting and I think we've
25 committed to do the EV charging; the rest of the

1 plan.

2 A. Yeah. There's an existing LED light
3 that's under the balcony that sheds light onto the
4 parking lot. And before I came to the meeting, I
5 had driven through the Presbyterian Church parking
6 lot to take a look to see because every time I've
7 been to the site it was daytime so it' wasn't lit.
8 But it was on, it was lit, it was dusk, but I
9 didn't see spillage onto the church from this
10 light. I mean you can see the source because it's
11 an LED light right there. But I didn't see
12 spillage coming out that far. And there's a
13 request, a requirement evidently in the ordinance
14 now to make an electrical vehicle ready -- not
15 necessarily the finished product, but at least the
16 electricity to that point. And we'd be willing to
17 do that.

18 CHAIRMAN FUSARO: Don, that would be
19 required as part of this application as well; am I
20 correct?

21 MR. SAMMET: That's right, yeah.
22 It's now a New Jersey Land Use Law requirement as
23 well as codified now locally.

24 CHAIRMAN FUSARO: So one EV parking?

25 MR. SAMMET: One EV parking space.

1 CHAIRMAN FUSARO: Thank you.

2 Anything, Mr. Hehl?

3 BY MR. HEHL:

4 Q. If you could just touch on a few of
5 the items in Mr. Sammet's report you wanted to
6 highlight.

7 A. I think we've talked about the
8 parking, the parking requirement. I think we've
9 come to the conclusion that the business model
10 definitely fits the nine parking stalls that are
11 there. And during the break -- if we took just
12 the building area, the doctor's exam room area,
13 that would also come out to nine parking stalls.

14 Q. On a square-footage basis?

15 A. On a square-footage basis. We
16 talked about the lighting. We've talked about the
17 shed that will be removed and the trash enclosure
18 -- well, there's not an enclosure, there're two
19 cans that are down by the air conditioner units,
20 and then the medical waste would be kept inside
21 the building, and then taken by a third-party
22 person who's licensed to do that kind of work.
23 Let me see if there's anything else on Don's
24 letter. And the mechanical equipment, we had
25 noted that the two air conditioner units sit in

1 the back of the building adjacent to the ADA
2 parking stall.

3 Q. And one of the items that the Chair
4 had a question; the old resolution referred to 12
5 parking spaces. We had talked about it before
6 this meeting and during the break that we don't
7 know where that came from.

8 A. We don't know where that came from,
9 and I don't see any way that you can get 12
10 parking spaces on the site the way it is.

11 Q. And the way it's designed, it's
12 maximizing the parking that's available?

13 A. Yes. And again, the parking stalls
14 would be striped. Which would be a big help
15 there to direct people to the right parking stall.
16 Because if you don't have them striped, then they
17 tend to -- you wouldn't get the full nine.

18 MR. MASCIALE: There's a question
19 from Ms. Molnar before about the size of the
20 parking spots. Are they conforming?

21 MR. HOLLOWS: Yeah, they're
22 conforming. They're 9-by-18 with a 24-foot
23 backup. What's not conforming is the 2-foot
24 overhang that your ordinance requires. We have,
25 approximately, a 6-inch overhang because there's a

1 fence in that location.

2 MR. HEHL: And that's limited by the
3 width of the property I assume?

4 MR. HOLLOWES: Yes.

5 MR. SAMMET: And the Board and
6 Applicant should know that since there's now an
7 agreement to install the electric vehicle charging
8 space; that electric vehicle charging space
9 actually counts as two parking spaces for purposes
10 of calculating the number of spaces provided.

11 MS. MOLNAR: But anyone can park
12 there; correct?

13 MR. SAMMET: No, um -- I'll have to
14 check on that. I think maybe according to the
15 ordinance --

16 CHAIRMAN FUSARO: Well, if it counts
17 as two parking spaces, I would think anybody would
18 be able to park there.

19 MR. HOLLOWES: And then, you have to
20 remember, at this point, we're not actually
21 putting the electrical stanchion there to plug in.
22 We're making it electric-available at that point
23 for the future.

24 CHAIRMAN FUSARO: Don, it's not
25 required? The plus is not required? I thought it

1 was, Don.

2 MR. SAMMET: No. You know for
3 commercial; it says as a condition of preliminary
4 site plan you install a make-ready parking space,
5 which is installing the conduit.

6 CHAIRMAN FUSARO: The
7 infrastructure. Right.

8 MR. SAMMET: The infrastructure, not
9 necessarily the charging station; if you will.

10 MR. SONTZ: So do they get credit
11 for two spaces if it's just the rough and not the
12 final?

13 MR. SAMMET: The answer is, yes.
14 Yeah, they do. I'll check that it has to be --

15 CHAIRMAN FUSARO: It doesn't make
16 any sense.

17 (Crosstalk.)

18 MR. MASCIALE: That's interesting.

19 MR. SONTZ: So they have 10 spaces;
20 in essence?

21 MR. SAMMET: Correct.

22 CHAIRMAN FUSARO: Interesting. That
23 makes absolutely no sense. But that's what the
24 ordinance says.

25 MR. SAMMET: I have to guess the

1 legislator put it in as an incentive in the sense
2 as sort of a giveback.

3 MR. MASCIALE: Right. For my own
4 curiosity, Don, does it say that it has to be like
5 a Type-2?

6 MR. SAMMET: It does not.

7 MR. MASCIALE: So you can just put a
8 120 outlet and be done? That doesn't make sense.

9 MR. HEHL: I think there are specs
10 that you have to comply with.

11 MR. MASCIALE: Because a Type-2
12 would be 220 Volt and probably some amperage
13 rating.

14 CHAIRMAN FUSARO: I thought you
15 needed to actually put -- not necessarily a
16 stanchion, but a wall-mounted plug-in if you would
17 take the space that's closest to the building and
18 not have to run it out to the last parking space
19 and put an actual unit on the wall that the car
20 can plug into. But if Don says that it's not
21 required, it's not required. Just the
22 infrastructure is. Any other questions for the
23 engineer? Yes, please.

24 MS. MOLNAR: Yeah. If I recall, I
25 know cul-de-sacs have to be a certain size for the

1 fire trucks. Is there any fire code requirement
2 for this driveway which can only 13-feet?

3 MR. HOLLOWS: I don't think a fire
4 truck would want to go into this parking lot. I
5 think they would park on the street or possibly go
6 into the Presbyterian Church parking lot which is
7 a lot larger. They would have to back out and it
8 really wouldn't make sense because you'd be so
9 close to the building if it were on fire. You
10 wouldn't want to be that close.

11 MS. MOLNAR: All right. Makes
12 sense.

13 CHAIRMAN FUSARO: Anyone else for
14 the engineer? Does anyone from the audience have
15 any questions for the engineer with respect to his
16 testimony? Seeing none. Okay, Mr. Hehl.

17 MR. HEHL: Yes. Now, I'd now like
18 to call upon Kate Keller, our professional
19 planner.

20 CHAIRMAN FUSARO: Good evening.
21 Please state your name and address for the record,
22 please.

23 MS. KELLER: Hi there. Good
24 evening, Chairman, Members of the Board. My name
25 is Kate Keller. I'm with the firm Phillips Preiss

1 Grygiel Leheny Hughes, LLC.

2 CHAIRMAN FUSARO: Please raise your
3 right hand.

4 KATE KELLER, having been duly sworn,
5 was examined and testified as follows:

6 CHAIRMAN FUSARO: Can you give us a
7 little background of your credentials?

8 MS. KELLER: Sure. I'm a
9 professional planner in the State of New Jersey
10 and I've been licensed for about 8 years and have
11 in total about 12/13 years of experience. I'm
12 currently a principal with the firm of Phillips
13 Preiss Grygiel Leheny Hughes based in Hoboken. I
14 think you know one of my partners fairly well
15 here. And I have not been before this Board
16 before, but I have provided testimony and have
17 been accepted as an expert in about 50
18 municipalities throughout the state.

19 CHAIRMAN FUSARO: Thank you so much.
20 Any Board Members have any questions? No?

21 MS. KELLER: Thank you. I
22 appreciate it.

23 CHAIRMAN FUSARO: In your area of
24 expertise --

25 BY MR. HEHL:

1 Q. Ms. Keller, if you could please give
2 the Board an overview of the planning
3 justifications for the relief that's being sought
4 here this evening.

5 A. Sure. So as we've discussed thus
6 far from our other witnesses, we are requesting a
7 D-1 Use Variance approval as the proposed use of a
8 medical office is not permitted in this zone. I
9 think that we've touched upon this several times,
10 but in terms of a D Use Variance, we have to set
11 forth positive and negative criteria. Positive
12 criteria; we have to amend special reasons; we
13 have to demonstrate that the site is particularly
14 suitable for the proposed use. In this case, for
15 example, that the granting of the relief would
16 promote the general welfare. We also have to
17 address the negative criteria which I will address
18 shortly.

19 I think in terms of the positive
20 criteria this is kind of a unique situation where
21 that this property is in a residential zone, but
22 it has been used as a commercial property of
23 various types for, you know, per the resolutions
24 we've reviewed over 30 years at this point. So we
25 looked back when it was initially approved I

1 believe 1989 for use as an office space, and then
2 it was approved for a marketing firm, dentist
3 office, and then the acupuncture office that's
4 there today. So I think that in terms of
5 particular suitability of this site, we look at
6 the surrounding neighborhood, which generally
7 consists of office properties. It consists of the
8 church; it's really a mix of uses there. And
9 there are no adjacent single-family residential
10 uses to this property that have been impacted by
11 its prior office use or that would be impacted by
12 its continuing office use. I thought that this
13 was an interesting quote from one of the prior --
14 this is actually the first resolution from 1989 in
15 which the board, at that time, noted that the
16 surrounding neighborhood along this stretch of
17 Mountain Avenue had undergone substantial change
18 in that many of the former residential dwellings
19 had been converted to professional uses. So at
20 that time, and I think still today, this is really
21 a transitional area between the higher impact like
22 retail uses when you get closer to downtown or
23 right in this area when you cross the street and
24 it transitions into the more residential
25 districts.

1 So the Applicant here is not
2 proposing to make any substantial changes to the
3 building or to the site from the outside that
4 would interfere with any visual impact here. So I
5 think that this is particularly suitable to
6 continue in this office use. And also, we are
7 eliminating one of the two uses that's currently
8 on the property which is that it's now residential
9 and an office space. And even though it wasn't
10 the operator/occupant, that still is more activity
11 on the property especially you know different
12 hours of the day and night. So in that sense,
13 there's going to be less activity than was
14 potential under the previous approval.

15 That was also a very specific
16 approval, which you know we've talked about some
17 of the deed restrictions that were on there. But
18 essentially nothing -- and you know the board did
19 that not by accident -- where nothing was allowed
20 to function on that site under the previous
21 approval except for specifically an
22 acupuncturist's office with an upstairs apartment
23 in which the acupuncturist lived in. You know I
24 think when you look at how specific that approval
25 was and what we're proposing here today, there's

1 not a major change in terms of impact, and if
2 anything less for the reasons that I just stated.

3 In terms of the purposes of zoning,
4 we're not looking at this -- we're not approaching
5 this as an inherently beneficial use; the
6 definition term. But I think that this is a use
7 that will provide a lot of benefits to the
8 community. In this case, you know it will
9 encourage -- this is encouraging municipal action
10 to guide appropriate development through the
11 state. This is something that is inherently
12 beneficial not in the capitalized sense, but just
13 in general to the health, welfare of Westfield.
14 And also, it's appropriate given the location and
15 the demographics of the town; and as the doctor
16 has provided testimony on that. You know it will
17 encourage families to stay in town to get their
18 care. And it's in a site that's already been used
19 for similar uses. And to that extent, I believe
20 it also advances Purpose G of the Municipal Land
21 Use Law which is to provide sufficient space in
22 appropriate locations for commercial uses such as
23 this site.

24 Just in terms of the negative
25 criteria; we're looking at where the requested use

1 variance would result in substantial detriment to
2 the surrounding area or the town, and whether it
3 would substantially impair the intent and purpose
4 of the zone plan and the zoning ordinance. I
5 think the answer to both of those questions is,
6 no, it would not substantially in either case. So
7 in terms of the public good, again, this is a
8 similar use that's continuing on a site that has
9 previously been used for similar uses for over 30
10 years at this point. No changes to the building
11 size, scale, or exterior architect with the
12 exception of the sign that has been discussed; and
13 I will also touch upon. And I think for that
14 reason, the property can accommodate these
15 proposed minimal improvements which, again, will
16 not really result in a change to the intensity of
17 the use. And I think that because of the nature
18 of the surrounding properties, which you know you
19 have the parking lot for the church on the one
20 side, and then you have the church itself, and
21 then the rectory building. And then you have
22 other offices that are really what's adjacent
23 here. And I don't see any substantial impact on
24 those properties. And, honestly, the town would
25 see more of a benefit from this than any sort of

1 detriment.

2 And then, in terms of the zone plan
3 and zoning ordinance, I do not believe that this
4 would substantially impair the intent and purpose.
5 You know so even though this site and its zoning
6 has not been addressed or has not been changed in
7 previous iterations of your master plan, I think
8 that the points that have been made by prior
9 boards over the last 30 years are well taken. And
10 I think that the change to this area from
11 residential to transitional and more commercial,
12 but still kind of maintaining that residential
13 appearance, I think that that's still true today.
14 And offices have operated harmoniously in this
15 area for this past 30 years since then, and there
16 has not been any significant change that would
17 represent a substantial impairment.

18 And that also speaks to the Medici
19 Reconciliation which is that we have to reconcile
20 the fact that this is not permitted in the zone
21 with what we're proposing. And I think what it
22 comes down to is that this site is residential in
23 zone, but it's not residential in character when
24 you look at the immediately adjacent properties.
25 So it won't compromise a fully residential area

1 which I think it aligns with some of the master
2 plan recommendations that the town currently has,
3 which is really to keep single-family residential
4 areas as single-family residential areas in
5 accordance with the zoning. And here's an area
6 that is zoned for single and two-family, but has
7 not necessarily had those characteristics
8 recently.

9 So then I'm just going to touch on
10 the bulk variance. And we are requesting a bulk
11 variance for the parking, which has been discussed
12 and I'll get into briefly. And then, also,
13 technically for the parking overhang and the
14 signage. I think in terms of the parking on the
15 site, this is -- I believe it can be granted under
16 the C2 Criteria in which the benefits outweigh the
17 detriments and purposes of zoning are advanced.
18 In this case, you've heard a lot of testimony on
19 this already, but essentially, 19 spaces are
20 required based on the double weighing of your
21 ordinance where there're two conditions or two
22 requirements that are looked at, and the more
23 stringent is taken, and nine are being proposed
24 here. So nine parking spaces are being proposed
25 to be striped in a way that -- in a size that

1 meets your ordinance standards. The overhang is
2 the variance there, but the size of the site --
3 excuse me, the size of the parking spaces is
4 appropriate, and there is enough room to back up
5 as our engineer just testified to. So in this
6 case, first of all, yes, the practice is not
7 proposed to operate in the same way that a typical
8 medical practice would, and that's what the
9 ordinance is based on. And I know that there's
10 been some questions on the Board about how to kind
11 of control that. And I think that one way of
12 looking at this is when you take the -- just the
13 first floor of this practice, which is where the
14 exam rooms are proposed to be, which is where
15 almost all of the -- actually all of the patient
16 activity is proposed to take place. I believe the
17 doctor testified that upstairs would be her
18 private office and maybe parents, but very
19 occasionally. But all the patient activity is
20 proposed to take place on the first floor. And
21 that first floor measures approximately
22 1,500-square feet.

23 And if you just look at that, and
24 this is just for framing context, we still need a
25 variance, but at one space per 175-square feet,

1 that's pretty much exactly nine spaces. So when
2 the main activity of the practice is limited to
3 that 1,500ish-square feet, I think that puts the
4 context of what's being requested here as far as
5 the parking into a different kind of frame.
6 Because if you look at a typical medical office
7 where the office space, you know, it's dedicated
8 office space for nearly all of it except maybe a
9 billing room is dedicated to patient practice,
10 that's not the case with this former converted
11 residence. The basement is going to be used only
12 for storage, which we've attested to, and that's
13 not part of the parking calculation.

14 I think the key to focus on here is
15 really just looking at the area that will be used
16 for patient use. And that's what I think will
17 control the growth of the practice and besides the
18 business model itself. But any other change would
19 have to come back to the Board if certain aspects
20 of the property were proposed to be expanded. So
21 I think that's another control that the Board can
22 feel comfortable with. And the Applicant
23 testified that she chose this site because she
24 thinks it meets her needs. It has parking
25 on-site, she doesn't anticipate a large number of

1 patients. Ideally, people won't be coming to park
2 at the site unless they've already been through
3 telemedicine, the doctor has determined that they
4 need to see them in person. But even then, it
5 will only be one per hour maximum. So you're
6 really looking at a low-impact medical office
7 practice. So that's the no walk-ins, one-hour
8 patient scheduling, the idea that there's not
9 really going to be a waiting room; all which add
10 up to a reduced parking demand here.

11 And I think that also speaks to the
12 variance we're requesting for the lack of
13 overhang. Again, this is going to be a
14 low-turnover operation. Visitors will be pulling
15 into the site. There is room, as our engineer
16 just testified, for potential people coming in and
17 out, but that's generally not going to be the case
18 here. So there will be anticipated room for safe
19 maneuvering; especially with that 24-foot wide
20 backup area. So I don't think that will have any
21 negative impact on safety or circulation.

22 Just to address the signage. Yeah,
23 the Applicant is proposed the freestanding sign
24 which will measure 2-feet-by-4-feet which is
25 similar in size to what's there now and what was

1 previously approved and what would be permitted in
2 a zone where this kind of use would be permitted.
3 And as was just testified to, the Applicant is
4 proposing to move it back onto the property. So
5 it will be coming into more compliance and will be
6 15-feet from the edge of pavement, I believe. So
7 I think, again, no impact on safety there.

8 The variance itself for both the
9 freestanding sign and the facade sign are just for
10 the signs existing because this is a residential
11 zone that does not contemplate business signage.
12 And the facade sign, I think again, this is a
13 unique case where that wall, it is abutting the
14 parking lot. Where if there was another similar
15 size business there, it may not be appropriate,
16 but I think that because it is kind of an open
17 area with the parking lot, I think it's an
18 attractive feature of the building, and I think
19 it's a good guidance for people visiting the site.
20 Both the freestanding and the facade signs will be
21 externally illuminated in ways that are in
22 compliance with the ordinance. We've heard
23 testimony about the stipulation about when the
24 sign's light will turn off. And the colors,
25 materials, etcetera, will complement the building

1 and the surrounding area.

2 So I believe for all these reasons
3 that we just stated, I think that the bulk C
4 Variance and the D-1 Variance relief can be
5 granted without substantial detriment to the
6 public good or substantial impairment of the zone
7 plan.

8 CHAIRMAN FUSARO: Thank you. Any
9 Board Members have any comments for the planner?

10 MS. MOLNAR: No. I have other
11 questions for other people.

12 CHAIRMAN FUSARO: Okay. I think
13 we're good. I just want to -- and I don't know if
14 this would fall certainly under your purview,
15 perhaps under the engineer's -- we discussed the
16 trash situation and seen the photographs of the
17 current. Mr. Hehl, perhaps you could ask your
18 client if they would be amenable to actually
19 constructing a trash enclosure back there so that
20 the cans wouldn't be visible blowing all over the
21 church parking lot, etcetera. I see her.

22 MS. ROLNICK: (Indicating.)

23 MR. HEHL: She's nodding, yes.

24 CHAIRMAN FUSARO: I'll take that as
25 a, yes. Okay. We can add that as a condition as

1 we move further along. Anyone from the audience
2 have any questions for the planner? Seeing none.
3 Any other Board Members, questions for the
4 planner? No? Okay, Mr. Hehl. Thank you so much.

5 MR. HEHL: We have no further
6 witnesses at this time, although, I think
7 Ms. Molnar...?

8 MS. MOLNAR: I had some questions,
9 yeah. I'm sorry I didn't bring them up before.
10 Is the driveway two-car widths so that someone can
11 come in and somebody can go out at the same time?

12 MR. HEHL: Bill, if you could bring
13 up your plan.

14 MR. HOLLOWS: The driveway at the
15 entrance for Mountain Avenue is wide enough that
16 you can have a car coming out and a car going in.

17 MS. MOLNAR: Oh, you can.

18 MR. HOLLOWS: But as you get back
19 close to the building, it's not the 20-foot wide.
20 It's not wide enough to have two cars go.

21 MS. MOLNAR: Ans what is it back
22 there?

23 MR. HOLLOWS: It's 13.4 -- I'm
24 sorry, 13.8.

25 MS. MOLNAR: So if somebody pulls in

1 there and somebody's trying to get out, there
2 could be a problem, bottleneck back there?

3 MR. HOLLOWS: No. I think what
4 would happen really is that you can see somebody
5 coming out of the driveway, so if you were to pull
6 in off Mountain Avenue, you would stay there, let
7 the other car come up, and go out.

8 MS. MOLNAR: I see. Okay.

9 CHAIRMAN FUSARO: The front part is
10 18.4-foot. So somebody would pull in, remain in
11 that 18-foot section, the 13-foot person pulls
12 out, and then go around.

13 MS. MOLNAR: I get it. All right.

14 CHAIRMAN FUSARO: One movement, not
15 two. Two vehicles, one vehicle at a time.

16 MS. MOLNAR: The house next door to
17 the left, is there a residence on the second
18 floor? When you face the building, there's a
19 structure next door; it looks residential on the
20 second floor.

21 MR. HOLLOWS: I'm sorry, I don't
22 know the answer.

23 MS. MOLNAR: Which leads to my
24 second question; will there be evening hours?

25 MS. ROLNICK: All of the patients

1 that need to be seen in an emergency setting
2 after-hours would be able to access their
3 physician by the telehealth platform. If they
4 needed to be seen after hours with a required
5 emergency, they'd have two options; either an
6 in-home visit or actually go to an acute-care
7 setting.

8 MS. MOLNAR: So your normal office
9 hours would be 9 to 5?

10 MS. ROLNICK: Correct.

11 MS. MOLNAR: All right. Thank you.

12 CHAIRMAN FUSARO: Anyone else from
13 the Board? No? Anyone else from the audience who
14 would like to have any general questions regarding
15 the application? Seeing none. Oh, please come
16 forward.

17 MR. ADAMS: I'd like to say
18 something.

19 CHAIRMAN FUSARO: Please state your
20 name and address for the record.

21 MR. ADAMS: My name is Howard Adams,
22 and I live at 852 Ramapo Way here in Westfield.

23 MS. RAZIN: Can you spell your last
24 name for me, please?

25 MR. ADAMS: A-d-a-m-s.

1 CHAIRMAN FUSARO: Please raise your
2 right hand.

3 HOWARD ADAMS, having been duly
4 sworn, was examined and testified as follows:

5 CHAIRMAN FUSARO: Thank you so much.
6 Please proceed.

7 MR. ADAMS: I am the president of
8 the Presbyterian Church. I wanted to inform the
9 Board here that the trustees of the church voted
10 not to oppose this application.

11 CHAIRMAN FUSARO: Thank you so much.
12 Mr. Hehl, anything else?

13 MR. HEHL: No. We have nothing
14 further at this time. And I guess the question
15 would be that concludes our presentation. And
16 whether or not, again, we know it's five members
17 and we would require an anonymous vote. I don't
18 know if there're conditions we would need to
19 discuss or what the pleasure of the Board is. I
20 know it's our option, but the only thing is we do
21 have some time constraints because we're contract
22 purchased. And by the way, thank you for being
23 here.

24 CHAIRMAN FUSARO: Thank you.

25 MR. MASCIALE: I've got a list of

1 conditions and notes that we've taken.

2 CHAIRMAN FUSARO: If you'd like, Mr.
3 Hehl, what we'll probably do is we'll open it up
4 to Board discussion. I'm sure we'll discuss some
5 conditions that we're looking at. And then, I'll
6 come back to you and ask you whether you'd like to
7 proceed with the five affirmative votes that you
8 need this evening or whether you'd like to come
9 back at the next meeting and have us take a vote
10 when we should have seven full Board Members.
11 Does that work for you?

12 MR. HEHL: That's fine. Like I said
13 if they owned the property already; but we do have
14 time constraints. I know they're some lawyers on
15 the floor; there're contingencies. So anyhow, we
16 appreciate the Board discussing the conditions.

17 CHAIRMAN FUSARO: Thank you. We'll
18 come back to you, Mr. Hehl. We'll close it to the
19 public and we'll open it up to Board discussion.
20 As you see, I think we've asked quite a few
21 questions. Basically, what we have before us is
22 an application for this pediatrician's office.
23 The way I'm looking at my notes here and I think
24 some of the conditions that we had discussed were;
25 Number One, I believe we would want to keep the

1 use in the basement strictly as storage. That was
2 in the old application or condition. I think we
3 want to keep that condition. Number Two, we
4 discussed I believe the removal of the shed. So
5 that would be another condition. Number Three, I
6 had asked, and the Applicant has agreed to create
7 a trash enclosure around the exterior trash cans.
8 I believe we discussed some lighting and that we
9 could certainly put a condition in there that both
10 the site lighting and signage lighting be turned
11 off at 10 p.m.

12 MR. MASCIALE: We heard testimony of
13 gooseneck lighting on the --

14 CHAIRMAN FUSARO: Right. Gooseneck
15 lighting on the signs both -- well, the building
16 sign with the gooseneck lighting and the inground
17 sign with some inground lighting facing up. And
18 then we discussed the condition of adding an EV
19 parking space which is required. And then, and I
20 left this for last, is the number of physicians.
21 I believe we had discussed possibly adding a
22 condition which would limit that to two doctors.

23 MR. MASCIALE: We also heard a
24 support person.

25 MS. MOLNAR: I have another

1 suggested stipulation.

2 CHAIRMAN FUSARO: Sure.

3 MS. MOLNAR: We should stipulate
4 that patient treatment and patient visits would
5 only occur on the first floor.

6 CHAIRMAN FUSARO: Okay. That's
7 fine.

8 MR. MASCIALE: We heard testimony
9 that --

10 CHAIRMAN FUSARO: They testified
11 that's all they're going to do anyway.

12 (Crosstalk.)

13 MS. RAZIN: Well, there was some
14 minimal use of the second floor.

15 CHAIRMAN FUSARO: She said for
16 patients only on the first floor.

17 MS. MOLNAR: I said patient
18 treatment or patient visits.

19 MS. RAZIN: Okay.

20 MR. MASCIALE: We heard testimony
21 that she may want to meet with family outside of
22 the examining room in a casual setting.

23 MS. RAZIN: I mean I don't know if
24 like a lactation consultant if she's -- I mean,
25 technically the baby -- I don't know. It gets --

1 CHAIRMAN FUSARO: Yeah. Too
2 restrictive.

3 MS. RAZIN: Right? Like you're
4 bringing a baby up -- I mean just based on the
5 testimony, I just want to reword it slightly and
6 it might work. She did testify, the doctor
7 testified that she potentially wanted to do some
8 lactation consulting upstairs. If you're okay,
9 you can put conditions on it. I'm just saying
10 what the testimony was that that was a space that
11 she wanted to use for that. And technically, I
12 would imagine that the baby would be a patient.

13 MS. MOLNAR: I guess if we limit it
14 to two doctors then we're not going to have like
15 two more doctors on the second floor.

16 CHAIRMAN FUSARO: We're looking to
17 give them two; period.

18 MS. RAZIN: So two. And do you want
19 to limit -- do you want to indicate -- you were in
20 the middle of saying something about an addition
21 to staff. But I don't know if you want to...

22 CHAIRMAN FUSARO: Yeah. Yeah. The
23 two doctors.

24 MS. RAZIN: Two doctors, but you
25 don't have to say anything about this. You could

1 keep that.

2 CHAIRMAN FUSARO: Yeah. I
3 understand.

4 MR. MASCIALE: Can I just actually
5 ask on building off of that: So now you have a
6 second story, we've addressed this on other
7 applications where she's not going to rent the
8 second story to four lawyers.

9 CHAIRMAN FUSARO: Correct.

10 MS. RAZIN: You can put a condition
11 in that the uses are associated with her practice.

12 CHAIRMAN FUSARO: With a medical
13 practice.

14 MR. MASCIALE: A medical practice.
15 Okay. That's a good way to do it.

16 CHAIRMAN FUSARO: Okay. That's
17 fine. We can add that in as well. Any other? Am
18 I missing anything? Any other members?

19 MS. PAVON: Does the restriction of
20 two doctors restrict her to a medical assistant?

21 MS. RAZIN: So that's what -- you
22 left the medial assistant out right now. So
23 there's no restriction on the medical assistant.

24 CHAIRMAN FUSARO: We're discussing
25 it. If you feel that --

1 MS. PAVON: I think she needs the
2 ability to hire staff to support her.

3 CHAIRMAN FUSARO: If we want to say
4 it's just the two doctors and one medical
5 assistant; that's fine.

6 MR. MASCIALE: I don't want to over
7 restrict the business. I think limiting it to two
8 professionals also controls the trip generation.
9 And I think we're enforcing it at the maximum
10 which I'm okay with because I think that's what we
11 have to apply it to. And then, I want to put in
12 if we're managing this to the maximum, I don't
13 necessarily see the need to continue with the deed
14 restriction going forward in my mind because we're
15 managing it.

16 CHAIRMAN FUSARO: I think we've put
17 enough conditions on that the deed restriction
18 would probably not be necessary. Would you agree,
19 Katie?

20 MS. RAZIN: I would agree.

21 MS. MOLNAR: What did you say?

22 CHAIRMAN FUSARO: I'm sorry?

23 MS. MOLNAR: What did you say? I
24 couldn't hear you.

25 MS. RAZIN: The deed restriction

1 also refers to the prior conditions anyway as I
2 read it; right? So it's no longer...

3 CHAIRMAN FUSARO: Yeah. The deed
4 restriction that was currently there basically
5 dealt with the one-and-a-half acupuncturist. It's
6 kind of a moot point right now because it's a
7 completely different use anyway.

8 MR. MASCIALE: And I don't see a
9 need for a deed restriction going forward based on
10 our managing --

11 MS. RAZIN: You want a deed
12 restriction or --

13 MS. PAVON: No.

14 MR. MASCIALE: No.

15 MS. RAZIN: No deed restriction.

16 MS. MOLNAR: No deed restriction on
17 the number of doctors?

18 CHAIRMAN FUSARO: No.

19 MS. RAZIN: It's going to be a
20 condition in the resolution.

21 MR. MASCIALE: It's a condition.
22 We're managing it to the maximum number of people
23 in parking spaces. I think we're covering our
24 bases.

25 MS. MOLNAR: Wait a minute. We're

1 not going to do a deed restriction?

2 CHAIRMAN FUSARO: Correct.

3 MS. MOLNAR: But they did

4 previously.

5 MS. PAVON: The deed restriction

6 prior was for one-and-a-half acupuncturists.

7 She's testified that she's going to have herself

8 and another physician. So we've made in our -- if

9 we vote -- it's a condition that there be no more

10 than two physicians.

11 CHAIRMAN FUSARO: Plus a medical

12 assistant. But we don't feel that it needs to be

13 a deed restriction. It's a condition of approval.

14 (Crosstalk.)

15 MS. PAVON: It's a condition of

16 approval.

17 MS. MOLNAR: Why was it a deed

18 restriction the last time?

19 CHAIRMAN FUSARO: I don't know.

20 MS. PAVON: That's a good question.

21 CHAIRMAN FUSARO: Chris was here

22 previously, he might know.

23 MS. MOLNAR: Tell us, Chris.

24 MR. MASCIALE: It was a way to

25 enforce the conditions. So the Board only felt

1 comfortable if there was a way to enforce the
2 conditions. So in that case, the Bord would ask
3 for a deed restriction in those cases.

4 MS. MOLNAR: So how do we know
5 there's not going to be four or five doctors if
6 there's no deed restriction?

7 MR. SONTZ: Well, if there was, it
8 could still be enforced with the code enforcement
9 officer.

10 MS. RAZIN: As a condition of
11 approval, it can still be enforced. But that's
12 not your -- you make the conditions, and you let
13 your --

14 MS. MOLNAR: So then the deed
15 restriction has more teeth to it?

16 MS. RAZIN: Not necessarily.

17 MR. SONTZ: Yeah. I'm not a big fan
18 of doing what we do by deed restriction. I think
19 we do variances; we do resolutions.

20 (Crosstalk.)

21 CHAIRMAN FUSARO: We're getting away
22 from that our title expert.

23 MS. RAZIN: I mean I've only been
24 here for three or four months, but you guys have
25 not imposed deed restrictions on conditions. You

1 typically impose your conditions by conditions in
2 the resolution. Can I just clarify then? I heard
3 two different things. I thought I heard you say
4 two doctors and a staff member. And I heard you
5 say two doctors, and I just want to be sure.

6 MS. PAVON: I mean unless the Chair
7 -- I mean I just think we're saying two doctors.
8 I don't think --

9 MS. RAZIN: Two doctors; period.
10 And then what --

11 MS. PAVON: -- we need the
12 restriction of and medical. I mean, I don't know.

13 MR. SONTZ: I would just leave it to
14 two doctors.

15 MS. PAVON: Two doctors.

16 CHAIRMAN FUSARO: Just leave it two
17 doctors.

18 MR. SONTZ: Or two licensed
19 professionals, so if she wants it to be another
20 doctor or a physician's assistant.

21 CHAIRMAN FUSARO: Physician's
22 assistant.

23 MR. SONTZ: Two people who are
24 seeing patients because that's what we're worried
25 about; right?

1 MS. PAVON: Two practitioners.

2 MR. SONTZ: Two practitioners.

3 MS. PAVON: That could be a PA, that
4 could be --

5 MR. MASCIALE: Yeah. I think we'd
6 want to leave it open to give her flexibility.

7 MS. RAZIN: Right. Two
8 practitioners.

9 MR. MASCIALE: Two practitioners.
10 That's good.

11 CHAIRMAN FUSARO: All right.
12 Anything else?

13 MS. MOLNAR: Well, the only concern
14 I have is what we're doing is spot zoning.

15 CHAIRMAN FUSARO: Say that again.

16 MS. MOLNAR: We're spot zoning.

17 MR. MASCIALE: Yes. I think, Carol,
18 we are. And I think --

19 MS. MOLNAR: I just want to make
20 everybody clear about that.

21 MR. MASCIALE: And I think the
22 argument the planner made and what the prior
23 Boards have done, looking at this particular space
24 and approving the use for this, I think we're just
25 continuing that use. We're not creating a new use

1 in the spot zoning. I think it's a continuation
2 of the use that's been there. And I think the
3 planner did a fine job outlining that on the
4 agreement.

5 CHAIRMAN FUSARO: And one of the
6 major property holders that immediately adjacent
7 to this has testified his entire board is in favor
8 of the application.

9 MS. MOLNAR: They are enlarging the
10 use a little bit from one-and-a-half to two
11 people?

12 MR. MASCIALE: No, because -- well,
13 yeah. I don't know what the trip generation --

14 MS. RAZIN: There's no one living
15 there anymore. I just want to clarify between the
16 -- I mean you clarified it as spot zoning -- I'm
17 not saying grant it, I'm not in favor of one or
18 the other, I'm neutral. But spot zoning -- but
19 there was a request for a use variance and the
20 proofs were given. So I just want to be careful
21 that we don't put in every time there is -- just
22 because we grant the use variance -- every time
23 you could say that you make the argument that it's
24 spot zoning. I don't think we want to be saying
25 that every time we grant a use variance that it's

1 spot zoning. I think if the proofs are -- and I'm
2 not saying yes or no -- if the proofs are there,
3 then the Board is -- the Applicant is entitled to
4 be granted the use variance. But it doesn't
5 necessarily mean that the Board is spot zoning.
6 It means that they're granting an Applicant
7 relief.

8 MR. MASCIALE: That's a very good
9 point.

10 MS. RAZIN: Be careful about how
11 it's qualified what the Board is doing. Because
12 that spot zoning is illegal, granting a use
13 variance is not.

14 MS. MOLNAR: Yeah. I'm just saying
15 it kind of looks like it. I didn't say it does.

16 MR. MASCIALE: We're not.

17 MS. RAZIN: But we're not. That's
18 why I want to make a decision because one is
19 legally correct and one is not.

20 MS. MOLNAR: Yeah. All right.
21 Makes sense.

22 MR. MASCIALE: Great point.

23 CHAIRMAN FUSARO: Let's get Mr. Hehl
24 back up here. Mr. Hehl, what have you and your
25 client decided?

1 MR. HEHL: We've sat together and
2 all of the conditions that have been outlined by
3 the Board are acceptable to the Applicant. And I
4 guess you are allowed to get feedback from the
5 Board. If the Board is inclined to grant the
6 application, we would like to move forward and
7 have the vote this evening so we can move on and
8 purchase the property. If there's hesitancy on
9 the Board and concern about the application, I
10 think they really worked very hard at doing a
11 great plan here and a great adaptive reuse of this
12 building. So again, I would like to have us move
13 forward, but again, if there's concern by
14 particular Board Members, we can wait and come
15 back next month.

16 CHAIRMAN FUSARO: It's not that we
17 don't love seeing you, Mr. Hehl, but we'd like to
18 --

19 MR. HEHL: And you're stuck with me
20 on another case.

21 CHAIRMAN FUSARO: Thank you so much.

22 MR. MASCIALE: We can't make that
23 decision for him. Mr. Hehl has to.

24 CHAIRMAN FUSARO: He said he'd like
25 to move forward.

1 MR. MASCIALE: Okay. Then we're
2 good.

3 CHAIRMAN FUSARO: Thank you,
4 Mr. Hehl. Okay. We're ready for a motion.

5 MR. MASCIALE: Yeah.

6 CHAIRMAN FUSARO: Do you want Katie
7 to read all of the...

8 MR. MASCIALE: You have them all?

9 MS. RAZIN: Yeah, I can read them
10 all. Well, is there a motion is in favor of --

11 MR. MASCIALE: Yes. I make a motion
12 in favor.

13 MS. RAZIN: -- the application? And
14 the conditions that I have are: Keeping the use
15 of the basement as storage. Removal of the
16 existing shed. Enclosing the trash location with
17 the exterior cans providing an enclosure. Sign
18 lighting and signage lighting turned off at
19 10 p.m. Providing gooseneck building lighting
20 around the building signage, and the inground sign
21 would have light facing up, no other illumination
22 around the signage. Adding an EV parking space.
23 A limit of two practitioners on-site at one time.
24 Use of second floor associated with a medical
25 practice. The deed restriction can be lifted.

1 MR. SAMMET: Can we make that EV
2 charging space the make-ready?

3 MS. RAZIN: Sorry. Thank you, yes.
4 Make-ready only.

5 MR. HEHL: I just want to jot it
6 down; I think that the second floor has to be
7 related to the practice? Did I catch that?

8 MS. RAZIN: Yes. I said that the
9 second floor is associated with a medical
10 practice.

11 CHAIRMAN FUSARO: Yeah. Associated
12 with a medical practice.

13 MR. HEHL: Okay. I'm sorry.

14 CHAIRMAN FUSARO: She speaks very
15 fast.

16 MS. RAZIN: I'm sorry. I'm trying
17 to move it along. I'm sorry.

18 MR. MASCIALE: You have two
19 practitioners?

20 MS. RAZIN: I said a limit of two
21 practitioners on-site or on-site at one time.

22 MR. MASCIALE: Shed removal?

23 CHAIRMAN FUSARO: Yes. She
24 mentioned shed removal.

25 MR. MASCIALE: That's all my notes.

1 CHAIRMAN FUSARO: So we're going to
2 make a motion. Someone make a motion based --

3 MR. MASCIALE: I make a motion based
4 on the conditions the attorney just stated.

5 CHAIRMAN FUSARO: Mr. Masciale. Do
6 we have a second?

7 MS. PAVON: I second.

8 CHAIRMAN FUSARO: Second, Ms. Pavon.
9 Mr. Sammet.

10 MR. SAMMET: Roll call.
11 Chair Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MR. SAMMET: Vice-chair Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Ms. Pavon.

18 MS. PAVON: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 CHAIRMAN FUSARO: The application is
22 approved. Mr. Hehl, good luck.

23 MR. HEHL: Thank you so much.

24 CHAIRMAN FUSARO: Dr. Rolnick, good
25 luck.

1 MR. HEHL: She's very excited.

2 Thank you again.

3 CHAIRMAN FUSARO: Moving right
4 along. Our next application is 22-001, Joshua and
5 Melissa Ring, 145 Lincoln Road. Applicant is
6 seeking approval to construct a one-story addition
7 on the rear of the house and a rear porch
8 addition; contrary to the Land Use Ordinance
9 Section 12.04F.1 where maximum building coverage
10 permitted is 20% and proposed is 23.23%.

11 Good evening. Mr. Bailey, I see you
12 again. Please state your name and address for the
13 record.

14 MR. RING: Sure. My name is Joshua,
15 the last name is Ring, R-i-n-g, and I live at
16 145 Lincoln Road.

17 CHAIRMAN FUSARO: Mr. Ring, please
18 raise your right hand.

19 JOSHUA RING, having been duly sworn,
20 was examined and testified as follows:

21 CHAIRMAN FUSARO: Thank you so much.
22 Please proceed.

23 MR. RING: As I just mentioned, my
24 name is Joshua Ring, I live at 145 Lincoln Road
25 with my wife Melissa who unfortunately could not

1 be here tonight. We have a 4-year-old daughter
2 she is home with, Zoe. We also have a
3 20-year-old-daughter, Sydney, who is a senior at
4 Ohio State University. And an 18-year-old
5 daughter Jolie who is finishing up her senior year
6 in high school and is going to be attending
7 Indiana University next year or next fall. We
8 moved to Westfield in 2019, just prior to the
9 pandemic. After falling in love with the town,
10 the street, and especially our home which had been
11 vacant for almost two years. Which we understood,
12 but loved it, and wanted to give the house the
13 love that it needed. So the past two-and-a-half
14 years we've been doing that and updating it and
15 bringing it back to what it should be. I do want
16 to start today by saying that we are going to
17 request adjustment to the scope of the variance.
18 We want to replace the request for the covered
19 porch off of the back of the house to just make it
20 a deck. We were not aware of a previous variance
21 on the property back in 1999 that was shared in
22 the planner's report. So to be respectful of the
23 past village board's feedback, we're going to
24 remove the request for the coverage and just ask
25 for the variance that allows us to extend the

1 kitchen. And David has I believe the drawings
2 that you guys would need to reflect that.

3 MR. BAILEY: I have sets of the
4 revised plans.

5 CHAIRMAN FUSARO: Mr. Bailey, you
6 have revised plans. Okay. Can you hand them out
7 for us? So the ones we have are...

8 MS. RAZIN: You're going to mark
9 those -- they're going to mark those.

10 CHAIRMAN FUSARO: You're going to
11 mark those as an exhibit, and he's going to hand
12 them out to us all.

13 MS. RAZIN: Yes?

14 MR. BAILEY: They're not marked.

15 MS. RAZIN: Are you going to mark?
16 Okay. Whatever. Well, just hand them out first I
17 guess.

18 MR. RING: So basically what we've
19 done is on the back of the house there was going
20 to be a porch that had a covered roof. At David's
21 recommendation, and based on the feedback from the
22 planner's report, we just removed the roof and we
23 would converge to a deck. As the village has
24 already sort of ruled on the property to begin
25 with, which we were not aware of, we just wanted

1 to be respectful of that.

2 CHAIRMAN FUSARO: Thank you.

3 MR. RING: As far as what we're
4 asking for and what's left, we're now living in
5 our home for two-and-a-half years, our request for
6 variances is to improve the functionality of the
7 kitchen, mudroom, and back hallway. The rear door
8 to the residence serves as our primary entry and
9 exit to the home. But it leads to a very narrow
10 L-shaped hallway that doesn't allow for enough
11 space for shoes and coats and things that we would
12 need. And when we come into the home, we kind of
13 have to do it in single file and wait for the
14 first person ahead of you to take off everything
15 and kind of drag it into the dining room and put
16 it there before we can get into the coat area that
17 we have.

18 Regarding the kitchen, my wife is an
19 incredible foodie. If she was here tonight, she
20 would tell you. But she loves to cook and she
21 loves to entertain. And the current configuration
22 only leaves us with 3-feet of workable countertop
23 space once you put up the coffee machine and all
24 the different appliances that maybe didn't exist
25 in 1999 when they built the last addition. So

1 with all those now, we don't have the space that
2 she needs and would desire. The refrigerator door
3 hits the cabinet countertop. We can't open it a
4 full 90-degrees. The double-oven that we have
5 currently opens directly into the only pathway
6 into the kitchen. So it creates a hazard,
7 especially for our 4-year-old daughter. The
8 bottom over won't open 90-degrees either without
9 hitting the adjacent cabinet in the kitchen. So
10 again, another hazard. And, obviously, the
11 mudroom is just to create extra space, and so when
12 we do come in we've got space to put stuff and
13 it's not cluttered in our dining room to make the
14 functionality better.

15 While they're not here today, we
16 have spoken to our neighbors directly behind us,
17 the Hazards. And the Sprolls(phonetic) and the
18 McCartneys on either side of us, and both have
19 said that they're in support of the addition of
20 the change that we want. So in summary, the
21 requested variance that remains would allow us to
22 expand the kitchen, take advantage of unused
23 non-green space. So the space that we're looking
24 to expand that extra 5-feet is currently pavers
25 alongside our driveway. So it is not an existing

1 green space in the backyard, but it will give us
2 the opportunity to have the full advantage of a
3 gathering space in the home, and a less cramped
4 and more functional environment. So thank you for
5 your consideration.

6 MR. BAILEY: I can walk the Board
7 through the drawings.

8 CHAIRMAN FUSARO: Okay. Mr. Bailey.

9 MR. MASCIALE: Just going back to
10 Don's report before we go on that. So there's a
11 discrepancy of what was previously approved in the
12 21.69%. Do we have any understanding of that?

13 MR. SAMMET: We do. I corresponded
14 with Mr. Bailey on that this afternoon. And it
15 turns out back in 1999, coverage was calculated
16 differently by town ordinance. So what was
17 approved by variance back in 1999 and what exists
18 out there today are actually identical. The
19 difference just goes to what exemptions are
20 allowed -- how coverages are treated; different
21 elements of site improvements.

22 MR. MASCIALE: So we can really
23 treat it as an existing --

24 MR. SAMMET: Yeah. There's nothing
25 nefarious going on. Everything is on the

1 up-and-up.

2 MR. MASCIALE: Thank you, Don.

3 CHAIRMAN FUSARO: Thank you, Don.

4 MR. BAILEY: Back then, you didn't
5 count the stoops and porticos on the side or rear
6 if they were under 335-square feet. So I have
7 what Don sent me of the resolution from 1999, and
8 the architect's calculation. And the architect
9 back in 1999, their calculations for building
10 coverage, she does not list any of these stoops.
11 I have to go by what's current today for
12 definitions and code. So in my calculations, I
13 counted that side stoop and the rear stoop. We're
14 proposing on the proposed plans to demolish that
15 rear stoop so that coverage is going away and is
16 going to be replaced with a deck which is allowed
17 additional coverages over ingress to egress
18 platforms. So let me walk you through the
19 drawings. If you look at the existing plans and
20 elevations --

21 MS. RAZIN: Can we mark this set as
22 A-1 now? Just because they're new for this
23 evening.

24 MR. BAILEY: Yeah. I'm referring to
25 --

1 MS. RAZIN: Right. I just want to
2 mark them Exhibit A-1.

3 CHAIRMAN FUSARO: The new drawings.

4 MS. RAZIN: That's all. Just for
5 the record because they're new to the Board.
6 That's all. So we're just going to mark the
7 entire set as A-1.

8 MR. BAILEY: That's fine.

9 MS. RAZIN: So we'll just call it --
10 what do you refer to your set as just so we can
11 give it a name? Like one name.

12 MR. BAILEY: For the set?

13 MS. RAZIN: Just give me a name for
14 your whole set.

15 MR. BAILEY: Architectural plans.

16 MS. RAZIN: Architectural plans.

17 And we'll put April 9, 2022. Thank you.

18 (Whereupon, Applicant's Exhibit A-2,
19 ARCHITECTURAL PLANS DATED 04/09/2022, was marked
20 for identification.)

21

22 MR. BAILEY: So in Exhibit
23 Architectural Plans, A-1, on Sheet EX-1, the
24 Existing Plans Elevations, to reiterate what
25 Mr. Ring was talking about; with the floor plan

1 Drawing 4 on EX-1, the Existing First Floor Plan,
2 you can see at the back there that existing
3 kitchen is really a galley kitchen, and the
4 mudroom and the back entry on the side of the
5 driveway side on the right there, its' basically a
6 hallway. That mudroom is basically a hallway.
7 It's very tight. You've got the powder room
8 there, the butler's pantry, the passthrough to the
9 dining room, and the family room is sunken down a
10 couple of steps. So they have told me it's
11 awkward when they have parties or even just having
12 dinner with the table and the island there, being
13 so close to a drop off it's kind of awkward with
14 the level changes being relatively near a kitchen.
15 So it's very awkward currently functioning as a
16 mudroom, currently functioning as a kitchen. It's
17 an awkward floor plan.

18 The other changes we're proposing is
19 on the third floor, but we're not doing any
20 additions on the third floor, so the existing
21 three-story definition is not being increased in
22 nonconformance because we're not proposing the
23 additions on the third floor. We're only
24 proposing finishing some existing attic. So, yes,
25 it's a three-story house, in 1999, you were

1 allowed to do three stories. So that's an
2 existing nonconformance, which wasn't a
3 nonconformance in 1999. The three-story ordinance
4 passed in 2009. So I'm going by the current
5 definitions when I label the existing plans,
6 proposed plans, for the third floor as a
7 three-story. Again, it was legal in 1999.

8 MR. RING: And the reason for the
9 third floor, even though there are no variances,
10 is having two you know 20-year-old daughters -- 19
11 and 20-year-old daughters and a 4-year-old all
12 sharing one bathroom gets tight. So the purpose
13 of that was the two daughters wanted to take the
14 third floor and have a bathroom built up there for
15 them so they could have that space. And given
16 that they're older and they'll probably be there a
17 shorter amount of time but they'll be coming and
18 going. And then, they'll have their families and
19 their families have someplace to come and stay
20 that's separate was our design for the third
21 floor.

22 MR. BAILEY: Going to proposed floor
23 plans Sheet A-3, Drawing 1 on A-3; the only
24 additions we're proposing is on the first floor.
25 So there'll be a one-story addition on the first

1 floor to widen the kitchen, which, you can see, on
2 Drawing 1, we're proposing an addition that's
3 4-foot-9-wide by 21-feet-4-deep. So it goes up to
4 the side of the existing stoop going to that
5 mudroom door. So again, it's a relatively small
6 one-story addition of a crawl space, and that
7 extra almost 5-feet, 4-foot-9, allows us to a nice
8 island kitchen. And we redid the mudroom, powder
9 room, and butler's pantry so it's a real mudroom
10 with built-ins. Powder room tucked into where it
11 used to be a closet. And the circulation going
12 from the kitchen back towards the dining room is
13 all on one side, not cutting through a work
14 triangle. So the work triangle is off to the
15 side, no one's walking through it, you're further
16 away from the level change of the family room, and
17 you've got more room for a breakfast table also.

18 So it's a one-story addition,
19 4-foot-9 by 21-four; it's 101-square feet that
20 we're adding to the footprint of the house. The
21 proposed deck on the back there it is 10-feet deep
22 by 16-feet wide; 160-square feet. So it's just an
23 open deck coming off of the kitchen with the
24 existing French doors and with steps down to the
25 patio. Looking at Sheet A-4, Proposed Floor

1 Plans. So Drawing 2 on A-4, we're proposing to
2 finish on the attic the left side of the staircase
3 coming up, we're proposing to finish that existing
4 unfinished area to make an office with skylights.
5 Again, there're no dormer additions proposed for
6 that third floor. Because of definitions of
7 stories, it's considered a three-story home, but
8 we're not increasing in nonconformance because
9 we're not proposing any additional dormer
10 additions. Just interior renovations of existing
11 unfinished attic.

12 MR. RING: And the of the deck, just
13 to share, is that the back, if you can see from
14 pictures, the back, there're five steps. I think
15 it's 10-feet wide. It's just very unusable space.
16 It matches the double doors that are there from an
17 aesthetic standpoint. But it's just not usable
18 space for us. And we have to walk up and down
19 these five steps every time you want to get down
20 to what is still a relatively small patio area.
21 But it's also somewhat of a hazard for my daughter
22 walking up and down. So the thought was the deck
23 would allow us to give space at that higher level
24 where we could entertain basically just off of the
25 kitchen. And we would not be going out any

1 further then when you look at the plans, there's
2 currently a paver little walkway. Again, we are
3 not touching any green space. By adding the deck,
4 it would be just what is existing currently pavers
5 and steps now.

6 MR. BAILEY: I can address that on
7 the site plan sheets if we go to SP-1. On SP-1, I
8 have the Existing Site Plan and the Proposed Site
9 Plan. So on Drawing 1, the Exist Site Plan,
10 currently, like Mr. Ring said, there's the walkway
11 off the mudroom along the driveway. And then
12 there's a patio behind the house. There's an
13 existing stone porch off the kitchen which steps
14 down to the patio. So on Drawing 2, the Proposed
15 Site Plan, we're proposing that cyan shaded area,
16 the 4-foot-9-by-21-foot-4 addition along the side
17 of the driveway to make the kitchen and mudroom
18 and butler's pantry more functional, we're
19 proposing to replace that stone porch with the
20 deck being 10-foot-by-16-feet. So there's
21 existing detached garage that's two-car. So in
22 this zone, RS-10, we're only required a one-car
23 garage. The existing is a two-car. So the
24 existing garage is 458-square feet. So a one-car
25 garage is 250-square feet, so there's an excess

1 of, 208-square feet, with that existing garage
2 above what's required for a one-car garage.

3 With this revised plan, on the
4 proposed building coverage, so we're proposing to
5 add 101-square feet to existing footprint. That
6 puts you at 1,971-square feet. And when you add
7 the existing garage, existing rear stoop, so
8 proposed building coverage is going to be
9 2,166-square feet --

10 MS. RAZIN: I'm sorry. 2,160?

11 MR. BAILEY: Yeah. 2,166 -- 2,466.

12 So 2,466-square feet is proposed building
13 coverage, which is at the 21.75 percent building
14 coverage. If you subtracted the excess garage
15 size 208-square feet from that number you would
16 get down to just below 20% building coverage;
17 19.92%. We're not proposing to shrink the
18 existing two-car garage. It's in good shape. But
19 it's detached in the backyard. It's not living
20 space; it can never be living space. And it's
21 larger than required of the zone. The Rings would
22 like to keep it because, again, it's in good
23 shape, it exists. But that excess square footage
24 is causing these variances. So if someone did cut
25 the garage down we'd be conforming for building

1 coverage. We'd be at -- if you took the 208
2 excess square feet, we'd be down to 19.92%
3 proposed building coverage. We allow additional
4 2% building coverage with the deck. Again, with
5 the math there, the house plus the deck is at
6 23.1% building coverage at 2,626-square feet.
7 Again, if you subtract the 208 excess square
8 footage of the garage, that puts you down to
9 21.39% which is under the maximum 22% for house
10 and deck.

11 We conform with the codes for FAR.
12 We conform with even with the excess garage, we
13 conform with the maximum all coverage is 24%. So
14 we're under that 23.71% even counting the entire
15 garage. And improvement coverage, we're under the
16 maximum 50% where 44.08% with the proposed
17 additions. So again, the oversized garage is
18 causing the variances. If someone were to cut
19 that down to the 250-square foot one-car garage,
20 there'd be no variances requested. But because
21 they would like to keep the existing garage
22 because it's in good shape and use it for storage,
23 that's causing the variances. And again, it's
24 detached in the backyard. It's not living space,
25 can never be living space.

1 MR. RING: And as I mentioned
2 earlier, we were not aware of the previous
3 variance request. So to bring us closer in line
4 with what is in line, that's why we removed the
5 roof request off the porch to bring us more
6 closer, but still, give us that functionality of
7 the kitchen that we were looking for but not
8 taking any take green space from what currently is
9 just pavers.

10 MR. BAILEY: I can walk the Board
11 through the proposed elevations. So on the first
12 sheet, A-1, Drawing 1 of A-1, Proposed Rear
13 Elevation. So that 4-foot-9 addition on the side
14 of the house, the right side of the house, is
15 going to have a hip-shaped roof, and we're going
16 to wrap that hip-shaped roof around the existing
17 two-story house to form a canopy roof. The
18 existing house has on the left side, the existing
19 two-story part has a canopy roof around it.
20 Existing one-story section of the house on the
21 right side has existing canopy-style roof. We're
22 proposing with the addition on the side and with
23 the canopy wrapping around the existing part of
24 the house to tie the house together with that
25 canopy roof, so it will break up that kind of boxy

1 rear elevation that exists. So it will look more
2 like it was originally built when the house was
3 built because you can see on the south side
4 elevation Drawing 2 on A-1, the rear elevation
5 Drawing 1 on A-1, that canopy roof is continuing
6 around that existing two-story former addition on
7 the back. Go to Sheet A-2, Drawing 1 on that
8 sheet, again, you can the condition out the back
9 there 10-feet deep, and then you see that canopy
10 roof wrapping around again to tie the addition and
11 the house into the house to break up that boxy
12 wall there.

13 MR. RING: And the look from the
14 neighbor's house that faces where the addition
15 would be built, the look won't change with the
16 exception of that roof. So it's still going to be
17 the house siding the way it is, three windows will
18 still remain. We're just moving it out that
19 5-feet. So they won't see anything different than
20 what is there now. And in fact, we're improving
21 it by adding that roof to make it a little more
22 aesthetic as opposed to looking at a big, what is
23 now, a two-story white wall.

24 MR. BAILEY: It will be less boxy
25 and aging, it will tie into that existing canopy

1 roof that's on the existing house. It'll tie
2 altogether all four sides. It will have that same
3 canopy roof going all the way around, so it will
4 look more like the addition was originally part of
5 the house, not something that got added on in
6 1999.

7 CHAIRMAN FUSARO: Am I interpreting
8 this correctly; the existing home currently has
9 two bedrooms?

10 MR. RING: No.

11 MR. BAILEY: I didn't finish drawing
12 in --

13 MR. RING: There are three bedrooms
14 currently on the second floor. There's a master
15 bedroom and two guest bedrooms.

16 MR. BAILEY: I did partial plans.
17 They weren't touching those areas.

18 CHAIRMAN FUSARO: Thank you.

19 MR. RING: There are only two full
20 bathrooms, which is part though, which is part of
21 the reason why we're making the request for the
22 third floor so my daughters have their own space
23 to do all the hair and makeup and stuff that they
24 currently do in the one bathroom now.

25 CHAIRMAN FUSARO: Understood. Thank

1 you. Any Board Members have any questions for
2 Mr. Bailey or the Applicant? No? Anyone in the
3 audience have any questions for Mr. Bailey or the
4 Applicant at this time? Seeing none, we'll close
5 that. Okay, Mr. Bailey, is there any -- or
6 Mr. Ring, is there any other questions, comments,
7 concerns that you'd like us to address?

8 MR. RING: No. Just thank you for
9 your consideration.

10 CHAIRMAN FUSARO: Thank you. We'll
11 close that portion and open up to Board
12 discussion. Basically, we have in front of us,
13 we've heard from the Applicant they have made some
14 modifications to the plan to make it more in
15 conformity with the ordinance. The deck in the
16 back certainly makes sense. And as you heard from
17 our Applicant, the kitchen, in its current form,
18 poses quite a few hazards. I don't see any
19 downside. The variance, if we were to grant it,
20 would have to be under a C2 Flexible Variance, and
21 everything, lot size does conform, there is no
22 hardship with respect to the size of the lot that
23 I can see. I don't believe -- I thought they were
24 making some modifications to the front porch, but
25 as we heard, they are not. So that's all okay.

1 We heard from Don and from Mr. Bailey as to why
2 that discrepancy existed previously with the
3 coverage. Basically, it was an interpretation of
4 -- or actually, the zoning ordinance calculation
5 procedures have changed. I originally looked at
6 the percentage that they were asking for; 20%
7 versus 23.23, that's an overage of, approximately,
8 15% which seems a little high to me. However, if
9 you look at the square footage, they're almost
10 1,000-square feet under what they're allowed.

11 MR. MASCIALE: Yeah. I saw that
12 too, Frank. And I think the garage plays into it.
13 And they're just filling in on one story. So to
14 me, it's not amassing. You're filling in on a gap
15 on the first floor. I think it's going to make
16 the house look a lot greater. And the
17 functionality of the kitchen; that is going to be
18 a huge benefit to them.

19 MS. MOLNAR: Doesn't the coverage
20 drop to 21.75 now?

21 MR. RING: Yes.

22 CHAIRMAN FUSARO: Yes.

23 MS. MOLNAR: Yes. Not the 23.

24 MR. RING: Twenty-three was when we
25 had, obviously, the request for the roof.

1 CHAIRMAN FUSARO: Right. Which is a
2 minimal amount.

3 MR. MASCIALE: I think it's a great
4 application.

5 CHAIRMAN FUSARO: Yeah. I would
6 support the application. I don't really see too
7 many issues with it; Number One. And Number Two,
8 I really don't see what else they can do to square
9 off that kitchen. And as you heard from
10 Mr. Bailey, part of what's causing this variance
11 is the size of the garage, and we certainly don't
12 want them to tear down a garage that is useful. I
13 don't have any other issues. Questions? Everyone
14 seems to be in agreement. I'd like to get a
15 motion from this Board.

16 MR. SONTZ: Motion to approve.

17 CHAIRMAN FUSARO: Mr. Sontz has made
18 a motion to approve the application as submitted.
19 Do we have a second?

20 MS. MOLNAR: I just want to say that
21 the FAR is getting very close; right?

22 CHAIRMAN FUSARO: The FAR is close.

23 (Crosstalk.)

24 MS. MOLNAR: He's at 3,560, so
25 40-feet, you're at FAR.

1 CHAIRMAN FUSARO: The FAR allowed is
2 32% I believe, and they're at 31.39.

3 MS. MOLNAR: Yeah. But he gives the
4 footage, the footage would be 3,600 and we're at
5 3,560 so we're only 40-feet away from that. So
6 it's not a lot.

7 MS. PAVON: I'm fine. It's under.

8 MS. MOLNAR: Yeah. I'm just saying
9 there's not a lot of wiggle room down the road.

10 CHAIRMAN FUSARO: Well, if they need
11 some more wiggle room, they'll have to come back.

12 (Laughter.)

13 MR. RING: I can assure you that if
14 my wife gets the kitchen that she'd love and my
15 daughters get their space, I think they'll be
16 happy.

17 CHAIRMAN FUSARO: So we have a
18 motion from Mr. Sontz to approve the application
19 as submitted. Do we have a second?

20 MS. PAVON: I second.

21 CHAIRMAN FUSARO: Ms. Pavon, second.
22 Mr. Sammet.

23 MR. SAMMET: Chair Fusaro.

24 CHAIRMAN FUSARO: Yes.

25 MR. SAMMET: Vice-chair Masciale.

1 MR. MASCIALE: Yes.

2 MR. SAMMET: Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MR. SAMMET: Ms. Pavon.

5 MS. PAVON: Yes.

6 MR. SAMMET: Mr. Sontz.

7 MR. SONTZ: Yes.

8 CHAIRMAN FUSARO: Your application
9 is approved. Good luck.

10 MR. RING: Thank you very much. I
11 appreciate it. Thank you.

12 CHAIRMAN FUSARO: Have a good
13 evening. Okay. It's a quarter of. We're going
14 to get through our agenda this evening. Mr. Hehl,
15 I see. Next application is Application
16 Number 21-069, 1020 Summit Avenue, Mr. and Mrs. --
17 and please correct me, I'm going to attempt to
18 pronounce this correctly -- it's Gangavaram?

19 MR. GANGAVARAM: Gangavaram.

20 CHAIRMAN FUSARO: Close enough.
21 Thank you. Applicant is seeking approval to
22 construct a one-car attached garage; contrary to
23 the Land Use Ordinance Section 11.07.E.10/12.04.1
24 where maximum building coverage permitted is 20%
25 or 2,308.7-square feet and proposed is 22.86% or

1 2,639-square feet. Mr. Hehl.

2 MR. HEHL: And again, thank you for
3 staying and accommodating us this evening. First,
4 I want to thank and commend Mr. Sammet. He did a
5 great job with his report. He really captures
6 what we're seeking here. In essence, what we're
7 looking -- if you've been by the house, you'd see
8 it's got a driveway with no garage. And what
9 we're looking to do is to have the Board grant us
10 the approval to have a garage constructed, which
11 lack of a garage is a variance condition. And
12 weighed against that is -- and Don points out in
13 his memo -- that we'd be slightly over; 1.25% over
14 because the building coverage doesn't include the
15 porch. So tonight we're balancing here and we
16 think -- and you'll hear from our presentation --
17 that the benefits of providing a garage to this
18 home are certainly outweighed by the minor
19 variance that we're seeking for the coverage.
20 Again, and since the original application -- there
21 were a number of applications -- but again, as
22 Mr. Sammet points out, some of the previous
23 applications required a rear-yard setback. That's
24 been eliminated. Probably the most significant,
25 the previous applications had an FAR variance.

1 There's no longer an FAR variance. There's no
2 longer a variance needed for building coverage
3 with the porch. The only variance that we need or
4 are seeking, other than some preexisting
5 conditions, are the building coverage. And again,
6 based upon the calculation, what's permitted is
7 20% and we're at 21.25%.

8 What I'd like to do first is to call
9 upon my client to just briefly explain why he
10 feels that the garage is important for him and his
11 family.

12 CHAIRMAN FUSARO: Sure. Please
13 state your name and address for the record.

14 MR. GANGAVARAM: My name is
15 Venkat Ragan Gangavaram, and I live at 1020 Summit
16 Avenue, Westfield.

17 CHAIRMAN FUSARO: Please raise your
18 right hand.

19 VENKAT RAGAN GANGAVARAM, having been
20 duly sworn, was examined and testified as follows:

21 CHAIRMAN FUSARO: Thank you so much.
22 Please proceed.

23 BY MR. HEHL:

24 Q. So you've heard my explanation, but
25 if you can just touch on the importance of having

1 a garage at your home?

2 A. Yes. I've been here a little over
3 four years. I have a wife and two young children;
4 three years and five years. And as you know, when
5 I moved into the property I didn't have a garage.
6 Kids, you know, I have two cars and no space for
7 bikes or nothing of that sort. So my house stands
8 out in the entire neighborhood, but we don't even
9 have a garage. So I've been here in front of the
10 Board previously. I've heard a number of their
11 feedback. We've been back and made a number of
12 those revisions. And really what we're putting
13 forth in front of the Board is the bare minimum in
14 terms of what we could even actually get as a
15 meaningful garage there. So anything without
16 that, it's actually not a garage, it's a matchbox.
17 So I would appreciate the Board taking this
18 opportunity to hear, as well a number of changes
19 we have done with this proposal to come back
20 today.

21 MR. HEHL: And you'll hear Mr. Blasi
22 touch on that you might say, well, can't you make
23 it a little smaller and you won't need the
24 variance, and Mr. Blasi will touch on that. It's
25 as small as possibly could be made to accommodate

1 a vehicle and some storage. I have no further
2 questions at this time.

3 CHAIRMAN FUSARO: No. We don't have
4 any questions. Mr. Hehl.

5 MR. HEHL: Now, I'd like to call
6 upon Greg Blasi.

7 CHAIRMAN FUSARO: Good evening,
8 Mr. Blasi. Welcome back. Please raise your right
9 hand.

10 GREG BLASI, having been duly sworn,
11 was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you. We'll
13 continue to recognize you. I know you've appeared
14 before the Board this year in the area of
15 architecture. Please proceed.

16 MR. BLASI: Thank you very much.
17 I'd like to start with SD-0. If you look at the
18 proposed site plan indicating where this garage
19 would be located on the side front yard. The
20 garage is 13.8-by-22-deep. Which is basically --
21 which I will now -- I just want to show you
22 indicate where it is on the site compared to its
23 yard and its side yard.

24 So I'm going to turn now to SD-1.
25 SD-1 indicates the width of the garage at

1 13.8-by-22. It has a man door in the rear, a
2 garage door in the front. And basically, has
3 enough room to pull a vehicle in and get around
4 that vehicle and have some shelving towards the
5 front where the man door would be, and access into
6 the house. I wouldn't want to make the garage any
7 more narrow for clearance. And 22-feet is again,
8 basically, the garage depth getting by the front
9 of the car to get into the house and some shelving
10 for some storage and bike locations.

11 And lastly, what I'd like to touch
12 on is SD-2b. If we start with 1 on the top right,
13 it indicates the garage door, which would be a
14 carriage house door, a gabled roof. The roof,
15 which you can see by the Elevation 2, the pitch of
16 the roof matches the existing pitch of the roof.
17 It will have some relief in the gable with a vent.
18 It has two windows to allow in some natural light
19 and also gives some relief to the side elevation.
20 And then, from the Number 1 Elevation -- I'm sorry
21 that there're two Number 1s -- on the left side,
22 you can see the man door that would be accessible
23 to the rear yard. The garage is trying to be at
24 the most minimum car space attached to the house
25 that matches the roofs and that gives some detail

1 to the neighboring property as well as the front
2 garage door, which is some relief using a carriage
3 house style door.

4 CHAIRMAN FUSARO: Thank you,
5 Mr. Blasi. Do any Board Members have questions
6 for the architect?

7 MS. MOLNAR: Yeah, I do.

8 CHAIRMAN FUSARO: Yes.

9 MS. MOLNAR: Your chat says that
10 there's a continuous wall that's 33-feet. Which
11 one is this?

12 MR. BAILEY: It's existing. We're
13 not affecting it right now.

14 MS. MOLNAR: Which wall is it
15 though? I'm curious.

16 MR. BLASI: It's the side.

17 MR. SAMMET: The neighbor on Summit.

18 MR. BLASI: The opposing, yeah.
19 It's this current side yard.

20 MS. MOLNAR: Oh, the side. So it's
21 going to be even longer once you put the garage
22 in; right?

23 MR. BLASI: If you look at the
24 elevation though the garage is -- the roof
25 changes. You're changing a scale, so you're

1 dropping down. So this is the existing; that is
2 an existing nonconforming. But when you get to
3 the garage, the roof drops down.

4 MS. MOLNAR: All right. And then
5 maximum building coverage; the application shows
6 20.45, but the one here says 20.43, and you're
7 proposing 22.86. That agrees.

8 CHAIRMAN FUSARO: That was reduced
9 to 21.25.

10 MR. BLASI: Correct.

11 MS. MOLNAR: 21.25, but --

12 MR. BLASI: If you look at the
13 report -- if you look at report the that
14 Don Sammet provided, it shows building coverage at
15 21.25.

16 MS. MOLNAR: Let me see.

17 CHAIRMAN FUSARO: They didn't
18 include the porch which is exempt.

19 MS. MOLNAR: There it is. Oh, yeah.
20 I see. Thank you.

21 MR. MASCIALE: I have a question on
22 what the materials are going to be so the garage
23 is going to match the house.

24 MR. BLASI: It's going to match the
25 house existing. The existing siding, correct.

1 CHAIRMAN FUSARO: And you are within
2 the side-yard setback. Just made it.

3 MR. BLASI: The only variance is
4 building coverage.

5 CHAIRMAN FUSARO: Any Board Members
6 have any questions for Mr. Blasi? Anyone from the
7 audience -- oh, we've chased everybody away -- I
8 see none.

9 (Laughter.)

10 MR. HEHL: I'd just like to briefly
11 call upon our previously qualified expert
12 Kate Keller to provide the planning proofs in
13 connection with the variance.

14 CHAIRMAN FUSARO: We won't for your
15 qualifications.

16 MS. KELLER: Okay. Thank you.
17 Kate Keller, Phillips Preiss Grygiel Leheny
18 Hughes.

19 MR. HEHL: You have to be sworn in.

20 CHAIRMAN FUSARO: Please raise your
21 right hand.

22 KATE KELLER, having been duly sworn,
23 was examined and testified as follows:

24 CHAIRMAN FUSARO: Please proceed.

25 MS. KELLER: So thank you again.

1 I'm just going to briefly go over the variance
2 that's being requested today and go through the
3 statutory proofs for it. So as you've heard, the
4 Applicant is proposing a one-car garage to be
5 attached to his house. And this, as is set forth
6 in your town planner's report, this has been
7 significantly reduced from previous requests to
8 the extent where there is only one variance being
9 requested and that is building coverage of 21.25%
10 where 20% is permitted, and a little over 20% is
11 existing. In my opinion, this variance can be
12 granted in accordance with the C2 Criteria in
13 which the benefits outweigh the detriments, and it
14 advances the purposes of zoning. You know
15 essentially, this garage meets the setback
16 requirements, it meets the FAR requirements, it's
17 generally harmonious with the surrounding
18 neighborhood. And I think, most importantly, it
19 will bring this property into greater compliance
20 with the ordinance because a one-car garage is
21 technically required in this zone. The Applicant
22 and his architect testified that this will -- this
23 is essentially the smallest that this garage can
24 be and still be useful as far as a modern garage
25 goes. So I think that kind of consideration has

1 been given to this application and its relatively
2 modest size.

3 In terms of the negative criteria, I
4 believe this can be granted without detriment to
5 the public good. Again, this is very in character
6 with the neighborhood. It will not be creeping
7 closer to the street or impacting a neighbor
8 substantially. The building coverage is slightly
9 over, but it's really -- you know, it's
10 essentially negligible. It's about 150-square
11 feet, and it won't have any type of visual impact
12 on massing of the property. It's essentially
13 imperceptible from a visual perspective. No
14 impact on impervious coverage is proposed here,
15 and I think that speaks to that there is no really
16 significant deviation from the zone planner's
17 zoning ordinance or impairment of such. And,
18 yeah, I think that really summarizes my testimony
19 here where this is where I think the Applicant is
20 proposing a minor variance that can be granted in
21 accordance with the C2 Criteria.

22 CHAIRMAN FUSARO: Thank you. Any
23 questions for the planner? Mr. Hehl.

24 MR. HEHL: We have been no --

25 MS. MOLNAR: I have a question for

1 Mr. Blasi.

2 CHAIRMAN FUSARO: Yeah, please.

3 MS. MOLNAR: All the other homes in
4 the neighborhood have garages. So where was the
5 garage on this home originally?

6 MR. BLASI: It was on the side
7 setback, the side yard on the street side.

8 MS. MOLNAR: Let me see. So it was
9 converted to like a family room or something;
10 where the family room is?

11 MR. BLASI: The previous owner
12 converted it.

13 MS. MOLNAR: Right. So where the
14 family room is located probably?

15 MR. BLASI: Correct.

16 MS. MOLNAR: I see. And it was
17 probably a one-car garage you think?

18 MR. BLASI: I'm not sure if it was
19 one or two, because the other houses on the
20 street, the majority of them have a two-car
21 garage.

22 MS. MOLNAR: Yeah. On the side.
23 Okay. So it was filled in for some apparent
24 reason?

25 MR. BLASI: Correct.

1 CHAIRMAN FUSARO: Mr. Hehl, any
2 additional comments to add?

3 MR. HEHL: No. Just again, we feel
4 that the benefits of having a garage, which is
5 required under the ordinance outweigh any slight
6 increase in building coverage that we're seeking.

7 CHAIRMAN FUSARO: Thank you. That
8 closes. We'll open up to Board discussion. I
9 think the application is relatively cut and dry.
10 Certainly, as the Applicant and Mr. Hehl and the
11 architect have testified, a garage is required by
12 ordinance. They're certainly helping that along.
13 I don't think that the 1.25% that they're over on
14 the coverage is significant in this particular
15 instance. I'd also like to thank the Applicant
16 and the architect and Mr. Hehl for going back for
17 the third time and coming back with a plan that is
18 reasonable versus the first and the second time
19 where they came back with a larger plan instead of
20 a smaller one. Being that now they've put that
21 behind us with the rear-yard setback, which is not
22 required FAR, which is not required, etcetera, and
23 the building coverage. So I would support the
24 application. I don't think that a 13.8-by-22-foot
25 garage is certainly -- I believe it's adequate and

1 it's not oversized. Any Board Members have
2 anything to add?

3 MR. MASCIALE: I totally agree,
4 Frank. Just who put the chart together? Is that
5 in Don's report?

6 MR. SAMMET: Yeah.

7 CHAIRMAN FUSARO: The chart was in
8 Don's report, yes.

9 MR. MASCIALE: Don, great job on
10 that.

11 CHAIRMAN FUSARO: This helps.

12 MR. MASCIALE: That was a
13 game-changer when I read it, and I just wanted to
14 compliment you. Thank you.

15 MR. SAMMET: Thank you.

16 CHAIRMAN FUSARO: We might need you
17 to take over for Lyndsay. Any other members? No?
18 May I have a motion?

19 MR. SONTZ: Motion to approve as
20 submitted.

21 CHAIRMAN FUSARO: Mr. Sontz, motion.
22 Second?

23 MS. PAVON: I second.

24 CHAIRMAN FUSARO: Ms. Pavon.

25 Mr. Sammet.

1 MR. SAMMET: Chair Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MR. SAMMET: Vice-chair Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Ms. Molnar.

6 MS. MOLNAR: Yes.

7 MR. SAMMET: Ms. Pavon.

8 MS. PAVON: Yes.

9 MR. SAMMET: Mr. Sontz.

10 MR. SONTZ: Yes.

11 CHAIRMAN FUSARO: Your application
12 is approved, Mr. Hehl. Thank you. Good evening.
13 And thank you, Mr. Blasi.

14 MR. HEHL: Thank you, and we truly
15 appreciate you staying so late to get this done.

16 CHAIRMAN FUSARO: And we made it
17 before midnight. Can I have a motion to adjourn?

18 MR. MASCIALE: So moved.

19 MS. PAVON: Second.

20 CHAIRMAN FUSARO: Thank you.

21

22 (The meeting was adjourned at
23 11:03 p.m.)

24

25

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