

Bme
AT yes
HRC MD

BOA 18-12
TOWN OF WESTFIELD
APPLICATION

45 day
Review 6/7/18
120 day decision
date 12/8/18

I. Identification:

This appeal is from (applicant's name) Elegant Homes NJ, LLC

street address 525 Central Avenue, Westfield NJ telephone _____

e-mail _____ fax _____

for property in Westfield, NJ located at (street address) 321 Elm Street

II. To: (check one)

☐ Planning Board

☒ Board of Adjustment

Board Secretary: Ms. Linda Jacus

908-789-4100 extension 4602

Both Boards: 959 North Avenue West, Westfield, NJ 07090:

FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

Submission Requirements Checklists

Procedures

- | | | |
|--|--------------------------------|---|
| ☐ *C variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| ☒ *D variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| ☐ Conceptual Site
Plans & Subdivisions | 9.04 | 8.07 |
| ☐ Minor Site Plan | 9.02, 9.03, 9.08 | 8.06, 8.08, 8.13, 8.14, 8.23 |
| ☒ *Preliminary Major Site Plan | 4.03C, 9.02, 9.03, 9.09 | 4.04, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| ☐ Final Major Site Plan | 9.02, 9.03, 9.10 | 8.06, 8.11 |
| ☐ Minor Subdivision | 9.02, 9.03, 9.05 | 8.01, 8.06, 8.09, 8.13,
8.14, 8.23 |
| ☐ *Preliminary Major Subdivision | 4.03D, 9.02, 9.03, 9.06 | 4.04, 8.01, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| ☐ Final Major Subdivision | 9.02, 9.03, 9.07 | 8.06, 8.11 |
| ☐ **Conditional Use | 9.02, 9.03 | 4.04, 8.06, 8.13, 8.14 |
| ☐ *Structure in street, drainage way,
flood basin, reserved area | 4.03F, 7.01E2 | 4.04, 7.01E, 8.04,
8.06, 8.13, 8.14 |
| ☐ *Structure on lot not abutting street | 7.01F2 | 4.04, 7.01F, 8.04,
8.06, 8.13, 8.14 |
| ☐ *Board of Adjustment "a" appeal/
administrative officer error | 7.02B2 & 3 | 7.02A & B, 8.04, 8.06, 8.13, 8.14 |
| ☐ *Board of Adjustment "b" appeal/
interpretation ordinance/map | 4.03B, 7.02C1 & 2 & 3 | 4.04, 7.02A & C,
8.04, 8.06, 8.13, 8.14 |
| ☐ Residential cluster | 9.02, 9.03, 9.06, 8.12, 11.03F | 8.13, 8.14 |

*Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application

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IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

Applicant is demolishing an existing one family home and building two, attached single family homes.

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

The new building is within the permitted uses in the neighborhood, though it requires several bulk variances. But, the new building will actually reduce the non-conforming building height from 39.34 feet to 38.30 feet and will reduce the non-conforming all improvements coverage from 60.2 % to a virtually compliant 40.3%. Both of these reductions are positive changes.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address 321 Elm Street

Zone district RM-8 Block No. 1003 Lot No. 9

•Dimensions of lot 77' x 231' Area of lot 17,787 sq. ft.

•Use of premises present single family residential
proposed two, attached single family residential

The proposed use is: ☒ permitted by ordinance ☐ a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment
☐ a use permitted by variance ☐ a nonconforming (i.e. "grandfathered") use ☐ not a permitted use

Name of Owner Elegant Homes NJ, LLC

Telephone No. _____

Street address of Owner 525 Central Avenue, Westfield, NJ

Fax No. _____

•Does the above owner also own any property that abuts the subject property?

☒ No ☐ Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? ☐ No ☐ Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? ☒ No ☐ Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? ☒ No ☐ Yes If yes, list here and attach a brief description of each.



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VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name Bruce H. Bergen, Esq. Telephone No. 908-276-8855
Attorney's firm Krevsky, Silber & Bergen Fax. No. 908-276-8859
Street address PO Box 99 123 North Union Avenue, Suite 202, Cranford, NJ 07016

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.



[Signature]
Signature of Applicant (in the presence of a Notary)

Print Name : _____

Address: _____

Home phone _____

Business phone _____

Sworn and Subscribed to
before me this 29
day of January, 2018

[Signature]
Notary Public

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
 - _____ Zoning violation notice, No. _____, copy enclosed.
 - _____ Municipal Court complaint, docket No. _____, copy enclosed.
 - _____ Other pending action, (describe) _____
 - _____ None of the above

[Signature]
Signature

TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?

[] No ☒ Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on 4/30/18

[Signature]
Signature

A rectangular stamp with the word 'RECEIVED' in bold, capital letters. Below it, the date '4/23/18' is handwritten in a large, bold font.

Previous
Application

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.11E8	Nature of Deficiency: Maximum Building Height		
	Permitted: 32 feet	Present: 39.34 feet	Proposed: 38.3 feet	
2.	Section: 12.04G	Nature of Deficiency: Maximum All Improvement Coverage		
	Permitted: 40%	Present: 60.02%	Proposed: 40.3%	
3.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
4.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
5.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
6.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

2/14/18
Previous Application

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.11E8	Nature of Deficiency: Maximum Building Height (D variance)		
	Permitted: 32 feet	Present: 39.34 feet	Proposed: 38.30 feet	
2.	Section: 12.04E	Nature of Deficiency: Maximum FAR (D variance)		
	Permitted: 25%	Present: 17.3%	Proposed: 34.2% 36.2% 6,443 sf =	
3.	Section: 12.04F3	Nature of Deficiency: Maximum Building Coverage (with porch)		
	Permitted: 23.5%	Present: 12.9%	Proposed: 25.6% 25.4% 2,514 sf	
4.	Section: 11.11E11	Nature of Deficiency: Maximum All Improvements Coverage		
	Permitted: 40%	Present: 60.2%	Proposed: 40.3%	
5.	Section: 11.11E6	Nature of Deficiency: Minimum Side Yard		
	Permitted: 10 feet	Present: 14.1 feet	Proposed: 8.2 feet	
6.	Section: 11.11E14	Nature of Deficiency: Garage (D variance)		
	Permitted: Detached	Present: Detached	Proposed: Attached (2)	
7.	Section: 12.04F1	Nature of Deficiency: max. Building coverage w/o front porch		
	Permitted: 20%	Present:	Proposed: 22 %	
8.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	



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TOWN OF WESTFIELD

REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES, AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE:

APPLICANT:

STREET ADDRESS:

PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT		
				LOT No.	VARIANCE?*	VARIANCE?*
11.11E1	Minimum gross area	sq. ft.	8,000		NO	
11.11E2	Minimum area within first 134 ft. of depth	ft.	8,000		NO	
11.11E2	Minimum width	ft.	60		NO	
11.11E3	Minimum frontage	ft.	60		NO	
11.11E4	Minimum depth	ft.	120		NO	
11.11E5	Minimum front yard (per Sections 12.03C & D & E)	ft.	PREVAILING=55.2		NO	
11.11E6	Minimum Sideyard	ft.	10	8, 2	YES*	
11.11E6	" "	ft.	10		NO	
11.11E7	Minimum rear yard	ft.	35		NO	
12.04F1	Maximum building coverage (without deck porch)	%	20	22	YES*	
12.04F3	Maximum building coverage (with deck porch)	%	23.5	25.4	YES*	
12.04E	Maximum FAR or total habitable floor area	%	25	36.2	YES*	
11.11E8	Maximum building height	ft.	32	38.3	YES	
11.11E11	Maximum all improvements coverage	%	40	40.	YES	
11.11E14	Other: Attached garages		Detached	attached	YES*	
	Other:					
	Other:					
	Other:					
	Other:					
	Other:					
	Other:					
	Other:					
	Other:					

NOTE: This table must be consistent with the two variance lists, if they are included in the application.

* Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

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2/14/18

Previous Application

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Revised
Application

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

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	Permitted: 32 feet	Present: 39.34 feet	Proposed: 37.2 feet	
2.	Section: 11.11E11	Nature of Deficiency: Maximum All Improvements Coverage		
	Permitted: 40%	Present: 60.02%	Proposed: 39.8% [COMPLIES]	
3.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
4.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
5.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	
6.	Section:	Nature of Deficiency:		
	Permitted:	Present:	Proposed:	

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TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

Revised Application

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

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2.	Section: 12.04E	Nature of Deficiency: Maximum FAR (D variance)	
	Permitted: 25%	Present: 17.3%	Proposed: 33.1%
3.	Section: 12.04F1	Nature of Deficiency: Maximum Building Coverage (without porch)	
	Permitted: 20%	Present: 12.2%	Proposed: 20.8%
4.	Section: 11.11E14	Nature of Deficiency: Garage (D variance)	
	Permitted: Detached	Present: Detached	Proposed: Attached (2)
5.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:



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TOWN OF WESTFIELD
REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

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ZONE: _____ APPLICANT: _____ STREET ADDRESS: _____

PROPOSED

REG. NO.	REGULATION	UNITS	REQUIRED	USE SEPARATE COLUMN FOR EACH LOT			
				LOT No.	VARIANCE?*	LOT No.	VARIANCE?*
11.11E1	Minimum gross area	sq. ft.	8,000		NO		
11.11E2	Minimum area within first 134 ft. of depth	ft.	8,000		NO		
11.11E2	Minimum width	ft.	60		NO		
11.11E3	Minimum frontage	ft.	60		NO		
11.11E4	Minimum depth	ft.	120		NO		
11.11E5	Minimum front yard (per Sections 12.03C & D & E)	ft.	PREVAILING=55.2		NO		
11.11E6	Minimum Sideyard	ft.	10		NO		
11.11E6	" "	ft.	10		NO		
11.11E7	Minimum rear yard	ft.	35		NO		
12.04F1	Maximum building coverage (without deck)	%	20		YES*		
12.04F3	Maximum building coverage (with deck)	%	23.5		NO		
12.04E	Maximum FAR or total habitable floor area	%	25		YES*		
11.11E8	Maximum building height	ft.	32		YES		
11.11E11	Maximum all improvements coverage	%	40		NO		
11.11E14	Other: Attached garages		Detached		YES*		
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
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NOTE: This table must be consistent with the two variance lists, if they are included in the application.
 * Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY

AFFIDAVIT OF OWNERSHIP

I, Ralph Rapuano, Jr., of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) owner or X duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) 1003, 9

Street Address(es) 321 Elm Street

Check one:

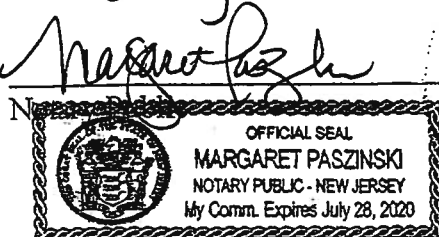
1. X As the owner (or officer of), I am the Applicant in the within application.
2. _____ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____


(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this 29
day of January, 2018.



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Westfield, New Jersey



Block/Lot/Qual:	1003. 9.	Tax Account Id:	1515
Property Location:	321 ELM ST	Property Class:	2 - Residential
Owner Name/Address:	ELEGANT HOMES NJ, LLC	Land Value:	90,500
	525 CENTRAL AVENUE	Improvement Value:	17,100
	WESTFIELD, NJ 07090	Exempt Value:	0
		Total Assessed Value:	107,600
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Balance Includes any Adjustments to Your Account

Taxes Utilities

Make a Payment		View Tax Rates		View Current Bill		Project Interest		
Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2018	02/01/2018	Tax	2,487.18	0.00	0.00	0.00	0.00	PAID
2018	05/01/2018	Tax	2,487.17	0.00	2,487.17	0.00	2,487.17	OPEN
Total 2018			4,974.35	0.00	2,487.17	0.00	2,487.17	
2017	02/01/2017	Tax	0.00	3,584.52	0.00	0.00	0.00	
2017	05/01/2017	Tax	0.00	3,584.51	0.00	0.00	0.00	
2017	08/01/2017	Tax	1,389.84	0.00	0.00	0.00	0.00	PAID
2017	11/01/2017	Tax	1,389.83	0.00	0.00	0.00	0.00	PAID
Total 2017			2,779.67	7,169.03	0.00	0.00	0.00	
2016	11/01/2016	Tax	0.00	9,558.73	0.00	0.00	0.00	
Last Payment: 02/05/18								

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OWNER & ADDRESS REPORT

WESTFIELD

321 ELM ST

01/31/18 Page 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1003	6		2	HILTZ, GEORGE S & JOAN EARLINE 421 ELM ST WESTFIELD, NJ 07090	421 ELM ST	
1003	7		2	DIDDELL, ERIC W & JULIA M 411 ELM ST WESTFIELD, N J 07090	411 ELM ST	
1003	8		2	GIBBONS, KEITH & TERESA 405 ELM ST WESTFIELD, N J 07090	405 ELM ST	
1003	9		2	ELEGANT HOMES NJ, LLC 525 CENTRAL AVE WESTFIELD, NJ 07090	321 ELM ST	
1003	10		15F	CONDO MOTHERLOT ELM ST CONDO WESTFIELD, NJ 07090	ELM ST CONDO	
1003	10	C0001	2	JABON, JEFFREY 315 ELM ST WESTFIELD, NJ 07090	315 ELM ST	
1003	10	C0002	2	DESIMONE, DENISE 319 ELM ST WESTFIELD, NJ 07090	319 ELM ST	
1003	11		15F	CONDO MOTHERLOT BEECHWOOD CONDOS WESTFIELD, NJ 07090	BEECHWOOD CONDOS	
1003	11	C0001	2	SAUNDERS, ROBERT M & LORI G 305 ELM ST WESTFIELD, NJ 07090	301 ELM ST	
1003	11	C0002	2	SAUNDERS, LORI 305 ELM STREET WESTFIELD, NJ 07090	305 ELM ST	
1003	11	C0003	2	O'DONNELL, EDWARD W & SHEILA E 307 ELM ST WESTFIELD, NJ 07090	307 ELM ST	
1003	11	C0004	2	BLOCK, DARRELL W & CHARMINE J 12 COMPERTHWAIT PL WESTFIELD, NJ 07092	12 COMPERTHWAIT PL	
1003	11	C0005	2	ZARADIC, PETAR & IDA 14 COMPERTHWAIT PL WESTFIELD, NJ 07090	14 COMPERTHWAIT PL	
1003	12		15F	CONDO MOTHERLOT COMPERTHWAIT CONDOS WESTFIELD, NJ 07090	COMPERTHWAIT CONDOS	
1003	12	C0001	2	KOLTERJAHN, PAUL H & LINDA C 1445 LAMBERTS MILL RD WESTFIELD, NJ 07090	34 COMPERTHWAIT PL	
1003	12	C0002	2	UCCIFERRI, CAROLE D 34 COMPERTHWAIT PL WESTFIELD, NJ 07090	34 COMPERTHWAIT PL	
1003	12	C0003	2	SUTTER, H. EST %SUTTER, MARY & JEANNE 5230 GALWAY DR CHARLOTTE, NC 28215	34 COMPERTHWAIT PL	
1003	12	C0004	2	PETROSKI, CHERYL L 34 COMPERTHWAIT PL WESTFIELD, NJ 07090	34 COMPERTHWAIT PL	
1003	13		15F	CONDO MOTHERLOT PROSPECT ST CONDOS WESTFIELD, NJ 07090	PROSPECT ST CONDOS	



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OWNER & ADDRESS REPORT

WESTFIELD

321 ELM ST

01/31/18 Page 2

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1003	13	C0001	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	50 COMPERTHWAIT PL	
1003	13	C0002	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	52 COMPERTHWAIT PL	
1003	13	C0003	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	300 PROSPECT ST	
1003	13	C0004	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	302 PROSPECT ST	
1003	13	C0005	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	306 PROSPECT ST	
1003	13	C0006	2	PROSPECT STREET PROPERTIES 526 NORTH AVE E WESTFIELD, NJ 07090	308 PROSPECT ST	
1003	14		15F	CONDO MOTHERLOT PROSPECT ST CONDOS WESTFIELD, NJ 07090	PROSPECT ST CONDOS	
1003	14	C0001	2	MACHER, ERIN K 310 PROSPECT ST WESTFIELD, NJ 07090	310 PROSPECT ST	
1003	14	C0002	2	AMBROSE, ADELE D 314 PROSPECT ST WESTFIELD, NJ 07090	314 PROSPECT ST	
1003	15		2	METZGER, MICHAEL J & JANICE 320 PROSPECT ST WESTFIELD, NJ 07090	320 PROSPECT ST	
1003	16		2	DENIER, ANTHONY & CAROLYN 324 PROSPECT STREET WESTFIELD, NJ 07090	324 PROSPECT ST	
1003	17		2	DOYLE, GEOFFREY N & MARY ELLEN 402 PROSPECT ST WESTFIELD, N J 07090	402 PROSPECT ST	
1003	18		2	PINNEY, GERALD A & JEANNE M 408 PROSPECT ST WESTFIELD, NJ 07090	408 PROSPECT ST	
1003	19		2	SHARMA, SHYAM & MANJU PO BOX 2363 WESTFIELD, N J 07090	412 PROSPECT ST	
1003	20		2	VLAKAKIS, JAMES C & MORGAN E 418 PROSPECT ST WESTFIELD, NJ 07090	418 PROSPECT ST	
1101	1		2	SPIEGEL, ROBERT & CAROLINA 400 ELM ST WESTFIELD, NJ 07090	201 KIMBALL AVE	
1101	2		2	BARKER, JOHN & ALICIA 416 ELM ST WESTFIELD, NJ 07090	416 ELM ST	
1101	17		2	SHARMA, JITENDRA & UPADHYAY, VEENA 209 KIMBALL AVE WESTFIELD, NJ 07090	209 KIMBALL AVE	
2401	1		4A	HERTELL, KEITH S & KATHLEEN A TRUST 241 E DUDLEY AVENUE WESTFIELD, NJ 07090	322 ELM ST	



RECEIVED
4/23/18

OWNER & ADDRESS REPORT

WESTFIELD

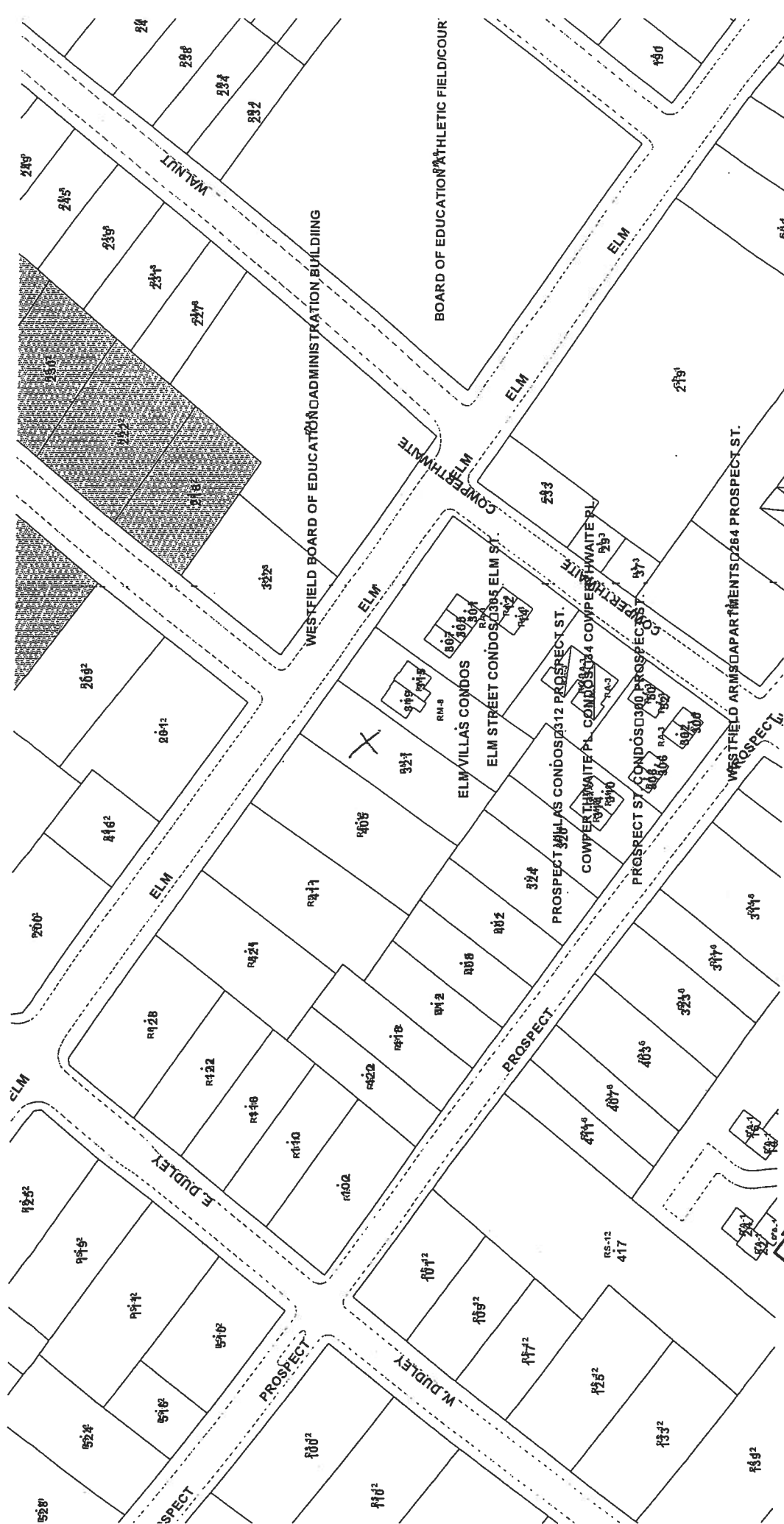
321 ELM ST

01/31/18 Page 3

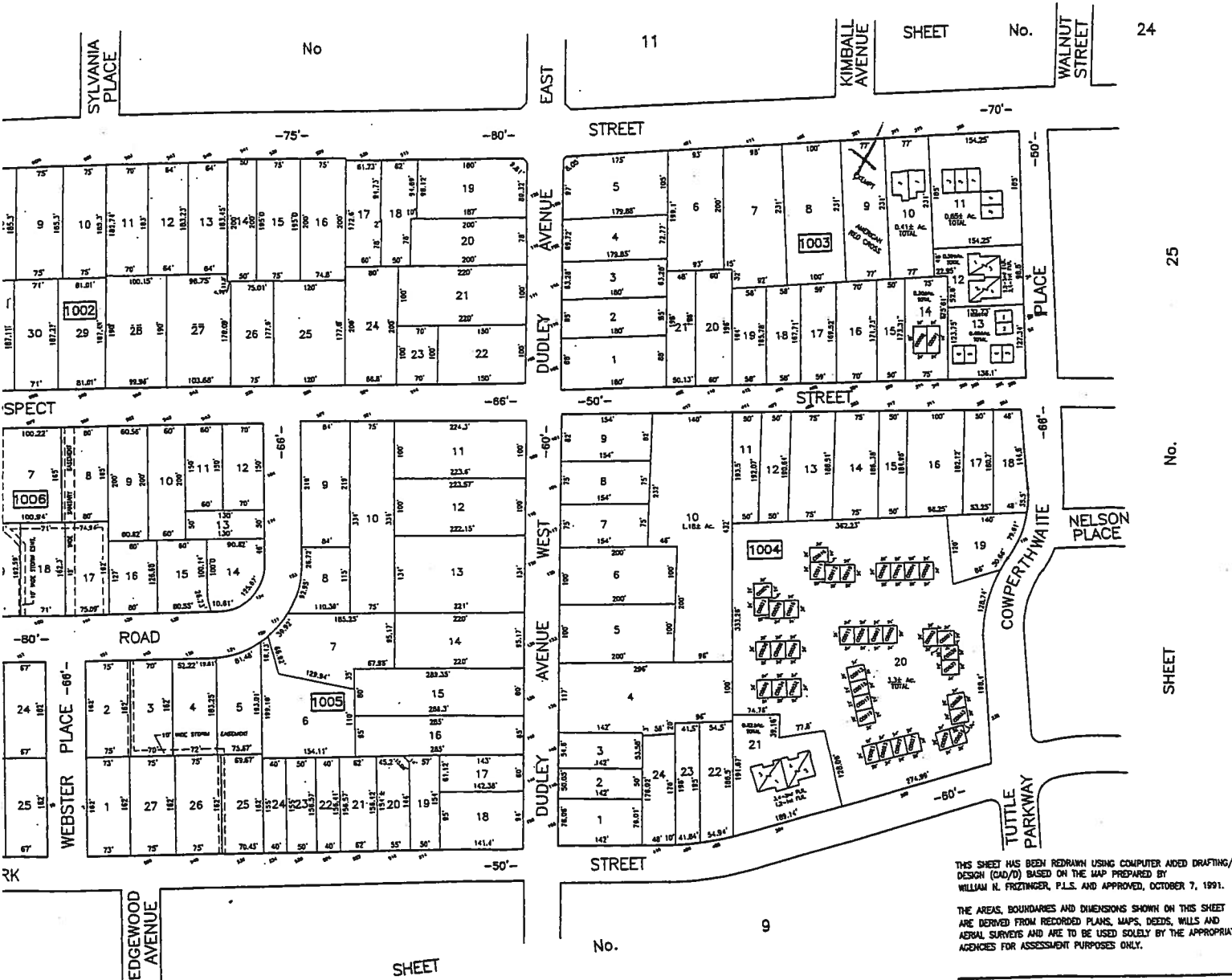
BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
2401	18		15A	BOARD OF EDUCATION 302 ELM ST WESTFIELD, N J 07090	302 ELM ST	



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4/23/18



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THIS SHEET HAS BEEN REDRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) BASED ON THE MAP PREPARED BY WILLIAM N. FRIZINGER, P.L.S. AND APPROVED, OCTOBER 7, 1991.

THE AREAS, BOUNDARIES AND DIMENSIONS SHOWN ON THIS SHEET ARE DERIVED FROM RECORDED PLANS, MAPS, DEEDS, WILLS AND AERIAL SURVEYS AND ARE TO BE USED SOLELY BY THE APPROPRIATE AGENCIES FOR ASSESSMENT PURPOSES ONLY.

THIS SHEET WAS FORMALLY CERTIFIED ON 9/15/12, ASSIGNED SERIAL # 1003, SIGNED BY JUDY MILLER, CTA AND SUE DAVISON, CTA

TAX MAP
TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY
SCALE: 1" = 100' SEPTEMBER 10, 2012
PAULO D. HORTA, PLS
TOWN SURVEYOR
PUBLIC WORKS CENTER, 959 NORTH AVE., WEST
WESTFIELD, NEW JERSEY, 07090

RECEIVED
4/20/18



TOWN OF WESTFIELD

ZONING BOARD OF ADJUSTMENT

July 10, 2018

Elegant Homes NJ, LLC.
525 Central Avenue Suite B
Westfield, NJ 07090

Re: 321 Elm Street

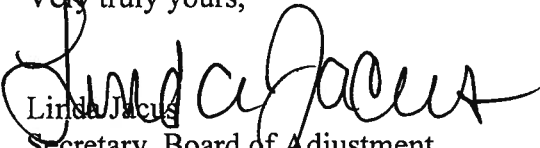
Dear Mr. Rapuano:

Enclosed herewith please find a copy of the resolution adopted by the Westfield Board of Adjustment on July 9, 2018. The notice of memorialization was sent to the Westfield Leader today for publication in the next possible issue.

Please be advised that a construction permit must be obtained and work must be commenced on each and every structure permitted by said variance within 12 months from the date of the memorialization, or the variance approval will expire by limitation.

IN ORDER TO AVOID A DELAY IN THE ISSUANCE OF YOUR PERMIT PLEASE BE CERTAIN TO SUBMIT A COPY OF THE ENCLOSED RESOLUTION TO THE BUILDING DEPARTMENT WHEN APPLYING FOR YOUR BUILDING PERMITS.

Very truly yours,


Linda Jacobs
Secretary, Board of Adjustment

Enclosure

cc: Tara Rowley, Town Clerk
Ann Switzer, Tax Assessor



959 North Avenue West, Westfield, New Jersey 07090

www.westfieldnj.gov

Telephone: (908) 789-4100 Fax: (908) 789-4113

**RESOLUTION
APPEAL OF ELEGANT HOMES NJ, LLC
321 ELM STREET**

At special meetings of the Zoning Board of Adjustment for the Town of Westfield which were scheduled and took place on March 14 and May 23, 2018, the Board heard and considered the within appeal.

Based upon the evidence presented and the Board's familiarity with the Land Use Ordinance, the subject property, and the surrounding neighborhood, the Board heard, questioned, found, and determined as follows:

1. Bruce Bergen, Esq. appeared to present this case for the applicant. It is noted that the applicant seeks preliminary and final major site plan approval with use and bulk variance relief to demolish an existing single family residence and construct a new two-family dwelling with related improvements on the property. It is noted that this proposal would be contrary to the requirements of Section 11.11E8 of the Ordinance which allows a maximum building height of 32 feet, and a height of the building is proposed at 38.3 feet. Section 12.04E of the Ordinance allows a maximum floor area ratio of 25%, proposed is an FAR in this case at 36.2%. Section 24.04F3 of the Ordinance allows maximum building coverage with a porch at 23.5%, coverage is now proposed at 25.4%. Section 11.11E11 of the Ordinance allows maximum all improvement coverage of 40%, proposed is coverage of 40.3%. Section 11.11E6 of the Ordinance allows a minimum side yard setback of 10 feet, a side yard setback is proposed at 8.2 feet. Section 11.11E14 of the Ordinance requires detached garages, proposed in this case are attached garages. Section 12.04F1 of the Ordinance allows a maximum building coverage of 20%, coverage is proposed at 22%. During the hearings the applicant reduced the number of variances requested for relief. The final variances requested were from Section 11.11E8 of the Ordinance which allows a maximum building height of 32 feet, proposed was a height of 37.2 feet. Section 12.04E of the Ordinance allows a maximum floor area ratio of 25%, and FAR was finally proposed at 33.1%. Section 12.04F1 allows maximum building coverage of 20%, coverage was proposed at 20.8%. Section 11.11E14 of the Ordinance requires detached garages, the applicant proposed attached garages.

2. The applicant initially submitted engineering plans consisting of two sheets prepared by William G. Hollows, PE, Murphy & Hollows Associates LLC with revisions

through February 28, 2017, and floor plans and elevations on five sheets prepared by Michael Moritz, Stonewater Architecture LLC with revisions of February 2018. Subsequently the applicant submitted revised engineering plans consisting of three sheets prepared by William G. Hollows, PE, Murphy & Hollows Associates last revised through April 19, 2018, and revised floor plans and elevations on five sheets prepared by Michael Moritz, Stonewater Architecture LLC last revised as of April 11, 2018. Also acknowledged by the applicant and the Board regarding this application were review memorandums dated March 8 and May 22, 2018 regarding this application from Donald B. Sammet, PP-AICP, Planner for the Town of Westfield.

3. At the March 14, 2018 meeting of the Board Mr. Bergen introduced the case by describing existing conditions on the property and the proposed use. The applicant's attorney also advised the Board that he would present testimony from the Architect, the Professional Engineer, and from the Owner in support of the application. The project engineer Mr. William Hollows of Murphy & Hollows Engineer then testified in support of the application. A survey of the property was marked into evidence and utilized by Mr. Hollows in his testimony. The applicant's engineer explained the prior use of the property by the Red Cross. This site and the Red Cross building being well known to the Board. The project engineer explained the existing coverage of building and improvements on the property as now exists and the existing height of the Red Cross building which he testified was "39.3 feet when the ordinance permits a maximum of only 32 feet". The project engineer confirmed that the existing building and the rear parking area would be completely removed by the applicant as part of this development. An updated colored set of the plans dated January 23, 2018 was then utilized by Mr. Hollows to explain the new improvements proposed in this case.

4. In addition to locating on the property the proposed two-family dwelling, Mr. Hollows described for the Board how, "The two-family duplex type units will have the front unit face the street and the second unit facing the rear of the property. The driveway access for the property will remain the same." Mr. Hollows then reviewed and discussed with the Board the required variances needed for the side yard, the stories of the proposed structure, the coverage variance relief needed, and the height variance required. Mr. Hollows further testified to the Board as to the existing coverages on the property that would be less than what the applicant was proposing in this case. He also pointed out

again the height of the Red Cross building being demolished which exceeded the ordinance requirements. The garage variance relief also a part of the applicant's proposal was discussed by the engineer with the Board. Mr. Hollows was then asked to relate the height and massing of the structures proposed in relationship to other neighboring uses which Mr. Hollows then discussed with the Board.

5. The project engineer then explained for the Board how the drainage at the property is currently handled and how drainage would be managed with the applicant's proposed new construction. In response to a question from the Town Planner, Mr. Hollows then confirmed that the applicant was proposing sufficient required parking under the ordinance and RSIS standards. Mr. Hollows also explained how the units would be serviced by the existing driveway, and how parking in the garages would be arranged with additional surface area available for a second vehicle for each unit. The length of the driveway as far as additional surface coverage was also discussed by the project engineer with the Board.

6. Questions for the project engineer were then asked by Mr. Jeffrey Jadon who stated he was the next door neighbor. The existing drainage and flows and how they would be impacted by the new development was discussed by this neighbor with Mr. Hollows. Mr. Hollows responded to all of the neighbor's questions. Mr. Hollows was then questioned by Mr. Keith Gibbons who stated he was the next door neighbor to the right side of the subject property. Mr. Gibbons indicated that he had met with Mr. Rapuano the principal of the applicant and had discussed with the applicant moving the buildings so that the view from Mr. Gibbons property would not be impacted by massing of structure. Mr. Gibbons and Mr. Rapuano then discussed the possible "flip flop" of the design of the buildings so that there would be more buffering for the Gibbons property from the improvements proposed in this case. Mr. Ralph Rapuano, Jr. advised the Board that he believed it would be feasible to do such a reverse arrangement which would be a "mirror image of the structure which could be accomplished without additional variances".

7. After further discussion between the applicant and the applicant's engineer, the applicant's attorney indicated that the applicant would consider "flipping the units so that it would be the same plan other than that the variance relief required would be for the other side of the property than as originally proposed as to minimum setback, etc." Mr. Hollows testified, "The variance is basically the same if we move the driveway to the East

side of the property. There will be no adverse effect on Lot 10." In response to a question from the Board about whether or not this would impact drainage for the property, Mr. Hollows stated, "This plan would work too." In response to a question from the Board as to whether the movement of the driveway to "flip it" to the other side of the property would impact on parking for the premises, Mr. Hollows indicated, "It would be the same parking and circulation pattern."

8. The project engineer was further questioned by neighboring owners Ms. Sesimo and Mr. Diddell. The neighbors questioned the width of the driveway proposed and the particulars as to how residents of the dwellings would access the premises, move around the property, and park their vehicles. The applicant's engineer responded to these questions as well as a question from Mrs. Diddell who asked for the distance between the applicant's structures and the adjoining residence with the "flip" in the plans that was being discussed. Mr. Hollows responded to the neighbors' concerns in further testimony and reference to the drawings.

9. The project architect Mr. Michael Moritz introduced architectural plans which were marked into evidence which he stated were "a mirror image opposite" from the originals together with renderings which were marked as exhibits to discuss the "elevations of the flipped buildings". The front and rear elevations and east and west elevations of the properties including a bay window to be added to the west elevation was discussed by the project architect for the Board and the neighbors. In response to a question from the Board about the use of attic space in the architectural drawings, Mr. Moritz advised the Board, "It would be unfinished space." In further testimony about the considerations he had in making the floor plans as presented, Mr. Moritz testified, "We have designed it for what we believe to be current family amenities requested by most buyers and in accordance with current living standards."

10. The project architect then explained the design features and details for the new construction proposed which he stated related to the height variance needed. In addition to describing the design of the new residences as being consistent with "that of a historic type home and similar to other properties in the neighborhood", Mr. Moritz pointed out to the Board his belief that the height restrictions in the ordinance would limit the architectural enhancements and details he was attempting to provide in his design. In response to a question from Mr. Bergen as to whether or not the height as proposed was

consistent with the neighborhood or was a "monster house", Mr. Moritz asserted that his design and the structures as proposed would "fit in with the neighborhood as the majority of the homes in this immediate neighborhood are in fact at this height or greater". In further response to questions from the applicant's attorney about the FAR relief being sought, Mr. Moritz went over the first floor of both of the residences and pointed out to the Board that there was no use being proposed for the attic space. In response to a question from Mr. Bergen as to the size of the attic space, Mr. Moritz testified, "There would be 450 square feet available in this part of the dwellings." Mr. Moritz then explained that his design of the garages proposed would be to "keep them out of view from the street". He then provided a detailed explanation of the building materials that would be utilized. These included as the architect testified a "brick veneer for the foundations, cedar clapboard, and gables utilizing cedar shingles". In response to a question regarding access to the attic space, Mr. Moritz confirmed that there were in fact staircases being proposed for this access.

11. The project architect was questioned by Mrs. Diddell who asked if there could be pull down stairs instead of the staircase to the attics and also questioned the colors of the new structure. The architect indicated he believed the stairs were appropriate and then discussed the colors as shown in the plans submitted to the Board with this neighbor. The architect was then questioned about the details of construction by Mr. Dubon who stated she was the owner of Lot 10 joining the property. Mr. Blasi also questioned the architect as to whether the relocation of the structures could be accomplished to eliminate the FAR variance. The architect responded by reference to the plans marked as exhibits to discuss the size of the dwellings in relationship to other houses in the area which he said have "similar building materials". The project architect also responded to provide his reasons again in response to the questions raised as to why the FAR relief was necessary in this case. Mrs. Diddell then expressed her opinion to the architect that the design as presented was not appropriate as it would limit recreational space for one of the unit owners for matters such as family recreation, placement of an outdoor grill, etc.

12. Mr. Ralph Rapuano, Sr. on behalf of the applicant then testified to the Board in support of the application. Mr. Rapuano pointed out that he had prior to the submission to the Board in this case had site meetings with the neighbors, repeated follow up contacts and meetings with them, and submitted to the Historic Preservation Commission. He stated that overall as a result of this process the applicant had now presented the plans in

this case "trying to preserve the neighborhood and to have a better quality of homes which would be more expensive but represent a design that was undertaken to be sensitive to the neighbors".

13. Mr. Rapuano further mentioned that there had been four meetings with the neighbors previously conducted by the applicant prior to the submission of this application. Mr. Rapuano asserted, "We have spoken to every neighbor on the street about this plan and have made changes as a result of these meetings before we came to the Board. In fact the design renderings we are submitting have been previously approved by our neighbors, and we hope the Board can see it would be not only better for the property and the neighbors but 'better for the Town'."

14. To permit the applicant the opportunity of presenting revised plans and a new notice for the hearing to "flip the house" with a different side yard setback variance being sought, this case was continued.

15. At the May 23, 2018 special meeting of the Board the applicant's attorney Mr. Bergen explained to the Board the revised plans the applicant was presented. He stated, "The revised plans no longer require the prior side yard variance, and the maximum improvement and building coverage with porch variances are removed, so that there are three variances fewer than were originally presented". The Board and the applicant's attorney acknowledged receipt of an updated memo dated May 22, 2018 from Mr. Sammet the Town Planner regarding his review of the new plans submitted. Mr. Sammet's memo confirmed the withdrawal of the variance request for the side yard setback, maximum all improvement coverage, and maximum allowable building coverage with a porch that the applicant's attorney advised the Board had been removed from this case. Mr. Bergen confirmed for the Board the remaining variances needed for the site plan approval with the revisions now before the Board.

16. Testimony in support of the application was then provided by Mr. Ralph Rapuano, Jr. who explained the reason for the revisions in the plans now being undertaken. Mr. Rapuano testified, "As a result of the last hearing and our prior meetings with the neighbors, we have listened to the neighbors and gotten feedback from the Board following the first hearing. As a result we have added a detached garage and we have kept the single car garage as attached with unfortunately the requirements still to be that we need an FAR variance. The interior garage has added to the FAR, and we would be close

to complying with the ordinance without this garage. I would ask the Board to consider that we have a unique location on Elm Street, and we have also reduced the height of the structure with the changes we have made." Mr. Rapuano, Jr. then went over in detail the changes in the plans from the prior hearing.

17. The Town Planner Mr. Sammet then advised the Board that the coverage variance relief was related to the detached garage now being shown. Mr. Sammet asked Mr. Rapuano, Jr. to explain how the coverage variance relief was being for a lesser amount when the prior application did not include a detached garage. Mr. Rapuano, Jr. advised Mr. Sammet and the Board in response, "We have shrunk the building."

18. The Board remarked that even with the revised plans, the FAR relief could effectively permit an additional 1,440 square feet of building area, and the Board asked the applicant to demonstrate hardship conditions that would require such a significant variance. Mr. Rapuano, Jr. responded, "We believe the FAR variance is required because of the more attractive structure and design we are presenting which include porches and the garage." In response to a question from the Board as to whether the applicant had considered conforming plans for the structures that would not require FAR relief, Mr. Rapuano, Jr. responded by stating, "We believe the variances are essential for what we consider to be a better plan than what the ordinance would allow and permit. We also believe that the marketing analysis and our building experience in the Town of Westfield requires that this type of structure and plans be presented which would then result in a very marketable and very attractive building which we have proposed." The Board noted, however, that Mr. Rapuano, Jr. did not state any unnecessary hardship that would result from application of the Town Zoning Ordinance.

19. The project engineer Mr. William Hollows then explained the changes in the plans with relationship to a plan dated 4/19/2018 which had been colorized. Mr. Hollows discussed the changes being made to "have the building smaller, the driveway will be on the Easterly side, there is a detached garage, and the front unit will have a garage as part of the house with a detached garage with room for two cars in the front.. Mr. Hollows explained how the three variances had been eliminated from the revised plans. He further stated, "The maximum lot coverage now conforms to the ordinance requirements." The difference in the coverage variance relief for the building "originally proposed at 39.16% without the porch and now at 36.98% without the porch, with the porch previously of

45.14% and now at 39.95% with the porch, and the FAR previously at 64.43 which is now 58.86", was confirmed by Mr. Hollows for the Board. In discussing maximum lot coverage Mr. Hollows also testified, "When the Red Cross was there the coverage was 60.2%, and now we with the revised plans comply with the coverage requirements of the ordinance."

20. Mr. Hollows again reviewed with the Board the currently needed variances which he stated included building height with 32 feet allowed, 37.2 feet proposed at the maximum height; a detached garage being proposed; an FAR at 25% permitted, 33.1% proposed; and with building coverage of 20.8% when the ordinance restricts such coverage to 20%. Mr. Hollows referred the Board to Sheet 1 of his 4/19/18 plans with the zoning summary stated therein to confirm this listing.

21. In response to a question from the Board attorney Mr. Hollows confirmed that the applicant was proposing a condo for the two-family structure being proposed. In response to a question from the Town Planner Mr. Sammet, Mr. Hollows indicated there would be a two-car detached garage, and the use of the driveway area and the attached garage affected the coverage relief the applicant was requesting. Mr. Hollows was asked a question by the neighboring property owner Mr. Diddell about the width of the driveway and whether same would be adequate for a two-car garage. Mr. Hollows advised the neighbor that the driveway would have a width of 18 feet, and he stated the ability to maneuver cars around the garage and thru the driveway would be adequate based upon the engineer's experience.

22. The project architect Mr. Moritz then gave testimony about his new elevations and plan set dated April 11, 2018. Mr. Moritz also confirmed, as had the applicant, that, "We have considered the comments of the neighbors and the Board and as a result reduced the living space for both units. We have reduced the height of the structure and the porches front and back and added a detached garage and reduced overall the width of the building." In response to questions from the Board about the height of the structures overall, the project architect went over with the Board the building from one end to the other. He pointed out to the Board the "middle of the building which is now lower". This was then followed up on by the architect by describing the setbacks and the "step in" he had designed for the structures. Mr. Moritz also explained to the Board what he believed to be a "difference look of the structures from the front". The project architect also explained the changes in the building that had reduced the FAR variance requested.

23. In response to questions from the Board the project architect confirmed that there would be no third floor living space which was part of what was shown on the plans as the attic plan, and that there would in fact be one staircase to the attic area in each unit. It was also confirmed by the architect that there would be a basement in each unit. In response to a question from the Town Planner as to how the architect was able to reduce the height of the structure, Mr. Moritz testified, "We have pulled the building in."

24. The project architect then went over the floor plans for the structures including the basement and testified, "As the Board can see for the basements there is nothing down there. There will be mechanicals only, and there is no basement space under the garage." The difference between the lot and building coverage variances associated with this case were reviewed and discussed at length by the architect for the Board. In response to a question from the Town Planner as to how the present design would be a better use and a superior design considering the issue of massing and whether or not the structures would be in character with the neighborhood Mr. Moritz responded, "The revised plans as shown by the architecturals and the testimony and evidence we have offered shows clearly that the revised plans are a better and superior design alternative which will be more consistent with the character of the neighborhood and represent correct architecturals and designs for the neighborhood." The Board asked whether the project architect could illustrate how a design alternative in compliance with the ordinance would not be able to achieve the same design qualities.

25. In follow up testimony for the Board about the architecturals and design features now proposed, Mr. Moritz pointed out, "As the Board can see all four sides of the structure will have the architectural enhancements and design features. We have kept the height of the roof down. We have designed the structure to be adequate to the needs of the families who will live there and avoid 'add-ons in the future'." The architect's testimony was followed up on by additional testimony from Mr. Ralph Rapuano, Jr. who discussed that the duplex structure on the lot next door "has 300 square feet more of coverage than we are proposing". The Board commented that there were nine bedrooms shown on the submitted plans and questioned the increase from the previous development. Mr. Rapuano, Jr. indicated there might be eight bedrooms at this location, with the first floor bedroom potentially having a different use. Mr. Rapuano, Jr. asked the Board to consider that the duplex next door to the applicant's property would have a similar bedroom count to

what the applicant was proposing in this application and asked the Board to consider and evaluate the use of the property in this case by "looking at this enhanced design we have presented which presents a plan from the street to appear as individual dwelling units".

26. Following up on this testimony neighboring owner Mr. Diddell criticized the revised plans submitted and stated he did not believe it was appropriate for the applicant to make comparison to the prior building and improvements on the property when it was used by the Red Cross. Ms. Debbie Burslem asked the Board to consider that the height of the residences that were now present in this case were "consistent with many of the residences on the neighboring streets".

27. Mr. Ralph Rapuano, Sr. then addressed the Board and set forth again that the application had been revised to respond as much as possible to the comments at the last Board meeting from the neighbors and also pointed out, "There have been five meetings in my office. I have met the requests of the neighbors on each side. All of the neighbors have wanted this design and approved it. The design works in the neighborhood and for the property. I have presented something I am proud of that is also designed in the style of Westfield. This is a far better design and plan than a duplex that the Board sees elsewhere, and it appears that only one neighbor has a problem with what we are proposing. Frankly I believe the Board should encourage the builders to proceed with a design like this and to build like this." Mr. Rapuano, Sr. was questioned by Mr. Diddell as to whether dimensions on the plans as now presented were accurate. Mr. Diddell also questioned whether or not the mass of the structure the Mr. Rapuano was now proposing was in fact consistent with the neighborhood.

28. The Board then heard public comments from Mr. Bob Burslem of Kimball Avenue who indicated he had attended many of the meetings the applicant had with the neighbors and "appreciated the interest and involvement of Mr. Rapuano in presenting the plans now before the Board". Mr. Burslem confirmed the neighbors were in fact in approval of the design and plan presented by the applicant and also offered his opinion that the revised plan the applicant had presented would "work for the property and clearly improve the property and be good for the neighborhood". As to the height of the applicant's structures, Mr. Burslem pointed out that the height of the houses to the right of the applicant's property were higher than the applicant was proposing. This neighboring owner also pointed out that the duplex to the left of the applicant's property was too short and the

applicant's present plan "fits the rhythm and appearance of the homes in this area". Mr. Burslem requested that the Board approve the application as now submitted.

29. Mrs. Julie Diddell spoke in opposition to this case and asked the Board not to approve "the huge structure that is being requested". This neighbor stated her strong disagreement with the comments made by Mr. Burslem that the structure was in character with conditions in the neighborhood. Mrs. Diddell stated as a neighboring owner her belief that the applicant should have designed something else and that the present structure did not fit in with the neighborhood. Mr. Diddell stated he was a longtime resident of the neighborhood and had previously served as a member of Town Historic Commission. Mr. Diddell requested that the application not be approved and stated his belief, "There is zoning for a reason." Also that the ordinances as exist were not designed nor intended for the detached garage and the design presented in this case. He pointed out his belief as well that it would be a hazardous condition with the need to back up and out of the driveway as proposed. Mr. Diddell asked the Board not to approve this case and stated his belief that there should have been a smaller structure and a more conforming structure proposed by the applicant. Mrs. Debbie Burslem then advised the Board she believed the application should be approved as a neighboring owner. She offered her opinion to the Board, "This is a big piece of property, and the applicant has proposed a structure which is consistent with the streetscape. The applicant should be commended for working with the neighbors and the neighborhood in coming up with a design that matched the neighborhood and was approved by the neighbors." Mrs. Diddell responded to these comments by offering her opinion that, "The applicant could have saved the structure, and no hardship or other good reason has been shown for the approval." Mr. Ralph Rapuano, Sr. then stated to the Board that he had investigated the condition of the Red Cross structure and, "It could not be saved." Mr. Rapuano again advised the Board that he had "had the design approved in the meetings we have had with the neighbors, and we are trying to start a trend with this type of construction for a better quality building product in the Town". Mr. Ralph Rapuano, Jr. then discussed with the Board what he believed to be a "unique presentation of something better than the ordinances require. We could have done a different design that would be in compliance with the ordinances, but we would not be able to accomplish and present this type of quality design and the better proposal that we are now making without the variances we are seeking." The applicant's attorney then

summed up the submission and case made by the applicant. Mr. Bergen pointed out, "We are proposing a permitted use of the zone, and we believe the evidence and testimony and the details of the plans presented show we are proposing a structure and a use which would be more beneficial for the property and the neighborhood than what would be permitted by the ordinance. The applicant's design and plans which have been refined and amended, have been approved by the neighbors and developed over many months including the recent revisions to reduce the number of variances required and clearly meet the requirements of the Municipal Land Use Law for positive and negative criteria to be approved by the Board." Mr. Bergen offered his belief and argued to the Board that, "The improvements would clearly benefit the property and conditions in the neighborhood and that the applicant had presented a design that was not only aesthetic and consistent with conditions in the neighborhood, but one which was in fact considerably enhanced beyond what the ordinance would require for a two-family residence on the property." Mr. Bergen also offered his opinion, "In balancing this case the approvals will be seen by the Board to be clearly justified."

30. The Board discussed a series of conditions and requirements that would be applicable to any approval from the Board, all of which were agreed to by the applicant.

31. There was no further testimony, evidence, nor any additional public comments offered to the Board regarding this case.

The Board finds and concludes that the applicant has demonstrated the particular suitability of the subject property for the construction of the two-family structure and dwellings which are the subject of this case. The Board finds overall that the applicant has presented a revised preliminary and final major site plan with amended architectural plans to replace the existing structure on the property with the construction of the two dwelling units shown in the plan submitted that are well designed and appropriate improvements to be added to the property in the reasonable judgment of the Board. The Board in fact notes that the revised plans the applicant has presented to the Board for final approval in this case, which the testimony established had been the subject of a number of meetings conducted and held by the applicant with neighboring owners and considerable community outreach, represent not only a plan for a conforming use of the property as to the number of dwelling units proposed but also one as the evidence and testimony in this case demonstrates that has been designed to utilize the available property appropriately and to

create a two-family dwelling that will be harmonious with not only the neighboring properties but also others on this street and in this immediate neighborhood and zone district. The Board finds that in addition to the particular suitability of the new dwellings to be constructed based upon the architectural details and design, which have been as the testimony reveals specifically developed to be consistent with the character of the neighboring property owners and the overall streetscape, represent a usage that can be accommodated properly and well on the site, and will also present a good housing option and use of the property overall. The Board finds that the architectural plans and site plan presented are in fact as the applicant's representatives and experts have submitted a desirable plan and alternative design from a traditional duplex plan or proposed structure. The plans now before the Board in this case for approval represent a structure and improvements that will be fully consistent with the streetscape. The Board concludes from the architectural details and enhancements on all sides of the property as the plans and testimony have confirmed, will therefore be fully consistent with not only the nature and type of structures and details of other homes along the street but also others across the street and in close proximity to this site.

The Board in weighing and balancing positives and negatives finds that the applicant has demonstrated there will be significant positive benefits and impact to not only the subject property but also for conditions in his immediate neighborhood and in the zone from the architectural, design features, and aesthetic appearance of the property overall. The Board notes the building plans in this case also represents a design developed by the applicant after considerable outreach, efforts, and input from neighboring property owners. The Board also commends the further efforts and amendments being undertaken by the applicant during these proceedings to minimize as much as possible the extent of variance relief required for the approvals that the applicant is requesting. In that regard, after considering these positive benefits and advantages to the subject property and for the neighborhood, the Board also notes that there is no significant negative impact or detriment that would argue against the approvals the applicant is seeking or outweigh the positive impact from the clearly enhanced structures and use of the property the applicant is proposing consistent with this neighborhood.

The Board further concludes that the usage of the property proposed in this case from the design and the expert testimony and the other testimony and statements offered

to the Board in this case, and from the Board's overall review of same, cause the Board to conclude that since the usage of the property for a permitted two-family dwelling will clearly enhance and improve this property with benefits to the adjoining properties by the grant of variance relief for the site plan approval requested in this case, it would now be appropriate for this application to be allowed by the Board as such approvals have been demonstrated to be consistent with the goals and purposes of the Land Development Ordinance and the Master Plan for the Town of Westfield.

NOW, THEREFORE, be it resolved that based upon all of the above, the request of Elegant Homes NJ, LLC for preliminary and major site plan approval with Use and bulk variance relief to construct a new two-family home to replace a single family residence that was demolished at this location, in accordance with the amended site plan drawings and amended architectural drawings submitted to the Board in this case, which requires variance relief from the requirements of Section 11.11E8 of the Ordinance which requires a maximum building height of 32 feet and the applicant proposing a building height of 37.2 feet, Section 12.04E of the Ordinance which requires that a maximum floor area ratio not exceed 25% and the FAR in this case is at 33.1%, Section 12.04F1 requires maximum building coverage not to exceed 20% and coverage is proposed at 20.8%, and finally Section 11.11E14 requires detached garages and proposed are attached garages in this case, in accordance with the plans, evidence, and testimony heard by the Board and considered in this matter, said variance approvals together with preliminary and final major site plan approval requested by the applicant in this case, **BE AND HEREBY ARE ORDERED GRANTED AND APPROVED**. This resolution and the applicant's further use of the property are subject to the following terms, conditions, and requirements:

1. That the Board's preliminary and final site plan approval are issued for plans prepared by Murphy & Hollows Associates with revisions thru April 19, 2018 consisting of three sheets, and floor plans and elevations on five sheets prepared by Michael Moritz, Stonewater Architect LLC with revision date of April 11, 2018; and

2. That prior to the issuance of building permit, the applicant shall pay and satisfy and fees, escrows, charges, or other payments due to the Town of Westfield as a result of the approvals issued by the Board herein and the new construction to be undertaken on the property. This payment, obligation, and requirement shall include but not be limited to any Affordable Housing contribution or similar payment including any and all payments or

charges that are applicable or required by the Development Fee Ordinance for the Town of Westfield; and

3. That the applicant is to submit for the reasonable review, requirements, and approval of the Town Planner a revised architectural drawing showing that the attic space for each of these dwelling units is not to be utilized for living space as stipulated to by the applicant during this hearing. This restriction and requirement upon which the Board relies in allowing FAR relief of up to 1,440 square feet, exclusive of the walk-up attic space of 450 square feet, shall apply to the premises for any future occupancy or use; and

4. That the applicant is to submit a plan for the reasonable review, requirements, and approval of the Town Engineer for storm water detention and retention. The applicant is to undertake such work in accordance with the reasonable review, requirements, and approval of the Town Engineer. In addition the applicant is to present a plan showing curbing along the driveway as discussed with the Board during this case, this plan also subject to the reasonable review, requirements, and approval of the Town Engineer; and

5. That the applicant is to establish and post any bonding necessary or required as determined by the Town Engineer for the site plan approval now granted and for the improvement work to be undertaken therein; and

6. That the Master Deed, rules and regulations for the condominium shall be submitted for the reasonable review, requirements, and approval of the Board Attorney and the Town Planner prior to the issuance of Certificate of Occupancy for either of the units to be constructed pursuant to this approval; and

7. That the applicant is to present a plan for the reasonable review, requirements, and approval of the Town Planner showing garbage receptacles and recycling containers to be placed appropriately on the property as discussed with the Board during these hearings; and

8. That prior to any work at the property, the applicant is to present for the reasonable review, requirements, and approval of the Town Planner appropriate samples of all building materials and coloring for same that would be consistent with the plans and testimony before the Board in these hearings. Further the construction of all improvements on the property shall be strictly in accordance with the plans, evidence, and testimony before the Board in this case; and

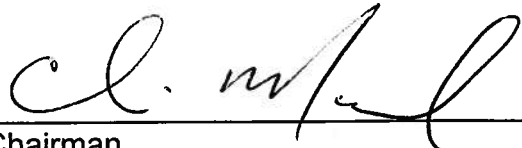
9. That prior to any work at the property, the applicant is to obtain required demolition and building permits in accordance with the regulations and requirements for the Town of Westfield; and

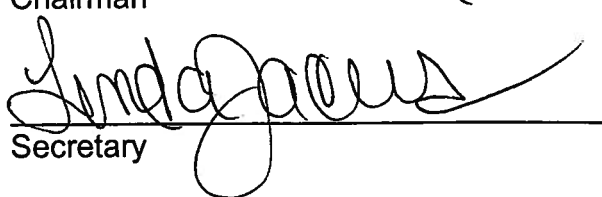
10. That prior to any work at the property the applicant is to present for the reasonable review, requirements, and approval of the Town Engineer a staging plan for all construction work at the property; and

11. That at all times all construction work at the property shall be subject to the reasonable review, requirements, and approval of the Town Engineer; and

12. That the site plan approval of the Board as evidenced by the signing of the site plan by the appropriate officers of the Board shall not take place until and unless the Town Planner shall first provide a written confirmation to the Secretary of this Board that the applicant has complied with all of the terms, conditions, and requirements of this resolution; and

13. That following the construction of the improvements on this property by the applicant, there is to be no further addition, structure, or other improvements added to the property which would increase any nonconformity on the property or which would otherwise not be in compliance with the Land Development Ordinance for the Town of Westfield without an application being first submitted to this Board for permission to do so.


Chairman


Secretary

Dated: July 9, 2018