

# 2012

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## SPF Board of Education

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worried about a change "leading to [the forming of] political alliances." His primary concern was "diminishing the pool of people who would want to do this." He also said that while fewer people vote in April than in November, the springtime voters are a "small-but-engaged" crew.

BOE member David Gorbunoff said he did not think voting in November would cause the board to "take sides or align around certain causes." In reference to Mr. Layne, he said the same core group of voters would migrate to November; there would simply be more voters engaged in the process. "The benefits far outweigh" the detriments, he said.

Mrs. Woerner insisted that she "would be less comfortable running" for a board seat in November.

Mr. Layne later shared Mrs. Woerner's concern, saying, "It would have affected my decision to serve."

BOE member Karen Kulikowski offered a contrast saying she "would not be uncomfortable running" for a seat, despite the change. She said, "the writing is on the wall" to move to November.

BOE member Jeanne Cleary also disagreed with Mrs. Woerner, saying the concerns are "far outweighed by the positives." She said switching from April would allow more of the focus to be centered on education issues.

BOE member Warren McFall said that the district could save about \$28,000 by moving to November. He called this a "considerable amount" and "an awful-strong rea-

son why we should" move elections.

BOE Vice President Nancy Bauer also said she was "torn" about what to do. She said her primary worry was creating a system in which candidates now spend money to run for school-board elections.

Mrs. Woerner said once a person spends a dollar for a re-election bid, there are campaign-finance laws that must be adhered to and documents that must be signed. "I've never had to have a treasurer or a campaign officer before," she added.

Ms. Kulikowski responded, "You don't have to spend the money." She later reminded her that "it's a volunteer position... If I don't win, someone else will serve."

Following up on that point, Mr. Gorbunoff said, "You're [Mrs. Woerner] talking about taking out ads and putting up signs. Why? You're not running against Leonard Lance for Congress. The election is the same regardless of when you have it. The only difference is that there may be more people voting."

Mr. Whitehouse reminded all members that if the election moves to November, there are ways to promote oneself without spending money; he mentioned using *The Scotch Plains-Fanwood Times* as an example.

The special meeting will occur on Thursday, February 9, at 8 p.m. Action will be taken, and there will be opportunities for the public to participate. In the meantime, the public can e-mail the board at boe@spf12.org.

## Home Addition OK'd; 'Y' Must Submit Plan to Board

By CHRISTINA M. HINKE  
Specially Written for The Scotch Plains-Fanwood Times

GARWOOD - The Garwood Planning Board, last Wednesday, voted 7-2, with board members Bruce Paterson and Bill Nierstedt dissenting, to approve a bulk variance for a 375-square-foot second-floor addition to a home at 123 Willow Avenue. The owners, Mr. and Mrs. John Marinello, sought relief for variances of pre-existing conditions regarding lot size and width, front-, side- and rear-yard setbacks, as well as impervious coverage related to the second-floor expansion over the existing footprint.

Board member Michael Vena excused himself from hearing the application, as he is a neighbor of the applicants.

The applicants, who moved in six years ago, cited as hardships the need for more space as they have a 16-month-old child and are planning to have another baby. The plan shows expansion of the three bedrooms and master bath on the second floor. Mr. Marinello said all three bedrooms were roughly nine feet by seven feet.

The expansion would result in the master bedroom becoming 16.5 feet by 10 feet, the second bedroom 9.7 feet by 15.6 feet and the third bedroom 9.1 feet by 13.2 feet. The master bath would be 7.11 by 5.10 feet. The plans would also push out the front door with a small vestibule. The three-bedroom house currently has two full baths and a finished basement.

The existing front-yard setback of about 15 feet is already non-conforming, said attorney Donald Fraser, Jr., since 25 feet is the required front-yard setback.

Mr. Nierstedt took issue with the house having a 15-foot front-yard setback, saying he would rather see the addition only in the rear of the home and not the front. By building the addition, the home would have a "flat wall" as Mr. Nierstedt described, instead of it notching inward on the second floor as it currently does.

The home was built in 1907 and at some point the front porch was enclosed, creating the notch on the second floor. The property is 40 feet wide, which predates the 50-foot-wide provision.

Currently, the house has 68.04 percent impervious coverage, Mr. Fraser said, where 60 percent is the maximum allowed.

"We did try to sell the house. We put it up for six months, but we didn't have an offer. Not even a really low offer," Mr. Marinello said.

"I'm opposed to this," Mr. Nierstedt said. "In this situation... there is no hardship."

"Having a family is not a reason for granting a variance... [Economics] is

not a land-related hardship," Mr. Nierstedt continued. "You are allowing an individual homeowner to have a larger house than permitted by code and there is no hardship."

"I can buy your argument about a larger house if they were putting on an addition to give them an enormous amount of additional space. They want to put on an addition of 375 square feet - you're talking about less than, not even a room. That is not blowing out a house," board member Stephen Greet retorted.

Mr. Paterson suggested a compromise. "Forget about the front expansion and allow the back expansion. I think that would be a fair compromise. It would maintain a nice looking house," he said.

Mr. Greet said he thought the alterations to the home would not dramatically change the appearance of the house.

Mr. Nierstedt said houses with porches add character to a home, and was not in favor of having a flat wall in the front.

"I think it is hardship," said Victor DeFilippo, the borough council liaison on the board.

"We changed this zone to a single. We hoped people would take the two and make them a one," said Borough Planner and Engineer Victor Vinegra, noting the neighborhood has a lot of two-family brick homes.

"Why do we have 25 feet? ... If we start giving away front-yard variances it is not good," Mr. Nierstedt said.

"You are not being receptive to young families and foster a positive atmosphere in the town," said Mr. Greet, who noted keeping young families in the borough would mean children attending the school system and families paying taxes for the schools.

"Families invest in their homes and upkeep of the neighborhood," alternate board member Kathleen Villaggio said.

At this point, the applicants passed around photos of neighboring homes that showed one that is 20 feet from the sidewalk and a house further away that is 15 feet from the sidewalk.

In other business, Mr. Vinegra said the Westfield Area "Y"'s five-year lease agreement with the board of education to use the Washington School for pre-school, daycare and after-school and fitness programs is subject to go before the planning board.

"The use is not permitted," he said. "The Washington School is zoned to be strictly a school."

The next board meeting is Wednesday, February 22, at 7:30 p.m.

## No Board Vote Yet on UCHS Baseball Netting System

By DELL SIMEONE  
Specially Written for The Scotch Plains-Fanwood Times

SCOTCH PLAINS - After nearly 16 hours of testimony, at four meetings of the Scotch Plains Zoning Board of Adjustment, the board, last Thursday night, still did not vote to grant, or deny Union Catholic Regional High School a variance for setback of 10 poles varying in height from 40 to 100 feet. The school asserts that the poles are needed to support a baseball netting system designed to stop foul balls from landing in the backyards of the neighboring homes.

Last week's meeting consisted of three-and-a-half hours of sworn testimony by James Reagan, the school's vice-principal and head baseball and basketball coach. The school's attorney William Butler of Westfield asked the witness a series of questions designed to show how the school is addressing the safety concerns of its neighbors. Board members listened to testimony on the aspects of the dispute with the neighbors, safety concerns, the schools' athletic schedule, the amount of foul balls a day, a week, in a season, etc.

Mr. Butler was warned many times during the questioning by board attorney Vincent Loughlin not to allude to the preliminary injunction imposed on July 28, 2011, in Elizabeth, by state Superior Court Judge John Malone, which prohibits batting at the school field until safety issues are addressed by the school. The court requires the parties (Union Catholic and Rajul and Sachin Shah) to return to court on Monday, February 27.

Board member, Richard Druithie questioned Mr. Reagan on the type of bats being used by the team and about how fast and far a ball can travel. Board member Tim Livolsi asked about how many students there are in the school (725) and how many of them participate in athletics (200).

Board member Brian Doyle asked if the school had looked into alternative places to play ball on and off school property. Mr. Reagan responded, "yes, we have, but, on school property, the sun would be in the batter's eyes," he said. Mr. Reagan also said, "Off school property, finding a field to share with another school would be practically impossible due to scheduling."

Mr. Reagan also testified that offering athletic programs is covered by the school's mission statement. He testified that the school had been in its present location since 1962. That location is in a woody residential zone at 1600 Martine Avenue. The only other non-residential structure in the neighborhood is Immaculate Heart of Mary Roman Catholic

Church.

Mr. Reagan was questioned by Mr. Rogoff, and by neighbors, as to why the baseball field could not be placed somewhere else on the school property. Mr. Loughlin had to constantly caution the speakers, and attorneys not to allude to the court injunction. At one point, Mr. Loughlin jumped up out of his seat and said, "No, no, no. This is illegal. Let's keep the questions only about his [Mr. Reagan's] testimony and what went on at the three previous meetings." "There is a strong legal requirement that this hearing not discuss anything that does not go on here. Let's keep the focus on the board," he said. The "elephant in the room" was the preliminary injunction.

Marc Rogoff of Woodbridge, the attorney who represents Rajul and Sachin Shah of Dutch Lane, and who was successful in obtaining the preliminary injunction against Union Catholic, had little opportunity to present his witness, Richard Kulman of Woodbridge, a real-estate assessor and expert. After stating that he has done research on netting systems used at Keant University in Union and at the Hyatt Hills Golf Course and Driving Range in Clark, it was after 11 p.m., and Zoning board Chairman Kurt Anderson ended the hearing, which will be continued in March. He was to testify on what the netting system would have on property values in the neighborhood. It was announced that although team enrollment will take place on March 1, tryouts and practice are now on hold. Union Catholic, at present, cannot go forward with their baseball program.

The school has spent approximately \$2.5 million on the new state of the art field with synthetic turf, bleachers, a dugout, plans for a scoreboard, and a new lighting system, as well as legal representation, which included witnesses, such as its project engineer, Darin Phil.

The board is charged with other considerations, besides safety, when hearing an application for a C variance. It is required to consider weather the structure, or set back in question, will improve, or be in compliance with the character of the neighborhood, in this case, a pricey residential neighborhood with homes on one acre parcels, with backyards containing pools and decks.

Union Catholic Principal Sister Percylee Hart and Associate Principal Karen Prasecki were in attendance at Thursday's meeting.

A special meeting to continue the hearing has been set for Thursday, March 1, at 7:30 p.m. at the Scotch Plains Municipal Building.

## Home Values Have Dropped: Shouldn't Property Taxes?

SCOTCH PLAINS - Is a property tax appeal right for you?

In the last five years, home values in Union County have dropped dramatically. As the real estate market is depreciating, your property taxes have been increasing. As a taxpayer, you have the right to appeal your property-tax assessment as a means to reduce your real estate tax obligations. As a taxpayer considering an appeal, you should understand that your home's assessed value is legally "unreasonable." With a successful tax appeal, your lowered tax assessment will be set for three years, which can amount to considerable savings. The best way to succeed in appealing your taxes is to present your claim to the courts through expert tax and legal counsel with local knowledge.

James M. Foerst is the principal of Spector Foerst & Associates and has been assisting families with real estate and tax issues for more than a decade in our local community. Mr. Foerst brings with him his experience with local government and the municipal budget process. Save money in this economy. Make the sale of your home more attractive. Reduce the long-term expenses associated with your home. Make it more affordable to stay in your house. All with lower property taxes. Tax appeals must be filed by April 1. For more information about tax appeals, visit [www.spectorfoerst.com](http://www.spectorfoerst.com) and complete the complimentary assessment form to see if you can save money on your taxes, or get started with a free consultation by calling James M. Foerst at (908) 322-4886.



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## BOEs Discuss Election

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\$30,000 as reasons to opt in. School boards may actually pay more than usual to keep their elections in April, as fewer towns would be sharing the cost imposed by the county Board of Elections.

Ms. Cary, however, mentioned the potential to politicize board-member candidacy and not voting on the budget as negatives.

"I have always been a proponent of community outreach and voter input," said Ms. Cary, Westfield BOE's Legislation Committee chairwoman. "The change that we are contemplating... is a big change for this community, and I think that we should be thoughtful in our deliberations and our timing. There is absolutely no reason to rush this decision. We have until February 17 to act, so we are within the timeline that the Department of Education has set. I urge members of the public to give us their opinion."

Not all Westfield board members agree with the decision to delay the vote for another week.

Mitch Slater, in an e-mail to the newspaper, said, "For the record, I would not have supported the resolution at [the January 24] meeting to delay the vote until February 7. It made no sense to me to wait, if a bipartisan [state Legislature] approved it already... It's not our job to get political." Mr. Slater was not in attendance at the January 24 meeting when the BOE voted 7-1 (David Finn was the dissenting vote) to delay the decision.

In an earlier e-mail, he said he "strongly supported" the move to a November election. "Whatever savings the district can garner with this move, as well as increasing voter turnout, is a win-win for all taxpayers."

In Scotch Plains-Fanwood, after hearing enough enthusiasm for moving school-board elections from April to November, Board of Education President Trip Whitehouse called for a special meeting on Thursday, February 9, that will decide the issue.

The most vocal opponent of the move, Betty Anne Woerner, said she was "really torn," calling her quandary "Solomon-like." She noted that there are definite benefits to the budget's automatic passing if it arrived under the 2-percent cap; however, she called the act of voting on a budget a "very unique and powerful way to exercise one's democratic right."

She also said the election of board members, if elections are moved, are "10 times more likely to become politicized." A change in that regard repre-

sented "the biggest downside" to her.

David Gorbunoff said he did not think voting in November would cause the board to "take sides or align around certain causes." And Warren McFall said that the district could save about \$28,000 by moving elections to November. He called this a "considerable amount" and "an awful-strong reason why we should" move elections.

The Garwood Board of Education has scheduled a special meeting for this Tuesday, February 7, at 6:30 p.m. in the all-purpose room of Lincoln School to discuss the issue.

The Berkeley Heights Board of Education, which has an agreement with the Mountaineers BOE for teens attending Governor Livingston High School, will discuss the issue at its Thursday, February 9 meeting. The meeting will be held at 8 p.m. in the multi-purpose room of Columbia Middle School, 345 Plainfield Avenue in Berkeley Heights. The Mountaineers BOE will discuss whether to move the election at its Tuesday, February 7 meeting to be held beginning 6:30 p.m. in the Deerfield School cafeteria.

The switch to November will present an added challenge to county clerks throughout the state. They will now serve as the filing officers for the nomination petitions and will rule on objections to the petitions.

Despite the increased responsibility, Union County Clerk Joanne Rajoppi told *The Leader*, "I'm looking forward to this challenge."

Due to the respective local races and differing needs of each community, she said her office already creates 40 to 80 different versions of a ballot.

Her costs will rise now due to configuring more "complex" ballots during an already-busy Presidential election year. To ensure that the November school election remains a non-partisan affair, it will appear on a separate section of the ballot.

The county budgeted \$700,000 in each of the last two years for reimbursement for the cost of school elections.

The Union County Vocational-Technical Schools, as well as charter school boards will not be impacted by the new state law, as their schools are governed by appointed, not elected, bodies. The Vo-Tech BOE is elected by the Union County Board of Chosen Freeholders. Neither have budgets voted on by the public.

To offer public opinion, e-mail [wboe@westfieldnj12.org](mailto:wboe@westfieldnj12.org) and/or [boe@spf12.org](mailto:boe@spf12.org).

## Scotch Plains Council

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ship council to permanently close their street in order to improve safety. Chief Mahoney said on Tuesday that, "surprising to me," the improved bridge "seems to be functioning as it was planned," with traffic congestion noticeably lessened. And, he said, there did not appear to be any additional traffic problems on Sunset Place in the weeks since the bridge's opening.

In other business, township officials will confer on how to better utilize the municipal parking lots in the downtown business district in order to make the area "more business-friendly," according to Township Manager Chris Marion. Lisa Mohn, a business owner and president of the Scotch Plains Business and Professional Association, told the council that too many business owners and their employees were parking in the rows nearest their buildings, leaving shoppers to park further away, which she called an inconvenience.

It was unclear whether some of the rows in the two lots between Park Avenue and Forest Road had time restrictions, but Ms. Mohn said, "We need clearer signage there." Mayor Malool agreed, saying that the lot in front of the Scotch Plains Library was "not conducive to safe parking." She also said the one-hour limits on parking along Park Avenue should be boosted.

"We should be encouraging people to come and patronize our stores," the mayor said. Chief Mahoney said he saw no reason why some of the restrictions could not be changed. Councilman Glover suggested designating a portion of a parking lot for use by employees of local businesses, a notion Ms. Mohn called "a great idea if we can figure out how" to implement it.

The council also heard from Public Works Director Kevin Ward on some snow and leaf removal issues, a discussion that devolved into an at-time contentious conversation between Mr. Ward and the council about the best ways to improve traffic safety when the streets are filled with fallen leaves awaiting pick up or piled with snow from shoveled sidewalks and driveways.

Councilman Bo Vastine said this past fall - featuring the October snowstorm - left streets in "treacherous" condition as leaves and branches clogged roadways in advance of the town's collection ef-

forts. Councilman Michael Marcus said some streets became "one-way roadways" due to the piles of leaves. Councilman Glover suggested giving homeowners a firm date for final leaf pickups so that the township is not faced with collecting leaves into December and creating a longer period where streets are clogged with debris. "Public safety is paramount," he said.

That suggestion led to a discussion of how to enforce such a policy, with questions raised of how to penalize residents who continued to place leaves and other debris at their curbs after a final pick-up date had passed and whether exceptions would be made and whether landscapers or the homeowners themselves would be cited, if violations occurred.

Township manager Chris Marion said he and township department heads would meet to consider various possible solutions to the problems.

## Fatal Accident

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addressed as a joint investigation between the Union County Prosecutor's Office, the Westfield Police Department and the Union County Sheriff's Office.

He noted that while the Homicide Task Force of the prosecutor's office was involved in the investigation, it did not automatically mean that the case was being treated as a homicide.

"All factors are being considered with this accident," said Mr. Holl. "Everything is being examined, everything is being reviewed; witness statements are being taken and reviewed as well."

Mr. Holl said the prosecutor's office had not released the identities of the male pedestrian or the drivers of either the Cavalier or the pickup. However, other sources have identified the pedestrian as David Kervick.

"There haven't been charges filed in this case," Mr. Holl stated. "The other people involved are private citizens."

Several other accidents have occurred in the vicinity of the intersection where last week's incident took place. On April 6, 2009, Kirk Kinkade, 36, of Westfield was killed when he was struck by an SUV that traveled up on to the sidewalk alongside the monument to veterans of World War I at the intersection of North Avenue and East Broad Street.

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