

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
Regular Meeting, January 14, 2016 at 7:30 P.M.,  
Hartley Dodge Memorial, 50 Kings Road, Madison, N.J.

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**1. CALL TO ORDER BY CHAIRPERSON**

**2. ANNOUNCEMENT OF NOTICE (STATEMENT OF COMPLIANCE):**

A regular meeting of the Borough of Madison Zoning Board of Adjustment was held on Thursday, January 14, 2016 at 7:30 pm in Room #140 of the Hartley Dodge Memorial Building located at Kings Road, Madison, N.J. Joseph Santoro, Chairman opened the meeting and requested the reading of the public notice as follows:

“Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: At the reorganization meeting of the Board, held on January 8, 2015, the Board, by resolution adopted a schedule of meetings. On January 12, 2015, a copy of the schedule of meetings was posted at the bulletin board at the main entrance of the Hartley Dodge Memorial, was sent to the Madison Eagle and the Daily Record and filed with the Borough Clerk, all in accordance with the “Open Public Meetings Act”.

**3. ROLL CALL**

**PRESENT:** Mr. Blair, Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar, Mr. Santoro, Ms. Salko and Mrs. Lawless

**ALSO PRESENT:** Mr. Gary Hall, Zoning Board attorney

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL - Regular meeting of December 10, 2015**

One minor correction was made to the minutes, misspelling of the word Mrs. for Mrs. DeRosa’s name.

A voice vote of aye was heard from all eligible voting Board members in approval of the minutes as corrected.

Mr. Hall stated that a Special Meeting was scheduled for the 34 Walnut Street, LLC application on February 11, 2016. A motion to approve this date was made by Mrs. DeRosa and seconded by Mr. Blair. A roll call vote was requested and recorded as follows:

Mr. Blair, Mrs. DeRosa, Mrs. Elias, Dr. Paetzell, Ms. Kaar, and Mr. Santoro, Mrs. Driscoll was recused.

**6. RESOLUTIONS FOR MEMORIALIZATION –**

**CASE NO. Z 15-028**

Resolution granting variance application to Dan O’Brien, Block: 1004, Lot: 20, 134 Greenwood Avenue to construct a Detached (3) Car Garage with “Work Shop”, Expansion of Existing Driveway, Porte Cochere, Drywell and Fence in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Accessory Structure Floor Area, Maximum Accessory Structure Height, Minimum Driveway Setback and Minimum Principal Building Side Yard Setback.

There were no corrections or additions made to the Resolution. A voice vote of aye was heard from all eligible voting Board members in approval of the Resolution.

## 7. OLD BUSINESS –

### CASE NO. Z 15-036

Zach Davis

Block: 4305, Lot: 1

70 Lathrop Avenue

Applicant is seeking permission to construct a 1 Story Addition, Covered Porch and Wood Deck in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Gibbons Place), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **At the request of the applicant this case will be carried to the February 11, 2016 Zoning Board of Adjustment meeting.**

## 8. NEW BUSINESS –

### CASE NO. Z 15-037

Mark Nedde

Block: 504, Lot: 9

10 Canterbury Road

Applicant is seeking permission to keep Installed Carport Partially Within the Borough of Madison Road Right of Way in an R3 (Single-Family Residential) Zone requiring relief from Accessory Structure Installed in Front Yard and Borough Road Right of Way.

Mr. Nedde was sworn in and corrected the spelling of his name. Nedde.

B – 1 Zoning Violation Letter dated 010-21-15 from Dan Buckalew, Zoning Officer Borough of Madison

A – 2 Survey dated 10-14-15 with application, showing drawing of carport

A – 3 Handout by Mr. Nedde, 4 photos showing the carport

Mr. Nedde began by stating that the trees on his property discharge large nuggets and he has no other location to park and these nuggets inflict dents on his car. He installed the decorative patio cover and he did not believe there was a problem. He hesitate to purchase a new car because of the damage caused by the trees. He wants to keep the carport to safeguard his car and any new car that he plans to purchase.

He stated he was planning to plant ivy and have it grow up onto the carport. He does not believe the carport is an eyesore because two members of the police department inquired where they could purchase a similar carport. Mr. Santoro commented on the fact that this situation is not a hardship. He also has a problem with accessory structures especially in the front yard. Mr. Hall and several of the Board agreed with Mr. Santoro with the fact that an accessory structure does not belong in the front yard. The applicant decided to not return at the next meeting to revise his presentation.

The Board now opened the application to the public as follows:

Chris Alberth, 20 Canterbury Road, stated that none of the neighbors have a problem with the carport

There being no other comments or questions, the Board began their deliberation. The consensus of the Board was to deny the application as presented. A motion to deny the application was made by Mrs. DeRosa and seconded by Mr. Blair.

A roll call vote was requested and recorded as follows:

AYES: Mr. Blair, Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar and Mr. Santoro

**CASE NO. Z 15-038**

**Paul Maguire**

**Block: 3701, Lot: 24**

**21 Maple Avenue**

Applicant is seeking permission to construct a 1 and 2 Story Addition, Bilco Door, Retaining Wall, Modifications to Existing Slate Walkway, Extension of Existing Driveway, Relocation of Existing Fence in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Nino Coviello, attorney representing the applicant.

A – 1 Site Plan, prepared by Mr. J. Mastronardy, dated 8/15

A – 2 Architecturals, dated 5/1/15, rev. 8/7/15,

Mr. Paul Maguire was sworn in and Mr. Coviello began by describing the second page of the Architectural drawings. Mr. Maguire referred to the rear of the home, which exists as a kitchen. That area was previously a porch and the kitchen is very cold. The plan as submitted was formulated last year before Mr. Maguire's wife passed. He wants to remove the kitchen and excavate the under portion of the area and square off the house to the rear of the property. By doing so, basement space would also be provided under the new kitchen, with the extended portion utilized as a breakfast alcove.

The second floor above the new first floor addition, is being proposed as a master bath in place of a small bathroom. The third floor, an additional bedroom will be added. Two boys are presently sharing a room with bunk beds. This additional bedroom will be for one of the boys. The new addition will square off the house and it will be in keeping with other homes on the block. Mr. Hall questioned the area in the front and Mr. Maguire stated he uses this space as an office to do work at home. He intends to move his office downstairs after the addition has been constructed. There being no further questions from the Board, the public was given the opportunity to ask questions or make comments.

Mr. J. Mastronardy, Licensed Engineer was sworn in and gave his credentials. He was accepted by the Board as a qualified professional. He began by describing the plan stating the kitchen will be removed from the rear and squared off as a two story addition. The side yard or front yard setbacks are not being changed, and the rear yard setback is a foot closer. The plan does not propose any changes and will not affect the storm water in any significant manner. The impervious area increases by 71 square feet. A walkway will be removed in the rear, and the impervious coverage is only being affected by 71 square feet. Mr. Santoro stated that on Maple Avenue, water issues are prevalent. He suggested that a drywell be installed to try reduce the overland storm water. The applicant is in agreement of a drywell to capture the left side of the home, and the right rear area of the roof and all the leaders in the rear of the home. The driveway is being extended to accommodate three cars.

A – 3 Two photo sheets of existing house, with the location of the leaders

The public was given the opportunity to either ask questions or make comments. There being none, the Board began their deliberation. The consensus of the Board was to be in favor of the application, with the condition that a drywell be installed with all leaders from the left side of the home and all leaders in the rear be captured and sent to the drywell. A motion to approve the application as submitted was made by Mr. Blair and seconded by Mrs. DeRosa. A roll call vote was requested and recorded as follows:

AYES: Mr. Blair, Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar and Mr. Santoro

**CASE NO. Z 15-039**

**Antonio Dimeiri**

**Block: 4310, Lot: 1**

**4 Alma Avenue**

Applicant is seeking permission to construct a 2 ½ Story Dwelling Constructed on the Existing Foundation of Existing 1 ½ Story Dwelling, (Proposed 2<sup>nd</sup> Story has Rear 2" Cantilever), Enclosed Front Entry Way, Detached 2 Car Garage, Front and Rear Walkways, Drywell and Air Conditioning Units in an R-3 (Single-Family Residential) Zone requiring relief from Permitted Use in an R-3 Zone, Minimum Front Yard Setback (Alma Avenue), Minimum Front Yard Setback (Douglas Avenue), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Mr. Santoro excused himself from this application and Mrs. Driscoll took his seat as chair.

Mr. Dimeri, applicant and Marjorie Roller, of ASA Architects were sworn in and the following exhibits were marked:

- B – 1 Letter of Denial from the Borough of Madison Deputy Zoning Officer, Dan Buckelew 12/17/15
- A – 1 File Plans prepared by ASA Architects, dated 11/16/15,
- A – 2 Rev. cover sheet 12/30/15

Ms. Roller began by describing the application and stated that the location is a corner lot, with a one story two family dwelling. The home has a porch and a driveway. The area is comprised of 6 two family homes and multiple single family homes in the area. She continued by describing the variances which are being sought. She believes the home is in need for improvement aesthetically and that a garage will assist in taking more cars off of the street. The front porch is added to allow for a single entry to the home. A drywell will be added, however, the entire rear and garage roofs will be channeled to the drywell. The garage will assist in softening the rear yard view.

- A – 3 Photos taken by Ms. Roller, dated 1/6/16
- A – 4 Photos of surrounding homes dated 1/6/16

Ms. Roller reviewed A – 4, stating all the homes in the surrounding area consist of two story homes, and detached garages.

Mr. Dimieri stated he purchased the home several years ago from the Mazzocchi family. Several homes have a finished attic. A new roof had been previously installed and he plans to perform a large amount of improvements to this home. Mr. Dimieri described the apartments as being very small. The walkways that exist will be removed and a walkway will be added in the rear and the applicant would like to add a play area in the rear. He never considered changing this home to a single family home. Ms. Salko asked the applicant if anyone in the area had an issue with the

garage. He stated that he has not gotten any negative feedback from neighbors regarding the garage.

Diane Pagliuca, 48 Knollwood Avenue, Madison commented that she grew up on Alma Avenue. She owns the rental across from the Dimieri's. She stated that her entire family welcomes the changes to the neighborhood.

Mr. Hall gave his input and assistance to the Board members. There being no further comments or questions, the Board began their deliberation. . The consensus of the Board was to approve the application as presented. A motion to approve the application was made by Mr. Blair and seconded by Mrs. Kaar.

A roll call vote was requested and recorded as follows:

AYES: Mr. Blair, Mrs. DeRosa, Mrs. Driscoll, Dr. Paetzell, Ms. Kaar and Ms. Salko

NAY: Ms. Elias

**CASE NO. Z 15-040**

**John Kirwan IV**

**Block: 1108, Lot: 8**

**14 South Street**

Applicant is seeking permission to construct a Driveway with Drop Curb in an R-4 (Single or Two-Family Residential) Zone requiring relief from Minimum Driveway Setback.

Mr. John Kirwan was sworn in and the following exhibits were marked.

B – 1 Letter of Denial from the Borough of Madison Deputy Zoning Officer, Dan Buckelew dated 4/14/15

A – 1 Copy of survey, dated 10/20/14

A – 2 Unmarked copy of survey

Mr. Kirwan began by stating he wants to install a driveway where there was no driveway. There is no parking allowed on the street in the evening. He has a family and needs to install a driveway for safety reasons. A sidewalk does exist. The lot lines need to be verified and and the area has no landscaping. The neighbor's driveway exists along the space. The slate walk will extend to the new driveway. Belgium block will be installed to direct any water down towards the street. The driveway will extend to the rear of the home and will allow room for two vehicles.

There being no further comments or questions from the Board, the public was given the opportunity to make comments or ask questions as follows:

David Fuschetti, 16 South Street, wants John to have a driveway. Previous owners did not drive.

There being no further comments or questions, the Board began their deliberation. The consensus of the Board was to approve the application with the condition to confirm setback of the property line, Belgium block along property line, etc. A motion to approve the application was made by Mrs. Driscoll and seconded by Mrs. DeRosa.

A roll call vote was requested and recorded as follows:

AYES: Mr. Blair, Mrs. DeRosa, Mrs. Driscoll, Dr. Paetzell, Mrs. Elias, Ms. Kaar and Ms. Salko

**10. OTHER BUSINESS** - Mr. Santoro announced that every year the Board works on an Annual Report. Mr. Hall puts it together as a Draft Resolution. Mr. Santoro reviewed several items that he believes should be included in this Draft Resolution. A discussion took place regarding several other issues that should be considered and addressed. Mr. Santoro asked the Board to review the Annual Report and make suggestions and Mr. Hall will re-raft it.

**11. ADJOURNMENT** – The meeting was adjourned at 10:48 pm with motions made by Mrs. Driscoll and seconded by Ms. Kaar.

Respectfully submitted,

Lorraine Sola  
Recording Secretary