

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT

Regular Meeting, May 12, 2016 at 7:30 pm
Hartley Dodge Memorial, 50 Kings Road, Madison, NJ

1. CALL TO ORDER BY CHAIRPERSON

2. ANNOUNCEMENT OF NOTICE (STATEMENT OF COMPLIANCE):

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 14, 2016, the Board, by resolution adopted a schedule of meetings.

On January 15, 2016, 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: Joseph Santoro, Toni DeRosa, Diane Driscoll, Helen Kaar, Melissa Elias, Roger Paetzell, Mary Sue Salko, and Anne Lawless

Excused: Timothy Blair

Also Present: Gary Hall, Zoning Board attorney

4. PLEDGE OF ALLEGIANCE:

The minutes were distributed to all Board members prior to this meeting for their review. There were a few minor changes made to April 14, 2016 minutes. A voice vote of aye was heard from all eligible voting Board members in approval of the corrected minutes.

5. MINUTES FOR APPROVAL: Regular Meeting of April 14 2016 and Special Meeting of March 31, 2016

The Resolutions were distributed to all Board members prior to this meeting for their review. There were no corrections made to the Resolutions. A voice vote of aye was heard from all eligible voting Board members in approval of the Resolutions.

6. RESOLUTIONS FOR MEMORIALIZATION:

CASE NO. Z 09-39

Resolution granting Extension of Approval Madison Area YMCA, Block: 3802, Lot: 2,1, Ralph Stoddard Drive for Conditional Use (d) Variances,(c) Variances, Waivers and Site Plan Approval granted by Resolution which was adopted on August 12, 2010 to authorize addition for indoor competitive swimming pool and other improvements.

CASE NO. Z 16-004

Resolution granting variance application to Kathleen Colbert, Block: 3401, Lot 6, 25 Woodcliff Drive to construct a Front 2 story addition with 2nd story front stoop overhang over proposed steps an R-3 (single family residential) zone requiring relief from minimum front yard setback.

7. OLD BUSINESS:

CASE NO. Z 15-016

34 Walnut Street, LLC

Block: 1601, Lot: 41

34 Walnut Street, Madison

Applicant is seeking permission for Preliminary and Final Site Plan and Use Variancee to construct 11 townhouse condominium units in two separate buildings in an R-4 (Single/two family residential) zone. **Public hearing continued on March 31, 2016 and carried for further proceedings. At the request of the applicant's attorney this case will be carried to the June 9l 2016 meeting of the Zoning Board of Adjustment**

CASE NO. Z 16-008

Jamie & Antonino Nicotra

Block: 3404, Lot: 29

347 Woodland Road

Applicants are seeking permission to construct a Deck, Patio, Covered Storage Are under Deck, Unenclosed Cooking Area, Pergola, Drywell, 6' High Fence, 3' Retaining Wall, Front Yard Arbor, Paved Ramp, Relocated Air Conditioning Units, 6 Borough Trees to be Removed, (1) within the Borough Right of Way, and Landscaping within Borough Right of Way in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback (Deck), Minimum Rear Yard Setback (Deck), Maximum Impervious Coverage, and Maximum Height of Fence. **Public hearing started at April 14 meeting and carried for further proceedings based on potential submission of revised plans and/or other information.**

A – 4 Revised Architectural Plans prepared by ASA Architects, dated 4-28-16

Marjorie Roller, Architect, ASA was sworn in and gave her credentials and was accepted by the Board. She started by reviewing the changes that were requested by the Board at the prior meeting. The applicant will be moving the fence on the property line 7.5 feet and landscape the entire area. The property has an inherent hardship due to it being a corner property and in between two double lined roads. The intersection does have two homes with fences that may be higher than four feet. Ms. Roller then reviewed the revised plans showing the fence on the side and rear yards. A 6 foot solid fence is being proposed and as it turns the corner it will be a 4 foot fence.

The landscaping on Green Village will be comprised of diverse colored plantings, evergreens and some additional low plantings. Two shade trees will be removed which are sparse and an arborvitae will also be removed. Ms. Roller reassured that the applicant will work with the engineer if needed with regard to the landscaping. The gate entry will be relocated to the rear and is now conforming. The deck has been lowered slightly and no other significant change has been made. A discussion took place regarding the fence and its height. Ms. Roller explained the situation stating that the hump that existed has been reduced and is not as noticeable with a gentler slope. She stated the lowest grade was picked up. The discussion continued regarding the steps that were taken to grade the area in the rear. Mr. Santoro stated he still has an issue with this topic. He believes the 6 foot fence in the rear is too high and should conform to the Ordinance's requirement. Mr. Nicotra and Ms. Roller used A-4 to depict where the driveway is located and where the 6 foot stockade fence will be located. Mr. Hall explained to the Board the issue of the fence.

The public was given the opportunity to either question or make comments regarding this application. There being none, Mr. Santoro closed that portion of the hearing. The Board concluded that the proposed installation of solid fencing with a height of 6', rather than 4', along the portion of the rear lot line between the extended building façade line and a point 35' from the Green Village Road lot line was acceptable. The Board began their deliberation. A motion to approve the deck, the lot coverage, and fence as proposed was made by Mrs. Lawless and seconded by Mrs. Driscoll. A roll call vote was requested and recorded as follows:

YAYS: Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar, Mr. Santoro and Mrs. Lawless

CASE NO. Z 16-009

Vincent DeProssino

Block: 2101, Lot: 1.01

4 Highland Avenue

Applicant is seeking permission to construct an In-Ground Pool with Spa and Waterfall, Pergola, Brick requiring relief from Moderate and Critical Slope Disturbance. **Public hearing started at April 14 and carried for further proceedings based on potential submission of revised plans and/or other information.**

B – 2 Copy of Mr. Vogel's memorandum

A – 4 Revised Plans, Schommer Engineering, 4-28-16 revision dated

A – 5 Variance Plan Exhibit

A – 6 Rendering of the Property, a rear view showing landscaping

A – 7 View from inside of the neighboring property from the rear

A – 8 Typical Soil Erosion Details

Mr. Hall reviewed Mr. Vogel's memorandum regarding the issues that were discussed and suggested by the Board at the last meeting to the Board and the public. He also questioned Mr. Schommer regarding the changes that were made. Mr. Schommer stated that he and the applicant have no problem with what Mr. Vogel has requested. Mr. Schommer began by discussing the revisions that were made as follows: changes to the Variance Plan was to the area of the patio, the size and tightening of the grading on the sides and reduced the area of disturbance and steep slope disturbance; the retaining wall behind the pool is in the same location and the height was reduced, the pool enclosure to the fence has been pulled in and closer to the pool, the fence will be a 4 foot high open picket type fence, a drainage system has been added, drywells will be added, and the wall near the pool equipment was adjusted. A Landscape Architect has developed an extensive Landscaping Plan. Mr. Schommer reviewed A – 6, and then A – 7 showing landscaping and evergreens that will be installed. Mr. Schommer discussed A – 8 which contains the details of items that will be utilized on the Lot Grading Plan. The patio was reduced by 120 sf and grading reduced by 2,000 sf.

Drywells will collect the entire roof area of the existing house, pool patio area, and the pool and will not contribute to the runoff. Mr. Hall shared his conversation that he had with Mr. Vogel with Mr. Santoro and the Board members. There being no questions from the Board, the public was given the opportunity to question the witness as follows:

Darren Elsner, 18 Lewis Drive, noted that he is frustrated with the events that occurred over the past month and the lack of involvement on a timely basis. Questioned the construction project and will the engineer and Morris County approve the construction project. Mr. Hall stated that they will oversee and approve the project phase by phase. He questioned the dead tree and was wondering if it will be

removed. It will be removed when the project commences. He also questioned the installation of the pool and pipelines and are controls being planned.

Ed Barriman, 20 Lewis Drive, here to challenge the comment by the attorney regarding his assurances. Has the Soil Studies been taken and mitigations that need to be performed. He believes studies need to be performed. Mr. Santoro suggested that Mr. Barriman meet with Mr. Vogel for a discussion.

Bill Mulcahy, 12 Lewis Drive, questioned the spruce trees that will be installed and how they will be disbursed. A discussion between three individuals took place regarding the slope and how the water drains along Lewis Drive.

Adam Eckhart, 16 Lewis Drive, stated the entire flow does not only go down Lewis Drive. Asked if the pool is drained, can it go down the street instead of on the property?

There being no further questions or comments, the Board began their deliberation. The consensus of the Board was to approve the application as submitted with the revisions and the condition that the shed's water be captured and the Landscape Plan be adhered to. A motion to approve the application with the conditions was made by Mrs. DeRosa and seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

YAYS: Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar, Mr. Santoro and Mrs. Lawless

8. NEW BUSINESS:

CASE NO. Z 10-017

LVJJ Investments, LLC

Block: 1302, Lots: 5 & 6

4 & 6 Elm Street

Applicant is seeking Extension of Approval for Preliminary and Final Site Plan with Variances Approval granted by resolution which was adopted on May 12, 2012 to authorize construction of 2 buildings containing a total of 9 attached single-family (townhouse) units and related site **(plan)** improvements. **Automatic extension pursuant to the Permit Extension Act will expire as of June 30 2016 and the applicant requests further one year extension.**

Mr. Hall discussed the application that was covered at the location and why it was delayed. The plans were signed and construction has not commenced, however, at the end of June the permit will expire. The Borough Council approved the Resolution to allow the applicant more time and extend the application for another year.

A motion to approve the extension was made by Mrs. Driscoll and seconded by Mrs. DeRosa. A voice vote of aye was heard from all Board members in approval of the motions.

CASE NO. Z 16-007

Peter Jackson

Block: 905, Lot: 17
30 Knollwood Avenue

Applicant is seeking permission to construct a 1 story rear addition, extension of existing deck, relocation of existing air conditioning unit and relocation of existing shed to required "complaint" side and rear setbacks in an R-3 (single family residential) zone requiring relief from Maximum Principal Building Coverage. **THIS CASE HAS BEEN WITHDRAWN BY THE APPLICANT.**

CASE NO. Z 16-010

Larry and Sara Jasen

Block: 102, Lot: 5

4 North Oak Court

Applicants are seeking permission to construct a 2nd story addition, front porch and front paver sidewalk in an R-3 (single family residential) zone requiring relief from minimum front yard setback for the 2nd story and the front porch, and maximum impervious lot coverage.

B – 1 Letter of Denial from the Borough of Madison Deputy Zoning Officer, Dan Buckelew , dated 3-22-16

A – 1 Plans prepared by Mr. Erezuma, Architect, dated 3-14-16

A – 2 Survey dated 2-8-16

Larry and Sara Jasen, Greg Erezuma, Architect, were sworn in and Mr. Jasen gave an overview of what he and his family are proposing to do to allow for a better living experience in their home. Mrs. Jasen added that a front porch is being proposed to maintain the charm of the home and allow for heat efficiency.

Mr. Erezuma began by describing what he has planned for the Jasens. The second floor plan takes the porch that exists and make it part of the home expansion, a gain of 39 feet. A walkway in the front will be eliminated and a straight walk right to the home is proposed. He stated that he is attempting to keep the quaintness of the home.

The distance of the porch is asking for 7.5 feet of the 25 foot setback which is required. There are no other questions from the Board or the public, the Board began their deliberation. The consensus of the Board was to approve the application as submitted. A motion to approve the application was made by Mrs. Lawless and seconded by Mrs. Elias. A roll call vote was requested and recorded as follows:

YAYS: Mrs. DeRosa, Mrs. Driscoll, Mrs. Elias, Dr. Paetzell, Ms. Kaar, Mr. Santoro and Mrs. Lawless

CASE NO. Z16-011

Glenn and Linda Zenga

Block: 3902, Lot: 8

2 Kensington Road

Applicants are seeking permission to construct a 2nd story addition, attached 1-car garage, and front porch in an R-3 (single family residential) zone requiring relief from minimum front yard setback on Kings Road and Kensington Road, minimum rear yard setback and maximum principal building. **DUE TO INSUFFICIENT NOTICING THIS APPLICATION WILL BE HEARD AT THE JUNE 9, 2016 MEETING OF THE ZONING BOARD OF ADJUSTMENT.**

10. OTHER BUSINESS: There is a scheduling issue for the next meeting on June 9th for the lack of participation. The 13th of June may be considered, but will not be posted until all members have replied.

11. ADJOURNMENT: The meeting was adjourned with a motion made by Mrs. Driscoll and seconded by Ms. Kaar at 10:20 pm.

Respectfully submitted,

Lorraine Sola
Recording Secretary