

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular Meeting, January 9, 2020 at 7:30 P.M.,
Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey.

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 10, 2019, the Board by Resolution adopted a schedule of meetings.

On January 11, 2019, a copy of the schedule of meetings was posted at the bulletin board at the main entrance of the Hartley Dodge Memorial Building, 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*.

Mr. Fitzsimmons arrived at 7:40 pm and took his place on the Board.

3. ROLL CALL

PRESENT: Mr. Santoro, Ms. Driscoll, Mrs. DeRosa, Dr. Paetzell, Ms. Salko and Mr. Dilonno

ALSO PRESENT: Gary Hall, ZBA Attorney

Russell Stern, Borough Planner

Frank Russo, Ass't Borough Engineer

EXCUSED: Mr. Foster

Mr. Fitzsimmons arrived at 7:40 pm and took his place on the Board.

4. PLEDGE OF ALLEGIANCE

The following Minutes were distributed to all Board members for their review. There were several corrections made to the 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 December 12, 2019

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

6. RESOLUTIONS FOR MEMORIALIZATION –

CASE NO. Z 19-035

Resolution granting variance application to Louis & Christine Leonardis, Block: 3805, Lot: 5, 42 Albright Circle to construct a Front Open Porch with Stairs, Front Yard Paver Walkway, Tiered Driveway Side Retaining Wall, Side Entrance Landing with Roof, Side Yard Paver Walkway and Rear Yard Deck in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback, Minimum Side Yard Setback, Minimum Rear Yard Setback and Maximum Impervious Lot Coverage.

CASE NO. Z 19-036

Resolution granting variance application to Donald & Alberta Marcy, Block: 1004, Lot: 18.01, 57 Fairview Avenue to construct a single-family residence on a newly created lot (18.01) which was previously approved by the Madison Zoning Board of Adjustment by Resolution dated April 12, 2018. The applicant is requesting an

Interpretation of "Prevailing Front Yard Setback" Modification of the Resolution; and/or a Variance from Requiring the New Dwelling be Situated at the Prevailing Front Yard Setback.

7. SCHEDULING AND PROCEDURAL MATTERS

CASE NO. Z 19-023

Madison Movie Development, LLC

Block: 2702, Lot: 24

14 Lincoln Place

Applicant is seeking an Appeal of the Administrative Officer decision for demolition and new construction at 14 Lincoln Place. **Proceedings to be limited to procedure and scheduling matters only.** Mr. Hall explained how the Board will handle this application, whether it should be a Special Meeting or not and most likely will be scheduled for February.

8. OLD BUSINESS –

CASE NO. Z 19-020

Lathrop Avenue, LLC

Block: 4302, Lot: 17

17 Lathrop Avenue

Applicant is seeking permission for an Unpermitted Change of Use from a 1-Family to a 2- Family, Construction of a Rear 1 Story Addition, and Installation of a Gravel Rear Yard. The applicant is proposing to Remove a Portion of the Existing Impervious Lot Coverage, and Install a Drywell in an R-4 (Single-Family or Two-Family Residential) Zone requiring relief from Minimum Lot Width, Minimum Side Yard Setback (Right), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **This application was started at the Regular Meeting held on September 12, 2019 but not concluded. This application is being revised and will not be heard at the January 9, 2020 Zoning Board of Adjustment Meeting. Will be scheduled for the February 13, 2020 meeting.**

CASE NO. Z 19-025

Jebel Home Builders

Block: 5101, Lot: 4

260 Kings Road

Applicant is seeking permission to construct a Single Family Dwelling with a Drywepll System and Remove a Portion of Existing Accessory Structure in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left) and Minimum Side Yard Setback (Right). **This application was started at the Regular Meeting held on September 12, 2019 but not concluded. At the request of the Applicant's Attorney this application was carried to the January 9, 2020 Zoning Board of Adjustment Meeting agenda without further notice.**

A – 5 Conceptual Landscape Plan, dated 11-28-18 prepared by Mr. Larry Lockwood

A – 6 Revised Architectural Plans, dated 12-12-19

A – 7 Revisions to the Engineering, dated 11-13-19, prepared by Fred Meola

A – 8 Revised Landscape Plan prepared by Mr. Lockwood

Sam DeAngelis was present representing the applicant. His first witness to testify was Mr. Larry Lockwood, Landscape Architect was sworn in gave his credentials and was accepted by the Board as a qualified professional. He began by explaining what changes that have been made to the Landscape Plan. He continued by describing the plan which was marked. He stated the buffering that he is proposing and the plant life is listed on the plan. Mr. Stern reviewed the Revised Architectural Plans that were submitted and the changes that were made were discussed. He continued by giving additional data and what the calculations are based upon.

There being no further discussion, the public was given the opportunity to ask questions as follows:

Anthony Trotta, 6 Union Avenue, Madison asked a question regarding the grading and stated he is the property in the rear and is concerned with the drainage of the water. Mr. Lockwood replied to his questions. However, the question should be posed to the Engineer and he is not present this evening.

Mr. Sayem was next to testify and Mr. DeAngelis questioned him regarding the drainage on the property. Mr. Sayem stated there are two drywells on the property. Frank Russo, Ass't Borough Engineer answered the questions that were presented to the Engineering Dept. He stated the applicant overcompensated to the requirements. Mr. Sayem answered the questions that were posed to the Architect, ie: shed, windows, etc at the last meeting.

The public was given the opportunity to ask questions and make comments as follows:

Anthony Trotta, 6 Union Avenue, Madison was present and asked about the water table in the rear. Mr. Sayem answered the soil will be tested and the drainage plan will be submitted during the construction phase. Mr. Trotta and Mr. Russo exchanged information regarding this matter. The public was given the opportunity to again support or make comments, there being none, the Board began their deliberation. The consensus of the Board was to approve the application as revised. Several reviews will be made by Borough Engineering and by the Planning Consultant. A motion to approve the application was made by Mrs. DeRosa and seconded by Mrs. Driscoll. A roll call vote was requested and recorded as follows:

AYES: Mr. Santoro, Mrs. DeRosa, Mrs. Driscoll, Dr. Paetzell, Ms. Kaar, Mr. Fitzsimmons, Ms. Salko and Mr. Dilonno

CASE NO. Z19-027

Heller Property Partners

Block: 2001, Lots: 19 through 23

176, 178 & 180 Main Street

Applicant is seeking Preliminary and Final Site Plan with Variances along with Lot Consolidation to construct a 2-Story Office Building in the Community Commercial Zone requiring relief from Maximum Floor Area Ratio, Minimum Front Yard Setback, Maximum Principal Building Coverage, Minimum Number of Parking Spaces, Steep Slope Disturbance, Signage and other bulk variances. **This application was started at the Regular Meeting held on December 12, 2019 but not concluded.**

Mr. Nicholas Racioppi, Attorney began by reviewing what took place at the last meeting.

A – 12 Revision 2, dated 12-12-19

A – 13 Revised Traffic Statement rev. 12-20-19

B – 3 Report dated 1-6-2020 from Russell Stern

B – 4 Updated Report dated 1-6-2020 from Frank Russo

Mr. Brian Ennis, Bohler Engineering began by reviewing the changes that were made as per the Board's and professionals recommendations at the last meeting, ie parking, lighting schedule, and landscaping at the parking area. An exchange of information between the Board and Mr. Ennis took place with regard to the parking. Mr. Russo had questions regarding the snow locations and made suggestions with locations. Mr. Ennis replied to his concerns. The public was given the opportunity to ask questions, there being none, the next witness was called to testify.

John Harter, Atlantic Traffic was sworn in and gave his credentials and was accepted by the Board as a qualified professional. Mr. Racioppi asked Mr. Harter to review the Traffic Report. He reviewed the details of the report and gave trip generation rates from the DOT calculations. He continued by reviewing the IT Data and discussed the spaces being allotted. There was a detailed discussion regarding parking between the applicant and the Board.

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Mr. Russo asked Mr. Harter several questions regarding his memo (B-4) that was submitted regarding the parking onsite. The questioning between Mr. Russo and Mr. Harter continued. Ms. Kaar brought up another issue regarding the turning points onsite and asked if IT Statistics address turning onto the location. Mr. Hall asked for an Analysis regarding the turning and Mr. Russo stated Mr. Maltz could be contacted to be involved with this Traffic Study. Mr. Stern requested a Floor Plan for the basement and other info regarding the parking. The application will be carried and presented at the next meeting scheduled for February 13, 2020.

CASE NO. Z 19-031

Peter Crampton

Block: 307, Lot: 15

11 Crestwood Drive

Applicant is seeking permission for Existing "Constructed" Structures without Zoning Approvals in an R-3 (Single-Family Residential) Zone requiring relief from Rear Yard Setback, Maximum Principal Building Coverage, Maximum Impervious Lot Coverage and Maximum Accessory Structure Height. **This application was started at the Regular Meeting held on November 14, 2019 but not concluded. This application will be being withdrawn.**

CASE NO. Z 19-032

59 Central Ave, LLC

Block: 1702, Lot: 1

Applicant is seeking permission to Construct a New 2-Family Dwelling with (2) Front Open Porches, (1 Facing Central Avenue, 1 Facing Brittin Street), Side by Side Front Loading Garages (facing Brittin Street), 2 Rear Patios with Sitting Wall and Drywell in an R-4 (One or Two Family Residential) Zone requiring relief from Required Lot Width, Minimum Front Yard Set Back (Brittin Street), Minimum Front Facing Garage Setback (Brittin Street) and Minimum Side Yard Patio Setback. **This application was started at the Regular Meeting held on December 12, 2019 but not concluded. This application will be carried to the next meeting scheduled for February 13, 2020.**

9. NEW BUSINESS –

CASE NO. Z 19-038

Jon Pozerycki

Block: 906, Lot: 20

50 Knollwood Avenue

Applicant is seeking permission to construct a 2nd Story Addition, 2 Story Addition, Uncovered Deck, Left Side Entry with Roof, Removal of Existing Enclosed Front Entry, Construction of Open Front Entry with Roof, Removal of Existing Rear Brick Paver Patio and Wall in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

B – 1 Letter of Denial dated 11-7-19 from the Borough of Madison Zoning Officer, Daniel Buckelew

A – 1 Copy of Survey, prepared by James P Dede, dated 8-24-19

A – 2 Site Plan Drawings, prepared by Design Build ASA, dated 10-30-19

A – 3 Set of 4 photos

Mr. Pozerycki, Applicant and Alan Andreas, Architect were sworn in and Mr. Andreas began by reviewing A – 2 and described the small addition in the rear to open the kitchen to the family room. Second floor will construct a master bathroom with walk in closets, the rooms are very modest. The lot size is significantly smaller than other homes on the street. Mr. Andreas reviewed the photos which were submitted, (A-3). He stated a large hedgerow exists to screen the view of the side-yard setback. The increases are very diminimus. The impervious coverage is presently 44.26% deck proposed is reducing the coverage to 40.6%.

The Board had no problems with the application especially considering it is an undersized lot, there is no excessive impervious coverage. Ms. Kaar questioned the pavers in the rear, she asked if they could be removed and questioned the property line to the right of the garage. Can you clean it up? Mr. Andreas agreed that it can be cleaned up. Dr. Paetzell questioned bedroom #2. It was not drawn on the plans.

The Board had no further questions and there was no public, so the Board began their deliberation . The consensus of the Board was to approve the application with the condition that the pavers be removed. A motion to approve the application was made by Mrs. Kaar and seconded by Mrs. Driscoll .
 AYES: Mrs. DeRosa, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Ms. Salko, Mr. Santoro and Mr. Dilonno.

CASE NO. Z 19-039

Seth Glasser & Joseph Owen

Block: 4801, Lot: 16

29 Winding Way

Applicants are seeking permission to construct a Decorative Dormer over Existing Garage, Portico Roof Over Existing Front Stoop, Raised Roof with Cantilever over Existing 1 ½ Story Portion of Home, and Altered Roof with Dormer in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

B – 1 11-5-19 Letter of Denial dated 11-5-19 from the Borough of Madison Zoning Officer, Daniel Buckelew

A – 1 Plans prepared by AHM Architects, dated 11-5-19

A – 2 Photos

A – 3 Survey dated 7-23-19, copy

Seth Hockstein, AHM Architects, was sworn in and qualified as a professional. He began by explaining the that the property was non-conforming. Mr. Hockstein stated the Master BR area on the 2nd floor is being changed. He stated he is not changing anything on the ground. The pool on the property existed when the applicants purchased the home. The lot and the street are sloped however, there is a storm sewer at the end of the street. He stated there is no water problems on the property. A drywell was recommended and the applicant is fine installing one on the property.

A side yard variance is being requested, which is minor. A small addition is planned on the top of the house and is constructed for aesthetics for balance. Doing so the curb appeal will be enhanced and the addition on the top of the home will not be a detriment to the neighbor. A C-2 Variance will be requested. Mr. Santoro reviewed the variances issues which exist. He stated the impervious coverage is very high and there is no stormwater management. Mr. Vogel had addressed the front leaders of the home and Mr. Santoro requested a stormwater management plan which is necessary for this property. Mrs. Driscoll also suggested a drywell to catch the excess water and it would be an improvement. The applicant is willing to install a drywell and Mr. Santoro suggested to hire an engineer to discuss a stormwater management plan. The leaders should be captured. The Board would appreciate the removal of some of the impervious coverage. Mr. Santoro suggested that the applicant return with a revised application and address the issues discussed. The applicant will return at the next regularly scheduled meeting on February 13, 2020.

CASE NO. Z 19-040

Nancy Forrester

Block: 503, Lot: 21

20 Buckingham Drive

Applicant is seeking permission for the Removal of Rear Existing Enclosed Porch, and the Construction of a Rear Enclosed Sun Porch and Two (2) Rear Stairs in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage. **Due to insufficient noticing this application was placed on**

the January 9, 2020 Zoning Board agenda. This application will be heard at the next regular meeting scheduled for February 13, 2020.

10. OTHER BUSINESS – Mr. Santoro stated we will discuss the Annual Report. Mrs. Driscoll pointed out the Provident Bank as it is a parking lot. She suggested that this application be shared with the Planning Board because of its being Residential and Commercial. The Planning Board should have some input with applications of this type. Mr. Hall will provide some input as to what this application should look like.

11. ADJOURNMENT – The meeting was adjourned at 10:15 with motions made by Mrs. Kaar and seconded by Mrs. Driscoll.

Respectfully submitted,

Lorraine Sola
Recording Secretary