

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Zoom) Meeting, January 14, 2021 at 7:52 P.M.,**  
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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**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 9, 2020, the Board by Resolution adopted a schedule of meetings.

On January 10, 2020, 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*.

Beginning in **April 2020**, in response to public safety considerations and legal authorization, the Board of Adjustment began conducting its monthly meetings on the previously noticed dates remotely using the Zoom platform, and subsequently separate notices have been published each month advising of this change and indicating that the procedures and requirements for monitoring such meetings and for making public comment, along with an explanation of the audio muting function of the electronic communications platform being utilized, is provided with detailed information on “How to Use Zoom and Participate” found on the Rosenet Webpage Communications / Virtual Meetings at [HTTP://www.rosenet.org/1273/Virtual-Meetings](http://www.rosenet.org/1273/Virtual-Meetings).

**3. ROLL CALL**

**PRESENT:** Mr. DiIonno, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

**EXCUSED:** Mrs. Driscoll

**ALSO PRESENT:** Gary Hall, ZBA Attorney  
Frances Boardman, Board Secretary  
Dennis Harrington, Board Engineer

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – Regular minutes of December 10, 2020

The above referenced minutes were distributed to all Board members for their review. A small correction was noted on Page 3. A voice vote of aye was heard from all eligible voting Board members in approval of the minutes as presented.

**6. RESOLUTIONS FOR MEMORIALIZATION** –

Distributed to all Board members for their review were the following resolutions. A voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolution.

**CASE NO Z 20-021****Caron & Damien Howick****Block: 3001, Lot: 56****17 Academy Road**

Applicants are seeking permission for Removal of Existing Driveway, Detached Garage, Deck, Existing Roadway Curb Modifications, and "Possible" Tree Removal and to construct a 2 Story Addition with Front Loading 1 Car- Garage, 2<sup>nd</sup> Story Addition, Asphalt Driveway, Stone Terrace, Drywell and (2) Air Conditioning Units in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left), Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

**7. SCHEDULING AND PROCEDURAL MATTERS – Madison Movie Development**

The application for the Madison Movie Development, LLC was scheduled for a special meeting on January 28, 2021. Ms. Kaar and Mr. Foster will be excused from this matter.

**8. OLD BUSINESS – None****9. NEW BUSINESS -****CASE NO. Z 20-020****Sandy Yeum & Joseph Kim****Block: 4502, Lot: 9****65 Garfield Avenue**

Applicants are seeking permission to Remove and Existing Paver Patio and Walkway and Construct a Paver Patio with Seat Wall, Lower Level Deck, Concrete Pad for Hot Tub/Spa and the Expansion of Existing (Upper Level) Deck in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Coverage.

Sworn in to testify this evening were Mr. Kim & Ms. Yuem, Andrew Lastella, Sponzilli Landscape Group and Peter Keycock, Sponzilli Landscape Group. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 09-10-2020
- A – 1 Survey, dated October 23, 2015 prepared by Michael Catalano, Land Surveyor
- A – 2 Architectural Drawing prepared by Sponzilli Group, LLC, dated October 19, 2020, consisting of  
(1) one page L-1

Mr. Kim provided a brief summary of the application and variance being sought. Mr. Kim stated that the home was purchased without the knowledge of the impervious lot coverage being 27.9%(4,799 s.f.) . He stated that the impervious lot coverage being sought is only going up by an insignificant amount to 28% (4805 s.f.).

Mr. Lastella began his testimony by noting that the lot size is 17, 152 square feet which is small for the R1 Zone, also the driveway takes up a lot of the impervious coverage figure so that they applicants are able to turn around in the driveway.

The Board questioned the need for such a large patio when the property already has a large deck, the board thinks that this request is very excessive.

It was brought to the attention of the applicant and their professionals that the reasons provided to the Board to grant the variance were not feasible and that the benefits for granting this variance did not outweigh the deterrents.

The Board weighed in on the application as presented this evening. It was discussed, at length that the applicant should return to the Board at the next meeting with a revised plan reducing the size of the patio to a level that is reasonable.

The burden of proof is with the applicant and that the following issues should be addressed:

Mediate any runoff, it was suggested that a storm-water management plan be provided and that the patio be downsized.

The Chairman suggested that the applicants come back to the Board on February 11, 2021 with revised plans.

The Chairman opened the floor to the public for questions.

Mr. Alan Sawyer, 11 Fox Chase Road, Madison states that there is significant run-off from this property onto his. The Borough Code 195-32-E, side yard setbacks in the R1 & and R2 Zone was discussed.

Mr. Robert Novack, 69 Garfield Avenue, Madison is in support of this application.

Ms. Kathy Caccavale, 82 Central Avenue, Madison asked the difference in impervious pavers and how they are calculated. Mr. Hall provided Ms. Caccavale with the answer.

There being no further questions from the public that portion of the meeting was closed. The applicants will be placed on the February 11, 2021 agenda of the Zoning Board of Adjustment with revised plans needing to be submitted no later than January 29, 2021. There will be no new noticing for this meeting.

**CASE NO. Z 20-022**

**Jason & Anne Tanner**

**Block: 4301, Lot: 10**

**392 Woodland Road**

Applicants are seeking permission to construct a Rear Yard Paver Patio and Remove the Existing Slate Patio and Wood Deck in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **Due to insufficient noticing this application will be placed on the February 11, 2021 Zoning Board of Adjustment Agenda**

**CASE NO. Z 20-17**

**Angelica Properties, LLC**

**Block: 1301, Lot: 9.01 & 9.02**

**32 & 36 Elm Street**

Applicant is seeking Preliminary and Final Site Plan Approval, to permit the construction of (1) One Multifamily – Eight (8) unit townhome/apartment building with proposed parking and landscape improvements with additional “C” and “D” variances on property located at 32 & 36 Elm Street, Block: 1301, Lots: 9.01 & 9.02 in the R-5 (Multi-Family Residential) Zone. **Due to insufficient noticing this application will be placed on the February 11, 2021 Zoning Board of Adjustment Agenda**

**CASE NO. Z 20-018**

**Madison Movie Development, LLC**

**Block: 2702, Lot: 24**

**14 Lincoln Place**

Applicant is seeking Preliminary and Final Site Plan Approval, for Construct of a Multi-Story Mixed-Use Building requiring Use Variance and Bulk Variance Approval on property located at 14 Lincoln Place, Block: 2702, Lot: 24 in the Central Business District Zone 1 (CBD-1). **This application was not scheduled to be heard at the 1/14/21 meeting, but will instead be carried to a special meeting scheduled at this evening’s meeting for January 28, 2021, subject to adequate notice being published and served for the special meeting.**

**CASE NO. Z 20-023**

**Robert Novack**

**Block: 4502, Lot: 10**

**69 Garfield Avenue**

Applicant is seeking permission to Construct a 2 ½ Story Single Family Dwelling with Two (2) Air Conditioning Units, One (1) Generator, Drywell, Rear Yard Paver Patio, Side and Rear Yards Paver and Stepping Stone Walkways, Asphalt Driveway and Five(5) Trees to be removed in an R-1 (Single-Family Residential) Zone requiring relief from Minimum ZBA Regular Meeting 01-14-2021

Front Yard Setback, Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Ms. Tiritilli recused herself from this application.

Sworn in to testify this evening were Mr. & Mrs. Novack, Peter Korzan, Engineer and Doug Asral, Architect. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 11-12-2020
- A – 1 9 Pages of Color Photos of the Property
- A – 2 Architectural Drawings prepared by Asral Architect, dated November 9, 2020, consisting of (3) three pages Z-1 through Z-3
- A – 3 Lot Grading Plan prepared by Korzen Engineering, dated October 30, 2020, consisting of (5) five pages
- A – 4 3-D Rendering of the proposed home

Mrs. Novack began by providing a brief summary of the application. The existing home is in poor condition and they would like to construct a new home. The proposed new home to be built is in keeping with the neighbors style of the dwellings in the neighborhood. Five trees will be removed for this construction and a Tree Removal Permit has already been received.

Mr. Asral began his testimony sharing his screen and providing an aerial view of the property. He stated that the proposed home to be built is a contemporary farmhouse, which is complimentary to the neighborhood. The floor plans and elevations of the proposed home were shown and discussed. Mr. Asral testified that the lot is undersized creating the variances being sought. Drywells are being proposed for the runoff. The home was designed to take advantage of the existing grades. The home will be easily accessible with minimal stairs for handicapped accessibility if ever needed. Mr. Asral stated that the size of the home is similar in size to other homes in the area.

Mr. Santoro asked the Board or its Professionals if they had any questions for Mr. Asral. Mr. Hall asked Mr. Asral if he had the sizes of the homes in the surrounding area. Mr. Asral did not have any specific square footage. Mr. Hall also questioned the storm-water management proposed. Mr. Asral did not have an answer for this question and deferred to the testimony of the Engineer, Mr. Korzen.

Dr. Paetzell asked if there were any other homes in the area with garages in the front-yard. Mr. Novack answered no. He also asked if it was normal to walk through the master closet area to get to the bathroom. Mr. Novack stated that this was the new normal and that the master closet is considered a dressing room area.

Mr. Foster questioned the drywells and if they would be able to collect all the impervious coverage or just what is above the 20%. Mr. Novack stated that the Engineer could answer this question during his testimony.

At this time, the Board began a discussion voicing their concerns, and the consensus was that this proposed home did not fit the lot or the character of the neighborhood. The Board suggested; to the Novack's that they return with a new design for the proposed home on the site at the next meeting scheduled for February 11, 2021.

Mr. Hall asked Mr. Kozen about the roof runoff into the drywells, Mr. Korzen answered that the proposed roof area of the new home will be captured in the drywell. He also stated that there is no storm-water management on the site now and that the Novack's will be making a vast improvement to mitigate any runoff.

Mr. Santoro opened the meeting to any member of the public that wished to be heard. Mr. Alan Sawyer, 11 Fox Chase Road commented that the proposed home was massive and did not fit into the character of the neighborhood. Mr. Sawyer is also concerned with the total amount of impervious lot coverage. He stated that when it rains he has a stream running down the side of his home.

There being no further public comments Mr. Santoro closed that portion of the hearing. The Novack's and their professionals were advised that they will be placed on the February 11, 2021 Zoning Board of Adjustment agenda with no further notice being necessary. New plans should be submitted at least ten days in advance of that meeting or a request to be carried should be asked for.

A five minute break was taken at 9:51 pm, the meeting resumed at 10:00pm with all members present.

Ms. Tiritilli rejoined the meeting for the next case.

**CASE NO. Z 20-024**

**Matthew & Kara Burns**

**Block: 3502, Lot: 11**

**6 Hillside Avenue**

Applicants are seeking permission to Construct a 2<sup>nd</sup> Floor Addition over Existing 1<sup>st</sup> Story and Proposed Deck in an R-2(Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback, maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. Burns, Richard Keller, Planner, and Dana Napurano Architect. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 11-17-2020
- A – 1 3 Pages of Color Photos of the Property
- A – 2 Architectural Drawings prepared by Hofmann Design Build, dated December 8, 2020, consisting of (3) three pages Z-1 through Z-3
- A - 3 Lot Grading Plan prepared by Korzen Engineering, dated October 30, 2020, consisting of (5) five pages
- A – 4 3-D Rendering of the proposed home

Mr. Burns provided a brief summary of the application stating that they purchased the home in 2015 and this addition will allow the family to stay in the home with their three children.

Ms. Napurano began her testimony, sharing her screen and walked through the site plan. She stated that the home is a Center Hall Colonial she stated that the proposed addition that the Burns are requesting would allow for an additional bedroom for the newest family member.

Ms. Napurano stated that the existing patio will be removed and a new deck. A new laundry room will be located to the second floor and a hallway will be constructed to get to the new bedroom addition. The new bedroom addition is 10'9" x 16'4". The existing and proposed elevations were discussed. It was noted that there would be no trees removed.

Mr. Hall asked Ms. Napurano about the front elevation roofline; Ms. Napurano explained the roofline elevation due to the chimney restraints.

Mr. Santoro asked the Board if they had any further questions for Ms. Napurano, seeing none Mr. Santoro opened the meeting for questions from the public of Ms. Napurano, seeing none that portion of the hearing was closed.

The next witness to testify this evening was Mr. Keller. Mr. Keller stated that the lot is undersized for the R-2 zone. He utilized the following:

Exhibit A-4 – An Annotated Aerial Photo of the property on Hillside Avenue, dated January 7, 2021.

The neighboring homes on Hillside Avenue were discussed at length. Mr. Keller stated with the removal of the patio. the Impervious Lot Coverage was being slightly reduced. He continued his testimony stating that there are no adverse drainage problems to the neighbors. He advised the Board that the C 1 variances could be granted due to the undersized

nature of the lot in both area and depth as well as the location of the existing structure create which creates a hardship in upgrading the existing home without the need for variance relief. He stated that the aesthetics of this addition promote the character of the neighborhood. The addition which, is being sought, is modest to accommodate a larger family and that the benefits outweigh the deterrents in this case. Mr. Keller believe that the burden of proof has been met.

Mr. Santoro opened the hearing for questions from the Board. Mr. DiIunno questioned the rear-yard setback variance. Mr. Keller explained that the house has a slight twist to it thus the need for the variance.

Mr. Foster inquired if storm-water management was needed for this application. Mr. Keller stated that the addition is very modest, but will work with the Borough Engineer if he feels it is necessary to install a drywell.

Seeing no further questions from the Board, Mr. Santoro opened the hearing to the public for questions of the Planner or comments on the application.

Mr. & Mrs. DeFilippis, 10 Hillside Avenue, Madison are in support of this application stating that the update to the home will not impede their property in anyway.

Mr. Stuhmiller, 2 Hillside Avenue, Madison also offered his support for this application by the Burns family.

Seeing no further questions or comments from the public, Mr. Santoro closed that portion of the hearing. Mr. Burns was asked if he wished to make a closing statement regarding the application. Mr. Burns declined.

There being no further comments on the application Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application this evening. A motion to approve the application was made by Ms. Kaar, seconded by Mr. Foster. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIunno, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Ms. Salko, Mr. Santoro, and Mr. Foster

## **10. OTHER BUSINESS –**

**11. ADJOURNMENT** – The meeting was adjourned at 10:54 pm with a motion made by Ms. Kaar and seconded by Mrs. Driscoll

Respectfully submitted,

Frances Boardman  
Board Secretary