

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Zoom) Meeting, February 11, 2021 at 7:52 P.M.,
Hartley Dodge Memorial Building, 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 14, 2021, the Board by Resolution adopted a schedule of meetings.

On January 15, 2021 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. DiIunno, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

EXCUSED: Ms. Salko

ALSO PRESENT: Gary Hall, ZBA Attorney
Frances Boardman, Board Secretary
Dennis Harrington, Board Engineer
Russell Stern, Board Planner

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – Re-Organization and Regular minutes of January 14, 2021 and Special Meeting of January 28, 2021.

The above referenced minutes were distributed to all Board members for their review. 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 was the following resolution. A voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolution.

CASE NO. Z 20-024**Matthew & Kara Burns****Block: 3502, Lot: 11****6 Hillside Avenue**

Applicants are seeking permission to Construct a 2nd Floor Addition over Existing 1st 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.

7. SCHEDULING AND PROCEDURAL MATTERS – Madison Movie Development

The application for the Madison Movie Development, LLC was scheduled for a special meeting on March 4, 2021. Ms. Kaar and Mr. Foster will continue to be excused from this matter.

8. OLD BUSINESS –**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 2/11/21 meeting, but was instead carried to a special meeting scheduled this evening for March 4 2021. No further notice is required.

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. At the request of the applicant's this application has been withdrawn.

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 Front Yard Setback, Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. At the request of the applicant's this application was carried to the March 11, 2021 Zoning Board of Adjustment agenda.

9. NEW BUSINESS -

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.

Ms. Stone-Dougherty listed the witnesses that will testify on this application, they include Mr. John DeSimone, applicant, Mr. Peter Steck, Planner, Mr. Frank Matarazzo, Engineer, and Mr. Joseph Staigar, Traffic Engineer.

Sworn in to testify this evening were Mr. Matarazzo. The following exhibits were marked:

- A – 1 Site Plan drawings by Matarazzo Engineering, dated July 10, 2021, last revised October 19, 2020 consisting of (9) nine pages.
- A – 2 Architectural Drawings prepared by Robert Coleman Architect, last revised September 30, 2020, consisting of (7) seven pages.

Mr. Matarazzo provided the Board with his background and education and accepted as an expert witness.

Mr. Matarazzo provided a summary of the application; pages 3 and 4 of the site plan set were used for his testimony. Mr. Matarazzo described the site stating that the frontage was on Elm Street and the rear of the site is a nursing home. There are also residential homes to the right and the left of the property. The lot consists of two single-family residential lots. The existing lot line will be removed and an eight (8)-unit townhome building is proposed. The driveway access will be to Elm Street. The unit closest to Elm Street will have a two-car garage and a two-car driveway; the interior units will have a one-car garage and one-car driveway. The affordable housing unit at the rear of the building, this will not have any garage but will have parking spaces in the proposed driveway.

24 parking spaces are proposed for the site and two visitor parking is proposed near the driveway entrance to Elm Street. Mr. Matarazzo continued his testimony discussing the proposed landscape plan as well as the storm-water management plan. The six-foot solid vinyl fence was discussed, it was determined that a variance would be required. Next topic that was discussed was the lighting plan. Mr. Dennis Harrington asked Mr. Matarazzo the mounting height of the poles. Mr. Matarazzo responded 8 feet.

The memorandum dated November 22, 2020 from Mr. Russell Stern was discussed. The applicant will comply but has some issues to discuss this evening with the report.

Comment: 1.11 – The partially walled detention basin was discussed. Mr. Stern voiced his concern with this basin being so close to the sidewalks. It was stated, that if the density of the site was decreased, perhaps there would be a better storm-water measure other than this open basin. Mr. Santoro opined that if the site had one or two less units and the density was decreased perhaps some variances would be eliminated.

The impervious lot coverage was discussed, Ms. Stone-Dougherty stated that 50% is permitted and the applicant is seeking 57.9%. Mr. John DeSimone, Jr. was sworn in at this time.

Mr. DeSimone understood the Board's concerns with the density issue and how it ties into the detention basin, but with the new affordable housing laws, two units are required for this development. Ms. Stone-Dougherty stated that they will work through this issue, and that more proofs would be provided for this application once the planner testified.

Comment: 1.22 Detail of the two foot wide curbed landscape islands, proposed between the unit driveways be provided. Mr. Matarazzo responded that this is a valid point and that the issue had been looked at and either one of two things could happen; the curbing could be eliminated or the landscaping could be eliminated, whichever the Board felt was appropriate.

Comment: 3.4 Referred to the safe and convenient ingress and egress from all parking spaces. The two parking spaces in the front of the building were discussed, and Mr. Matarazzo stated that he sees no issue with the ingress and egress on the site. He also replied that the application has an excess of parking spaces that are required and the applicant would like to keep the two extra parking spaces rather than eliminate them. After some discussion the Board felt that those spaces should be eliminated. Ms. Stone-Dougherty spoke with her client and he agrees to eliminate those two front parking spaces.

Comment 3.9: Retaining wall in the rear of the building. Mr. Matarazzo stated that with the retaining wall is located five feet off the rear property line; however to provide a wider driveway stall to the rear building the retaining wall would need to be moved closer to the property line. Mr. Matarazzo stated that the driveway would work fine the way it is designed. These issues discussed can be re-addressed by the traffic expert.

Recycling and trash were discussed; it was stated that a trash service will be provided for the site and will be instructed to back into the site for collection.

At this time, there was no further testimony from Mr. Matarazzo. The Board had no questions for Mr. Matarazzo but several comments were made regarding the density on this site. Mr. Santoro stated that it would be in the best interest of the applicant to go back and revise the application reducing the number of variances sought and come up with a redesigned plan for the site.

This application will be carried to the March 11, 2021 Zoning Board of Adjustment agenda without further notice as long as revised plans are received within 10 days of the hearing.

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.

Sworn in to testify this evening were Jason & Anne Tanner. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 10-20-2020
- A – 1 2 Photos of the Rear of the Property
- A – 2 Survey of Property prepared by John Galiano, dated December 19, 2017
- A - 3 Survey of Property prepared by John Galiano, dated December 19, 2017 showing proposed patio

Mrs. Tanner provided a brief summary of the application stating that they purchased the home in 2018 and this patio renovation will allow for the best use of the property. Mrs. Tanner explained that the family likes entertaining and are looking to achieve more usable outdoor space. Mrs. Tanner attributed the overage of Impervious Lot Coverage and Maximum Principal Building Coverage to several factors from the previous owner in which they had added to the driveway and current patio without permits. Mrs. Tanner stated that there is a drywell on the property in the rear yard. Mrs. Tanner stated that the rear yard is surrounded by mature arborvitaes and there would be no detriment to the neighbors view with this new proposed patio.

Mr. Fitzsimmons stated that he is struggling with the size of the patio being proposed. He believes that the proposed 800 square foot patio is very large and that there is no hardship given the oversized lot.

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Several other Board members agreed with Mr. Fitzsimmons. The Board suggested that the Tanner’s build a large deck which would not create any variances. The Tanner’s stated that they have their heart set on a patio. After Board deliberation it was suggested that the patio be made smaller (34” x 22” laid in sand) with the mediation of storm-water (trench drain) put in place.

Seeing no questions or comments from the public, Mr. Santoro closed that portion of the hearing. The Tanner’s were provided an opportunity to make a closing statement regarding the application.

There being no further comments on the application Mr. Santoro asked for a motion. A motion to approve the application was made by Mr. Foster, seconded by Mrs. Driscoll. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIunno, Mrs. Driscoll, Mr. Santoro, and Mr. Foster
NAYS: Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell

A five-minute break was taken at 9:39pm, the Board resumed the meeting at 9:45pm with all members present.

CASE NO. Z 20-025

Ed & Christine Walz

Block: 3302, Lot: 7

4 Laurel Way

Applicants are seeking permission to Construct a Deck and Interior Renovations in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage. **Due to insufficient noticing this application was placed on the March 11, 2021 Zoning Board of Adjustment agenda.**

CASE NO. Z 21-001

Rebecca Pennington

Block: 101, Lot: 31

23 Shadylawn Drive

Applicant is seeking permission to Construct a Rear 2 Story Addition, with Minor Expansion of Existing Deck in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. & Mrs. Pennington, and Alan Andreas, Architect. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 12-02-2020
- A – 1 Survey dated 03-19-2019 by James P. Deady Surveyor, LLC
- A – 2 Cover Letter from ASA Design Build
- A - 3 Plot Plan prepared by ASA Architectural Design, dated November 9, 2020, 2020, last revised December 1, 2020 consisting of (2) two pages
- A – 4 Photos

Mr. Andreas provided a brief summary of the application stating that the Pennington’s have three children and the home is relatively small for a family of five. The proposed addition will modernize the home.

Mr. Andreas began his testimony, sharing his screen and walked through the site plan. He stated that the home’s proposed addition is only over 2.69 % on the required Building Coverage, and 7.69% on required Impervious Lot Coverage. The lot is undersized in both lot area and lot width. This addition will not be a deterrent to the neighborhood and allow the Pennington’s to stay in the home.

Mr. Santoro asked if with the added building coverage a drywell was needed for this project. After some discussion, the Board decided that there was no need for a drywell on this project.

Mr. Santoro asked the Board if they had any further questions for Mr. Andreas or the Pennington's. Seeing none, he opened the meeting to the public. There was no public that wished to be heard.

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 Dr. Paetzell, seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIonno, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, and Mr. Foster

NAYS: None

CASE NO Z 21-002

Gregory & Lauren Amiro

Block: 914, Lot: 23

63 Hamilton Street

Applicants are seeking permission to Construct a Rear 1 Story Addition in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. Amiro, and William Byrne, Architect. The following exhibits were marked:

B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 12-23-2020

A – 1 Survey, dated September 23, 2020 prepared by D&B Surveying Inc.

A – 2 Architectural Drawings prepared by Byrne Design Associates, LLC, dated December 3, 2020, consisting of (2) two pages

A - 3 Color Photos consisting of (5) five pages

Mr. Amiro provided a brief summary of the application, stating that they are looking to expand on their living space by adding a one story addition to the rear of the home.

Mr. Byrne began his testimony, sharing the architectural drawings. He stated that the Amiro's are looking to create a family room addition that has been proposed to the rear of the home. There are no setback variances with this expansion only an impervious lot coverage variance and a drywell is proposed to mediate the runoff for this modest addition. The addition of 319 sq. ft. of impervious coverage would be captured by the drywell and will not create a deterrent to the neighborhood.

Mr. Santoro opened the hearing for questions from the Board. Seeing none, he opened the meeting to the public. Seeing no public that wished to be heard, that portion of the meeting was closed.

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. DiIonno, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, and Mr. Foster

NAYS: None

CASE NO. Z 21-003

Jennifer & Gregg Haviland

Block: 4601, Lot: 52

3 Olde Green House Lane

Applicants are seeking permission to Construct an In-Ground Pool, Paver Stone Patio and Pool Equipment in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage. This application was not reached at this evening's meeting and carried without further notice to the March 11, 2021 agenda of the Zoning Board of Adjustment.

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CASE NO. Z 20-006**297 Main, LLC****Block: 5101, Lots: 25 & 26****295 & 297 Main Street**

Applicant is seeking Preliminary and Final Site Plan Approval to demolish the current structures on the property and construct a Mixed Use Building requiring Use and Bulk Variance Approval on property located at 295 & 297 Main Street in the CC (Community Commercial) Zone. This application was not heard at the 02/11/21 meeting, but carried to a special meeting scheduled for February 25, 2021.

CASE NO. Z 21-004**Christopher & Stephanie Donato****Block: 4001, Lot: 45****241 Woodland Road**

Applicants are seeking permission to Re-Align and Expand the Existing Front Paver Driveway and Walkway, construct a Rear 2 Story Enclosed Porch Addition, Rear Blue Stone Patio with Fire Pit around Existing In-Ground Pool, Rear Stepping Stone Walkway and Retaining Wall, (4) Driveway Entrance Light Pillars R-1 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. This application was not reached at this evening's meeting and carried without further notice to the March 11, 2021 agenda of the Zoning Board of Adjustment.

10. OTHER BUSINESS – The 2020 Annual report was discussed by Mr. Gary Hall. He will send out the report to the Board for review and discussion at the March 11, 2021 meeting.

11. ADJOURNMENT – The meeting was adjourned at 10:24 pm with a motion made by Mr. Driscoll and seconded by Mrs. Tiritilli.

Respectfully submitted,

Frances Boardman
Board Secretary