

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular Meeting, February 13, 2020 at 7:30 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 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*.

3. ROLL CALL

PRESENT: Mr. Santoro, Mrs DeRosa, Dr. Paetzell, Mrs. Kaar and Mr. Dilonno
Mr. Hall announced that Chairman Santoro will be arriving late.

EXCUSED: Mr. Fitzsimmons, Ms. Salko and Mrs. Driscoll

ALSO PRESENT: Gary Hall, ZBA Attorney
Frank Russo, Ass't Borough Engineer

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.

Oath of Office administered to appointed Board member.

APPOINTMENTS –

Jim Foster, Class IV, Alternate #2 Unexpired Term through December 31, 2020

Mr. Hall requested that Mr. Foster read the Oath of Office appointing him Alternate #2 Board Member which he read.

5. MINUTES FOR APPROVAL – Regular and Reorganization Meetings of 1-9-20

The Reorganization Meeting minutes had one correction, Mrs. DeRosa's name was omitted from the Roll Call.

6. RESOLUTIONS FOR MEMORIALIZATION –

CASE NO. Z 19-025

Resolution granting variance application Jebel Home Builders, Block 5101, Lot 4, 280 Kings Road to construct a Single Family Dwelling with a Drywell System and Remove a portion of Existing Accessory Building Structure in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left) and Minimum Side Yard Setback (Right).

CASE NO. Z 19-038

Resolution granting variance application to Jon Pozerycki, Block 906, Lot 20, 50 Knollwood Avenue 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.

7. SCHEDULING AND PROCEDURAL MATTERS**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. This application is being revised and will not be heard at the February 13, 2020 Zoning Board of Adjustment meeting.**

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 and continued at the meeting of January 9th, but not concluded. This application is carried to the next meeting scheduled for March 12, 2020.**

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. **This application was started at the Regular Meeting held on January 9, 2020 but not concluded.**

Steven Hockstein, Architect and Catherine Mueller, Engineer were present and Mr. Hall explained what took place at the last meeting and he checked with the Board Secretary.

Mr. Hockstein reviewed the variance being requested and noted the left side yard setback and its passed as what is presently there. Right side the roof will be raised. An increase of Lot and Building Coverage requested was explained. Nothing will be touched on the ground, Catherine will explain the reasoning. She gave her qualifications and was accepted by the Board She continued by stating she spoke to Mr. Russo and he was not aware of any flooding in this area. She stated the pool has been on the property for 50 years. As part of this application she researched how a stormwater management plan can implemented. A drywell is planned. Water on the front of the home will be collected and routed to a drywell. The driveway can be tightened, however, it is not suggested. Soils condition will be tested prior to the installation of the drywell.

A – 4 Drywell Design Plan by Catherine Mueller, 1-28-20

Mr. Hall questioned the current roof leaders, and they will be re-routed to the new drywell. Mr. Vogel, Borough Engineer will sign off on the plan.

A – 5 Photos of Pool, current and past

Mrs. Kaar questioned the photo of the pool and the pool deck counts as per Mr. Hall. The stones around the property line were included in the impervious coverage. She believes the Impervious Coverage is very high. Mr. Hockstein explained and Mr. Hall stated the applicant can attempt to reduce the coverage. The loose stone was included in the Impervious Coverage number. The public was given the opportunity to make comment as follows:

Thomas Lombardi, 31 Winding Way was not aware of any flooding issues with this property. He appreciates the area and the side entry to the garages. The application has a minimal impact. He was sworn in by Mr. Hall for his input. He also stated the house has not changed in many years.

The Board now was ready to deliberate. Most of the Board members believed that the application was acceptable. A motion to approve the application with the condition that stormwater plan be approved by the Borough Engineer. was made by Mrs. DeRosa and seconded by Mr. Dilonno . A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Dr. Paetzell, Mr. Dilonno

NAYS: Mrs. Kaar

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.**

Ms. Forrester was sworn in and the following exhibits were marked:

B – 1 Letter of Denial from the Borough Zoning Official Daniel Buckalew, dated 9-25-19

A – 1 Series of Photos, 4 pages

ZBA Regular Meeting 2-13-2020

A – 2 Plans prepared by J. Caputo, 9-24-19, 3 sheets

Mr. Caputo was sworn in as a qualified Professional. He now began by introducing Ms. Forrester. He stated the applicant wants to rebuild a 4 season sun porch. The addition totals 70 sf and will bump out the rear and the side. The roofline will be reconfigured. The property is under the IC limit of 30% and will increase to 29.7. The building coverage will also be reduced. The lot is smaller and presents a hardship, second smallest lot on the street, which presents a disadvantage to the applicant. Mrs. Forrester explained the layout of the home being from 1952. With a growing family, the kitchen was up to date. The HVAC system is not enough to warm the area. The floor will be raised as per the first floor plan submitted. The roof that exists will stay as is and the new gabled roof will be tied into it. The current foundation is on piers and the applicant is planning to add two additional piers and insulate the floor.

Mr. Santoro arrived while the Board was having their discussion.

Mrs. Kaar requested a calculation from Mr. Caputo, he will do so. Mrs. Forrester stated the homes in the area are quite large and reconstructions have been performed with homes as large as 2500 sf. The public was now given the opportunity to ask questions. There being none, 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. Kaar and seconded by Mrs. DeRosa. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Dr. Paetzell, Ms. Kaar, Mr. Dilonno, Mr. Santoro and Mr. Foster

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. **This application is being carried to the March 12, 2020 Zoning Board of Adjustment agenda.**

CASE NO. Z 14-006A

HQM Properties, Inc.

Block: 3502, Lot: 23

7 Elm Street

Applicant is seeking permission to amend the previously approved Zoning Board of Adjustment Application Case # Z14-006 for Use Variance, Off-Street Parking, Setback, Height, Impervious Lot Coverage and Principal Building Coverage ratio to construct a two-family residence on a lot in the R-5 (Multi-Family Residential) Zone.

Daniel Madonna, Attorney for the applicant was present and stated there will be two witnesses. He then gave a brief overview of the property. It was previously granted relief and memoriaized. A D-1 Use Variance was granted. Several variances previously granted will stay in place.

B – 1 Comment 2-1-20 from Russell Stern

B – 2 Copy of prior Resolution , applicant Sha, 12-11-14

A – 1 Survey Sunland Surveying Inc, 12-23-19

A – 2 Plans prepared by Wm. Charleroy, Architect, dated 10-23-19

A – 3 Variance Plans, prepared by Christian Kastrud, dated 12-13-19

Mr. Hall explained where the property is located. A small two family was proposed, however, the applicant then attempted to renovate and it collapsed. The Board then allowed him to build a new structure, it was approved but never built.

ZBA Regular Meeting 2-13-2020

Christian Kastrud, Engineer was sworn in and accepted as a Professional. He began by submitting the following exhibit:

A – 4 Colored Rendering

Mr. Kastrud stated he will review the set of plans and said this is a re-approval. He then reviewed the location and used A – 3 to show the existing conditions. The lot is now currently vacant and two trees will be removed on the easterly side and a retaining wall will be removed also. The sidewalk will be replaced in the front of the property and curbs also will be replaced. The site plan portion will construct a single structure with two families, with two driveways, one parking space for each unit. Two AC units and utilities in the street will be utilized. Two garbage areas with gates on the easterly and westerly sides. The sidewalks will be reconstructed and curbs also, landscaping will be installed along the easterly property line. Sheet 3, left side a grading plan. The lot is flat, space is compliant with respect to grades. The front slopes from front to back. A proposed drywell will be installed on the easterly side of the property. Soil tests will be performed. Changes were made to Item 10 in the old Resolution, they were added to the plans.

A – 5 Zone Requirements Sheet with comparisons, Existing Conditions, Proposed Conditions, etc. Mr. Kastrud continued reviewing A – 5.

Mr. Russo stated that the dwelling previously on the lot had no parking, and the previous bedrooms were not counted. He stated the previous attempted to rebuild half of the home. The public was given the opportunity to ask questions as follows:

Jeff Wernsing, 15 Elm Street, questioned the west side of the property as to whether there will be a privacy barrier. Landscaping will be installed along that west property line. A shed in the rear no longer exists.

Mr. Wm. Chalero, Architect was sworn in and accepted as a Professional. He reviewed the plans and the changes that were made as opposed to the old plan. Previous plan had 2 apts, with attic, the new plan has plans on the first and second levels, not the attic space. Two bedrooms in both of the apartments. One entrance previously and one in the rear. Both entrances will be visible from the main street. Lighting on this application will be eliminated which was on the previous application. The details on this project will be similar to the Housing Authority's requests. It will be kept handicapped accessible. The Building Lot Coverage will be less than the previous application.

An exterior walkway on this plan will have both entrances on the front of the building which will eliminate the lighting on the previous plan. The second floor mechanical equipment will be in the attic and the first floor will have the equipment in the basement. The front elevation will be kept simple, with a roof overhang with decorative characteristics. This plan has no negative impact to the neighborhood. He believes the aesthetics of this application are better than the previous plan. The public was given the opportunity to question this witness. There being none, the next witness was called up to testify.

Lou Riccio, Ex. Director of Housing Authority, and CEO of HQM. He began by stating there is a waiting list for occupancy. Two bedrooms can obtain better rents, the property is next door to the Elm Street property. He stated he discussed with Mr. Chalero the intent of planning to make this application a bit smaller. He stated occupants can only have one car or no cars when occupying an apartment. The units will probably be both low income occupants. There were no further questions from the Board, the public was given the opportunity to ask questions. Mr. Russo asked if the property previously had a D-1 Variance, and its stronger and makes inheritantly beneficial.

There being none, Mr. Kastrud began his summary stating the same statement that Mr. Russo made. A motion to approve as an amended approval of the application with the details as per Mr. Stern and Mr. Russo's requests, was made by Mr. Dilonno and seconded by Mrs. Kaar.

A roll call vote was requested and recorded as follows:

AYES: Mr. Santoro, Mrs. DeRosa, Dr. Paetzell, Ms. Kaar, Mr. Dilonno, and Mr. Foster

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 was carried to the next meeting scheduled for February 13, 2020.**

Mrs. Kaar and Mr. Foster stepped down.

Mr. Nino Coviello, Attorney representing the applicant began by stating this applicant appeared on 12/12/19. He reviewed by stating at the last meeting the Architect was asked to prepare revised plans. The Board

A – 5 Revised Plans prepared by Me Tech, dated 5-14-19, revised 12-12-19

The existing home on the lot, 19.98% and meets the bulk requirements.

Mr. Dharam Mehta, 248 West Main Street, Rockaway, NJ, Architect was previously sworn in. He began by reviewing the plans. The first plan has not changed, the second floor has a master BR, bathroom, closet, 2nd BR on the right was made larger, with a walk-in closet, increased area of BR #2, a computer room is in the rear, 6'3" by 10'4". These were changes that were made by this Architect. The computer room was questioned by Dr. Paetzell. Mr. Santoro stated that the lot size is smaller than what is required. Mrs. Driscoll who is not present, brought up the point the house is very large for the lot. Mr. Santoro brought up the patio which is close to the setback, Mr. Coviello stated the Engineer will discuss what is being proposed and include the patio issue.

Mr. Coviello reiterated that each apartment is approximately 1,186 sf excluding the garages. Mr. Mehta continued giving the dimensions of the garage and the Historic Committee's comments. He believes this design will insync with the homes in the area. The garage will be incorporated with the home which will create open space. Mr. Santoro feels uneasy with respect to the neighbor due to the patios which are being planned on the property line. A discussion took place as to the neighboring homes and whether they will be impacted. The public was given the opportunity to ask questions, there being none and the next witness was called.

William Scott, Civil Engineer was next to testify. He was sworn in and accepted as a qualified Professional. Mr. Scott discussed the existing conditions that are present on the property. He stated they are in a poor state and require repair. Both locations are non-conforming. If eliminated, two variances will be removed. The garage will be removed along with the service walks, and curb will be relocated at the entrance. He continued by giving additional information and all the large trees will be preserved. The garage is proposed with a planted strip in the driveway. Plantings will include plum trees, Holly berries and Choke berries. An arborvitae screening planting is proposed along the stockade fence. The impervious coverage will be decreased and runoff from the site will be decreased. A drywell is planned and will decrease runoff from the site. The project is an improvement with no significant demand to the utilities.

Board members had concerns with the size of the building. Mr. Scott stated he prepared a Rendering as follows:

A – 6 Rendering Showing Impact of Garage Elimination

The length of the building is driven by certain rooms that have certain widths. He tried to determine how much of garage area can be developed as bedrooms. The impervious coverage will be increased by 200 sf. Most people want to access their garage from the home and will not impact the neighbor to the north. Mr. Santoro gave his suggestions to reduce the activity at the property line. Mrs. DeRosa stated the structure has a lot of building mass. The home is only 23 feet wide from the Central Avenue view. The Brittain view is large because of the combining of the garage and home. The patio seemed to be the negative issue to the Board members. The applicant is amenable to eliminating both patios as per Mr. Coviello's statement. The public was given the opportunity to question the Engineer, there being none, the next witness was called.

Michael Castellano, Professional Planner gave his qualifications and was accepted as a Professional.

A – 7 Photo exhibit prepared by Mr. Castellano

Mr. Castellano began by stating he discussed the application with the Team and surveyed the neighborhood. A – 7 shows an Aerial Image, a neighborhood overview. It also depicts the residential uses in the area, Dodge Field and a school. It also shows an Excerpt of the Borough's Zoning Map, ground photos taken by Mr. Castellano. He continued by discussing the remainder of the exhibit. He stated the Ordinance allows the hardships which can be included in an application. He continued by reviewing what the Borough Ordinances allows and what this project proposes. An enclosed garage benefits eliminating the encroachment on the neighbors. He then reviewed what the applicant has done to satisfy the Board and Borough Ordinances. The applicant was given the choice to remove the patio or to relocate it or eliminate both.

The public was given the opportunity to question this witness, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application with the condition of the elimination of the patio and the submission of the Revised Plan to the Borough. A motion to approve the application was made by Dr. Paetzell and seconded by Mrs. DeRosa. A roll call vote was requested and recorded as follows:

AYES: Mr. Santoro, Mrs. DeRosa, Dr. Paetzell, and Mr. Dilonno

CASE NO. Z-20-001

David & Jennifer Stone

Block: 3502, Lot: 7

31 Green Hill Road

Applicants are seeking permission to construct a Rear One-Story Addition and Rear Deck in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **This application will be carried to the Zoning Board Meeting of March 12, 2020**

11. ADJOURNMENT – The meeting was adjourned at 11:20 pm with motions made by Mrs. Kaar and seconded by Mr. Dilonno.

Respectfully submitted,

Lorraine Sola

Recording Secretary