

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, March 9, 2023 at 7:30 P.M.,**  
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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**1. CALL TO ORDER BY CHAIRMAN Joseph Santoro**

**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 12, 2023, the Board by Resolution adopted a schedule of meetings.

On January 17, 2023, 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).

**APPOINTMENTS:**

The following appointments were made this evening:

Douglas Osborne, Regular Board Member, Unexpired Four-Year Term through December 31, 2023.

Adrienne Novak, Class IV, Alternate # 1, Unexpired Two-Year Term through December 31, 2023

**3. ROLL CALL**

**PRESENT:** Mr. DiIonna, Ms. Salko, Mr. Santoro, Ms. Tiritilli, Dr. Paetzell, Ms. Silliman, Mr. Osborne and Mrs. Novak

**EXCUSED:** None

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

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – The minutes of the February 9, 2023 Regular meeting.

The above referenced minutes were distributed to all Board members for their review prior to this evening’s meeting. A voice vote of aye was heard from all eligible voting Board members in approval of the minutes.

## 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 Resolutions.

### **CASE NO. Z 22-039**

Resolution granting variance application to Nicole & Daniel Jimenez, Block: 3502, Lot: 1  
18 Crescent Road to Not Remove the Existing Front Slate Walkway as Required by Zoning Board of Adjustment Approval ZPA 22-292, Replacement and Enlargement of Existing Rear Slate Patio, Removal and Replacement of Rear Stoop in an R-1 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage

## 7. SCHEDULING AND PROCEDURAL MATTERS –.

## 8. OLD BUSINESS –

### **CASE NO. Z 22-034**

**Valeriy & Carolyn Elbert**

**Block: 4402, Lot: 27.02**

**5 Shepherd Lane**

Applicants are seeking permission to construct a Rear & Side Yard Masonry Retaining Walls, Removal and Replacement of Existing In-Ground Pool Patio, Patio with Fire Pit, Seat Wall, Hot Tub, BBQ Area, Basement Access Stairs, Front Yard Paver Walkway, Shed with Pool Equipment Pad, Pool Code Compliant Fence, Storm Water Management System with Drywell, Tree Removals, Tree Protection and Soil Erosion and Sediment Control Measures in an R-1 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Steep Slope Disturbance.

This application was started on January 12, 2023, but not concluded. Revised plans were not provided for the continuation of this application and will be carried to the April 13, 2023 Zoning Board agenda.

## 9. NEW BUSINESS –

### **CASE NO. Z 22-014**

**Simonfay Family Real Estate, LLC**

**Block: 5202, Lot: 5**

**335 Main Street**

Applicant is seeking Preliminary and Final Site Plan with Intensification of Use and Variances in the Gateway I Zone requiring relief from Intensification of Use, Maximum Impervious Lot Coverage and Required Number of Parking Spaces. Revised Notices and plans must be obtained.

### **CASE NO. Z 22-038**

**Jarrett Kest**

**Block: 3404, Lot: 9**

**44 Glenwild Road**

Applicant is seeking permission to construct a 2 Story and 2<sup>nd</sup> Story Addition to the Principal Dwelling, Front Portico, Detached Garage (2<sup>nd</sup> Story to be used for a Home Occupation), Brick Paver Driveway Expansion, Gravel patio and Walkway, Wood Deck, (2) A. C. Condensers, Pool Heating Equipment, and the Relocation of the Existing Portable Spa and Refuse Enclosure in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Maximum Accessory Structure Height.

ZBA Regular Meeting 03-09-2023

Sworn in this evening were Mr. Jarrett Kest and Mr. Dave Rosen, Architect. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated November 16, 2022
- A – 1: Survey prepared by ABC Survey, dated March 5, 2022 having no revisions
- A – 2: Site Plan with Existing & Proposed Conditions prepared by J. Kest & Company, dated October 5, 2022 having no revisions
- A – 3: Architectural Plans (7 Sheets) prepared by Rosen, Kelly, Conway Architecture & Design dated September 14, 2022 having no revisions
- A – 4: Color Photos (1 Sheet)

Mr. Kest provided an opening statement stating that he and his wife purchased the home in 2016 and that they would like to add a 2<sup>nd</sup> story addition to the principal dwelling and a 2 story detached garage that would be used for a home occupation on the second floor.

Mr. Rosen shared his screen and began his testimony. He stated that the applicant is looking to renovate and add on to the existing home. He also explained the detached garage, which would create open space and prevent the need to expand the footprint of the existing dwelling. Mr. Rosen explained that the detached garage would mirror the existing style of the home to create a harmonious addition to the property. The proposed garage floor plans were shown and discussed. The 1<sup>st</sup> and 2<sup>nd</sup> floor plans were shared and discussed, Mr. Rosen stated that the applicant is looking to increase functionality of the home. The existing and proposed elevations were shown. Mr. Rosen stated that there is an existing drywell on site and any overflow from the proposed addition and detached garage would be piped into it.

Mr. Santoro asked about the easement that exists. Mr. Hall stated that details need to be provided regarding the property line. Mr. Kest provided feedback upon the issues that were brought up by Mr. Santoro and Mr. Hall. Linden Drive was discussed at length, it was determined that this application raises a lot of questions that need to be answered such as clarity on the Borough Easement as well as the fence, driveway and shed being constructed over the property line. Mr. Kest was told that habitable space in the garage is strictly prohibited. Mr. Hall and Mr. Santoro provided guidance regarding this application to the applicant and his architect.

A lengthy discussion continued. It was determined that this application would be carried to the April 13, 2023, Zoning Board of Adjustment agenda without further notice. If any changes are made to the application they must be received 10 days prior to the meeting.

**CASE NO. Z 23-001**

**Betty Xu**

**Block: 211, Lot: 5.03**

**6 Wisteria Court**

Applicant is seeking permission to construct an Interlocking Block retaining Wall, stairs, Tree Protection and a Construction entrance in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Minimum Wall Setback for Walls Greater than 18” in Height.

Sworn in this evening were Betty Xu and F. C. Meola, Engineer. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated January 4, 2023
- A – 1: Grading Plan prepared by Fred Meola Engineering & Land Surveying, LLC dated November 30, 2022, lated revised December 21, 2022
- A – 2: Color photos – Four pages consisting of two photos per page

Ms. Xu began her testimony providing an overview of the application Mr. Meola began his testimony stating that an interlocking block retaining wall is being proposed to replace the existing retaining wall that is there now. It was determined that the existing brick patio and existing driveway has driven the maximum impervious lot coverage up. A stone tracking pad is being proposed for the project. All walls will be replaced simultaneously. An attorney should draw up a temporary construction easement for the applicant and her neighbors. The stairs will be segmented block and create a harmonious look with the proposed wall. Storm-water management was discussed at length and the addition of a French Drain around the patio out to the front of the home was suggested. Ms. Xu stated that a French Drain exists around the patio now and there is a drywell in the rear yard.

Mr. Santoro asked if there was any further questions from the Board, seeing none he opened the hearing to the public. There being no public with any questions or comments on the application, that portion of the meeting was closed. The Board began their deliberation. A motion to approve with the conditions stated this evening was made by Dr. Paetzell, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Ms. Salko, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Silliman and Mr. Osborne  
 NAYS: None

**CASE NO. Z 23-002**

**Michael Ferrie & Jennifer Murphy**

**Block: 905, Lot: 17**

**30 Knollwood Avenue**

Applicants are seeking permission to construct a 2 Story Addition, (2) 1 Story Additions, Rear Masonry Paver Patio, Relocation of Existing A.C Units, Storm-Water Management/Drywell and Tree Protection in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Maximum Principal Building Coverage

Sworn in this evening were Jennifer Murphy and Michael Ferrie, Dana Napurano, Architect, and Paul Grygiel, Planner. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated December 28, 2022
- A - 1: Survey prepared by Morgan Engineering & Surveying. dated May 20, 2019 having no revisions
- A - 2: Site & Architectural Plans (7 Sheets) prepared by Hoffman Design Build, dated November 10, 2022, last revised December 22, 2022
- A - 3: Color photos - 2 Sheets
- A - 4: Area Context - Goggle Maps obtained February 23, 2023

A brief overview was provided by the applicant. Ms. Napurano began her testimony and shared her screen, she began by stating that the lot is undersized and narrow. The proposed addition is entirely located in the rear of the home. The applicant is looking to improve the flow of the home. The proposed 1<sup>st</sup> and 2<sup>nd</sup> floor plans were shown and discussed.

The existing and proposed elevations were shown next and discussed with the Board. A drywell is being proposed for this project. The addition being proposed in the rear of the home is very modest.

Mr. Santoro asked the Board if they had any questions. Dr. Paetzell asked if a front porch was considered. The applicant stated that they had not thought about that.

Ms. Silliman asked if they had considered a deck as opposed to the patio. The applicants stated that with a small child a patio was preferred for safety reasons.

There being no further Board questions, the meeting was opened to the public. There being no questions from the public, that portion of the meeting was closed.

ZBA Regular Meeting 03-09-2023

Mr. Paul Grygiel provided his qualifications to the Board as an expert witness and accepted. Mr. Grygiel discussed the variance proofs; he shared his screen and stated that the project proposed is similar to other homes in the area. He stated that the entire project is located in the rear of the home and the lot although narrow can accommodate the addition without any detriment to the Master Plan or zoning ordinance.

Mr. Santoro asked the Board if they had questions for Mr. Grygiel, seeing none he opened the meeting to the public. Seeing none that portion of the meeting was closed.

Mr. Harrington stated that soil testing should be a condition of the resolution, Ms. Silliman also stated that there should be adequate tree protection.

The Board began its deliberation. A motion to approve with the conditions discussed was made by Ms. Silliman, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Ms. Salko, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Silliman and Mr. Osborne  
NAYS: None

A five minute break was taken at 9:47pm. The meeting resumed at 9:55pm with all members present.

**CASE NO. Z 23-003**

**Teresa Bocchino**  
**Block: 905, Lot: 4**  
**31 Sherwood Avenue**

Applicant is seeking permission to construct a 1 ½ Story Addition, ½ Story Addition, Dumpster and Condenser Unit in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right), Minimum Front Yard Setback (Longview), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. At the request of the applicant’s attorney, this application will be placed on the April 13, 2023, Zoning Board agenda without further notice.

**CASE NO. Z 23-004**

**Kathleen Olson**  
**Block: 902, Lot: 16**  
**45 Sherwood Avenue**

Applicant is seeking permission to construct a Rear 1 Story Addition, Front Foyer Extension, Storm-Water Management Drywell, Reduction in Area of Existing Rear Brick Paver Patio, Rear Yard Air Conditioning Unit in an R-3 (Single Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

Sworn in this evening was Kate Olson. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated November 9, 2022
- A – 1: Survey prepared by SHA Surveying, LLC, dated March 11, 2022 having no revisions
- A – 2: Site & Architectural Plans (4 Sheets) prepared by Eric Trepkau Architect, dated October 20, 2022, having no revisions
- A – 3: Color photos – 3 Sheets

Mrs. Olson began her testimony providing an overview of the application. She stated that she has resided in the home with her family for over 17 years and she would like to expand the ranch style home to accommodate a very small addition which would provide more living space for the family. A drywell has been incorporated into the plans for this modest addition. She would like to be able to stay in the home and the wonderful neighborhood and feels that this is a very minimal request.

Mr. Hall stated that the drywell should be addressed and that Mrs. Olson should work with Mr. Harrington on this issue. The crushed stone which created additional parking in front of the home was discussed. Mrs. Olson was advised that this additional area is in the Borough Right-of-Way and needs to be removed. The area needs to be returned to grass before a CO will be issued.

Mr. Santoro asked if there were any further Board questions or comments, seeing none he opened the meeting to the public. There was no public with questions or comments on this application. That portion of the meeting was closed and the Board began its deliberation.

A motion to approve with conditions was made by Dr. Paetzell, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIunno, Ms. Salko, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Silliman and Mr. Osborne

NAYS: None

**10. OTHER BUSINESS –**

**11. ADJOURNMENT** – The meeting was adjourned at 10:35pm .pm with a motion made by Ms. Silliman and seconded by Ms. Tiritilli.

Respectfully submitted,

Frances Boardman  
Board Secretary