

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, March 10, 2022 at 7:30 P.M.,
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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 13, 2022, the Board by Resolution adopted a schedule of meetings.

On January 14, 2022 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, Mrs. Driscoll, Dr. Paetzell, Mr. Santoro, Ms. Salko, Ms. Tiritilli,
and Mr. Foster

EXCUSED: Ms. Kaar, and Mr. Fitzsimmons

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 10, 2022 Regular Zoning Board meeting and the minutes of the Regular Zoning Board November 4, 2021 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. Several corrections were noted and a voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolutions.

CASE NO. Z 21-033

Resolution granting variance application to Cynthia & Damian Pappa, Block: 3401, Lot: 13, 1 Woodcliff Drive to construct a 2nd Story Addition, 1 Story Addition, Paver Patio, Front Landing Roof and Air Conditioning Unit in an R-3 (Single Family Residential) Zone requiring relief from Minimum Front Yard Setback and Minimum Rear Yard Setback.

CASE NO. Z 21-034

Resolution granting variance application to Robert Bicknese, Block: 4004, Lot:45, 7 Cross Gates Road to construct Interior Renovations, (1) 1 Story Rear Addition, New Front Stoop (East Lane), Modify Existing Front Stoop (Cross Gates Road), Modifications to Existing Rear Patio, Temporary Dumpster in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback and Maximum Principal Building Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS – It was announced that the next Zoning Board of Adjustment meeting is scheduled for April 14, 2022 not April 7, 2022 as noted in the re-organization resolution. This was a typo.

8. OLD BUSINESS –

9. NEW BUSINESS –

CASE NO. Z 21-032

Tamara Feldman & Jeffery Witz

Block: 4802, Lot: 22

2 Winding Way

Applicants are seeking permission to construct a 2nd story Addition, Open Front Porch and an Air Conditioning Unit in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback – Winding Way, Minimum Front Yard Setback – Sinclair Terrace, Minimum Side Yard Setback – Right, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. At the request of the applicant's Attorney, this application was carried to the March 10, 2022 meeting of the Zoning Board. New notice was provided for this evening's meeting.

Sworn in to testify this evening were Ms. Feldman and Mr. Witz and Mr. Doug Asral, Architect. The following exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated August 4, 2021

A – 1: Site and Architectural Plans (two sheets) prepared by Asral Architect, dated July 7, 2021, latest revision date of February 16, 2022

A – 2: Zoning Board of Adjustment resolution adopted September 12, 2019, for Jeffrey Witz and Tamara Feldman of Winding Way

A – 3: Black & White Photos, consisting of three photos collectively.

Mr. Asral provided his background and qualifications to the Board and was accepted as an expert witness.

Ms. Stone-Dougherty provided a summary of the application. Mr. Asral began his testimony and utilized Exhibit A-1 during his testimony. He stated that the impervious lot coverage number was being reduced from 30.81% to 29.50%. The applicant is trying to take their current Ranch style home and build a 2 Story Colonial home with Portico. The elevations of the proposed addition were shown and discussed. Mr. Asral noted that the lot is undersized creating a hardship for the homeowners. The variances that are being sought were discussed at length.

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Mr. Santoro asked the Board and Professionals if they had any questions for Mr. Asral. Dr. Paetzell asked if Arborvitaes could be planted in the rear near the deck for privacy to the neighbors. The applicant agrees to work with the Borough Engineer on this request. Mr. Foster inquired about storm-water management on the site.

After some discussion, the applicant agrees to the landscaping and storm-water management recommendations by the Board. It was also noted that there are open building permits that must be closed out in the construction department.

There being no further testimony Mr. Santoro opened the meeting to the public for questions.

Ms. Ronnie Copperstein, 5 Sinclair Terrace was concerned with the height of the addition. Mr. Asral stated that the addition was 34.5 feet, which is under the maximum allowed building height by Ordinance.

Ms. Tamara Feldman provided testimony on to the need for more space which will create an open space plan so that the family can spend time together. She stated that the addition being requested fits into the neighborhood.

Ms. Stone-Dougherty provided a closing argument stating that the family is trying to balance work from home and family life. There is a slight encroachment and the applicant is open to the suggestions from the Board regarding landscaping and storm-water management. She believe that this is a strong application and is beneficial to all parties.

Mr. John DeLaney, Esq was present representing Becky & Wayne Dieckman, 6 Winding Way. He stated that the Deickmans’ have resided at 6 Winding Way for 25 years. This is going to be a very large home on a small lot. The air conditioning unit placement is very close to their home and asked if the units could be moved. Ms. Stone-Dougherty stated that moving the air conditioning units is not practical. The applicant has agreed to strategically place six arborvitaes with a height of 6-8 feet around the air conditioning units to create a noise buffer. The applicants will work with Mr. Harrington and Mr. Stern, Board Planner and licensed Landscape Architect.

Mr. Santoro asked if there was anything further from the public, seeing none that portion of the hearing was closed. The Board began its deliberation. Mr. Hall reiterated the conditions that would be placed in the resolution.

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

AYES: Mr. DiIonno, Mrs. Driscoll, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli
NAYS: None

CASE NO. Z 22-001
Michelle & Ryan Herson
Block: 906, Lot: 19
52 Knollwood Avenue

Applicants are seeking permission to construct a Proposed Retaining Wall (< 4’ in Height), along with Granite Block Curb and Driveway Widening in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Setback Wall/Driveway/Curb.

Mrs. Michelle Herson was sworn in and the following exhibits were marked.

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated December 22, 2021
- A – 1: Survey prepared by DAB Survey, dated August 22, 2017, having no revisions
- A – 2: Color Photos, consisting of two sheets; eight photos collectively.

Mrs. Herson provided a summary of the application stating that the driveway is very narrow and the wooden retaining wall is falling apart. Mrs. Herson shared her screen showing the existing retaining wall. It was suggested that the wall be moved in 12 inches. Mrs. Herson stated that there is insufficient room in the driveway for this to be accomplished, and still have room for cars. Dr. Paetzell suggested increasing the driveway. Mrs. Herson did not want to go over the required impervious coverage but if this is something that is desired in the future, a new application will need to be submitted.

Mr. Santoro asked the Board and professionals if they had any further questions for Mrs. Herson, seeing none that portion of the hearing was closed. Mr. Santoro then opened the hearing for questions/comments from the public; seeing none that portion of the meeting was closed.

The Board began its deliberation. A motion to approve was made by Dr. Paetzell, seconded by Mr. Foster. A roll call was requested and recorded as follows:

AYES: Mr. DiIonno, Mrs. Driscoll, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

NAYS: None

A five-minute break was taken at 8:58pm, with all members returning and present at 9:05pm.

CASE NO Z 22-002

Nicholas Farina

Block: 3601, Lot: 1

2 Green Hill Road

Applicant is seeking permission to construct 1 Story Rear Addition, Removal of Existing 1 Story Portion of Dwelling, along with Minor Modifications to Existing Brick Paver Patio and Slate Walkway in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Green Hill Road), Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. Farina and Mr. Andreas and the following exhibits were marked.

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated January 28, 2022

A - 1: Survey prepared by Louis Puopolo III, dated April 25, 2011, last revised May 2, 2011

A - 2: Architectural Plans (2 Sheets) prepared by ASA Architectural Design, dated January 21, 2022 last revised January 27, 2022

A - 3: Black & White Photos, consisting of three sheets; six photos collectively.

Mr. Andreas provided a summary of the application. He stated that the addition is only 380 square feet for this corner lot. The lot is undersized and creates a hardship for the applicant. Mr. Andreas discussed the variances being sought. He pointed out that there is sufficient screening in the rear of the property and this addition will not cause a detriment to the neighborhood. The increase in principal building coverage is slight, however; in the impervious lot coverage the gravel fire-pit area in the rear of the home was not calculated into the existing zoning table. This gravel area increases the impervious coverage from the existing figure of 31.22% to 33.55%

Mr. Andreas was asked to resend to the Board Secretary the revised zoning table with the correct information and a revised cover sheet. When received this information would be sent to Mr. Hall for verification.

Mr. Andreas states that the applicant's hardship is due to the lot size and lot shape making it difficult to adhere to the zoning ordinance. Mr. Farina shared his screen at this time acknowledging the interior renovations that will be accomplished by this addition.

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Mr. Santoro asked the Board and professionals if they had any further questions for Mr. Farina or Mr. Andreas, seeing none that portion of the hearing was closed. Mr. Santoro then opened the hearing for questions/comments from the public; seeing none that portion of the meeting was closed.

The Board began its deliberation. A motion to approve was made by Mrs. Driscoll, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Mrs. Driscoll, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

NAYS: None

CASE NO. Z 22-003

Kara & Brad Errington

Block: 3904, Lot: 9

57 Woodland Road

Applicants are seeking permission to construct a (1) 2nd Story Addition, (3) 2 Story Additions, (1) 1 Story Addition, Roofed Rear Patio, Unroofed Rear Patio, Covered Stoop, Drywell, (2) Air Conditioning Units, Minor Driveway Expansion, Modify Existing Rear Walkway and a Dumpster in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left).

Sworn in this evening were Mr. & Mrs. Errington and Mr. Tim Klesse. The following exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated December 1, 2021

A - 1: Survey prepared by Lakeland Surveying, dated May 7, 2021, having no revisions

A - 2:

A - 3: Color Photos prepared by Klesse Architects, consisting of three sheets; six photos collectively.

Mr. Errington provided a summary of the application stating that he and his wife both work from home and are the sole providers of Mr. Errington's elderly parents. The Errington's are simply looking for a functional home that fits into the neighborhood.

Mr. Klesse began his testimony stating that this application has been a work in progress for over the last year. Mr. Klesse shared his screen showing the left yard setback and stating that they tried to configure this addition without a variance but could not come up with a solution. He stated that there are a large number of trees screening the neighbors home. This application gives an update to a single family home and fits into the scale of the neighborhood. Mr. Klesse shared the existing and proposed survey showing the row of mature evergreens running along the length of the property. Floor plans for the first and second floors were discussed. The elevations were shown and discussed.

Mr. Klesse provided a summation of the application stating that the first and second floor will now be habitable for this growing family. It is a good fit for the neighborhood and does not create any detriment to the public or zone plan.

Mr. Santoro opened the hearing to questions from the Board and professionals. Mr. Foster voiced his concern with the existing trees on the left side asking how construction mitigation would be handled for these trees. Mr. Errington stated that the trees are planted on mounds and have a narrow root system.

Mr. Harrington stated that protective safety fencing around the trees should be installed prior to construction. It was suggested that the air conditioning units and generator be moved further back ten feet on the wall they are

now proposed. The applicant agrees to this suggestion and the air conditioning units and generator would be moved adjacent to the covered patio behind the neighbor's garage.

Mr. Santoro opened the meeting to the public.

Mr. Chris Tomlin, 61 Woodland Road stated that he has concerns with this application and that there is no hardship for these variances to be granted by the Board. He is not in favor of the application.

The Board suggested that the applicant reach out to the Borough Arborist regarding tree protection. They also are in support of moving the air conditioners and generator as agreed upon adjacent to the covered patio.

Mrs. Meeker, 3 Norman Circle, is in favor of the application. She commented on the integrity of the applicants to get the application to the finish line.

There were no further comments or questions and that portion of the meeting was closed. The Board began its deliberation. Mr. Hall recited the conditions for the resolution.

A motion to approve with conditions was made by Mr. Foster, seconded by Mr. DiIunno. A roll call was requested and recorded as follows:

AYES: Mr. DiIunno, Mrs. Driscoll, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

NAYS: None

CASE NO. Z 22-004

Chet Swartz & Nicole Robbins

Block: 4004, Lot: 29

60 East Lane

Applicants are seeking permission to construct a 1 Story "Roofed" Patio with Fireplace, Reduction in Existing Patio/Walkway Area, and Modifications to Existing Field Stone Retaining Wall in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. This application was not reached, and was carried to the April 14, 2022 agenda of the Zoning Board of Adjustment without further notice.

10. OTHER BUSINESS – 2021 Annual Report

This discussion was led by Mr. Santoro, several items touched upon included the proposed changes to the tree ordinance and an updated Historic Preservation Ordinance.

After discussion it was decided that the 2021 Annual Report would be sent out by Mr. Hall for adoption at the April 14, 2022 Zoning Board meeting.

11. ADJOURNMENT – This meeting was adjourned at 11:05 pm with a motion made by Mrs. Driscoll and seconded by Dr. Paetzell.

Respectfully submitted,

Frances Boardman
Board Secretary