

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Zoom) Meeting, March 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. 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
Russell Stern, Board Planner

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – Special Meeting of February 25, 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 20-022

Resolution granting variance application to Jason & Anne Tanner, Block: 4301, Lot: 10, 392 Woodland Road 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.

CASE NO. Z 21-001

Resolution granting variance application to Rebecca Pennington, Block: 101, Lot: 31, 23 Shadylawn Drive 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.

CASE NO Z 21-002

Resolution granting variance application to Gregory & Lauren Amiro, Block: 914, Lot: 23 63 Hamilton Street to Construct a Rear 1 Story Addition in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS – The only matters being heard this evening will be the continued hearing of the Madison Movie Development Case No. Z 20-018, Robert Novack, Case No. Z 20-023 and Angelica Properties, LLC, Case No. Z 20-017. All other matters on this evening’s agenda will be placed on a special meeting agenda of the Zoning Board of Adjustment to be held on Thursday, March 25, 2021.

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 previously heard on January 28, 2021, February 25, 2021 and March 4, 2021.

Mr. Peter Wolfson Esq and Mr. Luke Pontier, Esq were present on behalf of the applicant. Mr. Eric Keller, Bowman Engineering Traffic Expert, will provide this evening’s testimony. In addition, present this evening is Mr. Jeff Gertler who will not be testifying, but will respond to any architectural questions should they arise. Both gentlemen were previously sworn in and remain under oath.

Ms. Helen Kaar and Mr. James Foster were recused from this portion of the hearing.

Mr. Harold Maltz, stated that he had reviewed the traffic report submitted by Mr. Keller and is in agreement with the report presented as to Mr. Keller’s studies, findings and conclusions. Mr. Maltz recommended cross walk signs in which the applicant has agreed to provide. Trip generation was discussed at length, as well as the planned number of parking spaces proposed. Mr. Maltz had no further comments.

Mr. Harrington asked Mr. Gertler to work offline with him regarding the projection of the wall near the pedestrian entrance, which would greatly aid and improve the turning movements for cars exiting the garage. Mr. Gertler agreed.

Mr. Santoro asked Mr. Stern if he had any questions. Mr. Stern asked Mr. Gertler if the furthest parking spaces in the building could be widened by a foot to provide easier access for those vehicles to back out. Mr. Gertler stated that there is no additional room in the building for that request.

Mr. Santoro asked the Board if they had any questions for Mr. Gertler or Mr. Keller. Seeing none that portion of the hearing was closed and the floor was then opened to the public for questions.

Ms. Kathleen Caccavale, 82 Central Avenue, Madison asked about the turning radius of the first parking spot closest to the garage door. Mr. Keller responded that he had not looked at it specifically, but it may take more than one maneuver, but that is not unusual in a small parking garage. Mr. Keller also stated that it is a small garage with a limited number of vehicles so he does not see an issue. Ms. Caccavale asked if tenants could back into the spaces. Mr. Keller stated that if someone chooses to back in they could.

Ms. Dorothy O'Brien, 38 Crestwood Drive, Madison asked if a car backed into a parking space if they would still be able to open their doors based on the columns placement in the garage. Mr. Keller replied that the car doors would be behind the columns and not be an issue. Ms. O'Brien asked about overnight parking for additional vehicles. Mr. Keller previously testified that there are three lots available listed on the Borough website that allows for overnight parking.

Ms. Laurie Reynolds, Academy Road, Madison asked if the parking spaces could accommodate a larger vehicle. Mr. Keller replied yes. Ms. Reynolds again questioned the overnight parking accommodations. Mr. Keller responded that the lease agreements would provide for one parking space per unit. Ms. Reynolds asked if one handicap space was enough for this project. Mr. Keller stated that one space is required by Borough code. Ms. Reynolds asked Mr. Maltz if the traffic study represents what actually happens on Lincoln place in front of the Post Office. Mr. Maltz responded that the traffic study performed by Mr. Keller included the traffic that went to and from the post office. Mr. Keller confirmed that the traffic report accounted for the traffic on the street, for the post office and the other uses in the area.

Ms. Dorothy O'Brien, 38 Crestwood Drive asked about deliveries to the building. Mr. Keller stated that move-in, move-out activities would be scheduled with management and any other deliveries would be handled as they are today for any other businesses and residences along the street.

There being no further questions from the public that portion of the hearing was closed.

At this time, Mr. Hall swore in Mr. Eric Range and Mr. John Morris. Both men represent the Downtown Development Committee. Mr. Range provided the Board with an overview of the duties of the Downtown Development Committee. The memorandum submitted by the DDC dated January 26, 2021 was discussed. Mr. Morris stated that the goal of the Ergonomic study was to encourage park and walk and this application certainly meets that goal. Mr. Range then touched upon the memorandum from the Sign and Façade Committee. He stated that the master signage plan was clean and simple and used a mix of materials.

Mr. Santoro asked if there were any questions from the Board or professionals, seeing none he opened the meeting to the public. Seeing none, he closed that portion of the meeting.

Ms. Janet Foster, Historic Preservation Chair was sworn in. A memorandum dated January 26, 2021 was discussed. Mr. Santoro stated that the HPC should continue talking to the applicant and their historic expert to get the items from the movie theater preserved. Mr. Hall stated that the conditions in the HPC resolution that were not appealed remain in effect. Ms. Foster stated that the site plan that was reviewed by the HPC back in 2019 is not the same plan as being presented. She stated that there have been changes to the building. Mr. Wolfson commented that the applicant had been before the HPC a total of six times and significant changes were incorporated into the design. He also stated that HPC is a recommendation committee and their recommendations have been submitted to the Zoning Board. The plan before the Board this evening is the plan that is being proposed and the one that will be voted on. The homage to the ticket booth was discussed. Mr. Wolfson stated that the ticket booth was originally implemented into the plans to make the HPC happy, however; the applicant can leave the ticket booth in or take it out whatever the Board prefers.

Mr. Hall stated that the Zoning Board has received input from the HPC and is not looking for future input and whatever the Zoning Board approves does not go back to HPC for design recommendations.

This hearing of the Madison movie Development was adjourned for this evening at 8:58pm and will be continued at the April 8, 2021 regular meeting of the Zoning Board of Adjustment without further notice.

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. Ms. Tiritilli was recused from this application.

This application was first heard on January 14, 2021 and after hearing the comments and concerns of the Board are here this evening with a revised plan.

Mr. Korzen remaining under oath testified to the changes that were made. Mr. Korzen stated that the impervious coverage is still over the permitted and continues to need a variance, the proposed dwelling setback now conforms to the ordinance. The proposed dwelling now conforms to the rear property line setback. The proposed driveway has been shifted to the east to accommodate the new side-entry garage, and the driveway width has been reduced to 12 feet wide. The rear yard will have a new deck, a vinyl-board fence is proposed around the rear yard. A catch basin will be added in the driveway and a drywell in the southwest property will accept runoff from the roof surfaces and the upper portion of the driveway.

Mr. Korzen had no further testimony. Mr. Santoro asked the Board if they had any questions for Mr. Korzen. Mr. Foster asked Mr. Korzen about the increase in impervious coverage. Mr. Korzen stated that the patio was replaced with a deck and the coverage number was reduced to 23.99% representing a significant reduction of requested variance relief.

Seeing no further Board questions, the hearing was open to the public for questions of Mr. Korzen.

Mr. Alan Sawyer, Fox Chase Road, Madison asked about the runoff to the rear yard residences. Mr. Korzen stated that the runoff was going directly into a drywell, which will improve the storm-water in the rear of the property.

Mr. Doug Asral sworn at the last meeting and remains under oath was the next to testify. Mr. Asral stated that the new proposed dwelling has been reduced by 1,169 square feet. The proposed floor plans, and elevations were discussed. The proposed home is a contemporary barn style.

Mr. Asral had no further testimony. Mr. Santoro then asked the Board if they had any questions of Mr. Asral, seeing no Mr. Santoro opened the floor to the public.

Mr. Alan Saywer, Fox Chase Road asked why this new proposed plan is a split-level, which is contrary to the original testimony that the owners were seeking a ranch style home. Mr. Novack stated that after their last appearance at the Zoning Board they had contemplated selling the home but went back to the architect and made several compromises such as adding several steps to the design of the proposed home before the Board this evening.

Mr. Paul Ricci, the applicant's planner was sworn in. Mr. Ricci provided his background to the Board and was accepted as an expert witness. Mr. Ricci discussed the variances being sought for this application. The following exhibits were marked:

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Exhibit A-1: Aerial photo prepared by Mr. Ricci, Aerial date 2015

Exhibit A-2: Color Pictorial Exhibit prepared by Paul Ricci, dated March 2021, consisting of two pages

Mr. Ricci provided the positive and negative criteria for this application and the variances sought stating that this new dwelling will not result in a public detriment. Mr. Ricci stated that this redesigned dwelling is improving certain previous conditions and not exasperating them. The storm-water management proposed will improve runoff conditions on site.

Exhibit A-2 was used to describe the mix of homes and architectural designs in the neighborhood. The proposed dwelling will be consistent with the neighborhood and improve the existing character of the area. The design meets the purpose of providing adequate light, air and open space.

Mr. Ricci had no further testimony. Mr. Santoro opened the floor to questions from the Board, seeing none he opened the floor to the public.

Ms. Claire Whitcomb, Environmental Commission Chair stated that the Zoning Board should be looking for applicants to be using sustainable design and green building practices.

Mr. Alan Sawyer stated that the photos utilized do not depict the homes in the neighborhood.

Seeing no further comments from the public that portion of the meeting was closed and the Board began their deliberation.

The consensus of the Board was to approve the application with the conditions stated by Mr. Hall this evening. A motion to approve the application with conditions as set forth this evening was made by Mr. Foster, seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

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

NAYS: None

A five-minute break was taken at 10:05pm. The meeting resumed at 10:15pm with all members present.

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. Rosemary Stone-Dougherty provided a recap of the application from the last meeting held on this application on February 11, 2021.

Mr. Frank Matarazzo, Engineer was previously sworn in at the last meeting and remains under oath.

Mr. Matarazzo discussed the changes that were made after the Boards comments and the Professionals memorandums from Russell Stern, dated February 28, 2021 and Dennis Harrington, dated March 1, 2021.

The new proposed application shows the number of units reduced from eight units to six units. The proposed open detention basin located in the front of the building has been replaced with an underground detention basin. The setback of the proposed retaining wall located along the rear property line has been increased to nine feet. The four parking spaces located at the southerly end of the proposed driveway have been relocated in order to be five feet from the proposed

retaining wall. The two visitor parking spaces located nearest to Elm Street have been relocated in order to provide a greater setback from the right-of-way line.

Mr. Matarazzo testified that all memorandum items from Mr. Stern and Mr. Harrington would be complied with. Small items that were discussed by Mr. Harrington and Mr. Matarazzo included Bonding/Inspection fees for the project. The intention to utilize the existing sanitary sewer lateral and the possible need for a new sanitary lateral if the existing size is unable to accommodate the proposed building. Mr. Harrington recommended a survey monument be provided at the northeast corner of the site along Elm Street.

Also discussed was the proposed location of the mailbox and its relocation further from the right-of-way. Fencing detail was discussed at length and these details should be placed on the site plan.

Mr. Santoro asked the Board or Professionals if they had any further questions for Mr. Matarazzo, seeing none he opened the floor to the public.

Ms. Claire Whitcomb inquired about the environmental aspects of this project. Ms. Stone-Dougherty stated that Mr. John DeSimone Jr. would testify to the environmental features of this project.

Mr. Peter Steck, Planner was sworn in. Mr. Steck provided his background and accepted as an expert witness. Mr. Steck discussed the "D-5" variance and the variance relief that is necessary for this application. He explained that the affordable housing unit that is required is driving the density variance. He stated that the Land Use Law is being advanced with the efficient use of the land. The dimensional variances being sought were discussed at length.

The negative and positive criteria was discussed. There is no substantial detriment to the public good. Steep slopes were discussed. The proposed units are adaptable to modern living space while keeping the footprint as small as possible. The units are a mix of two/three bedroom.

Mr. Santoro stated that the proposed landscape for this application should be done by a landscape architect and submitted for review by Mr. Stern. The applicant will agree to this request.

Mr. Santoro opened the meeting to any questions from the Board or its professionals, seeing none he opened the meeting to the public for questions of Mr. Steck. Seeing none, that portion of the hearing was closed.

Mr. John DeSimone Jr. previously sworn and remaining under oath discussed the architectural elements for the proposed townhomes. He also discussed the environmental aspects including the sewer and water demand, drip irrigation, exterior lighting, air conditioning and furnaces. He also stated that conduit would be installed for future Electric Vehicle charging stations. Bicycle storage will be provided outside in order to provide for extra space in the rear of the garages for storage.

Mr. DeSimone Jr. concluded his testimony; Mr. Santoro asked the Board and professionals if they had any questions for Mr. DeSimone Jr., seeing none he opened the meeting to the public. There were no questions from the public. Mr. Santoro asked if there were any comments by the public, seeing none that portion of the hearing was closed.

Ms. Stone-Dougherty provided a brief closing summary. The Board began their deliberation. Resolution conditions were provided by Mr. Gary Hall. Mr. Santoro asked for a motion to approve the application with conditions as set forth this evening motion was made by Ms. Kaar, seconded by Mr. Fitzsimmons. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIonna, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro and Ms. Tiritilli

NAYS: Mr. Foster

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 started at a Special Meeting held on February 25, 2021 and carried without further notice to a special meeting to be held on March 25, 2021.

9. NEW BUSINESS –**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 April 8, 2021 Zoning Board of Adjustment agenda. New noticing will be required.**

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 a special meeting scheduled on March 25, 2021 of the Zoning Board of Adjustment.**

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 a special meeting scheduled on March 25, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-005**Michael Canfora****Block: 3101, Lot: 9****13 Loantaka Terrace**

Applicant is seeking permission to Partially Modify Rear Roof and New Paver Patio Area, Gas Fireplace, Covered Spa, Storm-water Management Measures and the Removal of Existing Deck in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Rear yard Setback and Maximum Principal Building Coverage. **This application was not reached at this evening's meeting and carried without further notice to a special meeting scheduled on March 25, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-006**Ben & Jamie Seeley****Block: 4601, Lot: 61****8 Olde Greenhouse Lane**

Applicants are seeking permission to construct a Rear Yard Deck with Outdoor Fireplace (A portion of the Deck Covered, and a portion Uncovered) in an R-1 (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 April 8, 2021 Zoning Board of Adjustment agenda. New noticing will be required.**

CASE NO. Z 21-007**George & Holly Mandela****Block: 505, Lot: 3****51 Canterbury Road**

Applicants are seeking permission to construct an “Extended Foyer, Covered Front Porch and Steps R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback, Maximum Impervious Lot Coverage and Maximum Principal Building Coverage.

This application was not reached at this evening’s meeting and carried without further notice to a special meeting scheduled on March 25, 2021 of the Zoning Board of Adjustment.

10. OTHER BUSINESS – The 2020 Annual report discussion was carried to the March 25, 2021 Special Meeting of the Zoning Board of Adjustment.

11. ADJOURNMENT – The meeting was adjourned at 11:25 pm with a motion made by Ms. Kaar and seconded by Mrs. Tiritilli.

Respectfully submitted,

Frances Boardman
Board Secretary