

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Special (Virtual Zoom) Meeting, March 25, 2021 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 a Special Meeting of the Board held on February 25, 2021, the Board adopted a special meeting.

On February 26, 2021, a copy of the schedule of this meeting 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: Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

EXCUSED: Mr. DiIonna

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

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL –

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 20-023

Robert Novack

Block: 4502, Lot: 10

69 Garfield Avenue

Applicant are 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 in an R-1 (Single-Family Residential) Zone requiring relief from Minimum

ZBA Special Meeting 03-25-2021

Front Yard Setback, Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS – A Special Meeting of the Zoning Board of Adjustment was scheduled for Thursday, April 29, 2021.

8. OLD BUSINESS –

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 continued this evening.

Mr. Azzolini provided a summary of the application from the last meeting held on February 25, 2021. Prepared to testify this evening are Mr. Andrew Clarke, Mr. Robert Coleman and Mr. John McDonough.

Mr. Clarke remaining under oath began his testimony. The following exhibits were marked:

Exhibit B-3: Frank Russo's memorandum dated 12/29/2020, updated by Mr. Harrington on March 19, 2021

Exhibit B-4: Environmental Memorandum dated 2/5/2021

Exhibit A-5: Site Plan revised through March 13, 2021

Mr. Clarke discussed the revised plans and the changes that were made to the site plan on March 13, 2021. This included the handicap parking stalls on Lot 25 being 8' x 8'. The handicap stall on Lot 26 was moved to the front of the building doorway and is also 8' x 8'. The ADA parking sign was discussed on Lot 25. Mr. Clarke had a conversation with Mr. Harrington and will refine the grading plan in order to put forth the best development for the site. Also discussed was the storm water management.

The owner of Lot 25 does not agree with the guardrail as proposed at the last meeting. If this guardrail is mandatory by the Board, the applicant may lose the shared access agreement.

Mr. Azzolini asked for a five-minute recess in order to communicate with the Accounting office and their legal counsel.

A five-minute recess was taken at 7:58pm, the meeting resumed with all members present at 8:10pm.

Mr. Azzolini stated that the owner of Lot 25 has agreed to the guardrail with one caveat. That a 24" to 36" width space be allowed for as walk through for pedestrians.

Mr. Clarke is agreeable to all items on Mr. Harrington's memorandum including moving the proposed retaining wall on Lot 25 to be one foot behind the curb permitting a more robust planting buffer. Also discussed was the grading in the driveway, Mr. Clarke stated that the grading is not extreme and they are trying to tie into what is existing. A design waiver has been requested.

The freestanding sign was discussed briefly and details should be provided on the revised plans. Mr. Stern's memorandum was discussed briefly and Mr. Clarke stated that the revised plans would include the correct calculations for the increase in the impervious coverage.

Mr. Harrington touched upon his memorandum regarding the Fire Department input on this project as well as the placement of the Knox Box. Also discussed was the site lighting and a resolution condition that the Engineering Department evaluate the site lighting within a period of six months following the completion of the project to address any concerns or complaints.

Mr. Stern's memorandum was deliberated. It was discussed that the Board consider a No Left Turn out of this shared driveway. Mr. Azzolini concurred that this is a low intensity use and that the applicant would like to keep the right and left hand access out of this driveway.

Mr. Foster stated that he had a concern with the left hand turn. A discussion then took place with the applicant being agreeable to a right turn only access. Mr. Azzolini stated that this will cause a detriment to the accounting office, after some discussion it was agreed upon that there would be turning movements in both directions.

There were no further questions by the Board; the meeting was opened to the public for questions of Mr. Clarke.

Ms. Kathleen Caccavale, Madison Environmental Chairwoman inquired if conduit was being proposed for Electric Charging Stations. Mr. Parker, Applicant still under oath responded that yes there would be several spaces that would include Electric Charging Stations and would be placed on the revised plans. Ms. Caccavale inquired as to bicycle storage and if it would be inside or outside the building. Mr. Parker stated that bicycle storage is not being considered at this time inside the building.

Seeing no further questions from the public, that portion of the meeting was closed.

Mr. Robert Coleman previously sworn at the last meeting provided his testimony to the Board. Mr. Coleman provided a brief summary of the changes that were made to the architectural plans since the last meeting. These changes included the removal of the clock, a reduction in the overhang, stairs added for tenants to allow access to the basement for storage. Signage was added to the front of the building facing Main Street and in the parking lot area. Gooseneck lights will be mounted on the building to illuminate the signage.

Floor area ration was discussed at length. The freestanding sign as proposed is 12 square feet where 6 square feet is allowed. Mr. Stern stated that this sign should be reviewed by the DDC.

Ms. Driscoll asked why the Floor Area Ration is so high; Mr. Stern stated that this site can accommodate the D-4 variance but if the use of the site changes there may be issues. It was discussed that a condition of the resolution include no medical/dental use at this site.

Mr. Santoro asked if there were any further questions from the Board or professionals, seeing none he open the meeting to the public.

Ms. Caccavale asked if the applicant had received the Madison Environmental memorandum. Mr. Azzolini replied that yes they had received it. Seeing no further questions of Mr. Coleman that portion of the meeting was closed.

Mr. John McDonough was sworn in. He provided his qualifications to the Board and was accepted as an expert witness. Mr. McDonough will be providing testimony as a Landscape expert as well as provide Planning testimony.

Marked into evidence was

Exhibit A – 6: Landscape Plan

Mr. McDonough stated that they landscape proposed will complement the proposed building and will work with Mr. Stern regarding the landscaping to beautify the site. Mr. Stern spoke with the Shade Tree Management Board and they would

like to see a Shade Tree(s) planted on Main Street. Mr. McDonough stated that all recommendations as noted this evening would be complied with.

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 hearing.

Mr. McDonough began his planning testimony.

Exhibit A-7: 3 D Digital Color Photo's of Main Street was marked.

Mr. McDonough provided a summary to the Board that the proposed building is an attractive building and in harmony to the area. It does not pose a deterrent to the public good and is compatible with the surroundings. Mr. McDonough stated that the proposed building make efficient use of the land use law.

Mr. Stern asked Mr. McDonough to touch upon the FAR issue. Mr. McDonough stated that he believes that parking can be accommodated for this building, stating that the basement use will be for tenants/Commercial use only. Mr. Stern stated that he is more comfortable with the application with the revisions that were done by the applicant's professionals.

Ms. Kaar asked Mr. Stern if he was satisfied with the tandem parking as proposed. Mr. Stern stated that he was and that it can and will work.

Mr. Santoro asked the Board if they had any further questions, seeing none he opened the meeting to the public.

Ms. Caccavale questioned Mr. McDonough regarding the total impervious coverage on both lots and if pervious pavement had been considered. Mr. McDonough stated that pervious pavement is not practical in Commercial projects.

Seeing no further questions from the public, that portion of the meeting was closed. He then opened the floor to public comment. Seeing none, that portion of the meeting was closed. Mr. Azzolini provided a summary of the application.

The Board began their deliberation. After Mr. Hall provided a list of resolution conditions Mr. Santoro asked for a motion. A motion to approve the application with the conditions listed by Mr. Hall was made by Dr. Paetzell, seconded by Mr. Fitzsimmons. The following role call was recorded:

“Ayes” – Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster and Ms. Tiritilli

“Nays” – None

“Abstain” – Mrs. Driscoll

9. NEW BUSINESS -

A five-minute break was taken at 10:10pm. The meeting reconvened with all Board members and Professionals present at 10:17pm.

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.

Sworn in to testify this evening were Jennifer & Gregg Haviland, applicants. Mr. Mark Mantyla, MJM Surveying & Engineering. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated December 7, 2020
- A – 1 Site Plan prepared by Mark Mantyla, dated October 9, 2020
- A - 2 Color Photos of the Property

Mrs. Haviland provided a brief summary of the application before the Board stating that the family has lived in Madison for the last sixteen years. The home on Old Green House Lane has a large backyard and they had always hoped of having a pool down the road, however; with the pandemic and the closing of Noe Pond, their plans were accelerated. They hope to put a pool in the backyard for their children ages 10 and 13 and to be able to entertain family and friends.

Mr. Mark Mantyla was sworn in and provided his qualifications to the Board. He was accepted as an expert witness.

Mr. Mantyla stated that when the Haviland's purchased the home the impervious coverage was already over the permitted amount by 2.24%. Mr. Mantyla stated that the application proposes a 800 square foot pool and 941 square foot patio in the rear yard. With the increase in impervious coverage to 26.62% a storm-water system is proposed in the rear southwest corner of the lot. A curtain drain will also be installed with the captured runoff being directed to the drywell. The storm-water proposed is the mitigating factor in this application. There is currently no storm-water management for the home. Drainage was discussed at length. The rear yard has existing evergreen trees along the perimeter and a fence will be placed in front of them so the neighbor will continue to see the trees and not the proposed fence.

Ms. Tiritilli asked Mr. Harrington if he was concerned with the location of the drywell. Mr. Harrington stated he was not concerned with the design of the storm-water system as shown this evening but would need calculations from Mr. Mantyla.

The Board had some concerns with the size of the pool and the patio. The Haviland's stated that they would be willing to reduce the size of the patio to 700 square feet. The Board asked if the pool could be shifted closer to the house. The Haviland's thought it might be possible. Mr. Santoro suggested that the Haviland's come back with revised plans and more detail on a storm-water management plan.

Mr. Santoro asked the Board and professionals if they had any further questions for Mr. Mantyla, or the Haviland's, seeing none he opened the meeting to the public for questions/comments.

Mr. Remi Gerard, 4 Candlewood Drive, Madison stated that he had concerns with the proposed application. He stated that there is a water issue and that the soil in the area is clay and not sandy at all. He fears that this application will already enhance a bad water situation. He is also concerned with the huge oak trees on the property and that the root system is not disturbed. His next concern is that the fence be placed in front of the existing evergreens on the property so that he continues to view the evergreens and not see a fence. The applicant's agree to the fence being in front of the evergreens and not obstructing Mr. Gerard's view.

Ms. Janine Heyrich, 6 Candlewood Drive, Madison is concerned with an exasperation of a water issue. The back yards are very wet and there is not much water absorption, the soil is clay and the Haviland's property slopes towards Candlewood.

Mr. Harrington will make a site visit to the rear yard of the Haviland's property to access the situation and report to the Board. He will work with Mr. Mantyla for the best possible solution to the water issue.

The Board weighed in on the issues at hand after the comments from Mr. Gerard and Ms. Heyrich, they advised the applicant that they would not be voting on this application this evening and would like to see an updated plan based on the Engineer's report regarding storm-water management.

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 in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **This application was not reached this evening and carried to the April 8, 2021 regular scheduled meeting of the Zoning Board without further notice**

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 this evening and carried to the April 8, 2021 regular scheduled meeting of the Zoning Board without further notice.**

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 this evening and carried to the April 8, 2021 regular scheduled meeting of the Zoning Board without further notice.**

10. OTHER BUSINESS – 2020 Zoning Board Annual Report

The 2020 Annual report discussion was carried to the April 8, 2021 Regular Meeting of the Zoning Board of Adjustment.

11. ADJOURNMENT – The meeting was adjourned at 11:35pm with a motion made by Mrs. Driscoll and seconded by Mr. Fitzsimmons.

Respectfully submitted,

Frances Boardman
Board Secretary