

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Zoom) Meeting, April 8, 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, Mrs. Driscoll Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

EXCUSED: Ms. Salko,

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 Meetings of March 4, 2021 and March 25, 2021 and Regular Meeting of March 11, 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 for March 4, 2021 and March 11, 2021. A small correction was noted on the minutes of March 25, 2021.

6. RESOLUTIONS FOR MEMORIALIZATION – The following resolutions were not memorialized at this meeting and will be carried to the Special Meeting of the Board to be held on April 29, 2021.

CASE NO. Z 20-17

Resolution granting Preliminary and Final Site Plan with Variances to Angelica Properties, LLC, Block: 1301, Lot: 9.01 & 9.02, 32 & 36 Elm Street 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.

CASE NO. Z 20-006

Resolution granting Preliminary and Final Site Plan Approval to 297 Main, LLC Block: 5101, Lots: 25 & 26, 295 & 297 Main Street 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.

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, Michael Canfora, Case No. Z 21-005, George & Holly Mandela, Case No. Z 21-007 and Ed and Christine Walz, Case No. Z 20-025. 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, April 29, 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 and March 11, 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 men were previously sworn in and remain under oath.

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

Mr. Keller began his testimony by describing the submitted revised plan sets, pages 4, 5, 6, 7 and 10, last revised on March 26, 2021. He stated that a modified storm-water report will be coming in for the next meeting and that the dumpster enclosure would be reflected on the revised architecture plans. Mr. Keller began his summary of the revised plans. Mr. Keller touched upon the garage opening now being modified to 19 feet, mirrors are being attached to each side of the garage. Also discussed were the pole mounted light fixtures. Mr. Keller stated that a meeting was held on site with Mr. Dennis Harrington and Mr. Robert Vogel, to discuss the parking lot layout and a proposed redesign. Several other variances will be required with this redesign. After some discussion, the applicant has agreed to an infiltration trench system. Mr. Santoro asked if the Board Professionals had any questions.

Mr. Stern inquired about the trash containers for Lots 22 & 23. Mr. Keller stated he was not aware of the trash containers on these properties. Mr. Stern questioned the circulation pattern into Lot 11. Mr. Wolfson stated that the circulation pattern will not change with this application. The concept plan for the trash enclosure on Lot 11 was shown on Mr. Keller’s screen. Parking was discussed on the Romanelli’s lot. Mr. Keller stated that they will be leaving the gravel area as shown for parking and that tandem parking is currently occurring and will remain. Storm water was discussed and it was determined that Mr. Keller and Mr. Harrington will work off line regarding storm water.

There being no further questions from the Board or its Professionals the hearing was open to questions from Mr. Simon.

Mr. Simon began his questioning of Mr. Keller. Mr. Simon asked Mr. Keller to identify where cars enter from Main Street for Lot 10 and Lot 11. Mr. Keller stated he could not opine on this question.

Mr. Simon asked about the agreement with Lot 10 and Lot 11 for the vehicle parking on Lot 11. Mr. Wolfson stated that there is an agreement in place. Mr. Simon asked if Mr. Keller if he had any knowledge of who parks on Lot 11. Mr. Keller does not know. Parking issues were discussed at length and Mr. Keller stated that this mixed-use project is not subject to the RSIS. Mr. Wolfson objected to the line of questioning from Mr. Simon. Mr. Simon stated that his questions are relevant.

Mr. Simon stated that there was no parking evaluation done on Lots 9, 10, 11 & 12. Mr. Keller stated that was correct.

Mr. Simon asked if the size of the building was made smaller if some variances could be eliminated. Mr. Keller responded “yes”. Mr. Simon asked if the doors of any parked vehicles would be affected by the columns in the garage. Mr. Keller responded “no”.

The Fire Truck and Garbage Truck turning template was discussed.

It was determined that revised plans would be provided to the Board office for the next meeting scheduled for May 6, 2021 at 7:30pm. Mr. Simon is not available for this meeting but will cross-examine any witness and their testimony at the next hearing on this application.

This hearing of the Madison Movie Development was adjourned for this evening at 9:20pm and will be continued at a Special Hearing of the Zoning Board scheduled for May 6, 2021 at 7:30pm without further notice.

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 started at the March 25, 2021 Special Zoning Board meeting and carried without further notice to a special meeting scheduled on April 29, 2021 of the Zoning Board of Adjustment.**

A five-minute break was taken at 9:25pm. The meeting resumed at 9:35pm with all members present.

9. NEW BUSINESS –

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. **At the request of the Applicant this application will be carried without further notice to a special meeting scheduled on April 29, 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, 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.

Mrs. Driscoll recused herself from this application.

Mr. Michael Canfora, Applicant and Mr. David Della Donna, Architect were sworn in. Mr. Della Donna was accepted as an expert witness.

The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 09-16-2020
- A – 1 Survey of Property prepared by Matarazzo Engineering, dated August 8, 2019
- A – 2 Architectural Plan consisting of 1 Sheet prepared by David Della Donna, dated 08-24-2020
- A - 3 Color Photos, three sheets collectively

Mr. Confora provided a brief summary of the application stating that they purchased the home in 2019 and this patio renovation will allow for the best use of the property. There is not much shade in the rear of the home and with a very young child a shaded area for our daughter to play would provide a more usable outdoor space.

Mr. Della Donna provided his qualifications to the Board and was accepted as an expert witness. Mr. Della Donna stated to the Board that the structure requested would provide a shaded area to the rear yard and increase the recreational space for the family. The paver patio is being increased slightly from 320 square feet to 414 square feet. The roofed patio would have three open sides causing the Principal Building Coverage to increase slightly from 14.56% to 17.07% which is not a drastic increase. The design is very much in tune with the neighborhood and the design of the home. Being that the home is on a cul-de-sac it has forced a restricted rear yard and creates a hardship. Mr. Della Donna had no further testimony. Mr. Santoro asked the Board if they had any questions.

Mr. Foster asked Mr. Della Donna about the storm water management on the property. Mr. Della Donna responded that a drywell exists on the property as well as a stone trench to capture the runoff.

There being no further questions from the Board the meeting was open to the public for questions. Seeing no questions from the public the Board began their deliberation. Mr. Santoro asked for a motion. A motion to approve the application with conditions as stated by Mr. Hall was made by Mr. Foster, seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

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

NAYS: None

RECUSED: Mrs. Driscoll

Mrs. Driscoll rejoined the meeting at this time.

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.

Mr. & Mrs. Mandela, Applicants and Mr. Thomas Baio, Architect were sworn in. Mr. Baio was accepted as an expert witness.

The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 07-22-2020
- B – 2 Prior Resolution dated September 18, 2000
- A – 1 Boundary Survey prepared by ABC Surveys, LLC, dated July 1, 2020
- A – 2 Plot Plan prepared by ABC Surveys, LLC, dated July 1, 2020
- A – 3 Color Photos (One Sheet consisting of three photos)
- A - 4 Architectural Plan consisting of 2 Sheets prepared by Thomas Baio Architect, dated 07-07-2020

The applicants provided a summary to the Board stating that they are looking to provide a safe entryway to the home. During the winter months, the front steps get very icy and create a hazardous condition. This portico will enhance the front entryway and be aesthetically pleasing to the front of the home.

Mr. Santoro questioned the increase in impervious coverage to the home. The Mandela’s stated that a gazebo and shed were put in the rear yard without zoning approval.

Mr. Biao began his testimony stating that the Impervious Coverage increase was only increasing the existing coverage by 10 square feet. (Existing 35.1% Proposed 35.2%). The Maximum Principal Building Coverage was also minor in nature, increasing 28 square feet (Existing 18.1% Proposed 18.5%).

Mr. Biao had no further testimony. The Board was having an issue with the increased impervious coverage.

The Mandela’s stated that the gazebo was placed in the rear yard to make better use of the space. The Board agreed that they were looking for positive criteria on this application.

After some discussion, it was determined that the Mandela’s would remove 100 square feet of impervious coverage from the home. This would be a condition of the resolution.

Mr. Santoro asked the Board if they had any questions of either the Mandela’s or Mr. Biao, seeing none he opened the hearing to the public. There being no public questions or comments that portion of the hearing was closed.

The Board began their deliberation. After some discussion, Mr. Santoro asked for a motion. A motion to approve the application with conditions as stated by Mr. Hall was made by Mrs. Driscoll, seconded by Dr. Paetzell. A roll call vote was requested and recorded as follows:

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

NAYS: None

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.

Mr. Ed Walz, applicant and Mr. Jerry Bruno were sworn in. Mr. Bruno was accepted as an expert witness. The following exhibits were marked:

- B – 1 Letter of denial from Deputy Zoning Officer, Danny Buckelew dated December 2, 2020
- A – 1 Site Plan consisting of three sheets prepared by Jerry Bruno, dated October 9, 2020
- A – 2 Survey prepared by ABC Surveys, LLC dated October 6, 2020

Mr. Walz began by providing the Board with the details of the application, stating that they had moved into the home in 2016 and raising their two children. The impervious coverage is over by 3.36% currently but we are not increasing it at all.

Mr. Bruno then shared his screen and began his testimony. Mr. Bruno indicated that the property in question is undersized for the zone. The proposed deck will provide better access to the rear yard from the proposed double-sided door from the kitchen. The proposed deck conforms to all setbacks. The impervious coverage is an existing condition and this application is not adding to the existing coverage. The lot size is a major hardship for this application.

Mr. Bruno concluded his presentation. Mr. Santoro asked if the Board had any questions for Mr. Bruno, seeing none he opened the meeting to the public. Seeing no public with questions for Mr. Bruno that portion of the hearing was closed. The Board began its deliberation. Mr. Santoro asked for a motion. Motion to approve was made by Ms. Kaar, second by Mr. Foster. A roll call was requested and recorded as follows:

AYES: Mr. DiIunno, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, and Mr. Foster
NAYS: None

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 May 13, 2021 Zoning Board of Adjustment agenda. New noticing will be required.**

CASE NO. Z 21-008

Tom & Leslie McDonnell
Block: 901, Lot: 11
107 Greenwood Avenue

Applicants are seeking permission to Remove Existing Detached Garage, Construct a Proposed Detached Garage with Roof Runoff connected to Existing Drywell System, Rear Covered Porch Addition to Existing Principal Dwelling in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Maximum Accessory Structure Square Footage. **This application was not reached at this evening’s meeting and carried without further notice to a special meeting scheduled on April 29, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-009

Robert Halasz
Block: 1001, Lot: 42
106 Central Avenue

Applicant is seeking permission to construct a 2nd Story Addition, 2 ½ Story Addition, 1 Story Addition, Covered Porch, Expansion and Modification to Existing Asphalt Driveway # 1, Removal of Existing Driveway #2, with Improvements within Borough ROW, Wood Deck with Paver Walkway with Stairs to Existing In-Ground Pool, Air Conditioning Unit in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left), and Minimum Side

Yard Setback (Right). **This application was not reached at this evening's meeting and carried without further notice to a special meeting scheduled on April 29, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-010

Ross & Megan Downing

Block: 3001, Lot: 48

6 Carteret Court

Applicants are seeking permission to construct Front and Rear Shed Dormers and a Dumpster in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback and Minimum Rear Yard Setback. **This application was not reached at this evening's meeting and carried without further notice to a special meeting scheduled on April 29, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-011

Matt & Jen Sandberg

Block: 3802, Lot: 45

104 Pomeroy Road

Applicants are seeking permission to construct a 1 Story Front Addition, and the Removal of an Existing Front Block Patio in an R-2 (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 April 29, 2021 of the Zoning Board of Adjustment.**

CASE NO. Z 21-012

Gian Paoella

Block: 3403, Lot: 51

152 Loantaka Way

Applicant is seeking permission for the Paving of Existing Gravel Parking Area, Removal and Reconstruction of Existing Front Walkway, Rear to Front Paver Walkway, (7'x7') Shed, 4' Open Fence, Flag Pole and Decorative House Number Post in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Minimum Side and Rear Yards Walkway Setbacks. **This application was not reached at this evening's meeting and carried without further notice to a special meeting scheduled on April 29, 2021 of the Zoning Board of Adjustment.**

10. OTHER BUSINESS – The 2020 Annual report discussion was carried to the April 29, 2021 Special Meeting of the Zoning Board of Adjustment.

11. ADJOURNMENT – The meeting was adjourned at 11:00 pm with a motion made by Ms. Kaar and seconded by Mrs. Driscoll.

Respectfully submitted,

Frances Boardman

Board Secretary