

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, April 13, 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).

**3. ROLL CALL**

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

**EXCUSED:** Mr. DiIonna, and Frances Boardman, Board Secretary

**ALSO PRESENT:** Gary Hall, ZBA Attorney  
Dennis Harrington, Board Engineer  
Michael Pellessier, Communications Director

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – The minutes of the March 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 23-001**

Resolution granting variance application to Betty Xu, Block: 211, Lot: 5.03, 6 Wisteria Court, 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.

**CASE NO. Z 23-002**

Resolution granting variance application to Michael Ferrie & Jennifer Murphy, Block: 905, Lot: 17 30 Knollwood Avenue 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

**CASE NO. Z 23-004**

Resolution granting variance application to Kathleen Olson, Block: 902, Lot: 16, 45 Sherwood Avenue 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.

**7. SCHEDULING AND PROCEDURAL MATTERS** – Mr. Santoro reminded Board members that it is a requirement to submit Financial Disclosure Forms using the link that was provided in a recent email distributed by the Borough Clerk.

**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. The Board Secretary will reach out to the applicants and inquiry of their intent.

**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. This application was started at the March 9, 2023 Zoning Board meeting but not concluded.

Mr. Jarrett Kest remains under oath. The following Exhibit was marked:

A – 5: Site Plan prepared by J Kest & Company dated October 5, 2022 having a revision date of March 30, 2023.

Mr. Kest began his testimony explaining the changes shown of the revised site plan. He stated that the detached garage has been removed and that the lot would now be conforming with the fence and shed placement. He stated that he took into consideration all the comments that the Board provided at the last meeting. He testified that the second story addition would provide needed additional living space with only a modest enlargement to the footprint of the home. An additional variance for Impervious Lot Coverage is now being sought on this application.

Mr. Santoro asked the Board if they had any further questions of Mr. Kest and the revised application. Seeing none he opened the meeting to the public. There was no public questions or comments on the application and that portion of the meeting was closed.

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

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

**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. The Board Secretary will reach out to the applicant’s Attorney and inquiry of their intent.

**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.

Mr. Steve Azzolini was present representing the application this evening. Sworn in this evening was Theresa Bocchino and Karl Nichol.

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated December 19, 2022
- A - 1: Survey prepared by Swanson, Halsey & Associates, LLC, dated July 12, 2013, last revised August 10, 2013
- A - 2: Site & Architectural Plans (2 Sheets) prepared by F. J. Rawding Architect, dated October 30, 2022, last revised December 12, 2022
- A - 3: Color photos – 2 Sheets
- A - 4: Revised Sheet 2 of Architectural Drawings prepared by F. J. Rawding dated November 30, 2022 last revised March 13, 2023.

Mr. Azzolini provided an overview of the application. Stating that the current lot is nonconforming to area and width for the R-3 zone.

Mrs. Bocchino began her testimony stating that the proposed improvements to the home will allow for a more modern and compatible structure for the family.

Mr. Nichol provided his testimony and provided the justifications for variance relief. Stating that the relief can be granted without detriment to the public good or intent of the zone plan. The proposed addition only slightly increases the Principal Building Coverage and Impervious Lot Coverage and enhances the charm of the home.

Mr. Santoro asked the Board if they had any questions, Ms. Silliman asked if any previous variances had been granted to the homeowner. Mr. Azzolini stated that an OPRA had been filed and there were no previous records found. Mr. Santoro then opened the hearing to the public. There being no public that portion of the hearing was closed.

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

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

**CASE NO. Z 23-005**

**Gregory Bruzzone**

**Block: 602, Lot: 11**

**23 Hoyt Street**

Applicant is seeking permission to Widen Existing Asphalt Driveway in an R-3 (Single Family Residential) Zone requiring relief from Minimum Driveway Setback.

Sworn in this evening was Gregory Bruzzone.

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated December 6, 2022
- A - 1: Survey prepared by George Anderson, LLC, dated August 10, 2022 having no revisions
- A - 2: Above Referenced Survey edited by the Owner/Applicant
- A - 3: Color photos – 1 Sheet

Mr. Bruzzone began his testimony on the application and the need for the expanded driveway. Ms. Silliman asked about the Impervious Lot Coverage number, Mr. Bruzzone stated that he had worked with Mr. Buckelew and the impervious lot coverage number did not exceed 26% which is under the allowable for the R-3 Zone.

Board discussion took place at length and other options for the driveway expansion were discussed with the applicant. It was suggested that by Mr. Santoro that he consider reducing the width of the driveway. It was noted at the hearing that the documents for this application as required by the Borough had not been submitted to the Communication Department for posting on the Borough website. A zoning table is required for this application.

Mr. Santoro opened the hearing to the public.

Ms. Dolores Marques, 25 Hoyt Street asked about the need for the driveway being so close to her property line as well as the impervious lot coverage and her fence damage by the applicant.

This application is being carried to the next Zoning Board meeting of May 11, 2023 without further notice for revised plans, zoning chart and all improvements to the home.

**CASE NO. Z 23-006**

**Allison & William O'Connell**

**Block: 3001, Lot: 39**

**28 Stafford Drive**

Applicants are seeking permission to construct (1) 2<sup>nd</sup> Story Addition, (1) 2 Story Addition, (1) One Story Addition, Rear Platform with Stairs, Front Portico, Roof Overhang with Dormer and Dumpster in an R-2 (Single Family Residential) Zone requiring relief from Minimum Front Yard Setback, Minimum Rear Yard Setback and Maximum Principal Building Coverage.

Sworn in this evening was William O'Connell and Ms. Janet Siegel, AIA. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated February 10, 2023
- A - 1: Survey prepared by Michael Catalano, dated July 29, 2021 having no revisions
- A - 2: Site & Architectural Plans (8 Sheets) prepared by Janet Siegel Architect, last dated and revised February 2, 2023
- A - 3: Black & White photos - 1 Sheet
- A - 4: Existing Property Photos and Area Map
- A - 5: Neighborhood Photos

Mr. O'Connell provided an introduction into the application before the Board this evening. Ms. Siegel began her testimony. She stated that the current property is undersized and an unusual shape on a cul-de-sac which limits the overall building envelop. The front Yard Set Back is consistent with the other homes in the neighborhood as shown on Exhibit A-5. The front portico will enhance the curb appeal of the home and provide protection from the elements. The rear and side yards are well buffered with a full height stockade fence.

Mr. Santoro asked the Board if they had any questions, seeing none he opened the hearing to the public. There being no public that portion of the hearing was closed.

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

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

NAYS: None

**CASE NO. Z 23-007**

**John & Mary Beth Forte**

**Block: 3001, Lot: 53**

**7 Academy Road**

Applicants are seeking permission to construct a 1 Story Rear Addition with Full Basement, Basement hatch Door, Storm-Water Management Drywell and Dumpster in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right), Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. Due to time constraints this evening, this application was carried to the May 11, 2023 without further notice.

**10. OTHER BUSINESS – 2022 Zoning Board of Adjustment Annual Report**

After some discussion, the 2022 Annual Zoning Board of Adjustment report was adopted. It will be distributed to the Planning Board and Mayor and Council.

**11. ADJOURNMENT** – The meeting was adjourned at 10:45pm with a motion made by Ms. Silliman and seconded by Ms. Tiritilli.

Respectfully submitted,

Frances Boardman  
Board Secretary