

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Special (Virtual Zoom) Meeting, April 29, 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 Regular Meeting of the Board held on April 8, 2021, the Board adopted a special meeting.

On April 9, 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: Mr. DiIonna Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, and Mr. Foster,
EXCUSED: Ms. Salko and Ms. Tiritilli

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 – Meeting of April 8, 2021.

The above referenced minutes were distributed to all Board members for their review. A small correction was noted. A voice vote of aye was heard from all eligible voting Board members in approval of the minutes as presented with the correction.

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 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.

CASE NO. Z 21-005

Resolution granting variance application to Michael Canfora, Block: 3101, Lot: 9, 13 Loantaka Terrace 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.

CASE NO. Z 21-007

Resolution granting variance application to George & Holly Mandela, Block: 505, Lot: 3, 51 Canterbury Road to construct an “Extended Foyer, Covered Front Porch and Steps in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback, Maximum Impervious Lot Coverage and Maximum Principal Building Coverage.

CASE NO. Z 20-025

Resolution granting variance application to Ed & Christine Walz, Block: 3302, Lot: 7, 4 Laurel Way to Construct a Deck and Interior Renovations in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS –**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). **Application was started on January 28, 2021 and continued on February 25, 2021, March 4, 2021, March 11, 2021 and April 8, 2021. This application was carried for continued hearing on May 6, 2021.**

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.

Previously sworn in to testify were Jennifer & Gregg Haviland, applicants and Mr. Mark Mantyla, MJM Surveying & Engineering. This application was first heard on March 25, 2021 at a special meeting of the Board but not concluded.

Mr. Haviland began this evening by explaining the progress that had been made since the last hearing on this application. A soil sample was done and a redesign of the plan was presented prior to this meeting. The patio footprint was reduced from 900 square feet to 600 square feet. Two drywells will be provided to the property. The impervious coverage number was reduced from 26% to 25%. The fence will be placed in front of the trees in the rear of the property. The pool was moved 2 feet closer to the house.

Mr. Santoro asked Mr. Harrington if he was satisfied with the modifications made by the applicant’s revised plan. Mr. Harrington stated that he was satisfied with all revisions on this resubmitted plan.

Mr. Foster stated that they applicant’s had done a fine job responding to the comments and concerns of the Board at the previous meeting. Mr. Santoro opened the meeting to any questions from the Board, seeing none he opened the meeting to the public.

Mrs. Heyrich thanked the Haviland’s for the revisions to the plan that were made. She asked if the curtain drain being proposed was going to be located on the Haviland’s property. Mr. Mantyla confirmed that the curtain drain would be on the Haviland’s property.

Mr. Gerard asked about the noise generated from the pool equipment. Mr. Mantyla stated that the equipment is located up against the home away from the property directly behind.

Mr. Santoro asked the Haviland’s if they had any further comments on the application. Mr. Haviland replied that they had no further comments or closing statements. 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 Dr. Paetzell, seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

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

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 in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. & Mrs. Donato and Mr. John Amelchenko. The following exhibits were marked:

- B-1: Denial Letter from Deputy Zoning Officer, Danny Buckelew, dated 12/23/2020
- A-1: Architectural Plan prepared by Aquatecture consisting of 6 Sheets, last revised 12/21/2021
- A-2: 2 Sheets of Color Photos, collectively

Mr. Donato provided a brief summary of the application before the Board this evening. Mr. Amelchenko shared his screen with the Board and began his testimony.

The application variances were discussed at length. It was determined that the 10 foot wide circular driveway would provide for a safe ingress and egress of the property. The entrance pillars proposed would identify the driveway and were included in the impervious coverage calculation. The addition of 200 square feet to the deck and will enhance the use of

the pool. The 567 square feet of addition to the home will be aesthetically pleasing to the home and the surrounding neighborhood. There is significant mature trees that buffer the rear of the property. Four separate drywell cleanouts were found on the property and there will be no significant storm-water impact to the neighbors.

Mrs. Driscoll asked if the impervious lot coverage could be reduced in any way. Mr. Santoro provided his comments on the impervious coverage. Mr. Santoro opened the meeting to the public at this point for questions.

Mr. Clark Hutchinson, 25 Holden Lane asked about the water issues with this increase in impervious coverage. Mr. Hutchinson asked how the driveway drainage would work. Mr. Amelchenko stated that the storm-water design for the application was not done as of yet but all drainage issues would be addressed.

Mr. Santoro asked Mr. & Mrs. Donato if they were willing to work with the Borough Assistant Engineer, Mr. Dennis Harrington on the storm water issues. It was important that there be no net increase to neighboring property.

There was no further comments from the public. Mr. Santoro stated that the Donato's should look to decrease the impervious coverage and provide plans showing where the roof runoff will be going. He suggested that a professional engineer be hired and work with Mr. Harrington.

This application will be carried for further hearing on June 10, 2021 with revised plans. No further notice will be provided.

A five-minute break was taken at 9:02pm. This meeting resumed at 9:10pm with all members present.

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 carried to the May 13, 2021 Zoning Board of Adjustment agenda**

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.

Mr. & Mrs. McDonnell and Mr. Jerry Bruno were sworn in. The following exhibits were marked:

B-1: Denial letter from Deputy Zoning Officer, Danny Buckelew, dated January 11, 2021

A-1: Survey prepared by James Deady Surveyor, dated July 15, 2018

A-2: Architectural Plans prepared by Jerry Bruno, last revised January 11, 2021 consisting of 3 pages.

Mrs. McDonnell provided a summary of the application and the need for the garage expansion. There is only a 2-foot addition to the garage, which will allow car doors to be opened in the garage.

Mr. Bruno began his testimony. He shared his screen and discussed the variances needed on this application.

He explained the McDonnell's are looking for a functioning garage. The new garage will be built at 22' by 22' with will allow for access to and from parked vehicles in the garage. Mr. Bruno stated that the applicants are also looking to construct a small covered rear entry porch. The addition of this rear entry porch will provide safer entry into the home during inclement weather. Mr. Bruno stated that storm-water runoff would be piped into an existing drywell. Mr. Bruno stated that the garage would be located in the same area as the previous one and will have an enhanced appearance.

Mr. Santoro asked the Board and Professionals if they had any questions for Mr. Bruno seeing none he opened the meeting to the public.

Mr. Ken Capuder, 56 Longview Avenue, Madison stated that after this new home was built in 2018 there has been an intensification of water along the lot line. Mr. Capuder asked the Board to make sure that this new garage not intensify the water situation. Mr. Capuder also stated that the current garage does not connect to a drywell system.

Mr. Bruno stated that the site plan shows the existing drywell but he had no further information on it. Mr. Santoro asked Mr. Harrington if he could ascertain any information on the drywell. Mr. Harrington voiced concern of the clay soils in that area.

It was determined that the drywell is in the front of the home and that Mr. Bruno will work with Mr. Harrington regarding storm-water management.

Seeing no further comments or questions from the public the Board began its deliberation. Resolution conditions were provided by Mr. Gary Hall. Mr. Santoro asked for a motion to approve the application with the conditions as set forth this evening motion was made by Mr. Foster, seconded by Mr. Fitzsimmons. 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 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).

Mr. & Mrs. Halasz and Mr. Jon Baczewski were sworn in this evening and the following exhibits were marked:

B-1: Denial letter from Deputy Zoning Officer, Dan Buckelew, dated 2-23-2021

A-1: Survey prepared by Yannaccone, Villa & Aldrich, LLC, dated 10-29-2020

A-2: Topographic Survey prepared by Yannaccone, Villa & Aldrich, LLC, dated 11-03-2020

A-3: Site Plan prepared by JCB Architectural, LLC consisting of 3 sheets last revised 2-16-2021

A-4: Color Photos consisting of 2 pages collectively

Mr. Halasz provided a summary of the application before the Board this evening. The applicants are looking to expand and renovate the newly purchased home.

Mr. Baczewski shared his screen and provided testimony on the variances that are being sought. He testified that the proposed replacement maintains the nonconforming right side setback and only slightly increases the nonconforming left side setback. Mr. Baczewski stated that these improvements would enhance the functionality of the home.

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Mr. Baczewski showed the Board the elevations of the proposed additions; Mr. Santoro stated that the left side elevation is severe. The plan shows the windows are very close to the neighboring home. Could the applicant soften the impact to this neighbor? Mr. Halasz stated that he could add arborvitaes between the two homes. Mr. Santoro asked if the applicant could add some windows to the left side elevation. After some discussion Mr. Halasz agrees to include two additional windows in the garage towards the front and a transom window will be added in the second floor walk in closet.

Mr. Santoro asked the Board and Professionals if they had any further questions for Mr. Baczewski, seeing none he opened the meeting to the public. There being no public with questions or comments on this application the Board began their deliberation. Resolution conditions were provided by Mr. Gary Hall. Mr. Santoro asked for a motion to approve the application with the conditions as set forth this evening, motion was made by Mr. Foster, seconded by Ms. Kaar. 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 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.

Sworn in to testify this evening were Mr. & Mrs. Downing and Mrs. Rita Schmid. The following exhibits were marked.

B-1: Denial letter from Deputy Zoning Officer, Dan Buckelew, dated March 2, 2021

B-2: Resolution approved by Zoning Board of Adjustment adopted July 13, 2017

A-1: Survey prepared by Eric Silvestro, dated May 21, 2015

A-2: Architectural Plan prepared by Melone Architects consisting of 1 page, dated March 1, 2021

A-3: Black and White Photos consisting of 4 pages taken by Melone Architects

Mr. Downing provided an overview of the application. He stated that the family needs more space in the split-level home and this addition would provide 2 bedrooms and a bathroom.

Mrs. Schmidt shared her screen and began her testimony. The existing and proposed site plan was shown and the variances being sought were gone over. The addition of these dormers one in the front of the home and one in the rear would enhance the space and functionality on the second floor by providing two additional bedrooms and a bathroom. She stated that the dormer addition would not have any adverse effects on the neighborhood. The addition is modest in size on an undersized lot and this addition will keep with the aesthetics of the home.

Mr. Santoro asked if the Board or professionals had any questions on the testimony provided. Seeing none, he opened the meeting to the public. Seeing no public that wished to ask any questions or provide comments on this application that portion of the hearing was closed. The Board began their deliberation. Mr. Santoro asked for a motion to approve the application, motion 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 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 and carried to a special meeting of the Zoning Board of Adjustment to be held on May 6, 2021 without further notice.**

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 and carried to a special meeting of the Zoning Board of Adjustment to be held on May 6, 2021 without further notice.**

10. OTHER BUSINESS – 2020 Zoning Board Annual Report

The 2020 Annual report was discussed. The consensus of the Board was to approve the 2020 Zoning Board Annual Report as presented this evening. A motion to approve the resolution was made by Mrs. Driscoll, seconded by Mr. Foster. A voice vote of "Aye" by all eligible members was recorded. The 2020 Zoning Board Annual Report will be forwarded to Mayor & Council and Planning Board.

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

NAYS: None

11. ADJOURNMENT – The meeting was adjourned at 10:45pm with a motion made by Ms. Kaar and seconded by Mr. Fitzsimmons.

Respectfully submitted,

Frances Boardman
Board Secretary