

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Special (Virtual Zoom) Meeting, May 6, 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, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

EXCUSED: None

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 few corrections were noted and a voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolution.

CASE NO. Z 21-003

Jennifer & Gregg Haviland, Block: 4601, Lot: 52, 3 Olde Green House Lane, 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.

7. SCHEDULING AND PROCEDURAL MATTERS – It was announced that the following applications would be carried to the May 13, 2021 agenda 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.

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.

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.

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 started at the Special Zoning Board Meeting held on April 29, 2021 but not concluded. It was carried to the regular scheduled meeting of the Zoning Board on June 10, 2021 with revised plans but without further notice.**

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 this evening.**

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A transcript of this hearing was recorded by Ms. Diane DiTizii.

Mr. Wolfson began this evening by going over some housekeeping items. He stated that all exhibits have been posted in a timely fashion on the Borough of Madison Website. Additionally all Borough reports that have been received have also been posted.

Mr. Wolfson stated that the following witnesses would be providing testimony this evening. Mr. Eric Keller and Mr. Paul Phillips.

Mr. Eric Keller who remains under oath from his previous testimony shared his screen to show the Board the changes that had been made to the plans. They included an updated parking layout for Lot 22/23 after a meeting with the Owners of those lots. An infiltration trench around the perimeter, clarified that all roof drains will be connected to the underground detention system. Added refuse/recycling for Lot 11 containers. Modified the perimeter 6-foot PVC fence on Lots 22/23. Updated the dumpster enclosure to be consistent with the architectural plans.

All landscaping has been eliminated on Lot 22 with this revised plan. Variance relief is now necessary. After discussion with the lot owner, he feels that the parking spaces are necessary for his tenants. Various other changes made to the site plan were discussed.

Mr. Wolfson asked Mr. Keller in response to the Environmental Commission memorandum what type of HVAC units would be installed. Mr. Keller responded that all HVAC units would be electric.

Mr. Santoro asked the Board and its Professionals if they had any further questions for Mr. Keller. Seeing none Mr. Santoro opened the meeting to the public for questions of Mr. Keller. Seeing none, that portion of the hearing was closed.

Mr. Paul Phillips was sworn in to testify. Mr. Phillips provided his credentials to the Board and was accepted as an expert witness.

Mr. Phillips provided a brief summary of the application before the Board. The building will be demolished and a new mixed-use building will be built. 1800 square feet of commercial use is proposed on the first floor along with three residential units. The second and third floors will house the other 21 units. There is a lower level parking garage with a total of 24 spaces.

The use variance and proposed bulk variances were discussed at length with Mr. Phillips citing the positive and negative criteria of this application. The granting of this application will not create a substantial detriment to the public good or impair the intent and purpose of the Master Plan. This application promotes public welfare. The application also makes improvements to lots surrounding 14 Lincoln Place.

The number of stories proposed on this application was discussed at length. It was determined that this variance/non-variance is not a substantial detriment to this applicant. Mr. Phillips is in agreement that a landscape variance is necessary for the parking lot area of Lot 22.

Mr. Phillips commented on the fact that that the proposal is for two retail units, one consisting of 800 square feet and the other 1,000 square feet, was a more marketable approach in this economic time. Mr. Stern commented that the retail space needs to be viable.

Mr. Santoro asked if the Board had any further questions for Mr. Phillips testimony. Mr. Hall asked Mr. Phillips if this application contained Affordable Housing units. Mr. Phillips replied that it did indeed which was a benefit of this application. Mr. Hall asked if the exterior view of the building would be seen as a three-story building or a four-story building. Mr. Phillips answered three story, while Mr. Stern stated it would be viewed as a four story.

Ms. Tiritilli asked if the elevator serviced the mezzanine. Mr. Phillips replied that the mezzanine was providing additional floor area but not intensifying the use. The mezzanine is an amenity within the apartment.

There being no further questions from the Board Mr. Santoro opened the floor to the public for questions of Mr. Phillips. Mrs. Dorothy O'Brien, 38 Crestwood Drive, Madison asked if a theater could be used in the first floor commercial space. Mr. Phillips stated that a theater was not a part of this application.

There were no further public questions from the public and that portion was closed. This application will be carried to the May 13, 2021 agenda of the Zoning Board of Adjustment without further notice for cross-examination of Mr. Keller and Mr. Phillips by Mr. Robert Simon opposition council.

9. NEW BUSINESS -

10. OTHER BUSINESS –

11. ADJOURNMENT – The meeting was adjourned at 9:35pm with a motion made by Mrs. Driscoll and seconded by Mr. Paetzall.

Respectfully submitted,

Frances Boardman
Board Secretary