

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, May 11, 2023 at 7:30 P.M.,
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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

EXCUSED: None

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

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – The minutes of the April 13, 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 22-038

Resolution granting variance application to Jarrett Kest, Block: 3404, Lot: 9, 44 Glenwild Road to construct a 2 Story and 2nd Story Addition to the Principal Dwelling, Front Portico, Brick Paver Driveway Modification, Gravel Patio and Walkway, Wood Deck, (2) A. C. Condensers, Pool Heating Equipment, and the Relocation of the Existing Portable Spa and Shed in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Maximum Accessory Structure Height.

CASE NO. Z 23-003

Resolution granting variance application to Teresa Bocchino, Block: 905, Lot: 4, 31 Sherwood Avenue, 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.

CASE NO. Z 23-006

Resolution granting variance application to Allison & William O'Connell, Block: 3001, Lot: 39, 28 Stafford Drive to construct (1) 2nd 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.

7. SCHEDULING AND PROCEDURAL MATTERS –**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 has reached out to the applicants and their intent is to return to the Board.

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.

This application was started at the April 13, 2023 Zoning Board meeting. Mr. Gregory Bruzzone remains under oath.

The following Exhibits were marked:

A – 4: CLC Landscape Design

A – 5: Zoning Requirements and Identification of Variances

At the last hearing, the Board asked Mr. Bruzzone to talk to his neighbor to see if an agreement with regard to the driveway could be achieved. Mr. Bruzzone stated that after some discussion an agreement had not been reached with the neighbor.

Mr. Bruzzone shared his screen and discussed the changes that were made to the plan. A landscape island is now shown on the plan, which reduces the asphalt, by 90 square feet. Belgium Block is planned for both sides of the driveway. A lengthy discussion ensued. The Board would like to see the driveway made smaller with more landscaping and less pavement. Mr. Bruzzone was also reminded that all gravel must be removed. There was concern from the Board with regard to runoff. Storm-water management was discussed at length with Mr. Harrington being concerned with erosion and water impact to the neighbor. The Board advised Mr. Bruzzone that an updated plan should be received and reviewed by Mr. Harrington.

Mr. Santoro opened the hearing to the public.

Ms. Dolores Marques, 25 Hoyt Street asked where the Belgium Block would be starting; she was advised that it would be six inches off the property line.

Mr. Santoro asked the Board if they had any further questions of Mr. Bruzzone 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 with conditions was made by Dr. Paetzell, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Ms. Salko, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Silliman, Mr. Osborne

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 has reached out to the applicant's Attorney and this application has been withdrawn.

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.

Sworn in this evening was Mr. John Forte and Mr. Jerry Bruno, AIA.

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated February 21, 2023
- B - 2: Zoning Board of Adjustment Resolution adopted May 11, 2017
- A - 1: Survey prepared by Benjamin & Wizorek, Inc., dated July 24, 2012, having no revisions
- A - 2: Site & Architectural Plans (5 Sheets) prepared by Jerry Bruno, Jr. AIA, issued for Zoning Board of Adjustment 2/16/2023

Mr. Forte began his overview of the application stating that they are looking to provide an in-law suite for his father-in-law.

Mr. Bruno shared his screen and went through the plans before the Board. The variances necessary were discussed at length. Mr. Bruno stated that the lot is undersized. The elevations were shown and discussed, along with the proposed floor plans. The addition will not be seen from the street.

Mr. Santoro asked if there would be any issues with the fumes of the generator and if the applicant would consider moving it. Mr. Bruno stated that the air conditioning units and the generator are existing and would be a hardship to move. The units meet all Borough requirements.

Ms. Silliman was concerned with the size of the addition and thought it should be scaled down. Mr. Bruno stated that a drywell is proposed which will capture the new roof area for the addition.

Roof leaders go from the front to the rear of the home and are captured in a cistern. The applicant will work with Mr. Harrington regarding the cistern's location and inspection access.

Dr. Paetzell asked if the proposed bathroom was handicap accessible. Mr. Bruno stated that it is not.

The applicant was advised that a tree removal permit must be obtained. Mr. Santoro asked the Board if they had any questions, seeing none he opened the meeting to the public. There being no public wishing to be heard that portion of the meeting was closed.

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

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

A five minute break was taken at 9:22 pm with all Board members and Professionals returning at 9:30pm

CASE NO. Z 23-008

Mohamad Seyam

Block: 1601, Lot: 5

36 Central Avenue

Applicant is seeking permission to remove an Existing Driveway and Rear Yard Patio and construct an In-Ground Pool with Concrete Surround Walkway, Pool Equipment, Concrete Pad around Right and Rear Sides of Existing Detached Garage, Compliant U.C.C. Swimming Pool Barrier Fence and Relocation of Outdoor ZBA Regular Meeting 05-11-2023

Kitchen in a CBD-2 (R-4 Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage, Minimum Pool Side and Rear Yard Setbacks, and Minimum Driveway Sidewalk Side & Rear Setbacks.

Sworn in this evening was Mr. Seyam

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated March 9, 2023
- B - 2: Zoning Board of Adjustment Resolution adopted March 10, 2011
- A - 1: As Built Survey prepared by Frederick Meola, dated October 6, 2018
- A - 2: Site Plan prepared by Frederick Meola, dated October 4, 2022 last revised March 8, 2023
- A - 3: 4 Color Photos

Mr. Seyam provided an overview of the application; he stated that the lot is undersized and that he has a home that he is trying to make the best for him and his family. Mr. Seyam shared his screen and the Board discussed the site plan as prepared by Mr. Meola. Mr. Seyam stated that he picked the smallest pool possible and feels that his requests for the variances being sought are reasonable. The proposed fence was discussed as well as the outdoor kitchen. It was determined that Mr. Seyam had placed the current outdoor kitchen and patio on site without permits. Tree removal was discussed with the applicant. The Board addressed the applicant and the safety concerns that they have. Drainage was discussed at length. The Board continued their discussion with the applicant regarding the proposed application and provided their feedback. It was determined that the applicant would return at the June 8, 2023 Zoning Board meeting with a revised plan. It was announced that there would be no further notice for this application for the next hearing.

CASE NO. Z 23-009
Suzanne & Drew Tepper
Block: 307, Lot: 11
25 Crestwood Drive

Applicants are seeking permission to construct a 1 Story Rear Addition with Egress Window, Rear 1 Story Roofed and Screened in Porch and Dumpster in an R-3 (Single Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

Sworn in this evening was Mr. Tepper

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated March 20, 2023
- A - 1: Survey prepared by Schmidt Surveying, dated February 23, 2023, having no revisions.
- A - 2: Site & Architectural Plans (3 Sheets) prepared by JCA Architect & Design, dated August 4, 2022 last revised March 17, 2023
- A - 3: One Color Photo

Mr. Tepper provided an overview of the proposed application before the Board this evening. He stated that an addition was added to the home in 2016. Mr. Tepper shared his screen and began his testimony. The proposed ground floor and basement plans were shown and discussed. The elevations were shown. He stated that the proposed addition is 350 square feet in the rear of the home and very minimal. The roof area of the previous addition in 2016 does not go into a drywell and there is no water runoff to the neighbors. Tree removal was discussed and Mr. Tepper stated that there was no plan to remove any trees. Storm-water management was

discussed next and Mr. Tepper stated that he is compliant with the impervious lot coverage numbers in the R-3 Zone.

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

The Board began its deliberation. A motion to approve with the conditions discussed this evening was made by Ms. Silliman, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

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

NAYS: None

CASE NO. Z 23-010

Vanessa & Chris Porter

Block: 1601, Lot: 5

38 Central Avenue

Applicants are seeking permission to Remove Existing Concrete Cart Path Driveway and construct a Brick Paver Driveway in the CBD-2 (Central Business District 2) Zone requiring relief from Maximum Impervious Lot Coverage and Minimum Driveway Property Line Setback.

Sworn in this evening was Mrs. Vanessa Porter.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated February 24, 2023

B - 2: Zoning Board of Adjustment Resolution adopted January 10, 2013

A - 1: As Built Survey prepared by Frederick Meola, dated September 19, 2014

A - 2: Above Referenced prepared by Frederick Meola, edited to reflect the proposed improvements by the applicant.

A - 3: 5 Color Photos

Mrs. Porter provided an overview of the application. The lot is undersized and the family is looking for somewhere to get in and out of the car without there being an issue with the elements tracking into the house. Mr. Porter stated that Belgium Block curbing will be placed on both sides of the driveway. The driveway width will be 12.5" proposed from the garage. Changes were made to the zoning chart and the proposed Impervious Lot Coverage number is 47.8%.

Mr. Santoro asked the Board if they had any questions, seeing none 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 Dr. Paetzell, seconded by Mr. DiIonno. A roll call was requested and recorded as follows:

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

NAYS: None

10. OTHER BUSINESS –

11. ADJOURNMENT – The meeting was adjourned at 11:30pm with a motion made by Ms. Silliman and seconded by Ms. Tiritilli.

Respectfully submitted,

Frances Boardman
Board Secretary