

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, May 12, 2022 at 7:30 P.M.,
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

1. CALL TO ORDER BY CHAIRMAN Diane Driscoll

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 13, 2022, the Board by Resolution adopted a schedule of meetings.

On January 14, 2022 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: Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Ms. Salko, Ms. Tiritilli, and Ms. Ransom-Silliman

EXCUSED: Mr. DiIonno, and Mr. Santoro

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 14, 2022, Regular Zoning Board 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. Several corrections were noted and a voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolutions.

CASE NO. Z 22-005

Resolution granting variance application to Thomas & Sandy White, Block: 4003, Lot: 5, 41 East Lane to construct a 2nd Story Addition in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback Right and Maximum Impervious Lot Coverage.

ZBA Regular Meeting 05-12-2022

CASE NO. Z 22-006

Resolution granting variance application to Mike & Jessica Griffin, Block: 3001, Lot: 40, 26 Stafford Drive to construct a 1 Story Addition, Deck, and the Removal of Rear Paver Patio, Partial or Entire Removal of Existing Block Wall and the Removal of Slate Patio in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback and Maximum Principal Building Coverage.

CASE NO. Z 22-007

Resolution granting variance application to Mark & Heather Bochner, Block: 3402, Lot: 5, 18 Woodcliff Drive to construct a 2nd Story Addition, 2 Story Addition, and Front Covered Porch in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right) and Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS –**8. OLD BUSINESS –****CASE NO. Z 22-004**

Chet Swartz & Nicole Robbins

Block: 4004, Lot: 29

60 East Lane

Applicants are seeking permission to construct a 1 Story “Roofed” Patio with Fireplace, Reduction in Existing Patio/Walkway Area, and Modifications to Existing Field Stone Retaining Wall in an R-2 (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 to the June 9, 2022 agenda of the Zoning Board.

9. NEW BUSINESS –**CASE NO. Z 19-027A**

Heller Property Partners, L.P.

Block: 2001, Lots: 19 through 23

176, 178 & 180 Main Street

Applicant is seeking a One-Year Extension for Preliminary and Final Site Plan with Variances along with Lot Consolidation to construct a 2-Story Office Building in the Community Commercial Zone requiring relief from Maximum Floor Area Ratio, Minimum Front Yard Setback, Maximum Principal Building Coverage, Minimum Number of Parking Spaces, Steep Slope Disturbance, Signage and other bulk variances.

Mr. Hall provided information regarding this one-year extension to Heller Property Partners. He stated that due to Covid-19 this project has been delayed. A brief discussion took place.

The Board approved the request for a one-year extension with a voice vote of “Aye” heard from all members present.

CASE NO. Z 22-008**Copper Beech Condominium Association****Block: 3001, Lot: 1.47****34-42 Loantaka Way**

Applicant is seeking permission to construct a freestanding sign in an R-9 (Multi-Family Residential) Zone requiring relief from Front Yard Setback. **Due to insufficient noticing this application will be carried to the June 9, 2022 agenda of the Zoning board of Adjustment.**

CASE NO. Z 22-009**One Bardon Street, LLC****Block: 1003, Lot: 4****1 Bardon Street**

Applicant is seeking permission to construct a 2nd Story Addition with Rear Cantilever, Landing Steps and Walkway, Air Conditioning Unit, Basement Egress Window and Dumpster in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Bardon Street), Minimum Front Yard Setback (Central Avenue) and Minimum Rear Yard Setback.

Sworn in to testify were Mr. Steve Azzolini, Esq., and Mr. Michael Capo, Architect.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated April 17, 2022.

A - 1: Survey prepared by Morgan Engineering & Surveying, dated December 29, 2021, having no revisions.

A - 2: Color Photos two sheets, 4 photos collectively.

A - 3: Site and Architectural Plans (five sheets) prepared by Michael Capo, Architect LLC, dated April 1, 2022, having no revisions

An opening statement was provided by Mr. Azzolini stating that the proposed application will provide an update to an existing home, the intent of the applicant is to sell the home. Mr. Azzolini stated that this is a corner lot and several of the variances are nonconforming-pre-existing.

Mr. Capo provided his qualifications and was accepted as an expert witness.

The zoning chart was discussed at length and the Board feels that the figures as shown are incorrect. Mr. Azzolini shared his screen for Mr. Capo testimony. Mr. Capo provided the impervious lot coverage figures showing that the application is below the 30% required. The existing conditions were discussed.

The floor plans were discussed at length and the new egress for the future bedroom. The kitchen in the basement was discussed. Mr. Harrington was concerned with the ceiling height, where 7 feet is the minimum requirement for Building.

The requested variances were discussed. The floor plans were shown and discussed at length. The front, rear and side elevations were discussed next. Mr. Capo stated that all new materials will be used.

Mr. Capo stated that the addition to this home will be architecturally compatible to the neighborhood and fit into the streetscape nicely. Mr. Azzolini and Mr. Capo had no further testimony.

The Board asked the following questions of Mr. Capo. Mr. Foster asked if storm-water management was being considered. Mr. Hall asked about the shed on the property and how it is utilized. Mr. Capo stated that he was unaware of how the shed was utilized but it can be removed. Dr. Paetzell asked if the overhang could be reduced which would make the bedroom smaller. Mr. Capo stated that they are not willing to reduce the size of the bedroom. Mr. Foster asked for a landscaping plan as a condition of the resolution, which would be subject to the review of Mr. Russell Stern, Board Planner.

The applicant has asked to carry this application to the June 9, 2022 Zoning Board agenda without further notice.

CASE NO. Z 22-010

Andrew & Nicole Leib

Block: 1101, Lot: 24

33 Wayne Boulevard

Applicants are seeking permission to construct a 2 ½ Story Addition, 2nd Story Addition, Front Open Porch, Brick Paver Driveway with Granite Block, Front Walk, Storm Water Management System, and 2 Air Conditioning Units with Evergreen Plantings in an R-3(Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Open Porch), Minimum Side Yard Setback (Right) (Open Porch) Minimum Rear Yard Setback and Maximum Principal Building Coverage.

Sworn in to testify were Mr. & Mrs. Leib. Also sworn in was Mr. Michael Petry, Engineer, and Meredith Colon-Reiman Architect.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated April 7, 2022

A – 1: Architectural Plans (seven sheets) prepared by MC Architecture & Design, dated October 2, 2021, last Revised March 30, 2022

A – 2: Site and Engineering Plans prepared by Petry Engineering, LLC, dated January 18, 2022, last revised March 29, 2022.

A - 3: Color Survey

A – 4: Arial Photo

Petry Engineering will provide the last two exhibits that are marked to the Board secretary for the case file.

Mr. Leib provided an overview of the application, stating that he and his wife along with their two children will be the 6th generation to live in this neighborhood.

Mrs. Colon-Reiman began her testimony, she walked through the architectural plans stating that the applicants are looking to create a 2 story Colonial home that will be efficient for the family. The current home is a Cape Cod style and was built in 1952, the applicants purchased the home last year. The four variances that are being sought were discussed at length. Mrs. Colon-Reiman stated that the lot is an irregular shape, which creates the need for several of the variances. The additions will provide a functional design and will keep with the neighborhood aesthetics.

Mrs. Driscoll asked the Board if they had any questions for Mrs. Colon-Reiman. Mr Foster asked if they would consider making the home smaller.

Mr. Michael Petry began his testimony and shared his screen to show the survey and the steep slopes rear to front on the property. He stated that the additions are keeping with the development pattern of the neighborhood. He discussed the positive criteria of the application. He stated that the lot is an irregular shape, which creates a hardship for the applicants.

There is no impact on the neighborhood with these granting of these variances nor is drainage an issue. A rear yard drywell system is a part of the application. There is a sump pump in the basement. All new roof leaders will be directed to the rear yard drywell system. The Board requested that the air conditioning unit be relocated to the left side of the home. The applicant agreed. The applicant has agreed that a landscape plan will be developed and will be provided for review by Mr. Russell Stern along with a \$500.00 escrow deposit.

Mrs. Driscoll inquired about the attic and the basement plans. Mr. Petry responded that the attic will be walk up space only and the basement will not be habitable. It was stated that no trees will be removed as a part of this application

Mr. Harrington asked if they applicant would consider a drywell system in the driveway. Mr. Petry replied yes.

Mrs. Driscoll opened the meeting up to the public for questions or comments for the applicants and professionals. Seeing none that portion of the meeting was closed.

The Board began their deliberation. Mr. Hall provided a list of the conditions for the application resolution. A motion to approve with conditions was made by Mr. Fitzsimmons, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Ms. Salko, Ms. Tiritilli and Ms. Ransom-Silliman

NAYS: Mr. Foster

A five-minute break was taken at 10:08 pm, the meeting resumed at 10:15 pm with all members present.

CASE NO. Z 22-011

Kevin & Irene Rodin

Block: 4702, Lot: 19

24 Crestview Avenue

Applicants are seeking permission to construct an Expansion of Existing Patio with grille and Counter Area, Roof over a portion of Expanded Patio, Walkway from Existing Driveway to Expanded Patio, Outdoor Fireplace and a Drywell in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify were Mrs. Rodin and Mr. David DelleDonne, Architect.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated March 14, 2022

A – 1: Survey prepared by Matarazzo Engineering, LLC dated August 1, 2013, last revised July 10, 2014.

A – 2: Site and Architectural Plan (one sheet) prepared by David Delle Donne, Architect, dated and last revised February 17, 2022.

A – 3: Color Photos, 4 sheets

Mrs. Rodin provided an opening statement to the Board. The family of six (two adults and four young boys) is looking to increase their outdoor living space for entertaining.

Mr. DelleDonne started his testimony stating that the home was built with no room for expansion. He shared his screen and Exhibit A-2 was discussed at length. Mr. DelleDonne stated that the applicant is looking to expand upon their backyard space. The ground is level and the expansion will not intrude on the neighboring property. The elevations were discussed, and Mr. DelleDonne stated that the rear yard is screened by arborvitaes. The variances being requested were discussed at length, and Mr. DelleDonne stated that this

application will complement and enhance the rear yard of the home. There is an existing drywell on site and a new drywell will be installed to pick-up the additional square footage of roof area. There is no detriment to the neighborhood.

Mr. Fitzsimmons stated that there is no hardship with this application. The lot is oversized for the R-2 zone. Mr. DelleDonne stated that the purpose of the application was to enhance what is currently on site and improve the property.

Mr. Foster asked if the proposed drywell would pick up all the impervious coverage. Mr. DelleDonne replied that they are enhancing the drywell system by including this new system.

Mrs. Ransom-Silliman stated that the patio space proposed is excessive. After Board, discussion it was determined there is no hardship for the granting of this application and that the applicant should revise the plan with a more modest proposal.

Mr. John DeSimone, 156 Lees Hill Road, Harding, NJ was sworn in to testify and shed some light on the concerns of the Board. He stated that he is the builder of the home and the drywell on site is oversized. He testified that there are no water issues on the lot.

Mr. Harrington asked what the groundwater table was that he encountered during construction. Mr. DeSimone stated that it was sand/gravel and there was no concern during construction by Mr. Vogel, Borough Engineer.

It was determined that the applicant would return with revised plans at the June 9, 2022 meeting of the Board without further notice.

10. OTHER BUSINESS – 2021 Annual Report

The discussion of the Annual Report was carried to the June 9, 2022, regular meeting of the Board.

11. ADJOURNMENT – This meeting was adjourned at 11:15 pm with a motion made by Mr. Foster and seconded by Ms. Salko.

Respectfully submitted,

Frances Boardman
Board Secretary