

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular(Virtual Zoom) Meeting, May 13, 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 the Reorganization Meeting of the Board held on January 14, 2021, the Board by Resolution adopted a schedule of meetings.

On January 15, 2021 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. DiIunno Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Ms. Salko, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

EXCUSED: Ms. Kaar

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. 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 21-008

Resolution granting variance application to Tom & Leslie McDonnell, Block: 901, Lot: 11
107 Greenwood Avenue, 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.

CASE NO. Z 21-009

Resolution granting variance application to Robert Halasz, Block: 1001, Lot: 42
106 Central Avenue, 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).

CASE NO. Z 21-010

Resolution granting variance application to Ross & Megan Downing, Block: 3001, Lot: 48,
6 Carteret Court, 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.

7. SCHEDULING AND PROCEDURAL MATTERS – It was announced that the following applications would be carried to the June 10, 2021 agenda of the Zoning Board of Adjustment.

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.**

CASE NO. Z 21-014

Herman & Ann Huber

Block: 3702, Lot: 5

54 Maple Avenue

Applicants are seeking permission to construct a Rear 1 Story Addition, (1) Relocated Air Conditioning Unit, (1) New Air Conditioning Unit and the Removal of 890 Square Feet of Asphalt Driveway in an R-3 (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 June 10, 2021 agenda of the Zoning Board of Adjustment.**

CASE NO. Z 21-016

Jeffrey Friedel

Block: 1104, Lot: 14

62 Ridgedale Avenue

Applicant is seeking permission to construct a Rear 2nd Story Addition, (2) Front Dormers, Removal of and Replacement of Existing Shed, and the Partial Removal of Existing Asphalt Driveway in an R-3 (Single Family Residential) Zone requiring relief from Minimum Front Yard Setback and Minimum Side Yard Setback (Right). **Due to insufficient noticing this application will be carried to the June 10, 2021 agenda of the Zoning Board.**

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, April 8, 2021 and May 6, 2021. This application was carried for continued hearing this evening.**

A transcript of this hearing was recorded by Ms. Lisa Bradley.

Mr. Jim Foster was excused from this hearing.

Mr. Wolfson stated that Mr. Eric Keller would be cross-examined by Mr. Simon, opposing council this evening. Mr. Eric Keller remains under oath from his previous testimony.

Mr. Simon began his cross-examination of Mr. Keller. Mr. Simon asked if Mr. Keller knew how many parking spaces were going to be lost on Lot 22/23 with the new configuration. Mr. Keller stated that since the current lot is not striped he could not compare the two. Mr. Simon asked if any conversations were had with Lot owner Romanelli on the current parking capacity. Mr. Keller stated that he had not discussed capacity of the lot. Mr. Simon asked who would be using the lot. Mr. Keller stated that the parking lot would be used by the owner’s tenants. Questioning continued on the parking lot area of Lots 22/23. Mr. Simon asked who would be maintain the parking lot. Mr. Keller stated he is not aware of who would be maintaining the lot. Mr. Simon asked what lot Mr. Romanelli owner, Mr. Keller’s response was he did not know. Mr. Simon asked who would be maintain the infiltration trench on the property. Mr. Keller stated he was not aware of who would be maintaining this trench but it would require little maintenance.

The driveway easement along with the landscaping variances and the site distance analysis were discussed at length. Mr. Simon asked Mr. Keller if he had any knowledge of an agreement with the Borough of Madison and the applicant regarding parking. Mr. Keller simply replied he had no knowledge of such an agreement and that the proposed one parking space for each unit was sufficient.

There were no further questions from Mr. Simon for Mr. Keller. It was announced that this application would be carried to the June 10, 2021 agenda of the Zoning Board of Adjustment without further notice. This meeting will be for the cross-examination of Mr. Phillips. Mr. Robert Simon will then have his own planner present to testify.

Mr. Foster rejoined the meeting at this time.

9. NEW BUSINESS –

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.

Mr. and Mrs. Seeley, Applicants and Mr. John Lyons, Architect were sworn in. Mr. Lyons was accepted as an expert witness.

The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 12-10-2020
- A – 1 Site Plan consisting of three sheets prepared by Lyons McConnell, LLC, dated 12-03-2020
- A – 2 Color Photos four sheets collectively

Mr. Seeley provided a brief summary of the application stating that they have lived in the home since 2016 and this deck renovation will allow for a comfortable outdoor space. It will provide shade from the direct sunlight.

Mr. Lyons shared his screen and discussed the existing and proposed site plan. The two variances requested were discussed. The unique shape of the property on the cul-de-sac creates the hardship for this application.

Exhibit A-3: Proposed first floor prepared by Lyons McConnell, LLC having a revision date of May 13, 2021 was introduced.

Mr. Lyons used Exhibit A-3 to discuss the proposed floor plan; the elevations were shown and discussed. These variances are rather small and do not create a determinant to the public good. The roofed deck area is only adding 390 square feet. There will be no screens or windows added to the opened roofed area of the deck.

Mr. Santoro asked the Board if they had any questions for Mr. Lyons.

Mr. Santoro asked about the storm water management on the property. Mr. Lyons responded that all runoff would be captured by the existing underground piping system. After some discussion it was determined that a drywell would be required as a part of this approval. Also that there will be no enclosure to the deck roofed area.

There being no further questions from the Board the meeting was open to the public for questions. Seeing no questions from the public the Board began their deliberation. Mr. Santoro asked for a motion. A motion to approve the application with the conditions stated by Mr. Hall for the resolution was made by Mrs. Driscoll, seconded by Dr. Paetzell. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIonna, Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Mr. Santoro, Ms. Salko, 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.

Sworn in this evening were Mr. Sandberg and Mr. Nick Bensley. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 03-03-2021
- A – 1 Survey prepared by Ampol Surveying, dated 12-15-2020
- A – 2 Site Plan prepared by Nick Bensley, Architect, 1 Sheet dated 2/19/2021

Mr. Sandberg provided the background of the application before the Board. They are requesting a small bump out to the front of the home to extend the living space for their growing family.

ZBA Regular Meeting 05-13-2021

Mr. Bensley began his testimony. He explained that the variance being sought for impervious coverage is diminutive. The property was already over the existing permitted impervious lot coverage at 25.9% and only increasing by 67 square feet to 26.3% of impervious coverage. Mr. Bensley stated that he was not aware of how the subject property became over on coverage but perhaps a small patio was added without a zoning permit. The front addition maintains the streetscape and is aesthetically pleasing.

Mr. Bensley had no further testimony. Mr. Santoro asked the Board if they had any questions for Mr. Bensley. Seeing none, that portion of the hearing was closed. Mr. Santoro then opened the meeting to the public, seeing none that portion of the hearing was closed. The Board began its deliberation. Mr. Santoro asked for a motion. A motion to approve the application was made by Dr. Paetzell, seconded by Mr. Fitzsimmons. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIonno, Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Mr. Santoro, Ms. Salko, and Mr. Foster

NAYS: None

A five minute break was taken at 9:23pm. The meeting resumed at 9:35pm with all members present.

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.

Sworn in this evening was Gian Paoella. The following exhibits were marked:

B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 03-03-2021

A – 1 Survey prepared by John Simmons, PLS, dated 10-13-2020

A – 2 Color Photos – 1 Sheet

Mr. Paoella provided a brief explanation of the application before the Board. He stated that he and his wife bought the home for what it could be and have made many upgrades to the interior of the home. They would now like to make improvements to the exterior of the home. The Paoella's have two small children and are concerned with their safety living on the corner of Loantaka Way and Woodland Road.

The lot is 6% under the actual lot size for an R-3 Zone creating a hardship. Mr. Paoella offered a list of needs and nice to haves with this application. The gravel turn around to be paved will provide the Paoella's the ability to turn around in their driveway without having to back out onto Loantaka Way. The fence requested will create a protective yard in the rear of the home for the children to play. The shed requested is so that dangerous tools are not exposed in the small garage and create a hazard. The nice to haves part of this application include a decorative house post, flagpole to honor his late father-in-law and even walkways.

Mrs. Driscoll asked for confirmation on where the fence was going. Mr. Paoella stated that the fence would start in the right rear corner of the home wrapping along the southern corner. This fence would be 4 foot open all the way around. The fence location and height was discussed at length. It was determined that Mr. Harrington, Assistant Borough Engineer would review the proposed location of the fence in relationship to the sight triangle at the intersection of Loantaka Way and Woodland Road.

Mr. Santoro asked Mr. Paoella if he had considered pavers in sand for the gravel portion of the driveway. Mr. Paoella stated that he had not considered that option and would look into it at the suggestion of the Board.

ZBA Regular Meeting 05-13-2021

Mr. Foster asked if the 20 x 20 gravel turnaround could be made smaller and would he consider making it 10 x 20 with pavers in sand. Mr. Paoella stated that the 20 x 20 space is necessary. Mr. Foster also suggested that 3-4 foot shrubs could be planted to soften and buffer the view of cars parked there.

Mr. Santoro asked the Board if they had any further questions, seeing none he opened the hearing to the public for questions or comments, seeing none that portion of the hearing was closed. The Board then began its deliberation.

The resolution conditions were provided by Mr. Hall. Mr. Santoro asked for a motion. A motion to approve the application with the conditions stated by Mr. Hall was made by Dr. Paetzell, seconded by Mr. Foster. A roll call vote was requested and recorded as follows:

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

NAYS: None

CASE NO Z 21-013

Kurt Schleck

Block: 506, Lot: 31

14 Oxford Lane

Applicant is seeking permission to construct a 2nd Story Addition and New Air Conditioner Compressor in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Sworn in this evening to testify was Mr. Kurt Schleck and Mr. Alexander Rodriguez. The following exhibits were marked:

B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 03-17-2021

A – 1 Survey prepared by Murphy & Hollows, dated 12-09-2020

A – 2 Site Plan consisting of 6 Sheets, prepared by AR Architects, LLC dated March 11, 2021

Mr. Schleck began his testimony and introduced the application. He has been a resident of Madison since 2001. The lot is nonconforming and the variance being sought is for an increase in impervious coverage by 9 square feet created by an air conditioning compressor unit to be installed. A new bedroom and bath will be constructed on the 2nd floor providing more living space to the family. The elevations of the addition were shown. This variance is very minor and creates no major issue. Mr. Santoro asked they Board if they had any questions, seeing none he opened the meeting to the public there being no public that wished to be heard that portion of the hearing was closed. The Board began its deliberation and had no concerns with this application.

Mr. Santoro asked for a motion. A motion to approve the application was made by Mrs. Driscoll, seconded by Dr. Paetzell A roll call vote was requested and recorded as follows:

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

NAYS: None

CASE NO. Z 21-015

Steven & Beth Krawczuk

Block: 3803, Lot: 46

7 Belmont Avenue

Applicants are seeking permission to Convert an Existing Permitted 2 Family Use to a 1 Family Use, Roofed Front Stoop with Steps, Rear 2 Story Addition, Rear Deck, Rear Driveway Expansion “Turn-Around”, Vertical Expansion of Existing Detached Garage/Accessory Structure in an R-4 (Single-Family or Two Family Residential) Zone requiring relief from Minimum Front Yard Setback, Minimum Side Yard Setback (Addition) and Maximum Height of Accessory Structure.

Mrs. Driscoll and Ms. Salko were recused from this application.

Sworn in this evening was Mrs. Krawczuk, applicant and Mr. Geoffrey Gogan, Architect. The following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 04-12-2021
- B – 2 Previous Zoning Board application and Resolution dated April 20, 1981
- A – 1 Boundary & Topographic Survey prepared by Korzen Engineering, LLC, dated 02-22-2020
- A – 2 Site Plan consisting of 11 Sheets, prepared by Geoffrey Gogan, Architect, dated 12-26-2020 last revised on 3-19-2021

Mrs. Krawczuk provided a brief synopsis of the application before the Board this evening. This home is Mrs. Krawczuk's family home. It is currently a two-family home and she and her husband would like to convert it back to a single family home. Modifications need to be made in order for the home to function correctly for the family of five.

The proposed second floor plan was discussed. Mrs. Krawczuk stated that the addition would add symmetry to the home. The height of the garage was also discussed and Mrs. Krawczuk stated that it is need for storage since there is no basement or attic in the home. This space would not be habitable.

Mr. Gogan provided testimony regarding the air conditioning units. The variances requested were talked through. The proposed elevations were shown on the screen by Mr. Gogan and Mr. Gogan stated that a hardship has been created for this property due to how the house is situated on the lot. There is only 118.8 square feet being added to the home. The home will now have a functioning floor plan. Granting the variances would not create a deterrent to the neighborhood but would enhance the streetscape.

Storm-water management was discussed and the Board suggested a drywell as part of the resolution conditions. The applicant agreed to the addition of a drywell and will work with Mr. Harrington on this matter. Mr. Santoro asked the Board if they had any further questions, seeing none, he opened the hearing to the public. There being no public with questions or comments on the application that portion of the hearing was closed. The Board began its deliberation, it was stated that it is nice to see a family home being reborn. Mr. Hall recited the conditions of the resolution as discussed this evening. Mr. Santoro asked for a motion. Motion to approve with the conditions stated by Mr. Hall was made by Mr. Foster, seconded by Ms. Tiritilli. A roll call vote was requested and recorded as follows:

AYES: Mr. DiIonno, Mr. Fitzsimmons, Dr. Paetzell, Mr. Santoro, Mr. Foster and Ms. Tiritelli

NAYS: None

RECUSED: Mrs. Driscoll and Ms. Salko

10. OTHER BUSINESS –

11. ADJOURNMENT – The meeting was adjourned at 11:05pm with a motion made by Mr. Fitzsimmons and seconded by Mr. DiIonno.

Respectfully submitted,

Frances Boardman
Board Secretary