

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Zoom) Meeting, May 14, 2020 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 9, 2020, the Board by Resolution adopted a schedule of meetings.

On January 10, 2020, 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*.

3. ROLL CALL

PRESENT: Mrs. DeRosa, Mr. Santoro, Mr. Fitzsimmons, Ms. Kaar, Mrs. Driscoll, Mr. DiIunno, Mr. Foster, and Dr. Paetzell who arrived at 7:49pm

EXCUSED: Ms. Salko

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

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – Regular Meeting of April 9, 2020

Distributed to all Board members for their review were the above referenced minutes. A voice vote of aye was heard from all eligible voting Board members in approval of the minutes.

6. RESOLUTIONS FOR MEMORIALIZATION –

There were no resolutions for approval at this evenings meeting.

7. SCHEDULING AND PROCEDURAL MATTERS

8. OLD BUSINESS –

CASE NO. Z 19-020

Lathrop Avenue, LLC

Block: 4302, Lot: 17

17 Lathrop Avenue

Applicant is seeking permission for an Unpermitted Change of Use from a 1-Family to a 2- Family, Construction of a Rear 1 Story Addition, and Installation of a Gravel Rear Yard. The applicant is proposing to Remove a Portion of the Existing Impervious Lot Coverage, and Install a Drywell in an R-4 (Single-Family or Two-Family Residential) Zone requiring relief from Minimum Lot Width, Minimum Side Yard Setback (Right), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **This application was started at the September 12, 2019 meeting but not concluded. This application was being revised and will be placed on a future Zoning Board of Adjustment Meeting agenda for further proceedings when plans are received.**

Mr. Hall gave a status update as to this application stating that this case has been carried for several months without any further proceedings. Mr. Hall stated that separate conversations were held with both the Applicant's principal and the Attorney advising the need for action be taken. Mr. Hall will send a letter the applicant's principal and the attorney stating that this case may be dismissed without prejudice at the next Zoning Board of Adjustment meeting to be held on June 11, 2020.

CASE NO. Z19-027

Heller Property Partners

Block: 2001, Lots: 19 through 23

176, 178 & 180 Main Street

Applicant is seeking 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. **This application was started at the Regular Meeting held on December 12, 2019 and continued at the meeting of January 9, 2020 but not concluded. This application is being carried to the next meeting scheduled for June 11, 2020. New notice will be needed for this hearing date.**

Mr. Hall provided the Board with an update on this application. Mr. Hall has spoken with the applicant's attorney and suggested that the Applicant's Professional's work with the Borough Professional's prior to the meeting in order to have a clean application upon their return to the Board.

CASE NO. Z 20-002

Eric Chu

Block: 4805, Lot: 12

58 Union Hill Road

Applicant is seeking permission for the Unpermitted Installation of a Shed, Patio and (2) Two Pillars installed in the Borough Right of Way in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage, Side Yard Setback and Encroachment in Borough Right-of-Way. **This application was started at the Regular Meeting held on March 12, 2020 but not concluded.**

Mr. Hall provided the Board with a summary of the application that was started at the March 12, 2020 hearing. Mr. Hall stated that the applicant had provided revised plans and had complied with all comments that the Board had made.

Mr. Andrew Clarke began his continued testimony and marked into evidence:

Exhibit A-5: Revised plans prepared by Andrew Clarke, dated 3/13/2020

The revisions to the plans were as follows:

The concrete patio at the southeast end of driveway will be removed, pillars that frame the front walkway will be removed, driveway width and setback to boundary will be modified and two drywells will be installed at the site.

The shed relocation was discussed by the Board, after much debate the Board decided that the shed could be left at its current location requiring minor variance relief for the setback. Mr. Clarke discussed the proposed drywells.

The public was given the opportunity to question this witness, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application with the conditions as discussed this evening. A motion to approve the application was made by Mrs. DeRosa and seconded by Mrs. Driscoll. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro and Mr. Di Ionno

9. NEW BUSINESS

CASE NO. Z 20-003

Paul & Erin Kibbe

Block: 4402, Lot: 19

9 Colonial Way

Applicants are seeking permission to construct a Rear Yard Brick Paver Patio with Fire Pit and Seat Wall in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Sworn in to testify were Mr. & Mrs. Kibbe and the following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 1-30-2020
- A – 1 Survey by James Deady, Surveyor, dated 5/24/2018
- A – 2 Drawing for Patio variance, drawn by Lynda Bevere, dated November 17, 2019
- A – 3 Color Photo array, consisting of (7) photos
- A – 4 Zoning Requirement Table

Mr. and Mrs. Kibbe gave a brief background as to the need of the proposed outdoor living space. They stated that they have three children and they currently do not have significant outdoor space for them. The proposed increase in impervious lot coverage is minimal, but would provide a pleasant outdoor space for the family to enjoy.

The Kibbe's stated that Borough Engineer, Bob Vogel had been to the site regarding storm water management. It was discussed that strip drains could be added around the proposed seating wall. Simple landscaping will be added to the proposed patio plan and the storm water management will be handled properly. It was stated that Borough Engineer Bob Vogel did not think it was necessary that a drywell be installed since the increase in impervious coverage is so marginal.

The public was given the opportunity to question this witness, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application with the conditions as discussed this evening. A motion to approve the application was made by Mrs. Driscoll and seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Di Ionno and Mr. Santoro

CASE NO. Z 20-004

Allen Rooney

Block: 1901, Lot: 2

67 Greenwood Avenue

Applicant is seeking permission to construct a Rear 1 Story Addition with Deck and Chair Lift, Generator, Air Conditioning Unit, Drywell and a Portion of the Driveway to be Removed in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify were Mr. & Mrs. Rooney along with Mr. Doug Asral, Architect and the following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 1-13-2020
- A – 1 Survey prepared by Louis Puopolo III, dated October 16, 2019
- A – 2 Plans prepared by Mr. Doug Asral, Architect, consisting of (2) sheets, dated 12-30-2019
- A – 3 Color Photo array, consisting of (4) photos
- A – 4 Zoning Requirement Table

Mr. Rooney gave a brief background as to the need of the addition. He stated that he has limited mobility and the small addition that is being requested will allow him a bedroom and bathroom on the first floor.

A brief recess was taken at 8:38 pm to allow the architect to join the meeting. The meeting resumed at 8:42 pm with all members present.

Mr. Doug Asral stated that the home is located in the R-3 Zone and the lot's current impervious coverage is creating a hardship for the Rooney's. The slight increase in impervious coverage will be mitigated by a drywell to be installed in the rear of the property. The proposed addition in the rear of the property of 325 square feet is modest, but will allow the homeowners to stay in their home.

Mr. Hall noted that the plans submitted and posted online have a revised date of February 5, 2020. These plans were never submitted to the Board secretary or distributed to the Board members. The revised plans shows a generator and a drywell addition to the plans.

Mr. Asral stated that the drywell capacity will accommodate the excess impervious coverage, having the leaders from the life side of the home, and the proposed addition as well as the existing garage brought into it.

Mr. Hall inquired if an easement was ever recorded regarding the driveway. Mrs. Rooney stated that there was.

The Board's concerns were then discussed with the applicants and the Architect. The Board asked if the homeowner would consider removing some of the impervious coverage. After some discussion it was the consensus of the Board to approve the application as presented with screening being added to the plan near the air conditioning unit and the new generator.

The public was given the opportunity to ask questions there being none, that portion of the hearing was closed. Since the Board had already deliberated. The consensus of the Board was to approve the application this evening. A motion to approve the application with the conditions as discussed was made by Mrs. DeRosa and seconded by Dr. Paetzell. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Di Ionno and Mr. Santoro

CASE NO. Z 20-005

Martin Bengtsson & Karin Lindgren

Block: 4803, Lot: 10

9 Barnsdale Road

Applicants are seeking permission to Remove Existing Rear Deck and Steps as well as the Existing Driveway Retaining Walls and Steps and to construct a Side/Basement Loading Garage with Deck and Outdoor Kitchen Above, and the Expansion of the Existing Driveway with Retaining Walls and Stairs 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 Mr. Martin Bengtsson and Ms. Karin Lindgren along with Mr. Douglas Miller, Architect and the following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated February 20, 2020
- B – 2 Prior Resolution Adopted April 9, 2015
- A – 1 Survey prepared by Benjamin and Wizorek, Inc. dated May 9, 2014
- A – 2 Survey prepared by Benjamin and Wizorek, Inc. dated May 9, 2014 showing proposed improvements
- A – 3 Photo array showing Front, Rear and Sides of Home
- A – 4 Zoning Requirement Table
- A – 5 Plans prepared by Mr. Douglas Miller, Architect, consisting of (5) sheets, dated 1-22-2020, revised 1-20-2020

Mr. Bengtsson gave a brief background as to the need of the proposed improvements. He stated that they are looking to construct a side/basement loading garage with a deck above.

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Mr. Douglas Miller stated that the home is located in the R-2 Zone. The applicants are only requesting a small 393 square foot addition to the rear of the home for a subterranean garage as well as 94 square feet addition to the deck. These proposed changes will complement the home and allow all vehicles to be parked in the garage. The variances requested are C 2 variances and the benefits outweigh the deterrents. Mr. Miller stated that there are mature evergreens in place that screens this project from the neighbors.

The proposed drywell and runoff from the proposed improvements were discussed. It was determined that moving the drywell to the area beneath the frontend of the driveway would pick up runoff from the driveway and also the residence.

The public was given the opportunity to ask questions, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application with the conditions as discussed this evening. A motion to approve the application was made by Dr. Paetzell and seconded by Mrs. Driscoll. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Driscoll, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Di Ionno and Mr. Santoro

10. OTHER BUSINESS – The 2019 Annual Report will be placed on the June 11, 2020 agenda for discussion.

11. ADJOURNMENT – The meeting was adjourned at 9:50 pm with a motion made by Ms. Kaar and seconded by Mrs. Driscoll

Respectfully submitted,

Frances Boardman
Board Secretary