

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, July 8, 2021 at 7:30 P.M.,**  
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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**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. DiIonno, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, Mr. Foster, and Ms. Tiritilli

**EXCUSED:** Mrs. Driscoll and Ms. Salko

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

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL –**

**6. RESOLUTIONS FOR MEMORIALIZATION – None**

**7. SCHEDULING AND PROCEDURAL MATTERS –** It was announced that the following applications would be carried to the August 12, 2021, agenda of the Zoning Board of Adjustment without further notice.

**CASE NO. Z 21-021**

**Tim & Erin Nastro**

**Block: 905, Lot: 9**

**30 Longview Avenue**

Applicants are seeking permission to construct a 2<sup>nd</sup> Story Addition, Covered Terrace and to Reconfigure an Existing Dry Laid Walkway in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right) and Maximum Principal Building Coverage.

ZBA Regular Meeting 07-08-2021

**CASE NO. Z 21-023****Alison & Jake Catchpole****Block: 4103, Lot: 2****4 Harwood Drive**

Applicants are seeking permission to construct a 1 Story Addition, Extension of Existing Open Porch with Stairs, Deck with Stairs, Paver Patio with Sidewalk, Removal of Existing Slate Patio, Removal of a Portion of the Existing Driveway, Replacement of Existing Bilco Doors and Relocation or Replacement of Existing Air Conditioning Unit in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

At the request of the applicant, the following application will be carried to the September 9, 2021 agenda of the Board without further notice.

**CASE NO. Z 21-022****Paul Brothers****Block: 4315, Lot: 19****12 Douglas Avenue**

Applicant is seeking permission to construct a 1 Story Addition with a Drywell in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

**8. OLD BUSINESS –****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. Revised plans were submitted by Aquatecture on June 3, 2021 and sent to the Board. Mr. Donato and Mr. Amelchenko remain under oath. The following exhibits were marked:

- A - 3 Aquatecture Associates Inc., Sheet CS-1, having a Revision Date 5/24/2021
- A - 4 Aquatecture Associates, Inc., Sheet D-1, having a Revision Date of May 24, 2021
- A - 5 Memorandum from Aquatecture Associates Inc., Dated June 2, 2021

Mr. Donato stated that he had taken all comments from the Board at the last meeting very seriously and adjusted the plans accordingly. Mr. Harrington was present at the site and provided his feedback on the revised plans. Mr. Donato stated that the pool terrace had been reduced in size by 165 square feet. This reduction lowered the Impervious Coverage number to 24.86 %. A new drainage trench and berm were added at the northeast corner of the property. The grading in the driveway was adjusted to prevent the flow of storm-water from Woodland Road down the driveway.

Mr. Amelchenko, who remains under oath, began his testimony by sharing his screen. He explained that there would be no water flow to the Street and cure the storm water issues. Mr. Amelchenko discussed the reduction in the impervious coverage as well as the drywells and the proposed French drain.

Mr. Santoro suggested possibly placing paving along the right side of the pool. Mt. DiIonno suggested that the landscape beds continue in that area as an alternative to impervious coverage. Mr. Harrington spoke to the Board and summarized his discussions with Mr. Amelchenko, he concluded that there had been good modifications to the plan with reducing the runoff.

Mr. Santoro asked the Board and Professionals if they had any further questions, seeing none he opened the meeting to the public. There being no public that wished to be heard on this application that portion of the meeting was closed. The Board began their deliberation. Mr. Santoro suggested that for safety sake an option in the resolution to include approximately 60 to 70 % additional impervious coverage around the right side of the pool area.

Mr. Santoro then asked for a motion. A motion to approve the application with the conditions stated by Mr. Hall was made by Mr. Foster, seconded by Ms. Kaar. A roll call vote was requested and recorded as follows:

- AYES: Mr. DiIonno, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, and Mr. Foster
- NAYS: None
- RECUSED: Ms. Tiritelli

**9. NEW BUSINESS –**

**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.

Ms. Helen Kaar was recused from this case and left the meeting at this time.

Sworn in this evening to provide testimony were Mr. & Mrs. Huber and Mr. Doug Asral. The following Exhibits were marked:

- B - 1: Denial letter from Danny Buckelew, dated 4/7/2021
- B - 2: Prior Resolution approved February 8, 2006
- A – 1: Survey prepared by Morgan Engineering, dated 3/12/2021
- A – 2: Set of plans prepared by Asral Architect, dated 4/2/2021, last revised 4/7/2021
- A – 3: Survey prepared by Morgan Engineering, dated 3/12/2021 marked “Proposed Site Plan”

Mrs. Huber provided the Board with the details of the proposed addition, stating that with this rear addition it would be possible for her and her husband to stay in the home as they age.

Mr. Asral began his testimony. Mr. Asral stated that the increase in building coverage is minimal, only increasing the allowed building coverage by .86%, allowing for the addition of 333 square feet in the rear of the home. The exterior elevations were shown by shared screen and discussed. In discussing the floor plans, Mr. Asral stated that the proposed 287 square feet is an appropriate size for a bedroom.

Mrs. Huber discussed the garage in the rear stating that it is not a useful garage but more like a large shed. Mr. Santoro suggested that the asphalt drive continue to the rear of the home aligned with the proposed addition. This will provide the applicant the ability to park their cars out of the front of the lot. Mr. Asral stated that a change in impervious coverage of 180 square feet to extend the driveway would be necessary. With this additional coverage, the proposed impervious coverage would be 36.24%

Mr. Fitzsimmons inquired if a new garage moved closer to the house were considered. Mrs. Huber stated that a new garage was not considered with this application.

Mr. Harrington questioned if the roof leaders and downspouts were captured in a drywell. Mrs. Huber stated that a French Drain was installed on the side of the house during the last renovation in 2006. Mr. Santoro suggested that the applicant and their Professional work with Mr. Harrington regarding a proposed drywell for the application. A small-scale detention system was suggested.

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

The Board began their deliberation. A motion to approve with conditions as explained by Mr. Hall was made by Dr. Paetzell, seconded by Mr. Fitzsimmons. A roll call was requested and recorded as follows:

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

NAYS: None

RECUSED: Ms. Kaar

Ms. Kaar returned to the meeting at this time.

**CASE NO. Z 21-016**

**Jeffrey Friedel**

**Block: 1104, Lot: 14**

**62 Ridgedale Avenue**

Applicant is seeking permission to construct a Rear 2<sup>nd</sup> 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).

Sworn in to testify were Mr. Jeffrey Friedel and Mr. Henry Friedel. The following exhibits were marked.

B – 1: Denial Letter from Danny Buckelew, dated April 3, 2021

B – 2: Madison Historic Preservation Commission letter dated December 10, 2020

A – 1: Survey prepared by JY Land Surveying, Dated 9/1/2017

A – 2: Architectural Plans prepared by Henry Friedel Architect, consisting of 2 pages, dated March 25, 2019

A – 3: Sheet AG2 prepared by Henry Friedel, dated March 25, 2019, last revised 4/1/2021

A – 4: Color Photo Sheet – 4 Photos collectively

Mr. Jeffrey Friedel began his testimony he stated that he home is located on Ridgedale Avenue, which is in the historic district. He stated that he appeared before the Madison Historic Commission and received a letter dated December 10, 2020. He stated that the home was in need of significant repairs. Since the home was purchased in, 2017 many of the interior repairs have taken place. The intent of the application is to place a bedroom over the existing kitchen. This would not change the footprint of the house. Also included in the proposed plan are two doghouse dormers on the front of the house creating a front yard setback. Mr. Friedel also plans on removing and replacing the existing shed. He will also remove a portion of the asphalt driveway staying within the impervious coverage requirement. Mr. Friedel discussed the Historic Preservation Commission letter, stating that the front façade was the focus. Mr. Foster stated that with all the work that Mr. Friedel is putting into restoring this jewel of a home the Historic Preservation Commission is in support of the application. The proposed elevations were discussed. Mr. Santoro asked the Board if they had any questions for the Friedel's. Seeing none, he opened the meeting to the public. Seeing no public that wished to be heard that portion of the hearing was closed. The Board began its deliberation. A motion to approve was made by Ms. Kaar, second by Ms. Tiritelli. A roll call was requested and recorded as follows:

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

NAYS: None

A five-minute break was taken at 9:08pm. The meeting resumed at 9:16pm with all members present.

**CASE NO. Z 21-018**

**Carson Lu**  
**Block: 4702, Lot: 4**  
**39 Noe Avenue**

Applicant is seeking permission to construct a Rear Paver Patio with Fire Pit, an Expansion of Existing Paved Driveway and Steps from Proposed Paver Patio to Proposed Expanded Driveway in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Sworn in to testify this evening was Mr. Carson Lu. The following exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew dated April 23, 2021
- A - 1: Survey prepared by Frederick Meola, dated 7/27/2020. This survey was edited by the Applicant to reflect the proposed improvements
- A - 2: Color Photo Sheet - 2 photos collectively

Mr. Lu began his testimony; he stated that the home was built in 2016 and he purchased it in 2020. He is looking to create an outdoor living space by constructing a 17' x 28' rear paver patio with a fire pit. He is also looking to expand the existing driveway in order to manage two cars. The applicant is also proposing to build a staircase to connect the driveway to the rear patio. The impervious coverage ratio is increasing slightly from 24.16% to 27.89% with the improvements as proposed. Storm-water Management currently exists on site. Mr. Santoro asked the Board if they had any further questions on this application, seeing none he opened the meeting to the public. There being no public that wished to be heard that portion of the meeting was closed. The Board began its deliberation. A motion to approved by made by Mr. Foster, seconded by Mr. Fitzsimmons. A roll call was requested and recorded as follows:

AYES: Mr. DiIonno, Mr. Fitzsimmons, Ms. Kaar, Dr. Paetzell, Mr. Santoro, Mr. Foster and Ms. Tiritilli.  
NAYS: None

**CASE NO. Z 21-019**

**Kevin & Julie Trapp**  
**Block: 4004, Lot: 2**  
**83 Pomeroy Road**

Applicants are seeking permission to construct an In-Ground Pool with Hot Tub and Pool Equipment, Paver Patio with Seat Walls, Outdoor Gas Grill with Seating, Gas Fire Pit, Stepping Stone Walk Way, Pool Compliant Pool Fence with gates, Drywell, and 2 Areas of Existing Bluestone Walkways to be Removed in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Mr. & Mrs. Trapp along with Richard Cording were sworn in. The following exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew dated, April 26, 2021
- A - 1: Survey prepared by James Deady Surveyor, LLC dated December 13, 2019
- A - 2: Landscape Plan prepared by CLC Landscape Design, dated March 16, 2021, last revised 4/22/2021

The Trapp's began by explaining the application before the Board. They are looking to enhance the beauty of their forever home with the addition of an outdoor living area in order to entertain family and friends.

The existing Impervious Coverage is 27.58%, this proposed improvements and walkway removal will reduce the impervious to 27.36%. The proposed landscaping was discussed around the perimeter of the pool as well as the house. There is abundant buffering in place. The lot is 6% undersized for the R-2 Zone. A drywell is planned for the application

and will connect the roof leaders as well as the runoff from the patio into it. The Board has no concerns with the application. Mr. Santoro asked if the Board had any further questions, seeing none he opened the meeting to the public.

Mr. Ted Ryan, 10 East Lane, Madison. Mr. Ryan commented that this application is excessive for the area. There will be excessive noise, and lighting for this application and he is not in favor of an approval. Mr. Cording stated that an extensive landscaping plan would be provided, and the goal of the plan is to ensure privacy for the applicant and the neighbors. There will not be any lighting issues. It was determined that a landscape plan showing the lighting would be submitted for review by Board Planner, Mr. Russell Stern.

Mr. Joel Aronchick, 6 East Lane, Madison had concerns with the Impervious Coverage and runoff issues. Mr. Cording stated that a French Drain system is in place and it will be going into the drywell system. A grading plan will need to be presented for the application. Mr. Aronchick feels that this application is impinging on neighbors privacy.

Mr. Santoro asked if there was any further comments or questions from the public. Seeing none he closed that portion of the hearing. The Board began their deliberation. It was determined that the applicant would need to provide and file a landscape plan and a grading plan which would be deferred to Mr. Russell Stern, Board Planner and Mr. Dennis Harrington, Board Engineer. It was also determined that a \$500.00 escrow fee would be provided.

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

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

NAYS: None

**CASE NO. Z 21-020**

**Doug & Nancy Willis**

**Block: 2204, Lot: 1**

**7 Rosedale Avenue**

Applicants are seeking permission to construct an Addition to Existing Detached Garage, Paver Path Driveway with Grass Paver In-fill Areas, and the Removal of Existing Shed, Paver Patio, Paver Sidewalk and Grass Paver Parking Area in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Accessory Structure Floor Area, Minimum Accessory Structure Setback Rear to Side Yards and Minimum Driveway/Property Line Setback.

Sworn in this evening were Mr. & Mrs. Willis. The following exhibits were marked:

B – 1: Letter of Denial issued by Danny Buckelew dated May 5, 2021

A – 1: Architectural Plan for Proposed Addition & Renovation to Existing Garage Plan, consisting of 1 Sheet, dated 2/28/2021, last revised 4/28/2021.

A – 2: Black & White Photo Sheet, One Sheet consisting of two photos.

Mr. Willis began his testimony providing the Board with a statement of reasons for the application before them this evening. He stated that they are looking to make the garage a more workable space. They would like to extend the garage by 11 feet. The garage would have the same look and feel as the home.

After some discussion, the Board made several suggestions to the applicant regarding the garage. The applicant stated that, the garage structure would stay in its current location. Mr. Santoro stated that the garage in its current location infringes on the Borough Right-of-Way. The Board continued their discussion and advised the applicant that they have an opportunity to fix a problem. An adjournment of the application was requested by the applicants in order for them to come back at the next meeting of the Zoning Board with a revised plan.

**10. OTHER BUSINESS –**

**11. ADJOURNMENT** – The meeting was adjourned at 11:00pm with a motion made by Ms. Kaar and seconded by Ms. Tiritilli.

Respectfully submitted,

Frances Boardman  
Board Secretary