

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Zoom) Meeting, August 13, 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, Mr. DiIunno,
Mr. Foster, Ms. Salko and Dr. Paetzell.

EXCUSED: Mrs. Driscoll

ALSO PRESENT: Gary Hall, ZBA Attorney
Frances Boardman, Board Secretary
Frank Russo, Assistant Borough Engineer
Russell Stern, Borough Planner

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – Special Meeting of July 16, 2020

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

6. RESOLUTIONS FOR MEMORIALIZATION –

The following resolutions were distributed to all Board members for their review. A voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolutions.

CASE NO. Z 20-007

Thomas & Jane Salaki

Block: 208, Lot: 24

1 Fairwood Road

Applicants are seeking permission to construct a 1 Story Rear Addition “Phase 2 Kitchen Bump Out” in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback.

CASE NO. Z 20-008

Steven Alcorn

Block: 3301, Lot: 19

3 Nordling Lane

Applicant is seeking to construct a 1 Story Addition, with Storm Water Management System in an R-1 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left) and Maximum Impervious Lot Coverage.

CASE NO. Z 20-010**Paul Mantone Jr.****Block: 1004, Lot: 1****113 Central Avenue**

Applicant is seeking to construct a 1 ½ Story Garage Addition, Asphalt Driveway, Front Yard Sidewalk and Drywell Installation. The applicant proposed to Remove the Existing Attached 1 Car garage with Connecting Breezeway, Left Side Yard Shed, Rear (Roofed) Porch, a Portion of the Existing Driveway, Front Yard Slate and Concrete Walkway in an R-3 (Single Family Residential) Zone requiring relief from Minimum Rear Yard Setback and Maximum Principal Building Coverage.

CASE NO. Z 20-011**John Speranza****Block: 309, Lot: 15****16 Rose Avenue**

Applicant is seeking to construct a 2nd Story Addition, 2 ½ Story Rear Addition, Rear Deck with Pergola, Front Portico over Existing Front Stoop, Expansion of Existing Driveway, Generator, (2) Air Conditioning Units, Blue Stone Front Walk, Drywell "If Required". The applicant will remove and Existing Shed, Garden 4" x 4" Railroad Ties and (2) Trees in an R-3 (Single Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS – Special virtual meeting to be held on Monday, August 31, 2020 at 7:30pm was discussed and scheduled.

8. OLD BUSINESS –**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 started at the Regular ZBOA Meeting held on December 12, 2019 and continued at the ZBOA meeting of January 9, 2020 but not concluded. At the request of the applicants, Attorney this application is being carried to a Special ZBOA meeting scheduled for August 31, 2020.**

9. NEW BUSINESS -**CASE NO. Z 20-009****Carrol's, LLC****Block: 5101, Lot: 33****317 Main Street**

Applicant is seeking Preliminary and Final Site Plan with Variances for the Construction of an Additional Drive Through Lane, Various Minor Site Improvements as well as the Remodeling of the Existing Restaurant.

Alison Gulino is doing a transcript of this proceeding.

Mr. Larry Calli, Esq. provided a brief summary to the Board and professionals. He explained that Burger King is looking to bring the current site into an up to date Burger King facility. He stated that the variances are nominal and the site currently exists.

The following four witnesses will be testifying this evening:

RJ Colucco – Engineer
 Patrick Mahoney – Architect
 Corey Chase – Traffic Engineer
 John McDonough – Planner

Mr. Robert Colucco was sworn in and accepted as an expert witness. The following exhibit was marked:

A – 1: Arial Map

Mr. Colucco began his testimony by describing the existing site. He stated that Burger King is a drive through restaurant with an ingress and egress drive. He explained to the Board that there would be no changes to the operations of the facility or the current utilities. The hours of operation of the facility are from 7:00am to midnight. The site will be brought into ADA compliance with a new ramp in the front. A dual drive through is proposed, providing a shorter wait time for customers. New signage is proposed, and after some consideration and discussion “Home of the Whopper: was eliminated. The modifications to the building are slight in nature and are less than 98 square feet. All fixtures and poles on the premises will be brought into compliance with the Borough Ordinance. 158 new shrubs and six new trees are planned to be planted. The white PVC fence in the rear of the property will remain as a screening for the residents.

Mr. Russo asked Mr. Colucco to comment on item # 15 of his Completeness/Technical Review # 2, dated July 7, 2020 with regard to the existing fence. The maintenance of the property beyond the fence was discussed. It was suggested that the fence along the southwesterly rear of the site be placed on the Burger King property. Mr. Colucco stated that they can pursue this maintenance issue with the neighbors.

Other items discussed at length was the milling and overlay of the site, and storm-water management.

Mr. Russo referred back to his memo of July 7, 2020 and inquired as to the input from the Borough Fire Chief and the proposal to remove all of the existing granite block curbing. Mr. Russo suggested that the applicant consider keeping the existing curbing as a cost saving measure.

The next topic of discussion was parking. 72 seats are available in the restaurant and a total of 39 parking spaces exist, 29 are required and 37 are proposed. It was discussed to see if any additional spaces could be eliminated to reduce the impervious coverage on site.

The applicant was instructed to work with Mr. Frank Russo, Assistant Borough Engineer in regards to mitigating the drainage issue and erosion under the vinyl fence in the southern portion of the site.

Mr. Russell Stern’s memorandum of July 18, 2020 was discussed at length; those items included the Borough Noise Ordinance, trash receptacles, lighting, Bike rack and retaining walls to be replaced. Also discussed were the bollards and the fact that no signage be affixed to them.

Affordable housing fee is to be paid if applicable. Shade trees along Main Street were discussed.

There were no further questions for Mr. Colucco from the Board or its Professionals. Mr. Santoro opened the hearing to the public for questions, seeing none he closed that portion of the hearing.

Mr. Patrick Mahoney, Architect was sworn in and accepted as an expert witness. Mr. Mahoney stated that the improvements are both functional and aesthetic. The materials and elevations were discussed. The elimination of the side door is due to safety reasons and provides the staff with visual control of the site.

Sheet A-3.1 was used during the architectural discussion. The model proposed has been constructed by many other Burger King locations. The red band lighting discussion warranted the fact that the band could be toned down by using an inside film application inside the band. The applicant is amenable to not illuminating the red band on the building. Mr. Mahoney stated that the signage is mindful and strikes a balance for Burger King branding purposes. Proposed signage was discussed at length.

At 9:09pm a short recess was taken, the meeting resumed at 9:15pm with all members present.

The proposed monument sign details were discussed, Mr. Mahoney stated that the monument stone would be similar to the stone on the building, 8 feet in height and internally illuminated. There is no sight line impact to the entrance of the site. Maintaining the existing location of the sign is critical to the site. Dimming of the sign was discussed and could be done but is certainly not warranted by the applicant. There were significant amendments to the signage proposed and should be shown on a revised drawing and presented to the Board.

The roof top air conditioning units were discussed, Mr. Mahoney stated that no roof top equipment would be viewed from the street.

Mr. Santoro asked if the Board and its professionals had any further questions of Mr. Mahoney, seeing none he opened the meeting to the public. There being no public participation at this time that portion of the meeting was closed.

Mr. Corey Chase, Traffic Expert was sworn in and accepted as an expert witness.

A Circulation and Parking Assessment report dated April 17, 2020 prepared by Dynamic Engineering was referenced during Mr. Chase's testimony.

Mr. Chase stated that the drive-thru lane redesign will increase efficiency of the customer ordering process and increase the drive-thru vehicle queue capacity by three vehicles without impacting the circulation aisle on the west side of the building. The proposed site will provide 37 parking spaces including two handicap stalls, and Ordinance requirement is adequately met. The site ingress/egress remains unchanged. The No Left Turn sign at the exit drive will be replaced and maintained.

Also discussed was the Traffic Review # 1, prepared by Hamal Associates, Inc, dated July 22, 2020.

Drive-Thru queuing conditions were discussed. An accurate que was not provided due to the Covid19 pandemic. The five foot wide pedestrian circulation was discussed and Mr. Chase stated that he is comfortable with the design.

The concern of not having a rear door was raised again. It was suggested that the sidewalks and aprons on site be replaced/repared.

Mr. Santoro asked the Board and professionals if they had any further questions for Mr. Chase. Seeing none he opened the meeting to the public. Seeing no public questions of Mr. Chase that portion of the meeting was closed.

Mr. Santoro suggested to the applicant and his experts that revised plans should be submitted to the Board office no later than Tuesday, September 1, 2020 with all changes that were discussed this evening. This application will be carried to the September 10, 2020 meeting of the Zoning Board without further notice.

10. OTHER BUSINESS – The 2019 Annual Report dated July 22, 2020 prepared by Mr. Gary Hall, Esq. was discussed.

The 2019 Annual Report was distributed to all Board members prior to this evening for review. After discussion, a voice vote of "Aye" was heard from all eligible voting Board members in approval of the 2019 Annual report Ms. Boardman was instructed to send the annual report out to Mayor and Council as well as the Planning Board.

11. ADJOURNMENT – The meeting was adjourned at 10:50 pm with a motion made by Ms. Kaar and seconded by Mr. Foster

Respectfully submitted,

Frances Boardman
Board Secretary