

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, September 9, 2021 at 7:30 P.M.,
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

1. CALL TO ORDER BY ACTING CHAIRPERSON HELEN KAAR

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. Fitzsimmons, Ms. Kaar, Ms. Salko, Ms. Tiritilli, and Mr. Foster

EXCUSED: Mr. DiIonna, Mrs. Driscoll, Dr. Paetzell and Mr. Santoro

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 – The minutes of August 12, 2021 were carried to the next meeting

6. RESOLUTIONS FOR MEMORIALIZATION –

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

CASE NO. Z 21-020

Resolution granting variance application to Doug & Nancy Willis, Block: 2204, Lot: 1, 7 Rosedale Avenue 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.

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CASE NO. Z 21-021

Resolution granting variance application to Tim & Erin Nastro, Block: 905, Lot: 9, 30 Longview Avenue to construct a 2nd 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

CASE NO. Z 21-023

Resolution granting variance application to Alison & Jake Catchpole, Block: 4103, Lot: 2, 4 Harwood Drive 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.

CASE NO. Z 21-024

Resolution granting variance application to David & Lisa Molinaro, Block: 3901, Lot: 38, 263 Kings Road, to construct a 1 Story Addition, Covered Patio, Compressor on a Concrete Pad and a Storm Water Management System in an R-3 (Single Family Residential) Zone requiring relief from Maximum Principal Building Coverage, Maximum Impervious Lot Coverage and Minimum Rear Yard Setback.

CASE NO. Z 21-025

Resolution granting variance application to Anna Wronka, Block: 1801, Lot: 15, 17 Chapel Street to construct a 2 ½ Story Addition, Removal of Portion of Existing Asphalt Driveway and Drywell in an R-4 (Single or Two Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS –

8. OLD BUSINESS –

9. NEW BUSINESS –

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.

Sworn in to testify this evening was Mr. & Mrs. Brothers. The following exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew dated May 14, 2021
- A – 1: Survey prepared by Lakeland Surveying, dated 04/01/2021.
- A – 2: Architectural Plan prepared by Heyrich Architects, LLC dated April 20, 2021 last revised May 11, 2021
- A – 3: Black & White Photo Sheets – 4 photos collectively, 4 sheets

Mr. & Mrs. Brothers began their testimony; they stated the need for additional living space, the proposed addition would provide an additional bedroom and bathroom, which would improve daily living and allow the family to grow.

The construction of this proposed addition is in the rear of the home and would not be noticed from the street. Storm-water management was discussed and the applicant agreed to work with Mr. Harrington on this issue. It was determined that this application would not have any adverse impact on the adjacent properties. The Brother’s explained the proposed addition is modest and will allow them to stay in their home.

Ms. Kaar asked the Board if they had any further questions on this application, seeing none she 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 approve with conditions was made by Mr. Foster seconded by Ms. Salko. A roll call was requested and recorded as follows:

AYES: Mr. Fitzsimmons, Ms. Kaar, Ms. Salko, Mr. Foster, and Ms. Tiritilli
NAYS: None

CASE NO. Z 21-017
The Heller Group
Block: 2208, Lot: 27
306 Main Street

Applicant is seeking Preliminary & Final Site Plan approval, Conditional Use, Bulk Variances and Waivers to permit certain alterations for the adaptive use of the former bank building with Drive-Thru access and reconfiguration of the existing parking lot.

A transcript of this meeting is being prepared by, Rene Russo of Ritzman Rappaport.

Mr. Nicholas Racioppi, Esq. presented the background of this application. He stated that Starbucks is looking to repurpose the empty bank building located in the Staples Plaza. There will be minimal site changes and there are variances and waivers that are being requested relating to the existing site.

Mr. Bryan Ehnes of Bohler Engineering was sworn in. He provided his qualifications to the Board, and accepted as an expert witness. Mr. Ehnes began his testimony.

The following exhibit was marked:

Exhibit A-1: Arial Exhibit, dated 09/09/2021 prepared by Bohler Engineering

Mr. Ehnes stated that Starbucks currently operates across the street from the proposed site. That Starbucks will close and move to 306 Main Street in the existing empty bank building.

Exhibit A-2: Colorized version of Sheet C-301, dated 09/09/2021

This exhibit showed the overall layout of the site. The site at 306 Main Street shows two movement driveways off Main Street. Mr. Ehnes stated that the sites Impervious Coverage is being decreased from 89.6% to 88.6%

Exhibit A-3: Sheet C-302 Site Plan Layout

Mr. Ehnes showed on his screen the 2411 square foot building, which will remain. There will be the addition of a 30' x 20' patio. There will be 36 indoor seats and 20 outdoor seats on the proposed patio. There will be speakers in the outdoor dining area with adjustable volume, which requires a variance. The Drive Thru will have a 15-car queue. A Menu Board will be located at car 7 in the queue. There will be four curbside pick-up spaces designated for the Starbuck's site. The proposed trash enclosure will match the existing building façade. There will be less than an acre of disturbance in the parking lot. The applicant is proposing a crosswalk from the existing Main Street sidewalk to the Starbucks.

The question arose why the bypass area was needed; Mr. Ehnes explained that a car could get out of the queue if necessary and it common with drive thru restaurants.

Exhibit A-4: Vehicle Circulation Plan, dated 09/09/2021

Mr. Stern stated that he had a real concern with stacking of vehicles and other options as stated in his memorandum should be looked at.

Mr. Harold Maltz' s report dated May 19, 2021 was discussed. Mr. Maltz' s also expressed concerns with the circulation pattern and the overflow of vehicles in the queue. Mr. Maltz also stated that the turning radius should be increased to 15 feet.

The entire site now has 452 parking spaces, with the proposed Starbucks application; the parking spaces will now be 352 spaces for the site. 23 parking spaces will be for the Starbuck' s and Mr. Ehnes testified that there is adequate parking for this site as well as the other businesses at 306 Main Street. It was stated that one delivery would be made off hours daily.

Landscaping was the next topic discussed. Mr. Ehnes stated that ten trees would be removed, and that five new trees are proposed. After some discussion, it was stated that an additional five trees would be added to the site for a total of ten new trees to be planted.

The signage variances needed were discussed at length with Mr. Ehnes showing where the signs would be located on the site. He stated that the signage being proposed is typical Starbucks signage and necessary for the site.

The lighting plan was discussed at length and it was stated that all lighting fixtures would be changed at the shopping center. Mr. Harrington asked if a revised lighting plan would be provided along with a full photometric plan. Mr. Ehnes stated "yes".

Mr. Racioppi had no further questions of Mr. Ehnes.

The discussion continued regarding the stacking of cars on the site. The Board expressed concerns with the drive thru lane.

Ms. Kaar opened the hearing to questions from the public. Seeing none, that portion of the hearing was closed.

It was determined that this application would be adjourned at this time to the October 14, 2021 meeting of the Zoning Board of Adjustment without further notice. Mr. Racioppi was informed that the transcript from this evening along with all revised plans for the meeting on October 4, 2021 should be presented to the board secretary' s office no later than October 4, 2021 for distribution.

10. OTHER BUSINESS –

11. ADJOURNMENT – The meeting was adjourned at 9:45pm with a motion made by Mr. Foster and seconded by Ms. Tirilli.

Respectfully submitted,

Frances Boardman
Board Secretary