

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Zoom) Meeting, September 10, 2020 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 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, Mrs. Driscoll, Mr. Santoro, Mr. Fitzsimmons, Ms. Kaar, Mr. Foster, and Dr. Paetzell.

**EXCUSED:** Ms. Salko and Mr. DiIunno

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

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – Regular minutes of August 13, 2020 and Special Meeting of August 31, 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 resolution was 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 Resolution.

**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.

**7. SCHEDULING AND PROCEDURAL MATTERS** – Mr. Santoro stated that Case No. Z 20-016 was being carried to the October 8, 2020 Zoning Board of Adjustment meeting.

## 8. OLD 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.

Mr. Larry Calli, Esq. provided a brief summary to the Board and professionals on the changes that had been made to the site plan since the last hearing.

The following witnesses will be testifying this evening:

RJ Colucco – Engineer

Patrick Mahoney – Architect

Corey Chase – Traffic Engineer

Dave Karlebach – Planner

Prior to this evening's meeting a memorandum from Mr. Russell Stern, dated July 18, 2020 having a revision date of September 9, 2020 was provided to Mr. Calli as well as all Board members and professionals.

Mr. Colucco remains under oath and continues his testimony. Mr. Colucco provided the Board and Professionals with the details of the revised plans. These details include the elevations and the signage specifics that were changed. There has been three parking spaces removed, were 34 parking spaces are now proposed. Hairpin stripping was added to the plan. Additional landscaping has been included. The new curbing will be Belgium Block. The rear fence will be relocated within the property limits and along the property line for maintenance. Decorative Bollards will be placed along the dining room side of the building. New light poles at 15' mounting height and will be downward facing only and equipped with timers.

Signage was discussed at length and it was determined that all red banding will be non-illuminated. The new monument sign was discussed and the proposed view was shown to the members and Professionals. Ms. Kaar requested the illumination of the proposed sign. The sign will be dimmable and the total overall signage was reduced.

Mr. Colucco received Mr. Stern's memorandum, dated September 9, 2020, and the applicant will comply with all comments.

Mr. Foster asked Mr. Colucco if the traffic pattern for the site was safe. Mr. Colucco responded that 24.3 feet of space is adequate for a safe traffic pattern. Mr. Colucco also stated that the traffic pattern is typical for Burger King Operations.

Mr. Santoro asked the Board and Professionals if they had any further questions for Mr. Colucco, seeing none he opened the floor to the public for questions. Seeing none, that portion of the hearing was closed.

Mr. David Karlabach was sworn in to testify next. Mr. Karlabach provided his background and qualifications to the Board.

Mr. Karlabach provided the list of variances to the Board along with the justifications to approve. He stated that the site remains an appropriate use, the proposed application will improve the functionality of the site. It will have a fresh new look with better safety features. The proposed changes will have an immediate impact on beautifying the site.

There is a heavy landscape buffer with will mediate the noise to the residential neighbors. There is no adverse effect to the neighborhood. Mr. Karlabach stated that the benefits of this project outweigh the deterrents. This is a positive upgrade to the restaurant. As previously stated the updates create a vast improvement to the site over what exists today.

Mrs. DeRosa inquired about the second door that was eliminated in the rear of the building. Mr. Karlabach stated that the reasoning behind the removal of the door is for the security and safety of the employees.

Mr. Karlabach stated that all comments from Mr. Russo’s memorandum would be addressed.

Mr. Karlabach had no further testimony. Mr. Santoro asked the Board and Professionals if they had any questions, seeing none the meeting was opened to the public. Seeing no one with any questions from the public. That portion of the meeting was closed.

Mr. Calli provided the board with his closing statement. Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application this evening. A motion to approve the application was made by Mrs. DeRosa, seconded by Mr. Foster. A roll call vote was requested and recorded as follows:

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

A five-minute break was taken, at 8:56pm, the meeting resumed at 9:02 pm with all members present.

**9. NEW BUSINESS -**

**CASE NO. Z 20-013**

**Andrea & Travis Mara**

**Block: 3802, Lot: 25**

**60 Keep Street**

Applicants are seeking permission to construct a 1 Story Rear Addition, Expansion of a Non -Conforming Use and the Removal of Existing Impervious Lot Coverage in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback, Maximum Principal Building Coverage, Maximum Impervious Lot Coverage and the Expansion of a Non -Conforming Use.

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

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 07-16-2020
- A – 1 Site Plan prepared by Owners, consisting of one Sheet, dated July 16, 2020
- A – 2 Architectural Elevations prepared by Owners, consisting of one Sheet, dated July 16, 2020
- A – 3 Color Photo array, consisting of (6) photos

Mr. and Mrs. Mara stated that they purchased the property in June 2020 and the home at the time of purchase was being used as a two- family at that time. The thought behind the small addition is to provide more space to the first floor, which we will be occupied by the Mara’s and provide more space in the bedroom and kitchen. He noted that this addition is very minimal.

Mr. Hall asked where the second floor entrance is located. Mr. Mara responded that there is a side entrance for the second floor. Mr. Hall then inquired on how the impervious coverage calculation was being reduced. Mr. Mara responded that 200 to 250 square feet of concrete walkway in the rear of the home is to be removed. Mr. Santoro questioned the detached garage in the rear of the property. Mr. Mara stated that the garage does not have vehicle access and is used for storage.

The public was given the opportunity to question the Mara’s on their testimony this evening, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application this evening. A motion

to approve the application was made by Mrs. Driscoll, 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. Foster and Mr. Santoro

**CASE NO Z 20-014**

**Ben & Megan Rogers**

**Block: 4903, Lot: 1**

**1 Dellwood Drive**

Applicants are seeking permission to Remove an Existing Rear Deck and Patio and Construct a Blue Slate Patio with Pergola and Screened Porch in an R-1(Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Mr. Fitzsimmons recused himself from this application

Sworn in to testify this evening were Mr. & Mrs. Rogers, David Rosen and Andrew Clarke and the following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 07-14-2020
- A – 1 Survey, dated May 29, 2020 prepared by ABC Surveys, LLC
- A – 2 Plot Plan, last revised July 9, 2020
- A – 3 Color Photo array, consisting of (4) photos, dated July 9, 2020
- A – 4 Architectural Drawings prepared by Rosen Kelly Conway, last revised July 9, 2020, consisting of (6) pages V1-V6

The Roger's provided a brief summary of the application. The Roger's stated that they have lived in Madison for 15 years having moved from Hillside Avenue to their current home in 2014. They explained that the current deck has served its purpose and is rotting in some spots. They would like to enjoy their rear yard by replacing the deck with a Blue Stone patio with pergola and screened porch.

Mr. David Rosen began his testimony. Mr. Rosen explained that the impervious coverage on the property was being reduced to 20.05%, which just misses the permitted allowance of 20%. Mr. Rosen shared the elevations on his screen for the Board stating that the adjoining neighbors will not see the rear patio and screened porch addition. He added that there will be no adverse effect to the public good or impairment to the intent and purpose of the zone plan.

Ms. Kaar asked Mr. Rosen if a new deck was being considered. Mr. Rosen stated that a deck is not being considered in the rear of the property and that the new Blue Stone Patio will be taking its place.

Mr. Santoro asked the Board if they had any further questions for Mr. Rosen, seeing none he opened the meeting to the public for questions. Seeing none, he closed that portion of the hearing.

Mr. Andrew Clarke provided an aerial view of the property, pointing out to the Board that there is significant growth and vegetation in the rear of the property shielding the proposed screened porch and patio from any neighbor.

Mr. Clarke discussed the existing/proposed conditions stating that a drywell will be placed on the low spot on the property to mitigate the water during storms and collect the leader drain runoff from the proposed porch. The variances being sought are minor and the improvements outweigh any deterrent to the public good. This project will enhance the outdoor space for the Roger's.

The public was given the opportunity to question Mr. Clarke on his testimony this evening, there being none, Mr. Santoro asked the Board to deliberate. The consensus of the Board was to approve the application this evening. A motion to

approve the application was made by Mrs. Driscoll, seconded by Mrs. DeRosa. A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Driscoll, Ms. Kaar, Dr. Paetzell, Mr. Foster and Mr. Santoro

**CASE NO. Z 20-015**  
**Brian & Stacy Snider**  
**Block: 310, Lot: 20**  
**32 Pine Avenue**

Applicants are seeking permission to Remove the Existing Deck, Patio and a Portion of the Driveway and Construct a Rear Brick Paver Patio with Seat Wall & Stairs, and Retaining Wall with Steps in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Mr. Fitzsimmons rejoined the meeting for this application.

Sworn in to testify this evening was Mr. Snider, John Pignataro from Cardinal Landscaping and Nick Colonna from Colonna Consulting, the following exhibits were marked:

- B – 1 Letter of Denial from the Deputy Zoning Official Daniel Buckelew, dated 03-05-2020
- A – 1 Survey, dated April 21, 2020 prepared by Eric Silvestro having no revisions
- A – 2 Plot Plan, dated February 11, 2020 prepared by Colonna Consulting

Mr. Snider began his summary of the application stating that the improvements being made will enhance the aesthetics of the home and provide a livable outdoor space. Mr. Snider explained to the Board that the existing deck is to be removed, as well as the existing patio and a portion of the driveway. Mr. Snider explained that a new 365 square foot paver patio with seat wall would be built along with a retaining wall and steps in the rear of the property. The proposed retaining wall will be two feet in height. Mr. Snider explained the need for the retaining wall and the steep slope in the rear of the property.

Mr. Santoro asked about storm-water management on site. Mr. Pignataro, explained that a catch basin was to be added that the existing infrastructure will tap into. Mr. Snider stated that they had not experienced any water issues on the property. Mr. Vogel, Borough Engineer opined that he had no concerns with the wall design nor the storm-water management. The applicant and his professionals were instructed to work with the Borough Engineer as to the details of the existing and proposed storm-water management improvements and make any recommended modifications to said plan.

The public was given the opportunity to question the witnesses on their testimony this evening, there being none, Mr. Santoro asked the Board to deliberate. Mr. Hall provided the Board with the conditions to be included in the resolution. The consensus of the Board was to approve the application this evening. A motion to approve the application was made by Mrs. DeRosa, seconded by Mr. Fitzsimmons A roll call vote was requested and recorded as follows:

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

**CASE NO Z 20-016**  
**Peter & Sharon Streit**  
**Block: 909, Lot: 8**  
**57 Knollwood Avenue**

Applicants are seeking permission to construct a 2<sup>nd</sup> Story Addition and Rear Deck in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left). **Due to insufficient noticing this application will be carried to the October 8, 2020 Zoning Board of Adjustment agenda.**

**10. OTHER BUSINESS** – Mr. Hall and Mr. Stern were asked to opine on the proposed Historic Preservation Ordinance. Their input was provided to the Borough for consideration

**11. ADJOURNMENT** – The meeting was adjourned at 10:10 pm with a motion made by Ms. Kaar and seconded by Mrs. Driscoll

Respectfully submitted,

Frances Boardman  
Board Secretary