

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular Meeting, January 10, 2019 at 7:30 P.M.,
Hartley Dodge Memorial, 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 11, 2018, the Board by Resolution adopted a schedule of meetings.

On January 12, 2018, a copy of the schedule of meeting 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: Mary Sue Salko, Chris Tomlin, Roger Paetzell, Joseph Santoro, Toni DeRosa, Helen Kaar, Timothy Fitzsimmons, Anthony Di Ionno and Diane Driscoll
Gary Hall, ZBA Attorney

ALSO PRESENT: Frank Russo, Assistant Borough Engineer/Zoning Officer
Russell Stern, Planning Consultant

4. PLEDGE OF ALLEGIANCE

The following minutes were distributed to all Board members for their review.

5. MINUTES FOR APPROVAL - Regular Meeting of December 13, 2018 – There was one small correction made to these minutes. A voice vote of aye was heard from all eligible voting Board members in approval of the corrected minutes.

6. RESOLUTIONS FOR MEMORIALIZATION –

The following Resolutions were distributed to all Board members prior to this meeting for their review. There were no additions or corrections to the following Resolutions. A voice vote of aye was heard from all eligible voting Board members in approval of the Resolutions.

CASE NO. Z 18-025

Resolution granting variance application to Paul Weir, Block: 1109, Lot: 9, 42 South Street for the conversion of a Single Family Home with Tenant into a Two-Family Home in an R-4 (Single-Family or Two Family Residential) Zone requiring relief from Minimum Lot Width.

CASE NO. Z 18-032

Resolution granting variance application to Henry Doherty, Block: 3901, Lot: 35, 255 Kings Road to construct a 2 Story Dormer Addition and Covered Front Entry in an R-3(Single Family Residential) Zone requiring relief from Minimum Front Yard Setback, Minimum Rear Yard Setback and Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS –

8. OLD BUSINESS –

CASE NO. Z 18-023

Bill Lee

Block: 5101, Lot: 35

2 Union Avenue

Applicant is seeking permission to construct Front and Rear 2nd Story Additions, “Re-Work/Add to Existing Front Steps and Stoop”, Roof over Front Stoop, “Re-Work/Add to Existing Rear Steps and Stoop”, Removed Existing Rear Patio, Fire Place and Walk in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Number of Stories, Minimum Front Yard Setback (2nd Story), Minimum Front Yard Setback (Stoop Roof), Minimum Side Yard Setback (Left), and Maximum Impervious Lot Coverage. **This application was started at the Special Meeting of the Zoning Board on October 29, 2018 but not concluded. At the request of the applicant this application will be carried to the February 14, 2019 Zoning Board of Adjustment Agenda. The applicant must re-notice for this meeting.**

CASE NO. Z 18-028

Ron Chopoorian

Block: 4903, Lot: 11

26 Dellwood Parkway South

Applicant is seeking permission to construct an In-Ground Pool, In-Ground Spa, Rear Yard Wet-Laid Paver Patio and Walkway, Outdoor Kitchen, Pool Equipment, Storm Water Management System with (7) Yard Inlets and a Drywell in an R-1(Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage. **This application was started at the Regular Zoning Board Meeting of November 8, 2018 but not concluded. Due to the absence of a 7th Board member this application was carried to the January 10, 2019 ZBOA meeting.**

A – 8 Lot Grading Plan, prepared by Peter Korzen, Korzen Eng., dated 6-19-18, rev. 11-23-18, 3 sheets

A – 9 Colored Site Plan showing pool area

A – 10 Sheet 2 of 2, Planting Plan, dated 11-7-18

Mr. Chopoorian stated that three major modifications were made, reduction of the overall project, increased stormwater mgmt. to cover a significant portion of the existing roof and detail of the lighting plan.

Mr. Peter Korzen, Korzen Engineering began by reviewing Exhibit A – 8 and A – 9, and marked A – 10 as the Planting Plan, he reviewed all three documents in detail. Tax Map Sheet was presented and reviewed and he gave his opinions regarding this document concentrating on the runoff and impervious coverage numbers and how they affect the application. Mr. Santoro discussed Exhibit A – 9 which included the grassed areas surrounding the pool. A discussion continued regarding the impervious coverage ordinance and how it affects this application. Mr. Fitzsimmons was in agreement with Mr. Santoro that stepping stones be added in the grassed area.

Mr. Korzen gave his opinion and Ms. Kaar questioned the lot conformance. Mr. Santoro stated that a side garage is good for this size lot. Dr. Paetzell questioned the lighting. Mr. Hall requested actual numbers and a revised plan showing what is being proposed. Mr. Korzen responded to Mr. Tomlin’s question.

The public was given the opportunity to ask questions of the witness. There being none, Mr. Korean had no final comments and the Board will begin their deliberation. The consensus of the Board was to approve the application with the changes that were made. Dr. Paetzell was satisfied with the lighting changes. A motion was made by Mrs. DeRosa and seconded by Mrs. Kaar . A roll call vote was requested and recorded as follows:

AYES: Mrs. DeRosa, Mrs. Kaar, Mr. Santoro and Mr. Fitzsimmons

CASE NO. Z 18-029

Lisa Wang

Block: 1105, Lot: 4

75 Park Avenue

Applicant is seeking permission to construct a 2 ½ Story Rear Addition, Convert Single Family Use to Two-Family Use. Removal of Existing Detached Garage Structure, Concrete Slab to Remain for Parking. A Portion of the Driveway is to be removed and Drywell Installed in an R-4 (Single Family or Two Family Residential) Zone requiring relief from Minimum Lot Width and Maximum Impervious Lot Coverage. **This application was started at the Regular Zoning Board Meeting of November 8, 2018 but not concluded. At the request of the applicant this application will be carried to the January 10, 2019 Zoning Board of Adjustment meeting.**

Sam DeAngelis, attorney for the applicant introduced the applicant and his Architect, John Pakula.

A – 3 – Architect’s Plan, prepared by John Pakula, 4 sheets,

Mr. Pakula reviewed the changes that were made to the application. The floor plans are now an open concept. The siding on the house will be upgraded. Mr. Santoro asked if the fence will be changed due to its poor condition. The applicant will remove the chain link fence. The driveway also needs to be replaced also due to its poor condition. Mr. Pakula will discuss these changes with the applicant.

Mr. DeAngelis asked Mr. Pakula to review the driveway and where cars will be parked. The number of cars to be parked was discussed. The question arose as to whether there is enough space for the number of cars that will be onsite. A discussion continued with regard to the parking and how more space could be attained in the rear. Mr. Santoro reviewed the issues that were discussed at the last meeting. Mr. Pakula continued by reviewing the layout of the home, what changes were made, ie: closets added, second floor primarily the same as the first floor. There will be an access from the outside and an entrance from the rear. Mr. Hall continued by reviewing the variances that are being requested.

Mr. DeAngelis stated he believes the Board would like revisions to this application. The Board has some serious concerns regarding this application as Mrs. DeRosa and Mrs. Driscoll stated. Mr. DeAngelis stated he would advise his client to revise and scale down the application. The public was given the opportunity to give their comments and suggestions as follows:

Donna Petrock-Dellacalce, 71 Park Avenue, was sworn in and she stated that she opposes the plan in accordance with the Board’s review. She is concerned with the condition of the home since it was purchased and vehicle activity at the location. Garbage is visible, several cats and rats are present. This portion of the meeting was closed.

Mr. Santoro reviewed the issues stated by the neighbor. Mr. DeAngelis requested that the application be carried to the 2/14/19 Regular Meeting.

CASE NO. Z 18-024

127 Kings, LLC

Block: 3801, Lot: 4

127 Kings Road

Applicant is seeking to construct a New 2 Family Residence in an R-3 (Single-Family Residential) Zone requiring relief from Single-Family Use to a 2 Family Residential Use, Minimum Front Yard Setback, Maximum Principal Building Coverage, Maximum Impervious Lot Coverage, and Minimum Rear Yard Setback. **This application was started at the Regular Zoning Board Meeting of December 13, 2018 but not concluded. This application will be carried to the February 14, 2019 Zoning Board of Adjustment Meeting.**

9. NEW BUSINESS –

CASE NO. Z 18-030

Jose & Betania Batista

Block: 1703, Lot: 5

10 Howell Street

Applicants are seeking permission for the Unpermitted Conversion to a 3 Family Dwelling, Installation of Rear Paved Driveway, Drywell, AC Units with Concrete Pad and to keep the 3 Family Use and Construct a 2nd Story Deck with Steps, Piping of Existing Drywell to Howell Street and a Front Yard Fence with Landscaping in an R-4 (Single Family or Two Family Residential) Zone requiring relief from Minimum Rear Yard Setback (Deck), Maximum Impervious Lot Coverage, Maximum Dwelling Units and Minimum Driveway Setback.

Rosemary Stone-Dougherty, Attorney began by reviewing the witnesses that will be testifying this evening. She stated that the impervious coverage variance will be eliminated.

A – 1 Survey PMC Land Surveying, dated 6-4-18

A – 2 Plans dated 9-18-18 two sheets T1 and A1

A – 3 A2 rev. 12-21-18

B – 1 Memo dated 12-7-18 prepared by Frank Russo, Assistant Borough Engineer/Zoning Officer

B – 2 Memo from Russell Stern, Borough Planner, dated 12-2-18

A – 4 Report prepared by John McDonough, dated 12-10-18

Mr. Batista was sworn in and Ms. Stone-Dougherty began general questioning as to when the home was purchased. She asked Mr. Batista for the layout of the home.

A – 5 29 color photos of the home as it exists

Mr. Stern asked if the home was a one or two family home when he purchased it. Ms. Stone-Dougherty stated Mr. Batista will testify to the usage when he purchased the home. Mr. Batista began by utilizing A – 5 to review the layout of the home. He explained the under-pinning to the home which consists of bed-rocking and taking the water away from the house. Mr. Tomlin reviewed the issues at hand on this property, ie: existing 3-family, driveway property line encroaching on other property. Mr. Russo explained the water issue and whether or not the water can be pumped to the street. The home has been fully occupied for the past two years.

Mr. Batista depicted where the garbage containers are located, 6 containers total, and he stated there are no issues with the parking. A discussion took place regarding inspections that are and are not required on the home. Daniel Buckelew, Deputy Zoning Officer, Borough of Madison had previously stated he did not fully inspect the property. Mr. Santoro said that the home has many issues that exist which have to be rectified. The public was given the opportunity to ask questions of the applicant as follows:

Sean O’Hearen, 48 Greenwood Avenue, questioned the remodeling as to when the third apartment was constructed, was the dormer re-constructed, the applicant stated he made it flat. Hee asked what is a Mother-Daughter apartment, Mr. Batista stated it is shared space between mother and daughter.

Tom Stapleton, 8 Locust Street, stated he moved the Lassiter Family, he wants to know how a three unit mother and daughter could have been constructed. Ms. Stone-Doherty explained how this occurred.

Frank Maturri, 12 Locust Street, asked if Mr. Batista added the dormer, he stated he updated the dormer. Mr. Maturri was sworn in and he stated he saw the dormer installed by Mr. Batista

Sam Picolo, Central Avenue, questioned whether it is one or two family zone, and Mr. Santoro stated it is both. Ms. Stone-Doherty explained her client’s position with regard to the zoning status of the home.

William Morrison, 9 Locust, asked for the assurances that the property line will be corrected at the next meeting.

Kerry O’Hearen, 48 Greenwood Avenue, was sworn in and asked if the applicant had inquired whether the home was one or two family when he decided to rent portions of the home.

Mr. Stern requested copies of the tax records showing how the property was being utilized. He would like smaller packets of photos of the property. He asked if the plans be numbered with the photos. He would like a record of the installation of the three electric meters and a Plan showing the reconfiguration of the lot and how cars can be accommodated. He requested submission of a Site Plan at the next meeting.

CASE NO. Z 18-031

Xian Sun

Block: 1001, Lot: 41

102 Central Avenue

Applicants are seeking permission to construct (2) 2 Story Additions, 2nd Story Addition, Front Open Porch, Rear Patio and Walkway, Retaining Wall with Stairs, Driveway Modification, Drywell and (2) Air Conditioning Units and the Removal of a Portion of the Existing Driveway, Front Entry Walk, Enclosed Side Porch, Rear Shed, Walkways, Stairs, Retaining Wall, Curbs and Patio in an R-3(Single Family Residential) Zone requiring relief from Minimum Side Yard Setback.

Ms. Xian Sun and Hayk Ekshian, Architect were sworn in and the following exhibits were marked.

B – 1 Borough of Madison Letter of Denial from the Deputy Zoning Officer, Daniel Buckelew dated 10-26-18

A – 1 Survey dated 5-7-18 prepared by David Styer Associates

A – 2 Plans prepared by Space and Mark LLC

A – 3 Exhibit A – 2 dated 6-27-18, rev. 10-1-18, 2) 10-2-18

Mr. Ekshian made a correction to the side yard setback, 5.94 feet found on the plans at the north corner of the building. He continued by describing the variances that are being requested and the reason he is doing so. It helps to remove the existing driveway and reduce the impervious coverage.

The garage will act as a retaining wall and a retaining wall will be built in the rear. A walkway will be constructed to the new driveway. The interior of the home will be reconstructed by adding several new rooms. Second floor will have two master suites, laundry, bedroom and a bathroom. The basement will be finished and used as a recreation room. The addition section will remain as a crawl space with a door to the basement level.

The height of the garage is 20 feet, the master suite is over the garage. Mr. Santoro was concerned with the building mass. The house consists of 6 bedrooms, a garage in the rear will be removed. The two story addition is new, along with the addition in the rear. A sunroom will be removed. Mr. Santoro had a concern with the garage location. He also asked if the garage is moved to the front, then the front of the house would have to be re-designed. Mr. Ekshian stated the proposed location is the best scenario.

Mark Sweeney, 106 Central Avenue, biggest concern is the garage. Concerned his view will be blocked due to the size. His house is very close to the applicant's house.

Suzanne Sweeney, 106 Central Avenue agreed with her husband and also was wondering if the trees would be cut down. The applicant said no trees will be removed.

Mr. Santoro suggested some windows be proposed to break up the mass. The Board agreed upon the garage being constructed in the rear instead of the front so the neighbors would not have to view it.

Mr. Ekshian asked if the garage could be located 25 feet in the front instead of where it was previously proposed. The discussion continued as to where the garage will be located. The applicant should explore all options: front and back and the Board suggested that the applicant speak to their neighbor. This application will be carried to the next regular meeting scheduled for 2/14/19.

CASE NO. Z 18-033

Christopher & Valerie Librizzi

Block: 3502, Lot: 8

35 Green Hill Road

Applicants are seeking permission to construct a 1 Story Front Addition, Stepping Stone Walk and the Removal of Existing Flagstone and Brick Walk in an R-2 (Single Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **To be Carried to the 2/14/19 Regular Meeting.**

CASE NO. Z 18-034

Dan & Jamie McKeever

Block: 3301, Lot: 21

47 Laurel Way

Applicants are seeking permission to Remove Existing Deck and Patio and Construct a New Deck in an R-1 (Single-Family Residential) Zone requiring relief from Minimum Front yard Setback (Treadwell), Minimum Rear Yard Setback and Maximum Impervious Lot Coverage. **To be Carried to the 2/14/19 Regular Meeting.**

10. OTHER BUSINESS – Mr. Santoro stated an Annual Report should be drafted and he requested that Mr. Hall start working on it and present a draft to the Board.

11. ADJOURNMENT: The meeting was adjourned at 11:14 pm with motions made from Mrs. Kaar and seconded by Mrs. Driscoll.

Respectfully submitted,

Lorraine Sola
Recording Secretary