

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular Meeting, October 11, 2018 at 7:30 P.M.,
Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey

A regular meeting of the Borough of Madison Zoning Board of Adjustment was held October 11, 2018 at 7:30 pm in Room #140 of the Hartley Dodge Memorial Building located at Kings Road, Madison, N.J.

Chairman, Joseph Santoro opened the meeting and requested the reading of the public notice as follows:

“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 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: Joseph Santoro, Toni DeRosa, Diane Driscoll, Roger Paetzell, Helen Kaar, Timothy Fitzsimmons, and Chris Tomlin

ALSO PRESENT: Gary Hall, ZBA Attorney

EXCUSED: Mary Sue Salko and Melissa Elias

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL - Regular Meeting of September 18, 2018

The minutes were distributed to all Board members prior to this meeting for their review. One correction was made, a word was missing. A voice vote of aye was heard in approval of the corrected minutes from all the Board members.

6. RESOLUTIONS FOR MEMORIALIZATION

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

CASE NO. Z 18-011

Resolution granting variance application to Suzanne & Michael Fee, Block: 3601, Lot: 9, 29 Vinton Road, to construct a Brick Paver Patio with knee Wall and Walkway, Connection of Existing Principal Building and Existing Detached Garage Downspouts to Municipal Inlet at the Westerly Corner of Wilson Lane and Vinton Road Intersection, Removal of Existing Driveway/Installation of Topsoil, Seed and Mulch and Full Height Curb, Removal of Existing Vinton Road facing Garage Doors, Installation of Garage Doors Facing Wilson Lane with Driveway and Drop Curb, Removal of (5) Five Existing Trees within Wilson Lane Right of Way Garage in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

CASE NO. Z 18-018

Resolution granting variance application to Sy-Ed & Hillary Rahman, Block: 1803, Lot: 8, 27 Greenwood Avenue to construct 2 ½ Story Addition with Side Covered Porch, 2 ½ Car Garage, 2nd Story Dwelling Unit, A.C. Unit, Generator and Drywell, Relocation of Existing A.C. Unit, Expansion of Existing Driveway and 2-Family Use (Existing Use 1 Family) in an R-4 (Single-Family or Two Family Residential) Zone requiring relief from Required Lot Width, Minimum Side Yard Setback (Left), A.C. Units (2) Generator (1) in Side Yard.

CASE NO. Z 18-022

Resolution granting variance application Bryan Rizzi & Jacqueline Marino, Block: 4602, Lot: 7, 168 Shunpike Road to construct a Rear Yard In-Ground Pool with Paver Patio, Filter and Heating Equipment in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS

8. OLD BUSINESS

CASE NO. Z 18-010

Robert & Renee Hauserman

Block: 1004, Lot: 21

130 Greenwood Avenue

Applicants are seeking permission to construct a Detached (2) Car Garage in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Floor Area Accessory Structure, Maximum Height of Accessory Structure and Minimum Side Yard Setback Accessory Structure. **This application was started at the June 28, 2018 Special Meeting of the Zoning Board of Adjustment but not concluded. This application was continued on September 13, 2018 but not concluded. This application will be carried to the Regular Meeting scheduled for 11/8/18.**

Mr. Santoro requested that all Board members respond to Fran Boardman's email within 24 hours. Gary Hall agreed with the request.

CASE NO. Z 18-019

AJD Design & Construction, LLC

Block: 4302, Lot: 11

5 Lathrop Avenue

Applicant is seeking permission to construct a 2 Family 2 ½ Story Dwelling, removing (2) Existing Dwelling Units, Detached Garage, Patios, Sidewalks, Ramps, etc. in an R-4 (One or Two- Family Residential) Zone requiring relief from Minimum Lot Width, Minimum Side Yard Setback (Right), Minimum Side Yard Setback (Left) and Maximum Principal Building Coverage. **This application was started at the July 12, 2018 Zoning Board of Adjustment meeting but not concluded. Revised plans were submitted and presented at the August 9, 2018 Zoning Board of Adjustment meeting but not concluded. The applicant asked to be carried to the October 11, 2018 Zoning Board of Adjustment Agenda.**

Rosemary Stone-Dougherty, attorney for the applicant reviewed the variances which are being requested. She stated that specific changes have been made. The applicant will demolish the structure that presently exists.

The architect and seller will be testifying and the realtor who will provide testimony of the sale and rental of the property in the past. Finally, the planner will testify explaining the relief.

A – 6 Revised Architectural Plans, dated 4-11-18 rev. 8-30-18 prepared by Seth A Lee, Architect. Seth A. Lee, Architect began by reviewing the revised plans. He reviewed the changes that were made. Another exhibit was marked as follows:

A – 7 Revised 9/12/18 Plan, colorized

Mr. Lee continued describing A – 7 stating there is a single entry in the front, two dwelling units and each one has an entry with a shared driveway. He reviewed the rear of the dwellings which both have decks. The side of the garage can be viewed from the street. The 8 ft wide driveway is 2 feet off the property line and 2 feet off of the house. Viewing from the front, the structure appears as a single family home. A hip roof is planned and reduces the scale of the home and fits into the neighborhood. There are 2 or 3 bedrooms; the 3rd bedroom can be used by the occupant for a bedroom or whatever they prefer. Parking spaces are available in the driveway adjacent to the garage and a two car garage is planned.

A – 8 Colored photos, 2 page, two views of the proposed house, second sheet shows photos of the house immediately to the right of the proposed project.

Mr. Lee continued by describing the details of the home, he utilized A – 8 to show the details. He stated that this house is similar to those in the neighborhood, specifically two family homes. This house has one unit that is 1,086 and another that is 1,133 sf not including the unfinished basement. The neighborhood homes have side-yard setbacks of 10 feet. The max lot coverage is 40% in the neighborhood, the proposed is 39.3%. He discussed the garage which is being proposed and also the driveway. Mr. Hall explained the Borough Ordinance which applies to this type of development.

Mr. Lee explained the design and how the tenants could utilize the driveway and how they can navigate it. Ms. Stone-Dougherty gave her opinion regarding the navigation of the driveway. Mr. Lee believes the way he designed the unit, if a room does not have a closet, it is not considered a bedroom. Mr. Hall gave his opinion regarding this issue along with Mr. Tomlin. Ms. Stone-Dougherty agreed stating a wall will be removed eliminating the 3rd bedroom. Mr. Santoro wants the driveway Belgium blocked to alleviate the problem of overcrowding and parking in the rear yard. Mr. Lee made a comparison to the proposed home adjacent to this proposed project. Mr. Hall and Mr. Lee debated the issue of the number of cars that will be utilizing the driveway. Mr. Tomlin requested the distance from the front of the garage to the end of the driveway. Mr. Lee stated 23 feet, and the design was for an average sized car and stated the maneuverability works. Mr. Lee reiterated the similarities to those houses in the neighborhood. Each tenant will have the option for the basement.

The public was given the opportunity to question the Architect as follows:
Christine Tiritilli, 157 Green Village Rd, asked if the cantilevered section was included in the maximum building coverage. Mr. Lee stated yes it is. He took a few minutes to recheck his statement. He stated the figures which he calculated for the maximum building coverage. Mr. Hall accepted his calculations. Ms. Tiritilli asked if the impact to the adjacent house was considered. Mr. Lee stated the reasons for location of the driveways. Ms. Tiritilli asked why the single family to the house has no parking in the rear yard. Mr. Lee responded that the garages were planned for the rear due to parking issues. There are no parking spaces in the rear yard. Ms. Tiritilli explained her concerns with regards to the parking. She asked if this is an intensification of the intended use.

Mary Jo Micucci Defonzo had questions regarding the square footage of the proposed unit. Mr. Santoro has concerns regarding drainage on the property. He believes there is no stormwater management presently. Mr. Tomlin suggested that the Belgium blocks will divert the water running down the driveway. Ms. Micuci Defonzo asked if the units are rental or for sale. Ms. Stone-Dougherty said that will be decided. Ms. Micucci Defonzo was concerned with stacking.

The next witness was Michael DeDuca he was sworn in and stated his parents owned the home and several other relatives lived there and it was always a two family residence.

The following exhibits were marked:

A – 9 Six pages of interior photos of front unit

A – 10 Interior photos of rear unit

Mr. Santoro stated he would take Mr. DeDuca's testimony as the truth. Mary Jo Micucci Defonzo, questioned Mr. DeDuca as to who resided in the units and how the living quarters were divided.

Philip Gatti, was sworn in and testified as to his living in the area and how many changes were made during his residence in that area. He stated the rental situation has been addressed. He is a real estate broker and was questioned by Ms. Stone-Dougherty as to rentals in the area. There are eight three family homes in the area. Mr. Santoro gave his experience with Orchard and the surrounding area. Ms. Driscoll asked what the rental fee would be for the proposed units.

Mary Jo Micucci Defonzo stated her property is not a rental. Mr. Gatti responded. Mr. Santoro asked how many businesses are in the area. She did not know.

Ms. Stone-Dougherty asked Mr. Gatti to review the tax cards for 9 Lathrop, they were marked as follows:

A – 11 7 Lathrop Tax card

A – 12 9 Lathrop, 2 pages of tax cards

Mr. Santoro suggested that testimony be ended and the applicant return at the Special Meeting scheduled for October 29, 2018.

The Board took a break at 9:20 and returned at 9:26 pm.

9. NEW BUSINESS

CASE NO. Z 18-020

David Stuhlmiller

Block: 3502, Lot: 12

2 Hillside Avenue

Applicant is seeking permission to construct a Side Yard Brick Paver Sidewalk, Rear Yard Brick Paver Patio and Concrete Hot Tub Pad in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage. **This application was not heard at the August 9, 2018 Zoning Board of Adjustment meeting and carried without further notice to the September 13, 2018. At the request of the applicant this application will be heard at the October 11, 2018 Zoning Board of Adjustment meeting.**

David Stuhlmiller was sworn in and the following exhibits were marked.

B – 1 Letter of Denial from the Borough of Madison Deputy Zoning Officer, Daniel Buckelew dated 4/5/18

A – 1 Survey with coloration dated 5-19-04 rev. 11-13-17 with plans drawn

A – 2 Marked copy of the survey dated 11-13-17

He began by describing his lot and driveway stating that the lot is small. He would like to plan a patio and hot tub in the rear. He also stated that the backyard has a walkway down to the rear, where there are plantings. The zoning table is on the survey. The hot tub proposed will be located on a 10x10 foot pad. A stockade fence presently exists with 4 foot and 6 foot heights. Mr. Santoro stated the fence which sits on a wall is non-conforming. Mr. Stuhlmiller described the fence. Mr. Santoro believes that when the fence needs to be replaced it will be replaced with a conforming fence. Mr. Santoro does not intend the applicant to take it down, however, a condition be part of the Resolution to replace it with a conforming fence and 50% of the area be landscaped. Mr. Stuhlmiller agreed he would do so when necessary. The proposed fencing would be put in the Resolution as a condition.

Ms. Driscoll asked if he would consider reducing 100 sf off the hot tub pad. Mr. Stuhlmiller asked if he could reduce the walkway instead. Ms. Driscoll continued the discussion regarding the maximum impervious coverage. Mr. Santoro stated that the applicant does need a walkway and this is not a large project, there are hardships and would allow the homeowner some enjoyment. A motion to approve the application with the condition that a non conforming fence be constructed when it is time to replace with 50% of the area being landscape.

There being no further testimony, the Board began their deliberation. The consensus of the Board was to approve the application with the condition discussed. A motion to approve the application was made by Ms. Kaar and seconded by Mrs. Driscoll. A roll call vote was requested as follows:

AYE: Mr. Santoro, Mrs. DeRosa, Ms. Kaar, Mrs. Driscoll, Dr. Paetzell, Mr. Fitzsimmons and Mr. Tomlin

CASE NO. Z 18-021

Mark Vanselous

Block: 101, Lot: 15

59 Shadylawn Drive

Applicant is seeking permission to construct a 2nd Story Dormer, and Front Porch Portico in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (Left), Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. **This application was not heard at the August 9, 2018 due to insufficient notice and carried to the September 13, 2018 meeting. The applicant was not in attendance for this meeting and carried to the October 11, 2018.**

Mark Vanselous was sworn in and the following exhibits were marked:

B – 1 7-26- Letter of Denial from the Borough of Madison Deputy Zoning Officer, Daniel Buckelew revised 7-17-18.

A – 1 Survey dated 6-12-18

A – 2 Marked copy of survey

A – 3 Architectural sketches, 9 pages, rec'd 7-17-18

Mr. Vanselous began by describing the addition which will expand the closet, and a portico on the front porch. The lot is small and is 29% undersized. If the lot coverage was the standard size, there would not be a variance. The dormer on the front of the house will not be visible. There is a concrete slab in the rear. The dormer would be the same as the neighbor's dormer which is on the left side.

There being no further testimony, the Board began their deliberation. The consensus of the Board was to approve the application as presented. A motion to approve the

application was made by Ms. Kaar and seconded by Mrs. DeRosa. A roll call vote was requested and recorded as follows:

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

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 not reached at the September 13, 2018 meeting and carried without further notice to the October 11, 2018 agenda. This application will be carried to the Special Meeting scheduled for October 29, 2018.

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 not reached at the September 13, 2018 meeting and carried without further notice to the October 11, 2018 agenda. At the request of the Applicant’s Attorney this application will be carried to the Special Meeting to be held on October 29, 2018.**

CASE NO. Z 18-025

Paul Weir

Block: 1109, Lot: 9

42 South Street

Applicant is seeking permission 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. **This application will be carried to the Special Meeting scheduled for October 29, 2018.**

CASE NO. Z 18-026

Katherine & John Hearn

Block: 4001, Lot: 14

59 Pomeroy Road

Applicants are seeking permission to construct a Covered Front Porch, Covered Front Entry, and Expansion of Previously Approved Front Brick Paver Sidewalk in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback and Maximum Impervious Lot Coverage. **At the request of the Applicant this application will be carried to the Special Meeting to be held on October 29, 2018.**

10. OTHER BUSINESS - Mr. Santoro reminded the Board to reply to Fran Boardman’s emails within 24 hours. He continued that the meetings remain a priority to each Board member.

11. ADJOURNMENT: The meeting was adjourned at 10:05 pm with a motion made by Mr. Driscoll and seconded by Ms. Kaar.

Respectfully submitted,

Lorraine Sola
Recording Secretary