

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
Special Meeting, October 29, 2018 at 7:30 P.M.,  
Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey

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A special meeting of the Borough of Madison Zoning Board of Adjustment was held October 29, 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 Regular Meeting of the Board held on October 11, 2018, the Board scheduled a special meeting. On October 12, 2018, a copy of the notice of this special 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:** Joseph Santoro, Toni DeRosa, Diane Driscoll, Roger Paetzell,  
Helen Kaar, and Mary Sue Salko

**ALSO PRESENT:** Gary Hall, ZBA Attorney

**EXCUSED:** Timothy Fitzsimmons, Chris Tomlin and Melissa Elias

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL - Regular Meeting of October 11, 2018**

The minutes were distributed to all Board members prior to this meeting for their review. Corrections were made on Page 3. A voice vote of aye was heard in approval of the corrected minutes from all eligible 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 18-020**

Resolution granting variance application to David Stuhlmiller, Block: 3502, Lot: 12 2 Hillside Avenue 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.

**CASE NO. Z 18-021**

Resolution granting variance application to Mark Vanselous, Block: 101, Lot: 15, 59 Shadylawn Drive to construct a 2<sup>nd</sup> 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.

## 7. SCHEDULING AND PROCEDURAL MATTERS

### **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.**

### **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 Regular Meeting to be held on December 13, 2018.**

## 8. OLD BUSINESS

### **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 application which has been revised after the last Board hearing. She stated that specific changes have been made. The last witness to testify on this application is Mr. Fred Meola who was previously sworn in and accepted as an expert witness. Mr. Meola described the improvements and sequential changes to the proposal. Parking spaces for the application would include two in the garage and two beyond the garage on the extended driveway, in the rear of the property. Mr. Meola testified that in accordance with RSIS only three parking spaces are required. With the revised parking as presented this evening all maneuverability constrains were issued.

Mr. Meola also stated that the additional impervious lot coverage required for the driveway extension would be mediated by the use of pavers in a portion of the driveway. Mr. Meola also advised the Board that a mountable curb would be installed. Mr. Meola also testified that all runoff will be directed to a drywell.

The following exhibits were marked into evidence:

A – 13: New Two-Family House Design prepared by Seth Leeb, Architect having a last revision date of September 12, 2018

A – 14: Floor Plan Changes, prepared by Seth Leeb, Architect having a last revision date of October 22, 2018

Mr. Meola stated that the applicant had addressed the changes that were suggested by the Board for the dwelling to have only two bedrooms in each unit. Mrs. Driscoll pointed out that on Exhibit A-14 Bedroom # 3 should read Bedroom # 1 for the top floor unit.

Mr. Meola and Ms. Stone –Dougherty gave a summary of all changes that have been made on this application. The dwelling even though a two-family unit gives the appearance of a single family home. The impervious coverage now conforms to the Borough requirement. All required setbacks are also now in compliance.

A discussion ensued on the R-4 Zone bulk requirements.

Ms. Stone-Dougherty pointed out that this street is a mix of single and two-family homes. This application will not cause a detriment to the public good or the intent or purpose of the Zone plan.

Ms. Dougherty reserved her right to comment again after questions from the public.

Mrs. Christine Tiritelli, 157 Green Village Road, Madison asked if a traffic engineer had been consulted regarding trip generation. Mr. Meola responded no, a traffic engineer had not been consulted and that 4 parking spaces are adequate for this application.

Ms. Mary Ann DeFonzio stated that if the builder is willing to sell the property she would be interested in purchasing.

At this point there were no further questions from the public for Mr. Meola and that portion of the hearing was closed.

The hearing was then opened for public comment and statements.

Mr. Rich Klein believes that this application is an intensification of the neighborhood and should be denied.

Mr. Dan Cutchin is opposed to this application. He believes that intensification is a concern and that parking is a challenge as well.

Ms. Christine Tiritelli states that this property could be a blank slate and that the lot is better suited for a single family home.

Ms. Mary Ann Defonzio also feels that this lot is better suited for a single family home.

Ms. Stone-Dougherty made a statement stating that this application is about change. The applicant has listened to the comments from the Board and the neighbors and has made significant changes to the application. This is a good design and the benefits outweigh the detriments. It is an improvement for the neighborhood.

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

AYE: Mrs. DeRosa, Mrs. Driscoll, and Dr. Paetzell

NAY: Ms. Kaar and Mr. Santoro

## **9. NEW BUSINESS**

### **CASE NO. Z 18-023**

**Bill Lee**

**Block: 5101, Lot: 35**

**2 Union Avenue**

Applicant is seeking permission to construct Front and Rear 2<sup>nd</sup> 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 (2<sup>nd</sup> Story), Minimum Front Yard Setback (Stoop Roof), Minimum Side Yard Setback (Left), and Maximum Impervious Lot Coverage.

Mrs. DeRosa recused herself from this application prior to it beginning.

Mr. Bill Lee and Mr. Craig Erezuma were sworn in and the following exhibits were marked:

- A – 1 Architectural Plans Dated June 25, 2018
- A – 2 Survey dated February 16, 2018
- A – 3 Survey marked with the Proposed Additions shown
- A – 4 Color Photos of Home

- B – 1 Letter of denial from Deputy Zoning Officer, Danny Buckelew, dated July 2, 2018

Mr. Lee stated that the home was purchased by his parents in 1987. No upgrades have been done to the home and he and his wife are currently raising a six year old and two teenagers in the home. His parents currently live in New York but he sees them moving back to Madison and living with his family thus the need for more space. The placement of the home on the lot is odd which has caused the side yard setback.

Mr. Erezuma stated that the home with the proposed additions will have a full sprinkler system which is required by the building department. The third story is a habitable living space and will have two bedrooms and a bath. The master bedroom will be enlarged and include a master bath. A shared bathroom will be added to the second floor. The additions are being built straight up over the existing home.

Mr. Erezuma stated that he spoke with the Construction Official at length regarding the full sprinkler system for the home. Danny Buckelew's denial letter dated July 2, 2018 was discussed with the details of what is being proposed reiterated. At this time Mr. Erezuma stated that Mr. Lee would like to keep the outdoor fireplace, patio and walkway

that were originally slated to be removed. The impervious coverage calculations will need to be reworked.

The Board asked if the shed on the property could be removed. Mr. Lee stated that the shed is used by his wife as a potting shed for her love of horticulture. Mr. Santoro stated that the applicant is trying to do a lot with a small house. The attic would conform if there was only one bedroom. Mr. Erezuma testified that no one would see the roofline of this addition. The street is tree lined and the rear neighbors are Burger King and Mavis Tires.

The driveway as shown on the survey is shown over the property line. The driveway was discussed at length. The lot is undersized by 17% for the zone. Currently there are no drywells in place or proposed.

Mr. Santoro shared his thoughts with the Board and the applicant stating that there is no justification in granting these variances. That there is no hardship and the burden of proof by the applicant has not been shown.

Mr. Lee stated that five bedrooms will satisfy his family's needs. Mr. Erezuma again brought up that the home will have a full sprinkler system. Mr. Santoro reiterated that the Board needs to look at the Zoning aspects and not the building code.

The Board opined on this application it was determined that there is not enough positive criteria. The Board asked if the applicant was willing to improve the impervious coverage and the storm-water on the application. It was determined that the applicant would return with an improvement to the impervious coverage and a storm-water management plan at the next meeting. Revised plans will need to be in at least ten days prior to that meeting.

The Board took a break at 10:40pm and returned at 10:46 pm with all members present.

Mrs. DeRosa took her seat back at the dais with the others for the continued hearing.

**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.

Paul Weir 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 August 8, 2018.
- B – 2 Resolution of Approval dated July 10, 2014
- A – 1 Survey dated 6-20-2013

Mr. Weir began by explaining to the Board that he has lived in this home his entire life. The single family home was built by his parents in 1918. While his mother was alive Mr. Weir occupied the basement which has a living area, kitchen and bath. There is a separate entrance but a shared common laundry room.

In 2014 Mr. Weir began to construct a Dormer on the second floor. The impervious coverage ratio was over the permitted and Mr. Weir appeared before the Board at that time.

Mr. Weir would like to rent out space on the second floor. This apartment would consist of one bedroom, kitchen and bath. The Board felt it necessary to see floor plans for each floor of the home before proceeding with this application.

Parking was discussed briefly and Mr. Weir stated he has a detached two car garage that he uses for his personal vehicles. There would be two additional parking spaces available in the rear of the home for the tenant.

Ms. Kaar questioned the impervious coverage calculation stating that it seems that the home has more that the permitted impervious coverage than what was allowed by resolution on July 10, 2014. Mr. Hall stated that impervious coverage was addressed in 2014 and a new survey was not necessary.

It was determined that floor plans for each floor of the home showing the square footage be submitted along with a bulk requirement table showing the impervious coverage calculations prior to the Board rendering a decision.

Mr. Weir will return at the December 13, 2018 Zoning Board of Adjustment meeting if the requirements are submitted to the Board at least ten days prior to the hearing date.

**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 was placed on the Special Meeting Agenda of the Zoning Board of Adjustment to be held on October 29, 2018. This application was not reached at the Special Meeting of the Zoning Board of Adjustment held on October 29, 2018 and carried without further notice to the November 8, 2018 agenda.**

**10. OTHER BUSINESS - None**

**11. ADJOURNMENT:** The meeting was adjourned at 11:07 pm with a motion made by Ms. Kaar and seconded by Mrs. Driscoll.

Respectfully submitted,

Frances Boardman  
Administrative Official