

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, February 9, 2023 at 7:41 P.M.,**  
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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**1. CALL TO ORDER BY CHAIRMAN Joseph Santoro**

**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 12, 2023, the Board by Resolution adopted a schedule of meetings.

On January 17, 2023, 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. DiIonno, Ms. Salko, Mr. Santoro, Ms. Tiritilli, Dr. Paetzell, Ms. Silliman, and Mr. Osborne

**EXCUSED:** Gary Hall, ZBA Attorney

**ALSO PRESENT:** Vince Loughlin, Substitute Zoning Board Attorney  
Dennis Harrington, Board Engineer  
Frances Boardman, Board Secretary

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – The minutes of the July 14, 2022, Zoning Board meeting, January 12, 2023 Re-Organization meeting and January 12, 2023 Regular meeting.

The above referenced minutes were distributed to all Board members for their review prior to this evening’s meeting. A voice vote of aye was heard from all eligible voting Board members in approval of the minutes.

**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 22-025**

Resolution granting variance application to Bill Staffieri, Block: 4101, Lot: 7, 222 Woodland Road to construct an Expansion of Existing Hardscape Area around Existing In-Ground Pool, Outdoor Kitchen, Pergola, Relocation of Existing U.C.C. Compliant Fence, Drywell and Extensive Plantings in an R-1 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

**CASE NO. Z 22-035**

Resolution granting variance application to Beth & Jason Lalak, Block: 913, Lot: 13, 84 Hamilton Street to construct a 2<sup>nd</sup> Story Addition with Dormer in an R-3 (Single Family Residential) Zone requiring relief from Minimum Front Yard Setback (Hamilton Street) and Minimum Rear Yard Setback.

**CASE NO Z 22-036**

Resolution granting variance application to Debra & Frank Esposito, Block: 2301, Lot: 24 48 Niles Avenue to construct a Rear (1) Story Addition, Paver Patio and Removal of the Existing Deck in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback – Right, Maximum Principal Building Coverage, and Maximum Impervious Lot Coverage.

**7. SCHEDULING AND PROCEDURAL MATTERS –.****8. OLD BUSINESS –****CASE NO. Z 22-034**

**Valeriy & Carolyn Elbert**

**Block: 4402, Lot: 27.02**

**5 Shepherd Lane**

Applicants are seeking permission to construct a Rear & Side Yard Masonry Retaining Walls, Removal and Replacement of Existing In-Ground Pool Patio, Patio with Fire Pit, Seat Wall, Hot Tub, BBQ Area, Basement Access Stairs, Front Yard Paver Walkway, Shed with Pool Equipment Pad, Pool Code Compliant Fence, Storm Water Management System with Drywell, Tree Removals, Tree Protection and Soil Erosion and Sediment Control Measures in an R-1 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Steep Slope Disturbance.

This application was started on January 12, 2023, but not concluded. The applicant was asked to come back to the Board with a revision to this application. The applicant has decided that they had set some unrealistic goals with the application before the Board and are looking for accomplish three goals, to comply with the Borough Codes, safety for their family and minimal changes in the rear yard.

Mr. Harrington provided a status to the Board of his visit to the site. He informed the applicant's that they need to have a pool compliant fence put up as soon as possible. The steep slopes issues were discussed at length.

Mr. Santoro stated that he would like to have Board Planner Mr. Russell Stern look at a landscape plan that is submitted.

This application will be placed on the March 9, 2023 agenda with revised plans needing to be provided at least ten days in advance of this hearing.

9. NEW BUSINESS –

**CASE NO. Z 22-014**

**Simonfay Family Real Estate, LLC**

**Block: 5202, Lot: 5**

**335 Main Street**

Applicant is seeking Preliminary and Final Site Plan with Intensification of Use and Variances in the Gateway I Zone requiring relief from Intensification of Use, Maximum Impervious Lot Coverage and Required Number of Parking Spaces. Revised Notices and plans must be obtained.

**CASE NO. Z 22-038**

**Jarrett Kest**

**Block: 3404, Lot: 9**

**44 Glenwild Road**

Applicant is seeking permission to construct a 2 Story and 2<sup>nd</sup> Story Addition to the Principal Dwelling, Front Portico, Detached Garage (2<sup>nd</sup> Story to be used for a Home Occupation), Brick Paver Driveway Expansion, Gravel patio and Walkway, Wood Deck, (2) A. C. Condensers, Pool Heating Equipment, and the Relocation of the Existing Portable Spa and Refuse Enclosure in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Maximum Accessory Structure Height. **Due to inadequate noticing this application will be placed on the March 9, 2023 Zoning Board agenda.**

**CASE NO. Z 22-039**

**Nicole & Daniel Jimenez**

**Block: 3502, Lot: 1**

**18 Crescent Road**

Applicants are seeking permission to Not Remove the Existing Front Slate Walkway as Required by Zoning Board of Adjustment Approval ZPA 22-292, Replacement and Enlargement of Existing Rear Slate Patio, Removal and Replacement of Rear Stoop in an R-1 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage

Sworn in this evening were Daniel Jimenez and Nancy Dougherty, Architect. The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated July 11, 2022
- B - 2: Zoning Board of Adjustment Resolution adopted and approved February 9, 1998
- A - 1: Survey prepared by Brunswick West, Inc. dated December 22, 2020 having no revisions this survey is on the Site Drawing
- A - 1: Site Drawing (1 Sheet) prepared by Studio 1200, LLC, dated and last revised June 9, 2022
- A - 2: Color photos – 1 Sheet consisting of six pictures
- A - 3: Site Drawing Sheet A-2 prepared by Studio 1200 LLC, dated February 3, 2023

Mr. Jimenez provided an opening statement stating that he and his wife moved from Manhattan in November of 2020, they have been renovating the home and just had a baby two weeks ago.

Ms. Dougherty began her testimony and shared her screen. Ms. Dougherty stated that a zoning permit application was issued for the Jimenez’s and was approved with no issues. The applicants are now in the construction phase but have decided that they do not want to remove the existing front slate walkway that was to be removed per ZPA-22-292, as well as square off the rear slate patio. The application is only over by 1.83% from the permitted impervious coverage allowed.

Mr. Santoro asked the Board if they had any further questions for Ms. Dougherty. Ms. Silliman asked if the slate walk leading to the garden is going to be kept. Mr. Jimenez stated that they are keeping these slates stone but is going to be doing an extensive planting in the rear yard. There being no further questions from the Board, he opened the meeting to the public. Seeing no public wishing to be heard that portion of the meeting was closed. The Board began their deliberation.

A motion to approve was made by Ms. Salko, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonno, Ms. Salko, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Silliman and Mr. Osborne

NAYS: None

#### **10. OTHER BUSINESS – 2022 Annual Report**

A draft of the 2022 Annual Report and Tree Protection Ordinance memorandum prepared by Mr. Gary Hall was distributed to all Board members for discussion this evening.

Key points from the draft annual report were discussed at length. It was noted that a comprehensive review of the signage standards should be looked at. Also discussed was Impervious Coverage, an amendment to the HPC Ordinance, zoning regulations on the Main Street Corridor and checklist requirements.

It was further discussed that the Tree Ordinance needs some fine tuning and should be looked into further.

**11. ADJOURNMENT** – The meeting was adjourned at 9:35pm .pm with a motion made by Ms. Silliman and seconded by Ms. Tiritilli.

Respectfully submitted,

Frances Boardman  
Board Secretary