

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, June 9 2022 at 7:30 P.M.,
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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 13, 2022, the Board by Resolution adopted a schedule of meetings.

On January 14, 2022 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, Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, and Ms. Ransom-Silliman

EXCUSED: Ms. Salko

ALSO PRESENT: Gary Hall, ZBA Attorney
Dennis Harrington, Board Engineer
Frances Boardman, Board Secretary

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – The minutes of the May 12, 2022, Regular Zoning Board meeting

The above referenced minutes were not ready for review this evening and will be carried to the July 14, 2022 meeting for adoption.

6. RESOLUTIONS FOR MEMORIALIZATION –

Distributed to all Board members for their review was the following resolution. Several corrections were noted and a voice vote of “Aye” was heard from all eligible voting Board members in approval of the Resolutions.

CASE NO. Z 22-010

Resolution granting variance application to Andrew & Nicole Leib, Block: 1101, Lot: 24, 33 Wayne Boulevard to construct a 2 ½ Story Addition, 2nd Story Addition, Front Open Porch, Brick Paver Driveway with Granite Block, Front Walk, Storm Water Management System, and 2 Air Conditioning Units with Evergreen Plantings in an R-3(Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Open Porch), Minimum Side Yard Setback (Right) (Open Porch) Minimum Rear Yard Setback and Maximum Principal Building Coverage.

7. SCHEDULING AND PROCEDURAL MATTERS – Mr. Hall noted that there might be future proceedings on proposals involving the bank property at 98 Main Street and the expansion of the townhouse development on Elm Street.

8. OLD BUSINESS –**CASE NO. Z 22-004**

Chet Swartz & Nicole Robbins

Block: 4004, Lot: 29

60 East Lane

Applicants are seeking permission to construct a 1 Story “Roofed” Patio with Fireplace, Reduction in Existing Patio/Walkway Area, and Modifications to Existing Field Stone Retaining Wall in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. This application was started at the April 14, 2022 meeting of the Zoning Board of Adjustment but not concluded. At the request of the applicant this application will be carried to the August 11, 2022 Zoning Board agenda. The applicant will re-notice all residents within 200 feet and the Madison Eagle.

CASE NO. Z 22-009

One Bardon Street, LLC

Block: 1003, Lot: 4

1 Bardon Street

Applicant is seeking permission to construct a 2nd Story Addition with Rear Cantilever, Landing Steps and Walkway, Air Conditioning Unit, Basement Egress Window and Dumpster in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Bardon Street), Minimum Front Yard Setback (Central Avenue) and Minimum Rear Yard Setback. This application was started on May 12, 2022 but not concluded. At the request of the Applicant’s Attorney this application will be carried to the July 14, 2022 Zoning Board agenda without further notice.

CASE NO. Z 22-011

Kevin & Irene Rodin

Block: 4702, Lot: 19

24 Crestview Avenue

Applicants are seeking permission to construct an Expansion of Existing Patio with grille and Counter Area, Roof over a portion of Expanded Patio, Walkway from Existing Driveway to Expanded Patio, Outdoor Fireplace and a Drywell in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage. This application was started on May 12, 2022 but not concluded.

Mr. & Mrs. Rodin and Mr. DelleDonne remain under oath. The following exhibits were marked:

Exhibit A-4: Site and Architectural Plan (1 Sheet) prepared by David DelleDonne, Architect, dated 2-17-2022 last revised 5-20-2022.

Exhibit A-5: Drywell Design (1 Sheet) prepared by Matarazzo Engineering dated May 27, 2022 having no revisions.

Mrs. Rodin began by recapping the application and the request for the outdoor space. Mr. DelleDonne shared his screen and provided the Board with the changes that were made to the proposed plan after the last Board hearing. He stated that the Impervious Lot Coverage and the Maximum Principal Building Coverage were decreased. The roof area and patio will drain to a second drywell in the front of the home and a gravel trench drain is proposed in the rear of the home. Mr. DelleDonne stated to the Board that there are no detriments to the public or the intent of the Master Plan with this application. That after the last hearing the Rodin’s considered all the Board’s comments are decreased the variances being sought. The rear patio creates a much-desired outdoor space for the homeowners and enhances the property and the neighborhood.

The Board continued there discussion on the burden of proof for this application. The Board stated that the applicant and their professionals work with Mr. Harrington regarding the drainage, they also stated that the open porch could not be enclosed. After a length deliberation Mr. Santoro opened the meeting to the public for questions or comments, seeing none that portion of the meeting was closed.

Mr. Hall provided the conditions for the resolution. A motion to approve with the conditions was made by Dr. Paetzell, seconded by Mr. Foster. A roll call was requested and recorded as follows:

AYES: Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Mr. Santoro, and Ms. Tiritilli
NAYS: Ms. Ransom-Silliman

A five-minute break was taken at 9:07pm, the meeting resumed at 9:15 pm with all members present.

9. NEW BUSINESS –

CASE NO. Z 22-008
Copper Beech Condominium Association
Block: 3001, Lot: 1.47
34-42 Loantaka Way

Applicant is seeking permission to construct a freestanding sign in an R-9 (Multi-Family Residential) Zone requiring relief from Front Yard Setback.

Mrs. Driscoll recused herself from this application proceeding.

Sworn in to testify were Mr. Alan DiDino, Esq., Mr. Jason Jordon and Mr. Jonathan Stuhl.

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Dennis Harrington, Zoning Officer dated September 24, 2021
- B - 2: Memorandum from Dennis Harrington, dated April 12, 2022
- B - 3: Memorandum from Russell Stern, dated April 3, 2022
- A - 1: Condominium Plan (one sheet) prepared by Control Point Associates, dated February 25, 2021, last revised June 23, 2021.

Mr. DiDino provided an opening statement regarding the need for the signage application. Mr. Stuhl provided his qualifications to the Board and was accepted as an expert witness.

He began his testimony and shared his screen using exhibit A-1. The sign placement and the location of the existing telephone pole were discussed at length. The proposed sign will be the only sign that identifies the community. A temporary real estate sign was approved and erected on Loantaka Way. The placement of the sign on the north side entrance is easier to see than on the south side driveway. The sign will have a perpendicular alignment and be four feet in height which is in compliance with the Borough Ordinance.

Mr. Santoro asked if the proposed sign would be illuminated. Mr. Jordon, Condominium Association representative, stated that there was no illumination proposed. Mr. Santoro suggested ground lighting of the sign be considered.

Site distance was discussed and it was determined that Mr. Harrington would work with the applicant and Professionals regarding the placement of the sign. The chain link fence was discussed, and will not be replaced at this time. Ground level plantings are required as per Mr. Stern's memorandum.

Mr. Santoro opened the meeting to the public for questions and comments.

Mr. Horace Tate, who resides at Copper Beech stated that the proposed sign is important for identification of the community.

There being no further input from the public the Board began their deliberation. Mr. Hall provided the conditions for the resolution. A motion to approve with the conditions stated was made by Mr. Foster, seconded by Mr. DiIunno. A roll call was requested and recorded as follows:

AYES: Mr. DiIunno, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli and Ms. Ransom-Silliman

NAYS: None

Mrs. Driscoll returned to the Board meeting.

CASE NO Z 22-012

Adam DeBiasse

Block: 2303, Lot: 28

2 Pine Tree Terrace

Applicant is seeking permission to construct a 2 ½ Story Addition, Open Front Porch, Wood Deck, Paver Patio, Air Conditioning Unit, Modifications of Existing Asphalt Driveway, Removal of Existing Shed, and Storm Water Management System in an R-3(Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Minimum Modified) and Maximum Principal Building Coverage.

Sworn in to testify were Mr. Adam DeBiasse and Mr. David DelleDonne, Architect.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated April 12, 2022

A - 1: Survey prepared by Lakeland Surveying, dated October 18, 2021 having no revisions

A - 2: Site and Architectural Plan prepared by David Delle Donne, dated April 2, 2022, having no revisions

A - 3: Color Photos, consisting of six sheets

An overview of the application was provided by Mr. DeBiasse. He stated that he purchased the home which is uninhabitable. He purposes the changes in order to make the home more functional. Mr. DelleDonne shared his screen and began his testimony.

He stated that the lot is undersized for the Zone, which creates a hardship for the applicant. The elevations were discussed as was storm-water management considerations.

Mr. Santoro asked when the home was built. Mr. DeBiasse stated that the home was built in the 1950's, however; it has been abandoned for the last three-five years. The air conditioning units will be located in the rear of the property, the second floor will be all new construction, creating four bedrooms on that level and a new usable basement will be created. The entire roof area will be captured in the drywell. Mr. DeBiasse stated that there are no water issues at the site that he is aware of. The building height will not be an issue and will be 34.35 feet, which is under the permitted Ordinance height. Mr. Santoro recommended that a landscape plan be submitted.

Mr. Santoro opened the meeting to anyone from the public that had questions or comments regarding this application, seeing none that portion of the hearing was closed. The Board began their deliberation. A \$500.00 escrow fee for landscaping was required. Mr. Hall provided the conditions for the resolution. A motion to approve with the conditions stated was made by Mrs. Driscoll, seconded by Ms. Tiritilli. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Mr. Santoro, and Ms. Tiritilli
NAYS: None

CASE NO. Z 22-015

Evan Palumbo

Block: 309, Lot: 9

33 Beech Avenue

Applicant is seeking permission to construct a 2 Story Addition, Paver Patio, Rear Stoop with Steps, Generator, Drywell, Bilco Doors, Relocation of (2) Existing Air Conditioning Units, Removal of Existing Concrete Patio, Minor Grading, and Soil Erosion and Sediment Control Measures in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage.

Sworn in to testify were Mr. & Mrs. Palumbo, Mr. William Hollows and Ms. Karen Khalaf, Architect.

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated April 28, 2022

A - 1: Survey prepared by Murphy & Hollows Associates, dated March 24, 2022

A - 2: Engineering Plans (2 Sheets) prepared by Murphy & Hollows Associates, dated April 6, 2022 last revised April 26, 2022

A - 3: Architectural Plans (four sheets) prepared by Karen KhalafArchitecture, LLC, dated April 21, 2022.

A - 4: Color Photos, two sheets

Mrs. Palumbo provided an overview of the application. The application will allow for more space for the accommodation of the family.

Mrs. Khalaf began her testimony showing the proposed first floor plan. The only variance that is requested is for Impervious Lot Coverage which is due to the length of the driveway back to the detached garage. The second floor plans were also shown by shared screen and discussed. Ms. Khalaf stated that this is a simple design to increase the living space for the family. The applicants are reducing the size of the existing patio.

The elevations were shown and discussed at length. The addition to the home fits into the neighborhood and meets the intent and the purpose of the Master Plan.

Mr. Foster asked if the drywell would capture all roof area. Mr. Hollows stated that the drywell was sized for only the 453 square foot addition. It was recommended that Mr. Hollow's work with Mr. Harrington regarding capturing as much runoff as possible. Landscape screening of the air conditioning units and generator was also discussed.

Mr. Santoro opened the hearing to the public, seeing no public with their hands raised that portion of the meeting was closed. The Board began their deliberation. Mr. Hall provided the conditions that would be stipulated in the resolution.

A motion to approve with conditions was made by Mr. Foster, seconded by Dr. Paetzell. A roll call was requested and recorded as follows:

AYES: Mr. DiIonna, Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Mr. Santoro, and Ms. Tiritilli

NAYS: None

CASE NO. Z 22-016

Jaclyn Flavell

Block: 4902, Lot: 1

25 Dellwood Drive

Applicant is seeking permission to construct a 2 ½ Story Single Family Home, In-Ground Pool, Retaining Walls, Patios, Walks and Terrace Areas, Asphalt Driveway, Storm-Water Management System, Outdoor Grill, Outdoor Shower, Air Conditioning Units, Generator, UCC Pool Compliant Fence and (3) Tree Removals in an R-1 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback (Dellwood Drive), Minimum Front Yard Setback (Dellwood Parkway West), Maximum Principal Building Coverage, Maximum Impervious Lot Coverage and Minimum Retaining Wall Setback. This application was not reached and will be carried without further notice to the July 14, 2022 Zoning Board meeting.

CASE NO. Z 22-013

18 West Lane, LLC

Block: 4002, Lot: 1

18 West Lane

Applicant is seeking permission to construct a 2 ½ Story Single Family Home with Secondary Front Loading Garage, Asphalt Driveway, Paver Patios and Walks, Basement Egress Window, Drywell, Generator and Air Conditioning Units in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side Yard Setback (West Side), Minimum Additional Garage Setback and Maximum Principal Building Coverage. This application was not reached and will be carried without further notice to the July 14, 2022 Zoning Board meeting.

10. OTHER BUSINESS – 2021 Annual Report

The Board discussed the 2021 Annual Report. Several changes to the report were suggested, but the Board after continued discussion decided to adopt the resolution as it was presented. A motion to adopt the 2021 Annual Report Resolution was made by Ms. Driscoll, seconded by Mr. Foster. A voice vote of "Aye" was heard by all members and recorded.

Mr. Santoro discussed with the Board an article that was in the NJ Planner magazine January/February edition discussing Policy versus Weighing Evidence. Mr. Hall also provided insight on this topic to the Board.

11. ADJOURNMENT – This meeting was adjourned at 11:15 pm with a motion made by Mrs. Driscoll and seconded by Dr. Paetzell.

Respectfully submitted,

Frances Boardman
Board Secretary