

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, August 11, 2022 at 7:30 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 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).

**Oath of Office administered to newly appointed and re-appointed members**

Mr. Christine Tiritilli Class IV, Regular Member, Unexpired Four-Year Term through December 31, 2022  
Ms. Kate Ransom-Silliman, Class IV, Alternate # 1, Unexpired Two-Year Term through December 31, 2023  
Mr. Steve Sherman. Class IV, Alternate # 2, Unexpired Two-Year Term through December 31, 2022

**3. ROLL CALL**

**PRESENT:**, Mrs. Driscoll, Mr. Fitzsimmons, Mr. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli, Ms. Ransom-Silliman and Mr. Sherman

**EXCUSED:** Mr. DiIonna and Frances Boardman, Board Secretary

**ALSO PRESENT:** Gary Hall, ZBA Attorney  
Dennis Harrington, Board Engineer

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – The minutes of the July 14, 2022, Regular Zoning Board meeting were not ready for approval and will be carried to the September 8, 2022 meeting for adoption.

## 6. RESOLUTIONS FOR MEMORIALIZATION –

Distributed to all Board members for their review were the following resolutions. 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 22-009**

Resolution granting variance application to One Bardon Street, LLC, Block: 1003, Lot: 4, 1 Bardon Street to construct a 2<sup>nd</sup> 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.

### **CASE NO. Z 22-013**

Resolution granting variance application to 18 West Lane, LLC, Block: 4002, Lot: 1, 18 West Lane 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.

### **CASE NO. Z 22-020**

Resolution granting variance application to Tyler & Laura Baker, Block: 4202, Lot: 18 9 Wyndehurst Drive to construct a Second Story Addition, 2 ½ Story Addition, Rear Stone Walkway with Stairs, Rear Roofed Entry, and Front Bay Window in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Side yard Setback (Left).

## 7. SCHEDULING AND PROCEDURAL MATTERS –

### 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.

Mr. Swartz, Ms. Robbins and Ms. Schmid remain under oath. The following exhibits were marked:

Exhibit A-4: Roth Engineering Cover Letter dated July 21, 2022

Exhibit A-5: Revised Zoning Requirement Table

Exhibit A-6: Roth Engineering Lot Grading and Drainage Plan, dated July 21, 2022

Ms. Schmid introduced and reviewed the plan and the changes in calculation to the impervious lot coverage. Storm water management was reviewed. Mr. Santoro asked the Board if they were ok with the changes that were outlined this evening. Mr. Foster asked Mr. Harrington if he was ok with the storm water management, Mr. Harrington responded that he was.

Mr. Santoro opened the meeting to the public, seeing none that portion of the meeting was closed. The Board began their deliberation.

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

AYES: Mrs. Driscoll, Mr. Foster, Mr. Santoro, Ms. Tiritilli and Ms. Ransom-Silliman.

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 started but not concluded at the July 14, 2022 meeting.

Ms. Flavell and Mr. Van Lenten remain under oath. The following exhibits were marked:

Exhibit A-4: Revised Zoning Requirement Table

Exhibit A-5: Site & engineering Plans (5 Sheets) prepared by Korzen Engineering, dated April 4, 2022, having a last revision date of 7/22/2022.

Exhibit A-6: Architectural Plans (6 Sheets) prepared by John Van Lenten Architect, dated April 1, 2022, last revised July 20, 2022.

Ms. Flavell began by recapping the application and the revised changes to the proposed single family home. Mr. Van Lenten 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 room sizes were decreased as shown on the architectural drawings.

Mr. Santoro asked the Board if they were ok with the changes that were outlined this evening. Mr. Foster stated that the revised proposal still does not reduce the proposed application enough and that the “C2” relief was not justified. Ms. Ransom-Silliman agreed that the home is still too large.

Storm water management was discussed. Mr. Harrington is ok with the storm water management, as presented.

Mr. Santoro opened the meeting to the public, seeing none that portion of the meeting was closed. The Board began their deliberation.

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

AYES: Mrs. Driscoll, Dr. Paetzell, Ms. Salko, and Mr. Santoro

NAYS: Mr. Foster, and Ms. Ransom-Silliman.

**9. NEW BUSINESS –**

**CASE NO. Z 22-018**

**Antonio Rega**

**Block: 4202, Lot: 7**

**104 Green Avenue**

Applicant is seeking permission to construct a 2<sup>nd</sup> Story Addition, 1 Story Addition, Rear Covered Deck and the Removal of Existing Front Concrete Walk in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

Sworn in to testify were Mr. Antonio Rega and Mr. Alan Andreas

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 John Vogel II, land Surveyor, dated December 6, 2021, having no revisions

A – 2: Site and Architectural Plans (4 Sheets) prepared by ASA Architectural Design, dated December 30, 2021, last revised April 1, 2022.

A – 3: Black and White photos – 3 Sheets

Mr. Andreas provided the Board with a review of the application and the variances being requested. The improvements to the home are all conforming except for the left side yard setback and building coverage. The house is modest in size and is appropriate for the modernization and limited enlargement.

Mr. Santoro asked the Board if they had any questions for Mr. Andreas or Mr. Rega, seeing none he opened the hearing to the public. There being no public that wished to be heard on the application that portion of the hearing was closed.

The Board began their deliberation. A motion to approve was made by Mrs. Driscoll, seconded by Mr. Foster. A roll call was requested and recorded as follows:

AYES: Mrs. Driscoll, Mr. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli and Mr. Sherman

NAYS: None

RECUSED: Ms. Ransom-Silliman

**CASE NO. Z 22-019**

**Robert & Sherrie Chen**

**Block: 4804, Lot: 3**

**68 Barnsdale Road**

Applicants are seeking permission to construct a 1 Story Rear Addition with Crawl Space in an R-2 (Single-Family Residential) Zone requiring relief from Minimum Rear yard Setback and Maximum Impervious Lot Coverage.

ZBA Regular Meeting 08-11-2022

Sworn in to testify were Mr. Steve Azzolini, Esq., Mrs. Sherrie Chen, and Mr. Michael Capo,

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated April 19, 2022
- A – 1: Survey prepared by James Deady, Surveyor, LLC, dated April 18, 2019, last revised April 12, 2022.
- A - 2: Site and Architectural plans (2 sheets) prepared by Michael Capo Architect, LLC, dated April 18, 2022
- A – 3: Color Photos – 2 Sheets

Mrs. Chen began by stating the need for the improvements to the home. She stated that there are no rear yard neighbors since the home backs up to a baseball field. Mr. Capo provided the improved house circulation with the modest one story addition. He stated that the addition will provide a better flow to the home. The architectural plans were reviewed by Mr. Capo.

Mr. Santoro asked the Board if they had any questions seeing none he opened the hearing to the public. There being no public that wished to be heard on the application that portion of the hearing was closed.

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

- AYES: Mrs. Driscoll, Mr. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli and Mr. Sherman
- NAYS: None

**CASE NO. Z 22-021**  
**Joseph & Katharine Siano**  
**Block: 4502, Lot: 3**  
**41 Garfield Avenue**

Applicants are seeking permission to construct an Enclosure of Existing Rear Deck to “Screened Porch” with Roof and New Stairs to Existing Brick Paver Patio in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in to testify this evening were Mr. & Mrs. Siano and Mr. Encin.

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 George Anderson, LLC, dated May 14, 2015
- A - 2: Site and Architectural plans (3 sheets) prepared by Mendham Design Architects, dated May 17, 2022
- A – 3: Black & White Photos – 4 Sheets

Mr. Siano provided an overview of the application. Mr. Encin reviewed the plans and discussed the photos.

A discussion regarding the storm water management to the rear of the property was discussed at length.

Mr. Encin explained the calculation of the impervious coverage. He stated that the roof leaders would be connected from the enclosed porch. Mr. Harrington stated that he was all right with the drainage as discussed this evening.

Mr. Santoro asked the Board if they had any questions seeing none he opened the hearing to the public.

Ms. Carol Jacobs, 8 Amelia Court, Madison is concerned with the storm water management on the property stating that the runoff from this property is significant.

Mr. Harrington suggested that the Borough review the storm water system in the area.

Mr. Santoro suggested that the applicant review their system and the Borough DPW also check out the Borough system in the area.

Ms. Ransom-Silliman asked if the applicant would consider a landscape berm.

This application is being carried without further notice to the September 8, 2022 Zoning Board of Adjustment agenda.

**CASE NO. Z 22-022**

**Sean McGowan & Brianne Flynn**

**Block: 302, Lot: 16**

**10 Redmond Drive**

Applicants are seeking permission to construct a 2 Story Cantilevered Addition, Removal of Existing Patio and Portion of Existing Walkway, a New Patio and an Extension of Existing Walkway in an R-3 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

Sworn in to testify was Mr. McGowan

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated January 26, 2022
- A - 1: Survey prepared by J S S Land Surveying, dated April 14, 2020
- A - 2: Survey prepared by J S S Land Surveying, dated April 14, 2020 showing proposed site plans
- A - 3: Site and Architectural plans (5 sheets) prepared by AHM Architect, LLC, dated October 25, 2021, last revised January 18, 2022
- A - 4: Black & White Photos – 2 Sheets

Mr. McGowan provided testimony on the improvements that he would like to make to his home. The improvements would enlarge the kitchen, family room, mudroom and laundry room. It would also create a new rear patio. The expansion on the second floor increases the existing floor area of the home but provides a master bedroom suite and upgrades the current bedrooms and bath.

Mr. Santoro asked the Board if they had any questions seeing none he opened the hearing to the public. There being no public that wished to be heard on the application that portion of the hearing was closed.

The Board began their deliberation. A motion to approve was made by Mrs. Driscoll, seconded by Dr. Paetzell. A roll call was requested and recorded as follows:

AYES: Mrs. Driscoll, Mr. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli and Ms. Ransom-Silliman  
NAYS: None

**CASE NO. Z 22-023****Matthew & Anna Fields****Block: 3502, Lot: 6****25 Green Hill Road**

Applicants are seeking permission to construct a 1 Story Addition, 2 Story Addition, Rear Stoop with Steps, (2) Rear Patios. Rear and Side Stepping Stone Walkways, Air Conditioning Unit and Dumpster in an R-2 (Single-Family Residential) Zone requiring relief from Maximum Principal Building Coverage.

Sworn in to testify were Mr. & Mrs. Fields and Ms. Rita Schmid

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated May 19, 2022

A - 1: Survey prepared by Morgan Engineering & Surveying, dated April 18, 2022, having no revisions.

A - 2: Site and Architectural plans (2 sheets) prepared by Melone Architect, LLC, dated May 18, 2022

A - 3: Color Photos – 5 Sheets

Mrs. Fields reviewed the need for the improvements on the home. Ms. Schmid reviewed the site plan and the proposed additions to the rear of the property along with rear patios. The home additions would provide an enlarged modernized kitchen, family room, dining room, a relocated powder room and a mudroom. The basement would be expanded to create habitable living space. The expanded second floor would enlarge the master bedroom suite. The Board discussed the storm-water system and it was agreed upon that the applicant would submit a storm water management plan that would address existing surface runoff and the increased roof runoff. The applicant should work with Mr. Harrington regarding the storm water.

Mr. Santoro asked the Board if they had any questions seeing none he opened the hearing to the public. There being no public that wished to be heard on the application that portion of the hearing was closed.

The Board began their deliberation. A motion to approve was made by Ms. Tiritilli, seconded by Mr. Foster. A roll call was requested and recorded as follows:

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

NAYS: None

**CASE NO. Z 22-024****John & Nicole Chismar****Block: 503, Lot: 4****15 Avon Drive**

Applicants are seeking permission to construct a 2 Story Addition, Roof over Existing Rear Concrete Patio, Unroofed Rear Patio, New Raised Roof over Existing Open Front Porch, Widening of Existing Paved Driveway, Proposed Air Conditioning Unit, Generator and Fire Place, and Rear Roofed Landing with Stairs in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Front Yard Setback, Minimum Rear Yard Setback, Minimum Right Side Setback, Maximum Principal Building Coverage, Maximum Impervious Lot Coverage and Maximum Driveway Width.

Sworn in to testify were Mr. & Mrs. Chismar and Mr. Marc Marion

The following Exhibits were marked:

ZBA Regular Meeting 08-11-2022

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated May 11, 2022
- A – 1: Survey prepared by Brunswick Surveying, Inc., dated January 13, 2022, having no revisions
- A - 2: Site and Architectural plans prepared by Architect, Plus, dated April 20, 2022, last revised April 29, 2022
- A – 3: Color Photos – 4 Sheets
- A – 4: Color Photo of 12 Avon Drive from Goggle Maps

Mrs. Chismar provided an introduction to the Board regarding the application, she stated that this is a family home and she and her husband are expecting a child. Mr. Marion reviewed the plans as presented. Mr. Hall stated that an additional variance was necessary for the width of the garage and right side setback.

Mrs. Driscoll and Ms. Ransom-Sillman are concerned with the right side setback. The Board discussed a reduction to the garage.

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

Mrs. Storino, 11 Avon Drive was concerned with storm water management. She was also concerned with landscaping and fences.

It was discussed that the storm water management would capture the entire house. The driveway would also be reduced in width by 2” and meet the existing curb cut. A buffer or fence would be provided on the right side, the air conditioning unit would be screen in accordance with the Borough Ordinance.

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 Dr. Paetzell, seconded by Ms. Tiritilli A roll call was requested and recorded as follows:

AYES: Mrs. Driscoll, Mr. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli and Ms. Ransom-Silliman  
 NAYS: None

## **10. OTHER BUSINESS –**

**11. ADJOURNMENT** – This meeting was adjourned at 11:35 pm with a motion made by Mrs. Driscoll and seconded by Dr. Paetzell.

Respectfully submitted,

Frances Boardman  
 Board Secretary