

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Regular (Virtual Zoom) Meeting, September 8, 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).

**3. ROLL CALL**

**PRESENT:** Mr. DiIonna, Mrs. Driscoll, Mr. Foster, Dr. Paetzell, Mr. Santoro, Ms. Tiritilli, Ms. Ransom-Silliman and Mr. Sherman who arrived at 7:44pm

**EXCUSED:** Ms. Salko

**ALSO PRESENT:** Gary Hall, ZBA Attorney  
Dennis Harrington, Board Engineer  
Frances Boardman, Board Secretary  
Russell Stern, Board Planner  
Harold Maltz, Board Traffic Consultant

**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 October 13, 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 22-004**

Resolution granting variance application to Chet Swartz & Nicole Robbins, Block: 4004, Lot: 29, 60 East Lane 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.

**CASE NO. Z 22-016**

Resolution granting variance application to Jaclyn Flavell, Block: 4902, Lot: 1, 25 Dellwood Drive 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.

**CASE NO. Z 22-018**

Resolution granting variance application to Antonio Rega, Block: 4202, Lot: 7, 104 Green Avenue 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.

**CASE NO. Z 22-019**

Resolution granting variance application to Robert & Sherrie Chen, Block: 4804, Lot: 3, 68 Barnsdale Road 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.

**CASE NO. Z 22-022**

Resolution granting variance application to Sean McGowan & Brianne Flynn, Block: 302, Lot: 16, 10 Redmond Drive 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.

**CASE NO. Z 22-023**

Resolution granting variance application to Matthew & Anna Fields, Block: 3502, Lot: 6, 25 Green Hill Road 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.

**CASE NO. Z 22-024**

Resolution granting variance application to John & Nicole Chismar, Block: 503, Lot: 4, 15 Avon Drive 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.

**7. SCHEDULING AND PROCEDURAL MATTERS**

ZBA Regular Meeting 09-08-2022

**8. OLD BUSINESS –**

**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. This application was started on August 11, 2022 but not concluded.

Mr. Joseph Siano and Mr. Dan Encin remain under oath.

Mr. Harrington began by providing an update on the stormwater management findings that had taken place at 41 Garfield Avenue with The Borough of Madison Sewer Forman, Mr. Vito Luppino and Lepore Plumbing. After investigation it was determined that, the Borough system is functional. There was no written report received from Lepore Plumbing. After a lengthy discussion it was stated that the system should be re-inspected during construction if the application is approved.

The Board continued their discussion on the storm-water issues present at the site. The applicant stated that he would agree to any conditionins placed in the resolution of approval. 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 Ms. Tiritilli, seconded by Mr. Foster. A roll call was requested and recorded as follows:

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

**9. NEW BUSINESS –**

**CASE NO. Z 22-025**

**Bill Staffieri**  
**Block: 4101, Lot: 7**  
**222 Woodland Road**

Applicant is seeking permission 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. Due to insufficient noticing this application will be carried to the October 13, 2022 agenda of the Zoning Board of Adjustment.

**CASE NO. Z 22-026**

**Cheryl & Jeremy Bolton**  
**Block: 101, Lot: 4**  
**6 Oak Court**

Applicants are seeking permission to construct an Open Front Porch, 2<sup>nd</sup> Story Addition, 2 Story Addition, Roofed Deck with Stairs, Paver Patio and Minor Expansion of Existing Sideway/Driveway in an R-3 (Single

Family Residential) Zone requiring relief from Maximum Front Yard Setback and Maximum Impervious Lot Coverage.

Sworn in to testify were Mr. and Mrs. Bolton and Mr. David DelleDonne

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated March 16, 2022
- A – 1: Survey prepared by WM. F. Zimmerly & Associates dated March 25, 2009, last revised June 27, 2009, updated February 15, 2020
- A – 2: Prevailing Front Setback prepared by David DelleDonne, Architect, dated 2/22/2021
- A – 3: Site and Architectural Plans (2 Sheets) prepared by David DelleDonne, Architect, dated January 31, 2022, last revised March 1, 2022.
- A – 4: Color photos – 4 Sheets

Mr. Bolton provided an overview of the application. The family has been living in the home since 2009 and they are bursting at the seams. They are looking to add a Master bath, a fourth bedroom and have a modern outdoor space for their enjoyment.

Mr. DelleDonne shared his screen and explained the expansion of the home showing the first and second floors. The Bolton's have a narrow lot in the R-3 Single-family zone, which creates a hardship for the small addition that, is being requested. Mr. DelleDonne stated that he had done a prevailing front setback study based on the same side of the street as the Bolton's on Oak Court. The proposed porch is conducive with the neighborhood and there are no determinants to the neighborhood. The increase in the impervious coverage is mostly due to the long driveway going to the detached garage. The elevations were shown and discussed. There is no storm-water management proposed for this application. The attic is not a habitable space. The slope of the home goes from front to rear and there are no rear neighbors that will be affected by this addition.

Storm-water management was discussed at length. It was determined after the discussion that storm-water management was not necessary. Mr. Santoro asked the Board if they had any further questions for Mr. DelleDonne or the Bolton's, seeing none he opened the meeting to the public. Seeing none, that portion of the meeting was closed.

The Bolton's and Mr. DelleDonne provided a closing statement.

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

NAYS: None

RECUSED: None

**CASE NO. Z 22-027**

**Brandon & Cassandra Metzger**

**Block: 3001, Lot: 55**

**15 Academy Road**

Applicants are seeking permission to construct a Rear 2 Story Addition and 1 Story Addition, Stairs and Landing, and Re-Build the Existing Pergola in an R-3 (Single-Family Residential) Zone requiring relief from Minimum Rear Yard Setback, Maximum Principal Building Coverage and Maximum Impervious Lot Coverage.

Sworn in this evening were Mr. & Mrs. Metzger and Mr. Alan Leonard, Architect  
ZBA Regular Meeting 09-08-2022

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated June 14, 2022
- A – 1: Survey prepared by Control Layouts, Inc., dated June 17, 2020, having no revisions
- A – 2: Site and Architectural Plan (1 Sheet) prepared by Alan Leonard, Architect, dated June 2022, having no revisions
- A – 3: Color photos – 1 Sheet

Mr. Leonard provided his qualifications and was accepted as an expert witness. Mr. Leonard shared his screen and began his testimony stating that the proposed work is small in nature but will provide the family with a small mudroom and more space in an undersized second floor bedroom. The work being proposed is in the rear of the home and will have minimal impact to the neighbors. The landing, stairs and pergola are existing features on the home and are being rebuilt.

Mr. Santoro asked the Board if they had any further questions for Mr. Leonard, seeing none he opened the meeting to the public.

Mrs. Laurie Reynolds, 29 Academy Road, Madison asked if the application had any storm-water issues. Mr. Santoro stated that storm-water was not an issue with this application.

Seeing no further public that portion of the meeting was closed.

The Metzger’s and Mr. Leonard provided a closing statement.

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

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

A ten-minute break was taken at 9:20pm and all Board members and Professionals returned at 9:30pm

**CASE NO. Z 21-030**  
**Angelica Properties, LLC**  
**Block: 1302, Lots: 7 & 8**  
**64 & 66 Park Avenue**

Applicant is seeking Preliminary and Final Site Plan with Variances and Lot Merger to construct 17 new residential units within 3 New Buildings in an R-4 Overlay requiring relief from density variance and six bulk variances.

Mrs. Driscoll recused herself from this portion of the meeting.

Ms. RoseMary Stone-Dougherty provided an overview of the application which is Phase III of Angelica Properties, LLC. Phase I was a project completed in 2012, and Phase II was completed in 2019. The application will consolidate 64 & 66 Park Avenue to 6-10 Elm Street and consist of 17 units with three being affordable ones.

Mr. John Ferrante was sworn in and provided his qualifications to the Board. He was accepted as an expert witness.

Mr. Ferrante provided an overview of the application summarizing the variances that are being requested. He stated that these units would be rental units only and not Condos. The homes presently on site at 64 & 66 Park Avenue will be demolished. The three buildings being proposed will be Buildings D, E and F. Building D will consist of 7 units, while Building E and F will consist of four units each. Building F will provide the three COAH units consisting of one three-bedroom and two two-bedroom units. There will be no driveway access from Park Avenue into these buildings.

At the request of the Fire Department, an additional Fire Hydrant will be provided. At this time storm-water management was discussed at length. A landscape plan was shown and discussed. It was determined that the Borough Arborist should review this plan. The next plan discussed was the Lighting plan. Mr. Ferrante stated that all comments from Mr. Harrington and Mr. Stern's memorandums would be addressed at the next meeting.

Mr. Santoro suggested that the applicant consider reducing the number of units in Building D to six.

Mr. Joseph Steiger, Traffic Expert was sworn in. He provided his qualifications to the Board and accepted as an expert witness.

The traffic report from Mr. Maltz dated August 23, 2022 and the traffic report dated April 11, 2022 from Mr. Steiger were discussed at length. The traffic conditions and the site distance along Elm Street were talked about. Phase I and Phase II consist of 12 units and Phase III would have an additional 17 units.

Mr. Steiger had no comments to Mr. Maltz's report dated August 23, 2022.

Mr. John DeSimone, Jr. was sworn in at this time.

Mr. Santoro asked if Mr. DeSimone was aware of any traffic accidents at the corner of Park Avenue and Elm Street. Mr. DeSimone stated that he was unaware of any.

Mr. Maltz provided insight on Mr. Steiger's testimony stating that he was in agreement with the testimony that he provided this evening.

Mr. Stern asked that an exhibit showing additional parking spaces be provided.

As indicated three parking spaces will be lost in the Phase I and Phase II buildings. It was testified to that the replacement spaces would be located near the new units proposed in Phase III.

Phase I and Phase II are rental units only and are occupied by young couples, and 50/60 year olds looking to downsize. It was stated that only two units have young children.

Currently there are no parking issues on the Phase I and Phase II units. There are no concerns from the Madison Fire Department. The built units function well without walkways. Mr. Sherman asked what the total number of handicap spots are required. Mr. Steiger stated that two spaces are needed.

Mr. Stern asked about EV Charging spaces. Mr. DeSimone stated that every garage in the Phase I and Phase II units has EV charging capability. Phase III garages will also be equipped with EV charging ready materials.

Mr. Maltz questioned the deficiencies of seven guest parking spaces for the three phase of buildings. Comments to address this issue will be provided by Mr. Steiger and Mr. Ferrante at the next meeting.

The applicant will return without further notice at the next Zoning Board of Adjustment meeting scheduled for October 13, 2022.

**10. OTHER BUSINESS –**

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

Respectfully submitted,

Frances Boardman  
Board Secretary