

MINUTES
BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT
Regular (Virtual Zoom) Meeting, October 13, 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. Foster, Dr. Paetzell, Ms. Salko, Mr. Santoro, Ms. Tiritilli, Ms. Ransom-Silliman and Mr. Sherman

EXCUSED: Mr. DiIonna, and Mrs. Driscoll

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

4. PLEDGE OF ALLEGIANCE

5. MINUTES FOR APPROVAL – The minutes of the August 11, 2022, Regular Zoning Board meeting for approval and the September 8, 2022 meeting for adoption. Several corrections were noted on the minutes and a voice vote of “Aye” was heard by all eligible voting Board members.

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 22-021

Resolution granting variance application to Joseph & Katharine Siano, Block: 4502, Lot: 3
41 Garfield Avenue 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.

CASE NO. Z 22-026

Resolution granting variance application to Cheryl & Jeremy Bolton, Block: 101, Lot: 4, 6 Oak Court to construct an Open Front Porch, 2nd 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.

CASE NO. Z 22-027

Resolution granting variance application to Brandon & Cassandra Metzger, Block: 3001, Lot: 55
15 Academy Road 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.

7. SCHEDULING AND PROCEDURAL MATTERS**8. OLD BUSINESS –****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. This application was started at the September 8, 2022 Zoning Board meeting but not concluded. At the request of the Applicant’s Attorney this application will be carried to the November 10, 2022, Zoning Board of Adjustment meeting.

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.

Sworn in to testify were Mr. Bill Staffieri and Mr. Anthony Cortese

The following Exhibits were marked:

- B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated March 23, 2022
- A - 1: Survey prepared by Stires Associates dated August 2, 2021, having no revisions
- A - 2: Plan Entitled "Existing In-Ground" Improvement Plan, prepared by Split Rock Design undated
- A - 3: Color photos - 3 Sheets

An opening statement was provided by Mr. Staffieri with regards to the application. Mr. Cortese shared his screen and provided details on the cohesive design that is being proposed. He stated that the lot has a large backyard with mature trees and an existing in ground pool. Extensive plantings are proposed in this application. The drywell as designed will capture the 2800 square feet of proposed additional impervious coverage.

Mr. Santoro questioned the small asphalt driveway and if some of the asphalt could be removed. In addition, the five-foot setback for a driveway is not met. The application stated that he would prefer not touching this asphalt drive as this is the area that the resident's vehicles park.

Storm water concerns were discussed at length by the Board. They are very concerned with the runoff to the street. The Board would like to see the water issues on the property mitigated.

The treehouse on the property was discussed, the applicant would like to keep the tree house for the enjoyment of his children. There is no hardship with the size of the lot that the roof runoff should not be directed to the street. The Board suggested that the applicant work with the Assistant Borough Engineer, Dennis Harrington and come up with a solution for the storm water issues.

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

Mr. Sam Morella, 3 Christina Court provided a statement on the concern for storm water management in town.

This application will be carried to the November 10, 2022 Zoning Board of Adjustment meeting without further notice.

CASE NO. Z 22-028
21 Cookie Dough, LLC
Block: 1502, Lot: 9
21 Cook Avenue

Applicant is seeking a Sign Variance to construct a Hanging Sign in the CBD-2 (Central Business District 2) Zone requiring relief from No Hanging Signs allowed in this zone.

Sworn in to testify were Mr. Steve Azzolini, Esq. and Mrs. Alison Shearman

The following Exhibits were marked:

- A - 1: A four page set of photo renderings prepared by Designer Systems dated August 30, 2021, last revised November 16, 2021
- A - 2: Survey prepared by ABC Survey's, LLC dated September 12, 2019
- B - 1: Planning Board Resolution dated 1989
- B - 2: Technical Review prepared by Dennis Harrington, dated September 23, 2022
- B - 3: Memorandum prepared by Russell Stern, dated August 18, 2022
- B - 4: Sign & Façade Committee memorandum dated, September 14, 2022

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B – 5: Denial letter issued by Dennis Harrington, dated December 29, 2021

Mr. Azzolini provided an overview of the application. Mrs. Shearman stated that the accounting firm of Bertolo & Warshaw Group, LLC is the only tenant in the building. Interior renovations and an ADA ramp were done at the site.

Mr. Azzolini shared his screen showing photos of the property along with the current sign. The proposed hanging sign was discussed, it will be a vinyl double sided sign with no external illumination. The sign will be black with white lettering as shown. The current lighting on the building will be utilized.

Mr. Azzolini stated that the current freestanding sign will be removed. Mr. Stern reviewed his memorandum stating that the proposed sign is less intrusive than what is on site today. He also stated that the hanging sign will have better visibility for the accounting firms clients.

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

Mrs. Mary Ellen Lenahan, 84 Greenwood Avenue, member of the HPC was interested in the proposed signage. The DDC memorandum that was sent to the Board having no objection to the proposed sign was discussed. Seeing no further public with questions or comments 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 Ms. Tiritilli. A roll call was requested and recorded as follows:

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

NAYS: None

RECUSED: None

CASE NO. Z 22-029

Cesar & Gina Morales

Block: 707, Lot: 14

2 Overhill Drive

Applicants are seeking permission to construct a 2nd Story Addition, Rear 2 Story and 1 Story Additions, Side 1 Story Addition, Rear Deck Platform with Steps, Front Stoop with Roof, Expansion of Existing Rear Paver Patio, Widening of Existing Asphalt Driveway, Removal of Existing Front Concrete Sidewalk and Replaced with Brick Paver Walk, Removal of Existing Side Yard Walkway Replaces with Paver Walkway, and Relocation of Existing A.C Compressor Unit in an R-3 (Single Family Residential) Zone requiring relief from Minimum Side Yard Setback (Right), Maximum Principal Building Coverage and Minimum Side Yard Walkway Setback.

Sworn in to testify were Mr. and Mrs. Morales and Mr. Craig Erezuma

The following Exhibits were marked:

B - 1: Letter of Denial issued by Danny Buckelew, Deputy Zoning Officer dated July 27, 2022

A – 1: Survey prepared by Caulfield Associates, LLP, dated May 7, 2012, last revised July 20, 2022

A – 2: Site Plan prepared by Erezuma Architects, dated June 9, 2022 having no revisions

A – 3: Architectural Plans (2 Sheets) prepared by Erezuma Architects, dated June 9, 2022

A – 4: Color photos – 1 Sheet

Mr. Morales provided a brief overview of the application. Mr. Erezuma began his testimony and shared his screen addressing the variances that are being requested for the proposed addition to the home. The floor plans

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were shown and discussed at length. Mr. Erezuma stated that the proposed building coverage is minimal. The attic will be used for mechanical space, since there is limited area for full height attic and will be uninhabitable space.

Storm water management was discussed and the Board felt that this was an opportunity for the applicant to capture runoff. The installation of a drywell was discussed at length. Mr. Erezuma felt that a drywell would not work on the site and provided testimony supporting his statements. The applicant and Mr. Erezuma will work with Mr. Harrington regarding storm water.

Mr. Santoro opened the meeting to the public for questions or comments. 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 was made by Mrs. Ransom-Silliman, seconded by Dr. Paetzell. A roll call was requested and recorded as follows:

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

NAYS: None

RECUSED: None

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. Due to a defect in the appropriate zone this application will need to be revised and new notices will need to be sent out to both residents within 200 feet and the newspaper.

CASE NO. Z 22-030

Brad & Jaclyn Harabedian

Block: 906, Lot: 6

14 Longview Avenue

Applicants are seeking to Widen an Existing Asphalt Driveway in an R-3 (Single Family Residential) Zone requiring relief from Maximum Impervious Lot Coverage and Minimum Side Yard Driveway Setback. **Due to Noticing Defect this application will be carried to the November 10, 2022, Zoning Board of Adjustment Agenda.**

10. OTHER BUSINESS –

11. ADJOURNMENT – This meeting was adjourned at 10:00 pm with a motion made by Mr. Foster and seconded by Dr. Paetzell.

Respectfully submitted,

Frances Boardman
Board Secretary