

**MINUTES
PLANNING BOARD OF THE BOROUGH OF MADISON
REGULAR MEETING MARCH 15, 2016**

A regular meeting of the Planning Board of the Borough of Madison was held on the 15th day of March 2016 at 7:30 P.M., in the Court Room, Hartley Dodge Memorial, 50 Kings Road, Madison, NJ.

The meeting was called to order by Planning Board Chairman, Steve Tombalakian
Mr. Tombalakian requested the reading of the Public Meeting Notice.

Ms. Boardman read the following statement in accordance with the Open Public Meetings Act.

“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 5, 2016, the Board by Resolution adopted a schedule of meetings.

On January 6, 2016, a copy of the schedule of meetings was posted at the bulletin board at the entrance to the Hartley Dodge Memorial, 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”.

The following roll call was recorded:

Present: Jeff Gertler, Michael Kopas, Tom Lewis, John Forte, Astri Baillie, Steve Tombalakian, and Mayor Robert Conley

Excused: Peter Flemming, and George Limbach

Absent: None

Also Present: Vince Loughlin, Planning Board Attorney
Susan Blickstein, Board Planner
Frank Russo, Board Engineer
Frances Boardman, Board Secretary

Approval of Minutes:

Copies of the minutes of the March 1, 2016 regular meeting were distributed to all Board members for their review prior to this meeting. A motion to approve the minutes as corrected was made by Mr. Gertler, seconded by Mr. Kopas. A voice vote of “aye” was heard by all eligible voting members and recorded.

Comments by the Public:

Mr. Tombalakian opened the floor to the public for anyone that wished to be heard on any matter not on this evening’s agenda. Seeing no one he closed that portion of the meeting.

RESOLUTIONS FOR MEMORIALIZATION –

**REQUEST FOR FOUR-YEAR EXTENSION OF APPROVAL FOR THE PRELIMINARY
AND FINAL SITE PLAN AND RELATED VARIANCES**

Planning Board Case 98-04

Resolution of Approval dated July 28, 1998

Previous Applicant:

Giralda Farms Phase I SPE LLC (formally Reckson)

New Applicant:

Madison Giralda Property Owner, LLC

3 Giralda Farms

Block: 3202, Lot: 1

Resolution granting the Four-Year Extension of Approval for the Preliminary and Final Site Plan with Related Variances to Madison Giralda Property Owner, LLC for the Preliminary and Final Site Plan with Related Variances on property located at 3 Giralda Farms, Madison commonly known on the Borough of Madison Tax Map as Block 3202, Lot 1.

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The draft resolution was sent to the applicant's Attorney, Mr. Thomas Malman, Esq. as well as the Planning Board members and its Professionals for review prior to this evening's meeting.

Mr. Tombalakian asked the Board and its Professionals if they had any further comments or questions concerning the resolution. Seeing none a motion to approve the resolution was made by Mayor Conley, seconded by Ms. Baillie; the following roll call was recorded:

"Ayes" - Mayor Conley, Mr. Forte, Mr. Kopas, Mr. Gertler, Ms. Baillie, Mr. Tombalakian and Mr. Lewis

"Nays" - None

"Abstain" - None

"Excused" - Mr. Flemming and Mr. Limbach

NEW BUSINESS -

CASE NO. P 16-001

Concept Review

Minor Two Lot Subdivision with Variances

Ingeborg Lefcovich

140 Central Avenue

Block: 1001, Lot: 50

Mr. Robert Marcus, Esq. introduced Mr. Nicholas Wunner, Wunner Engineering to discuss the concept review before the Board this evening.

Mr. Nicholas Wunner, P.O. Box 303, Succasunna was sworn in. Since Mr. Wunner has appeared before this Board on numerous occasions, he was qualified as an expert witness.

Mr. Wunner began by giving the Board a brief history of the property. It was stated during his testimony that Tax Lot 88 in the rear of the property has an unknown owner. This was verified by the tax records. The applicant is looking to subdivide the current property into two lots, thus creating a lot in the rear.

Mr. Lewis asked Mr. Wunner to state why the north arrow on the cover sheet of the concept review is actually pointing east. Mr. Wunner verified that the north arrow was indeed showing the wrong direction.

Mr. Wunner explained to the Board that there is currently a 400 square foot residence in the rear of the property. This structure was built in 1950 and is currently being used by the Madison Housing Authority. Ms. Boardman indicated to the Board that the Tax Assessor records show this property being accessed as a commercial property - rooming house. The Assessor acknowledged that there are two structures on the property, however; a property record card from 1968 states that the second structure, which is only 420 square feet cannot be used due to zoning regulations.

Mr. Wunner explained that the lot is currently 23,706 square feet, if subdivided Lot A would be 11,427 square feet and Lot B would be 12,278 square feet. Each lot would have several variances. This subdivision would also improve upon the gravel roadway, shared by the other homeowners (Block: 1004, Lots: 43 through 51). The roadway is currently graveled and does not meet the RSIS regulations for a street.

There are many encumbering factors on this lot. All variances proposed are self created for both lots in this subdivision application. Mr. Russo addressed the fact that there are definitely Title Issues with Lot 88. Who has the rights to this property? Mr. Wunner asserted that this application is not unique to the Borough of Madison; take for instance the Dellwood section of the Borough. Dr. Blickstein stated that the rear lot would not have street frontage, which is not allowed in the Borough. Also the applicant cannot improve on something that they do not own (Lot 88). Dr. Blickstein also commented that this application is basically a flag lot which is also not permissible in the Borough. Mr. Tombalakian expressed concern over the legal questions that this subdivision would impose. Would this be a proper road, would there be proper access to Central Avenue.

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Also the facts expressed previously to the applicant that he cannot make improvements to something that he does not own. The Board communicated to Mr. Wunner, Mr. Marcus and the applicant that this subdivision is simply not going to work as presented.

Mr. Loughlin explained that a Title Search must be done. He also remarked that specific deed restrictions would be conveyed if done properly for each lot owner. A question arose from the Board on who paid the taxes on Lot 88. It was stated that no taxes are currently being collected on that lot.

Mr. Lefcovich, the applicant's son stated that 15 years prior the family had owned Lot 51, but had sold that piece off to a family friend. Dr. Blickstein again explained to the Board that the variances are all being self created by this subdivision.

Mr. Wunner raised the question to the Board of a flag lot being developed. Dr. Blickstein again told Mr. Wunner that flag lots are not allowed in the Borough. The Board also expressed that they would not be in favor of a flag lot. Mr. Tombalakian asked Mr. Wunner why he felt that the Borough should allow this subdivision and explain to the Board what positive criteria would be used to support the case.

Mr. Marcus and Mr. Wunner both stated that the rear of the property would be cleaned up and the roadway would be improved on Lot 88. Mr. Tombalakian informed the applicant and his professionals that there were many legal hurdles that needed to be jumped prior to this application being considered. He also recounted that flag lots are not supported by the Borough Planning Board. He sympathizes with the fact that this lot is very challenging. Mr. Marcus was asked if he had any further witness. Mr. Marcus did not but informed the Board that this home was once a licensed boarding house. The home is in need of a lot of work at this time. He expressed an economical hardship on the applicant, in which the Board remarked that economic hardship is not a rational criterion for granting an approval. Dr. Blickstein thanked the applicant and his Professionals for presenting this as a concept review and not proceeding with a full application.

OLD BUSINESS –

CASE NO. P 15-012

Major Six Lot Subdivision with Variances

Millennium Development Group, LLC

Block: 5201, Lot: 11

286 Kings Road

At the request of the applicant's Attorney this case was adjourned to the April 5, 2016 agenda. The Attorney will re-notice for this hearing.

PLANNING DISCUSSION –

Dr. Blickstein stated that she would like to discuss with the Board members her memorandum from February 11, 2016 with respect to Historic Preservation and Compatibility of Residential Infill Development. Ms. Boardman was asked to circulate this memorandum again to all Board members. This discussion item will be placed on the April 19, 2016 agenda.

CORRESPONDENCE – None

Since there was no further business to come before the Board, Mr. Tombalakian made a motion to adjourn the regular meeting at 8:30P.M.; seconded by Mrs. Baillie. A voice vote of "aye" was heard by all members present and carried.

Respectfully submitted,

Frances Boardman
Board Secretary