

**MINUTES  
PLANNING BOARD OF THE BOROUGH OF MADISON  
REGULAR MEETING MAY 3, 2016**

A regular meeting of the Planning Board of the Borough of Madison was held on the 3rd day of May 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, Mayor Robert Conley, Peter Flemming, and George Limbach

Excused: None

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 15, 2016 regular meeting were distributed to all Board members for their review prior to this meeting. A motion to approve the minutes was made by Ms. Baillie, seconded by Mr. Gertler. 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 – None**

Resolution to Permit Executive Discussion of Subjects in Closed Session:

BE IT RESOLVED, by the Planning Board of the Borough of Madison, County of Morris, State of New Jersey, as follows:

That pursuant to Sections 7 & 8 of the “Open Public Meetings Act”, NJSA 10:4-12 and 4-13, the following subjects are discussed in closed session.

Litigation Matters

BE IT FURTHER RESOLVED, that those portions of the discussion not subject to attorney-client privilege may be disclosed to the public upon completion.

A motion was made by Mr. Forte for the Board to go into an Executive Session at 7:33pm.

The Planning Board meeting reconvened with all members present at 8:06pm.

**NEW BUSINESS** –

**CASE NO. P 15-014**

**Preliminary and Final Major Subdivision  
Historic Homes by McCann  
106 & 112 Shunpike Road  
Block: 4601, Lots: 47 & 48**

Mr. Steven Schaffer, Esq. began this evening by presenting into evidence a summary of the application. Mr. Schaffer stated that his witnesses this evening were Mr. McCann, applicant and Mr. Richard Schommer, Engineer.

Exhibit A-1: Summary of application

Mr. Schaffer gave a brief summary to the Board. Historic Homes by McCann, LLC is the owner of adjoining properties at 106 and 112 Shunpike Road in the R-2 District. The property encompasses approximately 1.865 acres with existing residences on each lot. Both of these homes would be demolished to create three single-family lots accessed via a new cul-de-sac off of Shunpike Road. Preliminary and Final Major Subdivision approval is being sought. Mr. Schaffer also stated that this application is fully conforming.

Mr. Schaffer called his first witness. Mr. Richard Schommer, 13 Mt. Kemble Avenue, Morristown, NJ was sworn in and qualified as an expert witness.

The following exhibits were marked into evidence:

- Exhibit A-2: Colorized Existing Conditions Plan, dated May 3, 2016
- Exhibit A-3: Colorized Preliminary & Final Site Plan, dated May 3, 2016

Mr. Schommer went over the main points of the subdivision stating that the application had no freshwater wetlands, flood hazard areas, riparian buffers, open water or regulated slopes. Mr. Schommer stated that public utilities run from Shunpike Road to Old Green House Lane. Mr. Schommer indicated to the Board using Exhibit A-3 the proposed three lot subdivision and Cul-de-Sac off Shunpike Road. Mr. Schommer indicated to the Board the 2,072 square foot dedication required Right of Way to the County. Mr. Schommer further testified that each home would be developed fully complying with all R-2 zoning requirements. The current utility easement was discussed and Mr. Schommer addressed the elimination of the old utility easement and the purposed new 25 ft utility easement. This utility easement will be shown on the plans and a condition of the resolution if the application is approved.

Mr. Schommer affirmed that a drainage plan inclusive of drywells will decrease the amount of runoff and a Storm Water Management Report was submitted as a part of this application. Borough Shade Trees are proposed along Shunpike Road and all precautions will be undertaken to protect the existing street trees on Shunpike Road as indicated in the Shade Tree Management report. Mr. Schommer stated to the Board that this application had no environmental or historic preservation issues.

The Bowman Consulting memorandum, dated March 31, 2016 prepared by Mr. Frank Russo was discussed. Mr. Schommer stated that all conditions in the memorandum would be complied with.

The Board had a lengthy discussion about sidewalks. Mr. Schommer indicated to the Board that no sidewalks were being proposed for this application.

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Mr. Schommer stated that the County has no plans for widening the road and that the County has approved the submitted subdivision plan with some conditions with regard to filing. Mr. Schommer stated that the Public Road would be conveyed to the Borough and that the maintenance of the road would be the responsibility of the Borough. Parking on the Cul-de-Sac was also discussed at length along with pedestrian safety.

Mr. Stephen McCann, 184 Green Avenue, Madison was sworn in. Mr. McCann stated that he would agree to place sidewalks on Shunpike Road if the County was in agreement with this request of the Borough.

Mr. Tombalakian asked if the Board had any further questions for Mr. Schommer or Mr. McCann, seeing none he opened the floor to the public for questions.

Mrs. Bonnie Maher, 9 Olde Green House Lane, asked if all dead and hazardous trees in the rear of the property would be removed. Mr. McCann stated that all trees would be removed and a new landscaping buffer would be provided in the rear of the property as shown on the plans.

Mrs. Virginia Topf, 13 Old Green House Lane, questioned the grade and the drainage concerns. Mr. Schommer stated that the current drainage pattern will be maintained with all water running toward Shunpike Road. He also stated that each home will have a drywell installed to capture runoff as well.

Seeing no further questions from the public that portion of the hearing was closed. A question from the Board regarding street lights was discussed. Mr. Russo stated that street lights were not encouraged on this subdivision.

Mr. Tombalakian then opened the floor to the public for comments on this application. Seeing none he closed that portion of the hearing. Mr. Schaffer gave his closing statement. The Board began their deliberation. All conditions of the resolution were recited by Mr. Loughlin which included a Developer's Agreement.

A motion to approve this Preliminary and Final Major Subdivision was made by Mayor Conley, seconded by Mr. Tombalakian. A roll call was requested and recorded as follows:

"Ayes" – Mayor Conley, Ms. Baillie, Mr. Flemming, Mr. Forte, Mr. Gertler, Mr. Limbach, Mr. Kopas, Mr. Lewis and Mr. Tombalakian

"Nays" – None

"Excused" – None

A ten minute break was taken at 9:15pm. The Board resumed with all members present at 9:25pm.

**OLD BUSINESS –**

**CASE NO. P 15-012**

**Major Six Lot Subdivision with Variances**

**Millennium Development Group, LLC**

**Block: 5201, Lot: 11**

**286 Kings Road**

A transcript of this portion of the hearing was prepared by Toniann Acquaro, Veritext, LLC.

This application was originally heard on December 1, 2015. The continuation of hearing was postponed by Mr. Steve Azzolini, Esq., applicant's Attorney on January 5, 2016, January 19, 2016, February 2, 2016, March 1, 2016, April 5, 2016, and April 19, 2016. Notification of this hearing, on May 3, 2016 was provided to the Madison Eagle and property owners within 200 feet both in Madison and Chatham.

Since the members of the Board have changed since the initial hearing, it was determined that in order to have a full board eligible to vote the hearing on this application would begin over again.

Mr. Steve Azzolini began by giving a brief background on the application. Millennium Development Group, LLC is the owner of the property at 286 Kings Road, located at the corner of Division Avenue in the R-3 District. This property also borders the Borough of Chatham. The property encompasses approximately 1.8 acres with an existing residence, garage and many mature trees that have been demolished to create the proposed six lots. One lot will contain a two-family residence in order to meet the Affordable Housing obligations of the Borough. Preliminary and Final Major Subdivision is required for this project. Mr. Azzolini had two witnesses to present this evening, Mr. Andrew Clarke, Engineer, and Mr. Thomas Baio, Architect.

Mr. Andrew Clarke, 37 Girard Avenue, Chatham, NJ was sworn in and qualified as an expert witness. Mr. Clarke discussed the existing conditions as shown on the site plan, dated August 11, 2015 having a latest revision date of April 13, 2016.

Mr. Clarke began his testimony stating that the proposed subdivision meets the requirements of the R-3 Single-Family Residential Zone. Three proposed lots will be created facing Kings Road, while three proposed lots will be on Division Avenue. Proposed lot 11.01 is proposed to be developed with a two-family dwelling to be transferred to the Madison Housing Authority in accordance with and to satisfy the Affordable Housing requirements.

Sidewalks are proposed on Kings Road and all street trees on Kings Road will be maintained. A sidewalk easement is also proposed as a public-right-of-way. Mr. Clarke went on to sheet 4 of the site plan as presented to all Board members. The conceptual dwellings were discussed as well as the proposed driveway layouts. Mr. Clarke stated that the driveways will not be moved and will be held to what is being presented on the site plan before the Board this evening. He explained to the Board that the two-family dwelling will look like a single-family home to fit into the character of the neighborhood. He reminded the Board that this is a fully conforming major subdivision being brought before the Board this evening. There is simple grading being proposed and Storm Water Management will be done on a lot to lot basis, allowing for the reduction of storm water to the roadway. Soil erosion and sediment control plan as well as the detail sheet were discussed.

Mr. Russo asked Mr. Clarke if off tract improvements on site will be done. Mr. Clarke assured Mr. Russo and the Board that yes all off tract improvements would be done on site and that the sewer would be extended along Division Avenue.

Mr. Russo remarked that all DEP approvals and the Sewer Extension Approval would be necessary. A Developers Agreement would also be required. A discussion with respect to the proposed sidewalk along Kings Road took place. Mr. Clarke stated that the sidewalks would follow the contour of the street with consideration of the street trees. This proposal could be adjusted if necessary. Landscaping would be installed and a Maintenance Bond and Performance Guarantee would be required if the Board acted favorable upon this application. It was suggested that a preservation plan be prepared by an Arborist for this site during the construction phase.

Mr. Tombalakian asked the Board if they had any further questions of Mr. Clarke, seeing none he opened the floor to the public for questions of Mr. Clarke.

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David Wood, 11 Essex Place, Madison questioned Mr. Clarke about the runoff from each property. Mr. Clarke stated that a drywell is proposed for each lot in the front yard.

George Mar, 19 Essex Place, Madison, inquired about the amount of trees that were cut down on this property and if new trees will be planted. Mr. Clarke stated that landscaping is planned for the lots however there may be some limitations due to the sewer lateral. Mr. Mar also asked the timeline of the development. Mr. Clarke responded that the applicant will be developing the lots as soon as practical.

Kelly Knowles, 21 Essex Place, Madison, questioned the tree protection proposed for the Pine Oak on her property during the excavation of the sewer line. Mr. Clarke assured Ms. Knowles that all measures would be taken to protect this tree and if possible the sanitary sewer line could slide further away from the tree.

Alarice Lonergan, 96 Kings Road, Chatham, asked why so many homes were being proposed for this subdivision. She stated that the neighborhood is made up of single family houses. Mr. Clarke recounted to Mrs. Lonergan that a two-family house is a permitted use in this zone and consistent with the Borough Ordinance. He also mentioned that this application is fully conforming.

Komlan Lonergan, 98 Kings Road, Chatham, Inquired if a stop sign was being proposed for Kings Road and Division Avenue. Mr. Clarke stated that there were no safety concerns for this site triangle and was initially discussed at the December 1, 2015 hearing. It was the intent of the applicant that all homeowners have a driveway that would allow for the driver to nose out of the proposed driveways onto Kings Road.

At this time Board member Lewis asked if a Cul-de-Sac was considered for this development. Mr. Azzolini replied that no other proposal was being sought other than the one in front of the Board this evening. He also asserted that a Traffic expert had testified on December 1, 2015 and his report is a part of the application.

Mr. Carmen Vacchiano, 15 Essex Place, Madison, was sworn in to provide testimony that there is a water problem at this site. Mr. Clarke informed Mr. Vacchiano that all run off will be improved with this application.

Mr. Tombalakian asked if there were any further questions from the public for Mr. Clarke, seeing none that portion of the hearing was closed.

Mr. Azzolini called his next witness Mr. Thomas Baio, 343 Millburn Avenue, Millburn. Mr. Baio gave his qualifications to the Board and was qualified as an expert witness.

The following was marked into evidence:

Exhibit A-1: Architectural Drawings consisting of 4 Sheets, dated April 13, 2016

Mr. Baio discussed with the Board the floor plans and elevations of the proposed two-family dwelling to be built on lot 11.01. The home proposed is a Hampton Home design; which was designed to represent a single family home with two garage doors and a single entrance door. There is no attic proposed but each unit will have an unfinished basement for storage. Each unit will have three bedrooms and two baths on the second floor.

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Mr. Tombalakian asked the Board if they had any questions for Mr. Baio, seeing none he opened the floor to the public.

Alarice Lonergan, 96 Kings Road, Chatham, stated that the dwelling being presented does not look like a single family dwelling from the plans being presented this evening. Mr. Baio explained to Mrs. Lonergan that the front elevation shows an ornamental lattice that will conceal the two front doors to the dwelling. Mr. Baio stated that this would be a common area for the front of the home. Materials were discussed for the proposed dwelling. Mr. Baio stated that the dwelling would be aesthetically pleasing. The Board stated that they would like to perhaps see one door leading to an inside entrance to each unit.

Mr. Tombalakian asked if there were any further questions for Mr. Baio from the public, seeing none he closed that portion of the hearing. At this time Mr. Tombalakian opened the floor to the public for comments, seeing none he closed that portion of the proceedings.

Mr. Azzolini gave his closing statement to the Board. The Board began their deliberation. The conditions of the resolution were recited by Mr. Loughlin which will include a Developer's Agreement.

A motion to approve this Preliminary and Final Major Subdivision was made by Mayor Conley, seconded by Mr. Flemming. A roll call was requested and recorded as follows:

“Ayes” – Mayor Conley, Mr. Flemming, Mr. Forte, Mr. Limbach,  
Mr. Kopas and Mr. Tombalakian

“Nays” – Ms. Baillie, Mr. Gertler, and Mr. Lewis

“Excused” – None

**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. This discussion item will be placed on the May 17, 2016 agenda. Also placed on the next agenda for discussion will be modifying the Central Business District parking regulations for certain uses.

**CORRESPONDENCE** – None

Since there was no further business to come before the Board, Mr. Tombalakian made a motion to adjourn the regular meeting at 10:57P.M.; seconded by Mrs. Baillie. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,

Frances Boardman  
Board Secretary