

**MINUTES
PLANNING BOARD OF THE BOROUGH OF MADISON
REGULAR VIRTUAL MEETING JUNE 15, 2021**

A regular meeting of the Planning Board of the Borough of Madison was held on the 15th day of June 2021 at 7:30 P.M., via a Zoom electronic meeting.

The meeting was called to order by Planning Board Chairman, Mr. Steve Tombalakian. Mr. Tombalakian requested the reading of the Public Meeting Notice. Ms. Blickstein 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 21, 2020, the Board by Resolution adopted a schedule of meetings. On January 22, 2020, a copy of the schedule of meetings will be posted at the bulletin board at the entrance to the Hartley Dodge Memorial, 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 Planning Board 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>.

The following roll call was recorded:

Present: Astri Baillie, Mayor Conley, Peter Flemming, John Forte, Alfredo Garibay, Tom Harris, Ann Huber, George Limbach, and Steve Tombalakian,

Excused: None

Absent: None

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

Approval of Minutes:

Minutes of the June 1, 2021 regular meeting were not ready at this time. They were carried to the July 20, 2021 regular meeting for approval.

Comments by the Public:

Mr. Tombalakian opened the floor to the public for anyone that wished to be heard on any matter that was not on this evening’s agenda. Seeing none, that portion of the meeting was closed.

RESOLUTIONS FOR MEMORIALIZATION – None

REVIEW AND RECOMMENDATION ITEMS

On referral from the Governing Body: Ordinance 28-2021 “ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT” TO PERMIT MULTIFAMILY RESIDENTIAL USE IN U ZONE.

Dr. Blickstein provided a brief summary of Ordinance 28-2021. This Ordinance was provided to the Board and Professionals prior to this evenings meeting. This Ordinance is consistent with the Master Plan.

A resolution memorializing the review and recommendation of this Ordinance to Mayor and Council was prepared by Mr. Loughlin and sent to all Board members and Professionals.

Mr. Tombalakian asked for a motion to approve and refer back to Mayor and Council for adoption. Motion was made by Mr. Forte, seconded by Mr. Garibay. A voice vote of “aye” was heard by all members and recorded:

NEW BUSINESS –

CASE NO. P 19-008A

Amended Application of Minor Subdivision with Variances

Meredith Felice & Michael Coviello

44 Brooklake Road

Block: 2304 Lot: 15

At the request of the applicant’s Attorney, this application will be carried to the August 3, 2021 agenda of the Planning Board. Notice of this meeting will be provided to the Madison Eagle and all residents within 200 feet of the property.

OLD BUSINESS –

CASE NO. P 21-002

Preliminary and Final Site Plan

Waseem Chaudhary

120 Madison Avenue

Block: 3101, Lot: 21

This application is being transcribed by Laura and Candice Carucci, Huseby Global Litigation

This is the continued hearing from the June 1, 2021 Planning Board meeting. Mr. Turteltaub provided a brief summary of the last meeting. Witnesses this evening include Mr. Waseem Chaudhary, Applicant and Mr. John McDonough, Planner. Mr. Turteltaub reminded the Board that this application is fully conforming.

After review of the landscaping plan, Mr. Limbach provided several landscaping recommendations to the applicant.

Mr. Waseem Chaudhary, 11 Dean Street, Madison was sworn in. Mr. Chaudhary presented a brief overview of the application to the Board and professionals. He would like to create a “House of

Worship” for his faith that he does not need to travel 10 miles away to pray. This “House of Worship would be a part of the Madison Community.

Mr. Chaudhary provided the answers to the operational functions of the Mosque that were asked at the last meeting. Mr. Chaudhary stated that the Mosque would hold five prayers services throughout the day, each lasting no longer than 15 minutes. The main day of prayer for Muslims is Friday. Friday would have a midday prayer service at 1:00pm lasting 30 to 45 minutes. He stated that there would be no other activities at the Mosque. He provided answers for the proposed office space stating that one space would be specifically for the Imam. Mr. Chaudhary stated that the building would not be used for any other purpose.

Parking was discussed at length. Mr. Chaudhary stated that midday Friday was the main prayer and members would attend as a family. Mr. Turteltaub asked if Mr. Chaudhary anticipated a daycare in the facility or a Call to Prayer. Mr. Chaudhary replied “No” to both questions.

Mr. Tombalakian asked the Board if they had any questions for Mr. Chaudhary.

Ms. Baillie asked how parking would be handled when more people joined the congregation. Mr. Chaudhary stated that he had reached out to Drew University but had not received a reply at this time. He also stated that he would limit the number of members at each service and add times to the service if and when necessary.

Mr. Harris asked why Mr. Chaudhary was willing to spend this money if there were only 5 to 10 members in the congregation at this time. Mr. Chaudhary stated that this project is a way for him to give back to the Muslim Community.

Mr. Harold Maltz, Borough of Madison traffic expert opined that if parking is at a maximum that the time between the services extend to 30 minutes. Mr. Chaudhary had no problem with that suggestion.

Mr. Flemming asked if the number of participants at a prayer service as stated during testimony as 50/60 people was a combined total of people in the facility at that time. Mr. Chaudhary stated that the number stated would be a combined total in the facility during each prayer service.

Mr. Harrington asked what the use of the refreshment hall was. Mr. Chaudhary stated that the refreshment hall would be used in the month of Ramadan when the fast is broken at sunset. He stated that there would be no activity in the refreshment room.

There were no further Board questions for Mr. Chaudhary.

Mr. John McDonough, 101 Gibraltar Drive, Parsippany, New Jersey was sworn in. Mr. McDonough provided his education and background to the Board and accepted as an expert witness.

Mr. McDonough provided his review of the application and his conclusions regarding the application and its conformity with the Zoning Plan and Borough Master Plan. Mr. McDonough presented the existing and proposed conditions of the site, stating that the site is a spacious oversized lot in the R-3 Zone and is adequate for the proposed House of Worship, which is an approved conditional use. There are no variances with this application and the design will be an improvement of the integration of the site with the surrounding residential neighborhoods.

Mr. McDonough stated that the applicant is looking to build a new institutional use. The main elements will include a two-story building, consisting of 14, 322 square feet in gross floor area. All zoning

requirements have been met. Extreme care and consideration were taken regarding the neighborhood and there will be no adverse effect on surrounding properties. The proposed House of Worship is going to be a low impact operation.

Mr. McDonough stated that the application is a beneficially, highly protected land use; and the dream and passion of the applicant.

Mr. McDonough had no further testimony. Mr. Tombalakian asked the Board and its professionals if they had any questions for Mr. McDonough.

Mr. Harris asked if the 75 foot minaret could be lowered. Mr. McDonough commented that the minaret is a prominent feature. The proportion of the structure is symbolic of the religion and necessary to identify this as a house of worship. He again reminded the Board that no height variance was necessary for this minaret.

Mr. Flemming stated that he had an opportunity to review the architectural drawings for the mosque being built in Basking Ridge. He asked if there was a mandate for the minaret to be at 75 feet. Mr. McDonough stated that the minaret is a symbol of the religion and that the proposed construction in Basking Ridge is for an Islamic Community Center and not a Mosque.

Dr. Blickstein asked Mr. McDonough to characterize the minaret. Mr. McDonough stated that the minaret would be no higher than any of the other religious practices in the community.

There were no further questions for Mr. McDonough. Mr. Turteltaub recalled Mr. Almkhtar. Mr. Almkhtar remains under oath. Direct examination of Mr. Almkhtar took place by Mr. Turteltaub.

Mr. Turteltaub asked how the design of the minaret was proposed. Mr. Almkhtar stated that he had applied the "Golden Ratio" where minarets and domes are essential features to a design of a mosque. Mr. Turteltaub had no further redirect of Mr. Almkhtar.

Mr. Turteltaub had no further witnesses. Mr. Tombalakian opened the floor to Mr. Simon for his cross-examination of the witnesses from this application.

Mr. Simon stated his cross-examination with Mr. Chaudhary. Mr. Simon asked if Mr. Chaudhary had ever operated a House of Worship before. Mr. Chaudhary's answer was no. Mr. Simon asked if Mr. Chaudhary would be the individual operator of this mosque. Mr. Chaudhary stated that he would be.

Mr. Simon continued his cross-examination of Mr. Chaudhary, Mr. Turteltaub objected to Mr. Simon's line of questioning of his client. Mr. Simon stated that his line of questioning was relevant in order to mitigate this application.

Mr. Simon stated for the record that his clients take issue with certain determinations in terms of variance relief. He also believes that the conditional use is detrimental to the surrounding area.

Mr. Simon continued his questioning of Mr. Chaudhary. Mr. Simon asked how the design of the mosque was chosen. Mr. Chaudhary stated that he travels all over the world and that this mosque was designed in his mind, and after discussion with his team the mosque was designed as presented with this application.

Mr. Simon asked if the refreshment area would be rented out or allowed to be used by any groups or organizations not affiliated with the mosque. Mr. Chaudhary answered that it would not.

Mr. Simon asked Mr. Chaudhary the times of the proposed prayer services. Mr. Chaudhary stated that the first prayer service is 15-20 minutes before sunrise and the last prayer service of the day is 60 to 90 minutes after sunset.

Mr. Simon asked about the separate technical room for the sound system. Mr. Chaudhary stated that was a question for the engineer. Mr. Simon asked if Mr. Chaudhary would have a problem submitting a parking report to the municipality on an annual basis. Mr. Chaudhary stated that he had no problem with this request.

Mr. Simon questioned Mr. Chaudhary on the office space use. Mr. Chaudhary stated that the Imam would use these office spaces for counseling or meetings.

Mr. Simon asked if Mr. Chaudhary has considered a smaller building. Mr. Chaudhary stated that this is a lifelong dream of his and that he is complying with all zoning aspects of the Borough.

Mr. Simon had no further questions for Mr. Chaudhary.

A five-minute break was taken at 9:19pm, the meeting resumed with all members present at 9:25pm

Mr. Simon suggested that Mr. Tombalakian open the meeting to questions of the public. Mr. Tombalakian stated that the meeting would continue with Mr. Simon continuing his questioning of the witnesses provided for this case by Mr. Turteltaub.

Mr. Nassir Almkhtar whom was previously sworn in remains under oath. Mr. Simon began his cross-examination of Mr. Almkhtar.

Mr. Simon asked Mr. Almkhtar if he had reviewed the Borough of Madison Master Plan and the Zoning Ordinance prior to designing the mosque. Mr. Almkhtar stated that he had not. Mr. Simon asked where the other mosques Mr. Almkhtar had designed. Mr. Almkhtar stated that he had worked on the East Brunswick Islamic Center, the Islamic Center of Morris County, and the Islamic Center of Passaic County.

Mr. Simon asked Mr. Almkhtar if he recalled the height of the minarets at those sites. Mr. Almkhtar stated he did not recall. Mr. Simon then asked what total capacity of the prayer space was. Mr. Almkhtar stated 130 occupants on the first floor and 60 on the second floor; for 190 worshippers' total. Mr. Simon then asked what the capacity of the refreshment room was. Mr. Almkhtar answered 125 occupants maximum.

The questioning continued about the number of shoe shelves on each floor, the orientation of the building on the lot, the compatibility of the mosque design with the residential homes, and the exterior glass elevator.

Mr. Simon asked Mr. Almkhtar if he had looked at any other houses of worship that had been constructed in residential zones in the last 40 years. Mr. Almkhtar stated that he had not.

Mr. Simon questioned Mr. Almkhtar at length regarding the minaret and dome. Mr. Simon asked what warranted the height of the minaret. Mr. Almkhtar stated that the minaret works aesthetically and does not create a variance. Mr. Simon asked if Mr. Almkhtar was aware of any minarets in Morris County or New Jersey that were 75 feet high. Mr. Almkhtar stated that he was not.

Mr. Simon asked the height of the elevator bulkhead; Mr. Almukhtar replied that it was approximately 28 feet +/- one foot.

Mr. Simon had no further questions for Mr. Almukhtar.

At this, time Mr. Tombalakian stated that this application would be continued at the regular meeting of the Board scheduled for July 20, 2021 at 7:30pm with no further notice. This meeting will be conducted virtually.

Mr. Maltz stated that he was unavailable that evening. Mr. Loughlin questioned Mr. Turteltaub on the continued extension of the Board's time to act on this application. Mr. Turteltaub stated that he had provided a letter that went to September for time of decision.

PLANNING DISCUSSION –

Environmental Checklist

A draft Preliminary Environmental Checklist and draft ordinance from Dr. Susan Blickstein, last edited May 17, 2021 was distributed to all Board members and professionals prior to this meeting.

Dr. Blickstein provided a brief summary stating that this checklist was developed with input from the Land Use Subcommittee and the Environmental Commission. The Planning Board recommended the Environmental Checklist be sent to Mayor and Council for formal consideration.

The July 6, 2021 Planning Board meeting was cancelled. The next Board meeting will be held virtually on July 20, 2021. Dr. Blickstein stated that she is unavailable for this meeting, but will send someone from her firm in her absence.

CORRESPONDENCE –

Since there was no further business to come before the Board, Mr. Tombalakian asked for a motion to adjourn the regular meeting at 10:45pm.; seconded by Mr. Forte. A voice vote of "aye" was heard by all members present and carried.

Respectfully submitted,
Fran Boardman, Board Secretary