

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Special (Virtual Zoom) Meeting, March 4, 2021 at 7:30 P.M.,**  
Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey.

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**1. CALL TO ORDER BY CHAIRPERSON**

**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 a Regular Meeting of the Board held on February 11, 2021, the Board adopted a special meeting.

On February 12, 2021, a copy of the schedule of this meeting 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. DiIonno, Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Ms. Salko, Mr. Santoro, and Ms. Tiritilli

**ABSENT:**

**EXCUSED:**

**RECUSED:** Ms. Kaar, and Mr. Foster

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

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL** – Special Meeting of February 25, 2021

The above referenced minutes were distributed to all Board members for their review. The approval of these minutes was carried to the March 11, 2021 regular meeting of the Board of Adjustment.

**6. RESOLUTIONS FOR MEMORIALIZATION** – None

**7. SCHEDULING AND PROCEDURAL MATTERS** –

## 8. OLD BUSINESS –

### **CASE NO. Z 20-018**

**Madison Movie Development, LLC**

**Block: 2702, Lot: 24**

**14 Lincoln Place**

Applicant is seeking Preliminary and Final Site Plan Approval, for Construct of a Multi-Story Mixed-Use Building requiring Use Variance and Bulk Variance Approval on property located at 14 Lincoln Place, Block: 2702, Lot: 24 in the Central Business District Zone 1 (CBD-1).

A transcript of this evening's meeting was prepared by Diane DiTizii OF Quick Court Reporting

This application was started at a special meeting on January 28, 2021 but not concluded. Present at this evening's meeting, representing the applicant were Mr. Peter Wolfson, Esq. and Mr. Luke Pontier, Esq. Mr. Wolfson stated that Mr. Jeff Gertler, Architect, Mr. Eric Keller, Bowman Engineering and Mr. Paul Phillips would be providing testimony. It was stated that there would be no Engineering testimony this evening. In a house keeping matter Mr. Wolfson asked that a letter dated February 26, 2021 from his firm be put on the record.

Mr. Jeff Gertler was sworn in, provided his credentials to the Board and accepted as an expert witness. The following was marked into evidence:

Exhibit A-1- Power Point Presentation

Mr. Gertler stated that the design guidelines for Downtown development were reviewed and that all buildings in the downtown shall be recognized as products of their own time. Size and scale of the proposed building was discussed. Mr. Gertler stated that there is a hodge podge of size and scale on Lincoln Place.

The proposed floor plans were discussed along with the proposed garage floor plan. In the garage there are 24 parking spaces proposed, one for each unit; there is an ADA parking space proposed by the elevator, there is bicycle storage and refuse space.

Proposed floor plans were discussed. The first floor will have two retail spaces, one approximately 800 square feet and the other approximately 1,000.00 square feet. Tenants have not yet been obtained for these spaces and there may be only one tenant as opposed to two as shown. Behind the retail space will be six apartments, three Affordable Housing units and three market value. Two of the COAH units will be two-bedrooms and one will be a three bedroom. The second floor will have one two-bedroom COAH unit.

The mezzanine was discussed and the plan was shown stating that it is 45 feet in maximum height. The roof will be used for maintenance only and not available to the residents of the building. The elevations of the building were shown and discussed. The details of the building were discussed. The entrance into the residential portion will be on the westerly side of the building, with railings proposed that will separate the side of this property from the Post Office. Lyons Madison Theater 1925 plaque will be placed on the building along with a replica of the ticket booth near the residential entrance.

The applicant and professionals have worked with the Historic Preservation Commission on the details of this proposed building. HVAC will be recessed into the roof and not seen from the street. Madison brick pavers will be used and a bicycle rack and bench will be located on Lincoln Place. This building will revitalize the downtown. The Borough of Madison has agreed to store the original ticket booth until it can find a new home. The existing chandelier will be reused on site.

Noise control was discussed for the residents. Green areas on the site were deliberated. The applicant has proposed four electric charging stations in the garage. Signage was discussed next. Mr. Stern asked for additional information on the

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backlit signage section detail. Building materials were elaborated upon as well as the elevator bulkhead. The refuse and recycling operation was discussed next. A private hauler will be hired for pick up two days a week. Mr. Gertler testified to having a conversation with the Fire Department Chief, Lou DeRosa. Mr. Santoro requested the applicant to get a written report from the Fire Department and the Police Department.

Mr. Gertler had no further testimony. Mr. Santoro opened the meeting up to Board questions. Mr. Stern asked Mr. Gertler to discuss the garage level perforated brick. Mr. Gertler stated that the perforated brick would provide an open and airy pattern, and there would be no solid wall so that fresh air could flow in and exhaust air out creating an equal air exchange. Mechanicals were discussed at length as well as the trash enclosure. Bicycle storage will be adequate for 24 bicycles near the electrical room. Mr. Santoro asked if the garage door could be widened, Mr. Gertler stated that it was not possible due to the column on the building, he did state that the Borough of Madison Emergency vehicle measures 8.2 feet and would not have a problem getting access to the garage.

Mr. DiIonno questioned the ceiling heights on each floor. Mr. Gertler stated that 7.6 square feet is a habitable height and is compliant with the Borough Code. He also questioned the 14 Lincoln sign that protrudes to the property line. Mr. Gertler stated that there is a planted area behind the sign as a boundary-privacy for the residential units.

Mr. Stern explained once again that the mezzanine is a story by Borough Code and that a variance is required.

Mr. Hall asked for clarification on the transformer pad. Mr. Gertler stated that there is no transformer proposed and that a single-phase or 3 phase load service will be necessary for the building. It was determined that the applicant should reach out to Mr. Jim Mattina, Superintendent of the Electrical Department to discuss this matter. Mr. Hall inquired on the need for bathrooms in the retail space. Mr. Gertler stated that bathrooms would be included on revised plans.

There being no further Board questions the meeting was open to the public. Mr. Robert Simon, Attorney for the Objectors questioned Mr. Gertler on his testimony. Mr. Simon asked Mr. Gertler if he was familiar with the Borough Code. Mr. Gertler responded "yes". He asked if the building could be designed without the need for variances. Mr. Gertler responded "yes". Mr. Simon asked what the number of units being proposed are. Mr. Gertler responded that 24 units are being proposed. Mr. Simon asked what the size of the building was in square feet. Mr. Gertler stated that the building is approximately 27,000 square feet, which does not include the basement at approximately 9,000 square feet or the mezzanine of 1,000 square feet. Mr. Santoro asked Mr. Gertler to supply a table to the Board with the dimensions of each floor. Mr. Simon asked if a use variance was required for the first floor residential units. Mr. Santoro told Mr. Simon that the Board was aware of the use and bulk variances for this application. Mr. Simon asked if Mr. Gertler had any other building analysis for comparison. Mr. Gertler stated that no other building interiors were looked at in comparison. Mr. Simon inquired where deliveries would be made for the retail space. Mr. Gertler stated that they would be made through the front doors on Lincoln Place. Mr. Simon asked about the size of the affordable units. Mr. Gertler stated that the affordable unit sizes are no different from many of the other market value units. Mr. Gertler stated that there are four COAH units proposed.

Mr. Simon had no further questions at this time and the meeting was opened to the public.

Ms. Dorothy O'Brien, 38 Crestwood Drive, Madison asked why the third floor units were the only ones with mezzanines and if these units would be, open to Madison residents only? Mr. Gertler stated that all units would be open to anyone interested in renting. She questioned the variance required for the parking pillars in the garage. Mr. Gertler stated that this variance was diminish. Ms. O'Brien questioned the driveway entrance and moving trucks. Mr. Gertler stated that this building would be treated like any other building in Madison. Ms. O'Brien questioned the brick color to be used on the building Mr. Gertler stated that the brick color that would be used would be reddish-brown.

Ms. Kathleen Caccavale, 82 Central Avenue, Madison questioned the first floor trash/recycling for the residents. Mr. Gertler stated that the first floor residents trash and recycling would be handled just like the second and third floor residents. Ms. Caccavale questioned the noise for the residents adjacent to the mechanicals. Mr. Gertler stated that the residents would not have a noise problem.

Ms. Laurie Reynolds, 29 Academy Road, Madison asked if this application was proposing solar panels, Mr. Gertler stated that there is no plan for solar panels at this time. Ms. Reynolds inquired as to the parking demand as only one spot per unit. Mr. Wolfson stated that the applicant's Planner would be testifying to this matter.

Holly Goodridge, 69 Central Avenue, Madison inquired about the inside/outside gas meters. Mr. Wolfson stated that the meters would be placed where they are proposed.

There being no further public questions that portion of the meeting was closed. A five-minute break was taken at 10:35pm. The meeting reconvened with all Board members and Professionals present at 10:40pm.

Mr. Eric Keller remaining under oath provided traffic testimony. A traffic engineering evaluation was submitted on January 3, 2019 and an addendum was submitted on September 2, 2021 and November 18, 2020. The original traffic study was prepared prior to this application but remains applicable. Two components of the report were discussed. The traffic impacts and the parking evaluation. Traffic counts were conducted at the two intersections, Lincoln Place and Waverly Place and Lincoln Place and Prospect Street and the analysis found that the change in average delay for this project was nominal. The parking was testified to next. Mr. Keller stated that parking would be documented in each of the leases that there would only be one parking space per unit. He stated that since this building is so close to mass transit that the parking is appropriate for this site. Permit parking is available in the Municipal lots for the retail space. Visitor parking can be handled in one of the Municipal lots. Site distance is not an issue with the size of the drive aisle. The applicant will provide pedestrian warning signs. Testimony by Mr. Keller was completed.

Mr. Santoro opened the meeting to the Board for questions of Mr. Keller.

Mr. Fitzsimmons asked if overnight parking was available at the Madison Train Station. Mr. Keller answered that overnight parking is only available in the Kings Road, Maple Avenue, and Prospect Street lots and not available at the Train Station. Mr. Fitzsimmons questioned the access through Lot 12, and why it is a one way only. Mr. Keller replied that the traffic coming out of the garage would indicate right turn only allowing traffic to go out to Lincoln Place. The driveway through the existing residential building behind the proposed site is only wide enough for one lane of traffic.

Mr. DiIonna inquired about the mechanical gate being proposed on Lot 23. Mr. Keller stated that the mechanical gate is still being proposed and was requested by the lot owner. Lot 23 only serves 12 parking spaces and does not generate a lot of activity. It was decided that revised plans would show there being no conflict with other vehicles.

Given the late hour it was announced that this application would appear at the regular meeting of the Zoning Board of Adjustment scheduled for March 11, 2021, without further notice. At that time, the public and Mr. Simon would be able to ask questions of Mr. Keller's traffic testimony.

## **9. NEW BUSINESS -**

## **10. OTHER BUSINESS –**

**11. ADJOURNMENT** – The meeting was adjourned at 11:25 pm with a motion made by Mrs. Driscoll and seconded by Mr. Fitzsimmons

Respectfully submitted,

Frances Boardman  
Board Secretary