

**MINUTES  
PLANNING BOARD OF THE BOROUGH OF MADISON  
REGULAR VIRTUAL MEETING JUNE 1, 2021**

A regular meeting of the Planning Board of the Borough of Madison was held on the 1st 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:**

Copies of the minutes of the April 20, 2021 Regular meeting was distributed to all Board members for their review prior to this meeting. A motion to approve the minutes as submitted was made by Mr. Flemming, seconded by Ms. Baillie. 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 that was not on this evening’s agenda.

Lisa Jordan, 36B Loantaka Way, Madison Acknowledged the Planning Board on an outstanding job on the Fair Share Housing element.

Dr. Blickstein then provided a brief synopsis of the Third Round of the Fair Share Housing Element.

**RESOLUTIONS FOR MEMORIALIZATION – None**

**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.**

**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 Carucci, Huseby Global Litigation**

Mr. Robert Simon, Esq. opposing council for the application provided a letter via email, dated June 1, 2021, to the Board and Mr. Turteltaub. This letter was marked into evidence as:

O – 1: Rob Simon letter dated, June 1, 2021

This letter listed the interested parties that Mr. Simon represents. Their names and addresses were read into the record.

Mr. Simon continued stating several issues that he felt were deficient in the public notice prohibiting this case from being heard this evening. He also commented on the conditional use of the proposed House of Worship as well as the variances he feels accompany this application. He feels that the application is in front of the wrong board.

Mr. Simon disagrees with virtual public hearings vs in person meetings. He feels that a public meeting should be held on this matter.

Mr. Turteltaub stated that proper newspaper notice as well as the residential notice within 200 feet of the property had been properly provided.

Dr. Blickstein provided testimony addressing the Land Development issues.

Mr. Tombalakian after hearing both sides on the matter decided to proceed with the hearing this evening.

Mr. Turteltaub provided a brief summary of the application before the Board.

The applicant proposes to demolish the Drew Alumni House and to construct a +/- 14,300 square foot mosque at 120 Madison Avenue, at the corner of Vinal Place. The proposed mosque has a +/-5,180 square foot footprint and contains a basement level and two stories. It is situated approximately 60 feet closer to Madison Avenue than the existing Alumni House and maintains a 60 foot setback along Vinal Place, comparable to the existing condition. Landscaping, parking, lighting and drainage improvements are also proposed, including the use of brick pavers in sand for approximately 1/3 acre, thereby lowering the impervious coverage compared to existing conditions. Two full-movement driveways are proposed, one off of each frontage street. Preliminary and final site plan approval are required, along with variances based on the current submission. The property is located in the R-3 District, where institutional uses are conditional uses. The application meets the conditional use standards and thus can be reviewed by the Planning Board.

Mr. Turteltaub provided a witness list that will be prepared to provided testimony on this application.

Mr. Tombalakian suggested that Mr. Turteltaub present his case but have all witnesses available for further hearings on this application. Mr. Turteltaub will accommodate the Board's request. Mr. Simon respectfully objects to this proposed way of proceedings. Mr. Tombalakian noted the objection.

Mr. John Palus, 1904 Main Street, Lake Como was sworn in. He provided his background and was accepted as an expert engineering witness.

Mr. Palus reviewed for the Board the existing property and what the proposed property development.

The exhibits used this evening during testimony were pre-marked.

Exhibit A-4: Boundary and Topography Survey, dated April 13, 2021

Exhibit A-2: Color Rendering, dated June 1, 2021

The following were discussed at length. Access to site, 37 parking spaces along with 2 ADA spaces. Two Electric Charging Stations, along with 6ft stockade fence. An 8'x10' trash enclosure was also shown. The HVAC enclosure and landscaping were discussed.

The 75 foot minaret is attached to the building and is part and partial of the building. Brick pavers are being used for the site.

The proposed lighting was discussed at length. It was stated that all lights would be turned off two hours after sunset, except for four lights on the site for security reasons.

The landscape plan was discussed. 17 established trees will remain on the site, the proposed species for the application were discussed which include Native White Pine, Douglas Fir and Green Giant Arborvitae evergreen trees. Ornamental and shade trees were shown along with low-growing flowering ground covers.

Storm-water management was discussed, with three drywells are being proposed for the site. The impervious lot coverage was decreased on-site. A new roof leader system and inlet system is proposed to connect to the existing storm-water infrastructure. The signage as shown complies with the Borough Ordinance and very limited. There is one freestanding sign located at the Madison Avenue driveway and one building mounted sign. All new utility connections will be provided to the building.

Mr. Turteltaub asked Mr. Palus to provide testimony on the depth of the basement area and the height. It was determined through testimony that this space is located beneath the primary floor and located below grade in its entirety. Mr. Palus stated that by Borough definition this area would not constitute a basement.

The Environmental Commission memorandum was discussed. The applicant is proposing two electric charging stations, Energy efficiency for lighting utilities, HVAC Systems will be modulating with occupant sensors. Exterior lighting will be on a timer and lights will be dimming type LED. Windows, including the stained glass window will be insulated. Bike racks will be provided, and a Knox box will also be provided as directed by the Fire Department.

Mr. Harrington inquired about the height of the lighting and asked if the height of the poles could be lowered. Mr. Palus stated that the height of the poles could be lowered, and he will work with Mr. Harrington regarding this issue. Mr. Harrington also is concerned with the storm-water management particularly the wellhead protection area. Mr. Palus will look into this further and will work with Mr. Harrington on this issue.

Dr. Blickstein asked Mr. Palus to discuss the up lighting proposed and also the timing of the lights. Mr. Palus will double check on the up lighting and respond back to Dr. Blickstein. The timing of the lights would be that they are turned off two hours after sundown.

Mr. Limbach provided several suggestions on the landscaping as proposed. Mr. Palus stated that they were open to species recommendations.

A five-minute break was taken at 9:03 pm. The meeting reconvened at 9:11pm with all members present.

Mr. Palus remaining under oath continued his testimony. The following exhibits were pre-marked and utilized during this testimony.

Exhibit A-7: 3 D Aerial (Three-year planting exhibit)  
Exhibit A-8: Larger landscaping view  
Exhibit A-9: Small landscaping view  
Exhibit A-11: Madison Avenue driveway view  
Exhibit A-13: Small landscaping looking into site  
Exhibit A-15: Intersection of Vinyl Place and Madison Avenue view  
Exhibit A-17: Small landscaping/Larger Landscaping at the intersection looking at site  
Exhibit A-19: Smaller landscaping along Vinyl Place  
Exhibit A-21: Driveway into site from Vinyl Place  
Exhibit A-23: View at the Main Building  
Exhibit A-25: Small landscaping at fifteen-year growth

These exhibits will be part of the minutes. Mr. Tombalakian asked the Board and Professionals if they had any questions of Mr. Palus. Seeing none Mr. Tombalakian reminded Mr. Palus to remain at the hearing for any questions that might arise.

The next witness called this evening is Mr. Nicholas Verderese, 1904 Main Street, Lake Como, NJ. Mr. Verderese provided his background and qualifications and accepted as an expert witness this evening.

A Traffic Impact study dated, March 12, 2021, with a revision date of April 20, 2021 was discussed. The existing conditions, speed limits, lane widths, number of lanes, and traffic controls were discussed. Traffic counts were discussed at this point in Mr. Verderese traffic study. Mr. Harold Maltz, traffic

expert for the Borough discussed his findings as prepared in his report dated, April 9, 2021. He stated that he concurs with the findings specified in Mr. Verderese's traffic study.

Driveway locations along Madison Avenue and Vinyl Place were discussed. There is no issue with the site lines on Vinyl Place. Mr. Verderese stated that the driveways would operate safely. The applicant is proposing 37 parking spaces where 35 spaces are required. Mr. Verderese stated that the site shows a simple layout and that all Borough requirements have been met. The site will operate well with no impact to the roadways or levels of service.

Mr. Tombalakian asked the Board and Professionals if they had any questions for Mr. Verderese. Mr. Harrington had two quick comments. The revised report from Dynamic Traffic is dated May 4, 2021 not April as stated by Mr. Verderese. Mr. Harrington also inquired about testimony on the operational side of the facility. Mr. Turteltaub stated that Mr. Chaudhary would provide testimony on the operations of the site.

Dr. Blickstein asked if Mr. Verderese had looked at the ITE parking generation and if there is anything on mosques. Mr. Verderese stated that he had not but could pull the ITE data for the next meeting.

Mr. Harris asked where overflow parking would be provided. Mr. Verderese stated that cars could park on Vinyl Place or Ross Court. Mr. Turteltaub stated that Mr. Chaudhary would address this question during his testimony.

Ms. Baillie asked when the mosque congregation grows where the overflow of cars was going to go and what measures are going to be taken to assure that it's not overflow on the residential neighborhoods. Mr. Verderese stated that right now only one prayer service on Friday is scheduled, but as the congregation numbers increase perhaps additional prayer services would be added to the schedule. Mr. Verderese stated that Mr. Chaudhary would be discussing the operations of the mosque.

Dr. Blickstein suggested that a parking monitoring report be requested and submitted so that the Board and its professionals can better understand the demand and to help manage parking. Mr. Turteltaub was amenable to this request.

Mr. Turteltaub called his next witness. Mr. Nassir Almkhtar, principal at Heritage Madison Architecture located at 1171 Madison Avenue, Paterson, New Jersey was sworn in. Mr. Almkhtar provided his professional and educational background for the Board and was accepted as an expert witness.

Mr. Turteltaub asked if Mr. Almkhtar if he was involved in the preparation of the plans for the building. Mr. Almkhtar stated that he was and began his review of the design of the building particularly the dome and the minaret. Mr. Almkhtar began his testimony by reviewing the design of the building. The dome and the minaret were discussed at length. The following exhibits were marked into evidence:

Exhibit A-27: First Floor Plan

Exhibit A-28: Second Floor Plan

Exhibit A-29: Cellar Plan

The square footage for each floor were reviewed. The total area of the first floor is 5,183 square feet. The second floor layout was discussed which includes a 748.87 square foot mezzanine prayer area. This floor in the design is for the women of the congregation, especially those with babies.

The cellar square footage was discussed showing a 1,887.87 square foot refreshment room. There is also two restrooms and three office spaces. The elevator will go to the cellar providing handicap access throughout.

Exhibit A-30: Roof Plan

Mr. Almkhatar testified that there would be no HVAC units on the roof of the building.

Exhibit A-31: Northeast Elevation

Exhibit A-32: Northwest Elevation

Exhibit A-33: Southwest Elevation

Exhibit A-34: Southeast Elevation

The following exhibits were marked and discussed at length. Mr. Almkhatar stated that the dome was the prayer area and the minaret was 75 feet high. He went on to state that the dome and minaret are symbolic of a mosque and are essential features to any mosque design. The building was designed to be aesthetically pleasing and to identify the building as a mosque.

Mr. Tombalakian asked Mr. Almkhatar if the minaret was strictly aesthetic or if there was a function to it. Mr. Almkhatar replied that it is strictly aesthetic and symbolic in the Muslim faith. Mr. Tombalakian asked if there would be public announcements from the minaret. Mr. Almkhatar replied "No".

Mr. Tombalakian asked the Board and professionals if they had any questions for Mr. Almkhatar.

Ms. Huber asked if the minaret could be lowered. Mr. Almkhatar stated that is aesthetically pleasing at this height but could be lowered by 5 feet. Mr. Turteltaub stated that the entire structure is part of the symbolic feature, the minaret makes it distinctly noticeable and able to see that it is a mosque in its entirety.

Mr. Harris asked if "Call to Prayer" would take place from the minaret. Mr. Turteltaub stated that there would be no "Call to Prayer" from the minaret.

Ms. Baillie asked if the seven offices being proposed would have seven employees coming to the site, she also asked if a maintenance person would be onsite. She also inquired on how the offices would be used. Mr. Turteltaub stated that Mr. Chaudhary would answer those questions when he testified at the next hearing.

Mr. Forte asked if the applicant could provide a materials board prior to the next hearing. Mr. Turteltaub stated that a material board would be provided to the Board secretary.

Mr. Flemming inquired if the mosque could be designed without a minaret. Mr. Almkhatar stated that a minaret is definitely the factor that determines that the House of Worship is a mosque.

There was no further questions for Mr. Almkhatar from the Board or professionals. It was determined that this application would be carried to the June 15, 2021 meeting of the Planning Board without further notice.

**OLD BUSINESS** – None

**PLANNING DISCUSSION** – Environmental Checklist

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

This discussion was tabled until the June 15, 2021 Planning Board meeting.

**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 Mayor Conley. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,  
Fran Boardman, Board Secretary