

**MINUTES**  
**BOROUGH OF MADISON ZONING BOARD OF ADJUSTMENT**  
**Special (Virtual Zoom) Meeting, June 29, 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 June 10, 2021, the Board scheduled this special meeting.

On June 11, 2021, a copy of the announcement 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. DiIunno Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Ms. Salko, Mr. Santoro, and Ms. Tiritilli

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

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

**4. PLEDGE OF ALLEGIANCE**

**5. MINUTES FOR APPROVAL –**

**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). **Application was started on January 28, 2021 and continued on February**

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**25, 2021, March 4, 2021, March 11, 2021, April 8, 2021, May 6, 2021, May 13, 2021, and June 10, 2021 This application was carried to this evening for closing arguments.**

A transcript of this hearing was recorded by Ms. Diane DiTizii.

Mr. Rob Simon, Esq. opposing council began his closing statement. He stated that extensive relief is being sought on this application. He continued to state that the subject property is an important downtown parcel, which is directly across from the Madison Train Station. He argued that the burden of proof had not been met on many aspects of this case and that the property in question was not suited for the proposed development. He stated that this project although having a minimal first floor commercial space is truly a 100% residential project. If the Board approves this application, a dangerous precedence will be set for the Borough and the Zoning Board. He states that the proposed project is bulky with excessive massing and will be a detriment to the streetscape view along Lincoln Place. He went on to state that this is the wrong building in the wrong place. He argued that the building would be a detriment to the public good; it will overwhelm and tower over the neighboring properties. He cited the Borough Master Plan, last amended in 2021 in which ground floor residential units are not recommended on the first floor. In closing, he stated that the applicant had not presented evidence to meet the burden of proof for approval. Mr. Simon concluded his closing statement.

Mr. Peter Wolfson, Esq. Attorney for the applicant stated that expert and factual testimony had been provided on this application during the many months of hearings. He stated that he did not agree or endorse the statements made during Mr. Simon's closing argument. The project has had a long life, however; the applicant has in good faith worked with its neighbors and the Borough along its journey. The building was unsound and the demolition of the site took place. Mr. Wolfson brought up and reiterated the testimony of the applicant's planner, Mr. Paul Phillips. This application is for a mixed-use and residential parcel. Tribute was made to the movie theater in the proposed signage. This application will provide 24 upscale residential units with significant off-site parking nearby.

Mr. Wolfson thanked the Board and its professionals for their time in this matter and concluded his closing statement.

Mr. Hall instructed the Board that they should weigh the evidence and evaluate the entire application. He asked if the Board had any legal questions that he could answer.

Ms. Tiritilli inquired about the written confirmation from the Fire Official on this application and if this confirmation could be included in the resolution.

The Board began their deliberation. Mr. Santoro stated how important this application was to all parties involved and provided his thoughts and analysis of the application. He stated that the improvements to the site are significant and that the goal and strategies of the Borough master Plan have been met. He reiterated that the Borough traffic consultant, Mr. Harold Maltz had no objection to the parking and traffic concerns with this application. He stated that this project will be a new icon in the downtown and he is in favor of the application. After rereading the transcripts from all meetings, Mrs. Driscoll stated that she feels that this project will work in the downtown and is also in favor of the application.

Dr. Paetzell sees this project as a resource to the downtown area and an improvement to the site; he is in favor of the application. Ms. Salko sees the project as a benefit to the Borough of Madison with an attractive design, which supports the Borough Master Plan; she is in favor of the application. Mr. Di Ionno still has reservations of potential traffic issues but is in favor of the application. Mr. Fitzsimmons states that the application has many variances and the applicant has the opportunity to build a fully compliant structure, however the application complies with the spirit of the Master Plan, thus he is in favor of the application.

Ms. Tiritilli provided some thoughts on parking control for the application; she also expressed concern that there was no written confirmation from the Borough's Fire Official on the application. She stated that she felt the applicant had met the burden of proof and had accommodated all concerns by the Board and its professionals. She is in favor of the application.

Resolution conditions were provided by Mr. Gary Hall and discussed with the Board members and professionals. Mr. Santoro asked for a motion to approve the application with conditions as set forth this evening motion was made by Mrs. Driscoll, seconded by Dr. Paetzell. A roll call vote was requested and recorded as follows:

AYES: Mr. Di Ionno, Mrs. Driscoll, Mr. Fitzsimmons, Dr. Paetzell, Ms. Salko, Mr. Santoro and Ms. Tiritilli

NAYS: None

**9. NEW BUSINESS -**

**10. OTHER BUSINESS –**

**11. ADJOURNMENT** – The meeting was adjourned at 9:35pm with a motion made by Mr. Fitzsimmons and seconded by Mrs. Driscoll.

Respectfully submitted,

Frances Boardman

Board Secretary