

**MINUTES
PLANNING BOARD OF THE BOROUGH OF MADISON
REGULAR VIRTUAL MEETING JULY 20, 2021**

A regular meeting of the Planning Board of the Borough of Madison was held on the 20th day of July 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 June 1, 2021 and July 15, 2021 regular Planning Board meetings were distributed to all Board members for their review prior to this meeting. A motion to approve the minutes as submitted of June 1, 2021 was made by Ms. Baillie, seconded by Ms. Huber. A voice vote of “Aye” was heard by all eligible voting members and recorded.

A motion to approve the minutes as submitted of June 15, 2021 was made by Mr. Forte, seconded by Mr. Garibay. 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. Seeing none, that portion of the meeting was closed.

RESOLUTIONS FOR MEMORIALIZATION – None

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 15, 2021 Planning Board meeting.

Mr. Rob Simon, Esq. continued his questioning of Mr. Nasir Almukhtar. Mr. Almukhtar remains under oath.

Mr. Simon asked Mr. Almukhtar what the capacity of the prayer hall was. Mr. Almukhtar stated that the occupant load was up to 190 worshipers. He then asked what the occupancy on the first floor prayer hall was. Mr. Almukhtar stated that the first floor has the capacity to hold 130 worshipers. Mr. Simon asked if Mr. Almukhtar know the anticipated number of worshiper's, Mr. Almukhtar stated that he did not and that this would be up to the applicant.

Mr. Simon had no further questions for this witness. Mr. Palus, Engineer remains under oath and was questioned by Mr. Simon next.

Mr. Simon asked if Mr. Palus had worked on any other Houses of Worship, Mr. Palus replied "Yes". Mr. Simon asked where the source of information for this application had come from. Mr. Palus stated that the information had come from the applicant, Mr. Chaudhary.

Mr. Simon inquired about the parking calculation; Mr. Palus stated that he had not done that calculation. Mr. Simon asked if Mr. Palus was familiar with the Borough of Madison Parking Ordinance. Mr. Palus stated that this application is not seeking a parking variance.

Mr. Simon asked why the Minaret was not being built on the Madison Avenue side of the building, away from the residential homes on Vinyl Place and Ross Court. Mr. Palus had no reply. Parking was again brought up and Mr. Palus stated that the application had enough parking and was not seeking a variance. The driveway circulation was discussed and Mr. Simon asked if a one-way drive was considered. Mr. Palus stated that two-way circulation was better for this use. Mr. Simon asked how the plantings would be irrigated. Mr. Palus stated that sprinklers would irrigate the landscaping.

Questions were asked of Mr. Palus regarding a drip line study or line of site study. Mr. Palus stated that he had not done a study of either one. The six-foot fence was discussed. Mr. Palus stated that the fence would be on the property line and be a 6ft wooden stockade fence. Mr. Simon asked if wheel stops were being considered. Mr. Palus stated that parking would be within the parking spaces with vegetation as planned. Tree removal was discussed. Lighting was discussed and Mr. Simon asked if Mr. Palus was familiar with the Borough lighting Ordinance. Mr. Palus stated that he was and the application was fully compliant with the Borough Ordinance.

Questions regarding lighting were asked next. Mr. Palus stated that there would be no glare to the residential homes. Mr. Simon asked if the lighting heights could be lowered. Mr. Palus stated that they could and he will work with Mr. Harrington on this issue. The timing of the lights were discussed. Mr. Palus stated that the lights would be off two hours after sunset and the lights on at 5:00am. The lights can be programmed and the timing will vary by season.

Questions regarding noise and Call to Prayer were asked of Mr. Palus. Mr. Palus stated that there would be no Call to Prayer and there would be no noise that would affect the neighbors.

The trashcan location was questioned, and Mr. Palus stated that the trash can location would be in the Southwest corner of the property and be a masonry enclosure. Mr. Simon asked why this particular site was chosen and Mr. Palus responded that the site was chosen so that there was easy access to the trashcans.

Mr. Simon had no further questions for Mr. Palus. Mr. Verderese remains under oath. Mr. Simon began his questioning and asked if he had provided any traffic evaluations for any other Houses of Worship. "No" was the reply. Mr. Simon questioned Friday prayer; Mr. Verderese stated that he had no opinion on the Friday prayer. Mr. Simon asked if Mr. Verderese had done any reading or research on parking for a mosque. He replied "No". That he had relied on the Borough Parking Ordinance. Mr. Simon asked Mr. Verderese if he knew where the school bus stop was on Vinal Place, he stated that he did not. Mr. Simon asked if the Madison Board of Education had been consulted regarding the bussing schedule. Mr. Verderese stated that he had not. Mr. Simon asked if he knew where the schoolchildren stand to be picked up /dropped off before and after school, Mr. Verderese stated he was not aware. Mr. Simon asked if there were any police reports of accidents at the intersection of Vinal Place and Madison Avenue. Mr. Verderese stated that he was not aware of any reports.

Parking was discussed at length and Mr. Simon asked if the parking demand were to go up would additional services be added. Mr. Verderese stated that he believes that additional services would be added. Mr. Simon asked what the driveway width was. Mr. Verderese stated that the driveway width was 24 feet, which is a standard drive aisle. Mr. Simon asked where the trip locator had been placed for the traffic study. Mr. Verderese replied that it was located near Treadwell Avenue. Mr. Simon asked how many cars could park on Vinal Place and Ross Court. Mr. Verderese stated that he had not reviewed this information.

At this, time Mr. Tombalakian stated that this application would be continued at the regular meeting of the Board scheduled for August 3, 2021 at 7:30pm with no further notice. This meeting will be conducted virtually.

A five-minute break was taken at 9:35pm, the meeting resumed with all members present at 9:41pm.

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 an upcoming 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 15-006 A

**Amended Application for Site Plan Approval with Variances
Madison Market, LLC
17 Greenwood Avenue
Block: 1803, Lot: 12**

Mr. Steve Azzolini provided some background on the application before the Board; for the Amendment to the application for Site Plan Approval with Variances to the Madison Market, LLC. located at 17 Greenwood Avenue. He explained that the only variance being sought was for signage for the addition of a restaurant and bar to the first floor. Of the mixed-use building. There are no other exterior changes being proposed.

Mr. Peter Korzen, 26 Berkshire Street, Whippany, NJ, Engineer; Mr. Ed O'Brien, 64 Old Turnpike Road, Old Wick, NJ, Architect and Mr. Rocco Iossa, 70 Post Coon Heart Road, Bernardsville, NJ, Applicant were sworn in to testify for this evenings meeting. The following exhibit was marked:

Exhibit A – 1: Signage Schedule, last revised July 19, 2021

Mr. Korzen provided testimony regarding the details of the proposed sign. The original site plan sheet was utilized showing the changes to the signage plan. He next described the current signage plan which was updated on July 19, 2021. Mr. Korzen confirmed that the only changes for the minor site plan amendment involved this change in signage. Mr. Korzen testified that this amendment would not have an impact to the residential homes abutting the property.

Mr. Tombalakian asked the Board if they had any questions for Mr. Korzen. Mr. Harrington inquired about the banked parking spaces on the original resolution. Mr. Korzen stated that there would be no changes to the previous resolution. There being no further questions from the Board, Mr. Azzolini called his next witness.

Mr. Ed O'Brien having been sworn in and accepted as an expert witness began his testimony. Using floor plan A-1 he explained the changes to the interior of the property. The bar/restaurant would seat 127 patrons. Mr. Tombalakian asked if the interior changes would be visible from the exterior of the building. Mr. O'Brien stated that they would not be visible. Mr. Garibay asked if the applicant was planning to use acoustical ceiling panels. The response was that acoustical panels are not a part of this plan. Mr. Iossa, applicant stated that acoustics had been dealt with during the building of the market.

Mr. Limbach asked if tables would be placed in the rear of the property. Mr. Iossa stated that all Borough ordinances would be adhered to regarding outdoor dining. Mayor Conley asked about the excessive signage in the windows of the Market. Mr. Iossa stated that these signage screens had been removed.

Mr. Iossa testified to the hours of operation of this restaurant as being Monday-Thursday from 10:00am to 1:00pm, Friday and Saturday from 10:00am to 2:00pm and Sunday from 10:00am to 12:00pm. He also stated that he would have 14 employees with possibly 16 if all goes well.

Mr. Tombalakian asked if Mr. Iossa is considering music. Mr. Iossa stated that he intends on having live music one or two nights a week but no DJ. Mr. Tombalakian asked if the Board or its professionals had any further questions for the witnesses this evening. Seeing none, he opened the meeting to the public. All members of the public were sworn in this evening.

Amy Venzia-Zahemski, 6 Alexander Avenue, Madison. Living directly behind the parking lot of the Madison market, Ms. Venzia-Zahemski inquired about a designated smoking area. Mr. Iossa stated that there was no plan for a designated smoking area at this time.

Mrs. Terry Romano, 29 West Lane, Madison, whose parents reside at 23 Greenwood Avenue, stated that there would be numerous residential impacts including but not limited to parking. Dumpster and waste increase.

Mrs. Ruth Tranberg, 23 Greenwood Avenue, Madison was concerned with the noise, lights from the cars and the smell from the garbage.

Mr. Iossa stated that he appreciated the comments by the public but he believes that this will have no impact on his neighbors. This is a permitted use in the zone.

Mr. Ivan Zahemski, 6 Alexander Avenue, Madison stated that he sees every light from every car that pulls into the parking lot. This issue has destroyed the serenity of his home. He believes that this will have an impact of the value of his home. He asked Mr. Iossa how he plans to rectify the situation at hand.

Mr. Iossa stated that he has no plans to go beyond anything other than what is currently on the application plan.

There were no further questions from the public Mr. Tombalakian opened the meeting to comments from the public.

Mrs. Toni DeRosa, 9 Alexander Avenue, Madison asked the Board to look closely at this application and that it is a sensitive issue to the residential properties.

Mr. John Villa, 10 Alexander Avenue, Madison stated that he would no longer enjoy his home.

Mrs. Barbara Hannon, 18 Alexander Avenue, Madison agrees with her neighbors concerns; and asked the Board to consider the impact on the residential homes quality of life.

Mrs. Caitlin Villa, 10 Alexander Avenue, Madison stated that she has small children and is concerned with the noise and lights from the parking lot.

Mr. Bob Hannon, 18 Alexander Avenue, has concerns over this application and stated that the experts would not want this in their backyard.

Mr. Jeff Palma, 18 Greenwood Avenue, Madison agrees with the statements made by his neighbors and is concerned with the proposed hours of operation.

There were no further comments from the public. Mr. Azzolini gave his closing statement stating that the applicant is a successful business owner with family ties to the community and that the application before the Board this evening is for the signage variance, the use is permitted in the zone. The applicant will comply with the Borough Ordinance regarding Noise, Hours of Operation and Lighting.

The Board began their deliberation. Mr. Tombalakian stated that he understands that this is a unique situation but the Board is constrained by the Law. This is a minor amendment to the original application regarding signage. A summary, listing all conditions to be stipulated in the resolution was provided by Mr. Loughlin.

Motion to approve the Amended Site Plan with Variances was made by Mr. Garibay with the incorporation of the recommendations as stated by Mr. Loughlin, seconded by Mayor Conley; the following roll call was recorded:

“Ayes” – Mayor Conley, Ms. Baillie, Mr. Forte, Mr. Garibay, Mr. Lewis, Mr. Limbach
and Mr. Tombalakian

“Nays” – Ms. Huber

“Abstain” – Mr. Flemming

PLANNING DISCUSSION –

CORRESPONDENCE –

Since there was no further business to come before the Board, Mr. Tombalakian asked for a motion to adjourn the regular meeting at 11:25pm.; seconded by Mr. Forte. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,
Fran Boardman, Board Secretary