

**MINUTES
PLANNING BOARD OF THE BOROUGH OF MADISON
REGULAR VIRTUAL MEETING SEPTEMBER 21, 2021**

A regular meeting of the Planning Board of the Borough of Madison was held on the 21st day of September 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. Boardman 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 August 3, 2021 and August 17, 2021 regular Planning Board meetings were distributed to all Board members for their review prior to this meeting. A motion to approve the minutes of August 3, 2021 as submitted was made by Ms. Baillie, seconded by Mr. Flemming. A voice vote of “Aye” was heard by all eligible voting members and recorded.

A motion to approve the minutes as submitted of August 17, 2021 was made by Ms. Baillie seconded by Mr. Forte. 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 Carucci, Huseby Global Litigation

This is the continued hearing from the August 17, 2021 Planning Board meeting.

Mr. Rob Simon, Esq. provided a preview of what he would be presenting this evening.

The following witnesses would be providing testimony this evening:

Mr. Richard Klein, Mrs. Sylvia Hinge, Mr. David Johnson, Mr. Michael McManus, Mrs. Therese Tallmadge and Mr. Mark Tallmadge.

He stated that he would also be calling upon Mr. Andrew Thomas, Planner to testify this evening.

Mr. Richard Klein, 124 Madison Avenue, was sworn in to testify. The following exhibits were marked:

Exhibit O-2: Color Photo taken by Mr. Klein

Exhibit O-3: Color Photo taken by Mr. Klein

Exhibit O-4: Color Photo taken by Mr. Klein

These photos were taken by Mr. Klein from his backyard within the last two months. Mr. Klein testified that the photos accurately depicted his view at the time the photos were taken. Mr. Simon asked Mr. Klein how long he had resided at 124 Madison Avenue. Mr. Klein stated that he has resided in the home for over a year. Mr. Simon asked Mr. Klein if the structure in the photos has been torn down. He stated that it has. Mr. Simon asked Mr. Klein about the lighting bollards in the parking lot. Mr. Klein stated that those light bollards were lights for the parking area that stuck out of the asphalt. He stated that the last photo shows the middle of his backyard where he and his family and friends like to sit on Friday and Saturday nights

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

Mrs. Sylvia Hinge, 3 Ross Court, Madison was sworn in to testify. The following exhibits were marked:

Exhibit O-5: Color photo of Alumni House taken several years ago by Mr. or Mrs. Hinge

Exhibit O-6: Color Photo of Alumni House taken several years ago by Mr. or Mrs. Hinge

Exhibit O-7: Color Photo of Alumni House taken several years ago by Mr. or Mrs. Hinge

Mr. Simon asked Mrs. Hinge how long she had resided at 3 Ross Court. Mrs. Hinge and her family has resided in the home since 1999. The photos that were shown during her testimony were taken from her kitchen window. She stated that her kitchen, eat in breakfast area and the family room all face out onto the view as shown. Mr. Simon asked who owned the hedges shown in the photo exhibits. Mrs. Hinge stated that the hedges were on their property. Mr. Simon inquired as to who's tree was shown in the

photo exhibits. Mrs. Hinge stated that the tree belonged to the applicant. Mrs. Hinge testified that the photos presented as exhibits this evening accurately depicted her view at the time the photos were taken. Mr. Simon had no further questions for this witness.

Mr. David Johnson, 4 Ross Court, Madison, was sworn in to testify. Mr. Johnson stated that he is an 18 year resident of 4 Ross Court but has lived in Madison for 25 years. He and his wife realized their American Dream when they purchased their home. His hope was that his house would appreciate over time and that when it came time to move he would be able to sell at a fair price. Drew University was one of the highlights in purchasing the home. Drew is an institution, so it brings with it excessive traffic and noise; the proposed Mosque will also bring traffic and noise since it is not a residential use but an institutional use.

Mr. Johnson also voiced concern over the devaluation of his home because of this nonresidential use. In closing, he stated that while Mr. Chaudhary is building his American Dream and building a Mosque, his American dream is being impacted because of this project.

Mr. Michael McManus, 7 Ross Court, Madison was sworn in to testify this evening. Mr. McManus has been a resident at 7 Ross Court for 22 years. His home is 100 feet from the proposed Mosque site. He stated to the Board that he is concerned with the disturbance to the neighborhood this will create. He stressed to the Board that they should be concerned with traffic and the number of proposed worshippers. The height of the minaret is of concern and the structure size as well. Mr. McManus believes that an analysis should be done regarding the number of worshippers and the volume of traffic.

Mrs. Theres Tallmadge, 8 Ross Court, Madison was sworn in and offered the following testimony this evening. Mrs. Tallmadge is a 30 year resident of Ross Court. She provided the following comments on the proposed application. There is significant traffic concerns as well as parking concerns with this application. The traffic study that was done was completed during the Pandemic while businesses and schools were shut down. The Borough Master Plans purpose is to preserve the integrity of neighborhoods. Mrs. Tallmadge noted that none of the other religious institutes in town are located in single-family residential zones. She went on to state that the proposed minaret has no religious purpose and is purely an aesthetic feature. She highlighted on the fact that either the congregation is so small that the 14,000 square foot building is excessively large or the congregation is so large that the parking and traffic are woefully inadequate.

Mr. Mark Tallmadge, 8 Ross Court was sworn in to testify this evening. Mr. Simon asked Mr. Tallmadge how long he has resided at 8 Ross Court, Mr. Tallmadge replied a little over 30 years. The following exhibits were marked at this time:

Exhibit O-8 through O-14: Color photos taken by Mr. Tallmadge

Mr. Tallmadge stated that these exhibits depicted his view at the time the photos were taken. He stated that the school bus shown in Exhibit O-8 is parked on Vinal Place everyday. The driver lives in the vicinity and parks the bus there most of the day until he/she is ready to pick the children back up in the afternoon. Mr. Tallmadge noted that Vinal Place is six feet narrowing since the curbing was done by the Borough of Madison several years ago.

Mr. Tallmadge testified that the minaret is out of character and exceeds what is necessary to identify the building as a Mosque. He also commented on the height of the lights in the parking area. These lights are so close to the neighbors and should consider being lowered. He touched upon the parking and traffic issues stating that there is inadequate parking for such a large building. He asked the Board to take into

consideration the Ross Court and Vinal Place will be inundated with traffic. The proposed application is for a multiuse facility and not a House of Worship. There will be a negative effect on the neighborhood.

Mr. Tallmadge had no further testimony. Mr. Simon had no questions for this witness. Mr. Tombalakian asked the Board if they had any questions for any of the witnesses that had presented testimony this evening, seeing none he opened the hearing to Mr. Turteltaub for questions, he had none. There being no questions this portion of the hearing was closed.

A five-minute break was taken at 8:51pm, the meeting resumed with all members present at 9:03pm.

Mr. Andrew Thomas, P.O. Box 363, Brielle, New Jersey was sworn in. Mr. Thomas provided his qualifications to the Board and was accepted as an expert witness.

The following exhibits were marked:

Exhibit O-15: Colorized Aerial Site Map, prepared by Thomas Planning Associates, LLC, dated September 17, 2021

Exhibit O-16: Color Photos consisting of two sheets.
The Islamic Center of Basking Ridge
The Islamic Center of Union County

Mr. Simon asked Mr. Thomas if he was educated with the application before the Board. Mr. Thomas stated that he had reviewed the site plan, notice, all exhibits, the Borough of Madison Ordinance and Borough Master Plan. He had read all transcripts regarding this application and had made a site visit. He had been present this evening for all testimony that was provided.

Mr. Thomas provided his planning opinion to the Board on this application. He discussed the Borough Ordinances regarding the height of the minaret and the parking issue.

He questioned if the height of the minaret was necessary to identify the Mosque. He stated that the area in which the proposed Mosque would be built is not an intensely developed area. He stated that the Mosque is not harmonious with the neighborhood. He also stated that there is no undue hardship regarding the architectural design. He stated that the existing single-family neighborhood should be preserved. In utilizing the photos in Exhibit O-16 he stated that there were residential neighborhoods in the rear of the sites, and that the Mosques as shown fit nicely into the neighborhood. He stated that the minaret on the proposed Mosque in Madison should be reduced in height to be more compatible to the neighborhood.

Mr. Thomas then went on to testify at length to the parking issues that are being created with this proposed site. The additional rooms (offices, refreshment hall) were not included in the parking calculation. The number of worshippers would require one parking space for three seats for a total of 64 parking spaces. He stated that traffic congestion on Vinal Place would have an adverse impact to the neighborhood. He stressed that the parking demand should accommodate the site. Mr. Thomas also touched upon the landscape buffering and lighting proposed. He stated that there would be no significant buffering for the residents of Vinal Place. Mr. Thomas stated that as a professional planner the Board can impose conditions and restrictions associated with any site plan approval addressing such issues as circulation, ingress, egress, noise, landscaping and lighting.

Mr. Thomas provided a summary of his testimony. Mr. Simon had no further questions for Mr. Thomas. Mr. Tombalakian opened the meeting to the Board and Professionals. Dr. Blickstein asked Mr. Thomas if

he would clarify his testimony regarding Ordinance 195-30.4. Mr. Thomas obliged, providing the height exceptions as he read it in the Ordinance.

Seeing no further questions from the Board or its professionals, Mr. Turteltaub began his cross of Mr. Thomas.

Mr. Turteltaub inquired if Mr. Thomas had been to the Islamic Center of Union County as shown in Exhibit O-16. Mr. Thomas stated that he had been there in person two days ago. Mr. Turteltaub asked if Mr. Thomas had measured the minaret. He had not. Mr. Turteltaub asked if Mr. Thomas had entered the building. Mr. Thomas replied that he had not. Mr. Turteltaub asked if Mr. Thomas if he had knowledge of the dome being real or faux. Mr. Thomas had no knowledge. Mr. Turteltaub asked Mr. Thomas if he had knowledge of what the previous building, which is now the Islamic Center, was used for. Mr. Thomas replied that the previous use was a House of Worship. He indicated that he believes that its congregation was Jewish.

Mr. Turteltaub shared his screen and the following exhibit was marked:

Exhibit A-35: Color photo showing the Islamic Center of Union County. The photo used was dated August 2007.

Mr. Turteltaub asked Mr. Thomas if the Exhibit being utilized on the screen was the same site as was shown in Exhibit O-16. Mr. Thomas stated that it was. Mr. Turteltaub asked if the differences on the two exhibits was the addition of the minaret and dome. Mr. Thomas answered yes that both features had been added since 2007.

Mr. Turteltaub asked if Mr. Thomas had measured any buildings in the surrounding area of the 120 Madison Avenue site. Mr. Thomas replied that he had not.

At this time, Mr. Turteltaub had no further questions for Mr. Thomas. Mr. Tombalakian opened the meeting to the public for questions of Mr. Thomas, seeing none that portion of the meeting was closed.

Mr. Simon was given an opportunity to redirect. Mr. Simon asked if Mr. Thomas had reviewed the Court case of the Islamic Center of Basking Ridge versus Basking Ridge. Mr. Thomas stated that he had and that the application in Basking Ridge was not for a Community Center but was actually for a Mosque for prayer.

Mr. Tombalakian asked Mr. Simon if he had any further witnesses. Mr. Simon had nothing further. Given the late hour and the lengthy summation and closing arguments to be provided by both attorneys, the consensus of the Board was to carry this application to the next meeting of the Board for summation and closing statements, after which the Board would deliberate and vote.

At this, time Mr. Loughlin stated that this application would be continued for summation of case and closing arguments at the regular meeting of the Board scheduled for October 5, 2021 at 7:30pm with no further notice. This scheduled meeting will be conducted virtually. He advised all interested parties to check the Borough Rosenet website for meeting details.

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**

This application will be carried to the October 5, 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.

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 10:20pm.; seconded by Mayor Conley. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,
Fran Boardman, Board Secretary