



Borough of Madison  
Hartley Dodge Memorial  
50 Kings Road  
Madison, NJ 07940

February 5, 2020

Mr. Justin Calta, Esq.  
Saiber, LLC  
18 Columbia Turnpike, Suite 200  
Florham Park, NJ 07932

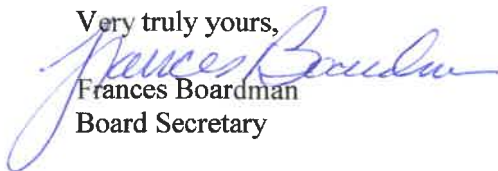
Re: Planning Board Application P 19-008  
Minor Subdivision with Variances  
Meredith Felice & Michael Coviello  
Block: 2304, Lot: 15  
44 Brooklake Road

Dear Mr. Calta:

The Planning Board at their regular meeting held on Tuesday, February 4, 2020, adopted a resolution granting the above referenced application subject to conditions contained in the resolution. Enclosed for your records is a copy of the resolution enclosed for your records.

If you have any questions, please do not hesitate to contact me at 973-593-3060.

Very truly yours,

  
Frances Boardman  
Board Secretary

Enclosure

Cc: Construction Official  
Planning Board Attorney  
Board Engineer  
Borough Administrator  
Tax Assessor  
Case File

**MEMORIALIZING RESOLUTION OF THE PLANNING BOARD  
FOR THE BOROUGH OF MADISON**

**RE: MEREDITH FELICE & MICHAEL COVIELLO  
CASE NO. P-19-008**

**APPLICATION APPROVING MINOR SUBDIVISION WITH VARIANCES**

**BLOCK 2304, LOT 15  
44 BROOKLAKE ROAD  
R-3 ZONE DISTRICT**

**HEARING: JANUARY 21, 2020  
MEMORIALIZED: FEBRUARY 4, 2020**

**WHEREAS**, the applicants in this case propose to subdivide the existing property located at 44 Brooklake Road into two lots. The existing single-family residence on the premises is proposed to be demolished. The applicants seek to construct a new single-family home on each of the lots to be created in this subdivision. The existing home on the premises is located on a 15,000 square foot lot and complies with the R-3 Zone requirements; and

**WHEREAS**, in order for the Board to be able to approve the minor subdivision of this property, variance relief is required. The following variances requested are for each lot from the minimum lot size requirements of the Ordinance, minimum size required at 9,375 square feet, 7,500 square feet proposed; minimum lot size within 125 feet of the Right-of-Way is required to be 9,375 square feet and 6,250 square feet is proposed; minimum lot width requirements for the lots are 75 feet, 50 feet now being proposed; the maximum principal building coverage permitted by the Ordinance is set at 15% maximum and 17.7% for proposed Lot 15.01 and 17.85% for proposed Lot 15.02 are proposed, respectively; and finally the minimum side yard setback is required at 12 feet at a minimum, and 9.8 feet is proposed for both interior side yard setbacks with 11.2 feet proposed for one exterior side yard setback in the subdivision submission made by the applicants. The applicants have submitted in this case a minor subdivision plan prepared by ABC Surveys LLC, Andrew B. Clarke, PE, PP, of Chatham, New Jersey, consisting of one sheet dated 8/14/2019 with revisions thru 10/29/2019, together with a letter dated October 29, 2019 addressed to the Planning Board from Mr. Clarke as a result of the review of this application by the TCC Committee of the Board and the Board's Professional Planner, Susan G. Blickstein, AICP, PP, PhD. Also submitted by the applicants were architectural

concept and floor plans and elevations prepared by ASA Design LLC of Madison, New Jersey, as dated 7/3/2019 with revisions thru 12/4/2019 consisting of four sheets, with an additional "artist concept" plan sheet prepared by ASA Architectural Design consisting of one sheet dated November 7, 2019. In addition the applicants presented a landscape plan prepared by Caul Design Group of Long Valley, New Jersey consisting of one sheet dated November 11, 2019. The applicants and the Board acknowledged receipt of review memos and reports regarding this application from Susan G. Blickstein, AICP, PP, PhD, the Planning Consultant to the Board, as dated September 20, 2019 with revisions thru November 19, 2019, and from Frank Russo, PE, PP, the Planning Board Engineer as dated September 20, 2019 and November 20, 2019. Also received regarding this application was a memorandum with comments from the Madison Historic Preservation Commission as received on September 24, 2019, and letter dated September 17, 2019 from the Shade Tree Management Board for the Borough of Madison as to a site visit at the premises conducted on September 27, 2019; and

**WHEREAS**, this matter was heard and considered at a regularly scheduled meeting of the Planning Board for the Borough of Madison which took place on January 21, 2020, at which time this matter was heard and considered before a quorum of the Board, and an opportunity was afforded to members of the public and/or interested persons or parties to ask questions and/or to be heard regarding this case; and

**WHEREAS**, it has been determined by the Board that the applicant has complied with all of the procedural requirements, rules, and regulations of the Planning Board for the Borough of Madison, and that all required submissions under the Ordinance with proof of procedural compliance have now been made, and have been filed with the Board prior to the hearing in this case; and

**WHEREAS**, the Planning Board for the Borough of Madison makes the following findings of fact and/or conclusions based upon the evidence in the record, and as part of these proceedings before the Board.

## **FINDINGS**

1. Justin R. Calta, Esq. of the Saiber LLC law firm of Florham Park, New Jersey appeared to present this case for the applicants. Mr. Calta confirmed that the applicants would propose if the subdivision were approved to demolish the single-family residence at

the property and remove all improvements to create two lots. The applicants would then construct a new single-family dwelling on each which he confirmed "will require five lot variances for each" plus an exterior side-yard setback variance for proposed lot 15.02 where 12 feet is required and 11.2 feet is proposed. The applicants' attorney further advised the subdivision proposed as being "two lots, each to be a 50 foot wide box". Mr. Calta further stated to the Board that the applicants believed the subdivision, even though it required five and six variances for each lot proposed, respectively, would still result in single-family dwellings to be built on each new lot that would be "consistent with the size of other properties in the area and consistent with conditions in this neighborhood".

2. Testimony in support of the application was then provided by the project architect, Mr. Alan Andreas. Mr. Andreas introduced his architectural plans as revised thru December 4, 2019 to the Board which he stated "now have changes from the original plans as a result of the TCC meeting and the comments of the Board professionals". He also offered a rendering to the Board as to what he said "shows the new houses in scale including the height consistent with the next door residence". The architect then stated, "The floor plans for each of the houses are basically the same." Mr. Andreas then further reviewed with the Board the rendering he had prepared which he stated would give the Board "a view of the houses proposed from the street". After reviewing the rendering with the Board, discussing the existing conditions on the property and the size of the new homes proposed, Mr. Andreas offered to the Board his opinion that, "We are basically proposing two very simplistic modest homes as the Board can see by looking at the floor plans. The bedrooms for example are only 12 feet by 11 feet, and the master bedroom is only 15 feet by 15 feet."

3. After reviewing the rendering and discussing the floor plans for each of the homes proposed with the Board, the Board Planning Consultant asked Mr. Andreas to discuss the square footage of each house proposed. In particular to relate same to the floor plans submitted. Mr. Andreas did so by discussing the dimensions for the first floor, garage, second floor, and usable attic space (habitable) per the plans submitted for each house for proposed lots 15.01 and 15.02.

4. In follow up discussion with the Board Planning Consultant, Dr. Blickstein, by Mr. Andreas as to the size of the new homes proposed "as compared to the sizes of the

other homes along Brooklake”, Mr. Andreas stated, “I will leave that to the planner who will discuss the dimensions in relationship to the variances needed.” In response to a question from the Board about the differences in the design and size of the two houses proposed, Mr. Andreas testified, “Basically the house on the left will have a full front porch. The house on the right will have only an entry portico. The house on the left as shown on the design will have a gable on gable roof, and the one on the right will have a gable cutoff with the roof elements provided.” In response to a follow up question from the Board about whether the architect had considered in his design or given “any consideration of the garages not facing each other” with a design that might be more appropriate, Mr. Andreas responded that he believed the current design was required because, “As you can see from the plans we have a utility pole that is in the way of making such changes.”

5. The Board continued its discussion with Mr. Andreas regarding the floor plans for the new homes proposed. In response to a question about the use of the attic space and the size of the second floor bedrooms, Mr. Andreas confirmed that the access to the attic would be by a staircase and not a pull-down stair. He also explained the height of the ceiling for the master bedroom that would reduce the size of the usable or habitable space on the third floor of each home. The Board then discussed with the project architect as to why a detached garage was not being proposed and whether the applicants had considered the size of the driveway and the street parking available especially considering the size of the new homes proposed. Mr. Andreas responded that if the applicants were to have a detached garage it would increase the impervious surface coverage due to larger driveways and also that the applicants would lose recreation space in the backyard area. Mr. Andreas stated that the present plans would avoid these problems. In further discussing the construction of the new homes proposed and building materials, Mr. Andreas testified, “I would expect the siding would be higher end vinyl.” The project architect then further discussed with the Board the design and style of the homes in accordance with the rendering exhibit.

6. The Board then discussed with the project architect and the applicants’ engineer whether or not there would be a safety problem with the driveways proposed for the new homes. In particular, whether vehicles could back out of the driveways safely considering the traffic conditions for Brooklake Road, in particular during busy times of

travel. The applicants' representatives then confirmed for the Board that they did not believe this would be a problem based upon their familiarity with the street and conditions in the area. They again pointed out to the Board that if a detached garage with longer driveway or "turnaround area" in the rear of each lot were to be proposed that it would "restrict the area available for family use in the backyard and detract from the aesthetics of the backyard".

7. The subdivision engineer, Mr. Andrew Clarke, then provided testimony to the Board. Mr. Clarke introduced his subdivision plan dated August 14, 2019 and pointed out that it had been revised as of October 29, 2019. He then discussed the existing conditions on the property with the Board. The topo of the property, the location of the utility service that would be arranged for the new homes, and drainage and stormwater controls including a drywell, was discussed by Mr. Clarke with the Board. He further stated that the "repositioning of the drywell tank to the front yard" would allow for better stormwater management on the property. Mr. Clarke then gave more detailed testimony about the existing drainage conditions on the property and explained how surface flows and stormwater control would be accomplished with the subdivision as the applicant was proposing. Mr. Clarke also commented about the size of the new lots proposed and related same to the original development and lot sizes in this neighborhood and zone district over the years. This caused him to offer his opinion that the lot sizes were as proposed "basically restoring the old platted lots". Mr. Clarke also pointed out to the Board following his review and discussion of the subdivision plan and the building that would take place on the property that, "I have no issue with the comments and recommendations of the Board Engineer Mr. Russo in his November 20, 2019 memo."

8. Mr. Clarke then reviewed with the Board the proposed setbacks of the houses and compared them to the existing setback for the home on this property at 29.4 feet. He stated, "Two houses to the right of the property are both at 21 feet, and to the left is one at 24.9 feet. Our new houses will be in keeping with the prevailing setbacks. Although our new houses will be closer to the street than the present home, we will still be consistent with the setbacks along the street." In discussing the rear line setbacks for the new homes proposed, Mr. Clarke confirmed that they would be extending further into the rear yards than the adjoining residences but pointed out to the Board, "These other houses are

smaller and some are very small, so that we will be extending our houses beyond them to the rear.” In response to a question from the Board Engineer as to the driveway which extended from the adjacent Lot 14 to the applicants’ property and how that would impact the applicants’ proposed subdivision and setbacks, Mr. Clarke testified, “The setback there would be a foot and a half, and then as you see on the plans there is a fence on the property line.” In response to a question from the Board Planner Dr. Blickstein about whether or not the applicants would be removing this fence as had been discussed at TCC, Mr. Clarke confirmed that it had been discussed by the applicants with the TCC and that the applicants would be removing this chain link fence on the East side of the subdivision premises and replacing it with landscaping.

9. Mr. Paul Ricci, a Professional Planner in the State of New Jersey, then testified in support of the application. Mr. Ricci introduced a new exhibit which he referred to in his testimony. He described the exhibit as “state data, a computer generated exhibit upon which I have added and superimposed the outlines shown on the exhibit to give you an idea of the footprint of the other houses in the area and how it would compare to the size of the homes and the lot sizes in this subdivision”. In response to a question from the Board as to whether the applicants’ planner was aware of any other new construction in the area or the actual size of homes on the block and neighborhood close to the subject property, Mr. Ricci responded, “There is not a lot of information available as to these specifics. However, I am offering this exhibit to explain the nonconformities of other lots in this immediate neighborhood, I think the exhibit shows pretty accurately with a fairly high degree of certainty how the nonconformities of lots in this area would compare to the lot sizes in this subdivision.” Mr. Ricci then testified, “There are 126 lots in the R-3 Zone and they have been included in my analysis, and of that total only two lots are 15,000 square feet, this one and Lot 2304-20.”

10. The applicants’ planner then explained the existing dimensions of these lots in relationship to the bulk requirements of the ordinance and discussed the number of variances that would be needed for each of the lots being proposed. Mr. Ricci summed up his opinion that, “After analyzing the area, I believe the proposed lot sizes and the new homes to be built are consistent with conditions in this area. I also believe that the two-lot subdivision with these new homes would be a better alternative and more in character with

the neighborhood and the zone overall than having a single large home constructed on the existing property." In further discussing the lot sizes proposed in this subdivision, Mr. Ricci testified, "I would ask the Board to consider as is confirmed in the exhibit I have offered that there are 20 lots in this immediate neighborhood and area of the subject property, and of that total 7 of the lots are smaller than the lots we are now proposing and 7 are the same size. I therefore believe that we are proposing lots which are of suitable densities and in sync with the zone plan and the character of the area and fully consistent with the zone plan. I think it offers a perfect balance with what's in our neighborhood, and I would ask the Board to note that the coverage for each lot is still 5% under the ordinance requirements despite the other variances that are needed for each new home." The applicants' planner also discussed with the Board the purposes and goals of the Municipal Land Use Law which he asked the Board to consider in reviewing the subdivision and variances requested. Mr. Ricci further urged the Board to consider, "I believe that among the other requirements that are satisfied under the Municipal Land Use Law, we are presenting a good civic design, and that the new lots and the new homes proposed, even though they require a number of variances, can be properly allowed by the Board. These two new homes to replace the existing home on the property will improve conditions on this property and also for neighboring owners by this new construction. Also there will be no detriment to either the subject property or any neighboring owners since the lot sizes and the new homes will still remain in character with conditions in the neighborhood."

11. The Board then asked Mr. Ricci to discuss any new construction in this area since 2015 in relationship to the exhibit he had offered of conditions in the neighborhood. Mr. Ricci advised that he had not undertaken a separate detailed analysis, but stated that based upon his several visits to the subject property in the neighborhood he retained his opinion that the subdivision proposed was fully consistent with conditions in the neighborhood. He again repeated the goals of the Municipal Land Use Law that he said were met by the applicants in this case which would support approvals. In response to a question from the Board as to whether the height of the new homes proposed at 35 feet would "be too much for the neighborhood?", the project architect, Mr. Andreas, responded by stating, "I believe the heights as proposed are appropriate and would ask the Board to note that the height of each new home proposed at 35 feet in this application are significantly close to the height of the homes to the right and left of the property."



12. The Board Planner, Dr. Blickstein, then questioned Mr. Andreas as to the design of the homes and their overall size. In particular she questioned the rear yard setbacks of the new homes in relationship to neighboring properties. The Board Planner asked Mr. Andreas to also respond to the question as to whether it would be possible for a better design and lesser variance relief, "If you would take 5 feet off the rear of the houses, how would that impact what the applicants are proposing to build"? Mr. Andreas stated, "If you were to take 5 feet off, this would be a significant and severe problem. We would lose the eat-in area proposed in this design, and 5 feet off the family room. Also most importantly if we reduce the size of the home and cut it back 5 feet, we would lose the bedroom on the second floor. The overall utility of the houses and the desirability of the new homes as designed for today's market and today's living standards would be severely impacted." The applicants' planner also in further response to this question and discussion with the Board offered his opinion that, "I believe our architect has explained the problem in taking 5 feet off the house to the rear. We believe that the applicants' current design offers a better floor plan, more usable space and very desirable for today's family usage. Also in addition to meeting the market for new homes with the design proposed, the applicants' extension of the homes 5 feet to the rear would not be visible from the street, and therefore the overall intensity of the use or the new homes presence on the lots would not be substantially impacted by allowing the size of the homes as now proposed to remain."

13. The Board then discussed with the applicants' representatives the landscape plan prepared by Caul Design Group as dated 11/11/19 which had been submitted to the Board and which the applicants stated would be utilized for the new construction. The Board discussed with the applicants modifications in the plan to replace certain plantings with "Arborvitae to be 16 in number". The Board then discussed further additional changes in the landscape plan that would be confirmed in the Board resolution as to the species, location, number of plantings, etc. The applicants' representatives stipulated and agreed to these requirements. A Board member in further review and discussion with the project architect about the floor plans and the details of the new homes proposed then questioned "whether or not you will be having access to the basement for each house from the outside?" Mr. Andreas responded, "No."

14. After the conclusion of the applicants' presentation, objections were raised to the case proceeding further by Mr. Brian Dempsey and Ms. Cara Hoenig, the owners of adjoining premises located at 46 Brooklake Road. Mr. and Mrs. Dempsey advised the Board that they were the neighboring property owners "to the right of the applicants' property" and stated they would request an adjournment of this case in order for them the opportunity to "see and review the applicants' plans". The Board pointed out to the neighboring owners that the plans had been placed on the easel during the testimony of the applicants' witnesses, and that the neighbors had asked no questions of the witnesses during their testimony nor made any other requests throughout the course of the hearing, with the testimony of the applicants' witnesses now concluded. The Board pointed out to the neighboring owners that the applicants were entitled to reasonably proceed with an application through conclusion. The Board also advised the neighboring owners that the applicants had filed an affidavit of proof of timely notice being provided to these neighbors and other neighboring property owners of this application and hearing. The neighboring owners then advised the Board that they "both work in New York and did not have the opportunity to pick up the notice of the meeting from the post office until the date of this hearing". The Board then advised the neighboring owners that they would be given an opportunity to inspect the plans and all of the other hearing materials that had been discussed to prepare any questions they would wish to ask any of the applicants' witnesses or for comments they wished to make to the Board regarding this case.

15. A recess and adjournment of this hearing was then undertaken by the Board and with the applicants' consent to allow the neighboring owners an opportunity to review the plans and hearing exhibits that had been offered by the applicants' witnesses to the Board.

16. Following the adjournment, Mr. Dempsey stated to the applicants' witnesses and the Board that he believed there was "major drainage from the subject property and in the neighborhood that was a problem". He asked for an explanation as to how the applicants' subdivision and new construction would deal with drainage issues. Mr. Clarke, the subdivision engineer, then reviewed with the neighboring owners the subdivision drawings and explained what he described as a "low spot in the back of the premises with a flat spot in between". Mr. Clarke pointed out to the neighbors that the applicants'

subdivision and new construction would improve drainage conditions on the applicants' property and also for the neighbors. He further described how the increase in drainage from the property would take place from the roof of the new homes which would be "trapped in the roof leaders and then piped into the ground". He also then described the relocated proposed drywells for the property which had been relocated to the front yard. In discussion of surface flows with the neighboring owners, it was also pointed out to the neighbors by the applicants' representatives that the new trees proposed for the boundary line between the subject property and the neighbors' lot would be "mounded up" so that water would be prevented from reaching the neighbors' property by the mounds for the trees along the property line. The neighboring owners then questioned the setbacks of the new homes proposed to their home. This was responded to by Mr. Clarke for the applicants by pointing out that, "We will be 25 feet from the street to our porch, and your setback is at 21 feet." During this discussion by the applicants' representatives with the neighboring owners the Board Planner, Dr. Blickstein, questioned the applicants as to the driveway from the neighbors' property which is "slightly encroaching onto your proposed Lot 15.01". The Board Planner asked the applicants to respond to whether or not there would be any effort made by the applicants to require the removal of this driveway encroachment from the neighbor. This question was responded to by Nino Coviello, Esq. on behalf of the applicants stating, "At the present time we do not anticipate requiring the neighbors to remove it." The neighboring owners then had no further questions or statements regarding this application.

17. The Board discussed a series of conditions and requirements that would be part of any resolution of approval from the Board. All of these conditions and requirements were acceptable to the applicants.

18. There was no further testimony, evidence, nor any additional public comments offered to the Board regarding this case.

## **CONCLUSIONS**

1. The Board finds and concludes that the subdivision of this property to create two new building lots for the construction of a single-family dwelling upon each represents a better alternative and use of the property than the present single-family dwelling considering the existing conditions on the property and the lots sizes and conditions of

neighboring properties in this immediate neighborhood and zone. Although the subdivision would create two lots which would require five variances for each, the Board finds that the deficiencies in the ordinance requirements that require variance relief would not prevent the creation of two appropriately sized lots and single-family homes to be built on each that would be consistent with lot sizes and homes of neighboring properties. Also that the two new homes to be built with related improvements would not represent any undesirable overuse of the property in any way in the reasonable judgment of the Board. In that regard the Board notes the testimony of the applicants' subdivision engineer that the size of the lots proposed in this case would "basically restore the property to the lot sizes in the original plats for this neighborhood and zone". The Board also notes the applicants' planner's testimony and his exhibits offered to the Board with the lots in this area depicted on same that there are a substantial number of lots in this immediate neighborhood and zone district that are similar in size to the two lots proposed in this subdivision. Further that there exist a substantial number of lots also in the neighborhood and zone district which have numerous nonconformities from the bulk requirements of the ordinance. However, most importantly, the Board notes that in allowing this subdivision with the size and details of the new homes to be constructed on each of these new lots to be consistent with the testimony and exhibits in this case that the subdivision of this existing lot, with the removal of the dwelling house and the creation of two new single-family homes on each of the new lots created, would be fully consistent with accepted principles of good planning and design.

2. The Board further finds and concludes and agrees with the presentation of the applicants' witnesses and experts in this case that the applicants have met their burden in justifying the grant of variance relief for each of the new lots required for this subdivision to proceed under the C(2) standard for variance relief under the Municipal Land Use Law. The Board concludes it is a correct statement and argument as advanced by the applicants' planning consultant that the several variances required for each of the lots proposed in this subdivision can be properly permitted as there will be substantial positive impact to the subject property from the removal of the existing dwelling and the construction of two new single-family homes in accordance with the plans and testimony offered to the Board herein for both the subject property and for neighboring property owners and others in this immediate zone district. The Board believes and thereby concludes that the construction of two new single-family dwellings with the details provided

will result in reasonably sized dwellings that meet the current needs for families who are seeking this type of home of attractive and practical design. This new construction will clearly in the judgment of the Board increase the utility, value, and overall appearance of the subject property which will substantially benefit the premises and also thereby increase the value of adjoining properties and improve conditions in the neighborhood overall. Since the Board finds no issue of overmassing or overuse of the property, the Board also agrees with the applicants' testimony and presentation that there will be no detriment nor other negative impact experienced for the subject property or for any neighboring property owner from the variance approvals that the applicants are required to obtain for each lot and new home in this subdivision. In weighing positives and negatives the Board finds substantial positive impact and no measurable detriment or other negative impact associated with this case, so that the applicants meeting the requirements of the Municipal Land Use Law for variance relief and submitting proper evidence to the Board based upon the Board's overall consideration of same, the Board thereby now concludes that the applicants are entitled to variance relief in order for this subdivision to proceed.

3. The Board finally finds and concludes that since the subdivision of the property to create two lots for the construction of an attractive and well-designed single-family dwelling upon each, which will improve the conditions on the subject property and also be consistent with conditions of other single-family dwellings and lot sizes in this neighborhood and zone district, to now continue the effective use of this property for single-family dwellings makes the Board's subdivision approval with variance relief appropriate to allow as such approvals would thereby be fully consistent with the goals and purposes of both the Land Development Ordinance and the Master Plan for the Borough of Madison.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board for the Borough of Madison, based upon all of the above, that the application of Meredith Felice and Michael Coviello for minor subdivision approval with variance relief to allow the applicants to subdivide the existing lot into two lots, with the existing dwelling to be demolished and removed from the premises and with a new single-family dwelling to be constructed on each of the two lots now created by the subdivision, with C(2) variance relief for each of the lots and new homes to be constructed thereon in accordance with the plans, evidence, and testimony before the Board in this case, **BE AND HEREBY ARE**

**ORDERED GRANTED AND APPROVED** subject to the following terms, conditions, and requirements:

1. That the minor subdivision and variance approval of the Board issued for this application is expressly made subject to the applicants obtaining any and all other necessary governmental approvals and permits required to lawfully permit the construction of new dwellings on each of the lots created in this subdivision; and

2. That the approval of the Board in this case is issued in accordance with the subdivision plan prepared by ABC Surveys LLC, Andrew B. Clarke, PE, PP of Chatham, New Jersey consisting of one sheet dated 8/14/2019, with revisions thru 10/29/2019. The final subdivision plan is subject to further revisions and amendments consistent with the conditions and requirements of this resolution; and

3. That as stipulated to by the applicants during this hearing, the construction of each home on each new lot created in this subdivision shall be undertaken by the applicants in accordance with the architectural concept and floor plans with elevations prepared by ASA Design LLC of Madison, New Jersey as dated 7/3/2019, with revisions thru 12/4/2019 consisting of four sheets, with an additional "artist concept" plan sheet prepared by ASA Architectural Design, and with the building materials consistent with the plans, and the testimony offered by the applicants' architect and representatives during this hearing; and

4. That the applicants as stipulated to during this hearing shall remove the chain link fence on the easterly boundary side of this property and replace same with appropriate landscaping as discussed with the Board. As part of the subdivision approval with variance relief now allowed by the Board, the applicants shall further be obligated to undertake the plantings and related work as shown and depicted in landscape plan prepared by Caul Design Group of Long Valley, New Jersey as dated November 11, 2019, consisting of one sheet, with further changes stipulated to by the applicants during the hearing. These revisions in the landscaping plan are to change the 28 compact Inkberry Holly on the left side to 16 Green Giant Arborvitae, 4 to 5 feet in height, installed 5 feet on center; to change the 26 compact Inkberry Holly on the right side to 14 Green Giant Arborvitae, 4 to 5 feet in height, installed 5 feet on center; and to change the 10 Green Gem Boxwood (5 + 5) to 10 Ilex Crenata Compacta, 18 to 24 inches, and the applicants' landscape plans and obligations are so amended accordingly. All landscaping and plantings to be undertaken

on the subdivision premises shall be coordinated by the applicants or the builder of these new homes with the Shade Tree Management Board for the Borough of Madison; and

5. That the applicants as stipulated to during this hearing shall fully comply with all terms, conditions, and requirements of the memo dated November 20, 2019 from Frank Russo, PE, PP, the Planning Board Engineer; and

6. That prior to any work at the property the applicants are to present for the reasonable review, requirements, and approval of the Board Engineer and the Borough Engineer a staging plan for all construction work at the property. Further at all times all construction work at the property shall be subject to the reasonable review, requirements, and approval of the Board Engineer and the Borough Engineer; and

7. That the perfection of this subdivision shall be undertaken by the applicants by both subdivision plat and subdivision deeds. The form and content of the subdivision deeds shall be subject to the reasonable review, requirements, and approval of the Board Engineer and the Board Attorney. The subdivision plat shall be subject to the reasonable review, requirements, and approval of the Board Engineer, and said subdivision plat shall include the placement of a monument-monuments as determined by the Board Engineer; and

8. That the applicants are to pay, satisfy, and discharge any and all fees, charges, deposits, or escrows necessary or required as a result of this subdivision and the construction of two new single-family dwellings now allowed by the Board in this resolution. Said fees, charges, and expenses to specifically include but not be limited to the Affordable Housing contribution or payments, charges, and any and all other related fees or expenses or development escrows required for each new residence to be constructed on these lots and/or resulting from this subdivision in accordance with the ordinances for the Borough of Madison. The applicant shall also pay, satisfy, and discharge the sewer deposits and/or any other fees, charges, and inspection fees required for sewer and other required utility services required for each new dwelling to be constructed on the lots created in this subdivision and/or otherwise as may be due and required to be paid by the applicants in accordance with the ordinances and regulations for the Borough of Madison; and

9. That the applicants are to obtain necessary and required demolition permit and/or any other permits required for the removal of the existing dwelling with related improvements on the property with such dwelling and related improvements to be fully removed from the premises prior to the signing of the subdivision plat and or deeds by the appropriate officers of the Planning Board; and

10. That prior to any work at the property the applicants shall first obtain any and all required building permits or any permits and approvals required for such construction in accordance with the ordinances for the Borough of Madison; and

11. That prior to the signing of the subdivision plat or deeds by the appropriate officers of the Board, the Board Engineer shall first provide a written confirmation to the Secretary of the Board that the applicants have fully complied with all of the terms, conditions, and requirements of this resolution; and

12. That the applicants shall undertake to perfect the minor subdivision approval of the Board by filing the subdivision plat and deeds within the time period allowed in N.J.S.A. 40:55D-47(D). Further, following the timely filing of the subdivision plat and deeds by the applicants' attorney, copy of the filed plat and the filed subdivision deeds shall be supplied to the Secretary of this Board, the Board Engineer, and the Borough Tax Assessor within a reasonable period of time by the applicants' attorney following recording without charge or expense to the Borough.

The undersigned Secretary of the Borough of Madison Planning Board hereby certifies that the within Resolution and Memorialization was adopted by the Planning Board for the Borough of Madison pursuant to N.J.S.A. 40:55D-10(g) at its meeting of February 4, 2020.



**VOTE ON RESOLUTION**

On Motion of: Mr. Lewis

Seconded by: Ms. Baillie

The vote on the Resolution was as follows:

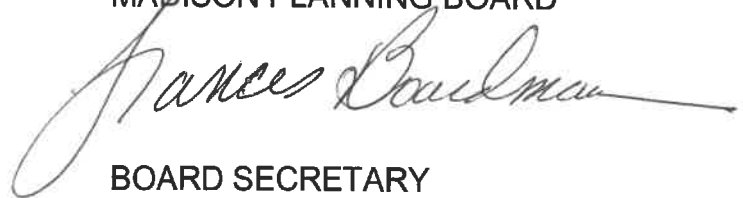
AYES: Ms. Baillie, Mr. Lewis, Mr. Limbach, and  
Mr. Tombalakian

NAYS: Mr. Garibay

ABSENT: Mayor Conley, Ms. Huber and Mr.  
Flemming

Adopted and Approved  
February 4, 2020

MADISON PLANNING BOARD



James Baillie

BOARD SECRETARY

February 4, 2020

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