

BOROUGH OF MADISON

Borough of Madison, 50 Kings Road, Madison, New Jersey 07940

APPLICATION FOR DEVELOPMENT

Planning Board

Date of First Submission: _____

Board of Adjustment

Valid Application Date: _____

App. Number: _____

Completeness Date: _____

1. PROPERTY INFORMATION

Address: 176, 178 and 180 Main Street Zone: CC - Community Commercial

Tax Map Number: 20 Block: 2001 Lot(s): 19, 20, 21, 22 and 23

Present Use: Lots 21-23 (180 Main St.): Office
Lots 19 & 20 (176 and 178 Main St.): Vacant (previously residential)

Has there been any previous application involving these premises by the applicant or any prior owner of the property? Yes No Unknown ; if unknown, provide copy of OPRA Request to Borough

If yes, nature of application, date and determination: _____

Does the applicant own adjacent property? Yes No If yes, address of property: _____

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] No Proposed

2. APPLICANT INFORMATION

Name: Heller Property Partners, LP

Address: 180 Main Street

City/State/Zip: Madison NJ 07940

Phone #: 973-377-6000 Fax: _____ Email: CHRICKO@HELLERGROUP.COM

Applicant is a(n): Individual Partnership Corporation

CONTACT FOR APPLICATION

Name: Chris Hricko c/o The Heller Group

Address: 180 Main Street

City/State/Zip: Madison NJ 07940

Phone #: 973-377-6000 Fax: _____ Email: CHRICKO@HELLERGROUP.COM

3. DISCLOSURE STATEMENT See attached Exhibit A

Pursuant to end. N.J.S.A. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership application must be disclosed. In accordance with N.J.S.A. 40:55D-48.2 that disclosure agreement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up in the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to comply).

Name: _____ Address: _____ Interest: _____

4. OWNER'S INFORMATION

If the Owner is other than the applicant, provide the following information on the Owner(s): Same as Applicant

Owner's Name: _____

Address: _____ Telephone Number: _____

OWNER MUST SIGN ATTACHED AUTHORIZATION

5. APPLICANT'S ATTORNEY (Corporations must be represented by an attorney)

Name: Linda M. Herlihy, Esq. c/o Riker Danzig _____

Address: Headquarters Plaza, One Speedwell Ave., Morristown, NJ 07962 _____

Phone #: 973-451-8525 Fax: 973-451-8794 Email: LHERLIHY@RIKER.COM _____

6. APPLICANT'S ENGINEER

Name: Bohler Engineering NJ, LLC Attn: Geoff Dean _____

Address: 35 Technology Drive, Warren, NJ 07059 _____

Phone #: 908-668-8300 Fax: 908-754-4401 Email: GDEAN@BOHLERENG.COM _____

7. APPLICANT'S ARCHITECT

Name: Louis Brandt, A.I.A. _____

Address: 1035 Route 46, Suite 106, Clifton, NJ 07013 _____

Phone #: 973-458-0035 Fax: 973-458-0036 Email: LBRANDT614@AOL.COM _____

8. NATURE OF THE APPLICATION (Check applicable items)

- | | |
|---|---|
| <input type="checkbox"/> Concept review | <input type="checkbox"/> Conditional use approval |
| <input type="checkbox"/> Minor subdivision | <input type="checkbox"/> Zone change |
| <input type="checkbox"/> Major subdivision, preliminary | <input type="checkbox"/> Site plan approval, preliminary residential |
| <input type="checkbox"/> Major subdivision, final | <input checked="" type="checkbox"/> Site plan approval, preliminary non-residential x |
| <input type="checkbox"/> Use variance | <input type="checkbox"/> Site plan approval, final x |
| <input type="checkbox"/> Variance, residential fence or deck | <input type="checkbox"/> Amendments to approved site plans |
| <input type="checkbox"/> Variance, other residential | <input type="checkbox"/> Change of permitted use with waiver of site plan |
| <input checked="" type="checkbox"/> Variance, other non-residential | <input type="checkbox"/> Appeal from administrative decision |
| | <input type="checkbox"/> Interpretation of zoning ordinance |

9. BRIEF DESCRIPTION OF PROJECT: Indicate type of improvement, alteration, structure, or use proposed; describe all structures, improvements, and uses now on the property. For any non-residential, business, or commercial use provide hours of operation, number of employees, number of parking spaces, intention to sell or rent, and any other information important for consideration:

See attached Exhibit B

10. DOES THE APPLICATION COMPLY WITH ALL REQUIREMENTS OF THE ZONE: If not, state violation, article, section and variance requested and state principle points on which the variance request is made. Use a separate sheet if necessary. Attach any letter or document from the Zoning Official of the Borough of Madison which has been issued to you regarding this property.

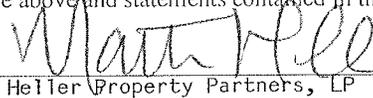
See attached Exhibit B

11. LIST ANY OTHER LICENSES, PERMITS, OR OTHER APPROVALS REQUIRED BY MUNICIPAL, COUNTY, STATE, OR FEDERAL LAW AND THE STATUS OF EACH.

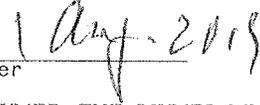
Morris County Planning Board; Morris County Soil Conservation
District; and New Jersey Department of Transportation

I hereby affirm that all of the above and statements contained in the papers submitted here with our true.

Signature of the Applicant:



Date:



Heller Property Partners, LP By: Martin Heller

IF THIS APPLICATION IS SUBMITTED BY ANYONE OTHER THAN THE OWNER, THE OWNER MUST EXECUTE THE CONSENT WHICH IS ATTACHED TO THIS APPLICATION.

Exhibit A

Ownership Disclosure pursuant to N.J.S.A. 40:55D-48.1

Applicant/Owner: Heller Property Partners, L.P.

Martin Heller and The Estate of Margaret Heller each own greater than 10% of the Applicant/Owner.

Address: c/o The Heller Group
 180 Main Street
 Madison, New Jersey 07940

Exhibit B

Applicant, owner of the existing office building located on lots 21-23, has recently purchased the adjacent lots 19 and 20. With this application, the Applicant proposes to consolidate all of the lots into a single lot, construct a 2nd office building, expand the existing parking area and install other site improvements all as shown on the Site Plan submitted with the Application. The new building has been designed to be substantially similar to the existing office building.

The Applicant requests a variance pursuant to N.J.S.A. 40:55D-70(d)(4) to permit a floor area ratio of 0.31 where a maximum of 0.25 is permitted (195-29.3).

The Applicant also requests the following variances pursuant to N.J.S.A. 40:55D-70(c) in connection with this application:

1. Maximum building footprint is 5000 square feet; the existing building has a 5640 square foot footprint and the proposed building will have a 5040 square foot footprint (195-29.3).
2. Minimum number of parking spaces required is 89; 65 spaces are proposed (18 banked) (195-35).
3. Maximum front yard setback is 25'; 29.9' currently exists to existing building and is also proposed for the new building (195-29.3).
4. Minimum of 2 loading spaces required and none are proposed (195-25.06A).
5. Related compatible principal buildings are permitted on a property as long as all other open space, setback and coverage requirements are complied with (195-30.3A). The variance is required as the application exceeds the maximum front yard setback standard of 25 feet (29.9 feet proposed).
6. Steep slope disturbance. Up to 25% disturbance of slopes 15 to 24.99% is permitted while 70.7% is proposed and no disturbance is allowed for slopes 25% and greater while 50.5% is proposed (195-41.2B)
7. A 2' wide x 3' high directory sign is proposed by the rear building entrance and is only permitted on a building façade that fronts a public right-of-way, a public parking lot or an alleyway for which public access is permitted (Section 195-34I, 195 Attachment 7:3).
8. Maximum permitted size of a freestanding sign is 6 square feet; a 30.67 square foot sign is proposed (Section 195-34I, 195 Attachment 7:6).

The Applicant also requests the following waivers in connection with this application:

1. Sections 195-25.6C(a) and (b) for exceeding the permitted illumination at the property line.

2. Section 195-25.15G for a 23.7 foot wide traffic aisle accessing the parking spaces where a minimum 24 feet is required.
3. Section 195-25.15,1(3)(a) requires a 30 feet wide driveway and the existing two-way driveway off of Main Street has a width of 23.7 feet (Planning Board granted a waiver for a 24-foot width in 1999).
4. Section 185-25.15L requires sidewalks within the parking lot and along the driveway and none are proposed.
5. Section 185-25.16B(3) requires two loading berths and none are provided.
6. Section 195-25.15C requires a minimum of 10% of the parking lot to be landscaped and 7.1% is provided.

Zoning Requirements & Identification of Variances

INSTRUCTIONS: Complete all open spaces below by inserting data for the zoning district in which the property is situated. If more space is needed, attach additional copies of this table. **Lot 19****

Zoning District (Please insert name of district) CC – Community Commercial				
ZONING REQUIREMENT	REQUIRED or PERMITTED	EXISTING	PROPOSED	Check if VARIANCE Requested
Minimum lot size	7,500	12837	70,941	
Minimum lot width	50'	44.96'	255.68'	
Minimum lot depth	150'	262.89'	262.89'	
Principal Building:				
Minimum front yard setback	15'mn/25'mx	39.2'	29.9'	X
Minimum side yard (r) setback	5'	11.8'	15.4'	
Minimum side yard (l) setback	5'	7.9'	50'	
Minimum rear yard setback	15'	179.9'	173.4'	
Maximum building height	35'	≤35'	35'	
Maximum building stories	2.5	2.5	2	
Maximum Principal building coverage	5000 sf footprint	1130 SF	5640/5040SF	X
Max. proposed building coverage ratio	NA%	%	%	
Accessory Structure:				
Minimum side setback	NA			
Minimum rear setback	5'	NA	34'	
Maximum floor area	0.25	0.22	0.30	X
Maximum building height	15'	NA		
Impervious lot coverage (list all additional impervious surfaces, including any area not listed below)	70%	43.2%	58.2%	
1. Principal building coverage (insert SF from above)		SF	SF	
2. Garage		SF	SF	
3. Shed		SF	SF	
4. Driveway		SF	SF	
5. Front walk/stoop		SF	SF	
6. Rear walks/patio		SF	SF	
7.		SF	SF	
8.		SF	SF	
9.		SF	SF	
Total impervious lot coverage		SF	SF	
Max. impervious lot coverage ratio		%	%	
Other Requirements (if applicable)				

**Calculated prior to demo of structure(s)

Zoning Requirements & Identification of Variances

INSTRUCTIONS: Complete all open spaces below by inserting data for the zoning district in which the property is situated. If more space is needed, attach additional copies of this table. **Lot 20****

Zoning District (Please insert name of district) CC – Community Commercial				
ZONING REQUIREMENT	REQUIRED or PERMITTED	EXISTING	PROPOSED	Check if VARIANCE Requested
Minimum lot size	7,500	12766	70,941	
Minimum lot width	50'	44.75'	255.68'	
Minimum lot depth	150'	263.28'	262.89'	
Principal Building:				
Minimum front yard setback	15'mn/25'mx	47.2'	29.9'	X
Minimum side yard (r) setback	5'	11'	15.4'	
Minimum side yard (l) setback	5'	11.6'	50'	
Minimum rear yard setback	15'	178.2'	173.4'	
Maximum building height	35'	≤35'	35'	
Maximum building stories	2.5	2.5	2	
Maximum Principal building coverage	5000 sf footprint	996 SF	5640/5040SF	X
Max. proposed building coverage ratio	NA%	%	%	
Accessory Structure:				
Minimum side setback	NA			
Minimum rear setback	5'	NA	34'	
Maximum floor area	0.25	0.20	0.30	X
Maximum building height	15'	NA		
Impervious lot coverage (list all additional impervious surfaces, including any area not listed below)	70%	24.4%	58.2%	
1. Principal building coverage (insert SF from above)		SF	SF	
2. Garage		SF	SF	
3. Shed		SF	SF	
4. Driveway		SF	SF	
5. Front walk/stoop		SF	SF	
6. Rear walks/patio		SF	SF	
7.		SF	SF	
8.		SF	SF	
9.		SF	SF	
Total impervious lot coverage		SF	SF	
Max. impervious lot coverage ratio		%	%	
Other Requirements (if applicable)				

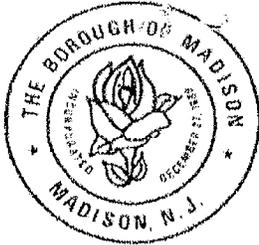
**Calculated prior to demo of structure(s)

Zoning Requirements & Identification of Variances

INSTRUCTIONS: Complete all open spaces below by inserting data for the zoning district in which the property is situated. If more space is needed, attach additional copies of this table. **Lots 21-23**

Zoning District (Please insert name of district) CC – Community Commercial				
ZONING REQUIREMENT	REQUIRED or PERMITTED	EXISTING	PROPOSED	Check if VARIANCE Requested
Minimum lot size	7,500	45,338	70,941	
Minimum lot width	50'	165.97'	255.68'	
Minimum lot depth	150'	263.90'	262.89'	
Principal Building:				
Minimum front yard setback	15'mn/25'mx	29.9'	29.9'	X
Minimum side yard (r) setback	5'	50'	15.4'	
Minimum side yard (l) setback	5'	129.2'	50'	
Minimum rear yard setback	15'	173.4'	173.4'	
Maximum building height	35'	≤35'	35'	
Maximum building stories	2.5	2	2	
Maximum Principal building coverage	5000 sf footprint	5640 SF	5640/5040SF	X
Max. proposed building coverage ratio	NA%	%	%	
Accessory Structure:				
Minimum side setback	NA			
Minimum rear setback	5'		34'	
Maximum floor area	0.25	0.25	0.30	X
Maximum building height	15'			
Impervious lot coverage (list all additional impervious surfaces, including any area not listed below)	70%	53.2%	58.2%	
1. Principal building coverage (insert SF from above)		SF	SF	
2. Garage		SF	SF	
3. Shed		SF	SF	
4. Driveway		SF	SF	
5. Front walk/stoop		SF	SF	
6. Rear walks/patio		SF	SF	
7.		SF	SF	
8.		SF	SF	
9.		SF	SF	
Total impervious lot coverage		SF	SF	
Max. impervious lot coverage ratio		%	%	
Other Requirements (if applicable)				

NOTE: The zoning requirements are in Chapter 195 of the Borough of Madison Code, which is available online at www.rosenet.org/gov



**BOROUGH OF MADISON
OPEN PUBLIC RECORDS ACT REQUEST FORM**

50 Kings Road
Madison, NJ 07940
Telephone Number: 973-593-3042
Fax Number: 973-593-0125
clerk@rosenet.org
Elizabeth Osborne, Borough Clerk

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor information – Please Print

First Name Linda MI M Last Name Herlihy
 E-mail Address LHERLIHY@RIKER.COM
 Mailing Address Headquarters Plaza One Speedwell Avenue
 City Morristown State NJ Zip 07962
 Telephone 973-451-8525 FAX 973-451-8994
 Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / ~~HAVE NOT~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature [Signature] Date 7/30/19

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash Check Money Order
 Fees: Letter Size Pages - \$0.05 per page
 Legal Size Pages - \$0.07 per page
 Other materials
 Actual cost _____
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Any and all resolutions of the planning board and/or zoning board pertaining to any or all of the following lots:
 Lots 19, 20, 21, 22, 23 in Block 2001
 one lot

ADDITIONAL INFORMATION NEEDED WHEN REQUESTING POLICE DEPARTMENT INCIDENT REPORTS: (PLEASE NOTE, FOR ACCIDENT REPORTS GO DIRECTLY TO POLICE DESK, NO NEED TO FILL OUT THIS FORM).

DATE OF INCIDENT: _____ APPROXIMATE TIME: _____

DATE REPORTED TO POLICE: _____

NAME OF PERSON ON REPORT _____

WHAT TYPE OF INCIDENT, OR POLICE REPORT NUMBER _____

LOCATION OF INCIDENT: _____

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reason here.

In Progress Open _____
 Denied Closed _____
 Filled Closed _____
 Partial Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost
Tracking #	_____	Total _____
Rec'd Date	_____	Deposit _____
Ready Date	_____	Balance Due _____
Total Pages	_____	Balance Paid _____
Records Provided		
Custodian Signature _____		Date _____

RESOLUTION
OF THE
MADISON BOROUGH PLANNING BOARD
RE: MARTIN HELLER
180 MAIN STREET
TAX BLOCK 2001, LOTS 21-23
MADISON, NEW JERSEY

WHEREAS, Martin Heller has applied to the Planning Board of the Borough of Madison for site plan approval to construct a free-standing sign in front of the building located at 180 Main Street, Madison, New Jersey, Block 2001, Tax Lots 21-23, located in the CC Zone; and

WHEREAS, the sign is proposed to be 19.25 square feet, whereas 6 square feet is permitted in the zone; and

WHEREAS, the Planning Board conducted a public hearing on the application at the regular meeting of the Board held on the 7th day of March, 2000, at the Borough Hall of the Borough of Madison of which meeting public notice and notice by the applicant has been given as required by law; and

WHEREAS, the Planning Board after hearing and considering the testimony, the application and the documents submitted therewith, and the plans and exhibits submitted, has made the following findings of fact:

1. Applicant was represented by Michael Levine, Esquire.
2. Eric Rosenblum, Senior Vice-President of The Heller Group, testified on behalf of the applicant.
3. In addition to the documents submitted with the application, the following documents were admitted into evidence at the time of the hearing:
 - ◆ A-1 – a depiction of the proposed sign prepared by Louis Brandt, AIA

- ◆ A-2 – a sheet prepared by Bohler Engineering, entitled “Amended Plan (1/28/00) Proposed Signage”, with an original date of 10/27/98, marked as Sheet 4 of 8.
- ◆ A-3 – four (4) photos of the front entry of the building on the site showing the brick patterns
- ◆ A-4 – two (2) photos showing a plywood mock-up of the proposed sign as located on the site of the proposed sign.

4. The regulations pertaining to the property permit a 6 square foot free-standing sign provided the same is greater than 15 feet and less than 75 feet from the road. The building on the property is set back 30 feet from the road and the proposed sign would be set back 15 feet from the road.

5. The proposed sign is to be made of brick with a brick and mortar pattern which incorporates and reflects the brick and mortar pattern on the exterior of the building. The Board finds that the architectural details of the proposed brick sign are in keeping with the building and aesthetically appropriate.

6. The proposed sign shall be 3 feet 6 inches high as measured at the center of the sign and 5 feet 6 inches wide. Brass-colored letters will be attached to the sign.

7. The original sign proposed by the applicant contained 24 square feet. The applicant submitted the sign to the Sign and Façade Committee and has amended the size of the sign to 19.25 square feet. The sign is in substantial conformity with Option #2 of the Committee as reflected in a memo from the Committee dated February 29, 2000.

8. The sign will be lit by ground lights which will be located low in the planting beds. Said lights will turn on and off with the parking lot lights which means that the sign will not be lit all night. There is no other signage at the site except for the number of the building which is located over the front entrance.

9. No members of the public questioned the applicant or submitted testimony. Mr. Rosenblum testified that neighbors had inquired after receiving notice, but were satisfied by his explanation of the proposal.

10. The applicant erected a plywood mock-up of the sign at the location so that Board Members could assess the visual effect.

11. The Board finds that the granting of the requested variance so as to permit the erection of 19.25 square foot sign is appropriate because of the size of the building which it serves, the architectural details of the sign, that the purposes of the municipal land use law would be advanced by the grant of the variance, the benefits would outweigh any detriments and the variance would not cause substantial detriment to the public good and will not impair the intent and purpose of the zone plan.

NOW, THEREFORE, BE IT RESOLVED, that the application of Martin Heller for amended site plan approval and variance as applied for and described herein be the same are hereby granted strictly on the following conditions being complied with by the applicants:

1. The sign shall be constructed in strict conformity with the depiction set forth on A-1 introduced into evidence at the hearing and the location depicted on A-4.
2. The lighting of the sign shall comply with all applicable Borough ordinances and shall be reviewed by the Borough Engineer to ensure compliance with the same, particularly including the elimination of any glare onto adjoining properties.
3. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of Applicant and its witnesses during the public hearing, and all terms and conditions of this resolution. Any deviation from the terms or conditions of the approved plan, or the terms or conditions of this

resolution, shall be deemed a violation of the terms and conditions of site plan approval.

4. All site plan improvements, screening, fencing, and landscaping required by the approved plans or the terms and conditions of this resolution shall be maintained in good condition for so long as any building, structure, or use approved herein shall remain on the property.
5. Applicant's construction activities shall be limited to those hours permitted by ordinance.
6. This approval is subject to the Applicant paying all taxes, fees and escrows required by the Borough of Madison. Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
7. Compliance with all applicable Borough, County, State and Federal laws, ordinances, regulations and directives.
8. Approval by all other governmental authorities with jurisdiction.
9. This Resolution memorializes the action taken by this Board pursuant to N.J.S.A. 40:55D-10g(2), at a regular meeting of the Board held on March 7, 2000.

Adopted and Approved
March 28, 2000
Madison Planning Board

RESOLUTION
OF THE
MADISON BOROUGH PLANNING BOARD
RE: MARTIN HELLER, c/o THE HELLER GROUP
180-184 MAIN STREET
TAX BLOCK 2001, LOTS 21, 22, 23
MADISON, NEW JERSEY

WHEREAS, Martin Heller has applied to the Planning Board of the Borough of Madison for site plan approval and certain variances and design waivers so as to permit the construction of a 5,640 square foot office building on premises known as Tax Lots 21, 22, and 23, Block 2001 located in the CC Zone; and

WHEREAS, the applicant was represented by Glenn Geiger, Esq. In connection with the application; and

WHEREAS, the Planning Board has conducted a public hearing at a special meeting of the Board held on the 26th day of January, 1999 at the Borough Hall of the Borough of Madison of which meeting public notice and notice by the applicant has been given as required by law; and

WHEREAS, the Planning Board, after considering the testimony, the plans and exhibits submitted, the comments of the Borough professional staff, and comments from the public, has made the following findings of facts:

1. This is an application for site plan approval, accompanying C variances and design waivers so as to permit the construction of a 5,640 square foot office building and accompanying parking, walkways, and associated infrastructure, on premises known as 180-184 Main Street, Madison, New Jersey.
2. Prior to the applicant's acquisition of the property, 3 single family homes were located on the premises, one on each of the three above referenced lots. These homes had been significantly neglected and at

least one of the homes was considered by the Borough to be uninhabitable. The applicant has demolished these 3 buildings and also significantly cleared the site, removing numerous junk, automobiles, and equipment.

3. The Planning Board, during the application, reviewed and considered the plans filed by the applicant as prepared and thereafter amended by Bohler Engineering, P.C. entitled "Proposed Office Building, Block 2001, Lots 21, 22, and 23, 180 Main Street, Borough of Madison, Morris County, New Jersey, for Martin Heller" dated October 27, 1998 and revised through January 15, 1999 consisting of 8 sheets and accompanying Land Title and Topographic Survey for the Heller Group prepared by Control Point Associates, Inc. dated October 21, 1998.
4. The Board also reviewed and considered architectural plans for the proposed office building as prepared by Louis Brandt, AIA Architect, 151 Grove Street, Clifton, New Jersey 07013, consisting of 2 sheets, dated November 24, 1998.
5. The first witness to testify for the applicant was Eric Rosenblum, the Senior Vice President of Heller Associates, who performs several functions as the Senior Vice President of the Heller Group, including management and marketing functions of the Heller Associates, a real estate development firm. Mr. Rosenblum also indicated that he is a licensed architect and professional planner, but was not testifying as an expert in those fields.
6. Mr. Rosenblum described the existing site and its characteristics, including an existing frame and masonry garage on the northeasterly property line of the property, the structure being located one half on

the subject premises and one half on adjoining Block 2001, Lot 20. Mr. Rosenblum described the development plans of applicant and introduced into evidence a colored landscape plan as Exhibit A-1. With reference to the aforementioned frame and masonry garage, Mr. Rosenblum testified that the Heller Group had been in substantial negotiations with the adjoining owner, Thomas P. and Alexina Milligan, to seek to obtain their permission to relocate the garage, or demolish the same and construct another garage to serve Block 2001, Lot 20. Mr. Rosenblum indicated that no agreement could be reached and thus, the applicant's plan was to restore the one half of the structure located on the subject premises and utilize the same for one parking space. Access to this parking space and the structure would be provided by a cross easement running from Main Street to the garage. A copy of the easement was accepted by the Board in evidence as "Exhibit A2."

7. Mr. Rosenblum described the growth of the Heller Group and the fact that they decided to relocate from their existing space in Madison to occupy the top floor of the proposed building. The variances requested by the applicant as described by Mr. Rosenblum are as follows:

A) the required minimum side yard in the CC Zone is 5 feet, the applicant proposing zero feet as to the existing masonry garage which crosses the property line. This is an existing condition, which is not being intensified or expanded by the applicant;

B) the maximum building footprint permitted in the zone is 5,000 square feet and applicant proposes a building footprint of 5,640 square feet.

8. Applicant also seeks a design waiver from the requirements for a loading zone, Mr. Rosenblum testifying that, as the use of the building would be limited to offices, no deliveries would occur other than United Parcel, Express Mail, and typical courier service deliveries associated with an office use.
9. Mr. Rosenblum next testified that the applicant considered the 3 separate lots to be merged into one lot as they were now in single ownership. Mr. Rosenblum further testified utilizing "Exhibit A3", an enhanced elevation of the architect's plan filed with the application, that the structure would only be 2 stories in height and if the structure was expanded to 2 1/2 stories, which is permitted in the CC Zone, the floor area ratio could be complied with (a maximum of 0.25) the maximum building footprint of 5,000 square feet also being in compliance.
10. Mr. Rosenblum testified that the applicant's justification for the building footprint variance of 640 square feet over the maximum of 5,000 square feet resulted, in a large part, from the applicant desiring to maintain the architectural integrity of the federalist style structure proposed. Additionally, the applicant proposes to enclose the heating, ventilating and air-conditioning equipment within the roof of the structure so that the same is not visible from any side of the structure.
11. Applicant submitted through Mr. Rosenblum additional Exhibits A5 and A6. "Exhibit A5" depicts the front and rear elevations of the proposed structure with a gross floor area summary depicting 5,640 square feet on each of the 2 floors for a total of 11,280 square feet. "Exhibit A6" indicated a structure consisting of first and second floors of 4,025 square feet and a mezzanine of 3,230 square feet,

totaling 11,280 square feet. The design depicted on A6 would comply with the maximum building footprint requirement. The building would be 115 feet in length and 35 feet in depth rather than the 94 feet in length and the 60 feet in depth as proposed.

12. Mr. Rosenblum also discussed the parking proposed by the applicant and the landscaping and buffering which would be provided along the sides of the building along with the landscape scheme for the front of the building which faces Main Street. The Borough Engineer commented that the applicant's proposed parking spaces of 9 x 20 feet could be reduced to 9 x 18 foot spaces as each of the spaces depicted had room for a 2 foot bumper overhang, thereby reducing the impervious coverage of the parking area and providing more room for landscaping.
13. William Goebel, P.E. of Bohler Engineering was the next witness called by the applicant. Mr. Goebel was accepted as an expert in engineering by the Board and began his testimony by describing the proposed landscape buffer for the rear of the property, which landscape buffer is greater in depth than that required in the CC Zone.
14. Mr. Goebel also testified as to the adequacy of the access drives, storm water management plan and lighting plan. Mr. Goebel testified that the storm water management plan would result in a substantial enhancement over existing conditions as, due to the slope of the property, the existing storm water flows from the rear of the property toward Main Street and there are no storm water management devices in place. Applicant proposes underground storm water storage, which will handle a 25-year storm and the Board acknowledges receipt of

the drainage report for the proposed office building as prepared by William Goebel, P.E. dated December, 1998. Mr. Goebel also indicated that hooded catch basins would be used in the parking area to help separate oil and other pollutants from the storm water before the same was placed in underground detention.

15. Mr. Goebel indicated that there would be 363 plantings placed on-site, consisting of 31 different species, which landscaping would provide a substantial buffer to surrounding property owners, particularly the residential uses to the rear of the premises.
16. Applicant proposes to use colonial style lighting fixtures, and the lighting plan provided by the applicant confirms no light spillage will occur onto adjoining properties.
17. Mr. Goebel testified that the 12% increase in the building footprint (5,000 square feet to 5,640 square feet), which was accomplished by the 7 additional feet to the rear of the structure (adding to its depth), was a de minimus impact which would not be perceptible to the surrounding uses.
18. The final witness called by the applicant was Louis Brandt, Architect. Mr. Brandt was accepted by an expert in architecture by the Board and described to the Board his plans as to the federalist design of the proposed structure. Mr. Brandt testified that the structure was a true federalist design and that the roof and the front façade of the structure were in proper proportion and presented an enhanced visual appearance.
19. Both Mr. Brandt and Mr. Rosenblum provided testimony regarding the architectural detailing on the structure, including the use of a slate roof, the fact that the structure would be brick and that interior

gutters, hand-carved wood doors and wooden windows would be utilized throughout the structure.

20. The Board also entertained a significant number of questions and statements from the members of the public who attended the hearing on this matter. Jeff Girtler of the Historic Preservation Commission expressed concern with reference to the height of the structure and submitted into evidence an Exhibit marked HPC1, which was a modification of Exhibit A5 in evidence and which depicted a reduced roof height of the proposed structure.
21. Janet Foster from the Historic Preservation Committee also testified regarding grading concerns and indicated that it was her belief that the structure would be higher than the surrounding uses. She also expressed concern regarding the slope between the southeasterly corner of the structure and Main Street. In response to these questions, Mr. Goebel testified that the finished first floor of the proposed building would be slightly less than the surrounding uses and that the lot grading plan and the accompanying landscaping would serve to "soften" and reduce the impact of the height and elevation of the structure.
22. Sam DeAngelis, Esq. entered an appearance on behalf of the adjoining property owners to the northwest, Thomas P. and Alexina Mulligan. Mr. DeAngelis indicated that his clients were not in opposition to the application, but were concerned with the impact of the structure on his clients' adjoining two and half story frame residence, which is located, at its closest point to the main structure, 11 feet from the common boundary line with the applicant's property.

23. As a result of the concerns expressed by Mr. DeAngelis and other members of the public, applicant has agreed to significantly enhance the landscaping along the northwesterly property line to further buffer the existing residential use from the proposed structure.

24. Applicant has submitted, in response to the comments of the Board, a revised plan for development with a revision date of February 19, 1999, which plan reflects the following changes:

A) a reduction of the width of the access drive from 28 to 24 feet;

B) a relocation of the proposed office building to the southeast, a distance of 5 feet thereby increasing the side yard setback from 24 feet to 29 feet from the northwesterly property line; and

C) removal of the northerly most ¹⁰ ~~11~~ parking spaces, which are adjacent to the residential zone, and to "landbank" these parking spaces. Applicant can construct those additional parking spaces in the location indicated on the plan if needed to accommodate the actual parking demand of the building occupants.

D) reduction in length of parking stalls from 20 feet to 18 feet.

25. The revised plan, at the suggestion of the Board, also increases the front yard setback of the building from the ordinance maximum of 25 feet to a setback of 30 feet. The Board finds that this setback increase, which is a variance from the provisions of the CC Zone, brings the proposed structure more in conformity with the existing structures along Main Street and that the benefit obtained thereby outweighs any detriment resulting from the increased setback.

26. Based on a review of the entirety of the application, the Board finds that the proposed structure will be an asset to the community and a significant improvement of the existing residential structures, which

are no longer a permitted use in the CC Zone. The Board also finds that the variance requested by the applicant with reference to maximum building coverage of an additional 640 square feet over the ordinance maximum of 5,000 square feet advances the purposes of zoning in that the design of the structure and the entirety of the site development serve to promote a desirable visual environment through creative development techniques and good civic design and arrangement. The Board also finds that there is no significant detriment resulting from the variance sought in that while the additional square footage does increase the depth of the building, more than adequate space remains on the site for parking and significant landscaping in excess of the ordinance requirements so as to buffer this use from surrounding properties and the residential zone to the rear. The Board further finds as the permitted use and as a structure with more square footage (with less building footprint) could be constructed in conformity with the ordinance that there is no substantial detriment to the public good and the variance relief sought will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

27. The applicant has revised the original plans submitted with the application as set forth in paragraph 3 hereinabove. The Planning Board and the Borough Engineer have reviewed the plans as amended by Bohler Engineering, PC, entitled "Proposed Office Building, Block 2001, Lots 21, 22 and 23, 180 Main Street, Borough of Madison, Morris County, New Jersey, for Martin Heller", dated October 27, 1998 and revised through February 19, 1999, consisting of 8 sheets and accompanying land, title and topographic survey for

The Heller Group, prepared by Control Point Associates, Inc., dated October 21, 1998, and find that the plans have been revised in conformity with the requests by the Board at the public hearing of February 9, 1999.

NOW, THEREFORE, BE IT RESOLVED, that the application of Martin Heller, c/o the Heller Group, for site plan approval, required minimum site yard variance, and a variance from the maximum building footprint permitted as applied for and described herein, be the same are hereby granted strictly on the following conditions being complied with by the applicants:

1. The applicant shall comply with the Borough of Madison Specifications for the Protection of Trees During Construction, including soil erosion and sediment control measures and plans for the retention and protection of trees which remain on site and plans for the protection of those trees on adjoining properties with the potential for any root structure extending onto applicant's property.
2. Compliance with all applicable Borough, County, State and Federal laws, ordinances, regulations and directives.
3. Approval by all other governmental authorities with jurisdiction.

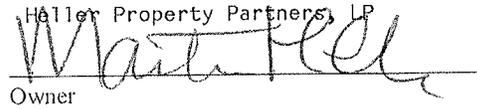
Adopted and Approved
February , 1999
Madison Planning Board

Revised 2/19/99/flm

OWNER'S CONSENT TO APPLICATION

I certify that I am the owner of the property which is the subject of this application, that I have authorized the applicant to make this application, and that I agree to be bound by the application, the representations made, and the decision in the same manner as if I were the applicant.

(If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner).

Heller Property Partners, LP

Owner

Sworn to and subscribed before me this

1 day of August, 2019.


A notary public of the state of New Jersey

ALAN R. MEADES
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 12, 2024

**BOROUGH OF MADISON, NEW JERSEY LAND DEVELOPMENT CHECKLIST
AS AUTHORIZED UNDER N.J.S.A. 40:55d-10.3**

**CHECKLIST A: GENERAL REQUIREMENTS
FOR ALL APPLICATIONS FOR DEVELOPMENT**

This Checklist shall **not** be applicable to Requests for Interpretation, Appeals of a Decision of a Borough Official or Request for Waiver of Site Plan Details. Checklists E and F and required for these applications.

<u>CHECKLIST A</u>		Submitted	For Borough Use
FOR ALL ITEMS ON CHECKLIST, SEVENTEEN COPIES (17) OF EACH ITEM MUST BE SUBMITTED UNLESS OTHERWISE SPECIFIED BY A *, WHERE ONLY FOUR COPIES (4) MUST BE SUBMITTED. ALL APPLICATION MATERIALS MUST BE COLLATED.			
1	Completed and signed Application for Development Form, including Owner's Consent to Application and: a) Permission to Enter Applicant's Property b) Technical Review Escrow Agreement c) Payments of Required application and escrow fees	X	
2	Required Checklists in Addition to this Checklist and: a) Written requests for Waivers of Submission Requirements from Checklists B, C and/or D, along with justifications for each requested waiver	X	
3	Plans, elevations and architectural details per Checklist B, C, and/or D	X	
4	Property survey signed and sealed by land surveyor or engineer, which must be dated within six (6) months (or a completed certification in lieu of oath for older surveys) from the date of the application and which must show all current improvements and conditions on the property	X	
5*	Signed Report from the Borough Tax Collector that taxes for the property have been paid current *		
6*	Letter from Borough Water and Sewer Department that all Borough fees and charges are paid current*		
7*	Certified list of all property owners within 200 feet of the property from Borough Tax Assessor's office and neighboring municipalities, as relevant	X	
8	Photographs of the property from the front, back and both sides	X	
9*	Copies of any prior resolutions of approval for this property from either the Planning Board or the Zoning Board of Adjustment (if not applicable, proof of OPRA filed with Borough response)	X	
10*	Copies of any letters or notices received from any Borough official, office, Board or agency	X	

*Requested and to be provided upon receipt

**BOROUGH OF MADISON, NEW JERSEY LAND DEVELOPMENT CHECKLIST
AS AUTHORIZED UNDER N.J.S.A. 40:55d-10.3**

**CHECKLIST C:
REQUIREMENTS FOR ALL APPLICATIONS FOR DEVELOPMENT FOR
PRELIMINARY SITE PLAN OR SUBDIVISION APPROVAL
AND ALL VARIANCES (NOT COVERED IN CHECKLIST B)**

This Checklist shall not be applicable to:

1. "C" Variance Relief only for Decks and Fences for Single-Family and Two-Family Residences (Use Checklist B)
2. Change of Permitted Use with Request for Waiver of Site Plan (Use Checklist E)
3. Requests for interpretation, Appeals of a Decision of a Borough Official (Use Checklist F)

~~NOT APPLICABLE TO PRESENT OR FUTURE MINOR SUBDIVISIONS WHICH VARIANCE~~

CHECKLIST C		Submitted	Borough Use
FOR ALL ITEMS ON CHECKLIST, SEVENTEEN COPIES (17) OF EACH ITEM MUST BE SUBMITTED UNLESS OTHERWISE SPECIFIED BY A *, WHERE ONLY FOUR COPIES (4) MUST BE SUBMITTED. ALL APPLICATION MATERIALS MUST BE COLLATED.			
General Requirements			
1	 zoning requirements, including identification of necessary variance and/or waiver relief	X	
2	Architectural drawings, including: a) Building facades (elevations) for all sides of the building or structure with building height measurements based on Borough Code definitions and spot elevations (at building corners) included b) Floor plans for each floor of the building or structure with clearly displayed dimensions and uses of all rooms	X	
3	For variances from 40:55D-70(d)(1), a Licensed Professional Planner's Report documenting the rationale addressing the required proofs for granting the requested use variance	NA	
4	 Plans drawn & sealed by a Professional Engineer, as submitted by the applicant, and a copy of the same submitted to the Borough Engineer and the Borough Planning Board for their review and approval.	X	
For Subdivision and Preliminary Site Plan Plan Details Required			
5	 Non-site plan forms approved by the Borough Engineer	X	
6	 Open survey monuments and monuments based	X	
7	A grading plan showing, at 2' contour intervals, existing & proposed contours & elevations	X	
8	 Standard sheet size 8-1/2" x 13" 15" x 21" 24" x 36"	X	
9	 Title and description of the site Name and address of person submitting the application for subdivision or variance North arrow and reference to the plan and consented to by the Borough Engineer Date and signature of the applicant Site map showing the boundaries of the site Name and address of the applicant and the Borough Engineer	X	

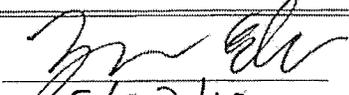
26	<p>The location of existing watercourses including wetlands, waterbodies and floodplain, soil types and all threats based on the Morris County Soil Conservation District maps and any other maps, catch basins, wood bridges and rock formations on the site and within 50 feet, including the location and grade of all lines over tops of trees having a diameter at breast six inches (DBH)</p>	X	
27	<p>A soil erosion & sediment control plan prepared in conjunction with Article VII and a stormwater management plan meeting the requirements of Article VI and showing the location, type & size of any existing and proposed bridges, culverts, drainpipes, catch basins & other storm drainage facilities</p>	X	
28	<p>A copy of any protective easement or deed restrictions applying to the land being subdivided or developed & a copy of the plat or plan of any easements acquired by the owner, such as utility limited to right of way easements. Said easements may also include utility lines, public improvements, drainage and access for emergency vehicles.</p>	NA	
29	<p>A copy of such guarantees, covenants, master deed or other documents which shall satisfy the requirements of the Board for the construction & maintenance of any proposed common areas, landscaping, recreational areas, public improvements & buildings</p>	NA	
30	<p>Completed Section 101 of the Morris County Environmental Checklist</p>	X	
31	<p>Where appropriate, the plat or plan shall indicate provisions for energy conservation</p>		
32	<p>A list of all licenses, permits or other approvals required by law, including proof of service</p>	X	
<p>Other Requirements</p>			
33*	<p>Written Environmental Impact Assessment including all documentation (195-20F)</p>	NA	
34*	<p>Stormwater management addressed in accordance with Article VII of Chapter 195</p>	X	
35	<p>Traffic/transportation impact study, including all required documentation (195-20G)</p>	X	
36	<p>Documentation showing compliance with Wellhead Protection Areas (195-30.7), Steep slopes (195-41.2), Flood control and Riparian Buffer (195-37.10)</p>	X	
37	<p>Will the applicant be able to identify any potential impacts to the water quality of the water body for the site?</p>	NA	

Prepared by: *[Signature]*
Date: 8/22/19

**BOROUGH OF MADISON, NEW JERSEY LAND DEVELOPMENT CHECKLIST
AS AUTHORIZED UNDER N.J.S.A. 40:55d-10.3**

**CHECKLIST D:
REQUIREMENTS FOR FINAL SITE PLAN
AND/OR FINAL MINOR OR MAJOR SUBDIVISION**

Item	<p align="center"><u>CHECKLIST D</u></p> <p align="center">FOR ALL ITEMS ON CHECKLIST, SEVENTEEN COPIES (17) OF EACH ITEM MUST BE SUBMITTED UNLESS OTHERWISE SPECIFIED BY A *, WHERE ONLY FOUR COPIES (4) MUST BE SUBMITTED. ALL APPLICATION MATERIALS MUST BE COLLATED.</p>	Submitted	Borough Use
1	Completed and signed application form and Checklist D	X	
2*	List of all Application filing fees and escrows with receipt showing payment	*	
3*	Certification that taxes are current from the Tax Collector and proof that water and sewer charges are current	*	
4*	All prior resolution and approvals regarding the subject property	X	
5*	List of all government approvals and copies of all permits, approvals, and exemptions from government unit	x	
6	Statement from Borough Engineer that installation of utilities, drainage, and all improvements have been installed in compliance with all applicable laws and any executed developer's agreement. If the required improvements have been installed, the application for final approval shall be accompanied by a statement from the Borough Clerk that a satisfactory maintenance bond has been posted.	**	
7	Applicant's written certification regarding any unfinished or incomplete improvements, proof of payment and satisfaction of all bonding/performance guaranty requirements as required by the Borough Engineer and Ordinances.	**	
8	<p>Engineering plans, architectural details and drawings in compliance with preliminary approval, showing all details required in Checklist C, including:</p> <ul style="list-style-type: none"> a) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves. b) The purpose of any easement or land reserved or dedicated to public use and the proposed use of sites other than residential. c) The front, side and rear building setback lines. d) Improvement plans in accordance with the Borough standards for roads and water and sewer improvements. e) Plans and profiles of storm and sanitary sewers and water mains. <p>NOTE: The final floor plans and building elevation drawings submitted to the Construction Code Official for issuance of a building permit shall conform with the preliminary plans and drawings approved by the Board.</p>	**	
10	Any document, plan, or other item as required by the Board at the time of preliminary approval		

Prepared by: 
Date: 8/22/19

* To be provided upon receipt

** To be provided as condition of approval

**TAX AND ASSESSMENT PAYMENT REPORT
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT
BOROUGH OF MADISON**

APPLICATION No. _____

Under provisions of New Jersey Statutes, N.J.S.A. 40:55D-39e and N.J.S.A. 40:55D-65h, an applicant for development of land must submit proof that no taxes or assessments for local improvements are due or delinquent on the property, stated below.

Applicant will complete section I of this form and submit it with the application for development. The Administrative Official will forward the form to the Tax Collector for verification that no delinquent taxes or assessments are due.

Developers are cautioned that agreement on payment of taxes for the current year must be reached between the interested parties. Apportionment of taxes is **NOT** the concern of the Tax Office.

Applicant is also cautioned that additional assessments may be levied where a structure is present.

Section I (to be completed by Applicant)

I Martin Heller/Heller Property Partners, LP of 180 Main St., Madison (address) am making application to the Planning Board/Zoning Board of Adjustment for the development of Lots 19-23 Block 2001, in the CC Zone, located at 176, 178 & 180 Main St. whose owner of record is Heller Property Partners, LP.

This tract was formerly subdivided on _____.

Original Lot(s) No. _____, Block _____.

I acquired interest in this property on _____.

I request the Tax Collector determine whether there are any delinquent taxes and/or assessments due.

8/12/19
Date

Martin Heller
Applicant's Signature

Section II (to be completed by Tax Collector)

- I find that:
- All taxes due have been paid.
 - All assessments due have been paid
 - The following are delinquent and past due:

Date

Tax Collector

**NOTICE OF PUBLIC HEARING
BOROUGH OF MADISON
ZONING BOARD OF ADJUSTMENT**

PLEASE TAKE NOTICE that an application for preliminary and final site plan, floor area ratio variance, bulk variances and waiver approval has been made by Heller Property Partners, LP (the "Applicant") to the Zoning Board of Adjustment of the Borough of Madison in connection with the premises shown as Block 2001, Lots 19, 20, 21, 22 & 23 on the tax map of the Borough, which premises are commonly referred to as 176, 178 and 180 Main Street, Madison, New Jersey (the "Property"). The Property is located in the CC Community Commercial zoning district. Lots 21-23 currently have a two story office building and parking lot located thereon. Lots 19 and 20 are currently vacant. With this application, the Applicant proposes to consolidate all of the lots into a single parcel and construct a second 2-story office building, expand the existing parking area and install other site improvements on the Property.

The Applicant requests a variance pursuant to N.J.S.A. 40:55D-70(d) to allow the floor area ratio at the Property to be 0.30 where a maximum floor area ratio of 0.25 is permitted. The Applicant also requests the following variances pursuant to N.J.S.A. 40:55D-70(c):

- The maximum permitted building footprint is 5000 square feet; the existing building has a 5640 square foot footprint and the proposed building will have a 5040 square foot footprint.
- The minimum number of parking spaces required is 85; 65 total spaces are proposed (including 18 banked spaces).
- The maximum permitted front yard setback is 25'; the existing building has a front yard setback of 29.9' and the new building will also have a front yard setback of 29.9'.
- A minimum of 2 loading spaces are required and none are proposed.

The Applicant also seeks such interpretations, approvals, variances, deviations, waivers, design exceptions and/or other relief as may be deemed necessary or required in connection with the application.

A public hearing will be held on this application by the Zoning Board of Adjustment of the Borough of Madison on Thursday, _____, 2019 at 7:30 p.m. or as soon thereafter as the matter may be heard, in the Hartley Dodge Memorial Building, 50 Kings Road, Madison, New Jersey, at which time you may appear either in person or by agent or attorney and present any questions, concerns or statements which you may have with respect to this application. Documents and plans relating to this application are on file with the Board Administrative Secretary, 50 Kings Road, Madison, New Jersey 07940, 2nd floor, and may be inspected by the public during normal business hours.

By: _____
Linda M. Herlihy, Esq.
Riker Danzig Scherer Hyland & Perretti
One Speedwell Avenue
Morristown, New Jersey 07962
(973) 538-0800
Attorney for Applicant