

**MINUTES
PLANNING BOARD OF THE BOROUGH OF MADISON
REGULAR MEETING MARCH 5, 2019**

A regular meeting of the Planning Board of the Borough of Madison was held on the 5th day of March 2019 at 7:30 P.M., in the Court Room, Hartley Dodge Memorial, 50 Kings Road, Madison, NJ.

The meeting was called to order by Planning Board Chairman, Steve Tombalakian. Mr. Tombalakian requested the reading of the Public Meeting Notice.

Ms. Boardman read the following statement in accordance with the Open Public Meetings Act.

“Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: At the reorganization meeting of the Board held on January 15, 2019, the Board by Resolution adopted a schedule of meetings.

On January 16, 2019, a copy of the schedule of meetings will be posted at the bulletin board at the entrance to the Hartley Dodge Memorial, sent to the Madison Eagle and the Daily Record, and filed with the Borough Clerk all in accordance with the “Open Public Meetings Act”.

The following roll call was recorded:

Present: George Limbach, Tom Lewis, Steve Tombalakian, Astri Baillie, Ann Huber, Mayor Conley and Rachel Ehrlich

Excused: Peter Flemming, John Forte

Absent: None

Also Present: Vince Loughlin, Planning Board Attorney
Frank Russo, Assistant Borough Engineer
Susan Blickstein, Board Planner
Frances Boardman, Board Secretary

Approval of Minutes:

Copies of the minutes of the January 15, 2019 re-organization meeting, regular meeting and executive meeting were distributed to all Board members for their review prior to this meeting. A motion to approve the minutes as presented was made by Ms. Huber, seconded by Mr. Lewis. A voice vote of “Aye” was heard by all eligible voting members and recorded.

Comments by the Public:

Mr. Tombalakian opened the floor to the public for anyone that wished to be heard on any matter not on this evening’s agenda. Seeing none that portion of the meeting was closed.

RESOLUTIONS FOR MEMORIALIZATION – None

REVIEW AND RECOMMENDATION ITEMS

On referral from the Governing Body: Ordinance 5-2019 “ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-27 OF THE BOROUGH CODE, ENTITLED LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON, REGARDING CHANGES IN ELEVATION”

The details of this Ordinance were presented to the Board by Mr. Frank Russo. He stated that this ordinance will be another mechanism for the Engineering Department to make sure that foundation and elevations for construction applications are done correctly.

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Mr. Tombalakian asked the Board if they had any questions or wished to discuss this Ordinance further. Seeing none, Mr. Tombalakian made a motion to recommend the adoption of Ordinance 5-2019 by Mayor and Council. Mr. Lewis seconded the motion. A voice vote was heard by all voting members and recorded.

NEW BUSINESS –

CASE NO. P 18-007
Minor Subdivision with Variances
Amalgamated & Consolidated, LLC
49 Park Avenue
Block: 1101, Lot: 7

Mr. Paul Mitchell, Esq. provided the Board with a brief description of the application before the Board this evening.

The applicant proposes to subdivide the existing .68 acre property at 49 Park Avenue that contains a multi-family residence into two lots. The existing home is to be converted back to a single-family residence, with a new proposed two-car garage. The second lot proposed is for a two-family home and a four car detached garage. The property is located in the R-4 Zoning District. The existing home is located on a 29,810 square foot lot and contains one of the structures identified as The Force Houses and Iron works property in the 2015 Morris County Cultural Resources Inventory Phase III by RGA, Inc. Current access and parking associated with the residential building is located in part on an adjacent 50' wide right-of-way.

Mr. Mitchell stated that he had two witnesses this evening, Dr. Dickerson, Owner and Mr. Keenan, Professional Engineer from French and Parrello Associates.

Mr. Denis Kennan, 43A Newburgh Road, Suite 100, Hackettstown, New Jersey was sworn in. Mr. Keenan gave his qualifications to the Board and was accepted as an expert witness.

Mr. Keenan gave a brief description of the location, shape, size and topography of the property. He stated that the property has no wetlands and no steep slopes on the site. The property is surrounded by residential homes in the neighborhood. The minor subdivision plan provided to the Board in their application package dated, 12/12/2018 was used during Mr. Keenan's testimony.

The proposed subdivision and new two-family home would result in at least one variance for the proposed lot (Lot 7.01) for accessory garage setback. Due to the nature of the easement location that was finalized in Judgement entered on December 2, 1996 in the Matter of Alvey v Dickerson the garage will slide forward on proposed Lot 7.01. There are pre-existing nonconforming conditions for number of stories and building height for the existing residential structure on Lot 7.

Storm-water Management was discussed and drywells will be provided for each lot. No landscape plan was provided and there are trees that will be removed from the property.

Mr. Russo's memorandum dated December 13, 2018 was discussed and Mr. Keenan had no issues with the memorandum as provided and agrees to all comments and requirements.

Dr. Blickstein's memorandum dated November 28, 2018 having the latest revision date of February 25, 2019 was discussed. Dr. Blickstein reiterated that the home proposed for lot 7.01 have no front loading garages or additional driveways which is consistent with the historic homes on either side of this lot.

The Shade Tree memorandum and the Historic Preservation Commission memorandum were also discussed. Mr. Keenan stated that they had no issues with the contents of either report.

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Mr. Tombalakian asked the Board if they had any questions for Mr. Keenan. Mr. Limbach asked if a landscape plan will be provided. Mr. Keenan stated that yes one would be submitted.

There being no further questions from the Board Mr. Tombalakian opened the floor to the public for questions.

Mr. Justin Calta, Esq. Saiber, representing Mr. Alvey of 57 Park Avenue, Madison asked if the easement finalized in the Judgement entered on December 2, 1996 in the Matter of Alvey v Dickerson would be placed on the plans. Mr. Keenan stated that the easement would indeed be placed on the plans. Mr. Alvey has asked to look at the plan when the easement has been placed on it prior to submission to the Board for signature. Mr. Keenan stated that also would not be a problem.

Mr. Calta asked for a shared Maintenance Agreement for the driveway. Mr. Loughlin this is not a Board issue and that a Maintenance Agreement should be worked out between the property owner's attorney's.

Mr. Calta asked if there would be any parking allowed on the shared driveway and Mr. Keenan stated that there would not be.

Mr. John Benensky, 7 Wayne Boulevard, was sworn in. Mr. Benensky voiced his concerns with the water issues from this property. Mr. Keenan stated that drywells are proposed for the lots and will collect all runoff for new roof areas.

Mr. Tombalakian asked if there were any further questions from the public for Mr. Keenan, seeing none that portion of the hearing was closed.

Mr. Mitchell called his next witness Dr. Scott Dickerson. Dr. Scott Dickerson, 25-27 Dickerson Street, Dover, New Jersey was sworn in. Dr. Dickerson is a managing member since 1987-1988 of Amalgamated and Consolidated, LLC. Dr. Dickerson stated that 49 Park Avenue is currently a legal boarding house which will be restored to a single-family home with a new detached two-car garage. The proposed subdivided lot 7.01 if approved will be sold to Mr. Kevin Gero and a new 2-family home with a detached 4 car garage is proposed. Conceptual architectural drawings of this new home were provided in the application package.

Ms. Baillie asked Dr. Dickerson what guarantees the Board will have that the current home located at 49 Park Avenue will be restored to a single-family. Ms. Baillie asked if Dr. Dickerson would agree to a Preservation Restoration Easement Agreement as a condition in the Resolution. Mr. Loughlin explained this Restoration Agreement to the applicant. The Madison Historic Preservation, dated November 27, 2018 explaining the requirement that the main exterior features of the home be retained and restored was again discussed with the applicant. Ms. Baillie then asked about the time frame on when the tenants in the Boarding home would be asked to leave and when the work would begin in the restoration back to a single-family. Dr. Dickerson stated that he would provide his tenants with a 90day notice to vacate.

Mr. Tombalakian asked the Board if they had any further questions for Dr. Dickerson, seeing none he opened the floor to the public for questions.

Mr. Justin Calta, Saiber again asked if the easement agreement finalized in the Judgement entered on December 2, 1996 would be placed on the plans and that a courtesy copy be provided to his client Mr. Alvey before signing. He also reiterated that a property maintenance agreement be entered into by Mr. Alvey and Mr. Gero regarding the shared driveway and that there will be no parking along the driveway. He also asked for conformation that the garage will conform with the easement.

Mr. Tombalakian asked if there were any further questions from the public, seeing none that portion of the hearing was closed.

Mr. Mitchell gave his summation of the proceeding to the Board.

Mr. Tombalakian now opened the floor to the public for comments:

Mr. William DeMartino, 48 Park Avenue, Madison stated that the property in question is an eyesore and that the restoration of the property should be done in a timely fashion.

Mr. Josh Heltzer, 21 Wayne Boulevard stated that the restoration of this property is beneficial however he is concerned with the storm-water management of these properties.

Mr. Carmine DeCaro, 41 Park Avenue, referenced the rental of the garage on the current property to a landscaper. He is concerned that the construction equipment presently on the property will continue in the back yard. Will this single-family home be filled with tenants? There have been issues at this property constantly.

Mrs. Valarie Freidman, 16 Stonehedge Lane, Madison is a realtor in town and states that the home at 49 Park Avenue is in deployable conditions and that there has been a lack of care of the homeowner's part.

There being no further comments from the public that portion of the hearing was closed and the Board began their deliberation.

The Board members expressed that very specific conditions are needed in the resolution to guarantee that the applicant does what is expected of him at the current home located at 49 Park Avenue. Mr. Russo stated that bonding requirements would be one mechanism to make sure that restoration to the home is completed. A plat will be recorded for this subdivision.

A summary of conditions was provided by Mr. Vince Loughlin, Board Attorney. Dr. Blickstein also added to these conditions. A motion to approve was made by Ms. Huber, seconded by Mayor Conley and the following roll call was recorded:

"Ayes" – Mayor Conley, Ms. Baillie, Ms. Huber, Ms. Ehrlich, Mr. Lewis, Mr. Limbach and Mr. Tombalakian.

"Nays" – None

Excused – Mr. Forte and Mr. Flemming.

A five-minute break was taken at 8:49pm. The meeting resumed with all members present at 9:02pm.

EXECUTIVE SESSION

RESOLUTION TO PERMIT EXECUTIVE DISCUSSION OF SUBJECTS IN CLOSED SESSION:

Chairperson moved:

BE IT RESOLVED, by the Planning Board of the Borough of Madison, County of Morris, State of New Jersey, as follows:

That pursuant to Sections 7 and 8 of the "Open Public Meetings Act", NJSA 10:4-12 and 4-13, the following subject are discussed in closed session.

Litigation Matter

BE IT FURTHER RESOLVED, that those portions of the discussion not subject to attorney-client privilege may be disclosed to the public upon completion.

Motion seconded by: Mayor Conley

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RECONVENE WITH (ALL) MEMBERS PRESENT

Let the record reflect that the meeting is reconvened with (all) members present at 9:25pm.

OLD BUSINESS – None

PLANNING DISCUSSION – None

CORRESPONDENCE –

Since there was no further business to come before the Board, Mr. Tombalakian asked for a motion to adjourn the Regular meeting at 9:26pm.; seconded by Mayor Conley. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,

Frances Boardman
Board Secretary