

**MINUTES  
PLANNING BOARD OF THE BOROUGH OF MADISON  
REGULAR SCHEDULED MEETING JUNE 2, 2020**

A regular meeting of the Planning Board of the Borough of Madison was held on the 2nd day of June 2020 at 7:30 P.M., via a Zoom electronic meeting.

The meeting was called to order by Planning Board Chairman, Mr. Steve Tombalakian.

Mr. Tombalakian requested the reading of the Public Meeting Notice.

Mayor Conley read the following statement in accordance with the Open Public Meetings Act.

“Let the minutes reflect that adequate notice of this meeting has been provided in the following manner: At the reorganization meeting of the Board held on January 21, 2020, the Board by Resolution adopted a schedule of meetings.

On January 22, 2020, a copy of the schedule of meetings will be posted at the bulletin board at the entrance to the Hartley Dodge Memorial, sent to the Madison Eagle and the Daily Record, and filed with the Borough Clerk all in accordance with the “Open Public Meetings Act”.

The following roll call was recorded:

Present: Mayor Conley, Astri Baillie, John Forte, Alfredo Garibay, Tom Lewis, George Limbach, and Steve Tombalakian

Excused: Peter Flemming, and Ann Huber

Absent: None

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

**Approval of Minutes:**

Copies of the minutes of the May 19, 2020 regular 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. Baillie, seconded by Mayor Conley. 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 –**

**CASE NO. P 20-002**

**Preliminary and Final Site Plan with Variances  
Fairleigh Dickinson University  
285 Madison Avenue  
Block: 101, Lot: 6**

This resolution will be carried to the June 16, 2020 Planning Board meeting for memorialization.

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**NEW BUSINESS** – None

**OLD BUSINESS** –

**CASE NO. P 19-005**

**Preliminary and Final Site Plan with Variances**

**16 Waverly Place, LLC**

**16 Waverly Place**

**Block: 2702, Lot: 28**

A transcript of this evening's hearing is being done by Amy Rivera of Hall of Fame Deposition Services .

Mr. Steven Azzolini, Esq began by giving a brief recap summary of the application before the Board this evening. This application had been previously heard on September 17, 2019, February 4, 2020. The application will continue this evening.

The following witnesses were previously sworn and remain under oath:

Marc Marion – Architect  
Peter Korzen – Engineer  
Kate Keller – Professional Planner  
Paul Peterson– Applicant

The following Exhibits were marked as follows and used during this evenings proceeding:

Exhibit 6-2-1: - Revised Site Plan Rendering, dated 2/28/2020

Exhibit 6-2-2: - Letter from Pryer Disposal, dated 5/28/2020

Mr. Azzolini expressed to the Board that an easement agreement could not be reach with Mr. Simonson nor with Chase Bank for rear access to the site. This will affect the proposed parking spaces requested of three to zero parking spaces on site.

Mr. Mark Marion and Mr. Peter Korzen were previously sworn and accepted back this evening as expert witnesses.

The redesign of the building as shown in Exhibit 6-2-1, dated February 28, 2020 shows that the side windows are now not being blocked on the 10 Waverly Place building next door.

Mr. Marion explained the changes to the Board showing that the building has been flipped and a greater setback from 10 Waverly Place had been achieved. He stated that the entry stairs are now located on the right of the building. The second floor units have been reduced in size, and the third floor unit remains the same. Bicycle storage was added under the stairs. The façade design of the building was discussed this evening as well as having been reviewed by the Historic Preservation Commission; it will have a traditional appearance consistence with all suggestions from the HPC. Three air conditioning units are proposed be placed on the rooftop of the building.

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Mr. Tombalakian asked the Board and its Professionals if they had any questions for Mr. Marion. Mr. Garibay questioned the access to the building from 10 Waverly Place. Mr. Marion stated that there would be no ladders or access from the building located at 10 Waverly Place.

Ms. Baillie inquired as to the lighting plan in the front and in the rear of the building. Mr. Marion stated that four decorative light fixtures would be placed in the front of the building. One fixture will be placed over the door while one will illuminate over the tenant signage. A small light will be placed over the rear door; however, it was not shown on the plans. It was determined after some discussion that the architect and the applicant work with the Borough Professionals to evaluate the lighting as proposed to make sure that adequate lighting is provided for the safety and security of future tenants. Mr. Tombalakian asked if there would be any lighting associated with the proposed awnings. The reply was that no lighting has been planned for under the awnings.

Mr. Tombalakian opened the floor to the public for any questions seeing none that portion of the hearing was closed.

Mr. Todd Sardini, 17 Alan Drive, Parsippany, NJ was sworn in. Mr. Sardini is the project manager for this application. He provided his qualifications and accepted as an expert witness.

Mr. Sardini stated that he had attended the previous meeting held on this application and had heard the concerns of the Board regarding the trash collection. Read into the record was a letter received from Pryer Disposal dated, May 28, 2020 that was marked into evidence as Exhibit 6-2-2. It was stated that the three residential apartments and the commercial space would require five standard garbage containers. The letter stated that if access to the rear of the building is not feasible then the disposal crew could pick up the containers from the inside of the building, take the containers to the truck, and return the containers to the building.

The construction challenges were discussed at length and Mr. Sardini stated that he would work with the Borough, and the Madison Police Department on all aspects of construction. He ensured he would adhere to all OSHA requirements as well as to the integrity of public safety and health. Mr. Sardini advised that the construction of the project would take at least eight months and that with no rear access some things will be challenging. He stated that pedestrian traffic will be rerouted during construction and barricades will be necessary.

Mr. Russo informed the Board that this project would be very similar to the 9-19 Greenwood Avenue site.

Mr. Garibay inquired as to a staging plan. Mr. Sardini stated that there was not a specific staging plan at this time but would be made available to the Borough representatives.

Mr. Tombalakian opened the meeting to the public for questions for Mr. Sardini. Mr. Sam DeAngelis representing the neighboring owners, Mr. & Ms. Donato and Mr. Simonson asked if any report had been received from the Madison Fire Department regarding the egress from the Donato's building. Mr. Sardini stated that he had spoken with Captain Ed Nunn over the phone and there had been no objection from him regarding the revised plans as submitted.

There being no further questions from the public that portion of the meeting was closed.

Next, to be sworn in this evening was Mr. Paul Peterson, 20 Indian Lane, Florham Park, NJ 07932. Mr. Peterson purchased the building in June 2018. He is the sole member of the

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application, 16 Waverly, LLC. He had a vision and plan for the building at that time. He had not envisioned the length of time that has transpired up until now. He would like to bring the building up to current standards and provide residential units above the commercial space.

Ms. Janet Foster, Co-Chair of the Historic Preservation Commission, 11 Maple Avenue, Madison was sworn in. Mrs. Foster stated that the applicant had been to the Commission in November 2018. She opined on the Commission's approval of the design presented to the Board this evening.

Mr. Tombalakian asked if there were any further questions from the Board members and professionals or the public. Seeing no further questions that portion of the meeting was closed.

Ms. Kate Keller, 33-41 Newark Street, Hoboken was sworn in. She had stated that she had attended the February 4, 2020 meeting but had not testified. Ms. Keller provided her education and qualifications and accepted as an expert witness.

Ms. Keller provided a summary of the variances requested for this application. She stated that the variance relief sought could be granted without substantial detriment to the Public Good or the impairment of the intent and purpose of the Zoning plan and Ordinance.

She reiterated that the Traffic Engineer had previously testified that having no parking at this site is not an issue. Parking permits could be obtained from the Borough for the municipal lot if necessary.

Dr. Blickstein asked about the bicycle parking. Ms. Keller stated that bicycle storage would be available under the stairs upon entering the ground floor.

Mr. Tombalakian asked if the Board or Professionals had any further questions of Ms. Keller, seeing none he opened the floor to the public. Seeing none that portion of the meeting was concluded.

Mr. Azzolini stated that he had no further testimony on the application and his presentation was complete. Mr. Tombalakian opened the meeting to the public for any comment on the application as presented this evening.

Mr. Sam DeAngelis representing the Donato's and Mr. Doug Simonson expressed his client's pleasure with the changes that were made; however, they feel that the parking on Waverly Place will be exasperated by this application. His clients also expressed concern with the garbage issues and the maintenance of the site.

Mr. DeAngelis stated that Mr. Azzolini and he had meet several times with Mr. Simonson for an access agreement on the rear of the property; however, an agreement could not be reached with the parties involved.

Seeing no further comments from the public this portion of the meeting was closed.

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Mr. Azzolini gave his closing agreement. The Board began their deliberation. A summary, listing all conditions to be stipulated in the resolution was provided by Mr. Loughlin.

Motion to approve the application was made by Mayor Conley with the incorporation of the recommendations as stated, seconded by Mr. Forte; the following roll call was recorded:

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

“Nays” – None

“Abstain” – None

**PLANNING DISCUSSION** – None

**CORRESPONDENCE** – None

Since there was no further business to come before the Board, Mr. Tombalakian asked for a motion to adjourn the regular meeting at 9:30 pm.; seconded by Mr. Limbach. A voice vote of “aye” was heard by all members present and carried.

Respectfully submitted,

Frances Boardman

Board Secretary