

**TUESDAY, SEPTEMBER 17, 2019
APPLICATION SUMMARY**

THOSE PRESENT AT MEETING:

Vince Loughlin, Esq. Board Attorney
Susan Blickstein, Borough Planner
Peter Flemming, Planning Board Representative
Peter Wolfson, Esq., Applicant's Attorney
Jeff Gertler, Applicant's Architect
Paul Phillips, Applicant's Planner
Mary Ellen Lenahan, HPC
Marion Harris, Resident

Frank Russo, Assistant Borough Engineer
Frances Boardman, Board Secretary
Anthony Facchino, Applicant's Engineer
Luke Pontier, Esq., Applicant's Attorney
Anthony Renaldi, Applicant
Janet Foster, HPC
Lisa Ellis, DDC
Sandra Kolakowski, Resident

CASE NO. P 19-001

APPLICATION: Preliminary and Final Site Plan with Variances

NAME OF APPLICANT: Madison Movie Development, LLC

LOCATION OF PROPERTY: 14 Lincoln Place

BLOCK: 2702 **LOT:** 24 (with improvements on Adjacent Lots: 11, 22 and 23)

DATE OF COMMITTEE MEETING: September 17, 2019

Summary: The subject site, 14 Lincoln Place, contains a former movie theater on approximately .27 acres in the CBD-1 District. The Applicant proposes to demolish the existing building and to construct a mixed-use building with ground floor retail space (approximately 4,500 square feet of space) and a 91-seat theater, underground parking (24 spaces), and twenty-four residential units (four of which are affordable units). The Application Addendum notes that if the Applicant is "unable to find a commercially acceptable tenant for the theater, the Applicant proposes to utilize the theater space as retail space."

Variances are required for:

1. Building height (45 feet maximum vs. 49.33 feet proposed);
2. Number of stories (3 maximum vs. 4 proposed);
3. Rear yard setback (25 feet required vs. 1.1 feet proposed);
4. Impervious coverage (85% maximum vs. 98% existing and 100% proposed);
5. Off-street parking (47 spaces required for residential units vs. 24 residential spaces proposed and no spaces proposed for the theater);
6. Signage (maximum 50 square feet of signage allowed vs. 12 total signs with approximately 160 square feet of area proposed, as well as signs on side facades, all of which trigger variances);
7. Driveway grade within 25 feet of the right-of-way (2% maximum allowed vs. 5 to 10% proposed); and,
8. Bicycle parking (1 space/unit required vs. none proposed).

Relief is also required for maximum illumination at the property line and for exceptions from the RSIS. Other variances and relief may be identified as additional information and details are provided. As part of this application, improvements are also proposed on an easement shared with Lots 11, 22 and 23. In addition to variances, the application requires Preliminary & Final Site Plan Approval.

A memorandum dated September 9, 2019 from Susan Blickstein, Planning Board Planner, was presented to the applicant prior to the hearing.

The application was reviewed and deemed complete for purposes of processing and scheduling technical review before TCC. The Applicant has provided an updated letter dated September 3, 2019 granting the Planning Board Time of Extension to Act on this application for 60 days.

Completeness items were discussed with the applicant's professionals that need to be resolved; the following materials should be submitted.

Items include:

- Master Signage Plan
- Bicycle Parking
- Lot 22's Inclusion should be clarified with all materials provided and/or amended as necessary
- Environmental Checklist
- Zoning Analysis for all Lots
- Parking Requirements for Proposed Theater
- Bulkhead Information
- Exterior Ventilation and HVAC Units
- Solid Waste/Recycling
- Rectify Appeal before Zoning Board of Adjustment

A memorandum dated August 29, 2019 from Mr. Frank Russo was also sent to the applicant's Attorney prior to the hearing. A memorandum dated January 27, 2019 presented to the applicant during the Historic Preservation Commission review by the Environmental Commission was resubmitted to this office and received on September 3, 2019. The Madison Historic Preservation Commission provided a copy of the Resolution No. 3-2019 that was adopted and approved on July 9, 2019.

The application is considered conditionally complete, at this time. Changes to the site plan sets (4) should be submitted to the Land Use Board Secretary, Frances Boardman for distribution. All changes should be accompanied by a cover letter indicating the changes made.

A full application package, to include 17 sets will need to be provided to the Land Use office for distribution to the Planning Board; along with any additional variance/escrow fees to the Land Use office prior to placement on the next available Planning Board agenda.



To: Borough of Madison TCC

SEP 9 2019

From: Susan G. Blickstein, AICP/PP, PhD

Re: Preliminary & Final Site Plan with Variances
14 Lincoln Place/Madison Move Development, LLC
Block 2702, Lots 24 (CBD-1) with improvements on adjacent Lots 11, 22 and 23
P19-001

Date: September 9, 2019

Summary: The subject site, 14 Lincoln Place, contains a former movie theater on approximately .27 acres in the CBD-1 District. The Applicant proposes to demolish the existing building and to construct a mixed-use building with ground floor retail space (approximately 4,500 square feet of space) and a 91-seat theater, underground parking (24 spaces), and twenty-four residential units (four of which are affordable units). The Application Addendum notes that if the Applicant is "unable to find a commercially acceptable tenant for the theater, the Applicant proposes to utilize the theater space as retail space."

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7. Driveway grade within 25 feet of the right-of-way (2% maximum allowed vs. 5 to 10% proposed); and,
8. Bicycle parking (1 space/unit required vs. none proposed).

Relief is also required for maximum illumination at the property line and for exceptions from the RSIS. Other variances and relief may be identified as additional information and details are provided. As part of this application, improvements are also proposed on an easement shared with Lots 11, 22 and 23. In addition to variances, the application requires Preliminary & Final Site Plan Approval.

Information Submitted/Reviewed: We have received and reviewed the following information provided by the applicant:

1. Borough of Madison Application for Development dated 8/15/19, with Addendum.
2. Checklists A, C and D, dated 8/15/19.



3. Waiver request for Preliminary Environmental Checklist and Environmental Impact Assessment.
4. Owner's consent dated 12/11/18 (for owner of Lot 11 - Madison Main Associates, LLC and owner of Lot 23 - 42 Lincoln Associates). No information was provided for Lot 22 for consent, though it is included on Sheet 2 of the Site Plan drawings as part of the application.
5. Corporate Ownership Disclosure Statement for Madison Movie, LLC. No Statements received by this office for the additional, easement-related lots.
6. Certification in Lieu of Oath regarding survey, dated 8/15/19.
7. Zoning Requirements/Identification of Variances.
8. Resolution 3-2019 by the Borough of Madison Historic Preservation Commission issuing Certificate of Historic Review with conditions, dated 7/9/19.
9. Permission to Enter Property dated 8/15/19.
10. Easement Agreement dated 1/3/19.
11. Draft public notices.
12. Traffic Engineering Evaluation prepared by Bowman Consulting dated 1/3/19.
13. Stormwater Management Report prepared by Bowman Consulting dated 1/3/19.
14. Certification of taxes paid dated 8/9/19.
15. 200' List dated 8/12/19. It should be confirmed that Lots 22, 23 and 24 are included in the 200' list.
16. Site photographs, undated.
17. Site Plan drawings prepared by Bowman Consulting dated 1/3/19 and most recently revised 8/14/19, consisting of eight (8) sheets.
18. Survey prepared by GB Engineering, LLC dated 10/7/16, consisting of one (1) sheet.
19. Architectural plans and elevations prepared by Gertler & Wentz Architects LLP dated 1/3/19 and most recently revised 8/14/19, consisting of seven (7) sheets.

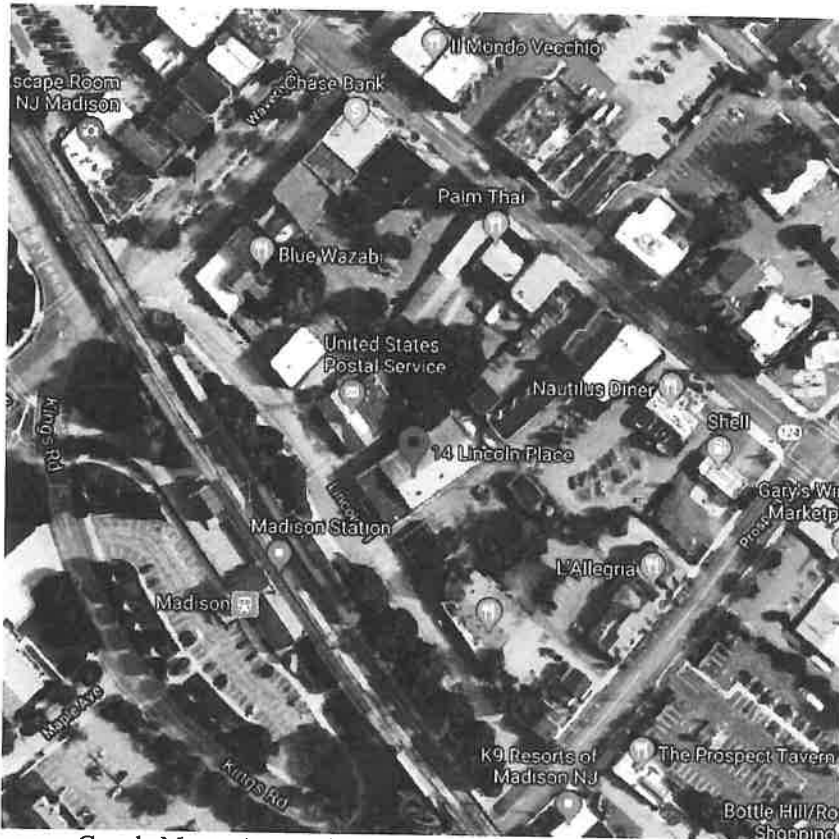
Completeness: The application is complete and will be heard by the TCC on September 17th. The Applicant should provide an updated letter granting the Planning Board a time of extension to act on this application. It should be noted that the Applicant has requested submission waivers for preparation of a Preliminary Environmental Checklist and an Environmental Impact Assessment.

The following additional information should be provided:

- The Master Signage Plan should be provided in the Site Plan drawing set and modified to clearly show the proposed sign areas (all dimensions including height above grade and thickness of signs), all proposed signage materials, proposed colors or color scheme, all methods of attachment (and distances from the building to any projecting signs) and method of illumination for all internally and externally lighted signs. If awnings with signage are anticipated, they need to be accounted for and added to the signage master plan and proposed sign square footage. Signs not facing the public right-of-way all require variances in addition to the variances already requested. All necessary variances should be clearly identified in a compliance chart on the Master Signage Plan.



- Bicycle parking is required by ordinance. The Applicant should provide a designated area for interior bicycle parking for residents, as well as consider a bike rack in the public right-of-way or behind the building for use by commercial tenant employees.
- Lot 22's inclusion in the application should be clarified with all materials provided and/or amended as necessary.



Source: Google Maps. Accessed 8 September 2019.

Zoning: The building is located in the CB-1 District where a wide range of retail and commercial uses are permitted, along with apartments on upper floors. The following relief is required for the application as proposed:

- Impervious coverage: 98% existing vs. 100% proposed (85% maximum allowed).
- Parking: The RSIS parking requirement applies for the proposed apartments. For mid-rise units/garden apartments 2.1 spaces are required for 3-bedroom units and 2.0 spaces for 2-bedroom units and 1.8 for 1-bedroom units. The required residential parking is 47 spaces vs. 24 spaces provided. A parking variance is required, not including the commercial parking. The site plan also shows 30 required spaces for the theater for a total of 77 required parking spaces.
- Building height: 45 feet maximum vs. 49.33 feet proposed.
- Number of stories: 3 stories maximum vs. 4 stories proposed.
- Rear yard setback: 25 feet required vs. 1.1 feet proposed.



- Signage: Maximum 50 square feet of signage allowed vs. 12 total signs with nearly 160 square feet proposed, including signs on the side facades, which trigger additional variance relief for their proposed locations.
- Driveway grade within 25 feet of the right-of-way: 2% maximum grade allowed vs. 5 to 10% proposed.
- Bicycle parking: 1 space per unit required vs. none provided.

Relief is also required for maximum illumination at the property line and for exceptions from the RSIS. Additional relief may also be necessary for the proposed retaining wall height/setback along the Post Office side property line.

Comments:

1. Preliminary Environmental Checklist: should be completed to identify issues of concern, including those related to demolition and construction impacts, as well as the need for an Environmental Impact Assessment addressing these and/or other issues.
2. A Developer's Agreement will be required regarding the affordable housing units included within the project. The four affordable units will require the following income distribution: 1 very low- income unit, 1 low-income unit, and 2 moderate-income units. In addition, the four affordable units' bedroom mix is as follows: minimum of one 3-bedroom unit and the balance (maximum of three) 2-bedroom units.
3. The requested height variances result in rooftop appurtenances extending as high as 54 feet. The Applicant should present information showing the extent to which the proposed bulkhead will be visible from public viewing locations, as well as include a calculation showing the percentage of the rooftop covered by the bulkhead and other appurtenances that extend above the roof. Additionally, if any structures are proposed as part of the tenant rooftop area, these should be added to the plans.
4. HPC Review: The Board's and Applicant's attorneys should provide guidance on the Planning Board's timing/review of the application given that there is an appeal pending before the ZBA.
5. The Applicant should provide the required bicycle parking spaces per Section 195-25.15N(6).
6. The Applicant's transportation professional should provide testimony on whether the parking counts taken in mid-December and early January are representative of typical parking conditions due to proximity to major holidays and winter weather conditions.
7. All exterior ventilation/HVAC appurtenances (on the building or ground) should be shown on all façade elevations and on the site plan. Any ground HVAC equipment should be screened from public view.
8. Solid waste/recycling provisions are required for all multi-family developments within the Borough. The Applicant should identify how this will be addressed, including where internal collection is proposed and frequency of pick-up, etc.
9. The Applicant should provide a letter granting the Planning Board a time of extension to act on this application.
10. The total sign square footage figures on Sheet 2 of the Site Plan drawings does not match Sheet 7 of the Architectural drawings.



11. Shared parking, including the use of proximate off-site parking, is permitted by the Borough's ordinance. The Applicant should indicate efforts undertaken to enter into an agreement for shared parking.

cc: Frances Boardman, Board Secretary to distribute to TCC members, Applicant, and Applicant's Attorney.



HARTLEY DODGE MEMORIAL
BOROUGH OF MADISON
MADISON, NEW JERSEY
07940

MEMORANDUM

To: Chairman and Members of the Planning Board

From: Frank Russo, PE, PP
Planning Board Engineer

Re: Application No. P 19-001
14 Lincoln Place
Technical Review #1
Block 2702, Lots 11, 22, 23 & 24
Saxum Group

AUG 29 2019

Date: August 29, 2019

CC: Vincent Loughlin, Esq
Peter Wolfson, Esq
Susan Blickstein, AICP, PP
Robert A. Vogel, PE, CME

The Borough has received the following documents relating to the above referenced application for the purposes of an engineering review:

1. Preliminary and Final Major Site Plans for 14 Lincoln Place, as prepared by Bowman Consulting of Cedar Knolls, New Jersey consisting of eight (8) sheets dated January 3, 2019, revised through August 14, 2019.
2. Architectural Floor Plans and Elevations, as prepared by Gertler & Wentz Architects, LLP. of New York, New York consisting of seven (7) sheets dated January 3, 2018, revised through August 14, 2019.
3. Stormwater Management Report, as prepared by Bowman Consulting of Cedar Knolls, New Jersey dated January 3, 2019, unrevised.
4. Traffic Engineering Evaluation, as prepared by Bowman Consulting of Cedar Knolls, New Jersey Dated January 3, 2019, unrevised.

The Applicant is seeking approval for the construction of a four (4) story, mixed use building with one level of underground parking on the site of the former movie theater, stormwater management improvements, and improvements to the driveway and adjacent parking facilities on

adjacent lots 11, 22 and 23. A separate review of the Traffic Impact Assessment will be provided under separate cover by the Borough's Traffic Engineering Firm at a later date. Recognizing this development application has not been deemed complete yet, in an effort to advance this application, based on a review of the received documents, I offer the following comments on the submitted documents:

1. For ease of maintaining the public record for this development, the Planning Board application number P-19-001 should be published on the cover sheet.
2. The Madison Water Department, as well as Madison Electric must be included in the published 'Utility Companies' on Sheet 2 and included in any notice associated with this application.
3. The water and sanitary sewer demands of the proposed development should be published on the cover sheet. The existing demands should also be provided in order to determine whether any NJDEP permitting would be required and to aid in the determination of the appropriate connection fees should the Board act favorably on this proposal.
4. As the Application seeks preliminary and Final Site plan for lots 11, 23 & 24, and there are improvements proposed on adjacent lots 11 and 23, the Zoning Schedule should include the requisite zoning analysis of those lots and identify any variance relief that may be required.
5. The Parking Requirements portion of the Zoning Data chart should indicate the Borough ordinance requirement for a two-way driveway width of thirty (30') feet wide. The plans analysis presented is based on the Residential Site Improvement Standards for Traveled Way widths, which may not be appropriate in this instance. While the overall driveway width to Lincoln Place is being increased, relief from the Borough ordinance at Chapter 195-25.15.I will be required for the deficient driveway width.
6. The Sign Requirements table must be revised to request the appropriate variance relief required for all signage on building facades that do not face a public roadway or municipal parking lot.
7. The Borough ordinance at Chapter 195-25.5.B(9) requires all retaining walls exceeding 18" in height to be set back at least 2' or a distance equal to the height of the wall, whichever is greater. The site plan depicts a retaining wall along the majority of the common property line with Lot 25 (Post Office). The appropriate relief should be requested.
8. The site plans should identify the location of any ground mounted HVAC units. These should be shown on the plans with adequate screening or a note indicating all mechanical equipment will be roof mounted should be provided.
9. The location of the meters for both natural gas and electricity should be shown on the appropriate architectural elevation, as well as testimony to whether each unit is anticipated to be individually metered and billed. As evidenced by the recent construction at 122 Main Street, 9-19 Greenwood Avenue, as well as the Green Village Road development, multiple tenanted buildings can result in a plethora of meters on a building façade that were not considered during the hearings. Given the project's anticipated public visibility from all sides, the Applicant's Architect should be prepared to discuss what measures could be incorporated into the building elevations to effectively screen these features.

10. A Knox box for the proposed building should be provided in a location approved by the Borough Fire Official. A note to that effect should be published on the plans.
11. The applicant should seek the necessary input from the Borough Fire Chief regarding the extent and placement of any required fire zones on site. The plans should be revised according to those discussions, if required.
12. It is unclear from the site plans whether there is any curbing being proposed along any portion of the reconstructed driveway. It appears the plans propose to only have at-grade concrete sidewalk along the existing structure and rear parking area on Lot 23 and the asphalt pavement abutting the proposed building on Lot 24. I would recommend curbing be provided on both sides of the proposed driveway to maintain stormwater runoff away from the buildings, provide some measure of protection of the building from errant vehicles, facilitate snow plowing activities and to provide some measure of safety for those pedestrians utilizing the proposed concrete sidewalk.
13. The turning movements and on-site circulation of a typical solid waste collection vehicle should be published on the Circulation Plan demonstrating it can safely maneuver to access the proposed dumpster location at the northeast corner of the building. The plans currently indicate a vehicle can access the driveway from Lincoln Place.
14. The Borough Ordinance at Chapter 195-25.15.N(6) requires provisions be made for bicycle racks in all new, multi-family developments. The site plans or architectural floor plans should identify the proposed bicycle storage areas.
15. An available sight/stopping distance analysis, including a sight line profile from the reconstructed access driveway should be published on the plans to demonstrate there is adequate available sight distance based on the appropriate travel speeds on Lincoln Place. Given the anticipated increased use of the reconstructed driveway, testimony will be required demonstrating the proposed improvements will be safe and efficient.
16. Discussions with the Madison Electric Department indicate that although load data is not available, this proposal may require a ground mounted transformer to be installed. The site plans should show a 10'x 12' area to be reserved for a potential transformer and associated bollards. Bollards would be required to be installed a minimum of 3' from the transformer.
17. The appropriate water demand calculations providing a breakdown by use should be published in the site plans in order to assist in determining the connection fees that would be required for this development.
18. The existing water service to this lot must be abandoned at the main to the satisfaction of the Water Department and Superintendent of Public Works. Abandoning the services by cutting it after the service valve and removing the boxes leaves an active line in the roadway and is unacceptable.
19. The anticipated size of the water laterals servicing the proposed structure should be discussed with the Water Department. A similarly scoped, recently constructed at 9-19 Greenwood had installed a 6" fire line and a 4" potable line to service that structure. A 2" potable water service may be undersized.
20. The Safe Drinking Water Act Regulations at NJAC 7:10-10 Appendix A identifies buildings with fire service lines as facilities considered as possible cross connection hazards. The installation of an appropriately designed backflow prevention device will

be required for each proposed fire line shown on the plans. The plans should be revised to include the appropriate notes and details.

21. The Applicant's professionals should confirm there are sufficient hydrants in the immediate vicinity to meet the Residential Site Improvement Standards of at least one hydrant for every 120,000 square feet of floor area (NJAC 5:23-5.4(a)) in addition to whatever the Madison Fire Department determines would be necessary for this mixed use development. An additional hydrant assembly may be required should the Board act favorably on this application.
22. The Applicant's professionals should ensure that the proper lighting over any required fire department connections is provided.
23. The appropriate sewage flow calculations providing a breakdown by use should be published in the site plans to verify whether the increase in flows of more than 8,000 gallons per day and to assist in determining the connection fees that would be required for this development.
24. The sanitary flows from this project will discharge into a section of the municipal system that is prone to fats, oils and grease (FOG) build up and is jetted at least four (4) times a year to clear those obstructions. The proposed first floor tenants are currently noted as being some combination of retail and movie theater. As restaurant uses are permitted in this zone and are depicted in the Architect's renderings, unless there is a deed restriction associated with the first floor uses, a grease interceptor should be installed as part of the proposed improvements to accommodate those potential, future flows.
25. The site plan depicts the construction of three (4") sanitary laterals where there is currently an 8" PVC lateral servicing the property. It would appear that the utilizing the existing lateral would reduce the amount of excavation and disruption in Lincoln Place. The Applicant's professionals should be prepared to discuss the need for the additional connections. In addition, the Applicant's professionals should be prepared to discuss whether the residential and retail sanitary flows would be handled in separate laterals.
26. The proposed sanitary cleanouts shown within the Lincoln Place travelled way should be removed.
27. The top and bottom of wall elevations shown at the northwestern corner of the proposed building do not appear to align with the existing grades of adjacent lot 25. This should be addressed.
28. The site plans should include a note that the driveway aprons affected by the proposed development will be reconstructed as 6" reinforced concrete aprons, consistent with the Borough's recent policies. The appropriate details should be included in any revised plans.
29. The construction details for the concrete sidewalk should remove 'DGA' from the acceptable base course materials, leaving $\frac{3}{4}$ " clean stone as the acceptable base course.
30. The architectural plans, on sheet 5, depicts a 'Powder Coated Metal Wall Panel' of undimensioned height surrounding the dumpster enclosure area that is not identified or detailed on the site plans. The submitted documents should be consistent in their depiction of the proposed improvements.
31. The dumpster enclosure area requires further detailing, including the location of any bollards that would be necessary, as well as the location and swing of any gates required

to access the refuse dumpsters.

32. The Applicant should be prepared to discuss how the solid waste and recycling pick-up for this multifamily structure will be accommodated as well as the anticipated frequency of the removal. The Borough ordinance at 195-25-10.C requires the enclosure to be well lit, and easily accessible to collection vehicles. The satisfaction of these ordinance requirements should be addressed through testimony.
33. The width of the proposed garage entrance is not dimensioned on any of the submitted plans. This should be addressed.
34. The proposed garage entry from the driveway is shown as having a one (1') foot drop across the garage opening. The architectural plans should publish the clear height of this opening as this information is also not included.
35. A detail of the retaining wall/fence interface along the common property line of the Post Office should be published on the plans.
36. The site plans should publish the top and bottom of wall elevations of the retaining wall to be reconstructed on Lot 23.
37. The Board may wish to discuss whether, as part of the reconstruction of the parking lots of Lots 23 and 22, those parking lots should be brought more into conformance with the Borough ordinance as it relates to curbing, landscaping and lighting.
38. The architectural plans and elevations should include some indication of the locations of the penetrations/grills associated with the HVAC venting of the individual residential units.
39. The Area of Disturbance shown on the Soil Erosion & Sediment Control sheet should include that area associated with the reconstruction of the parking areas on Lots 22 and 23.
40. A staging plan may be necessary to segregate construction activities from the normal business and parking activities of lots 11, 12, 22 and 23 during the demolition of the existing structure and the installation of the proposed site improvements.
41. The parking lot striping for lot 22 and 23 should depict hairpin striping in accordance with Chapter 195-25-15.F of the Borough ordinance.
42. Should the Board ultimately act in the affirmative on this application, an engineer's estimate of the site work should be prepared to the appropriate bonding and engineering inspection fees can be determined, in accordance with the Municipal Land Use Law.
43. The Applicant's professionals have provided drywells at the rear of the site for as a means of mitigating the additional impervious coverage that would result from this development application. It appears from the submitted calculations that the appropriate reductions for the 2-, 10- and 100-year storms have been met. The Board may wish to discuss whether the stormwater detention provided by the Applicant provides sufficient mitigation for the impervious coverage relief being sought, or whether some additional measures to either reduce the impervious coverage or provide for increased groundwater recharge should also be provided.
44. While not critical, the Runoff Coefficients shown in Tables 1 and 3 of the Stormwater Management Report (SMR) should be consistent with those published on the Drainage Area maps. This should be addressed in any future submissions.

45. The composite C under the existing conditions for Subcatchment EX-1 in the Summary Calculations does not agree with that shown on the Existing Conditions Drainage Map. This should be addressed. In addition, the pervious area being included in the calculation should be positively identified on the Drainage Area Map`.
 46. Once the requisite test pit and soils evaluation in the area of the proposed drywells, the SMR should include the design calculation of how long it will take the proposed drywells to completely drain the design storm. This information will be required to be published in the Operation and Maintenance Manual when it is prepared.
 47. A standalone, stormwater Operation and Maintenance Manual of the proposed drywells will need to be prepared and submitted for review.
 48. Based on the submitted documents, it appears the following outside agency approvals may be necessary for this development:
 - Morris County Soil Conservation District
 - NJDEP Treatment Works Approval
 - NJDEP Bureau of Safe Drinking Water
 - Morris County Planning Board
 - Madison Borough Road Opening
 49. I defer to the Board Planner on the variance and waiver relief that would be necessary for this development.
- Any revised plans should be accompanied by a cover letter responding individually to each of the comments presented in this review letter in order to reduce review times and associated costs. The cover letter should also outline those changes to the plans that were required, as well as those not readily apparent.

January 27, 2019

SEP 3 2019

Dear Ms. Boardman,

Please forward this letter to Members of the Planning Board following our review of the pending application.

The MEC reviewed the site plans and the requested variances for the Madison Movie Development project at 14 Lincoln Place. We recommend that three environmentally-pertinent waivers requested by the Applicant be denied:

1.

The Borough of **Madison Preliminary Environmental Checklist** should not be waived. It has an important clause that addresses **Air Resources** including "dust during construction or after completion." Since the movie theater project is located in a crowded part of downtown, close to the train station, information on construction impacts—environmental pollutants in such an old structure being chief among them—are critical to include in order to inform the Planning Board review.

2.

The **Written Environmental Impact Assessment** likewise should not be waived because of it pertains to noise increases and construction impacts. The Ordinance requires:

(4) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air and water pollution, including sedimentation and siltation, increase in noise, damage to plant, tree and wildlife systems; damage to natural resources; displacement of people and businesses; increase in municipal services and consequences to the municipal tax structure. Off-site and off-tract impact shall also be set forth and evaluated.

(5)

A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region. Such description shall be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

3.

Finally, the MEC is concerned about **light pollution** implicated by the request for a waiver from Ordinance Section 195-25.6 requiring a maximum of 0.1 footcandles. The developer's request for 3.6 footcandles is a substantial increase. The reasons behind this request for a waiver should be fully detailed so that Planning Board can accurately assess whether a waiver is reasonable..

In conclusion, we believe that these three waivers should be denied because they have a direct impact on the health and well being our community. More information is critical in order for the TCC and the Planning Board to make an accurate assessment regarding the environmental impact of the Madison Movie Development project.

Many thanks,

Claire Whitcomb
Madison Environmental Commission, Chair

Shade Tree Management Board
Hartley Dodge Memorial
Borough of Madison
Madison, NJ 07940

September 11, 2019

SEP 11 2019

To: Frances Boardman, Board Secretary

From: Shade Tree Management Board

Re: P-19-001
14 Lincoln Place
Block: 2702 Lot: 27

Dear Fran,

From the package received, it appears no trees are to be removed nor planted with the exception of the roof terrace.

Therefore, the STMB has no comments regarding this application at this time.

Sincerely,

Shade Tree Management Board