

MAYWOOD PLANNING BOARD
AGENDA
January 23, 2020

CALL MEETING TO ORDER

“This Meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was published in the Our Town and The Record newspapers on or about November 21, 2019. In addition, copies of this notice were posted on the bulletin board in the Maywood Municipal Building at 15 Park Avenue, filed with the Borough Clerk and distributed to all persons, if any, requesting copies of same pursuant to said act. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.”

FLAG SALUTE

ROLL CALL

Chairman Frank Lichtenberger	()
Vice Chairperson Charlotte Panny	()
Mayor Richard Bolan	()
Mayor’s Designee Douglas Herrick	()
Councilperson Matthew Garofalow	()
Councilperson Ryan Ullman, Alternate	()
Gary Neumann	()
Paul Kuhn	()
John Montel	()
Harry Hillenius	()
Rick DeHeer	()
Peter Cicarelli Alt. #1	()
Secretary Anthony Klymenko Alt. # 2	()
Daniel Nemecek Alt. # 3	()
John Gargagliano Alt. #4	()
Tara Grunstra, Board Secretary	()
James Mazzer, Zoning Officer	()
Board Attorney Kara Kaczynski – McNally, Yaros, Kaczynski & Lime, LLC	()
Board Engineer Richard Wostbrock – The Alaimo Group	()
Board Planner Michael Kauker – Kauker and Kauker, LLC	()

OATHS OF OFFICE

Mayor Richard Bolan – Class I
Mayor’s Designee Douglas Herrick – Class I
Gary Neumann – Class II
Councilperson Matthew Garofalow – Class III
Councilperson Ryan Ullman, Alternate – Class III
Peter Cicarelli – Alternate #1

REORGANIZATION OF BOARD

1. Elections

- a. Chairperson: _____
 - i. Motion by: _____
 - ii. Seconded by: _____
- b. Vice Chairperson: _____
 - i. Motion by: _____
 - ii. Seconded by: _____
- c. Secretary: _____
 - i. Motion by: _____
 - ii. Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

2. Professional Appointments

- a. Legal Counsel
 - i. Motion by: _____
 - ii. Seconded by: _____
- b. Temporary Professional Engineer
 - i. Motion by: _____
 - ii. Seconded by: _____
- c. Professional Planner
 - i. Motion by: _____
 - ii. Seconded by: _____
- d. Board Recording Secretary
 - i. Motion by: _____
 - ii. Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

3. Re-adoption of By-Laws Adopted 1/22/15

- a. Motion by: _____
- b. Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
 Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
 Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
 Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
 Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
 Daniel Nemecek () John Gargagliano ()

4. Re-adoption of Rules on Citizen Input During Planning Board Meetings Adopted 8/23/18

- a. Motion by: _____
- b. Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
 Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
 Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
 Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
 Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
 Daniel Nemecek () John Gargagliano ()

APPROVAL OF MINUTES

December 5, 2019

Motion by: _____
 Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
 Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
 Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
 Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
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 Daniel Nemecek () John Gargagliano ()

BILLS

Engineering Services & Costs (COAH)	
Kauker & Kauker, LLC	\$ 1,560.00
 Planning Board Miscellaneous	
Our Town Newspaper	\$ 38.67
North Jersey Media Group	\$ 57.20
2019 Budget Balance	\$ 3,520.63
 Planning Board Legal	
McNally, Yaros, Kaczynski & Lime LLC	\$ 1,935.00
2019 Budget Balance	\$ 5,781.00

**Calendar #2014-01
Freedom Bank (Vital Signs)
99 West Essex Street
Block 125, Lot 1**

Freedom Bank	\$	52.00
Current Escrow Balance	\$	0.00

**Calendar #2017-15
Jay Zee Realty Corp.
78 West Pleasant Avenue
Block 88, Lot 4.01**

Neglia Engineering	\$	262.50
Neglia Engineering	\$	227.24
Current Escrow Balance	\$	1,686.69

**Calendar #2018-06
32 Fairmount Avenue, LLC
32 East Fairmount Avenue
Block 34, Lot 9**

32 Fairmount Avenue, LLC	\$	498.00
Current Escrow Balance	\$	0.00

**Calendar #2018-10
200 Route 17, LLC
200 Route 17 South
Block 125, Lots 3 & 4**

McNally, Yaros, Kaczynski & Lime LLC	\$	15.00
Current Escrow Balance	\$	368.29

**Calendar #2018-13
John Malandrucolo
40 West Passaic Street
Block 95, Lot 7**

John Malandrucolo	\$	21.25
Current Escrow Balance	\$	0.00

**Calendar #2018-14
Carvana, LLC
167 Route 17 North
Block 124, Lot 2**

Carvana, LLC	\$	55.50
Current Escrow Balance	\$	0.00

**Calendar #2019-04
Maybrook Gardens, Inc. – Maybrook I
Maybrook Drive
Block 135, Lot 1**

McNally, Yaros, Kaczynski & Lime LLC	\$ 1,065.00
Alaimo Group	\$ 450.00
Alaimo Group	\$ 262.50
Current Escrow Balance	\$ 1,388.50

**Calendar #2019-05
Maybrook Gardens, Inc. – Maybrook II
Maybrook Drive
Block 131, Lot 10**

Alaimo Group	\$ 487.50
Alaimo Group	\$ 262.50
Current Escrow Balance	\$ 2,755.25

**Calendar #2019-06
PSE&G
186 West Central Avenue
Block 124, Lots 80-91**

McNally, Yaros, Kaczynski & Lime, LLC	\$ 45.00
Alaimo Group	\$ 150.00
Current Escrow Balance	\$ 988.75

**Calendar #2019-12
Singas Famous Pizza
24-30 West Pleasant Avenue
Block 79, Lot 4**

McNally, Yaros, Kaczynski & Lime, LLC	\$ 150.00
Current Escrow Balance	\$ 0.00

**Calendar #2019-15
Adler Aphasia Center
50-60 West Hunter Avenue
Block 124, Lots 37 & 38**

McNally, Yaros, Kaczynski & Lime, LLC	\$ 105.00
Current Escrow Balance	\$ 215.00

**Calendar #2019-17
Kathleen McVey
172 East Magnolia Avenue
Block 117, Lot 31**

McNally, Yaros, Kaczynski & Lime, LLC	\$ 255.00
Our Town Newspaper	\$ 18.00
Current Escrow Balance	\$ 227.00

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

CORRESPONDENCE

- 12/23/19 filed answer from Board Attorney Kara Kaczynski for Ultimate Force and Arpad Kertesz v. Zoning Board of the Borough of Maywood, 200 Route 17, LLC, John and Jane Does 1-10 and ABC Corps. 1-10 (Docket #: BER-L-006522-19)
- 12/23/19 letter from Patrick McNamara Re: Requesting Extension of Interim Immunity Related to Housing Element and Fair Share Plan
- 12/24/19 filed answer and separate defenses from Victor Herlinsky, counsel for 200 Route 17, LLC, for Ultimate Force and Arpad Kertesz v. Zoning Board of the Borough of Maywood and 200 Route 17, LLC (Docket #: BER-L-006522-19)
- 1/6/20 letter from Joseph Basralian Re: Adler Aphasia Center Response to Completeness Review
- 1/10/20 letter from Board Engineer Richard Wostbrock Re: Adler Aphasia Center Updated Completeness Review
- 1/14/20 letter from Board Engineer Richard Wostbrock Re: NYCE Tattoos Completeness Review
- 1/15/20 letter from Chief Joseph Natale Re: NYCE Tattoos Maywood Police Department Suggestions and Concerns
- 1/16/20 letter from Board Recording Secretary Tara Grunstra Re: The Little Locust Sign Application Hearing Date 1/23/20
- 1/21/20 letter from Board Recording Secretary Tara Grunstra Re: Adler Aphasia Center Application Hearing Date 2/27/20
- 1/22/20 letter from James E. Jaworski Re: Outfront Media Hearing Adjourned to 2/6/20

RESOLUTION #1

Mind and Body Fitness

136 West Pleasant Avenue
Block 83, Lot 5

Calendar #2019-20

Sign Application

Application to install a conforming adhesive decal on an existing awning was approved

Motion by: _____

Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

RESOLUTION #2

Elena’s Skin Care Specialist

234 Maywood Avenue
Block 126, Lot 64

Calendar #2019-21

Sign Application

Application to recover the existing awning, replace two acrylic panels on the ground sign and add a window decal were deemed conforming and was approved

Motion by:_____

Seconded by:_____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

HEARING #1

The Little Locust

100 West Pleasant Avenue
Block 82, Lot 6

Calendar #2020-02

Sign Application

Application to install a conforming wall sign

Motion by:_____

Seconded by:_____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

HEARING #2

Outfront Media

99 Essex Street
Block 125, Lot 1

Calendar #2017-14

Variance & Site Plan Applications

Application to install a digital billboard which is a permitted conditional use but the front yard setback to Route 17 is insufficient

Motion by:_____

Seconded by:_____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

HEARING #3

Master Plan Reexamination Report

Members of the public will have an opportunity to ask questions or make comments regarding the Master Plan Reexamination Report

Motion by:_____

Seconded by:_____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () Mayor’s Designee Douglas Herrick ()
Councilperson Matthew Garofalow () Councilperson Ryan Ullman ()
Gary Neumann () Paul Kuhn () John Montel () Harry Hillenius ()
Rick DeHeer () Peter Cicarelli () Secretary Anthony Klymenko ()
Daniel Nemecek () John Gargagliano ()

CLOSED SESSION

Closed Session Resolution # 2020-04

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Personnel matters

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

() Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law

() Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds

() Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved

() Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

() Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

() Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law

() Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

(X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood

() Will return to open session after this meeting.

() Do not envision that they will return to open session after this meeting but reserves the right to do so.

To go into Closed Session:

Motion by: _____

Seconded by: _____

