

**MAYWOOD PLANNING BOARD  
MINUTES  
January 24, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, January 24, 2019 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30pm. “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 22, 2018. 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 the same pursuant to said act.”

**Flag Salute**

**Call to Order**

The meeting was called to order at 7:33pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Gary Neumann, John Montel, Harry Hillenius, Rick DeHeer, Peter Cicarelli and Secretary Anthony Klymenko. Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz were also present.

**Oaths of Office**

Gary Neumann – Class II

John Montel – Class IV

Harry Hillenius – Class IV

Rick DeHeer – Class IV

Peter Cicarelli – Alternate #1

Anthony Klymenko – Alternate #2

Board Attorney Kara Kaczynski administered the Oath of Office.

**Reorganization of the Board**

**Elections**

Charlotte Panny nominated Frank Lichtenberger as Chairman of the Board and Gary Neumann seconded the nomination.

Rick DeHeer nominated Charlotte Panny as Vice Chairperson of the Board and John Montel seconded the nomination.

Frank Lichtenberger nominated Anthony Klymenko as Secretary of the Board and Charlotte Panny seconded the nomination.

All eligible members present voted in favor of the motions.

**Professional Appointments**

Rick DeHeer made a motion to appoint Kara Kaczynski (McNally, Yaros, Kaczynski & Lime, LLC) as 2019 Legal Counsel to the Board and Secretary Anthony Klymenko seconded the motion.

John Montel made a motion to appoint Tom Lemanowicz (CP Professional Services) as 2019 Professional Engineer to the Board and Vice Chairperson Charlotte Panny seconded the motion.

Chairman Frank Lichtenberger made a motion to appoint Michael Kauker (Kauker & Kauker, LLC) as 2019 Professional Planner to the Board and Rick DeHeer seconded the motion.

Harry Hillenius made a motion to appoint Tara Grunstra as 2019 Recording Secretary to the Board and Vice Chairperson Charlotte Panny seconded the motion.

All eligible members present voted in favor of the motions.

#### **Re-adoption of By-Laws Adopted 1/22/15**

Harry Hillenius made a motion to re-adopt the by-laws adopted 1/22/15 and Gary Neumann seconded the motion.

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

Vice Chairperson Charlotte Panny made a motion to re-adopt the Rules on Citizen Input During Planning Board Meetings adopted 8/23/18 and Chairman Frank Lichtenberger seconded the motion.

All eligible members present voted in favor of the both motions.

#### **Approval of Minutes**

Vice Chairperson Charlotte Panny made a motion to accept the Closed Session #2018-02 minutes from the March 1, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Rick DeHeer made a motion to accept the Closed Session #2018-07 minutes from the June 7, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Gary Neumann made a motion to accept the Closed Session #2018-09 minutes from the July 26, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Harry Hillenius made a motion to accept the Closed Session #2018-11 minutes from the August 23, 2018 meeting. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Gary Neumann made a motion to accept the Closed Session #2018-12 minutes from the September 27, 2018 meeting. John Montel seconded the motion. All eligible members present voted in favor of the motion.

Harry Hillenius made a motion to accept the minutes from the October 25, 2018 meeting. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Vice Chairperson Charlotte Panny made a motion to accept the minutes from the November 1, 2018 meeting. Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Rick DeHeer made a motion to accept the Closed Session #2018-17 minutes from the December 6, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

### **Bills**

Harry Hillenius made a motion to accept payment of the bills. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

### **Correspondence**

- 12/4/18 memorandum from Board Planner Michael F. Kauker Re: Carvana 167 Route 17 North
- 12/19/18 letter from Borough Clerk Jean M. Pelligra Re: Rick DeHeer Planning Board Appointment
- 12/19/18 letter from Borough Clerk Jean M. Pelligra Re: Peter Cicarelli Planning Board Appointment
- 12/31/18 letter from Corey Klein Re: 200 Route 17, LLC Exhibits A-4, A-5 and A-6
- 1/4/19 letter from Corey Klein Re: 200 Route 17, LLC Exhibits A-6 and A-7
- 1/10/19 letter from PSE&G Re: NJDEP Application for a Flood Hazard Area Individual Permit

### **Resolution**

None

### **Hearing**

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

This hearing was adjourned from the 10/25/18 meeting. Victor Herlinsky represents the applicant, 200 Route 17 LLC. The applicant wishes to lower the height of the proposed building by 1 story. As such, revised site plans and architectural plan were delivered to the Board today. He is requesting an adjournment to allow the Board and its experts time to review the revised documents. He understands that there is another hearing scheduled for the 2/7/19 meeting and asked if the Board could schedule a special hearing in February. Chairman Lichtenberger explained that achieving a quorum for a special hearing is difficult since many Board members volunteer for other organizations. Board Attorney Kaczynski believes that the Carvana hearing is scheduled for the 2/7/19 meeting. Joseph R. Torre represents Ultimate Force at 124 Essex Street in Rochelle Park. He also indirectly represents Harley Davidson since the dealership has a long-term lease with Ultimate Force. Mr. Torre informed the Board that there is another objectors' counsel that has not appeared before the Board yet. With the new plans being delivered today, he feels that an adjournment is appropriate. The Board voted in favor of

adjourning the application. Board Attorney Kaczynski suggested adjourning to the 2/7/19 meeting and then adjourning again to an appropriate meeting date once the Board Recording Secretary can review the calendar. Mr. Torre does not recommend adjourning to the 2/7/19 meeting since the Rochelle Park hearing is scheduled for that evening. He believes that the better adjournment date would be 2/28/19 and would prefer to not have a special meeting since his schedule is filled. Mr. Herlinsky is agreeable to adjourning to the 2/7/19 meeting as a “control date” so as not to re-notice. Chairman Lichtenberger would prefer to adjourn to the 2/28/19 meeting since it is possible that there are no other hearings scheduled for that meeting. Board Attorney Kaczynski believes that the hearing can be adjourned to the 2/28/19 meeting and announced to the public so that the applicant would not be required to re-notice. In the meantime, the Board can investigate offering a special meeting. Should a date be determined for a special meeting, the applicant would be required to notice for the special meeting. Chairman Lichtenberger agreed with this course of action. Chairman Lichtenberger made a motion to publicly adjourn this hearing to the 2/28/19 meeting without need to re-notice and pursue the possibility of a special meeting in the interim. If a special meeting date is scheduled, the applicant would be required to notice for the special meeting. Mr. Herlinsky provided an extension for the Board to act up to 2/28/19. Rick DeHeer seconded the motion and all eligible members of the Board voted in favor of the motion.

#### **Closed Session**

Rick DeHeer made a motion to go into Closed Session. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

### **BOROUGH OF MAYWOOD PLANNING BOARD Closed Session Resolution # 2019-01**

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 (X) 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.

Date of Passage: 1/24/19 Time: 8:28pm

Rick DeHeer made a motion to return to the regular order of business. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

**Informal Hearing**                      None

**Old Business**

**New Business**

**Open Meeting to the Public**

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Chairman Lichtenberger seconded the motion. The meeting was adjourned at 9:05pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary