

**MAYWOOD PLANNING BOARD
MINUTES
January 26, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, January 26, 2023 in the Council Chambers of the Maywood Municipal Building, 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 10, 2022. 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 being recorded with both audio and video and may be rebroadcast. 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

Oaths of Office

Gary Neumann – Class II

Councilperson Ryan Ullman – Class III

John Gargagliano – Class IV

Harry Hillenius – Class IV

Thomas Anzevino – Alternate #2

Rick DeHeer – Alternate #3

Board Conflict Attorney Patrick McNamara administered the Oath of Office.

Call to Order

The meeting was called to order at 7:32pm with the following members present: Councilperson Ryan Ullman, Gary Neumann, Charlotte Panny, Anthony Klymenko, John Gargagliano, Harry Hillenius, Douglas Herrick, Derek Eisenberg (arrived @ 7:39pm), Thomas Anzevino and Rick DeHeer. Board Conflict Counsel Patrick McNamara, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

Reorganization of the Board

Elections

Thomas Anzevino nominated Charlotte Panny as Chairperson of the Board and Rick DeHeer seconded the nomination. All eligible members present voted in favor of the motion.

Thomas Anzevino nominated Anthony Klymenko as Vice Chairperson of the Board and Chairperson Charlotte Panny seconded the nomination. All eligible members present voted in favor of the motion.

John Gargagliano nominated Gary Neumann as Secretary of the Board and Thomas Anzevino seconded the nomination. All eligible members present voted in favor of the motion.

Professional Appointments

Harry Hillenius made a motion to appoint Kara A. Kaczynski (McNally, Yaros, Kaczynski & Lime, LLC) as 2023 Legal Counsel to the Board and Vice Chairperson Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motions.

Rick DeHeer made a motion to appoint Gregory J. Polyniak (Neglia Engineering Associates) as 2023 Professional Engineer to the Board and Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motions.

Derek Eisenberg arrived at 7:39pm.

Harry Hillenius made a motion to appoint Michael Kauker (Kauker & Kauker, LLC) as 2023 Professional Planner to the Board and Douglas Herrick seconded the motion. All eligible members present voted in favor of the motions.

Rick DeHeer made a motion to appoint Tara Grunstra as 2023 Recording Secretary to the Board and Derek Eisenberg seconded the motion. All eligible members present voted in favor of the motions.

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

John Gargagliano made a motion to re-adopt the by-laws adopted 1/22/15 and Douglas Herrick seconded the motion. All eligible members present voted in favor of the motions.

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

Councilperson Ryan Ullman made a motion to re-adopt the Rules on Citizen Input During Planning Board Meetings adopted 8/23/18 and Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motions.

Approval of Minutes

Harry Hillenius made a motion to accept the minutes from the November 3, 2022 meeting. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

Bills

Vice Chairperson Anthony Klymenko made a motion to accept payment of the bills. Secretary Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

1. 11/3/22 letter from Board Engineer Gregory J. Polyniak Re: PSE&G 186 West Central Avenue Revised As-Built Review
2. 11/4/22 letter from Board Engineer Gregory J. Polyniak Re: 217 Realty, LLC 217 Hergesell Avenue Revised Completeness, Planning & Engineering Review
3. 11/10/22 letter from David W. Grossmueller of PSE&G Re: Application for Extension of Statewide Freshwater Wetlands General Permits
4. 11/14/22 letter from Andrew M. Cimiluca, Esq. Re: Marseppe 687 Elm Street Revised Minor Subdivision Plan Cover Letter
5. 11/22/22 letter from William Page Re: 217 Realty, LLC 217 Hergesell Avenue Engineering Response
6. 11/28/22 letter from Board Engineer Gregory J. Polyniak Re: 217 Realty, LLC 217 Hergesell Avenue Revised Completeness, Planning & Engineering Review

7. 11/30/22 letter from Zoning Enforcement Officer Dina Lynch Re: 774 Maywood Avenue Denial Letter
8. 11/30/22 letter from Board Engineer Gregory J. Polyniak Re: Marseppe 687 Elm Street Revised Resolution Compliance Review
9. 12/9/22 cover letter from Borough Special Counsel Patrick McNamara for Court Order Extending Interim Immunity
10. 1/4/23 letter from Board Gregory J. Polyniak Re: Neal & Jenica Siniscalco 66 West Magnolia Avenue Revised Completeness & Engineering Review
11. 1/5/23 letter from John P. Beyel Re: Stepan Company 100 West Hunter Avenue Request for Extension of Terms of Approval of Resolution
12. 1/11/23 letter from Board Recording Secretary Tara Grunstra Re: Neal & Jenica Siniscalco 66 West Magnolia Avenue Application Hearing Date 2/23/23
13. 1/11/23 letter from Zoning Enforcement Officer Dina Lynch Re: 20 Orchard Place Denial Letter
14. 1/11/23 letter from City of Hackensack Deputy City Clerk Allison Saabye Re: Ordinance #02-2023 Amending Chapter 175 Zoning
15. 1/18/23 letter from Board Gregory J. Polyniak Re: Henry Gonzales Andrade 774 Maywood Avenue Completeness, Planning & Engineering Review
16. 1/20/23 letter from Board Gregory J. Polyniak Re: Sherwood Village 11 West Passaic Street Final As-Built Review
17. 1/23/23 letter from Eric V. Timsak of Bergen County Planning and Engineering Re: Duke Realty Limited Partnership 149-151 Maywood Avenue Drainage Calculations

| | |
|-----------------------------|------|
| Resolution | None |
| Completeness Hearing | None |
| Application Hearing | None |
| Informal Hearing | None |
| Old Business | None |
| New Business | None |

Open Meeting to the Public

Closed Session

Rick DeHeer made a motion to go into Closed Session. Vice Chairperson Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2023-02

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): Pending litigation

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
- 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.

Date of Passage: 1/26/23 Time: 7:48pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary