

**MAYWOOD PLANNING BOARD
MINUTES
January 28, 2016**

A regular meeting of the Maywood Planning Board was held on Thursday, January 28, 2016 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 23, 2015. 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 7:34pm with the following members present: Chairman Frank Lichtenberger, Secretary Charlotte Panny, Councilman Rick DeHeer, John Montel, Harry Hillenius, Charles Goebel and John McManus. Also present were Zoning Officer James Mazzer and Board Attorney Kara Kaczynski.

Approval of Minutes

Harry Hillenius made a motion to accept the minutes from the January 7, 2016 meeting. John McManus seconded the motion. All eligible members present voted in favor of the motion.

Bills

Secretary Charlotte Panny made a motion to accept payment of the bills. Councilman Rick DeHeer seconded the motion. All members present voted in favor of the motion.

Correspondence

- 1/19/16 letter from Board Attorney Kara Kaczynski to James T. Moore of US Army Corps of Engineers Re: Ongoing Remediation of Parcels Along Route 17 North, Maywood, NJ
- 1/26/16 email from Cindy Randazzo of NJ Office of Local Government Assistance Re: NJDEP SFY 16 Grant RFPs – Non-Source Pollution Control Grants

Resolution

NJ Antique Buyers, LLC
3 East Pleasant Avenue
Block 76, Lot 1
Calendar #2016-03
Sign Application w/o Variance

Harry Hillenius made a motion to memorialize the resolution. Chairman Frank Lichtenberger seconded the motion. All members present voted in favor of the motion.

Councilman DeHeer recused himself from the Board prior to the hearing beginning.

Hearing

Fitness & Wellness of Hackensack, LLC

87 & 137 Route 17 North

Block 124, Lots 3 & 4

Calendar #2015-02

Relief from Condition of Prior Resolution

James E. Jaworski counsel for the Fitness & Wellness of Hackensack, LLC began by introducing two of the principals in attendance; Steve Kay and Leslie Adelman Banks. When Mr. Jaworski last presented to the Board on 7/23/15, he promised to approach adjacent property owner Kin Properties about building a roadway extension of Nelson Way (opposite Beech Street) and thereby eliminating the need for Howcroft Road access. Chairman Lichtenberger also agreed to reach out to Kin Properties to help facilitate the project with help from the Mayor Adrian Febre and Administrator Roberta Stern. During this time, the Board agreed to keep the Howcroft Road gate open. Also discussed and approved at the 7/23/15 meeting was Mr. Jaworski's proposal to build a sidewalk on Howcroft Road to accommodate pedestrian traffic to the fitness center.

Mr. Jaworski displayed revised conceptual access mapping plan prepared by Lapatka Associates, Inc. with a revision date of 1/25/16. Based on input from Kin Properties, the location of the proposed roadway was moved to the east where it would run adjacent to Kin's property line with Desaussure Equipment/Maywood Furniture. This revised plan was recently forwarded to Kin Properties. Kin shared with Mr. Jaworski that the current tenant, Sears, will not vacate the property early and will continue to occupy the building until the ends on 12/31/16. The EPA has indicated that site remediation will likely be completed by 2019/2020. Kin Properties is actively pursuing development and has possible options listed on its website.

Chairman Lichtenberger updated Mr. Jaworski on the Board and Borough involvement in the location. The US Army Corp of Engineers presented to the Planning Board last month and detailed the progress that they've made thus far and the expected timetable of future remediation. Chairman Lichtenberger explained that the area in which the roadway is proposed to run should be remediated by September 2016. Two weeks ago, the Chairman, Board Planner Michael Kauker and Borough Administrator Roberta Stern met with Kin Properties including Senior Vice President Lee Cherney. They were receptive to the Board's ideas on development and responded that they had 19 schematics of development options. When asked, they indicated that they did not plan to fence their property from the Fitness & Wellness of Hackensack property. They agreed that mixed use was a good development plan, but did not think residential was appropriate. Mixed use would be limited to restricted commercial and limited light industrial. They are considering a 4 story hotel in the area to the east of the Fitness & Wellness of Hackensack's property, but Chairman Lichtenberger suggested that they build greater than 4 stories. When discussing extending Nelson Way to the Fitness & Wellness of Hackensack property, Kin Properties believed that this was a viable option and indicated that they would approve an easement. They would require a Hold Harmless Agreement and asked that construction vehicles working on Fitness & Wellness of Hackensack Phase 2 not use the new roadway. Chairman Lichtenberger reassured Mr. Jaworski that Howcroft Road would be available for construction vehicle access. The timing for Phase 2 is still undecided. In preparation for the roadway construction, Fitness & Wellness of Hackensack would need to

survey. The request to allow access to the site for surveying was sent to Sears but there has been no response thus far. It is suspected that surveying would need to be done once Sears' lease has expired. John McManus asked about plans for Phase 2. Mr. Jaworski responded that the Board has already approved the site plans but working drawings for construction have not been commissioned.

Mr. Jaworski updated the Board on the Howcroft Road improvement project. The plans prepared by Lapatka Associates were forwarded to the Mayor and Council on August 13, 2015. He believes that they approved the plans. Steve Kay is in charge of the project at Fitness & Wellness of Hackensack. Bids were solicited and a contractor has been hired. The plans indicate where the new sidewalk will be located. It will be 4' wide x 250' long. A tree will need to be removed and a pedestrian gate will need to be installed. Chairman Lichtenberger asked if the Borough Engineer is involved and Mr. Jaworski wasn't sure but will follow up. Board Attorney Kaczynski noted that the Borough would need to provide a temporary construction easement and possibly a formal dedication once the project is complete. Mr. Jaworski concluded by asking that the Howcroft Road gate remain open and requested a prolonged adjournment of 12 months. He promised to update Board Attorney Kaczynski on any progress with the roadway extension and Howcroft Road improvement. Mr. Jaworski believes the Howcroft Road improvement will start in late March and it is expected to take 10 days to complete.

Harry Hillenius made the motion to adjourn the application without need to notice for 12 months and Chairman Lichtenberger seconded the motion. All eligible members voted in favor of the motion.

Councilman DeHeer rejoined the Board prior to the start of the informal hearing.

Informal Hearing

Paul Padro
81 West Pleasant Avenue
Block 71, Lot 17

Paul Padro presented a plan that was revised from what was informally presented at the 11/5/15 Planning Board meeting. Second floor seating will be 14 seats as overflow from the first floor restaurant which was previously proposed as catering event seating. The first floor would have 46 seats which was previously proposed as 74 seats. Chairman Lichtenberger asked how many variances would be required for what is being proposed. Zoning Officer Mazzer answered that 6 variances would be required one of which is a D variance for the increase nonconformity on height. Mr. Padro described his current location at 109 West Pleasant Avenue as having tight seating which is difficult for the wait staff to navigate. With the move to 81 West Pleasant Avenue, he would like there to be greater space between the tables. Chairman Lichtenberger asked about the second floor square footage and there is 1,375 square feet on the second floor. Mr. Padro explained that the first floor has 2 bathrooms, a kitchen, and 2 stairwells takes away from the restaurant seating space. The second floor would have 1 bathroom and a wait station. When asked if he would increase the number of overflow seats when there were patrons waiting, Mr. Padro promised to keep the second floor to 14 seats only.

Mr. Padro then presented a chart which tracked parking space availability on West Pleasant Avenue. He divided West Pleasant Avenue parking into 10 zones and personally counted available spots from 4:30pm to 8:30pm on 3 dates:

- Friday, 1/15/16
- Saturday, 1/16/15
- Friday, 1/22/16

Mr. Padro noted that Community Bank allows all area businesses to park in their lot after 5pm. He observed that there was ample parking on West Pleasant Avenue during these times, particularly at Community Bank. Chairman Lichtenberger asked what were Uncle Paulie's Peruvian Chicken's hours of operation and Mr. Padro answered 11am-10pm. John McManus asked what the third floor would be used for and Mr. Padro replied as an office and dry goods storage. There are no residential units proposed. When Chairman Lichtenberger suggested creating two one-bedroom apartments on the second floor, Mr. Padro explained that the goal of the relocation is to expand his business and limiting the business to the first floor only would not accommodate his needs. He would like to enlarge his kitchen to allow for online delivery. Chairman Lichtenberger explained that if there are many patrons waiting to be seated, Mr. Padro may be tempted to add tables and chairs to the second floor above the 14 seats proposed. Mr. Padro asked for a 1-year trial period for his proposal and stated that he would remove all second floor seating if the Board was not happy. He will agree to install fire sprinklers and a secondary staircase.

Councilman DeHeer asked about catering which was proposed previously. Mr. Padro explained that he does a significant amount of off-premises catering. Ideally, he would sit large tables of 10-14 people on the second floor so that they would have more space especially if there are children in the group. He believes that the second floor would be used on Friday and Saturday. Mr. Padro admitted that he should have come to the Board prior to buying the property in order to understand the limitations on a non-conforming property. Harry Hillenius explained that the Board cannot allow a 1-year trial period. The Board permitted the Seafood Gourmet's application by enforcing a charge for lack of parking (\$10,000 per spot). Mr. Hillenius clarified that if the proposed location has 60 seats and every 2 seats require 1 parking space, 30 parking spaces in total would be required. Following the previous formula of \$10,000 per spot, the cost for 30 spots would be \$300,000. All proposals must be treated equally and have the same rules apply.

Mr. Padro asked for explanation on why the building is considered nonconforming. Zoning Officer Mazzer explained the height of the building is nonconforming and Mr. Padro is proposing to expand the size of the building further. Mr. Padro hadn't considered that he was proposing so many additions. John Montel asked that if the garage parking could be applied to the second floor to residential units if Mr. Padro changed his plan. Chairman Lichtenberger thought that would be possible. Charles Goebel asked if it would be possible to use the location as a bakery and Mr. Padro did not believe it is a feasible option. Secretary Panny reiterated the need to approach the Board prior to purchasing and Mr. Padro agreed. Board Attorney Kaczynski asked about the lease at the existing restaurant (109 West Pleasant Avenue) and Mr. Padro answered that he had 3 ½ years remaining on his lease.

