

**MAYWOOD PLANNING BOARD
MINUTES
October 1, 2020**

A regular meeting of the Maywood Planning Board was held on Thursday, October 1, 2020 via the “Zoom” online meeting platform 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 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 the same pursuant to said act. On September 4, 2020, adequate notice of this meeting being conducted via the “Zoom” online meeting platform in lieu of its in-person meeting which was previously advertised in the Council Chambers of the Maywood Municipal Building was posted at the entrance to the Maywood Municipal Building, filed with the Borough Clerk, sent to the Mayor and Council, Borough Administrator, Borough Attorney and Board Attorney, forwarded to the Our Town and The Record newspapers for publication, posted on the Borough website and distributed to all persons, if any, requesting copies of the same pursuant to the Open Public Meetings Act. This meeting is being recorded 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

Call to Order

The meeting was called to order at 7:32pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Mayor Richard Bolan, Councilperson Ryan Ullman (arrived @ 7:38pm), Gary Neumann, Paul Kuhn, Harry Hillenius, Rick DeHeer, Peter Cicarelli and Secretary Anthony Klymenko. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

Approval of Minutes None

Bills

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

Councilperson Ryan Ullman joined the meeting at 7:38pm.

Correspondence

- 9/24/20 letter from Joseph J. Haskins, Jr. Re: Area in Need of Redevelopment Study
- 9/24/20 letter from Board Engineer Gregory J. Polyniak Re: GFR Maywood, LLC 18 West Passaic Street & 521 Maywood Avenue Completeness, Planning and Engineering Review
- 9/25/20 letter from Board Attorney Kara Kaczynski Re: Area in Need of Redevelopment Study

The first witness was the applicant's architect, David Brooke Robinson of David Robinson Architectural Workshop, who was qualified and accepted. He created the architectural plans dated 3/4/20 revised 7/31/20 submitted with the application. Board Attorney Kara Kaczynski marked the application and all supporting documents submitted with the application as Exhibit A-1. Mr. Robinson displayed an aerial view of the Stepan Company property which was marked as Exhibit A-2. The drone photograph was taken approximately 2 years ago and provided by the applicant. Mr. Robinson confirmed that it reflects the current conditions. He noted the location of the proposed storage building and privacy wall along the southern border of the property. Next he displayed the architectural drawings dated 3/4/20 revised 7/31/20 as part of Exhibit A-1. The proposed storage building is a 6,000 square foot single-story structure (200' x 30'). Attached to the building will be a 400' privacy wall. The north facing wall of the proposed storage building will have seven overhead door bays. At each end of the building, there are pedestrian access doors. Mr. Robinson displayed a colorized version of page A2 of the architectural plans which was marked as Exhibit A-3. The building is constructed with pre-cast concrete panels. The overhead doors are galvanized. There are light fixtures above each door. At each end of the building, there are protective overhangs with a light fixture above the pedestrian access doors. A building identification sign is located on the north and west faces of the building. Mr. Robinson pointed out that there are no roof-top HVAC systems. Instead there is a ventilation fan on the building's western facing wall with a galvanized hood and an inlet louver on the eastern facing wall. Fresh air will be drawn in on the eastern side of the building and exhausted on the western side.

Mr. Robinson said that the precast concrete panels will match adjacent structures. He displayed page A3 of the architectural plans which was submitted with the application and previously marked as Exhibit A-1. The photographs show two renderings of the proposed building and privacy wall from two vantage points, a cross-section of the wall construction and a close-up picture from one of the existing adjacent buildings. He next displayed a photograph and description of the concrete aggregate which was marked as Exhibit A-4. He then displayed a photograph of the galvanized metal finish for the doors and overhangs above the side entrances which was marked as Exhibit A-5. Mr. Robinson next displayed a photograph of the building identification material which was marked as Exhibit A-6. Lastly, he displayed an existing photograph taken from the adjacent property of the area where the proposed privacy wall would be located (marked as Exhibit A-7) next to a rendering of the proposed privacy wall from the same location (marked as Exhibit A-8) for comparison purposes. He believes that the comparison illustrates why the applicant is proposing the wall height to shield the busy view of the plant and protect the proprietary nature of production. He added that the height of the proposed privacy wall of 17' is the same as the proposed building. There is ADA access into the building on the western facing entrance. The fire safety features of the building satisfy Fire Official Tom Tuttle request to install a dry sprinkler system, Knox Box on the northwest side of the building and a fire detection and alarm system tied into Stepan Company's current system. He clarified the ventilation system on the proposed building is in compliance with the Borough's noise ordinance. Chairman Lichtenberger questioned the need for the exhaust system and Mr. Robinson explained that the building will not have a HVAC system so the exhaust system is designed to introduce fresh air. He concluded his testimony by displaying page A3 of the architectural plans which was previously marked as Exhibit A-1. He emphasized the clean view of the proposed building and wall being the same height.

Chairman Lichtenberger asked the Board members if they had questions for Mr. Robinson. Paul Kuhn asked about the setback of the proposed building and wall from the property line. Mr. Robinson answered that the engineer, Robert Benedetto, can testify to setback distances. Board Engineer Greg Polyniak will also have questions of the applicant's engineer, Mr. Benedetto. Chairman Lichtenberger asked the public if they had a questions for Mr. Robinson. Shreen Elsarrogy lives at 106 West Central Avenue but she did not have a question for Mr. Robinson. No other members of the public came forward to ask questions of Mr. Robinson. Board Attorney Kaczynski confirmed with Board Recording Secretary Grunstra that no questions or comments were submitted via email regarding the application hearing.

The second witness was the applicant's engineer, Robert Benedetto of T and M Associates, who was qualified and accepted. He displayed Exhibit A-2 aerial photograph of Stepan Company existing conditions showing the location of the proposed building and privacy wall. He then displayed page 9 of the site plan dated 4/1/20 revised 9/23/20 submitted with the application and marked as Exhibit A-1. Regarding setbacks, from the end of the wall it is 22.81' to the property line, from the start of the building it is 26.02' to the property line, the corner of the building is 27.91' from the southern property line and 35.22' from the eastern property line. The site lighting will be in compliance with Borough requirements. The lighting proposed are LED light fixtures along the wall interior pointing inward to the site and above overhead doors and side entrances of the building. Fire Official Tom Tuttle requested two new fire hydrants and a dry standpipe system which were added to the site plan. Mr. Benedetto pointed out how the hydrants were tied into the water service on the plan. The proposed building will not tie into water or sewer service so no connections are required. For stormwater, the proposed building roof runoff will be collected through four (4) leaders into a new outfall to the existing asphalt swale. There are several proposed drainage inlets around the proposed building connecting to the new outfall. Since there is less than 1 acre of overall disturbance and less than a quarter acre of new impervious surface, the project is exempt from NJDEP stormwater requirements for quantity control. Since the site is located in the State Metropolitan Planning Area (PA1), the applicant is exempt from recharging any groundwater into the groundwater system. Since there is less than a quarter acre of new impervious surface, the project is exempt from NJDEP water quality requirements. He clarified that the stormwater prior to the project collects in the asphalt swales and will collect there after the project through leaders and pipes. Mr. Beyel referenced Board Engineer Polyniak's 10/1/20 review and asked Mr. Benedetto to point out the existing setback nonconformity, existing building height nonconformity and existing fence height nonconformity on Exhibit A-2 aerial photograph. Mr. Benedetto explained that there is an existing barbed wire fence connected perpendicularly to the existing chain link fence on the southern side of the property which will be removed to make way for the construction and then reinstalled. He then advised the Board that the Bergen County Soil Conservation District provided minor comments regarding the application and the applicant will resubmit next week.

Chairman Lichtenberger asked Board Engineer Polyniak if he had questions for Mr. Benedetto. Board Engineer Polyniak asked a number of questions that were deferred to Plant Manger Daniel Callahan. Board Engineer Polyniak confirmed that the water supply and pressure requests in Fire Official Tuttle's 6/11/20 review will be satisfied. He then asked about landscaping. Mr. Beyel reminded the Board that at the completeness hearing, a completeness waiver was granted

for landscaping plan. Mr. Benedetto stated that the area in which the building is proposed is presently paved with asphalt and is adjacent to a steep slope so vegetation would not be sustainable. Board Engineer Polyniak confirmed that the Fire Department connection on the northwest side of the proposed building will be reflected in the revised site plans. Board Planner Michael Kauker has questions for Mr. Callahan. Chairman Lichtenberger asked the public if they had a questions for Mr. Benedetto but no one came forward. Board Attorney Kaczynski asked if the stability of the asphalt swale had been addressed to Board Engineer Polyniak's satisfaction. Board Engineer Polyniak replied that the issue will be address with the revised submission to the Bergen County Soil Conservation District.

The third witness was Stepan Company's Plant Manager Daniel Callahan. He explained his job responsibilities and detailed why the applicant is seeking to install a new storage building and privacy wall. The storage building and privacy walls were designed specifically to protect the proprietary nature of their products after the Sears Distribution Center visual buffer was removed. By replacing the storage building at the new location, the internal vehicle circulation would be improved. Stepan Company manufactures food additives and flavorings for consumer products intended for consumption. Visitors to the site access the location at Hunter Avenue where there is a gatehouse. The security guard at the gatehouse permits deliveries to enter, directs truck drivers to the unloading locations and guides visitors to the employee parking lot. Mr. Callahan pointed out on Exhibit A-2 aerial photograph the three (3) buildings that receive the delivered materials. He added that the new storage building will not receive materials from outside trucks but instead will be delivered to internally. He does not believe that traffic directional arrows and aisle markers would be appropriate as plant employees know their routes. He added that the facility is not open to the public and delivery trucks are familiar with the plant layout. The security guard instructs new truck drivers to the appropriate locations. The proposed storage building will house dry materials mostly packaging unaffected by ambient conditions. He does not anticipate generating additional trash which would require a new trash enclosure. He added that they contract with a private hauler. Mr. Callahan then identified the storage building that would be demolished on Exhibit A-2 aerial photograph. The proposed storage building is located next to the building that it will supply which will decrease the amount of internal traffic on the site with no change to external traffic as a result of the project. He stated that Stepan Company has off-site storage at several different locations. If the project is approved, the applicant would be able to store more on-site and, therefore, slightly lowering the number of vehicle trips in and out of the location. He explained that there are 59 employees total but the plant operates 24 hours a day so they are not all on-site at the same time. Day shift has 35-39 employees on-site while afternoon and night shifts have less than the day shift. He enlarged Exhibit A-2 aerial photograph to focus on the parking lot. Mr. Callahan explained that the photograph depicts typical daytime parking where approximately 2/3 of the parking spaces were occupied. He acknowledged that the plant square footage dictates a certain number of parking spaces are required but the existing parking spaces are more than adequate for the applicant's need. He added there are designated parking spaces in the parking lot for visitors. He stated that there is curbing along both sides of West Hunter Avenue and a sidewalk along the south side of West Hunter Avenue. Since the plant is not open to the public, there is little foot traffic on the sidewalk. The roadway between the guardhouse and the second pedestrian crossing of West Hunter Avenue was paved in December 2018 and is still in good condition. He

does not believe that additional curbing or sidewalk is needed. The paving from the second pedestrian crossing to Maywood Avenue is adequate.

Chairman Lichtenberger confirmed that the proposed building is for storage only and no processing would occur there. He asked Board Engineer Polyniak if he had questions of Mr. Callahan. Board Engineer Polyniak asked if the applicant agrees to replace any curbing or sidewalk that may be damaged during the construction and Mr. Callahan answered that they would. Board Engineer Polyniak asked about the request for internal traffic directional arrows and aisle markers. Mr. Callahan replied that established vendors who are familiar with the layout access the location. He added that there is signage affixed to building walls that indicate the flow of traffic. There is a problem with adding the directional arrows because it would not be applicable to the internal forklift traffic and may be confusing. He does not believe that it will benefit the veteran delivery truck drivers. Chairman Lichtenberger confirmed that there have been no previous issues with traffic on-site. Board Engineer Polyniak replied that wall signage as well as visitor and staff understanding of traffic flows are satisfactory to him. Board Planner Michael Kauker believes that the purpose and benefits related to the privacy wall were well documented by the applicant and support the location and height variance. Fire Official Tom Tuttle requested the latest version of the site plan be sent to him. He then asked when the new fire hydrants would be installed. John Ostroski is the Engineering Manager of Stepan Company and was sworn in. He answered that the fire hydrant that would be supplied by Borough water would be installed prior to the storage building and privacy wall construction. The other fire hydrant would be installed at the same time as the storage building and privacy wall were constructed. Board Attorney Kaczynski confirmed with Fire Official Tuttle that his review of the latest version of the site plans should not hold up the Board to render a decision at tonight's hearing. He added that the Stepan Company team has been responsive and cooperative during his review.

Chairman Lichtenberger asked the public if they had a questions for Mr. Callahan or Mr. Ostroski or any comment on the application in general. Shreen Elsarogy lives at 106 West Central Avenue but also owns the adjacent property at 110 West Central Avenue. She asked why she received one letter while she owns two properties next to each other and if one would be affected but not the other. Chairman Lichtenberger confirmed that Ms. Elsarogy's properties are located on the south side of West Central Avenue. Mr. Benedetto displayed page 5 of the site plan marked as Exhibit A-1. He indicated on the plan where Ms. Elsarogy's home was located and where the proposed the project would take place. Board Attorney Kaczynski explained that the applicant sent one notice letter to each property owner even if they owned multiple properties. Chairman Lichtenberger added that the proposed storage building and privacy wall will be located at the southernmost portion of the Stepan Company property. He then invited the Board to ask questions of any of the applicant's witnesses or comment on the application. Rick DeHeer asked Mr. Callahan if the materials to be stored in the proposed storage building were flammable. Mr. Callahan answered that the materials were not flammable. Mr. DeHeer then asked if there would be a fragrance or odor from the proposed storage building and Mr. Callahan replied that there would not be as the building would store empty packaging. Chairman Lichtenberger felt that the applicant's presentation was thorough and commended the applicant for working closely with the Maywood Fire Prevention Bureau.

Board Attorney Kaczynski summarized the conditions of approval other than the standard conditions of payment of all escrows, proof of all required approvals, etc.:

- Compliance with all requirements set forth in Fire Official Tuttle’s 6/11/20 review
- Repair of any curbing or sidewalk damage that occurs during construction
- Submission of copies of the updated site plan to Fire Official Tuttle
- Fire hydrants will be connected and operational prior to the storage building being used
- Noise test conducted by applicant to ensure compliance with Borough code

She then repeated that the applicant is seeking preliminary and final site plan approval and the following variance reliefs:

- Existing nonconforming minimum front yard setback – 6.48’ existing vs. 25’ required
- Existing nonconforming maximum building height (not related to the proposed storage building) – 33’ existing vs. 30’ required
- Proposed maximum fence height – 17’ proposed vs. 6’ required
- Barbed wire fencing not permitted
- Existing nonconforming off-street parking – 78 spaces existing vs. 544 spaces required

Mayor Richard Bolan made a motion to grant preliminary and final site plan approval and the variances requested to permit the construction of a storage building and privacy wall with the conditions listed by Board Attorney Kaczynski. Rick DeHeer seconded the motion and all eligible members present voted in favor of the motion.

Informal Hearing None

Old Business None

New Business None

Open Meeting to the Public

Closed Session

Chairman Frank Lichtenberger made a motion to go into Closed Session. Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion. Chairman Frank Lichtenberger made a motion to close the public meeting. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2020-15

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 and employment issues

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

Date of Passage: 10/1/20 Time: 9:10pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary