

MAYWOOD PLANNING BOARD
AGENDA
October 22, 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.

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

ROLL CALL

Chairman Frank Lichtenberger	()
Vice Chairperson Charlotte Panny	()
Mayor Richard Bolan	()
Councilperson Ryan Ullman	()
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 Gregory Polyniak – Neglia Engineering Associates	()
Board Planner Michael Kauker – Kauker and Kauker, LLC	()

APPROVAL OF MINUTES

September 24, 2020

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()
Mayor Richard Bolan () 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

October 1, 2020

Motion by: _____
Seconded by: _____

Roll Call Vote:

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

BILLS

Planning Board Miscellaneous

NJ Planning Officials (20201 Membership) \$ 325.00
2020 Budget Balance \$ 3,889.15

Planning Board Legal

McNally, Yaros, Kaczynski & Lime LLC \$ 721.00
McNally, Yaros, Kaczynski & Lime LLC \$ 3,452.00
2020 Budget Balance \$ 1,765.75

**Calendar #2017-14
Outfront Media, LLC
99 West Essex Street
Block 125, Lot 1**

McNally, Yaros, Kaczynski & Lime LLC \$ 170.50
McNally, Yaros, Kaczynski & Lime LLC \$ 449.50
Current Escrow Balance \$ 1,065.75

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

Neglia Engineering Associates \$ 783.75
Current Escrow Balance \$ 5,429.00

**Calendar #2019-21
Elena's Skin Care Specialist
234 Maywood Avenue
Block 126, Lot 64**

McNally, Yaros, Kaczynski & Lime LLC \$ 225.00
Current Escrow Balance \$ 0.00

Calendar #2020-01

NYCE Tattoos

946 Spring Valley Road

Block 2, Lot 5

McNally, Yaros, Kaczynski & Lime LLC	\$ 31.00
Current Escrow Balance	\$ 3,756.50

Calendar #2020-03

Empire Real Estate Holdings/

Silverstar Alloy Wheel Repair

191 West Central Avenue

Block 122, Lots 15 & 16.01

Neglia Engineering Associates	\$ 562.50
McNally, Yaros, Kaczynski & Lime LLC	\$ 527.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 62.00
Current Escrow Balance	\$ 594.25

Calendar #2020-06

L.M.G., LLC

945 Spring Valley Road

Block 1, Lot 4

McNally, Yaros, Kaczynski & Lime LLC	\$ 31.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 217.00
Current Escrow Balance	\$ 2,547.50

Calendar #2020-07

Stepan Company

100 West Hunter Avenue

Block 124, Lots 31-33 & 40-48

Neglia Engineering Associates	\$ 1,704.75
Kauker & Kauker	\$ 585.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 651.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 341.00
Current Escrow Balance	\$ 818.25

Calendar #2020-09

Derek Eisenberg

121 Belle Avenue

Block 64, Lot 13

Kauker & Kauker	\$ 780.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 232.50
McNally, Yaros, Kaczynski & Lime LLC	\$ 279.00
McNally, Yaros, Kaczynski & Lime LLC	\$ 15.50
McNally, Yaros, Kaczynski & Lime LLC	\$ 93.00
Current Escrow Balance	\$ 907.00

Motion by: _____

Seconded by: _____

Roll Call Vote:

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

CORRESPONDENCE

- 9/24/20 memorandum from Board Planner Michael Kauker Re: SHDK, LLC 24-30 West Pleasant Avenue Planning Review
- 10/1/20 letter from Board Attorney Kara Kaczynski Re: Ultimate Force, LLC, et al. v. Zoning Board of Borough of Maywood, et al.
- 10/16/20 letter from Thomas K. Hynes Re: Zion Evangelical Lutheran Church Application Withdrawal

RESOLUTION #1

Outfront Media

99 West Essex Street
Block 125, Lot 1

Calendar #2017-14

Variance & Site Plan Applications

Motion by: _____

Seconded by: _____

Roll Call Vote:

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

RESOLUTION #2

Stepan Company

100 West Hunter Avenue
Block 124, Lots 31-33 & 40-48

Calendar #2020-07

Variance & Site Plan Applications

Motion by: _____

Seconded by: _____

Roll Call Vote:

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

COMPLETENESS HEARING

None

APPLICATION HEARING

Empire Real Estate Holdings, Inc.
191 West Central Avenue
Block 122, Lots 15 & 16.01
Calendar #2020-03
Variance & Site Plan Applications

Motion by: _____
Seconded by: _____

Roll Call Vote:

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

INFORMAL HEARING None

OLD BUSINESS None

NEW BUSINESS None

OPEN MEETING TO PUBLIC

CLOSED SESSION Closed Session Resolution # 2020-16

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: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairperson Charlotte Panny ()

Mayor Richard Bolan () Councilperson Ryan Ullman () Gary Neumann ()

Paul Kuhn () John Montel () Harry Hillenius () Rick DeHeer ()

Peter Cicarelli () Secretary Anthony Klymenko () Daniel Nemecek ()

John Gargagliano ()

To return to the regular order of business:

Motion by: _____

Seconded by: _____

Roll Call Vote:

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

ADJOURNMENT

Motion by: _____

Seconded by: _____

Roll Call Vote:

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