

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

A regular meeting of the Maywood Planning Board was held on Thursday, October 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. 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 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Councilman Richard Bolan, Gary Neumann, Harry Hillenius, Rick DeHeer, Secretary Anthony Klymenko and John Gargagliano. Board Attorney Kara Kaczynski was also present.

**Approval of Minutes**

Rick DeHeer made a motion to accept the minutes from the October 3, 2019 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

John Gargagliano made a motion to accept payment of the bills. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 10/11/19 letter from Board Attorney Kara Kaczynski Re: Silverstar Alloy Wheel Repair, LLC
- 10/15/19 letter from Patrick McNamara Re: Extension of Interim Immunity Related to Housing Element and Fair Share Plan
- 10/16/19 Court Order Granting Extended Interim Immunity

**Resolution #1**

**Maybrook Gardens, Inc. Maybrook I**  
Maybrook Drive  
Block 135, Lot 1  
**Calendar #2019-04**  
**Variance & Site Plan Applications**

Harry Hillenius made a motion to approve the resolution as written and Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

**Resolution #2**

**Maybrook Gardens, Inc. Maybrook II**  
Maybrook Drive  
Block 131, Lot 10  
**Calendar #2019-05**  
**Variance & Site Plan Applications**

Harry Hillenius made a motion to approve the resolution as written and Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

**Resolution #3**

**Outfront Media, LLC v. Planning Board of the  
Borough of Maywood  
(BER-L-4455-19)**  
99 West Essex Street  
Block 125, Lot 1  
**Approving the Execution of the Settlement Agreement  
Resolving the Litigation**

Chairman Frank Lichtenberger made a motion to approve the resolution as written and Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**Hearing**

**Kathleen McVey**  
172 East Magnolia Avenue  
Block 117, Lot 31  
**Calendar #2019-17**  
**Variance Application**

Kevin McVey is the applicant's husband and he was sworn in. They are proposing adding a front porch which would violate the front yard setback. The existing front yard setback is 29.56' and the proposed front yard setback would be 22.5' where 25' minimum is permitted. Mr. McVey stated that there were interior improvements made to the property but none have changed the footprint. Chairman Lichtenberger noted that there is an existing front overhang approximately 6' x 5'. Mr. McVey confirmed that the overhang does not encroach into the front yard setback. Bill Gorgone of Gorgone Construction is the contractor and he was sworn in. He agreed that the overhang does not encroach on the front yard setback. He explained that the proposed front porch would span the entire front of the home at 37' with columns supporting the roof. Mr. McVey believes that the improvement will benefit his family by allowing them to utilize the front of the property. He believes the addition of a porch would be more aesthetically pleasing and will not be a detriment to his neighbors. Board Attorney Kaczynski clarified that the proposed porch will not encroach into the side yard setbacks. Rick DeHeer confirmed that the porch would be open. Harry Hillenius made a motion to approve the application as presented and Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion except Councilman Richard Bolan who abstained. Board Attorney Kaczynski advised that resolution would be prepared for the following meeting on 11/7/19.



( ) 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

( ) 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: 10/24/19 Time: 7:46pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary