

**MAYWOOD PLANNING BOARD
MINUTES
October 25, 2018**

A regular meeting of the Maywood Planning Board was held on Thursday, October 25, 2018 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, 2017. 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, Secretary Charlotte Panny, Rick DeHeer (left @ 9:30pm), Gary Neumann, John Montel, Harry Hillenius, John McManus (left @ 9:05pm), Anthony Klymenko and Daniel Nemecek. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Brian Gillen were also present.

Approval of Minutes

Rick DeHeer made a motion to accept the minutes from the August 23, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Gary Neumann made a motion to accept the minutes from the September 6, 2018 meeting. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Secretary Charlotte Panny made a motion to accept the minutes from the September 27, 2018 meeting. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Bills

Rick DeHeer made a motion to accept payment of the bills. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

- 10/8/18 letter from David Egarian Re: Empire Real Estate Holdings DEP Permit Submittal

Resolution #1

32 Fairmount Avenue LLC
32 East Fairmount Avenue
Block 34, Lot 9
Calendar #2018-06
Variance Application

Board Attorney Kara Kaczynski identified an error on page 16 which she will revise and resend. Harry Hillenius made a motion to approve the resolution with the correction noted and John McManus seconded the motion. All eligible members present voted in favor of the motion.

Resolution #2

Empire Real Estate Holdings
191 West Central Avenue
Block 122, Lots 15 & 16.01
Calendar #2016-15
Variance Application

Secretary Panny made a motion to approve the resolution as written and John McManus seconded the motion. All eligible members present voted in favor of the motion.

Hearing #1

John Malandrucolo
40 West Passaic Street
Block 95, Lot 7
Calendar #2018-13
Variance Application

Rick DeHeer recused himself from the hearing and stepped down from the dais.

Marc Ramundo represents the applicant, John Malandrucolo. He explained that two of the neighbors were improperly noticed but the applicant had both of them sign affidavits acknowledging the improper notice but consenting to the hearing proceeding as planned. Mr. Ramundo explained that the applicant would like to add a family room and a master bedroom suite to the 2-story 2-family home. The proposed addition would trigger three variances:

- Front yard setback: 23.47' proposed/existing where 25' minimum required
- Building coverage: 30.7% proposed where 30% maximum permitted
- Floor area ratio including basement: 65.6% proposed where 50% maximum permitted (53.3% existing)
 - Without the basement, 48.9% proposed where 50% maximum permitted

The applicant's architect, James McNeight, was sworn in, qualified and accepted. Mr. Ramundo marked Exhibit #A-1, a board of 5 photographs of the existing house from different angles produced by Mr. McNeight. Mr. McNeight described the existing house as 2-story 2-family home with attached 2-car garage. He detailed the site plan. The existing basement consists of a family room, laundry room/bathroom, recreation room and mechanical closet. The existing first floor is comprised of 2 bedrooms, bathroom, kitchen, dining room, living room and a stairway to the attached 2-car garage. The third floor is a separate unit with 2 bedrooms, bathroom, kitchen,

dining room and living room. The applicant is proposing a 1-story family room addition behind the garage and adding a master bedroom suite above the garage.

Board Attorney Kaczynski noted that there is an existing nonconforming use as a 2-family home in a 1-family zone. Additional variances required would be lot coverage, floor area ratio, front yard setback and impervious coverage. Board Engineer Brian Gillen stated that maximum total impervious coverage is 60% permitted and the existing impervious coverage is 65%. The applicant's addition is increasing the impervious coverage to 67.2%. He recommends either adding a seepage pit or changing the existing patio to pavers to address the stormwater runoff.

Board Attorney Kaczynski cited Borough code §209-31 Impervious Materials:

Within either the A-1 or A-2 Residential Districts, no more than 40% of the front, side and rear yards shall be covered with impervious materials or stone nor shall more than 65% of any lot be covered with impervious materials or stone nor shall more than 50% of the front yard be covered with impervious materials.

Therefore, the maximum total impervious coverage is 65% permitted while the applicant is proposing 67.2% total impervious coverage. She confirmed with Mr. McNeight and Board Engineer Gillen that the front, side and rear yards will not exceed 40% impervious coverage. Mr. McNeight addressed the preexisting nonconforming front yard setback deviation (25' minimum required vs. 23.47' existing/proposed). He explained that in an older survey, the front yard setback was conforming to the 25' minimum but the most recent survey has it at 23.47'. For the floor area ratio, he explained that the variance is dependent on whether or not the basement is included in the calculation. If the floor area ratio includes the basement, it is 65.6% proposed where 50% maximum permitted (53.3% existing). If the basement is not included, the floor area ratio is 48.9% proposed where 50% maximum permitted. Zoning Officer Mazzer cited Borough code §209-25 Floor Area:

The aggregate area, expressed in square feet, of all floors, using the outside wall dimensions of all buildings, including the basement area, but excluding the area of the basement used for mechanical equipment, such as heating or ventilating apparatus, and which is not otherwise devoted to the principal use of the building or areas devoted to interior off-street parking, including parking spaces, aisles, ramps and maneuvering space.

Since the basement must be included and the mechanical closet is small, the proposed floor area ratio would still exceed the allowable requiring the applicant to seek variance relief. Lot coverage is 30.7% proposed where 30% maximum permitted. Mr. Ramundo explained that the D variance is for a preexisting nonconforming use because the 2-family house is in the 1-family zone. Board Attorney Kaczynski discovered that there is no floor area ratio requirement in the A-1 zone but the A-2 zone requires a 50% maximum floor area ratio. Out of an abundance of caution, she suggested the applicant seek the floor area ratio variance. Mr. Ramundo concurred.

Chairman Lichtenberger asked the Board if they had questions for Mr. McNeight but there were no questions asked. Chairman Lichtenberger invited the public to ask questions of Mr. McNeight. Bia Roth of 226 Homestead Road in Paramus owns two properties in Maywood; 30 Park Avenue and 479 Poplar Avenue. The property at 479 Poplar Avenue is within 200 feet of the subject property. She would like to know how her property would be impacted by the proposed addition. Mr. McNeight showed her the site plan and explained the changes that were being proposed. He did not believe that her property would be affected by the proposed addition.

John Malandruccolo was sworn in. He purchased the property from his mother six years ago. She has owned the house since 1966 and it was purchased as a 2-family. As far as he knows, the house has always been a 2-family. He currently has a tenant on the second floor. The addition is intended to make his unit more comfortable for his family.

Chairman Lichtenberger invited the public to ask questions of Mr. Malandruccolo but no one came forward. Chairman Lichtenberger opened the hearing to the public to comment on the application but no one came forward.

Board Engineer Gillen reminded the applicant that he requested that a seepage pit be added. He has requested structural calculations that the existing garage will support the master bedroom suite addition. Board Attorney Kaczynski asked if there were any completeness waivers needed per Board Engineer Gillen's 10/2/18 completeness review. Board Engineer Gillen believes that all the information requested in his completeness review has been provided. Chairman Lichtenberger requested a summary of the variances needed:

- Front yard setback: 23.47' proposed/existing where 25' minimum required
- Lot coverage: 30.7% proposed where 30% maximum permitted
- Total impervious coverage: 67.2% proposed where 65% maximum permitted
- Floor area ratio: 65.6% proposed where 50% maximum permitted (53.3% existing)
- D variance for a preexisting nonconforming use (2-family house in the A-1 zone)

Harry Hillenius made a motion to approve the application with the conditions requested by Board Engineer Gillen and Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Hearing #2

200 Route 17 LLC

200 Route 17 South
Block 125, Lots 3 & 4

Calendar #2018-10

Variance & Site Plan Applications

Rick DeHeer recused himself from the hearing and stepped down from the dais.

This hearing was adjourned from the 9/27/18 meeting. Joseph Fiorenzo represents the applicant, 200 Route 17 LLC. He would like to continue with the testimony of the applicant's engineer, Keith Cahill. Mr. Cahill is still under oath. Previously, Mr. Cahill was comparing Exhibit #A-1 (Aerial Exhibit 2015) to Exhibit #A-3 (Historical Aerial Exhibit 2002). Exhibit #A-1 shows the current conditions of the property with approximately 1.29 acres total/0.69 acres in Maywood. Exhibit #A-3 shows that the property in 2002 was in total 3 acres and had a 30,000-square foot Sears building, 112 parking stalls and access to Route 17 and Midland Street in Rochelle Park. He reminded the Board that the property no longer has access to Route 17 and is 60% smaller. The only way to access the property now would be to exit onto Essex Street, make a right turn and turn right onto Midland Street. Mr. Cahill marked Exhibit #A-4 (Site Layout Plan, Sheet C-04 Colorized Dated 9/4/18). He then detailed the proposed self-storage facility building. The 6-story building would have a 25,900-square foot footprint and total 154,340 square feet. The

property access is from Midland Street where patrons would enter the parking lot. The drive aisles will be 24' wide and parking spaces 9' x 18'. As customers enter, they would encounter a security gate. New customers would be directed to the office to sign a contract. Existing customer would swipe a card or input a key code to open the gate. He explained that the building cuts across the property line and is split with half in Maywood and the other half in Rochelle Park. Mr. Cahill pointed out on the exhibit where the proposed 21 parking spaces would be located. There would be a total of 5 loading spaces; 3 against the building and 2 inside the building. The internal loading spaces allow patrons to pull their vehicle inside out of the weather to load and unload their storage. The masonry trash enclosure 10' x 20' would be located on the east side of the building. There is an existing chain link fence along the southern property line which will remain. The balance of the site would have a security fence. Comparing the prior conditions to what is proposed, he explained that impervious coverage would be reduced. There is an underground storm water collection system. At each inlet, they have inlet filters that provides water quality. They are proposing collecting the roof water into a rain garden on the east side of the site. The stormwater management system being proposed is in compliance with NJDEP standards. There are existing underground pipes. The applicant is proposing to clean out the stormwater pipes. Mr. Cahill noted that Board Engineer Gillen reviewed and accepted the proposed stormwater management design. The applicant met with the Rochelle Park neighbors prior to finalizing the plans. The neighbors had concerns about stormwater flooding on Madison Street. As part of the proposed redevelopment, the applicant will ensure that the stormwater flows freely at the end of Madison Street into an existing inlet. At the previous meeting, there was much discussion about the sanitary sewer. They intend to tie into the existing sanitary sewer running at the end of Midland Street. All of the proposed improvements will be on the applicant's property. Water and gas utilities will have connection points along the north side of the building. In regards to lighting, Mr. Cahill has designed a conforming lighting package for site lighting in the parking lot. The lighting will have house side shields to focus lighting into the parking lot. The fixtures will be LED; 20' high pole fixtures and building mounted lights along the south side of the building. Landscaping is also proposed including planting a berm in a buffer area along the west side.

Mr. Cahill believes that the overall layout intends to comply with many of the zoning requirements despite the unique characteristics created by the DOT changes. He then began to detail the variance reliefs being sought. The lot size minimum is 65,340 square feet required and the proposed lot is 30,145 square feet. Board Attorney Kaczynski asked what the size of the property in Maywood prior to the taking and he estimated that it was approximately 2.4 acres. He considers the property oddly shaped which creates design challenges and poses constraints in meeting some bulk requirements. Chairman Lichtenberger inquired what would be the building square footage in Maywood. Mr. Cahill answered that half of the building is located in Maywood. The building would be 6 stories and the total square footage of all 6 stories is 154,340 square feet with 82,164 square feet in Maywood. When asked what the parking requirement would be, Mr. Cahill explained that there is no parking requirement for the HDO zone. Mr. Fiorenzo informed the Board that the applicant plans to have an expert witness address the parking issue specifically. Mr. Cahill noted that there are 21 standard parking stalls proposed which they feel is sufficient for this use. Additionally, there would be 5 loading spaces. The business is not designed for tractor-trailer use and they would not be allowed to go through the security gate. Additionally, the customer contract stipulates that tractor trailers are

not permitted. Chairman Lichtenberger believes that there are test wells on the property. Mr. Cahill confirmed that there were test wells previously located on the property but they have since been removed. Board Engineer Gillen requested that LSRP issue a letter indicating that there are no issues with the test wells that were removed and Mr. Fiorenzo agreed to do so. Mr. Cahill continued to list the variance reliefs needed. Minimum lot width and depth is 150' required. Given the property shape, the applicant needs a variance for both width and depth. Front, side and rear yard setbacks variances are also needed. Maximum floor area ratio (FAR) is 200% permitted but 273% is proposed. Lastly, a variance is needed for the number of wall signs; 1 permitted vs. 3 proposed. Mr. Cahill corrected the plans explaining that the signs on the southeast corner fronting on Route 17 will actually be located on the northeast corners of the building allowing for greater visibility from Route 17. One sign will be located along the south face of the building. The applicant's architect will describe them in further detail when he goes through the elevations. The size of the signs is compliant with the Borough ordinance. No freestanding signage is proposed.

Board Attorney Kaczynski clarified how the front yard setback was measured; the closest structure to the right of way/property line. Chairman Lichtenberger asked about the status of the Rochelle Park hearing for the engineering testimony. Mr. Cahill answered that he completed his testimony in one night but needs to return because of a notice issue. Mr. Fiorenzo asked Mr. Cahill to address any issues raised in Board Engineer's Gillen's 8/21/18 completeness review. Mr. Cahill believes that Board Engineer Gillen's concerns have been addressed. Board Engineer Gillen asked who would maintain the stormwater basin. Mr. Cahill responded that the O&M manual was submitted with the application and the property owner would maintain the basin. Borough Attorney Kaczynski inquired if compliance with the O&M manual could be a condition of approval and both Mr. Cahill and Mr. Fiorenzo agreed.

Joseph R. Torre represents Ultimate Force at 124 Essex Street in Rochelle Park. He also indirectly represents Harley Davidson since the dealership has a long-term lease with Ultimate Force. Mr. Torre asked Mr. Cahill to show him the subject properties on Exhibit #A-4. Mr. Torre confirmed that the applicant is taking a portion of Lot 4 from the DOT. He asked if a subdivision is required and Mr. Cahill answered that he did not believe so. Mr. Fiorenzo added that they would stipulate that a subdivision is not legally required. Mr. Torre questioned the town lines and Mr. Cahill replied that the plans were based on the survey tax maps. Mr. Torre asked if there is a hardship because of the DOT taking a portion of the property to create the Essex Street interchange. Mr. Cahill said that he provided the reasons for the variances but did not mention hardship. Mr. Torre asked if the property owner was compensated by the DOT and Mr. Cahill did not know the answer.

Discussion ensued where multiple speakers were speaking over each other.

A short recess was taken at 9:00pm. The meeting resumed at 9:07pm with all members present except John McManus.

Mr. Torre continued his questioning of Mr. Cahill. Mr. Torre asked if Mr. Cahill saw the proposed lease to the property and Mr. Cahill answered that he did not. Mr. Torre inquired who will maintain the stormwater inlet and Mr. Cahill replied that the property owner would be

required to maintain the stormwater inlet. Mr. Torre clarified that the stormwater design was reviewed by Board Engineer Gillen but not approved. Mr. Torre noted that the applicant is seeking a use variance. He asked if the zone plan was considered in the proposed design. Mr. Cahill explained that he reviewed the zoning ordinance in regards to the design of this site. When asked, he repeated his earlier testimony that the subject property is not a traditional Route 17 retail location with easy access in and out of Route 17. Since this site can be only accessed from a side street, he believes that a self-storage facility is a good use from an engineering standpoint. Mr. Torre asked Mr. Cahill to list the permitted uses for this property. Mr. Cahill didn't have a copy of the ordinance with him but remembered that the property was in the High-Density Office (HDO) zone with a Sexual Orientated Business (SOB) overlay district. Permitted uses are professional or medical offices, tattoos parlors, piercing shops and strip clubs. Mr. Cahill doesn't believe that an office building would be successful in this location from an engineering standpoint. Mr. Torre asked if this use is a substantial detriment to the public and Mr. Cahill does not consider it a detriment since it is not adjacent to any residential uses in Maywood. Mr. Torre suggested that if the building were smaller, the variances may not be needed. Mr. Cahill does not believe that this is correct since the building would be crossing municipal lines resulting in a 0-foot setback. He added that it wouldn't be a practical business if the building was shrunk to have no variances. Mr. Torre asked if there are any easements on the property in Maywood. Mr. Cahill answered that there is an easement that needs to be vacated along the west side of the boundary for Maywood and Rochelle Park and an existing sanitary sewer easement that has been vacated. There are also a couple of stormwater easements that are to remain. Mr. Torre questioned the vacated easement that is in Maywood on the east side of the boundary of Rochelle Park and Maywood. He confirmed that the site plans are dated 7/9/18.

Chairman Lichtenberger invited the public to ask questions of Mr. Cahill but no one came forward.

Mr. Fiorenzo called his next witness, Frank Relf who is the applicant's architect. Mr. Relf was sworn in, qualified and accepted. Chairman Lichtenberger informed the applicant that testimony should end by 10pm and Mr. Fiorenzo agreed to that deadline. Mr. Relf has been designing self-storage facilities for over 25 years. He estimated that he has designed several hundred facilities primarily along the east coast from Florida to Boston. He marked Exhibit #A-5, Rendering of the Proposed Facility. Mr. Relf then described the proposed building. The proposed building is a 6-stories with an overall height is 66.5'. It is a 154,340-square foot total area with a footprint of approximately 25,900 square feet per floor. The building would be type 1-B construction classification meaning it is a 2-hour fire rated structure with a 1-hour fire rated roof. The building would be fully sprinklered with a full fire alarm and smoke protection system. The proposed building is designed to meet all of the New Jersey building codes and is also compliant with the New Jersey energy code. Lastly, he explained that the proposed facility complies with the mechanical code, fuel gas code and ADA requirements for the site and the building itself. Chairman Lichtenberger asked where the Siamese connection was located and Mr. Relf answered that it would be towards the front of the building. Chairman Lichtenberger confirmed that there is a fire hydrant at the end of Midland Street.

Mr. Relf detailed the first-floor plan A-101 which was submitted with the application. The ground floor has a main loading area that allows vehicles to cars load and unload within the building itself. Along the same side are called drive up units which face the parking area. He

pointed out the main office where people would go to rent the unit, review the lease, and then be given their access code for the security gate. Within the building, the corridors are 5' wide to allow people to circulate through the building to get access to their units. There is a main stairwell along the easterly edge of the building and another stairwell in the northwest corner of the building. Off the loading area, there are two elevators to give patrons access to the floors within the building. Bathrooms are located near the main office. Utility rooms are proposed to as close as possible to the Midland Street in order to pull the services from that street. The layout of each floor varies. Typically, the larger units are on the ground floor and the units get smaller as you go up into the building. He continued to describe the layout. Typically, within the self-storage industry the smallest unit is 5' x 5'. Self-storage buildings would have an assortment of sizes which generally increase in size by 2.5' increments. For example, sizes could be 5' x 5', 5' x 7.5', 5' x 10' or then it can go any other way, 7.5' x 10', 10' x 10'. The majority of units that are most popular in the industry is 10' x 10', but they can be as large as 10' x 30'. He believes that the proposed layout and configuration of this storage facility is consistent with the standards that exist in the industry. The proposed building is designed to have 1,108 units of various sizes. He noted that there are some fairly large units that are towards the middle area of the building near the elevators for commercial users to allow them to load and unload their vehicle as easily as possible.

Mr. Relf then detailed the next drawing, second floor plan, drawing A-102 which showed more smaller sized units than the first floor. The next drawing is the third through fifth floor plans, drawing A-103 which also showed smaller sized units than the second floor. The next drawing is the sixth-floor plan, drawing A-104 which also showed smaller sized units than the previous floors. Lastly, the roof plan, drawing A-105 shows a flat roof with squares in the middle that create pitch on the roof. The roof has internal drains for stormwater collection that would be piped down through the building as opposed to gutters and leaders. There is an elevated penthouse because the elevators project slightly through the roof. The northwest corner would be the location of the stairs. The mechanical equipment is called test split system HVAC where there are air handling units within the building and condensers on the roof. The condensing units are no more than about 4' fee high and they are arranged as a series in small pods on the roof. A building this size would have four to six air handlers per floor. The roof equipment would not be visible from the ground since there is a parapet that wraps the perimeter of the roof. The building is predominantly climate-controlled; however, the exterior drive-up units are not. Self-storage facilities are required by code to have a fully automatic sprinkler system throughout and the proposed building would be fully code compliant.

Mr. Relf marked Exhibit #A-6, Colorized A-200 Proposed Elevations. He explained that the building is 6 stories. He attempted to reduce the visual appearance by having the top floor look like a mansard around the perimeter of the building. He pointed out the windows, main office, exterior drive up units and the main loading area that has glass doors. The building will have the highest energy efficient rating. The building would be very secure meaning that there is a security gate with a code needed for access, CCTV cameras inside and outside the facility, the manager's office would have a bank of TV screens monitoring the facility and a PA system within the building. The units will have electronic locks which track when patrons access their units and allows management to deny access when payment is in arrears.

Mr. Relf explained that the operator is Extra Space Storage. They have design standards related to their signage. He marked Exhibit #A-7, Colorized A-201 Proposed Elevations. The exhibit shows the north elevation that would be viewed from Route 17. The building color is taupe which is an earth tone. There will be a brick look to the bottom of the building using an exterior insulation finish system (EIFS). The rest of the building has insulated metal panels and then the highest portion of the building will have the metal mansard roof components. He explained that the designs were presented informally to some Rochelle Park residents. The residents requested more windows to give a less “boxy” feel. Chairman Lichtenberger confirmed that the applicant is seeking a height variance in Rochelle Park which is not required in Maywood. He further inquired that that the number of stories could be lowered but Mr. Relf answered that it might not make economic sense for the applicant to pursue that option. Board Attorney Kaczynski asked if Mr. Relf has done work for this particular client before and he replied that he has. Mr. Relf has additional testimony which will need to be carried to the next hearing. The application was carried to the 1/24/19 meeting without obligation to re-notice the public. Mr. Fiorenzo extended the deadline for the Board to act to 1/24/19.

Closed Session None

Informal Hearing None

Old Business None

New Business None

- 2019 Maywood Planning Board Meeting Schedule
 - Harry Hillenius made a motion to approve the 2019 Meeting Schedule and Gary Neumann seconded the motion
 - All eligible members present voted in favor of the motion
- Distribution of Calendar #2018-14 Carvana, 167 Route 17 North, Block 124, Lot 2 Variance & Site Plan Applications

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Chairman Lichtenberger seconded the motion. The meeting was adjourned at 10:04pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary