

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**October 3, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, October 3, 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, Gary Neumann, Paul Kuhn, Harry Hillenius, Rick DeHeer, Peter Cicarelli, Secretary Anthony Klymenko and Daniel Nemecek. Board Attorney Kara Kaczynski and Board Planner Michael Kauker were also present.

**Approval of Minutes**

Paul Kuhn made a motion to accept the minutes from the September 5, 2019 meeting. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

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

**Correspondence**

- 9/4/19 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: PSE&G Substation Expansion
- 9/16/19 Maywood Realty Associates Answer to Verified Complaint and Separate Defenses Re: Outfront Media v. Borough of Maywood Planning Board
- 9/19/19 letter from Board Attorney Kara Kaczynski Re: Outfront Media v. Borough of Maywood Planning Board CMC Request to Attend by Phone
- 9/23/19 letter from Louis L. D’Arminio Re: Outfront Media v. Borough of Maywood Planning Board Request to Adjourn CMC
- 10/1/19 memo from Police Chief Joseph A. Natale Re: Adler Aphasia Center
- 10/1/19 letter from Board Recording Secretary Tara Grunstra Re: Kathleen McVey Variance Hearing Date 10/24/19

**Resolution****PSE&G Substation Expansion**

186 West Central Avenue

Block 124, Lots 80-91

**Calendar #2019-06****Variance & Site Plan Applications**

Paul Kuhn 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.

**Hearing**

None

**Old Business**

None

**New Business**

- Distribution of Calendar #2019-17 Kathleen McVey, 172 East Magnolia Avenue, Block 117, Lot 31, Variance Application
- Work Session for Master Plan Reexamination Report with Board Planner Michael Kauker
  - Board Planner Kauker reminded the Board that the document was started in 2016 and held in abeyance until the Housing Element and Fair Share Plan was approved
  - He explained that there are 4 major elements to the Master Plan Reexamination Report
    - Updated statistics based on the Census
    - Identify recommended planning and zoning changes from the prior Master Plan Reexamination Report and update the status of each
    - Planning and zoning changes recommended in the Housing Element and Fair Share Plan (pages 26 & 27)
    - Current status of planning and zoning for the 65-acre parcel of land adjacent to Route 17 zones as Limited Light Industrial (LL)
      - 2/3 of the land has been undergoing remediation by the Army Corps of Engineers
      - 30 acres owned by Kin Properties has been considered for an overlay zone entitled Planned Commercial District
      - The overlay zone does not include the northerly FUSRAP remediation area
        - Paul Kuhn asked if the remediated area could be used for residential use and Board Planner Kauker replied that the area could not include residential development
        - Rick DeHeer reminded the Board that when the Army Corp presented to the Board previously, they stated that once the area was remediated, a significant parcel would be offered to federal government agencies, then state agencies and county agencies prior to the Borough
          - Board Planner Kauker agreed and added that the Borough determines the zoning of the area

- Board Planner Kauker requested that the Board review the document
  - The next steps would be to advertise for a public hearing possibly at the next meeting on October 24, 2019
  - Chairman Lichtenberger remarked that the Master Plan Reexamination Report summarizes the 7 zoning recommendations in the Housing Element and Fair Share Plan
    - Board Attorney Kaczynski asked when the ordinances would be drafted based on the recommendations
    - Board Planner Kauker answered that a draft document has been prepared
- Vice Chairperson Panny questioned the proposed expansion of the West Pleasant Avenue Business District to permit 2-story structures with apartments and/or offices on the second floor and how that would affect parking
  - Board Planner Kauker replied that there is a potential for additional parking on the south side of the district between West Pleasant Avenue and West Passaic Street
  - He added that COAH wanted the expansion to go as high as 4 stories but the Borough would not agree to that option
  - Board Attorney Kaczynski added that this change was part of the Housing Element and Fair Share Plan that has been approved
  - Chairman Lichtenberger noted that the developer would be required to provide the required parking and several municipal lots have alleviated some of the parking demand
- Chairman Lichtenberger is pleased that the report is nearly complete
- Board Attorney Kaczynski detailed the next steps:
  - The Governing Body will amend ordinances on a first reading
  - The Planning Board will review for Master Plan consistency
  - The Governing Body will adopt and implement the ordinances
- She will coordinate with Board Planner Kauker to schedule the public hearing
- Paul Kuhn asked when the Master Plan will need to be reexamined again and Board Planner Kauker answered at least once every 10 years
- Rick DeHeer asked about the proposed emergency access road in the Planned Commercial Development Overlay District depicted on the map in the report's last page
  - Board Planner Kauker believes that there will be an access point from Maywood Avenue
  - Mr. DeHeer remembers when the Sears Distribution Center was active and the roadway between Route 17 and Maywood Avenue was open to the public, cars would cut through often to avoid Route 17 traffic
    - He would prefer if there was no access to Maywood Avenue
  - Chairman Lichtenberger believes that a traffic light was to be installed at Maywood Avenue and Beech Street as an access point to the Planned Commercial Development Overlay District
  - Paul Kuhn mentioned that the NJ DOT may require the access point at that location



### **Open Meeting to the Public**

Ryan Ullman resides at 141 Ackerman Street. He thanked the Board members for volunteering their time to the Borough. He wished to comment on the Board approval of the Maybrook Gardens parking lot project. Mr. Ullman grew up in the Garden Apartment district and utilized the green spaces for recreation. He was disappointed that the Board approved converting green spaces to parking spaces and commended Councilman Bolan and Rick DeHeer for voting against the development. Chairman Lichtenberger agreed that green spaces should be preserved but a landlord must provide parking for their tenants. He firmly believes that overnight on-street parking should not be permitted. He added that the overlay of the Garden Apartment (GA) zone would allow for multi-story buildings surrounded by green space. Mr. Ullman thanked the Board for their time.

### **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.

## **BOROUGH OF MAYWOOD PLANNING BOARD** **Closed Session Resolution # 2019-18**

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 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

(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: 10/3/19 Time: 8:04pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary