

**MAYWOOD PLANNING BOARD  
MINUTES  
November 3, 2016**

A regular meeting of the Maywood Planning Board was held on Thursday, November 3, 2016 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, 2015. 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.”

**Flag Salute**

**Call to Order**

The meeting was called to order at 7:27pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, John Montel, Harry Hillenius (arrived at 7:28pm), John McManus, Ken Terzo, Anthony Klymenko and Gary Neumann. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Gregory J. Sullivan from Remington Vernick & Arango Engineers representing Board Engineer Tom Lemanowicz.

**Approval of Minutes**                      None (10/27/16 Minutes will be on the 12/1/16 Agenda)

**Bills**

Councilman Rick DeHeer made a motion to accept payment of the bills. Vice Chairman Paul Kuhn seconded the motion. All members present voted in favor of the motion.

**Correspondence**

- 11/2/16 letter from Tom Lemanowicz Re: My Home Adult Day Care Completeness Review

**Resolution**                                      None

**Hearing #1**                                      **Bella’s Beauty Salon & Spa**  
75C West Pleasant Avenue  
Block 71, Lot 15  
**Calendar #2016-16**  
**Sign Application w/o Variance**

The applicant, Beatriz Nieto, and her signmaker, Hector Camacho, Jr. of Best Graphics NY Corp., were sworn in. They are proposing a wall sign:

- 16’ wide x 1’-5” = 23 square feet conforms to wall sign code as it is 10% of the façade
  - Box is 7” deep and lettering projects 3” for 10” total
- 3 colors conform to code



- Consult with the nurses
- Exercise
- Go to doctor appointments off-site
- Meet with physical therapist or occupational therapist
- Take a trip once or twice per week
- Medical doctor visits them weekly
- After lunch, they are transported home
- Meals are catered from an outside vendor
- There are no outdoor activities, all patients stay inside the building
  - There are no outdoor loudspeakers
- Hours of operation are 7am-7pm however the buses may return as late as 9pm

Ms. Frisoli explained that the state license limits the facility to 140 patients per shift. On average, they see 90-120 patients per shift but do have approximately 150 clients in total. Since the business is not expanding, the hours of operation, number of vehicles and number of employees will not change. She described the current location as one large open space. With the change in location, the owner can partition off rooms so that patients can do separate activities and have private space for medical consultation. Additionally, Ms. Frisoli stated that the business requires greater office space which is not available at the current location. The therapists and doctor service only My Home Adult Day Care patients, no outside patients are seen at the facility. She is unaware of any violations or complaints against the business. She believes that moving locations will provide a better service to their patients without increasing the number of licensed patients. Board Attorney Kaczynski asked for clarification on why patients do not drive to the facility. Ms. Frisoli explained that the facility prohibits patients to drive themselves. When asked about the shifts, she answered that there are 2 shifts each day:

- Morning shift and evening shift
- Each shift is 5 hours each
- The patients cannot stay more than 12 hours

Gregory Sullivan asked Ms. Frisoli how many vehicles were owned by the facility. She answered 9 minibuses and 10 minivans but not all operate at the same time. He confirmed that transport total number included spare vehicles if the Board made the number of vehicles as a condition of approval. Mr. Ciambrone asked if parking is an issue at the current location and Ms. Frisoli replied that the parking is sufficient for the business' needs. Greg Sullivan noted that the new location will have significantly more space. If the applicant would like to utilize the additional space for a use other than what is approved, they are required to come before the Board. Gary Neumann asked how many employee cars are parked at the facility and Ms. Frisoli answered that 15 cars are parked at the facility on a daily basis. No employee vehicles are left overnight. Secretary Panny questioned if different employees would work the morning vs. afternoon shift. Ms. Frisoli confirmed that there is an employee shift change but there would never be more than 15 cars per shift. Vice Chairman Kuhn observed the Brook Avenue location is a dead-end. Ken Terzo noted that the new location is the former Ikegami Electronics location. John McManus clarified with Ms. Frisoli that they have 157 patients registered but no more than 140 patients could be at the facility at one time.

The second witness was the applicant's engineer Steven Koestner of Koestner Associates in Hackensack, NJ and he was sworn in. Mr. Koestner has appeared before this Board previously and was accepted as an expert. He proceeded to discuss the Site Plan dated 8/11/16 with the last revision date of 10/20/16:

- Existing industrial 2 story building
- No expansion to the building proposed
- Existing paved parking area surrounding the building on 3 sides
  - 34 parking spaces on the southeast border
  - 16 parking spaces on the northern border
  - 50 total parking spaces
- Maple Avenue borders the north side of the property
  - "Paper Street" which is unimproved and wooded
- Public park borders the east side of the property
- Maywood Municipal Pool borders the south side of the property
- The site is fully developed
- The closest residential property is located approximately 200 feet north on Prospect Avenue which has the backyard on Maple Avenue
- Existing use is an image film processing, limited light industrial
  - Loading dock is used for trucking
- Existing business of Hergesell Avenue would be relocated to Brook Avenue
  - Business can operate well in new location
  - Foresees designing a truck turn location so that patients can be dropped off/picked up safely
  - He does not see any negative impact on the surrounding neighborhood
  - Parking on northern border has a fence and 50' wooded buffer on Maple Avenue

The final witness was the applicant's planner Lisa Phillips and she was sworn in, qualified and accepted. She distributed a 2-page photo exhibit which was marked as Exhibit A2. Page 1 consisted of 4 photos of the building from various angles and the parking areas. Page 2 consisted of 4 photos of the surrounding properties and the existing business on Hergesell Avenue. After visiting the site, Ms. Phillips did an analysis of the zoning ordinance, Borough Master Plan and the 2008 approval that was granted for the Hergesell Avenue location. She believes the Sica case applies for this application as the proposed change of use is inherently beneficial. While adult day care use is not officially declared in the Municipal Land Use Law, child care centers, hospitals and nursing homes are considered inherently beneficial. She believes the application is particularly suited since it is an existing business that has no detriment to the zoning or Master Plan. In summary, Ms. Phillips believes that this application satisfies the positive criteria and negative criteria proofs for D variance approval.

Ken Terzo asked what the plan was for the loading dock area shown in one of Ms. Phillips photographs. Mr. Ciambrone answered that the intent is to level out the parking lot in front of the loading dock and replace the loading dock with the main entrance. He pointed out that this will be depicted in the site plan when it comes before the Board for approval. Mr. Terzo noted that the current location on Hergesell Avenue is 17,309 square feet while the new location on

Brook Avenue is 32,139 square feet. Ms. Phillips answered that Melissa Frisoli testified that activity rooms, a storage room and office space will be created. Greg Sullivan reminded the Board that the applicant should be required to come before the Board before expanding the program as a condition of approval. Mr. Ciambrone replied that the applicant would agree to that condition. Mr. Sullivan agreed with Ms. Phillips assessment of the application's positive and negative proofs.

Chairman Lichtenberger opened the hearing for public input on the application but no one in attendance came forward.

Fire Official Thomas Tuttle was sworn in. He explained that there were several items that he would like incorporated into the Site Plan:

- Remove the window bars in the first-floor office area
- Fire sprinkler and standpipe upgrade
- Additional egresses must be added

He asked if the patients can self-evacuate and Melissa Frisoli answered that only 3-4 patients would need help evacuating and the staffing is sufficient to do so. She added that the facility conducts quarterly fire drills. Mr. Ciambrone noted that the site plan will need New Jersey Department of Consumer Affairs and New Jersey Department of Health approvals as well. Mr. Ciambrone noted that the applicant will abide by any of the Fire Official Tuttle's recommendations. John McManus asked if there was an existing Knox Box and Fire Official Tuttle replied that there is.

Chairman Lichtenberger summarized that the application is a relocation of an existing business. He looks forward to the Board site plan review. Vice Chairman Paul Kuhn agreed that the application appears to be a good fit for the location. Board Attorney Kaczynski noted several conditions for the application approval:

- The applicant is required to come before the Board should they seek to expand the existing business license or add any additional uses
- The applicant will return to the Board for site plan and parking variance approval

Harry Hillenius made a motion to approve the D1 use variance with the noted conditions. John McManus seconded the motion. All eligible members present voted in favor of the motion.

Councilman DeHeer rejoined the Board at the conclusion of the hearing.

**Informal Hearing**                      None

### **New Business**

- Rules on Citizen Input During Planning Board Meetings

Board Attorney Kaczynski explained the Borough is pursuing Sustainable Jersey certification. One of the requirements for the Improve Public Engagement in Planning and Zoning action item is to adopt Rules on Citizen Input During Planning Board Meetings. Board Recording Secretary Tara Grunstra used examples from other municipalities and the existing Planning Board description on the Borough of Maywood website to create the document. If the Board would like to set a time limit for public input, Board Attorney Kaczynski explained that it must be done

by ordinance. Chairman Lichtenberger felt that the time limit was not necessary and the information in the rules was helpful. Ken Terzo made a motion to adopt the Rules on Citizen Input During Planning Board Meetings. Harry Hillenius seconded the motion. All members present voted in favor of the motion. Board Attorney Kaczynski said that she will investigate if the rules need to be adopted every year.

- 2017 Public Meeting Dates

Chairman Lichtenberger noted that the schedule is the same as previous years with meetings scheduled on the first and fourth Thursday of the month. Board Recording Secretary Grunstra pointed out that there is no meeting on the first Thursday in January in order to give the Mayor and Council time to reorganize. Ken Terzo asked if these meeting dates will be published in the newspaper and Board Recording Secretary Grunstra confirmed that the 2017 dates will be published in the *Our Town* and *The Record* newspapers. Vice Chairman Kuhn made a motion to approve the 2017 Public Meeting Dates. Ken Terzo seconded the motion. All members present voted in favor of the motion.

### **Old Business**

- Michael Kauker Draft Master Plan Housing Element and Fair Share Plan

Board Attorney Kaczynski reminded the Board that Michael Kauker was proposing 8 units per acre for vacant land development but the Special Master Mary Beth Lonergan may push for 10 units per acre. Charles Goebel requested that Board Attorney Kaczynski look into lowering our proposal to 6 units per acre. She contacted Patrick McNamara and he recommended starting at 8 units per acre since it seemed a more palpable number. He said the Board could start at 6 units per acre if they felt strongly and to contact him if they would like to discuss this further. Chairman Lichtenberger felt that 8 units per acre would be satisfactory.

- Maywood Realty Associates Signage

Chairman Lichtenberger noted that the signage was installed and asked Board Attorney Kaczynski if the issue had been settled. She replied that she hasn't heard anything new.

- Machlin Escrow Shortage

Ken Terzo asked Board Attorney Kaczynski for an update on the Machlin escrow shortage. She replied that a letter has been drafted informing that payment of escrow is a condition of approval and the Board reserves the right to revoke the approval if the escrow is not paid.

- Upcoming Hearings

Board Recording Secretary Grunstra reported that Park Avenue Auto Group would like to have an Informal Hearing at the 12/1/16 meeting. The application for Empire Real Estate Holdings has not been deemed complete by Board Engineer Tom Lemanowicz. The tenant business is operating while the application is under review.

**Open Meeting to the Public** None

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Councilman DeHeer seconded the motion. The meeting was adjourned at 8:37pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary