

**MAYWOOD PLANNING BOARD
MINUTES
December 5, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, December 5, 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, Paul Kuhn, Harry Hillenius, Peter Cicarelli, Daniel Nemecek and John Gargagliano. Board Attorney Kara Kaczynski was also present.

Approval of Minutes

John Gargagliano made a motion to accept the minutes from the October 24, 2019 meeting. Vice Chairperson Charlotte Panny 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

- 10/16/19 letter from David Sumba of NJDEP Re: Empire Real Estate Holdings, Inc.
- 10/25/19 letter from Board Engineer Tom Lemanowicz Re: Adler Aphasia Center Completeness Review
- 11/6/19 letter from Board Recording Secretary Tara Grunstra Re: Mind and Body Fitness Sign Hearing Date 12/5/19
- 11/6/19 letter from Construction Official James Mazzer Re: Stepan Chemical Denial Letter
- 11/20/19 letter from Board Recording Secretary Tara Grunstra Re: Elena’s Skin Care Specialist Sign Hearing Date 12/5/19
- 11/22/19 letter from Eric V. Timsak of Bergen County Department of Planning and Engineering Re: Granting PSE&G Conditional Approval
- 12/2/19 letter from Board Engineer Richard Wostbrock Re: Outfront Media Completeness Review

- 12/3/19 letter from Susan R. Rubright Re: Outfront Media, LLC v. Planning Board of the Borough of Maywood
- 12/4/19 letter from Construction Official James Mazzer Re: 946 Spring Valley Road Denial Letter

Resolution

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

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.

Hearing #1

Mind and Body Fitness
 136 West Pleasant Avenue
 Block 83, Lot 5
Calendar #2019-20
Sign Application

Joseph Jimenez is the applicant for Mind and Body Fitness and he was sworn in. He is proposing to add an adhesive decal on an existing awning:

- The decal measures 3’ high x 10’ wide (30 square feet) where 37.5 square feet is permitted (façade is 15’ high x 25’ wide or 375 square feet)
- The decal is 3 colors; white, red and blue which conforms to the Borough code
 - Awning is black
- The awning will not be illuminated

Chairman Lichtenberger confirmed with Mr. Jimenez that the neighboring properties also have awnings. Vice Chairperson Charlotte Panny asked if the awning material “Cool Glo” actually glowed and Mr. Jimenez answered that it did not. No members of the public came forward to comment on the application.

Councilman Richard Bolan made a motion to approve the application as proposed. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion. Board Attorney Kaczynski explained that a resolution outlining the approval will be adopted at the next meeting on 1/23/20. Governing body approval would also be required since the awning extends into the Borough right-of-way.

Hearing #2

Elena’s Skin Care Specialist
 234 Maywood Avenue
 Block 126, Lot 64
Calendar #2019-21
Sign Application

Marlene Aguilar of Epic Signs is the applicant for Elena’s Skin Care Specialist and she was sworn in. She is proposing:

- Recovering the existing awning with new fabric which will have 6.25 square feet of lettering
- Replacing the two acrylic panels on the ground sign which are 7 square feet each or 14 square feet total
- Adding a window decal measuring 20 square feet
- In total, she is proposing 40.25 square feet of signage where 55 square feet is permitted (façade is 11’ high x 50’ wide or 550 square feet)
- The proposed signage is 3 colors; white, yellow and a black background which conforms to the Borough code
- The signage will not be illuminated

Chairman Lichtenberger confirmed that the banner that he saw on the property recently was temporary. Ms. Aguilar added that they were waiting on Board approval before installing the permanent signage. No members of the public came forward to comment on the application.

Harry Hillenius made a motion to approve the application as proposed. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion. Board Attorney Kaczynski explained that a resolution outlining the approval will be adopted at the next meeting on 1/23/20.

Hearing #3

Outfront Media

99 Essex Street
Block 125, Lot 1

Calendar #2017-14

Variance & Site Plan Applications

This hearing has been carried to the 1/23/20 meeting with no need for additional notice.

Old Business None

New Business None

Open Meeting to the Public

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 # 2019-22**

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
- 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.
- Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 12/5/19 Time: 7:48pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary