

**MAYWOOD PLANNING BOARD  
MINUTES  
December 5, 2024**

A regular meeting of the Maywood Planning Board was held on Thursday, December 5, 2024 in the Council Chambers of the Maywood Municipal Building, 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 December 7, 2023. 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 same pursuant to said act. This meeting is being recorded with both audio and video and may be rebroadcast. 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 7:33pm with the following members present:

Mayor’s Designee Jacqueline DeMuro  
Councilperson Ryan Ullman  
Chairperson Charlotte Panny  
Vice Chairperson Anthony Klymenko  
Secretary Gary Neumann  
Cynthia Petersen  
Harry Hillenius  
Douglas Herrick  
Thomas Lindenau  
Rick DeHeer  
Farhana Choudhury  
Board Attorney John Ferraro  
Board Engineer Gregory Polyniak  
Board Planner Michael Kauker

**Approval of Minutes**

Douglas Herrick made a motion to accept the minutes from the November 7, 2024 meeting.  
Rick DeHeer 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.  
Vice Chairperson Anthony Klymenko seconded the motion.  
All eligible members present voted in favor of the motion.

**Correspondence**

1. 11/11/24 letter from Board Engineer Gregory Polyniak Re: The Grass Cab 949 Spring Valley Road Completeness, Planning & Engineering Review
2. 11/13/24 Adopted Borough Ordinance #12-24 Amending Chapter 169 Land Use Fees



Mr. McCarthy invited the Board to ask questions about his testimony so far:

- Mayor's Designee Jacqueline DeMuro asked if the proposed HVAC system has been utilized in similar facilities
  - Mr. McCarthy answered that system has been used by other cultivators including a previous employer with a much larger facility
    - He added that the HVAC company has specialized in this use for the past 10 years
- He noted that he needs not only Planning Board and Governing Body approval but also State approval and is subject to State inspections
  - He emphasized that the odor mitigation is a big priority
- Mayor's Designee DeMuro inquired how many people will be employed and Mr. McCarthy replied that his parents are his only employees
- Mayor's Designee DeMuro then asked if fire sprinklers would be required and Board Engineer Greg Polyniak deferred to the Fire Prevention Bureau
  - Mr. McCarthy said that he has consulted with Fire Official Thomas Tuttle and will satisfy the requirements
    - He noted that there is a fire hydrant in front of the building
- Mayor's Designee DeMuro confirmed that there will be no signage on the property
- Mayor's Designee DeMuro then questioned how the product is distributed
  - Mr. McCarthy said that the product harvest cycle is every 4 weeks and either he will drive a van to the dispensaries or the dispensaries would send a van to collect the product
- Mayor's Designee DeMuro confirmed that he had a security plan
  - Mr. McCarthy noted the existing fence and stated that intends to install security cameras with feed access to the Maywood Police Department as required by the State
- Mayor's Designee DeMuro asked if the plants will be grown hydroponically
  - Mr. McCarthy answered that the plants will be grown in a sponge-like material called rockwool instead of soil
- Vice Chairperson Anthony Klymenko inquired how waste will be handled
  - Mr. McCarthy replied that any unusable cannabis waste will be collected by a green waste company and not disposed of as garbage
- Secretary Gary Neumann asked about the hours of operation
  - Mr. McCarthy answered the hours of operation are 9am-5pm
- Chairperson Charlotte Panny confirmed that the exterior of the building will be nondescript
- Chairperson Panny then asked if there is an underground oil storage tank on the property
  - Mr. McCarthy replied that there is an aboveground oil storage tank that will be removed
    - He added that the building heat will be electric as there is sufficient capacity
- Chairperson Panny questioned if the growing lights are on 24 hours per day
  - Mr. McCarthy stated that two rooms will have alternating lights on for 12 hours and lights off for 12 hours and one room will have lights on for 16 hours and lights off for 8 hours
    - He added that the building will not have windows
- Chairperson Panny inquired about water usage
  - Mr. McCarthy said that he anticipates using 2-3 times what a 4-person household would use daily

- Chairperson Panny asked if there was adequate water supply and Board Engineer Polyniak was intending to ask the same question and he had a question about sewage line capacity
  - Mr. McCarthy answered that there is minimal runoff to the waste water system and noted that the industry standard is 5%
  - He said that the cannabis consulting company reviewed his plan and estimated that the waste water would be approximately 5 gallons per day
  - He said that the sewer line was scoped with a camera and was found to be in good condition
- Board Engineer Polyniak confirmed that the plans and supporting documents have been submitted to Bergen County as West Passaic Street is a county roadway
  - Mr. McCarthy said he is still awaiting their response
- Rick DeHeer asked about electrical capacity needed for the proposed lighting, air filtration and HVAC system
  - Mr. McCarthy said that the electrical demand will be approximately 300 AMPs and the building is wired for 600 AMPs
- Mr. DeHeer has spoken to code officials in other municipalities that have cannabis cultivators and each one said that odors emanate from the facilities
  - Mr. McCarthy said that some cultivators may not be investing in the appropriately sized air filtration systems
    - Mr. DeHeer asked that the Applicant addressing any odor complaints be a condition of approval
- Mr. DeHeer stated that the growing light cycle may need to be interrupted should emergency responders need to turn on the overhead lights if they enter the building
  - Mr. McCarthy was agreeable to this potential situation
- Douglas Herrick confirmed that Mr. McCarthy was planning to install a back-up generator
  - Mr. McCarthy intends to locate the generator on the right side of the building
    - Board Engineer Polyniak reminded Mr. McCarthy of the noise requirements and advised him of the setback requirements of the Borough code
      - Mr. McCarthy agreed to follow the Borough code
- Cynthia Petersen confirmed that fans will be used to circulate the air
  - Mr. McCarthy emphasized that the air filtration system is a closed system with no air discharging outside
- Mayor's Designee DeMuro confirmed that the proposed systems will be OSHA compliant
- Douglas Herrick confirmed that the building would not be open to the public and there is no signage proposed
- Mr. Herrick then confirmed that should Mr. McCarthy receive Planning Board site plan approval, he will still need to get Governing Body and State approvals and inspections
- Board Engineer Polyniak asked about the proposed exterior lighting and if it would satisfy the one-foot candle code standard for parking lots
  - Mr. McCarthy said that he will satisfy the one-foot candle recommendation and ensure that lighting does not spill onto adjoining properties
    - He detailed the proposed lighting fixtures and noted that the existing fence will help with control spillage onto adjoining properties

- Mayor’s Designee DeMuro confirmed that the proposed lighting fixtures can be shielded so there is no spill onto the adjoining properties
- Board Engineer Polyniak asked if Mr. McCarthy would review his operations with the Maywood Police Department to determine if a guard would be needed during product distribution
  - Mr. McCarty agreed to this request
- Board Engineer Polyniak confirmed that the proposed HVAC equipment on the roof and the proposed generator will comply with the noise ordinances
  - Mr. McCarthy added that he is not sure if he will install a generator but if he does, it will comply with the noise ordinances
- Board Engineer Polyniak questioned if the gas lateral would need to be replaced should Mr. McCarty install a generator
  - Mr. McCarthy replied that the gas lateral would need to be replaced
    - Board Engineer Polyniak confirmed that the parking lot would be replaced to its current condition should the gas lateral be replaced
- Mr. McCarthy noted that the curbing is not in good condition and will be replaced
- Board Engineer Polyniak confirmed that tractor trailers or large trucks will not access the site for delivery or distribution
- Chairperson Panny confirmed that garbage trucks will not access the site
- Chairperson Panny confirmed that the Board has received a lighting plan
  - Mr. McCarty advised that the lighting plan will be amended to reflect the one-foot candle parking lot requirement
  - Board Engineer Polyniak confirmed that Mr. McCarthy would adjust the lighting should there be any spillage

Board Attorney John Ferraro invited the public to ask questions of the Applicant or comment on the application but no one came forward.

- Mayor’s Designee DeMuro confirmed with Board Engineer Polyniak that Mr. McCarty would not need to return to the Board if the generator satisfied the Borough zone and Building Department requirements
- Rick DeHeer noted that the property is zoned Limited Light Industrial (LL) and asked Board Engineer Polyniak if the proposed use is permitted in the LL zone per the State occupancy code as F-1
  - Board Engineer Polyniak was not sure and deferred to the Building Department
- Chairperson Panny noted that the approval process is lengthy and Mr. McCarthy concurred
- Secretary Neumann asked when Mr. McCarthy would expect to open the business
  - Mr. McCarthy answered that he could possibly open by end of Summer 2025 but he expects that delays will occur
    - He added that the State will inspect prior to opening and that he will have a license with the Borough and the State

Councilperson Ryan Ullman made a motion to approve the site plan application.

Douglas Herrick seconded the motion.

All eligible members voted in favor of the motion.

Mr. McCarthy thanked the Board and asked when he can seek the Mayor and Council Resolution of Support. Douglas Herrick said that the Board resolution would be adopted at the next meeting on

1/23/25. Board Attorney Ferraro suggested calling him tomorrow to discuss if Mr. McCarthy can proceed to the Governing Body without the Board resolution.

**Informal Hearing**                      None

**Old Business**

- Borough Ordinances #8-24 and #9-24
  - Board Planner Micael Kauker said that he revised his memorandum on 11/19/24
  - Board Attorney Ferraro suggested tabling the discussion until Mayor Richard Bolan can review and provide feedback
    - Board Planner Kauker offered to follow-up with Mayor Bolan

**New Business**

- Distribution of additional application materials for #2024-06 Megaleaf 231 West Passaic Street Site Plan Application

**Open Meeting to the Public**

**Closed Session**

Cynthia Petersen made a motion to go into Closed Session. Vice Chairperson Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD  
Closed Session Resolution # 2024-09**

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): 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

(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: 12/5/24 Time: 8:32pm

Board Attorney Ferraro announced that the investigation into the Area in Need of Redevelopment Study public hearing has been adjourned to the 2/27/25 Board meeting without need for additional notice.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary