

MAYWOOD PLANNING BOARD
MINUTES
October 22, 2015

A regular meeting of the Maywood Planning Board was held on Thursday, October 22, 2015 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30 P.M. “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 11, 2014. 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 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, Harry Hillenius, Charles Goebel, John McManus, Ken Terzo and Anthony Klymenko. Also present were Zoning Officer James Mazzer and Board Attorney Kara Kaczynski.

Approval of Minutes: Vice Chairman Paul Kuhn made a motion to accept the minutes from the October 1, 2015 meeting. Secretary 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. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

Correspondence:

- 1) 10/2/15 letter from Sargenti Architects Re: 125 Essex Street revised plans
- 2) 10/4/15 letter from Tom Lemanowicz Re: Lisa Petrigliano 33 West Magnolia Avenue
Resolution Conditions Review
- 3) 10/6/15 email from PSE&G Re: 125 Essex Street Lighting

Resolutions: **Steve Torrini**
739 Grant Avenue
Block 24, Lot 13
Calendar #2015-11
Variance Application

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

Florence Pizzeria
105 Essex Street
Block 131, Lot 9
Calendar #2015-12
Sign Application

Vice Chairman Kuhn made a motion to accept the resolution. Secretary Panny seconded the motion. All eligible members present voted in favor of the motion.

125 Essex Street LLC/Dollar Tree
125 Essex Street
Block 131, Lot 5
Calendar #2015-10
Variance & Sign Applications

Harry Hillenius made a motion to accept the resolution. Secretary Panny seconded the motion. All eligible members present voted in favor of the motion except Charles Goebel whom voted no.

Hearing: **Mady Dental**
930 Spring Valley Road
Block 2, Lot 1
Calendar #2015-13
Sign Application

Dr. John Mady and Heather Nelson were sworn in. They are proposing 3 new signs:

- Illuminated wall sign measuring 5' high x 12' wide mounted on the north side of the building (facing Route 4)
- Vinyl banner measuring 5.5' high x 7.5' wide hung on the brick steps on the south side of the building (facing Spring Valley Avenue)
- Sandwich board measuring 3' high x 2' wide placed on gravel on the east side of the building (facing Spring Valley Road)

They have two existing signs:

- Illuminated freestanding sign on the corner of Spring Valley Road and Spring Valley Avenue (variance resolution calendar #2010-06)
- "Dentist" metal lettering affixed to the east side of the building (facing Spring Valley Road)

Zoning Officer James Mazzer was sworn in. He provided a denial letter to the applicant based on:

- 2 wall signs proposed & 1 existing wall sign – 1 wall sign allowed
- 1 freestanding sign proposed & 1 existing freestanding sign – 1 freestanding sign allowed

Board Attorney Kara Kaczynski explained the Borough Code about signage to Dr. Mady. Zoning Official Mazzer said that the proposed illuminated wall sign facing Route 4 falls within the 10% façade allowance. Dr. Mady explained that the sandwich board/a-frame sign would be put out during business hours and brought in at the end of the day. The vinyl banner would be a temporary sign. Dr. Mady cited the municipal code about Sandwich Board/A-Frame Signs and temporary signs from another Maywood municipality, not Maywood, NJ. Board Attorney Kaczynski explained that if Dr. Mady wanted to pursue all of the proposed signage, a variance would be required. Dr. Mady replied that he would prefer not to get a variance and prioritized his proposal:

1. Illuminated wall sign
 - a. He would be willing to have the “Dentist” metal lettering removed to satisfy the Borough code
2. Vinyl banner
3. Sandwich board
 - a. They would be willing to remove this sign from the application

Board Attorney Kaczynski asked about the number of uses in the building which may qualify it for additional signage options. Dr. Mady explained that there are two other tenants. As such, the 5 separate use subsection would not apply. Treating the banner as a temporary sign would require the applicant to remove it regularly and the Zoning Officer would need to monitor its display. Charles Goebel recommended removing the sandwich board sign from the application since it does not reflect a professional presence. Dr. Mady explained that some of his mentors have used sandwich board signage successfully but would remove it from the application in order to get approval for the other proposed signage.

Vice Chairman Kuhn was concerned that the temporary sign would be displayed for more time than the ordinance allows and would require constant monitoring. He felt the proposed illuminated wall sign for the north side of the building would be fine as long as the “Dentist” lettering from the east side of the building was removed.

Board Attorney Kaczynski noted that the content of the proposed sign does not fit the ordinance definition of temporary. According to ordinance, temporary signs are defined as:

“Any sign on the premises displaying information regarding a special offer of products or services for a limited period of time.”

Later in the ordinance, it details that:

“Temporary signs shall be limited to a sign area of four square feet and may only be used to advertise a sale or event occurring on one to seven particular days. Such signs may not be displayed more than 30 days before the sale or event and must be removed the last day of the sale or event.”

Chairman Lichtenberger noted that the ordinance does allow for 1 wall sign for each street frontage:

§209-40 P (2) In commercial and light industrial districts: (a) Wall signs. [1] one wall sign per established business expressly related to the business conducted on the premises for each street frontage, not exceeding a total of 10% of the building face, including the window area, but not to exceed five feet in height, advertising only the business carried on and or the services and products made or sold on the premises, shall be permitted.

Ken Terzo noted that the ordinance does not require that the wall signs be placed on the street frontage, just that the number of signs are based on the street frontage. As the property is on the corner, there are 2 street frontages so 2 wall signs are allowed. Chairman Lichtenberger suggested that rather than a temporary vinyl sign, Dr. Mady should consider installing a permanent wall sign. Dr. Mady was very happy with the suggestion. Ken Terzo suggested revising the existing freestanding sign to reflect the style of the proposed illuminated wall sign. A variance for the existing freestanding sign was granted in 2010 because the sign is 65.5 square feet in the aggregate where 18 square feet is allowed. Board Attorney Kaczynski asked if the Board was designating the driveway (north side of the building) as street frontage. The Board would not be required to designate the driveway as street frontage since there is no requirement that the signage needs to go on the street frontage, only that the number of street frontages dictates the number of signs.

Board Attorney Kaczynski summarized the application changes:

- Remove “Dentist” metal lettering affixed to east side of the building (facing Spring Valley Road)
 - Ken Terzo requested that when the lettering is removed, have the sign vendor remove the ghosting
- Switch the temporary vinyl banner to a permanent wall sign hung on the brick steps on the south side of the building (facing Spring Valley Avenue)
 - This sign may be illuminated but the lighting proposal must be approved by Zoning Officer Mazzer and follow the ordinance code
 - Harry Hillenius explained that the ordinance allows for a maximum height of 5’
 - Dr. Mady agreed to revised the sign measurements to 5’ high x 7’ wide
- Treat the illuminated wall sign on the north side of the building (facing Route 4) as the second wall sign since there are 2 street frontages
 - As with the other wall sign, Zoning Officer Mazzer must approve the lighting proposal
- Withdraw the sandwich board sign
- No change to the freestanding sign

Chairman Lichtenberger made a motion to accept the resolution. Ken Terzo seconded the motion. All members present voted in favor of the motion.

Informal Hearing: None

Old Business:

- Michael Kauker is working of the Housing Element & Fair Share Plan and would like to present at a special meeting. The date that seemed to work best was Thursday, 11/19/15. Board Attorney Kaczynski noted that a member could call in so that the quorum requirements are met. Secretary will notice for the 11/19/15 meeting.
- Vice Chairman Kuhn asked if the parking restriction at the Maywood Public Library violates the ordinance. Board Attorney Kaczynski believed that it did not.
- No paperwork has been submitted for the Maine Evergreen development.

New Business: None

Open to the Public: None

Adjournment: A motion to adjourn was made by Harry Hillenius. Vice Chairman Kuhn seconded the motion. The meeting was adjourned at 8:39pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary