

**MAYWOOD PLANNING BOARD
MINUTES
February 1, 2018**

A regular meeting of the Maywood Planning Board was held on Thursday, February 1, 2018 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, 2017. 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 7:35pm with the following members present: Secretary Charlotte Panny, Mayor’s Designee Rick DeHeer, Councilman Michael Gervino, Gary Neumann, John Montel, Harry Hillenius, John McManus (arrived at 7:43pm) and Anthony Klymenko. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Brian Gillen were also present.

Approval of Minutes

Harry Hillenius made a motion to accept the minutes from the January 25, 2018 meeting. John Montel 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. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

- 1/19/18 letter from Bergen County Board of Chosen Freeholders Re: Official County Map & Map of Bergen County Road Right-of-Way Widths
- 1/31/18 letter from Susan R. Rubright counsel for Maywood Realty Associates Re: Outfront Media Variance Application
- 2/1/18 letter from Board Recording Secretary Tara Grunstra Re: Christine & David Moran 137 Washington Avenue Hearing Date 3/1/18
- 2/1/18 letter from James E. Jaworski Re: Outfront Media 99 Essex Street Adjourned Hearing Date

Secretary Panny clarified that most of the correspondence was related to future scheduled hearings.

Resolution**Empire Real Estate Holdings, Inc.**

191 West Central Avenue
Block 122, Lots 15 & 16.01

Calendar #2016-15**Use Variance, Bulk Variances and Site Plan Applications**

Harry Hillenius made a motion to memorialize the resolution as written. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Hearing #1**Outfront Media**

99 Essex Street

Block 125, Lot 1

Calendar #2017-14**Variance & Site Plan Applications**

James Jaworski of Wells, Jaworski & Liebman is the attorney for the applicant, Outfront Media. He requested that the application be adjourned without need for additional notice to the 3/22/18 meeting. He feels that a second meeting may also be necessary and Board Recording Secretary Grunstra confirmed that the following meeting on 4/5/18 is available. Mayor's Designee Rick DeHeer made a motion to adjourn the application to the 3/22/18 without need for further notice and Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

John McManus arrived at the meeting.

Hearing #2**Jay Zee Realty Corp.**

78 West Pleasant Avenue

Block 88, Lot 4.01

Calendar #2017-15**Variance & Site Plan Applications**

Since the application involves a use variance, Mayor's Designee Rick DeHeer and Councilman Michael Gervino stepped down from the dais.

James Jaworski of Wells, Jaworski & Liebman is the attorney for the applicant, Jay Zee Realty Corporation which owns Maywood Marketplace. He introduced the owners and managers that were present; George Zoitias, Kostas Kavvadias and Manny Tsiscacis. The applicant came before the Board informally several months ago and the plan has not changed much since that presentation. Maywood Marketplace has been so successful that the existing parking lot is insufficient. They have purchased the three adjacent properties at 520 Palmer Avenue (Block 81, Lot 2), 89 West Passaic Street (Block 81, Lot 8) and 95 West Passaic Street (Block 81, Lot 1). They are proposing to raze these three buildings which are zoned A1 Residential to expand their parking lot. Maywood Marketplace is currently situated at 78 West Pleasant Avenue (Block 81, Lot 4.01). He asked to mark the three new deeds as Exhibit A-1. He also distributed the exhibit list to the Board and marked the 12/20/17 Remington & Vernick Completeness Review as Exhibit PB-1. Given that the adjacent lots are owned by the same owner, the Borough Tax

Assessor will combine the lots and the applicant plans to file a deed for the merged property. The proposed parking lot layout would add 30 parking spaces and allow cars to circulate better. The current parking lot has 35 parking spaces while the proposed parking would have 65 total parking spaces. Exhibit PB-1 lists the variances and completeness waivers that are required. Mr. Jaworski explained that the applicant is changing the size of the proposed ground sign to 18 square feet from 20 square feet to conform to the Borough ordinance. Additionally, as a condition of approval, the applicant will agree to increase the number of ADA parking stalls to 4 from 3. The applicant believes that the use variance should be granted as it supports the Borough master plan objective of “creating additional parking spaces in the RC zone”. He believes that doubling the parking spaces in the Maywood Marketplace parking lot will relieve the parking demand on the surrounding streets specifically West Pleasant Avenue. This will support the positive criteria of particular suitability for use variance relief.

Secretary Charlotte Panny made a motion to grant the following completeness waivers:

- B(3) Receipt indicating all the applicable fees are paid.
- B(8) Written proof of submission to Bergen County Planning and Economic Development of exemption from the County Planning Board’s jurisdiction.
- B(9) Written proof of submission to any governmental agency that may have jurisdiction, or exemption from same.
- C(7) Requires current land survey information. N.J.A.C.13:40-7.2, titled DEPICTION OF EXISTING CONDITIONS ON A SITE PLAN, subpart "a" requires that a site plan application must be accompanied by a survey showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements. It permits the survey information to be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. Lastly, it requires that a signed and sealed copy of the survey be submitted to the reviewing governmental body with the site plan submission. In this case, a boundary survey has not been provided with the application.
- D(4) Design calculations showing existing/ proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements.

Anthony Klymenko seconded the motion and all eligible members present voted in favor of the motion.

The applicant’s only witness is Anthony Garrett of Bilow Garrett Group and he was sworn in, qualified and accepted. He will be testifying as an engineer, architect and planner. He created the site plan with 11/27/17 latest revision date which was submitted with the application and was marked as Exhibit A-2. A color version of A-2 with the same revision date was marked as Exhibit A-3. A color rendering photograph of the proposed location from the corner of Palmer Avenue and West Passaic Street was marked as Exhibit A-4. Lastly, a 1-page photo array (20 photos taken on 1/31/18) of the surrounding area was marked as Exhibit A-5.

Mr. Garrett began by describing the location of the Maywood Market and detailed the zoning surrounding the location. The building is approximately 15,000 square feet. There are no additional access points proposed; the Palmer Avenue and Bergen Avenue access points will not change. No additional curb cuts are proposed. The screened in dumpster enclosure is in the rear of Angelo’s Pizzeria. Most customers enter the market through the covered entrance from the

parking lot although there is a secondary entrance on West Pleasant Avenue. They are proposing a fence and landscaping between the new parking lot and the two remaining residential properties (85 West Passaic Street and 519 Bergen Avenue). Additional landscaping is proposed on Palmer Avenue and West Passaic Street. A screen wall with a fence is proposed on West Passaic Street. The curb cuts for the three buildings that are proposed to be demolished will be removed. Besides alleviating the parking demand, Mr. Garrett believes that the proposed parking lot expansion allows vehicles traveling on West Passaic Street a view of the West Pleasant Avenue business district which may encourage additional patronage. The northwest corner of the parking lot will include a green space and ground sign welcoming patrons. The signage will be reduced to conform to the Borough ordinance and will be done in a similar style to the municipal sign on the corner of Maywood Avenue and West Passaic Street.

Mr. Garrett then detailed the site plan. The current parking area has a bottleneck because of the limited size. The proposed parking lot will allow for better circulation with conventional dimension aisle widths that allow two-way traffic. The 65 parking spaces is a significant increase over what is existing (35 spaces). A carriage corral is proposed that will allow patrons to return carts without walking back to the market. He stated that they propose to install substantial landscape buffer so as not to negatively impact the neighbors. He added that any landscape that was part of the 2002 approval that has since died will be replaced. During the informal hearing, they were considering enlarging the second story for additional storage but that idea has been dropped. Therefore, the footprint and the building dimensions will not change. Mr. Garrett described the proposed lighting as LED shielded downlights that are night sky compliant and will not spill onto the neighboring properties. The lighting goal is to keep the parking lot safe for patrons. The original design for the parking field included an oversized storm drainage to accommodate the future expansion that is proposed. An inlet will be added to the new parking area which will convey water to the existing detention system. The site is graded for the storm water to runoff into the detention system. The soil that will be removed for the parking lot grading will be used to backfill the three buildings' basements.

Mr. Garrett next provided the positive criteria to support the use variance relief. The use is not inherently beneficial therefore, particular suitability must be applied. The sites adjoin the Maywood Marketplace and the parking lot expansion promotes the master plan goals of promoting and upgrading the business district and creating additional off-street parking in the RC zone. The Maywood Marketplace is considered an anchor of the West Pleasant Avenue business district. Patrons that shop at the Maywood Market are likely to utilize other retail businesses on West Pleasant Avenue. There is no substantial detriment to the site, neighboring properties nor the zoning plan thereby satisfying the negative criteria.

Mr. Jaworski explained that additional approvals are required; Bergen County Planning Board and Bergen County Soil Conservation. Mr. Garrett confirmed that applications have been submitted and he expects that approvals will be forthcoming. Bergen County Planning Board has requested that as part of the project of rebuilding the sidewalks along West Passaic Street, the applicant should allocate space for a bus shelter. The applicant will accommodate this request.

Mr. Garrett specifically addressed Exhibit PB-1 (12/20/17 Remington & Vernick Completeness Review). The handicapped parking stalls will increase to 4 spaces by reconfiguring the layout of

the spaces proposed behind Angelo's Pizzeria. They are not proposing any changes to the wall mounted signage. He believes that he has testified to the other questions from the Completeness Review specifically the landscaping and lighting.

John McManus clarified that the houses that are proposed to be razed are single family homes. John Montel questioned if the proposed bus shelter would impact the parking and Mr. Garrett replied that it would not. He added that Bergen County had commented during the 2002 application process that an expanded parking lot should leave space for a bus shelter so he created the site plan accordingly. Board Attorney Kaczynski asked about the screen wall along West Passaic Street. Mr. Garrett answered that the screen wall is depicted on the site plan but was unfortunately omitted from the Exhibit A-4 color rendering photograph. Secretary Panny asked how the ground sign would be illuminated and Mr. Garrett explained that it would be ground lit with spotlights which would conform to Borough code in terms of hours illuminated. Secretary Panny asked if parking would be available to patrons of West Pleasant Avenue or Maywood Market patrons only. Mr. Garrett explained that there are existing signs in the parking lot that parking is for Maywood Market patrons only but it is generally not enforced. The signs are in place to discourage overnight parking. He elaborated that the idea is that Maywood Marketplace patrons will likely utilize businesses throughout the business district. The parking requirement in the RC district applies to floor area ratio (FAR) that exceeds 80% of the lot area. The proposed FAR will be 30% and the existing FAR is 60% which are both well below the threshold. Remington & Vernick calculated that the Maywood Market would need 78 parking spaces if the FAR exceeded 80%, which it does not. Functionally, parking is required for business to be successful and they are proposing 65 spaces where 35 is existing.

Board Engineer Brian Gillen is satisfied that Mr. Garrett's testimony has answered all the outstanding issues from the 12/20/17 Remington & Vernick Completeness Review. The questions raised about lighting and landscaping have been answered. He added that the drainage calculations from the 2002 application were particularly impressive. Board Attorney Kaczynski clarified that there are no proposed utility service upgrades. Secretary Panny asked about the food recycling container and Mr. Garrett responded that no changes are proposed. Anthony Klymenko noted that 2 of the 4 handicapped parking spaces are behind Angelo's Pizzeria which is some distance to the Maywood Marketplace entrance. He asked how the area would be graded and Mr. Garrett answered that the area will be striped to avoid illegal parking. The other 2 handicapped spots are located opposite the Maywood Marketplace parking lot entrance. The 2 handicapped spaces that Mr. Klymenko pointed out were intended for Angelo's Pizzeria patronage. Secretary Panny asked if there is sufficient space for the Maywood bus (25 passenger) to navigate the parking lot. Mr. Garrett believes that there is adequate room for the Maywood bus.

Secretary Panny invited the public to ask questions of Mr. Garrett.

Victor Papparazzo of 519 Bergen Avenue owns the property adjacent to the parking lot. He informed the Board that a diver in the Maywood Marketplace parking lot accidentally used the gas pedal instead of the brake pedal and busted through the wood fence separating a backyard from the parking lot. He asked if Mr. Garrett could install bollards to prevent this from happening again. He also complained that tractor trailers delivering to Maywood Marketplace idle on

Bergen Avenue and block his driveway. Lastly, he complained that garbage from the parking lot blows onto his lawn and the garbage dumpsters smell badly. Mr. Garrett could add bollards but he suggested a guiderail instead since it is a more attractive option.

David Wiseman of 522 Bergen Avenue lives across the street from Mr. Paparazzo. He asked if employees can park in the proposed expanded parking lot since they currently park on Bergen Avenue which makes it difficult for him to relocate his 4 cars around in his single lane driveway. He is concerned that the LED lighting will be too bright. One of the parking lot lights was changed recently and it spills out passed the parking lot. He added that some of the landscaping has died and needs to be replaced. Lastly, he would like to change the parking lot access point on Bergen Avenue to a one-way into the parking lot with no exit onto Bergen Avenue which is a one-way street. He believes the tractor trailer traffic on Bergen Avenue is damaging the roadway and he believes these trucks exceed the weight limit per the Borough ordinance. He has also experienced tractor trailers idling for long periods while making deliveries during the overnight hours. Mr. Garrett responded that all landscaping and landscape island that were on the approved 2002 site plan will be restored. He continued that this location has always been a supermarket and the application is not proposing to intensify the use but rather to alleviate an existing parking demand. He agreed that the applicant will speak to their vendors to improve the tractor trailer delivery issues. Mr. Garrett cannot recommend making the Bergen Avenue access point an entrance only since it will push all the traffic onto Palmer Avenue which would create a safety hazard.

Joyce Rothschild of 85 West Passaic Street owns the property on the corner of Bergen Avenue and West Passaic Street next to Mr. Paparazzo. She has concerns that the proposed 6' wood fence would not stop a car if the driver mistook the gas pedal for the brake pedal. Like Mr. Paparazzo, she would like some sort of bollard or stanchions to prevent this sort of accident. She has 2 40' Hemlock trees that are planted in her backyard. She is worried that the parking lot construction might damage them and cause them to die. She would like the applicant to agree that should these trees die within the next 5-8 years, the applicant will pay for their removal. Mr. Garrett agreed to that stipulation as a condition of approval. There is a proposed light located closely to her bedroom that she's concerned might spill onto her property. Mr. Garrett reiterated that the fixture will be shielded and is oriented toward the parking lot. Mrs. Rothschild confirmed that the lights will be on timers and will shut off at 10pm.

Rick DeHeer of 18 Hammell Place asked about the screen wall along West Passaic Street. Mr. Garrett pointed it out on the site plan. He apologized that it was omitted from the Exhibit A-4 color rendering photograph. Mr. DeHeer restated the concern for drivers accidentally using the gas pedal instead of the brake pedal. He agrees with the adjacent neighbors that there should be some sort of protection. Mr. Garrett will pursue an option for either bollards or a guiderail. Mr. DeHeer clarified that the second story expansion discussed in the informal hearing is no longer proposed.

Secretary Panny invited the public to comment on the application but no one came forward.

Mr. Jaworski summarized the application. He agreed to, as a condition of approval, the applicant would work with Board Engineer Gillen to provide a safety barrier between the parking lot and residence. Another condition of approval could be paying for tree removal should Mrs.

Rothschild's 40' Hemlock trees die in the next 5-8 years. The lighting would be shielded, night sky compliant and on timers to conform to the Borough ordinance. Landscaping approved as part of the 2002 site plan would be restored if it has died. Secretary Panny suggested that the parking spaces adjacent to Mrs. Rothschild's backyard be designated employee parking and Mr. Jaworski agreed to that condition. He added that the applicant will work with Board Engineer Gillen to install a safety barrier between the parking lot and the residences. Mr. Garrett clarified that tractor trailers could not circulate in the proposed parking lot.

Harry Hillenius made a motion to approve the lot consolidation, existing non-conforming conditions, bulk variances, D1 use variance and site plan applications with previously agreed upon conditions of approval. John McManus seconded the motion. All eligible members present voted in favor of the motion.

Mayor's Designee Rick DeHeer and Councilman Michael Gervino rejoined the dais.

Closed Session None

Informal Hearing None

Old Business None

New Business

- Christine & David Moran 137 Washington Avenue, Block 32, Lot 10 Calendar #2018-01 Variance Application
 - Application distributed to the Board.
 - Hearing is scheduled for the 3/1/18 meeting.
- Ordinance Revisions
 - The proposed ordinance amends Chapter 209, Sections 25B and 37 to define tattoo/body piercing parlors, facilities for the sale of marijuana and to permit tattoo/body piercing parlors and facilities for the growing, sale and/or dispensation of marijuana therein.
 - Mayor and Council are requesting the Board review and make appropriate recommendations.
 - John Montel read about another NJ municipality that is seeking to prohibit marijuana sales and/or dispensation entirely.
 - Secretary Panny believes that a drug rehabilitation facility dispensing methadone and smoke shops selling vaping materials and water pipes should be included.
 - Secretary Panny made a motion to have Board Attorney Kaczynski issue a letter to the Mayor and Council summarizing the recommended changes discussed. Anthony Klymenko seconded the motion. All members present voted in favor of the motion.

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 9:15pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary