

**MAYWOOD PLANNING BOARD  
MINUTES  
February 2, 2017**

A regular meeting of the Maywood Planning Board was held on Thursday, February 2, 2017 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, 2016. 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 7:31pm with the following members present: Chairman Frank Lichtenberger, Secretary Charlotte Panny, Councilman Rick DeHeer, Gary Neumann, Harry Hillenius and Anthony Klymenko. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz.

**Approval of Minutes**

Secretary Charlotte Panny made a motion to accept the minutes from the January 26, 2017 meeting. Councilman Rick DeHeer 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. Secretary Panny seconded the motion. All members present voted in favor of the motion.

**Correspondence**

- 1/23/17 letter from Bergen County Soil Conservation District Re: Sanitary Sewer Improvements 259 West Spring Valley Avenue
- 1/27/17 letter from Meghan Barrett Burke of Connell Foley Re: Maywood Joint Venture 29 Essex Street Affidavit of Service and Proof of Publication

**Resolution**

Re-adoption of Rules on Citizen Input During Planning Board Meetings Adopted 11/3/16

Harry Hillenius made a motion to memorialize the resolution. Chairman Frank Lichtenberger seconded the motion. All members present voted in favor of the motion.

## Hearing

## Maywood Joint Venture

29 Essex Street  
Block 124, Lot 5

**Calendar #2017-01**

## Appeal and Request for Interpretation

Meghan Barrett Burke of Connell Foley is counsel for the applicant, Maywood Joint Venture at 29 Essex Street which is located in the Limited Light Industrial (LL) zone. The existing 1 story building is approximately 50,000 square feet and is currently vacant. A previous use was as a FedEx distribution center for 25 years. The applicant applied for a certificate of occupancy (CO) in December 2016 for the contract tenant, Dunbar Armored, which was denied by Zoning Officer Mazzer. The applicant is seeking an appeal and request for interpretation.

§209.37 LL Limited light industrial district.

Primary intended use; prohibited uses. The LL Limited Light Industrial District is intended for light manufacturing, processing, warehouses or enclosed storage.

The applicant's first witness is Brian D. Cain, Dunbar Armored VP of Facilities and he was sworn in. Mr. Cain has been employed at Dunbar Armored for 13 years and he is responsible for leasing, design, construction and maintenance of facilities. Dunbar Armored is a transportation and processing firm. They collect and distribute customer valuables, valuables are also stored at the facility and then redistributed back to their customers. Valuables are most often US Currency. Dunbar Armored has 100 facilities in 27 states. There are 2 facilities in New Jersey; Kenilworth and Hackensack. Mr. Cain believes the property at 29 Essex Street would make a good Dunbar Armored location because of its proximity to Route 80, that it is a freestanding building and the ability for trucks to drive-in. Armored cars are used to transport valuables. Vehicles are brought inside the building for loading and unloading. The armored cars are 22'-24' long, similar in the size to a stepvan like UPS or FedEx uses. The applicant submitted Exhibit P1 Application for Interpretation and Appeal of Zoning Officer's Ruling prepared by Peter G. Steck, P.P. which is a 4-page handout detailing:

1. Aerial view of site proposed to be occupied by armored vehicle transportation business
2. Existing site conditions
3. Portion of current Maywood Zoning Map
4. Aerial photo from Google Earth, August 2004
5. View of entrance to subject property on Demarest Place looking west across Maywood Avenue
6. View of Essex Street exit driveway looking northeast
7. View of rear of subject property looking southeast toward the rear of homes on Maywood Avenue
8. Existing Building layout showing location of overhead doors
9. View of rear of subject building looking southwest showing location of overhead doors
10. §209.37 LL Limited light industrial district

Mr. Cain divided up the space by use:

- 40% warehouse
- 60% operations/processing/administration

Using picture #8 Existing Building layout showing location of overhead doors, he described the tentative facility layout:

- Trucks would enter at overhead door #3, load/unload, warehouse and exit north
- Fleet maintenance would be performed in the area near overhead doors #4, #5 & #6
- Secure storage would be south of fleet maintenance
- Secure rooms/processing would be constructed north of the secure storage
- Operational support would be performed in the area that juts out of the eastern side of the building

The vehicles would be parked inside overnight. Only vehicles that are out-of-service and needing replacement would be stored outside. Employee parking would be in the parking lot outside the building. Mr. Cain approximates 100 employees at the facility. Two employees for each armored car multiplied by 35 armored cars would be 70 employees. He expects the remaining employees to be support staff, approximately 10 per shift. Customers may inspect the facility but outside visits are a rare occurrence. The operation is 24 hours a day/7 days a week. The facility would be most active during the hours of 6am-7pm. Trucks would begin leaving the facility at 6am and most trucks would return by 7pm. Some trucks would go out once and return at the end of the day and others may go in and out multiple times. Processing and security occur overnight with 2-3 vehicles entering and exiting the facility. When asked by Chairman Lichtenberger, Mr. Cain stated that the noise level produced by armored cars is less than a tractor trailer. Armored cars are diesel and gasoline powered. No tractor trailers will be used at the facility. This facility will service the northeast New Jersey/New York metro area. Dunbar Armored has outgrown the Hackensack location and is looking to relocate to this property. They expect 10-20% growth, moving the number of vehicles from 35 to 45 at the most. Even with the larger number of armored cars, all vehicles would remain within the building. Service would be limited to preventive maintenance like tire replacement and oil changes. Major work would be done offsite by a 3<sup>rd</sup> party. Vehicles are fueled at an alternate location. No pumps or tanks will be proposed. The facility will have used oil storage that is collected by a 3<sup>rd</sup> party vendor usually once per week. Security is vital so they are going to propose a 10' fenced enclosure by the overhead door #3 entrance. Security personnel will be at the facility 24 hours a day/7 days a week which would allow access for emergency responders like the Maywood Fire Department. When parked inside the building, the armored cars would be stacked so that both the driver and passenger doors could be opened. Mr. Cain agreed to provide a detailed layout of how the vehicles would be parked as part of the construction permit application. Board Attorney Kaczynski believes that site plan approval may also be required. With the exception of the fence enclosure, no changes to the exterior of the property are anticipated and all changes would be on the interior.

Councilman DeHeer asked if the 2006 code of the IFC which specifies that the batteries of all the cars must be disconnected and the cars cannot have more than 5 gallons of gas in the tanks would apply to this use. Fire Official Tom Tuttle said that he would need to review the code. Board Attorney Kaczynski confirmed that the building has an existing fire sprinkler system. Harry Hillenius noted that this use seems very similar to the FedEx distribution center. Board Engineer Tom Lemanowicz noted that with 20% anticipated growth, the number of armored cars would increase to 42 resulting in 84 employees from 70 currently. The support staff would increase to 12 from 10 currently. The business would receive supply deliveries as well. Board Engineer Lemanowicz attempted to derive a traffic count coming in and out of the facility on a daily basis.

Fire Official Tom Tuttle asked about using all diesel vehicles and Mr. Cain confirmed that it was possible. Fire Official Tuttle explained that diesel vehicles are preferred over gasoline. He then

asked if the Knox Box system would be acceptable for the applicant and Mr. Cain replied that it would. Fire Official Tuttle noted that the sprinkler system would need to be resized and Mr. Cain confirmed that they will submit calculations with the construction permit application. Fire Official Tuttle added that the 2006 code of the IFC which specifies that the batteries of all the cars must be disconnected and the cars cannot have more than 5 gallons of gas in the tanks. He does not believe that this would apply to overnight storage proposed with this use. Mr. Cain agrees since this code is not being enforced in the existing NJ locations in Kenilworth and Hackensack.

Chairman Lichtenberger invited the public to ask questions of Mr. Cain.

Christine Ercolino of 41 Maywood Avenue asked about the overnight activity. She confirmed with Mr. Cain that 2-3 vehicles would access the facility between the hours of 7pm – 6am. Internal processing occurs during the overnight hours. Fleet maintenance is usually during the daytime shift. Mr. Cain was unable to provide the weight of the armored car but he could provide it at a later date.

Mary Senia of 41 Maywood Avenue wanted to clarify the traffic counts for the facility. Mr. Cain explained that some trucks would go out once and return at the end of the day and others may go in and out multiple times. The busiest times would be a 2 hour window in the morning when vehicles are leaving the facility and a 2 hour window in the evening when vehicles are returning to the facility. Chairman Lichtenberger pointed out that exit onto Essex Street is a right turn only. Fleet maintenance like tire and oil changes will likely happen during the day. Bigger repairs would require the vehicle to be taken out of service and relocated off-site.

Board Attorney Kaczynski asked if the applicant could provide the timing of when the vehicles exit and return to the Hackensack facility. Mr. Cain answered that the Operations department would be able to provide that information. He reminded the Board that the space would be divided up by use:

- 40% warehouse
- 60% operations/processing/administration

No signage is planned. The armored cars are branded as Dunbar Armored. The proposed fence enclosure would be 10’.

The second witness was the applicant’s planner Peter G. Steck and he was sworn in, qualified and accepted. Mr. Steck prepared Exhibit P1, a 4-page handout entitled Application for Interpretation and Appeal of Zoning Officer’s Ruling:

1. Aerial view of site proposed to be occupied by armored vehicle transportation business from Google Earth, October 2014
2. Existing site conditions
3. Portion of current Maywood Zoning Map
4. Aerial photo from Google Earth, August 2004
  - a. FedEx was the tenant at that time
5. View of entrance to subject property on Demarest Place looking west across Maywood Avenue
6. View of Essex Street exit driveway looking northeast
7. View of rear of subject property looking southeast toward the rear of homes on Maywood Avenue

8. Existing Building layout showing location of overhead doors
9. View of rear of subject building looking southwest showing location of overhead doors
10. §209.37 LL Limited light industrial district

Given the additional information provided by Mr. Cain's testimony, Mr. Steck believes that the applicant's business fits in the limited light industrial (LL) district.

The LL Limited Light Industrial District is intended for light manufacturing, processing, warehouses or enclosed storage.

Despite the fact that the US Currency product is unique, it is being warehoused and processed which is a permitted use and the vehicles transporting the product will be in enclosed storage. The offices are an accessory use. While the operation is 24 hours a day/7 days a week, the heaviest activity will be during the day during traditional business hours. He wanted to add that given the available space, 40% for warehousing allows more than enough space for vehicle storage without closely stacking. All activity is inside the building with only employee parking in the exterior. The proposed use may be preferred to light manufacturing based on the noise impact to the residential neighbors. Board Engineer Lemanowicz's 1/16/17 completeness review raised concern that the proposed use would approximate a truck terminal or depot which is a prohibited use. Mr. Steck described a typical truck terminal or depot as surrounded by overhead doors with tractor trailers pulling up and unloading/loading on the exterior usually during the overnight hours. Armored cars are much less intense in terms of land use than tractor trailers.

Board Engineer Lemanowicz noted that the differentiation between warehouse and truck terminal are not clearly separated. One definition had the difference that a truck terminal services its own trucks, but he noted that it is a gray area. Mr. Steck added that fleet maintenance would be considered an accessory use. He continued that the small portion of the facility dedicated to fleet maintenance does not change the nature of the principal use.

Chairman Lichtenberger invited the public to ask questions of Mr. Steck. No one in attendance came forward.

Board Attorney Kaczynski asked Mr. Steck to provide an example of a truck terminal company that the Board might be familiar with. He did work for L&G in Newark which had the bulk of their activity in the overnight hours. He also mentioned a Meadowlands transshipment facility that he worked on which had security fencing around the property. Board Attorney Kaczynski requested that the 60% operations/processing/administration use be broken down further. Mr. Steck believes that:

- 40% secure storage/processing
- 20% accessory use of administration and fleet maintenance

Chairman Lichtenberger asked if the applicant would have direct contact with the Maywood Police Department and Mr. Cain replied that there would be systems in place to communicate with emergency services. Secretary Panny asked if electric fencing and additional lighting is part of the security system. Mr. Cain answered that they will have multiple security systems in place including exterior CCTV. Board Engineer Lemanowicz asked about outdoor lighting and Mr. Cain said that there is no plan to change the outdoor lighting.

Chairman Lichtenberger invited the public to ask questions of the applicant's witnesses.

Christine Ercolino of 41 Maywood Avenue asked about the weekend activity. Mr. Cain

answered that there is less activity on the weekends but the schedule would be similar to weekdays. He used the example of 35 trucks leaving the facility on a weekday, but only 10 trucks would leave the facility on a weekend. Ms. Ercolino asked if there are any spare vehicles above the 35 mentioned previously. Mr. Cain replied that there are 1-2 spare vehicles on-site. Chairman Lichtenberger confirmed that a 3<sup>rd</sup> party vendor would tow vehicles if needed.

Meghan Barrett Burke believes the testimony provided by Mr. Cain and Mr. Steck supports the appeal that the proposed use is permitted within the Limited Light Industrial (LL) district. Chairman Lichtenberger noted that Zoning Officer Mazzer was correct in denying the CO in light of the information that was provided to him. Board Attorney Kaczynski pointed out that the Board would have to agree that the Zoning Officer's determination was in error in order for the applicant to receive the relief needed. Board Engineer Lemanowicz stated that the 10' fence enclosure would require a variance since 6' fence is the maximum permitted height. Board Attorney Kaczynski concurred adding that the site plans would need to be submitted to the Zoning Officer for review.

Chairman Lichtenberger opened the hearing for public input.

Mary Senia of 41 Maywood Avenue wanted to mention that the applicant's public notice was not very clear about what was exactly being proposed. Going forward, she asked that the public notice be more specific. Board Attorney Kaczynski suggested that she review the public notice prior to publication for any future hearings.

Chairman Lichtenberger read the definition of truck terminal from the Moskowitz *Illustrated Book of Development Definitions*:

An area or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

He doesn't believe that this description fits what is being proposed by the applicant particularly because their loading, unloading and processing is done on the interior of the building. He continued with the definition:

Comment: Truck terminals are basically transshipment facilities and often include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities such as warehouse is incidental to the principal use may also be part of a truck terminal.

Board Attorney Kaczynski reminded the Board that the application is for an interpretation of the section of the ordinance with regards to permitted and prohibited uses within the Limited Light Industrial (LL) zone. Based on the testimony provided, the applicant has designated:

- 40% warehouse
- 40% secure storage/processing

Both of these uses are permitted in the LL zone. The remaining 20% of use is administration and fleet maintenance and is ancillary use to the permitted primary uses. Should the Board decide that interpretation would permit the proposed uses for a determination pursuant to subsection A of the MLUL, then the Zoning Officer's denial was in error.

Zoning Officer Mazzer believes that manufacturing needs to be the primary use in the LL district. He considers warehousing, processing and administration as accessory uses. He believes that the applicant will need variances for various issues including lighting, 10' fence

enclosure, drainage and 24 hours a day/7 days a week operation. Zoning Officer Mazzer believes the proposed business would be a good fit for the location but variances will be required. Board Attorney Kaczynski added that if the Board interprets the ordinance to allow the proposed use, a D use variance would not be required but site plan approval and bulk variance approval would be required.

Harry Hillenius made a motion that Calendar #2017-01 Appeal and Request for Interpretation, the proposed use is considered a permitted use in the Limited Light Industrial (LL) district. Secretary Panny seconded the motion. Board Attorney Kaczynski noted several conditions for the approval:

- The applicant must pay the requested escrow in full prior to the resolution being adopted
- The applicant must submit a site plan to the Zoning Officer and any additional site plan or variance approvals be brought before the Board

All members present voted in favor of the motion.

**Informal Hearing**                      None

### **Old Business**

- Empire Real Estate Holdings 191 West Central Avenue Update
  - The applicant has hired an attorney, Steven C. Schepis
    - Mr. Schepis came into the Borough Office earlier in the day to introduce himself
    - He promised to deliver a revised application by Wednesday, 2/8/17
    - Board Attorney Kaczynski recommended that she send the attorney a letter indicating that if the deadline is not met, the application may need to be refiled
- #2017-02 Mady Dental Sign Application w/o Variance hearing is scheduled for the Thursday, 3/2/17 meeting

### **New Business**

- Mayor and Council ordinance adoption revising the Board applications to request 20 copies of applications and plans from 18 copies is recommended by the Planning Board
  - Additional copies are for Fire Official Tom Tuttle and Police Chief David Pegg
  - Chairman Lichtenberger made a motion to recommend the revision, Gary Neumann seconded the motion and all members present voted in favor of the motion
- Board Engineer Lemanowicz read §209-25 Word usage and definitions., lot coverage is “The area of a lot covered by the buildings, garage areas, swimming pools (and surrounding decking), porches, decks, cabanas, sheds, gazebos, and/or any other accessory buildings.”
  - He believes that this definition is for building coverage, not lot coverage
    - Lot coverage would include pavement
  - He recommends revising the definitions and creating a limiting schedule in preparation of Route 17 North redevelopment

**Open Meeting to the Public**   None

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Chairman Lichtenberger seconded the motion. The meeting was adjourned at 9:02pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary