

**MAYWOOD PLANNING BOARD  
MINUTES  
February 27, 2020**

A regular meeting of the Maywood Planning Board was held on Thursday, February 27, 2020 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 21, 2019. 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, Councilperson Ryan Ullman, Gary Neumann, John Montel, Harry Hillenius, Rick DeHeer, Peter Cicarelli and John Gargagliano. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Temporary Board Engineer Richard Wostbrock were also present.

**Approval of Minutes**

Harry Hillenius made a motion to accept the minutes from the February 6, 2020 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. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 2/12/20 letter from James E. Jaworski Re: Outfront Media Waives Time Period for the Board to Act to 3/31/20
- 2/18/20 letter from Captain Terence Kenny Re: L.M.G., LLC 945 Spring Valley Road Maywood Police Department Questions and Concerns
- 2/18/20 Public Notice for Adler Aphasia Center 50-60 West Hunter Avenue, Block 124, Lots 37 & 38
- 2/19/20 letter from Board Engineer Gregory J. Polyniak Re: L.M.G., LLC 945 Spring Valley Road Completeness, Planning & Engineering Review
- 2/25/20 Ordinance #4-20 An Ordinance to Amend Chapter §209-5 (I) Permitting Appeals of the Board of Adjustment to the Mayor and Council
  - Chairman Frank Lichtenberger made a motion to have Board Attorney Kara Kaczynski prepare a letter to the Mayor and Council indicating that the Ordinance

amendment is consistent with the Borough Master Plan and the Board recommends proceeding as intended

- Vice Chairperson Charlotte Panny voted in favor of the motion and all eligible members voted in favor of the motion
- 2/27/20 letter from James E. Jaworski Re: Outfront Media Hearing Adjourned to 3/26/20

**Resolution #1**                                  **Amanda Della Fave/The Little Locust**  
 100 West Pleasant Avenue  
 Block 82, Lot 6  
**Calendar #2020-02**  
**Sign Application**

John Gargagliano made a motion to approve the resolution as written and Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion.

**Resolution #2**                                  **Resolution Appointing Board Professional Engineer**

Chairman Frank Lichtenberger made a motion to approve the resolution as written and John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

**Resolution #3**                                  **2019 Annual Report of Action**

Chairman Frank Lichtenberger 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.

Councilperson Ryan Ullman recused himself from the hearing and stepped down from the dais.

**Hearing #1**                                         **Adler Aphasia Center**  
 50-60 West Hunter Avenue  
 Block 124, Lots 37 & 38  
**Calendar #2019-15**  
**Variance & Site Plan Applications**

Joseph Basralian represents the applicant, Adler Aphasia Center. He summarized that the variance is for the Adler Aphasia Center to expand their use to the entire first floor of the building from 8,000 square feet approved by the Board in 2003. The property is zoned Limited Light Industrial (LL) so the proposed expansion is for an existing non-conforming use. The Center would like to expand in order to provide additional programs to their members but they do not plan to increase the membership. He explained that the Center started in 2003 providing participants, whom are called members, programs to enhance their ability to progress after a stroke or head injury. The programs help them to regain their conversational skills and reengage with the community. There are approximately 90 members which has been the same since 2011. The programs run from 10:30am-2:15pm with half the participants attending on Mondays and Wednesdays and the other half on Tuesdays and Thursdays. No programs are scheduled on Fridays. The building was previously occupied by Myron Manufacturing but was converted to the Aphasia Center. The Adler family owns the building. Mike Adler was the first member after

he had a stroke and was unable to speak. When his family searched for programs to help him, they were unable to find any and they created the Center. The building has an existing front yard setback non-conformity. The second part of the application is for minor site plan approvals for restriping the parking lot and installing handicapped parking signage. There are 79 existing parking spaces proposed. The affidavits of notice were submitted to the Board in advance of the hearing. Board Attorney Kara Kaczynski summarized that the applicant is seeking a use variance, site plan approval for parking spaces, handicapped signage and restriping and pre-existing non-conforming front yard setback variance. The application and corresponding documentation were marked as Exhibit #A-1. The affidavit of notice and supporting documentation were marked as Exhibit #A-2.

Mr. Basralian's first witness is Chantelle Walker, President and CEO of the Adler Aphasia Center and she was sworn in. She provided the history of the Center and the programs offered. She explained that 40% of all stroke survivors suffer from aphasia. Aphasia is a communication disorder that impacts language but not intellect leading to depression, isolation and frustration. Aphasia requires long-term therapeutic rehabilitation. The Adler Aphasia Center has 90 members. Initially, the programs offered focused on communications but they have since expanded to the performing arts, culinary, technology and more. The Center has relationships with local medical and educational centers training aspiring clinicians and participating in research programs. Insurance does not cover long-term aphasia rehabilitation. There are 5 full-time employees and 20 volunteers. Most members arrive by para-transit or are dropped off by a family member. A small number drive themselves. She believes that the para-transits services are often dropping their passengers at multiple locations and the Adler Aphasia Center would be one of many destinations. Drivers may assist the member exiting or entering the transit vehicle. Some of the caregivers will stay with the member during the session as a volunteer. The Center would like to utilize the remainder of the first floor in order to accommodate the diverse programs being offered. Board Attorney Kaczynski confirmed that they do not intend to increase the number of members. Most members consider the Center their social network so there is not a large number leaving the Center. There is a small amount attrition but not a significant amount. Membership in the winter months is somewhat lower than in the warmer weather. Chairman Lichtenberger confirmed that the Center is expanding into unoccupied space on the first floor of the building. Board Attorney Kaczynski clarified that the staff is present Monday-Friday 8:30am-5pm but members are present Monday-Thursday 10:30am-2:15pm.

Chairman Lichtenberger invited the public to ask questions of Ms. Walker but no one came forward.

The next witness is the applicant's engineer, Andrew Missey of Lapatka Associates. Mr. Missey was sworn in, qualified and accepted. He presented the Minor Site Plan prepared by Lapatka Associates dated 7/1/19 that was submitted with the application. He explained that 50 West Hunter Avenue is the 2-story building and 60 West Hunter Avenue is the attached 1-story building. There are 64 existing parking spaces. The parking delineation to the east side of the building have faded and parking area to the west side is more delineated. The applicant is proposing to repair and restripe the parking areas on 3 sides of the building. He detailed 17 spaces along the front of the building, 13 spaces to the rear of the building and 49 spaces on the easterly side of the building with 79 spaces in total. The site plan lists 80 spaces but that was an

error in counting one 7' wide space which will be striped going forward. Some repairs will be made but the focus will be restriping. No changes are proposed for the building. There is a license agreement between the subject property and main Myron property allowing access to some parking since there is common ownership. Chairman Lichtenberger stated that he visited the location. He confirmed that there is not an existing parking problem. Vice Chairperson Charlotte Panny asked about the process of members being dropped off in the morning and then picked up in the afternoon. Mr. Basralian asked if the parking consultant could testify on that subject. Board Attorney Kaczynski noted the 10/1/19 memorandum by the Maywood Police Department which were concerned that the parallel spaces to the south side of the property could interfere with fire apparatus. She confirmed that the building does not have fire sprinkler system. Mr. Missey does not believe that the fire department would bring the apparatus behind the building and Chairman Lichtenberger concurred. Board Attorney Kaczynski noted that the building is existing. Mr. Basralian noted that the building has been inspected by the Fire Official annually and has always passed inspection. Board Engineer Richard Wostbrock believes that the restriping will be an improvement to the southern parking area. He noted a backdoor concrete stoop jutting out into the southern side driveway and recommended a bollard, yellow striping or other marker so that someone doesn't mistakenly drive into it. He recommended that member drop-off and pick-up occur on-site and have the vehicles queue up along the front of the property rather than on the street. Mr. Basralian noted that the drop-off and pick-up are done quickly and agreed to encourage the drivers to stay on-site. Board Engineer Wostbrock suggested that a copy of the license agreement to access parking between the properties be provided as a condition of approval. He then asked if there is any lighting proposed for the exterior of the property as he noted that there is not much existing. Mr. Basralian answered that lighting is not proposed as there isn't much need since staff leaves by 5pm.

Chairman Lichtenberger invited the public to ask questions of Mr. Missey but no one came forward.

The next witness is the applicant's parking consultant, John Corak of Stonefield Engineering & Design. He was sworn in, qualified and accepted. He has reviewed the parking layout, traffic on West Hunter Avenue and operations of the Adler Aphasia Center. He noted that the West Hunter Avenue is a dead end roadway that only serves access to a few uses. When members are bring dropped off mid-morning and picked-up mid-afternoon, there is no other traffic on the roadway. He described how vehicles enter on the westernmost driveway, pull up the front door to discharge passengers and exit quickly. He observed a para-transport bus enter, utilize the wheelchair lift and exit in 3 minutes. He agreed to inform the drivers to only discharge passengers on-site. He does not believe that the drop-off and pick-up process negatively impacts other users of the roadway given that the street is so quiet. The proposed repairs and striping would be an improvement in his opinion. The proposed number of parking spaces is 79. Mr. Corak noted that he observed approximately 25 cars parked on the lot but that number doubles during pick-up times when people come early and wait for the session to end. As such, there is an excess of about 30 parking spaces. The required parking for a 20,598 gross floor area building based on 1 space for each 300 square feet of gross floor area is 69 spaces where 79 spaces are proposed. Board Attorney Kaczynski questions why the applicant is proposing parking spaces above what is required. Mr. Corak answered that the applicant is formalizing areas where people are already parking informally. Peter Cicarelli suggested eliminating the 6

proposed employee parking spaces on the portion of the property that requires a license agreement in order to circulate the property. Mr. Basralian felt this was a good recommendation.

Chairman Lichtenberger invited the public to ask questions of Mr. Corak but no one came forward.

The final witness is the applicant's planner, Steve Lydon of Burgis Associates. He was sworn in, qualified and accepted. He has reviewed the application, Borough Master Plan, Borough Master Plan Reexamination Report, zoning ordinance and conducted a site inspection. He believes that the variance can be granted without substantial detriment to the zone plan, zoning ordinance and the public good. He considers that the use is inherently beneficial and can be evaluated using the Sica standard. As such, the use benefits the public interest as it provides a valuable service to an at risk population. He does not see any detrimental impact from granting the variance. He noted that the building size is not changing, the membership is not increasing, member arrival/departure times is during non-peak hours and the parking is sufficient. The positive impact far outweighs the non-existent negative impact. Board Engineer Wostbrock asked if there were any planning issues if the 6 proposed employee parking spaces were eliminated to allow for circulation to remain on-site. Mr. Lydon replied that the configuration that requires a license agreement has been working well for the past 17 years. Mr. Basralian added that should the ownership of the two properties in the license agreement change, the parking spaces will be removed.

Chairman Lichtenberger invited the public to ask questions of Mr. Lydon but no one came forward.

Board Attorney Kaczynski confirmed with Board Engineer Wostbrock that all of the issues raised in his report have been addressed by testimony. She summarized that the applicant is seeking a use variance to utilize the additional 1<sup>st</sup> floor square footage, minor site plan approval for the parking area proposing 15 additional parking spaces for a total of 79 parking spaces and parking lot striping, front yard setback variance and a preexisting nonconforming use that will not be exacerbated by the proposed application. She then listed the recommended conditions of approval including that all conditions of the prior approval and resolution will continue unless otherwise amended, any changes to what has been approved will require the applicant to come before the Board, the rear door with a concrete stoop that the applicant indicated would have yellow striping, the applicant will encourage transport drivers to discharge and receive passengers on-site instead of in the roadway, the applicant will submit a copy of the license agreement with regards to the cross access between the properties, the applicant will advise the Board of any changes to the license agreement which may require site plan approval and compliance with the Board Engineer's report.

Chairman Lichtenberger invited the public to comment on the application but no one came forward.

Mr. Basralian requested that rather than coming before the Board, the 6 proposed employee parking spaces would be removed to keep the circulation on the property on-site. Board Attorney Kaczynski described the parking spaces as 3 employee parking spaces and 3 tandem

employee parking spaces located on the southeasterly side of building. She confirmed that should the common ownership change, the license agreement would end and the 6 proposed employee parking spaces would be eliminated without the applicant being required to appear before the Board.

Chairman Lichtenberger asked the Board for comment. Harry Hillenius responded that the Adler Aphasia Center has helped their members improving their quality of life.

Rick DeHeer made a motion to approve the application as proposed with the conditions listed by Board Attorney Kaczynski. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Councilperson Ryan Ullman rejoined the dais.

**Hearing #2**                                        **Outfront Media**  
99 Essex Street  
Block 125, Lot 1  
**Calendar #2017-14**  
**Variance & Site Plan Applications**

Board Attorney Kaczynski explained that the hearing is adjourned to the 3/26/20 meeting without need for additional notice. The applicant has waived the time for the Board to act to 3/31/20.

**Informal Hearing**                                None

**Closed Session**                                None

**Old Business**                                    None

**New Business**

- Review of Planning Board Application Forms
  - Board Attorney Kaczynski asked the Board to review the current applications for variance, site plan approval and subdivision
  - Chairman Lichtenberger suggested starting with the variance application
    - Board Engineer Greg Polyniak offered suggestions for the site plan requirements specifically who can seal the site plan, drainage plan requirements and tree location requirement based on size diameter
    - Board Attorney Kaczynski found the site plan requirements for the variance confusing and thought that the site plan requirements for all types applications (variance, site plan approval and subdivision) should be consistent
    - Chairman Lichtenberger asked about the 20 copies required and Board Recording Secretary Grunstra explained that copies are given to the Board, Board professionals, Fire Official and Police Chief

- Board Attorney Kaczynski mentioned the process for deeming an application complete when there are open items that have not been provided by the applicant
      - Board Engineer Polyniak explained that about half of the municipalities that he works with will have a separate hearing for completeness while the other half will address completeness immediately prior to the application hearing
    - Chairman Lichtenberger confirmed that Board Recording Secretary Grunstra has not observed any issues with the remaining portion of the variance application
      - She noted that Affidavit of Service by Personal Delivery was added in recent years to reduce the cost of certified mail notices for owner-occupied single family homeowners
    - Board Engineer Polyniak asked if the Board would consider asking for a thumb drive to reduce the amount of paper required
  - Chairman Lichtenberger moved on to the site plan application
    - Board Engineer Polyniak noted that the site plan checklist for this application addresses the tree location based on size diameter
    - Board Attorney Kaczynski noted that the site plan checklist for the site plan application could also be used for a variance application
    - Chairman Lichtenberger asked Board Recording Secretary Grunstra if applicants seem confused by the site plan checklist and she answered that if the applicant for a variance does not have attorney, she advises them to give the site plan checklist to their architect
      - She noted that applicants for site plan approval have an attorney
    - Chairman Lichtenberger finds the zoning table helpful
      - The zoning table details the zone requirements compared to the existing and proposed
    - Gary Neumann asked about grade changes when soil is added to increase the height of a building
      - Harry Hillenius noted that the grade cannot be changed more than 6"
      - Board Engineer Polyniak suggested grading at 1 foot contour intervals instead of the 5 foot contour intervals
  - Chairman Lichtenberger moved on to the subdivision application
    - Board Attorney Kaczynski asked why the fees were listed on this application but not the others
      - The fees will be removed from the application
    - Chairman Lichtenberger noted that the instructions are not accurate and should be updated
    - Peter Cicarelli recommended that a zoning table requirement be added
    - The 200' foot list requirement should replace the existing language regarding notice
    - Board Attorney Kaczynski noted that the subdivision application should include the property zone and affidavit of ownership
  - Board Attorney Kaczynski suggested combining the applications for variance, site plan approval and subdivision so that the information is consistent for all applications
    - Chairman Lichtenberger asked the Board to review the sign application and ordinance prior to the next meeting

- Review of Land Use Fees
  - Chairman Lichtenberger suggested that the land use fees sheets be included with the applications
  - Chairman Lichtenberger noted that the miscellaneous fees were discussed at the previous hearing
    - The Resolution Publication Fee will be removed since it is taken from escrow
    - He asked if the fees for copies of the Land Use Ordinance, Zoning Map and Resolution were accurate
      - Board Recording Secretary Grunstra answered that the information is available electronically but Board Attorney Kaczynski advised keeping the fees in case a person did not have computer access
      - Board Attorney Kaczynski believes the fees should be consistent with the OPRA fees
    - Waiver of Site Plan for Commercial Signs w/o Variance should be moved to Application Fees
  - The Hourly Fees under Escrow Accounts should be removed
  - Board Attorney Kaczynski recommended the Initial Escrow Deposit for D Variances should not include the phrase “when no site plan or subdivision is sought”
  - Board Attorney Kaczynski asked if the variance application fees for C Variances should continue to be tiered based on the use, i.e., one or two-family use, 3-10 units, 11 or more units, commercial use of less than 10,000 square feet and commercial use of more than 10,000 square feet)
    - The Board felt that the tiering was appropriate
  - The format of the initial escrow deposits should mirror the application fees, i.e., appeals, interpretation, C variance, D variance, subdivision, site plan, etc.
    - Board Attorney Kaczynski suggested moving the Miscellaneous Fees to the end of the fee schedule
  - Board Recording Secretary Grunstra asked when a Concept Plan with Input and Advice from the Board’s Professional Advisors would be used
    - Board Attorney Kaczynski believes that it is different from the Informal Review Fee
      - She will review and advise
  - Chairman Lichtenberger asked if the fees are sufficient
    - The Board believes that a 10% increase would be appropriate
    - Board Attorney Kaczynski suggested that a signature section be added to the application whereby an applicant agrees that they cannot proceed with a hearing unless the requested escrow replenishment has been satisfied
- Cancellation of 3/5/20 and 6/4/20 meetings
  - Board Attorney Kaczynski is not available on these two dates
  - The Board approved cancelling the two meetings

## **Open Meeting to the Public**

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Councilperson Ryan Ullman seconded the motion. The meeting was adjourned at 9:40pm.



Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary