

MAYWOOD PLANNING BOARD

February 26, 2015

A regular meeting of the Maywood Planning Board was held on Thursday, February 26, 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 7:30 P.M. with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, John Montel, Harry Hillenius, Charles Goebel, John McManus, Ken Terzo, Al Ballerini and Anthony Klymenko. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz.

Approval of Minutes: Vice Chairman Paul Kuhn made a motion to accept the minutes from the January 22, 2015 meetings Harry Hillenius seconded the motion. All members present with the exception of Al Ballerini (abstained) voted in favor of the motion.

Bills: Harry Hillenius made a motion to accept payment of the bills. Al Ballerini seconded the motion. All members present voted in favor of the motion.

Correspondence: Board Attorney Kara Kaczynski noted one piece of correspondences. She had sent a letter on February 4, 2015 to James F. Jaworski counsel for Fitness & Wellness of Hackensack scheduling his attendance at this meeting.

Resolutions: None

Hearing: **Samsung Sign Application**
 1 Bergen Town Center
 Blk. 2, Lots 9.3
 Calendar #2015-01

Tim Farley from American Signcrafters, 171 Freeman Avenue, Islip, NY 11751 was sworn in. He is the sign maker and was here on behalf of Samsung. The property owner was not present but has signed the application. If any changes are to be made, the hearing may need to be adjured to the next meeting. Samsung is moving into a vacant property at the Bergen Town Center Annex that is located within the Maywood border. The retail store will act as Customer Service Center. The sign that is being proposed will be consistent with the other properties in section of stores. Details are:

- Individual channel letters
- Illuminated with low voltage LEDs
- Front illuminated “Samsung Customer Service”
- Mounted flush to the building façade (bolted with 3/8” hardware)
- Secondary wiring will be interior so wires will not be seen
- The same sign will be in the front of the business as well as the back which is consistent with the other properties in that strip
- The sign will be 1 color, blue
- The existing blue awning will not change
- Current signs in the window indicate that the business is coming soon
- Everything will conform to code - no variances requested

Building Inspector, James Mazzer was sworn in and confirmed that the proposed sign would conform to code and was consistent with the adjoining properties.

Al Ballerini made the motion to approve the sign application without the need of a variance for Calendar 2015-01, 1 Bergen Town Center, 91 West Spring Valley Avenue, Blk. 2, Lots 9.3 subject to the stipulation on record that the window signs conform to code. The motion was seconded by Vice Chairman Paul Kuhn. All members present voted in favor of the motion.

Fitness & Wellness of Hackensack, LLC
87 & 137 Route 17 North
Blk. 124, Lots 3 & 4
Calendar # 2015-02
Relief from Condition of
Prior Planning Board Resolution

Planning Board Attorney Kaczynski stated that an issue was raised that Board members that may also be members of the Fitness Center may have a conflict of interest. There is a provision of the Land Use Law and Case Law that dictates that if a Board member is a member of church or other organization that is an applicant or objector, they must recuse themselves from the hearing. Polling the Board resulted in two Board members, Al Ballerini and Anthony Klymenko, stepping down from this application. They are both able to comment on the application as a resident of the municipality.

Exhibit A1: Resolution of the Maywood Planning Board relating to the application of the A&P Realty Associates and SWS Realty Associates Calendar #2011-20 dated November 15, 2011

Exhibit A2: February 6, 2015 & February 26, 2015 letters from the applicant to the Maywood members of the fitness center

Exhibit A3: 2015 Fitness & Wellness Community Education Event Schedule

Exhibit A4: Petition to Leave Access Gate Open to Howcroft Road – nearly 1,400 signatures

Exhibit A5: Email memorandum for Jay Troutman dated February 26, 2015. The Planning Board did not receive a copy of this document prior to the meeting. As such the Board and their experts reserve the right to review it and prepare their own analysis

Exhibit A6: Proposed Conditions Sketch for Howcroft Road Sidewalk Extension (for

identification purposes only)

James E. Jaworski counsel for the Fitness & Wellness of Hackensack, LLC stated that the purpose of the application is to amend a condition of a resolution approved on November 15, 2011. He introduced the two principals of the Fitness & Wellness of Hackensack, LLC; Gary Reedy and Leslie Adelman Banks and Mark Sparta from HUMC who were in attendance. He stated that the genesis for this issue was the request for the release of the performance bond. The approved resolution had a condition #3 that had a limitation of access from Howcroft Road limited to emergency vehicles only. Mr. Jaworski called attention to the testimony from the resolution from Mr. Reedy that "Fitness & Wellness would be a magnet for the Maywood community" and he believes that is accurate as there are over 400+ members that live in Maywood. Mr. Jaworski wanted to note the many community based activities that the facility generates. In 2014, 196 free community education programs took place that were open to the public not just members. Thus far in 2015, 67 such programs have transpired. Topics include nutrition, safety, senior wellness, diabetes, breast examinations, cooking demonstrations, motorcycle safety, drug and alcohol education, trauma prevention, childbirth preparation and CPR. Mr. Jaworski specifically pointed out that the senior Maywood members of the facility would be negatively impacted by the Howcroft Road access closure. He again referenced Mr. Reedy's prior testimony that 18-20 million dollars would be spent creating the facility and Mr. Jaworski confirmed that was the case. He referenced the resolution again (page 11, paragraph v) that the "Property and adjacent non-residential parcels along the NJ state highway corridor in Maywood have been and are currently subject to ongoing review by the Planning Board to determine whether or not these parcels should be designated as an area in need of development according to the New Jersey statutory criteria. The current master plan of the borough of Maywood has been amended to include designation of the subject property as well as other adjacent parcels along the New Jersey State Highway Route 17 as a redevelopment area and recommends mixed uses which would include the high-end type of use proposed by the applicant accordingly the proposed use appears to be consistent with the redevelopment goals and recommendations of the Maywood master plan for the subject property." Mr. Jaworski believes that the Fitness & Wellness of Hackensack is magnet for the community as well as for further development. He reminded the board that there is a second phase of development planned. The Sears site will finish the lease in 2015/2016 which is imminent. Developers have contacted Mr. Jaworski and have expressed interest in the Sears property. He noted that Beech Street was considered as the primary access point for the entire area. He would accept as a condition of a resolution of approval the requirement for them to pursue the necessary permits to make the connection to Beech Street once that becomes the primary focus of development for the whole corridor. He expects that will be soon. He asked the Board what was the purpose of gate. Chairman Lichtenberger corrected his assumption that it was related to the Route 17 overpass construction project. In fact, the gate was constructed 35 years ago. He lastly requested the gate be removed or at least allowing it to remain open.

Jay Troutman, P.E. Traffic Engineer from McDonough & Rea was sworn in and while he hasn't a witness in the initial application, he was in attendance at both of the meetings that were a subject matter of the hearings, retained by the applicants as a traffic engineer for this application and was involved in the DOT applications that were processed. He provided a summary of a traffic study that he conducted in context of the proceedings to keep the Howcroft Road access point open.

He observed the weekday PM peak commuter rush period on two evenings in February and considers Howcroft Road & Rt. 17 accesses balanced. He believes that type of distribution of accesses operate efficiently. He continued that the Maywood Avenue and Howcroft Road intersection is in a “sweet spot” along Maywood Avenue between Essex Street and Central Avenue based on traffic signal spacing and progression. The traffic lights allow traffic gaps for left turns out of Howcroft Road onto Maywood Avenue. Two of three turns are right turns out of Howcroft Road traveling south toward Essex Street. This is logical since they wouldn’t want to go north. Vehicles entering from Route 17 have extra pavement past the Essex Street overpass and diverge out of the queuing/merging Route 17 North “pinch point” in which to enter the parking lot. Vehicles entering Route 17 North need to merge into a rolling queue and need some type of courtesy gap by other drivers, by this point he believes that cars have organized into two lanes. He did not observe anyone cutting through the parking lot. He believes that closing the Howcroft Road access will upset the current balance and efficiency. He would be concerned about safety if you were to evacuate the site. Mr. Troutman also discussed the off-site impact, circuitous routing of traffic. Without Howcroft Road open, he believes that more cars would be forced onto an already congested Route 17 North highway. He expects that they would then exit at Central Avenue and then travel south on Maywood Avenue toward Essex Street which would further congest Maywood Avenue.

Board members began asking questions next. Planning Board Attorney Kaczynski asked about actual traffic counts at the time of the initial application or more recently in preparation for this hearing. He confirmed that he did traffic counts for the NJDOT initial application on Route 17. No formal counts for this hearing. He observed approximately 80-100 cars in 1 hour use Howcroft Road. When asked why the NJDOT reconfigured the entrance and exit points, Mr. Troutman explained the NJDOT felt that the existing driveways were not designed for the use and expected volume of the new facility. By pushing the Route 17 North exit on northernmost point of property, cars would be merging into organized traffic lanes. Secretary Panny asked about doing a Saturday study and Mr. Troutman agreed that it would be worthwhile. Saturday traffic patterns do not have the pronounced peaks during the morning and evening commuter times. Chairman Lichtenberger asked about the time of day that Mr. Troutman observed the area and he confirmed that it was between 4:30pm-6:30pm weekday evenings. The site was active and the parking lot was full. He reiterated his idea that Howcroft Road is in a “sweet spot” between Essex Street and Central Avenues. The traffic lights allow traffic gaps for left turns out of Howcroft Road, which represents 1/3 of all turns during that time period. Two thirds of turns are right turns toward Essex Street. Board member Harry Hillenius confirmed that the NJDOT revised the entrance and exit points based on them being the only access points and did not take Howcroft Road into consideration when making those changes. Another Board member asked how Mr. Troutman made the determination that drivers were not using the site as a cut through since there is no line of sight from Route 17 to Howcroft Road and vice versa. Mr. Troutman explained that he observed cars entering from Howcroft Road and slowing down in the parking aisle as to look for a spot. He did not observe cars driving quickly around the perimeter as they do when using a cut through. He said that he observed the same behavior as cars entered from Route 17, they would slow down and enter a parking aisle. His observations were over two weekdays in February from 5pm-7pm. He counted 80-100 cars using Howcroft Road in one hour, but didn’t count the number of cars for Route 17 during this time period. He did observe the same traffic “intensity” on the Route 17 access point as the Howcroft Road access point.

When asked about membership, Mr. Jaworski confirmed that the facility has 400 Maywood residents as members and a total membership of 5,000. Mr. Troutman observed cars travelling north on Maywood Avenue turning left onto Howcroft Avenue holding up traffic back to Essex Street. He explained that there would need to add a left turn lane to offset the back-up. At that time of day, Maywood Avenue is a cut through to avoid Route 17 North traffic. He acknowledged a traffic problem on Maywood Avenue.

Board Engineer Tom Lemanowicz had a few observations of the previous testimony. He explained that Mr. Jaworski's testimony focused on the value of the use but it is not relevant to safety of the intersection. He received Mr. Troutman's traffic memo a few hours prior to the meeting but believes that more information is necessary to make a decision. Mr. Lemanowicz summarized that the intersection does not have a traffic signal and a large volume of traffic from non-residential use dumps to a local road. He had several questions about the Mr. Troutman's cut through observation specifically from which vantage point did Mr. Troutman make these observations. Mr. Troutman observed from several points; Maywood Furniture for Howcroft Road observations, perimeter parking aisles in the center of the site and by Route 17. As cars came in from Route 17, Troutman traced them to a parking spot; they parked and did not cut through. He watched entering cars from both access points use parking spots but could not see where cars came from as they were exiting. He said that they slowed down as though looking for a parking spot in a parking aisle versus driving around the perimeter at a higher speed. Board Attorney Kaczynski pointed out that even if a car drives through a parking aisle, they may not necessarily be parking. It is possible that they are cutting through the parking lot.

Chairman Lichtenberger confirmed the observation times as weekday 5pm to 7pm. No other times were observed. Observations took place over two days. Tom Lemanowicz asked about the statement that the property works better as it is right now with the Howcroft Road access. This suggests that the property doesn't work well without the Howcroft Road access which conflicts with the use variance testimony. In use variance testimony, you must prove that the site is particularly well suited. Mr. Jaworski explained that this was not application based on use being particularly well suited but instead on an inherently beneficial use. Mr. Lemanowicz clarified that if there are problems that need to be resolved by keeping the gate open it suggests that there are design problems which goes back to the original approval and asks why it is unsuitable circulation pattern for the property now. Master plan states that a "well-designed traffic and circulation system is essential for the functional viability of the community. Major circulation concerns include the large increase in traffic volume on Maywood Avenue and inadequate street widths of most arterial and collector streets". Howcroft Road is a popular access point. Mr. Troutman believes that leaving the gate open at Howcroft Road reduces volume off the whole stretch of Maywood Avenue.

Mr. Jaworski suggests that creating sidewalks would make Howcroft Road a better access point. Extend the sidewalk from where it terminates on Howcroft Road to where it would access the facility. He spoke to the principal of Maywood Furniture and he suggested posting a speed limit sign and that he observed pedestrian traffic to the facility. Mr. Jaworski admits that they would need mayor and council permission as that is borough property. Once they receive approval from the mayor and council, they would need to submit a site plan to the Planning Board. They would accept that as a condition of approval to keep the street open, they would make diligent

effort proceed with approvals to install that sidewalk.

Five minute break at 8:35pm

Call to order at 8:40pm

Open to the public on the subject of the Howcroft Road access:

Chairman Lichtenberger instructed to the public explaining that there are time constraints for the meeting and if you concur with something being said by another member of the public, you needn't repeat it.

Donna Paterno, 125 East Magnolia Avenue in Maywood. She is a resident and gym member since January 2014 and has not witnessed any cut-throughs from cars entering on Route 17. She uses the gym 4-5 times per week in the morning and in the evening with her daughter. She believes that the facility contributes minimal traffic from people making the right turn from Howcroft Road onto Maywood Avenue and traveling south. She thinks that closing the gate will cause 500 Maywood residents to be angry. She thinks that the majority of Maywood residents that are gym members are seniors and exiting onto Route 17 is difficult for the best of drivers because there is no shoulder to use to merge. Lastly, she believes members that use Maywood Avenue are soliciting Maywood businesses as well.

Irene Austin, 200 Princeton Drive in River Edge. She uses the facilities every weekday. If the gate is closed, she believes that it will negatively impact seniors the most since many won't use Route 17.

Miriam Taffe, 307 Passaic Street in Hackensack. She patronizes many Maywood business and the Maywood Library. She uses the Fitness & Wellness Center for medical purposes; bloodwork and mammograms. She says that the staff is excellent. She believes that seniors are afraid of Route 17. She thinks that the summer traffic was because of construction and has not witnessed cars cutting through the parking lot.

Judy Pal, 77 Sinniger Place in Maywood. She agrees with the three women that spoke before but wanted to add one thing; if all traffic is forced onto Route 17 North, she believes that cars will back up on Passaic Street.

Lou Palini, 63 Spring Valley Road in Maywood. He has resided at that address for 50 years and agrees that Maywood Avenue is busy. He is 83 years old with a heart condition and uses the gym but doesn't want to use Route 17.

Debbie Freisinger 69 East Hunter Avenue in Maywood. She, her husband and her daughter use the gym and usually walk to it. Closing the gate would force her to drive and would contribute to a car back up at Essex Street. She believes that drivers are going to use Maywood Avenue anyway. The facility pays taxes.

Ann & Barry Potvin, 722 Maywood Avenue in Maywood. They have resided at this address for 28 years and agree that traffic is terrible on Maywood Avenue. She believes that anyone making a left turn on Maywood Avenue backs up traffic. She hasn't seen an increase in traffic in

Maywood since the Fitness & Wellness Center opened. Barry believes that forcing everyone onto Route 17 will cause accidents and that traffic will be diverted to Maywood Avenue anyway. She asked why the gate was installed 35 years ago. Chairman Lichtenberger answered that it was installed to prevent cut through traffic and reminded the public the Planning Board opinion was heard in 2011 and is a matter of public record.

Richard Kuhlenkamp, 10 Hammel Place in Maywood. He has lived at this residence for 37 years. He would like to walk to the Fitness & Wellness Center this spring to continue his cardio rehab. He believes that using Route 17 is dangerous since the acceleration lane is clogged with ice and traffic moves too fast.

Derek Eisenberg, 121 Belle Avenue in Maywood. He is a current Maywood Councilman and was a member of the Planning Board for preliminary hearings but not while the variance was granted. Although it may not be the case now, he expects that in the future, drivers on Route 17 North may use the Fitness & Wellness center and Howcroft Road as a cut through to avoid Route 17 traffic. He suggests that there are two solutions available that may satisfy both sides; (1) install an electronic gate with a card reader for Fitness & Wellness members or (2) separate the parking lot into 2 lots; one for traffic accessing the facilities from Route 17 and the other for traffic from Howcroft Road.

Al Ballerini, 668 Lincoln Avenue in Maywood. While the gate was put in place 35 years ago, the use of the property has changed from industrial to present use. He believes that there is no problem there currently.

Lou Palini added that he doesn't think that people would use the short cut. To him, it doesn't make sense.

Chairman Lichtenberger reminded that the plan from 2011 was always to have the gate closed. The Fitness & Wellness Center agreed to it and it was a paragraph in the variance resolution. It stayed open to allow for construction debris to be removed. Without further notification necessary, adjure the hearing to the March 26, 2015 Planning Board meeting at 7:30pm in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey. Condition is status quo will remain intact. Waive any time period constraints and extend the time through March 27, 2015.

Jaworski thanked the public for attending and pointed out that there was no opposition from the public.

Old Business: Master copy of the Planning Board membership list was reviewed and revised. The appointment of a Board Secretary has been made by council approval.

Open to the Public: Joe and Michelle Bruno, 333 Jaeger Avenue in Maywood. Home is located behind the 370 Maywood Avenue Subdivision and backyard floods when it rains. They would like to the status. Chairman responded that the property has been identified and the Borough Engineer, Building Inspector have viewed the property personally. It was his understanding that the homeowners affected were being contacted. When the application for the

subdivision was approved, it was with the understanding that any drainage would not affect the neighbors. Hay bales were added and a swale was part of the plan. It is the builder's responsibility that the subdivision drains properly. Holding tanks were implemented and overflow goes to Maywood Avenue. Engineer Lemanowicz explained that the Planning Board is not enforcement body. The Planning Board approves plans prior to the property owner receiving a building permit, i.e. a variance, non-residential property or a subdivision. If a builder doesn't follow the plan, the Zoning Officer James Mazzer investigates. When Lemanowicz visited the property, it was covered in snow so it was difficult to assess the issue. The Borough Engineer would be the appropriate party to assess the drainage issue and is involved per his knowledge. Chairman Lichtenberger explained that to his knowledge, the builder has been cooperative with Borough. Zoning Officer Mazzer confirmed that no site work has been completed in the rear of the property. Mr. Bruno would like to ask the builder to build a berm on his property when the builder creates one on the subdivided properties. Planning Board Attorney Kaczynski reiterated that the Planning Board doesn't enforce that the conditions for the variance are implemented however, she wanted to clarify the problem with several questions. The problem first started in October 2014. Mr. Bruno's family has resided in that home since 1956 and there has never been a drainage issue even during hurricanes. Mr. Bruno asked if Certificates of Occupancy (CO) have been issued for the two unsold properties and Zoning Officer Mazzer confirmed that they had not. Mr. Mazzer also mentioned that he and builder had been in contact. The builder plans to add landscaping that should alleviate the drainage problem. Mr. Bruno is concerned that landscaping won't be enough because the builder changed the grading. A Board member suggested that Borough Engineer check the actual elevations to the plan that was approved by the Planning Board. Chairman Lichtenberger summarized that the Borough Engineer and Building Inspector would work with the Builder to ensure that municipality is satisfied that the drainage problem is fixed. Councilman DeHeer promised to follow up with the Borough Engineer personally and get back to the homeowners directly.

New Business: Chairman Lichtenberger asked what happens if a business installs a sign without going through the sign application process. He has noticed at least two signs have been installed without approval. Planning Board Attorney Kaczynski stated that a zoning violation notice should be issued citing the section of the ordinance that have been violated and giving 30 days for review and approval.

Adjournment: A motion to adjourn was made by Chairman Lichtenberger; Harry Hillenius seconded the motion. The meeting was adjourned at 9:23pm.

Respectfully submitted,

Tara Grunstra
Secretary