

**MAYWOOD PLANNING BOARD
MINUTES
March 28, 2024**

A regular meeting of the Maywood Planning Board was held on Thursday, March 28, 2024 in the Council Chambers of the Maywood Municipal Building, 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 December 7, 2023. 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 same pursuant to said act. This meeting is being recorded with both audio and video and may be rebroadcast. 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 7:32pm with the following members present:

Mayor’s Designee Jacqueline DeMuro
Councilperson Ryan Ullman
Chairperson Charlotte Panny
Vice Chairperson Anthony Klymenko
Secretary Gary Neumann
John Gargagliano
Harry Hillenius
Douglas Herrick
Thomas Lindenau
Thomas Anzevino
Rick DeHeer
Board Attorney Kara Kaczynski
Board Engineer Gregory Polyniak
Board Planner Michael Kauker
Borough Fair Share Housing Counsel Patrick McNamara

Approval of Minutes

John Gargagliano made a motion to accept the minutes from the February 22, 2024 meeting.
Rick DeHeer seconded the motion.
All eligible members present voted in favor of the motion.

Bills

Douglas Herrick 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

1. 3/8/24 letter from Board Engineer Gregory J. Polyniak Re: Stepan Company 100 West Hunter Avenue Revised Resolution Compliance Review

Councilperson Ryan Ullman made a motion to memorialize the resolution.
Harry Hillenius seconded the motion.
All eligible members voted in favor of the motion.

Completeness Hearing None

Memorial School Addition Board Review and Recommendation pursuant to N.J.S.A. 40:44D-31

From the Applicant:
Architect Chris Borduin of LAN Associates

From the Board:
Board Attorney Kara Kaczynski
Board Engineer Greg Polyniak

Board Attorney Kara Kaczynski explained that the Board of Education does not need formal Planning Board approval but they are required to present their proposed development and consider any Planning Board recommendations. Chris Borduin of LAN Associates was sworn in. He displayed Memorial School Addition Colorized Construction Plans Dated 9/25/23 Revised 1/19/24:

- Said that the proposed addition is approximately 8,800 square feet
- Explained that the 1-story addition will create a courtyard
- Stated that he reviewed the comments from Board Engineer Polyniak’s review and implemented most of the recommendations
- Detailed that the addition will add 6 accessible classrooms with a connecting corridor and entrances
- Noted that the materials and elevations proposed will match what is existing

Board Attorney Kaczynski asked Board Engineer Gregory Polyniak to provide a summary of the comments from his review. Board Engineer Polyniak was sworn in and referenced his review dated 10/20/22:

- Said that the minor technical comments have been addressed
- Confirmed that the Police Department and Fire Department reviewed the plans with regards to access and that no sprinkler system was proposed
- Confirmed that the proposed HVAC unit meets sound requirements
- Asked about utility services and Mr. Borduin stated that the electrical service will be upgraded. He added that they are proposing a large underground stormwater detention basin
- Clarified that any damaged or lifted sidewalk slabs will be replaced
- Confirmed that the addition will be ADA compliant

Chairperson Charlotte Panny invited the Board to ask questions of Mr. Borduin:

- John Gargagliano confirmed that they are proposing a metal truss roof that was engineered to carry the HVAC unit load
- Board Planner Michael Kauker asked about the capacity for the new classrooms and Mr. Borduin answered that the new classrooms would be the largest at the school and each would have a bathroom which is a Pre-K requirement
- Mayor’s Designee Jacqueline DeMuro questioned if the glass was bullet-proof and Mr. Borduin replied that the glass is bullet-resistant but not bullet-proof. She confirmed that the single-point entry is not proposed to change

Board Attorney Kaczynski invited the public to ask questions of Mr. Borduin but no one came forward.

She advised that she would prepare a letter to the Board of Education summarizing the Board's comments.

John Gargagliano made a motion authorizing Board Attorney Kaczynski to send the letter.

Rick DeHeer seconded the motion.

All eligible members present voted in favor of the motion.

Application Hearing

Filip Kristani

44 Parkway

Block 62, Lot 4

Calendar #2023-11

Variance Application

Minimum Front Yard Setback (25' minimum required vs. 19.5' proposed)

Maximum Lot Coverage (30% maximum permitted vs. 30.8% proposed)

Board Attorney Kara Kaczynski advised that the hearing has been adjourned to the 5/23/24 meeting without need for additional notice.

Informal Hearing

None

Old Business

- Amended Application, Checklist and Fee Schedule
 - Rick DeHeer provided his comments in a 2/12/24 letter
 - Board Attorney Kaczynski asked if there were any additional comments from the Board
 - She offered to summarize the recommendations in a letter to the Governing Body as they have the authority to change the ordinance

New Business

- Affordable Housing Legislation Update
 - Board Planner Michael Kauker and Borough Fair Share Housing Counsel Patrick McNamara updated the Board on the recent affordable housing legislation
 - Borough Fair Share Housing Counsel McNamara distributed a memo summarizing the changes:
 - Abolishes the Council on Affordable Housing (COAH)
 - Requires the DCA to calculate municipal "fair share" numbers
 - Establishes a process for municipalities either to accept the DCA's numbers or to determine and substantiate their own present and prospective fair share obligations based on the formulas established in the bill
 - Creates parameters for fair share plans, such as age-restricted unit maximums, "family-rental" minimums, bonus credit maximums, etc.
 - Identifies various compliance techniques

- Provides criteria for municipalities to secure and maintain Round 4 “temporary immunity” from exclusionary zoning/builders’ remedy lawsuits during the process
- Permits interested parties to file formal challenges to the numbers and fair share plans, which will be addressed by the new “Affordable Housing Dispute Resolution Program”
- Provides a process for fair share plan approval either through the DCA or the courts via declaratory judgment actions
- Delineates ongoing post-approval municipal monitoring and reporting requirements
- Borough Fair Share Housing Counsel McNamara explained that the legislation provides a series of deadlines:
 - October 20, 2024: Deadline for the DCA to complete and publish statewide Fair Share calculations
 - January 31, 2025: Deadline for Towns to adopt their numbers via “Binding Resolution” (with or without using the DCA’s numbers) thereby establishing temporary immunity
 - February 28, 2025: Deadline to challenge the town’s Binding Resolution and adopted numbers
 - March 1, 2025: If no challenges are filed by interested parties, the Town’s numbers are established by default and immunity remains in effect
 - April 1, 2025: Deadline for the Affordable Housing Dispute Resolution Program (“AHDRP”) to settle the number challenge(s)
 - June 30, 2025: Deadline to adopt and endorse a Housing Element and Fair Share Plan and file with the AHDRP to maintain temporary immunity
 - July 1, 2025: First day of Round 4
 - August 31, 2025: Deadline to challenge the validity of a Town’s Housing Element and Fair Share Plan
 - December 31, 2025: Deadline for the Town to settle the challenge or provide an explanation as to why it will not make all, or some of the requested changes, or both
 - March 15, 2026: Deadline for Towns to amend their Housing Element and Fair Share Plans to and adopt the implementing ordinances to comport with settlement agreements with challengers
- Board Planner Kauker believes that there are several sites for potential development to satisfy the Borough’s unmet need for low and moderate-income housing
 - He discussed the vacant land analysis and environmental factors that would determine the realistic development potential
 - He mentioned Lydecker Manor and group homes satisfying some of the unmet need
- Board Attorney Kaczynski confirmed that the DCA calculations would be provided in October 2024 and municipalities would adopt their numbers in January 2025
- John Gargagliano asked for Maywood’s unmet need number
 - Borough Fair Share Housing Counsel McNamara answered that the unmet need is 34 or 35 units

- Chairperson Panny inquired how the unmet need was calculated
 - Borough Fair Share Housing Counsel McNamara replied that the process with the Special Master is detailed in the Housing Element and Fair Share Plan
 - He suspects that the Round 4 formula will be similar to what was used for Round 3
- Douglas Herrick asked about using accessory dwelling units (ADUs) for senior housing
 - Borough Fair Share Housing Counsel McNamara answered that there is hope that ADUs would be permitted in the regulations. He added that there would need to be deed restrictions and enforcement to ensure that the unit stays within the guidelines
- 3/27/24 Adopted Borough Resolution #88-24 Authorizing Area in Need of Re-development Study
 - Board Planner Kauker believes that he will have a draft to the Board by June
- Distribution of Calendar #2024-01 Tesla 1 Bergen Town Center Variance & Site Plan Applications
- Cancellation of 4/4/24 Meeting
 - Harry Hillenius made the motion to cancel the 4/4/24 meeting
 - Rick DeHeer seconded the motion
 - All eligible members voted in favor of the motion

Open Meeting to the Public

Closed Session

Harry Hillenius made a motion to go into Closed Session. Douglas Herrick seconded the motion. All eligible members present voted in favor of the motion.

BOROUGH OF MAYWOOD PLANNING BOARD

Closed Session Resolution # 2024-02

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Personnel matters

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

() Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law

() Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds

() Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved

() Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

() Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

() Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law

() Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

(X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood

() Will return to open session after this meeting.

(X) Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 3/28/24 Time: 8:40pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary