

**MAYWOOD PLANNING BOARD  
MINUTES  
March 3, 2016**

A regular meeting of the Maywood Planning Board was held on Thursday, March 3, 2016 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, 2015. 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 7:30pm 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 and Anthony Klymenko. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski Board Engineer Tom Lemanowicz and Board Planner Michael Kauker.

**Approval of Minutes**

Vice Chairman Paul Kuhn made a motion to accept the minutes from the February 25, 2016 meeting. Secretary Charlotte Panny 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. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

**Correspondence**

- 2/22/16 letter from PSE&G Re: Freshwater Wetlands Statewide General Permit #1 Application
- 3/2/16 letter from Board Engineer Tom Lemanowicz Re: J. Magnone Auto Group Floor Plan & Truck Turn Test Review

Councilman DeHeer recused himself from the Board prior to the hearing beginning.

**Hearing #1**

**J. Magnone Auto Group, LLC**  
29 Essex Street  
Block 124, Lot 5  
**Calendar #2016-01**  
**Variance Application**

Jennifer Knarich of Price, Meese, Shulman & D'Arminio is counsel for the applicant, J. Magnone Auto Group. This is a continuation of a hearing started on 1/7/16 and adjourned on 2/4/16. The property currently consists of an existing vacant warehouse which was formally occupied by Design Spree furniture store. The application is for site plan approval, use variance and bulk variances including signage and parking. The existing 1 story building is 51,830 square feet and will not be enlarged but the interior will be renovated. The business will be high end used automobile sales and servicing/detailing the automobiles that are for sale. The property is located in the limited light industrial district which permits warehouse, storage and manufacturing uses. Limited light industrial permits new car dealerships and used car dealerships as an accessory to new car dealerships. The specific relief is preliminary and final site plan approval, use variance relief and bulk variance certain for signage and parking. To summarize the signage, two ground signs and three wall signs are proposed. The applicant has a preexisting nonconformity for parking where 200 spaces are required overall and 195 are existing and proposed. Since the previous hearing on 2/4/16, the Board Engineer Tom Lemanowicz has issued two reports dated 2/24/16 and 3/2/16. The reports were in response to the Truck Turn Analysis, Trip Generation Comparison, Floor Plan and Truck Turning Test. Previous witnesses will be recalled to address the reports and videos of the Truck Turn Test will be shown. There will be two new witnesses; the car carrier driver and the person the videotaped the Truck Turn Test. Ms. Knarich noted that Borough Planner Michael Kauker was in attendance and informed the Board that the two transcripts from the 1/7/16 and 2/4/16 hearings were forwarded to him. Borough Planner Kauker is expected to issue a report prior to the next hearing and the applicant will respond if necessary.

Traffic Engineer Elizabeth Dolan was the first witness. The Trip Generation Comparison dated 2/3/16 was previously marked as Exhibit A5, however, Board Attorney Kara Kaczynski explained the exhibit numbering may be slightly off and she will submit a comprehensive exhibit list at the next hearing. Ms. Dolan responded to the Board Engineer Lemanowicz's 2/24/16 report. She specifically addressed comment #8 concerning A5 Trip Generation Comparison. She used the 9<sup>th</sup> edition of the Institute of Traffic Engineers (ITE) Manual to prepare A5. The introduction of the ITE Manual states that data was "primarily collected at suburban locations having little to no transit service". She believes that the applicant's site has little to no transit service. Although there is a NJ Transit Bus Stop on the corner of Maywood Avenue and Essex Street, she does not believe that this transit location would not influence the trip generation data. Mass transit was not a consideration when she prepared A5. The values for each zoned use (Light Industrial, Manufacturing, Warehousing, Furniture Store and Automobile) provide data points relative to the building area. She reminded the Board that the numbers provided are estimated for forecasting purposes. She was unaware that the previous applicant, Design Spree, provided trip generation numbers in their application which were significantly lower than the ITE Manual for Furniture Store Use. Lastly, the traffic values for the Proposed Used Car Dealership are based on the applicant's testimony with no independent corroboration. The ITE Manual does not have this unique use as a category. Board Engineer Lemanowicz noted that the ITE Manual is based on limited data sources.

The second witness was the applicant's architect, Conrad Roncati. He presented Exhibit A10 Floor Plan A101P. This floor plan depicts the interior parking layout and how the cars would circulate the interior. Several modifications were proposed based on earlier questions from the

Board and the public. He closed the overhead doors in the storage area located nearest to the servicing and detailing area but the overhead door closest to Demarest Place will remain open. The wall between the storage area and the servicing and detailing area was opened in two places to allow cars to move from each area without needing to exit the building thereby minimizing the noise from the overhead door opening and closing. The floor plan depicts 146 parking spaces using tandem parking in most places. Tandem parking means that only 1 car would be required to be moved to access the car behind it. Since this isn't a public garage, the parking spaces and aisles are more narrow than what the code allows. In response to the Board Engineer Lemanowicz's 3/2/16 report, Mr. Roncati does not believe that this will be an issue since the employees are professionals similar to valets and can manage the tighter spaces. The columns in the center of the drive aisles and parking spaces shouldn't be a problem for the facility staff to negotiate around. The location of these columns dictated the size of the parking spaces. In terms of egress from the storage area to outside, the final construction plans will depict that level of detail and include a building code evaluation. He then pointed out four points of egress on the floor plan. He noted that one third of the cars are tandem parked. Prior to creating the floor plan, Mr. Roncati believed that up to 150 cars could be parked in the interior without stacking as he testified to on 1/7/16. He now believes that if tandem parking was not permitted, 109 cars could be stored in the building. The service bays and lift are not depicted in the floor plan since it has not been finalized with the applicant.

Board Engineer Tom Lemanowicz reminded Mr. Roncati that previous testimony indicated that the interior parking storage would resemble a typical parking lot. The submitted floor plan depicts aisles and parking spaces that are more narrow than what is typical and does not conform to code. He suspects that bringing the interior parking to code by removing the tandem parking and widening the aisles and spaces would lower the number of parking spots significantly. Mr. Roncati does not believe the code for public parking lots would apply to this vehicle storage use. This area would be limited to employees only, no customers would be allowed in the storage area. Board Planner Michael Kauker does not feel that the parking space width is sufficient for employees entering and exiting the vehicles. Mr. Roncati reiterated that the column locations dictated the width of the parking spaces and the aisles. He then related an experience of using a parking facility in New York City where the cars were parked within inches of each other. He explained that valets can use a dolly to fit the cars next to each other without needing a driver. Board Planner Kauker asked how customers would view cars during an appointment. Mr. Roncati explained that cars would be brought out of the storage area to the customer waiting area. Mr. Roncati clarified that the applicant would comply with the Fire Prevention code in respect to the car battery connections and amount of gasoline in each car. The column dimensions are 10" x 12" and he pointed out where they are located on the floor plan. Ken Terzo asked if cars would be stored in the servicing and detailing area and Mr. Roncati replied that they would not. Mr. Terzo was concerned about the cars tandem parked near the restrooms and mechanical room. Mr. Roncati agreed to remove 4 parking spots in this area. Mr. Terzo believes that the applicant should follow the parking lot code in terms of the widths of aisles and spots. Mr. Roncati believes that the parking lot code is not necessary for vehicle storage.

Javier Abreu was sworn in. He is the co-owner of J. Magnone Auto Group and videotaped the Truck Turn Test. Darryl Yarnes was sworn in. He is the car carrier truck driver for J. Magnone Auto Group. A summary of the five videos are:

1. 2/16/16 @ 10am
  - a. Empty car carrier makes a right turn onto Maywood Avenue from Demarest Place
2. 2/16/16 @ 10am
  - a. Full car carrier makes a left turn onto Maywood Avenue from Essex Street
  - b. Full car carrier makes a left turn from Maywood Avenue to Demarest Place
  - c. Full car carrier enters the 29 Essex Street parking lot and begins a loop of the empty parking lot
    - i. Stops where cars will be unloaded and loaded
3. 2/16/16 @ 10am
  - a. Full car carrier continues 29 Essex Street parking lot loop
  - b. Full car carrier exits 29 Essex Street (via the Essex Street exit only) by making a right onto Essex Street (videotaped from 29 Essex Street)
4. 2/16/16 @ 10am
  - a. Full car carrier makes a right turn onto Maywood Avenue from Demarest Place
5. 2/25/16 @ 1:30pm
  - a. Full car carrier exits 29 Essex Street (via the Essex Street exit only) by making a right onto Essex Street (videotaped from the south side of Essex Street)
    - i. Board Engineer Lemanowicz noted that he witnessed the car carrier crossing the double yellow line into oncoming traffic when making this turn on two occasions during the test
    - ii. He also witnessed a car traveling on Essex Street needing to slow down in order for the car carrier to finish the right turn onto Essex Street

Board Engineer Lemanowicz witnessed all of the maneuvers represented in the videos and feels the videos accurately reflect the Truck Turn Test that he witnessed. Chairman Lichtenberger asked about what would happen when cars are queued up at the Essex Street and Maywood Avenue traffic light. Ms. Knarich explained that the test was conducted during the time that car carrier would make the daily delivery. The car carrier delivery would be scheduled during off-peak times to minimize traffic queues at Essex Street and Maywood Avenue. Additionally, she noted that they would be willing to make this as a condition of approval. Darryl Yarnes confirmed that he would be the driver of the car carrier for the daily car delivery. He has worked for the applicant for 15 years and has driven this type of truck for 37 years.

The application hearing will be adjourned until the 4/7/16 meeting with no need to notice. All of the applicant's witnesses will be available at that meeting. Board Planner Kauker will not be able to attend but will distribute his report prior to the hearing. Mary Senia of 41 Maywood Avenue asked if the public would be able to comment at the 4/7/16 hearing. Chairman Lichtenberger confirmed that the public would be able to ask questions and comment at the 4/7/16 hearing.

Councilman DeHeer rejoined the Board.

**Hearing #2**

**Union Tax Inc.**  
130A West Pleasant Avenue  
Block 83, Lot 8  
**Calendar #2016-02**  
**Sign Application w/o Variance**

The applicant, Fernando A. Morales, was not in attendance. Zoning Officer James Mazzer and Recording Secretary Tara Grunstra noted that he had missed several meeting leading up the hearing. Board Attorney Kaczynski asked Recording Secretary Grunstra to inform the applicant that if he does not attend his next scheduled hearing, his application will be dismissed and a new application will be required including all applicable fees.

**Hearing #3**

**Maywood Realty Associates, LLC**  
113 West Essex Street  
Block 125, Lot 2  
**Calendar #2016-04**  
**Sign Application w/o Variance**

Susan Rubright of Brach Eichler, LLC is counsel for the applicant, Maywood Realty Associates, LLC. Dr. Richard Winters, one of the physician owners of Maywood Realty Associates, and John Janis of Butler Sign Company were sworn in. The applicant owns a medical office building with two tenants; an ambulatory surgical center and a dialysis treatment center. Since the Route 17/Essex Street Interchange Improvement, building access is through an easement with the adjacent property at 99 West Essex Street. Despite adequate signage on the building, patients and ambulance drivers still find the building entrance difficult to find. The applicant has reached an agreement with Bergen County to place a freestanding sign on the Essex Street right-of-way. Mr. Janis described the exact location of the signage. He noted that the placement is not in the sight triangle so it will not block any views. The signage that is proposed conforms to the code requirements for height (7'-8") and square footage (18 square feet). Chairman Lichtenberger suggested adding verbiage to the sign that indicates the distance to the turn to access the property (i.e., 80 feet). Board Attorney Kaczynski asked about how the sign would be lit and Mr. Janis believed that solar panels would be used to power the illumination. Councilman Rick DeHeer suggested including "Turn at Light" to the distance notation of "80 feet" to further clarify the turn location. The revised rendering including the turn clarification should be submitted to Zoning Officer Mazzer. Ken Terzo asked about the number of colors. Three colors are proposed (blue, green and yellow) and match the existing building signage. The illumination will be programed to follow the Borough code.

Harry Hillenius made a motion to accept the application. Secretary Charlotte Panny seconded the motion. All members present voted in favor of the motion.

**Informal Hearing**

None

**Old Business**

- 3/3/16 letter to Borough Clerk Jean Pelligra from Kara Kaczynski Re: Recommendations of the Planning Board of the Borough of Maywood Regarding Ordinance #s 3-16; 4-16; 5-16; 7-16; and 10-16

Board Attorney Kaczynski summarized the letter memorializing what was discussed at the previous meeting on 2/25/16.

**New Business**

- Chairman Lichtenberger asked Zoning Officer Mazzer to contact Tivoli Custom Framing at 5 East Pleasant Avenue to switch the flashing open sign to static

**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 9:15pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary