

**MAYWOOD PLANNING BOARD
MINUTES
April 25, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, April 25, 2019 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 22, 2018. 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, Councilman Richard Bolan (left @ 7:42pm), Gary Neumann, John Montel, Harry Hillenius, Rick DeHeer, Peter Cicarelli, Secretary Anthony Klymenko and John Gargagliano. Board Attorney Kara Kaczynski, Brian Gillen and Board Planner Michael Kauker were also present.

Bills

Harry Hillenius made a motion to accept payment of the bills. Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

- 4/11/19 Public Notice of Wetlands Letter of Interpretation Application from Matrix New World for Jeco Corporation c/o Kin Properties 149-151 Maywood Avenue
- 4/22/19 letter from Board Engineer Tom Lemanowicz Re: Maybrook Gardens Completeness Review Calendar #2019-04 Maybrook I
- 4/22/19 letter from Board Engineer Tom Lemanowicz Re: Maybrook Gardens Completeness Review Calendar #2019-05 Maybrook II
- 4/23/19 letter from Board Recording Secretary Tara Grunstra Re: Pizza Pros 105 Essex Street Hearing Date 5/2/19
- 4/23/19 Resolution #91-19 Authorizing Neglia Engineering to Provide a Proposal for Surveying Services of Drug Free Zone and Drunk Driving Free Zone Mapping

Hearing #1

Stray Cat Brew
108 West Pleasant Avenue
Block 82, Lot 4
Calendar #2019-02
Sign Application

Michael Zier operates Stray Cat Brew and was sworn in. He is proposing installing a non-illuminated aluminum sign:

- One wall sign which measures 3' high x 6' wide (18 square feet) where 44 square feet is permitted (façade is 21' high x 21' wide or 441 square feet)
- Signage is 3 colors; blue, black and white which conforms to the Borough code
- Existing spotlights will shine on the sign and conform to the Borough code in terms of hours of illumination

Chairman Frank Lichtenberger advised the applicant not to post additional signage in the windows and Mr. Zier agreed stating that the menu will be the only item posted in the window. No members of the public came forward to comment on the application.

Councilman Richard Bolan made a motion to approve the application as proposed. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Councilman Bolan stepped down from the dais and left the meeting at 7:42pm.

Hearing #2

200 Route 177 LLC

200 Route 17 South
Block 125, Lots 3 & 4

Calendar #2018-10

Variance & Site Plan Applications

Board Attorney Kara Kaczynski advised the applicant and objector to heed Chairman Lichtenberger's opening statement relating to decorum. Joseph Fiorenzo of Sills, Cummis & Gross represents the applicant, 200 Route 17, LLC. He sent a letter earlier in the day to advise the Board that his planner, Joseph Burgis, was unable to attend tonight's hearing. The objector, Joseph R. Torre, representing Ultimate Force and indirectly long-term leasee Harley Davidson, was planning to continue his cross examination of Mr. Burgis from the 3/28/19 meeting. Mr. Fiorenzo suggested that Mr. Torre present his witnesses tonight and Mr. Burgis would be available at the following meeting. Mr. Torre objected to presenting his case and would prefer to adjourn the hearing. After much discussion, Harry Hillenius made a motion to adjourn the hearing to 5/23/19 and Gary Neumann seconded the motion. All the eligible members voted in favor of the motion except Secretary Anthony Klymenko who voted no. The application was carried to the 5/23/19 meeting without obligation to re-notify the public. Mr. Fiorenzo extended the time for the Board to act to 5/23/19.

Mr. Torre repeated his previous objections about the applicant's notice. He believes that the applicant did not notice the Rochelle Park Township Clerk or the military facility located in Lodi. He then explained that notices are required to be understandable to the public so that the layman can understand what is being proposed. He believes that the current notice has omissions that the average person wouldn't understand since it omitted the square footage of the building and the number of units. Mr. Torre also took exception to the notice including the wording "other bulk variances" since he feels that it is vague. Additionally, he believes that the applicant did not notice within 200 feet of the perimeter of Lot 4. He questioned if the applicant has subdivided Lot 4 as the NJ DOT is the property owner. In summary, he stated that if the notice

is defective, the Board lacks jurisdiction to act. Mr. Fiorenzo assured the Board that the notice was properly compliant with the MLUL. He emphasized that the applicant noticed all the property owners listed on the 200-foot list provided by the Borough. Board Attorney Kaczynski confirmed that the applicant utilized an updated 200-foot list provided by the Borough. She reminded all the parties involved that materials should be sent to the Board Recording Secretary who will then distribute to the Board.

Closed Session None

Informal Hearing None

Old Business

- Board Attorney Kaczynski confirmed that the Board has not received the requested escrow from Empire Real Estate Holdings
 - She would like Board Engineer Tom Lemanowicz to provide a review of the DEP determination but he cannot until escrow is received
 - She noted that escrow replenishment is a condition of approval
 - Chairman Lichtenberger, Vice Chairperson Charlotte Panny, Secretary Anthony Klymenko and John Gargagliano have personally observed the tenant violating the conditions of approval by parking 16 or more vehicles where parking was limited to 14 vehicles
 - Rick DeHeer asked if the Court would get involved since the conditions of the settlement agreement are being violated
 - Board Attorney Kaczynski explained that there are 2 options; violations or rescinding the approval
 - Chairman Lichtenberger requested that Board Attorney Kaczynski draft a letter requiring the applicant to appear before the Board at the next meeting on 5/2/19 or the approval will be rescinded
 - If the resolution is rescinded, the tenant would not be permitted to operate at the location
- Chairman Lichtenberger noted that the My Home Adult Day Care project is progressing well
 - The Fire Department had a drill at the location
- Chairman Lichtenberger spoke with Board Planner Michael Kauker about COAH
 - A Court date is set and is expected to be finalized
 - Once settled, the Master Plan can be completed
- Chairman Lichtenberger advised the Board that the property on the corner of Maywood Avenue and West Passaic Street is on the market and is zoned A-1 Residential

New Business

- Distribution of Calendar #2019-03 Pizza Pros, 105 Essex Street, Block 131, Lot 9 Sign Application
- Distribution of Calendars #2019-04 & #2019-05 Maybrook Gardens Apartments, Block 135, Lot 1 & Block 131, Lot 10 Variance & Site Plan Applications
- Distribution of Calendar #2019-06 PSE&G Substation Expansion, 186 West Pleasant Avenue, Block 124. Lots 80-91, Variance Application

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Vice-Chairperson Panny seconded the motion. The meeting was adjourned at 8:44pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary