

**MAYWOOD PLANNING BOARD
MINUTES
May 4, 2017**

A regular meeting of the Maywood Planning Board was held on Thursday, May 4, 2017 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, 2016. 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 7:27pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Councilman Rick DeHeer, Gary Neumann, Charles Goebel, John McManus, Ken Terzo and Daniel Nemecek. Board Attorney Kara Kaczynski (arrived at 7:30pm) and Board Engineer Tom Lemanowicz were also present.

Approval of Minutes

Councilman Rick DeHeer made a motion to accept the minutes from the March 2, 2017 meeting. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Bills

Vice Chairman Paul Kuhn made a motion to accept payment of the bills. Ken Terzo seconded the motion. All members present voted in favor of the motion.

Correspondence

- 3/3/17 letter from Philip Kunkle of EnviroTrac Re: Groundwater Classification Exception Area (CEA) for 125 Route 17 North (formerly Hess)
- 3/6/17 email from NJRA Re: Reminder RTI: Activating Redevelopment Plans – You Have the Plan, Now What?
 - Board Attorney Kara Kaczynski attended this seminar and found it beneficial
 - She suggested that the instructors could present to the Board during a regular meeting if the Board was interested
- 3/10/17 letter from David Juzmeski of Neglia Engineering Re: NJDEP Freshwater Wetlands Permit Application for Magnolia Lane Roadway
- 3/13/17 Public Notice for 156 & 160 Route 17 North, Rochelle Park, New Jersey
 - Charles Goebel noted that development in that area could impact the Route 17 North Redevelopment project in Maywood
- 3/19/17 letter from Board Engineer Thomas Lemanowicz Re: Empire Real Estate Holdings 191 West Central Avenue Completeness Review

- Board Engineer Tom Lemanowicz summarized the application; a business tenant moved into a garage on the applicant's property
 - There are various issues related to this application including:
 - When parking lot was legally established
 - Photographs from 2015 indicate that the property was weeded over and gravel has been added since
 - Photographs from 2016 show a for sale sign which has been replaced with an off-site advertising sign
- 3/28/17 Public Notice for 156 & 160 Route 17 North, Rochelle Park, New Jersey
- 4/4/17 Borough of Maywood Ordinance #2-17 An Ordinance Amending Chapter 209 Schedule C
 - Board Attorney Kaczynski suggested that Borough Code Chapter 209 be rebound and distributed to the Board as several amendments have been added since it was last distributed
- 4/6/17 letter from Board Engineer Thomas Lemanowicz Re: Maywood Veterinary Clinic 125-129 East Passaic Street Completeness Review
 - Board Attorney Kaczynski summarized the application and will be providing the applicant a list of reliefs required
- 4/17/17 Freshwater Wetlands Application Checklist for Kin Properties at 149-151 Maywood Avenue
- 4/25/17 letter from James E. Jaworski counsel for Paul Padro Re: 81 West Pleasant Avenue
- 4/27/17 letter from Board Attorney Kara Kaczynski Re: 561 Elm Street Escrow Release
 - New owner will need to replace the escrow amounts before applicant's escrow can be released
- 5/3/17 summons letter from Construction Official James Mazzer to Empire Real Estate 191 West Central Avenue

Resolution

Mady Dental

930 Spring Valley Road
Block 2, Lot 1

Calendar #2017-02

Sign Application w/o Variance

Secretary Panny made a motion to memorialize the resolution as written. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Hearing

None

Informal Hearing

None

Old Business

- Chairman Frank Lichtenberger was speaking to Borough Administrator Roberta Stern about Kin Properties
 - Site remediation is in process
 - James E. Jaworski has been named as part counsel for Kin Properties

- Chairman Lichtenberger and Board Planner Michael Kauker were discussing recent developments in COAH litigation and the Master Plan Reexamination
 - Chairman Lichtenberger is frustrated by the cost to the Borough
 - He noted that Assemblywoman Holly Schepisi recently released a statement regarding state Supreme Court decision requiring municipalities to provide affordable housing for the “gap period”
 - She believes that the decision negatively impacts communities by putting additional strain on infrastructure
 - Board Planner Kauker has designated overlay zones with a portion of any future development to be set aside as low and moderate income housing
 - Board Engineer Lemanowicz reminded the Board of the now discontinued option whereby a municipality could buy out half of their low and moderate income unit need amount and compensate a receiving municipality to create the units
 - The Master Plan Reexamination will be on hold until the COAH planning is finalized
 - Ken Terzo asked if the developer is required to provide the low and moderate income units or if it falls to the municipality
 - Board Attorney Kaczynski answered that the onus in the past was on the developers but has passed to the municipality in recent years
 - She suggested that Board Planner Kauker would be better able to answer additional questions on this subject
- Chairman Lichtenberger asked about the status of the Riverside Medical Group application
 - Board Engineer Lemanowicz answered that he is working on the completeness review
 - He would like to review the original site plan and resolution
- Board Recording Secretary Tara Grunstra informed the Board that the Healy application for 204 Loughlin Place was included in their packet of materials
 - The hearing is scheduled for the next meeting on Thursday, 5/25/17

New Business

- Discussion of Pending Litigation

Vice Chairman Paul Kuhn made a motion to go into Closed Session. Councilman Rick DeHeer seconded the motion. All members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2017-06**

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): Pending litigation.

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
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- () 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
- (X) Will return to open session after this meeting.
 - () Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 5/4/17 Time: 8:30pm

Vice Chairman Paul Kuhn made a motion to return to the regular order of business. Councilman Rick DeHeer seconded the motion. All members present voted in favor of the motion.

- Ken Terzo Resignation as of the 6/1/17 Meeting

Chairman Lichtenberger thanked Ken Terzo for his years of service particularly when they documented the West Pleasant Avenue commercial signage.

Open Meeting to the Public None

Adjournment

A motion to adjourn the meeting was made by John McManus. Ken Terzo seconded the motion. The meeting was adjourned at 8:51pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary