

MAYWOOD PLANNING BOARD

MINUTES

April 23, 2015

A regular meeting of the Maywood Planning Board was held on Thursday, April 23, 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 7:30pm with the following members present: Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Mayor Adrian Febre, Councilman Rick DeHeer, John Montel, Harry Hillenius, Charles Goebel (left at 9:15pm), John McManus, Ken Terzo, and Anthony Klymenko. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz.

Approval of Minutes: Secretary Charlotte Panny made a motion to accept the minutes from the March 26, 2015 meeting. Harry Hillenius seconded the motion. All members present voted in favor of the motion.

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

Correspondence:

- 4/1/15 Notice of Public Hearing for a Site Plan and Variance Approval for NJ Torilla, Inc. D/B/A California Tortillas to the River Edge Planning Board for property located at 1061 Main Street (Block 1404, Lots 3.01, 5 & 1.04)
 - Board Attorney Kara Kaczynski suspects that the Board was notified because the Borough owns a small parcel of property with 200 feet of the applicant’s property
- 4/16/15 letter from Kara Kaczynski to Adam Strobel, Bergen County Planning and Economic Development – Re: 3/12/15 Notice of Public Hearing proposed sale of County-owned land located at 66-70 Zabriskie Street, Hackensack, NJ, Block 527, Lot 5.02, Block 532.02, Lot 1 and Block 531.01, Lot 1, also known as the Bergen County Zabriskie Street Site
 - Board Attorney Kaczynski confirmed that the Board was notified because the Borough owns a small parcel of property with 200 feet of the applicant’s property. The easement will be unaffected by the proposed sale
- 4/1/15 email from NJLM about a Webinar on “D” Variances Under the Municipal Land Use Law (MLUL): What Are They and How Do They Get Approved? on Friday, April 24, 2015 @ 1:30-2:30pm

Resolutions: Tan Tan Station, LLC – Sign Application w/o Variance

11 East Pleasant Avenue
Maywood, NJ 07607
Block 76, Lot 1
Calendar #2015-03

Board Attorney Kaczynski explained that a second application for an already installed window sign will be brought before the board. Board Secretary Grunstra confirmed that a window sign application was submitted on Wednesday, 4/22/15. Harry Hillenius made a motion to accept the resolution. Councilman Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Paintbrush Studio – Sign Application w/o Variance

45 West Pleasant Avenue
Maywood, NJ 07607
Block 71, Lot 8
Calendar #2015-04

Secretary Panny made a motion to accept the resolution. John McManus seconded the motion. All eligible members present voted in favor of the motion.

Hearing: Fitness & Wellness of Hackensack, LLC

87 & 137 Route 17 North
Block 124, Lots 3 & 4
Calendar # 2015-02

Relief from Condition of Prior Planning Board Resolution

Board Attorney Kaczynski listed the members of the Board that must recuse themselves from the hearing; Al Ballerini, Anthony Klymenko, Mayor Adrian Febre and Councilman Rick DeHeer. James Jaworski, here on behalf of Fitness & Wellness of Hackensack, LLC began by introducing the Fitness & Wellness principals; Steve Kay and Leslie Adelman Banks. Gary Reidy was unable to attend but attended the 2/26/15 Board meeting. Mark Sparta from HUMC will join the meeting at approximately 8pm. The purpose of the hearing is for a modification of condition #3 from Resolution #2011-20 which is continued access via the Howcroft Road extension for other than emergency vehicles. Additionally, there is an application for the release of the performance bond. At the February 26, 2015 meeting, the Board requested that the applicant pursue the option of replacing the Howcroft Road access with an extension of Beech Street. The applicant conducted title searches of the relevant properties and would like to mark as Exhibit A-7 a Deed dated 11/5/69 from Joseph F. Job, Bergen County Sheriff to The Penn Mutual Life Insurance Company. Condition #7 of the deed stipulates a “dedication to the Borough for road purposes of access roadway for a distance of 100 feet westerly from Maywood Avenue”. This indicates that a right-of-way from Beech Street has been considered for a long time. Also discovered in the title search was that the Borough privately owns a portion of Howcroft Road (Block 124, Lot 16) in which the gate is located. A thorough traffic study is currently being conducted by Jay Troutman, McDonough & Rea Traffic Engineer and should be ready to present to the Board at the June 4, 2015 meeting.

Andrew Missey from Lapatka Associates, Inc. was sworn in and was accepted as an expert Licensed Engineer. Mr. Missey participated in the 2011 application so he is familiar with the site. He began by discussing Exhibit A-7, a Deed dated 11/5/69 from Joseph F. Job, Bergen County Sheriff to The Penn Mutual Life Insurance Company. Condition #7 of the deed stipulates a “dedication to the Borough for road purposes of access roadway for a distance of 100 feet westerly from Maywood Avenue”. This is reflected in Exhibit A-8 is the Conceptual Access Mapping prepared by Lapatka Associates, Inc. dated April 17, 2015. Mr. Missey then used a highlighter to indicate on the exhibit the 100 feet access roadway which is exactly opposite Beech Street. The concept drawing shows the multiple lots in Block 124 including the Kin Properties, Fitness & Wellness Center, Maywood Furniture and Maywood Avenue from Beech Street to Essex Street. The drawing depicts a new roadway from Maywood Avenue opposite Beech Street to the Kin Properties Site and Fitness & Wellness Site. Outside of the first 100 feet, the roadway is not currently a municipal right of way. Mr. Missey proposes a Municipal thoroughfare 30’ in width curb to curb that would extend from Beech Street to the west and then curve southwest towards what used to be the back corner of Block 124, Lot 3 but is now the Fitness & Wellness Center property. This roadway would be 50’ away from the drainage feature known as Lodi Branch which is on Lot 30 (Kin Properties). Lodi Branch is a running stream which has a wetlands feature to the north and east as you proceed towards Stepan Chemical and the railroad tracks.

The permitting required for the project is listed on the Conceptual Access Mapping and includes the environmental permitting as the site contains watercourse and wetlands. The New Jersey Department of Environmental Protection would need to be consulted for an applicability determination on how to assess the stream’s 100 year flood plain. If it is not a studied stream, the applicant would need to study it in order to establish the 100 year water level. Mr. Missey believes that it would be likely that the applicant would need to apply for an individual NJDEP permit and he suspects that it is not a studied stream. Additionally, the applicant would need to go through the wetlands delineation process due to the wetlands located north and east of the proposed roadway. Since Maywood Avenue is a county road, the Bergen County Department of Planning and Economic Development would require a site plan application or a waiver of site plan review. The Maywood Planning Board would require a waiver of site plan review or a subdivision application because the roadway would sever the utility of Lot 30 creating a developable lot between the proposed roadway and the Maywood Furniture property (Lot 17). Since Route 17 is a state highway, the New Jersey Department of Transportation would need to provide a letter of no interest for the alteration to the driveway on Lot 30. Lastly, the Bergen County Soil Conservation District would need to submit a certification of Soil Erosion and Sediment Control Plan. Mr. Missey explained that while the permitting seems substantial, it is typical for a project of this size. He cited several reasons that this project would be beneficial including creating a useable lot between the proposed roadway and Maywood Furniture.

Mr. Missey then detailed how the roadway would connect to the Fitness & Wellness Center property preventing the possibility of a cut through by forcing drivers to stop 3 times and make 4 90 degree turns vs. 2 90 degree turns for the Howcroft Road access. Phase 2 of the Fitness & Wellness of Hackensack development is planned to be built upon the northern Fitness & Wellness Center parking lot with a multi-level parking structure and medical offices on the top

floors. Mr. Missey explained that the proposed roadway becomes a feeder into the parking structure.

Short break at 8:04pm and the meeting resumed at 8:06pm with the following members present: Vice Chairman Paul Kuhn, Secretary Charlotte Panny, John Montel, Harry Hillenius, Charles Goebel, John McManus, and Ken Terzo.

Exhibit A-9 is a Deed dated 4/3/62 from Leigh K. Lydecker and Dorothy F. Lydecker to the Borough of Maywood for three lots being acquired for the extension of Howcroft Road. An enlargement of Block 124, Lot 16 from the Conceptual Access Mapping was also distributed and was marked as Exhibit A-10. Mr. Missey explained that Lot 16 has a water main extended from Route 17. He noted that there has been settlement at the surface and needs to be rectified. There is no sidewalk in Lot 16. Exhibit A-6 is the Proposed Conditions Sketch for Howcroft Road Sidewalk Extension was confirmed as being prepared by Mr. Missey and had been presented at the 2/26/15 Board meeting. The applicant would be willing to pursue the sidewalk extension to allow for a pedestrian route.

Vice President Paul Kuhn asked Mr. Missey about the size of the lot that would be created between the proposed roadway and Maywood Furniture and Mr. Missey estimated that it would be approximately 1.5-2 acres. Board Attorney Kaczynski asked about the timing that was expected for the proposed roadway permitting and Mr. Missey felt that 2 years was a good estimate. Ken Terzo asked about the proposed roadway's connection to Maywood Avenue. Mr. Missey confirmed that the proposed roadway would eliminate the triangular shaped entry and meets the Bergen County standard. Board Engineer Tom Lemanowicz received the exhibits during the meeting along with the rest of the Board and was unable to fully review them. It would be more productive for him to receive them in advance of the meetings. He requested that he receive the updated traffic report 2 weeks in advance of the meeting in which it is expected to be discussed. It was decided that the applicant would return for the June 5, 2015 meeting to discuss the updated traffic report. Harry Hillenius explained that Howcroft Road isn't the right access point and confirmed with Mr. Jaworski the timing of keeping it open for another 2 years while the proposed roadway is built. Ken Terzo also confirmed that the applicant will complete the Howcroft Road Sidewalk Extension while pursuing the Beech Street proposed roadway. Board Attorney Kaczynski mentioned a letter from Mr. Jaworski from November 2011 that noted that there had been discussion with the adjacent property owners about access points. Mr. Jaworski confirmed that counsel for Kin Properties is in regular contact with him. Vice President Kuhn asked if parking was allowed on Howcroft Road and it was confirmed that it is not allowed. He then opened the meeting to the public on the subject of what was discussed at the Fitness & Wellness of Hackensack hearing.

Tom Richards, 347 Golf Avenue, was involved in the initial discussion with the previous property owner and Wellness & Fitness of Hackensack. There was discussion of an easement on Kin Properties for Nelson Way (street opposite Beech Street). A traffic light at Beech Street and Maywood Avenue was also considered.

Councilman Rick DeHeer, 18 Hammel Place, agreed that a traffic light at that intersection would be beneficial. He asked that when the applicant pursues the Howcroft Road sidewalk extension,

if they would add a pedestrian gate. Andrew Missey confirmed that it was part of the proposal.

Mr. Jaworski pointed out that Mark Sparta from HUMC arrived at shortly after 8:10pm which was approximately 25 minutes prior. Mr. Jaworski then asked to carry the application to the June 6, 2015 meeting where they will present the traffic report. The report will be submitted to Board Engineer Lemanowicz by May 20, 2015, 2 weeks prior to the meeting. Board Engineer Lemanowicz requested copies of the NJDOT permits for the applicant's driveways. The applicant waived the time period for the board to act until June 5, 2015 without need for notification. Ken Terzo made the motion to adjourn the hearing to the June 6, 2015 meeting subject to the conditions that were on record and Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Informal Hearing: None

Old Business: None

New Business:

- 4/21/15 letter from Kara Kaczynski to Maywood Planning Board – Re: Proposed Amendments to the Borough Fee Ordinance
 - Vice President Kuhn asked Board Engineer Lemanowicz if a \$300 informal review fee is typical for other municipalities. Mr. Lemanowicz explained that only 2 municipalities offers an informal hearing option as most Planning Boards require a complete application and formal hearing. The other municipality that offers an informal review does not charge a fee but is considering adding one. They also limit the informal hearing to 15 minutes and the potential applicant meets with a committee and not the entire Board.
 - Board Engineer Lemanowicz explained that by going through the informal hearing process and paying the \$300 fee will save most applicants money in the long term.
 - The \$300 fee is for one hour and \$300 will be charged for every additional hour and payment of the Board experts' fees at the applicable hourly rate. This will not be treated as escrow. The fee is non-refundable.
 - Ken Terzo made a motion to recommend the ordinance to the Borough Council. John Montel seconded the motion. All eligible members present voted in favor of the motion (Mayor Febre and Councilman DeHeer abstained).
- 4/21/15 letter from Kara Kaczynski to Maywood Planning Board – Re: Potential Amendments to Chapter 209 of the Borough of Maywood Land Use Ordinance
 - Vice President Kuhn explained that he, Chairman Lichtenberger, former mayor Gregg Padovano, and Harry Hillenius discussed Board Attorney Kaczynski initial notes on potential amendments. He would like for the Board to approve at least some of the amendments so that they may be forwarded to the Borough Council.
 - Board Attorney Kaczynski explained that typically the first reading is before the Mayor and Council, then goes to the Planning Board for review and recommendation and then returns to the Mayor and Council for a second reading.

- Ms. Kaczynski then began discussing the individual amendments. Section 2 of her letter suggests revisions to definitions. The Board would make recommendations to Mayor and Council on the definitions.
 - There was discussion about how the frontage of a property is determined which impacts setbacks on corner homes and houses adjacent to paper streets.
 - Additionally, there was debate amongst the Board members on how best to define building height.
- Ken Terzo made the motion to table the recommendations for potential amendments to the May 7, 2015 meeting and Harry Hillenius seconded. All eligible members present voted in favor of the motion (Mayor Febre and Councilman DeHeer abstained).

Open to the Public: None

Adjournment: A motion to adjourn was made by Ken Terzo. Harry Hillenius seconded the motion. The meeting was adjourned at 9:34pm.

Respectfully submitted,

Tara Grunstra
Secretary