

**MAYWOOD PLANNING BOARD
MINUTES
June 2, 2022**

A regular meeting of the Maywood Planning Board was held on Thursday, June 2, 2022 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 16, 2021 and March 31, 2022. 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 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 Richard Bolan, Councilperson Ryan Ullman, Gary Neumann, Chairperson Charlotte Panny, Vice Chairperson Anthony Klymenko, John Montel, Harry Hillenius, Douglas Herrick and Thomas Anzevino. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak, Board Traffic Engineer Brian Intindola and Board Planner Michael Kauker were also present.

Approval of Minutes

Councilperson Ryan Ullman made a motion to accept the minutes from the April 28, 2022 meeting. Douglas Herrick 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. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

1. 5/2/22 letter from James E. Jaworski Re: Duke Realty 149-151 Maywood Avenue Request to Adjourn 5/5/22 Hearing
2. 5/2/22 letter from James E. Jaworski Re: Duke Realty 149-151 Maywood Avenue Extension for the Board to Act Through 6/23/22
3. 5/2/22 letter from Board Engineer Gregory J. Polyniak Re: SHDK, LLC 24-30 West Pleasant Avenue Completeness, Planning & Engineering Review
4. 5/3/22 letter from Board Engineer Gregory J. Polyniak Re: TRB Associates 145 West Passaic Street Completeness, Planning & Engineering Review
5. 5/3/22 letter from Board Engineer Gregory J. Polyniak Re: Marseppe, LLC 687 Elm Street Resolution Compliance Review
6. 5/6/22 letter from Board Engineer Gregory J. Polyniak Re: Maywood Sherwood Village, LLC 11 West Passaic Street Resolution Compliance Review

7. 5/11/22 letter from Borough Clerk Barbara L. Dispoto Re: Annual Stormwater Training for Board Members
 - a. Chairperson Charlotte Panny asked that this correspondence be moved to New Business
8. 5/12/22 letter from Zoning Enforcement Officer Dina Lynch Re: 217 Realty, LLC 217 Hergesell Avenue Denial Letter
9. 5/12/22 letter from Steven C. Schepis Re: Empire Real Estate Holdings, Inc. 191 West Central Avenue Recorded Deed of Merger
10. 5/16/22 letter from Board Engineer Gregory J. Polyniak Re: Maywood Sherwood Village, LLC 11 West Passaic Street Bond Estimate
11. 5/18/22 David W. Grossmueller Re: PSEG NJDEP Permit for Right-of-Way Maintenance
12. 5/18/22 letter from Board Engineer Gregory J. Polyniak Re: Maybrook Gardens II Maybrook Drive Revised Drainage-Field Change Review
13. 5/25/22 letter from Board Engineer Gregory J. Polyniak Re: Duke Realty 149-151 Maywood Avenue Revised Completeness, Planning & Engineering Review

New Business

- Member availability for a possible special meeting on Tuesday, 6/21/22 & a regular meeting on Thursday, 7/7/22 meeting
 - Board Attorney Kara Kaczynski advised that the 6/21/22 meeting would be limited to the Borough's Housing Element and Fair Share Plan and the supporting documents and Special Counsel is not available at the next scheduled meeting on Thursday, 6/23/22
 - She further explained that if there are enough members available for a meeting on 6/21/22, the 6/23/22 meeting would be cancelled
 - Additionally, she stated that the Duke Realty hearing could be carried to the regular meeting on Thursday, 7/7/22, if needed
 - Board Recording Secretary Tara Grunstra polled the Board and 7 members were available to attend a meeting on 6/21/22
 - Board Recording Secretary Tara Grunstra polled the Board and all 9 members present were available to attend a meeting on 7/7/22
 - Board Attorney Kaczynski inquired if Mr. Jaworski would be available for the 7/7/22 meeting should the Duke Realty hearing need to be carried after tonight's hearing
 - He indicated that his experts would be available on 7/7/22 and he would grant the Board an extension to act through mid-July
 - Board Attorney Kaczynski advised having the Housing Element and Fair Share Plan meeting on 6/21/22 and carrying the Duke Realty hearing to 7/7/22, if needed
 - Chairperson Panny agreed with the recommendation and made the announcement to the public
 - Board Attorney Kaczynski advised Board Recording Secretary Tara Grunstra to notice the rescheduled meeting from 6/23/22 to 6/21/22 in two newspapers

Resolution None

Completeness Hearing None

Application Hearing **Duke Realty**
149-151 Maywood Avenue
Block 124, Lot 30
Calendar #2021-11
Variance & Site Plan Applications

James Jaworski of Wells, Jaworski & Liebman represents the Applicant, Duke Realty Limited Partnership. He advised that the Applicant has submitted a revised landscaping plan, a revised Maywood Avenue access plan and will provide testimony from their professional planner, Kennan Hughes. Mr. Jaworski reminded the Board that the use is permitted and the Applicant is seeking two bulk variances; parking with 309 parking spaces proposed vs. 760 parking spaces required and retaining wall height 7' proposed vs. 4' permitted, and site plan approval. He would like to summarize the conditions of approval at the end of the hearing.

Mr. Jaworski recalled civil engineer Alex Lomei to testify regarding the revised landscaping plan. Mr. Lomei remains under oath. Board Attorney Kaczynski advised the public that Mr. Lomei will testify about the exhibit, then the Board and public will ask questions regarding his testimony and not any previous testimony from prior meetings. She reminded the public that they should be asking questions only and public comment will happen at the end of the Applicant's presentation. Mr. Jaworski marked the Bohler Engineering Overall Landscape Plan (CO1) last revised 5/17/22 as Exhibit A-14. He introduced Mike Davis of Duke Realty who is a licensed landscape architect and explained that Mr. Davis, Borough Arborist Paul Cowie, members of the Shade Tree Commission and Board Engineer Greg Polyniak met on-site to review the landscape plan. Mr. Lomei discussed the changes to the landscape plan that were a result of that meeting and feedback from the Board and the public. He said that landscaping was added along the truck court to increase the buffer and help with noise attenuation. Additionally, he stated that landscape was added along the drive aisle parallel to Maywood Avenue and on the east side of the building per Board Engineer Polyniak's 5/25/22 review letter. He summarized that in total the following landscaping was added:

- 37 evergreen trees
- 92 evergreen shrubs
- 17 shade trees

He explained that the sidewalk running from Maywood Avenue to the building was discussed at the previous meeting. He noted that a pump house and a fire tank were added to the northeast side of the building for fire protection purposes which will be screened by landscaping. He said that the proposed pump house and fire tank will comply with Borough code for accessory structure setback and height. Mr. Jaworski asked Mr. Lomei about the boardwalk around the restored wetlands. Mr. Lomei answered that the NJDEP would permit a boardwalk but requires a limited disturbance in the transition area of the restored wetlands. He considers the sidewalk on Maywood Avenue and the sidewalk from Maywood Avenue to the building to be sufficient for pedestrians to view the wetlands. If there were to be a boardwalk proposed, he recommends that it run parallel to the Maywood Avenue sidewalk but feels that it would be redundant. He

does not believe that the NJDEP would permit a boardwalk that cuts through the restored wetlands. Board Attorney Kaczynski marked the Neglia Engineering Associates Review Letter revised 5/25/22 as Exhibit PB-11.

Board Engineer Greg Polyniak asked about how the existing planting along Maywood Avenue would affect sight triangle as he feels that the plantings are tall. Mr. Lomei believes that the vegetation would need to be cut back for vehicles exiting the site but deferred to Mr. Harter on the sight triangle as Mr. Harter is the traffic engineer. Board Engineer Polyniak asked if the NJDEP permit would need to be opened up since this would impact the restricted area of the wetlands and transition area. Mr. Lomei did not apply for the permit but expects that it might as the area is a restored wetland. Regarding the boardwalk, Board Engineer Polyniak asked if the Applicant could pursue a lookout for residents to view the wetlands' flora and fauna. Mr. Lomei believes that this suggestion would be acceptable to the NJDEP and proposed adding signage about the wetlands. Board Engineer Polyniak asked for copies of concepts and plans regarding the boardwalk lookout. He then inquired on the status of adding restrictors or noise blockers to the loading dock doors. Mr. Jaworski offered to make the installation a condition of approval.

Board Planner Michael Kauker is in favor of the proposed boardwalk as it would afford residents an opportunity to view the wetlands. He believes that there is a 30'-40' freeboard area allowing a boardwalk in the area with a possible seating area. He asked that the applicant pursue the concept and suggested it as a condition of approval. Mr. Jaworski would like to summarize the conditions of approval later in the hearing. He noted that the wetlands area is private property and there would be a need for insurance which may be cost prohibitive.

Chairperson Charlotte Panny asked if there were Board members present that had thoughts on the proposed boardwalk. Mayor Richard Bolan believes that DeKorte Park in Lyndhurst would be similar to the proposed boardwalk. He described it as having floating docks with places for people to sit but observed overflowing trash cans and litter. He clarified that the proposed boardwalk would encircle the wetlands and not cut through them.

Chairperson Panny invited the public to ask questions of Mr. Lomei regarding his testimony but no one came forward.

Mr. Jaworski recalled traffic engineer John Harter to testify regarding the revised Maywood Avenue access plan. Mr. Harter remains under oath. Mr. Jaworski marked the Atlantic Traffic & Design Engineering Maywood Avenue Site Driveway Concept (4 sheets) last revised 5/16/22 as Exhibit A-15. Mr. Harter explained that at the previous hearing on 4/7/22, there was discussion regarding the Maywood Avenue site access. Since that meeting, he stated that he, Board Engineer Polyniak, Board Traffic Engineer Brian Intindola and Eric Timsak of Bergen County Planning & Engineering have collaborated on the design. He summarized that they are still proposing that tractor trailers make the right turn exiting the site onto Maywood Avenue and all other movements in and out would be limited to a 4-wheel, 2-axel Class 3 single unit vehicle like a Sprinter delivery van and passenger vehicle. He said that the design was modified to reflect those types of vehicle movements. Mr. Jaworski repeated for the public present that they are no longer proposing to widen Maywood Avenue and clarified that any changes to the curbing will only be done on the Applicant's property. Mr. Harter added that a pedestrian crosswalk

across Maywood Avenue south of Hammell Place is proposed per the request by Bergen County. He explained that page 2 of the exhibit provides sight distances and he pointed out notes on the plan that reflect that vegetation on the site should not exceed 30" in height to protect sight distances. He stated that pages 3 and 4 provide truck turn movements for Sprinter-type delivery vans, NJ Title 39 tractor trailers and AASHTO WB-67 tractor trailers. He believes that this exhibit demonstrates that both types of tractor trailers exiting the site by turning right onto Maywood Avenue will not drive over the double yellow lines into oncoming traffic. Board Attorney Kaczynski confirmed that both types of tractor trailers are anticipated to exit the site by turning right onto Maywood Avenue. Mr. Harter then stated that all right-out tractor trailers movements would not be permitted between the hours of 9pm-7am so that those trucks would be required to exit via Route 17 North instead. Mr. Jaworski noted that the access restriction would not apply to delivery vans and passenger vehicles. Mr. Harter said that he had received technical comments from the NJDOT regarding the Route 17 North acceleration/deceleration lane but anticipates that they will receive approval.

Mayor Bolan confirmed that the NJ Title 39 tractor trailer is articulated. He asked if a 10-wheel box truck would access the site and Mr. Harter answered that he did not know the classification for that vehicle but verified that it would not be exiting right onto Maywood Avenue during the restricted access hours. Mayor Bolan clarified that tractor trailers and box trucks would only exit right onto Maywood Avenue but would not exit left. He then inquired about the height of the raised island by the Maywood Avenue entrance/exit. Mr. Harter replied that the island would be the standard 4" high reveal. Mayor Bolan asked if there could be a hump added to the center of the island to discourage trucks from making illegal movements but Mr. Harter deferred to Bergen County. Regarding the restriction of vegetation not growing more than 30", Mayor Bolan asked if the elevated boardwalk would be higher than 30" and possibly interfere with the sight triangle. Mr. Harter did not know the answer to this question. Mayor Bolan questioned how the traffic restrictions would be enforced and Mr. Harter replied that entrance/exit is designed to prohibit illegal movements, signage is proposed and the tenant would enforce traffic flow.

Board Engineer Polyniak added that the Applicant has stated previously that they will give the Maywood Police Department Title 39 privileges to enforce traffic rules on private property. Mr. Harter concurred and added that the Applicant would allow the MPD permission to ticket vehicles using the site as a cut through between Route 17 North and Maywood Avenue. Board Engineer Polyniak asked how the Applicant would address cut throughs other than Title 39. Mr. Harter answered that the site is designed so that it isn't a direct path between the two roadways and they are satisfied with the site circulation. Board Engineer Polyniak confirmed that any vegetation over 30" be removed from the restored wetlands to preserve sight distance and expects that the NJDEP permit would be opened to do so. Mr. Harter agreed. Board Engineer Polyniak asked if the Applicant could request crowning in the raised island from Bergen County. Mr. Jaworski agreed to this condition.

Board Planner Michael Kauker had no questions for Mr. Harter.

Chairperson Panny invited Board Traffic Engineer Brian Intindola to asked questions of Mr. Harter. He asked if Mr. Harter was planning to revise the traffic report given the number of

traffic access restrictions that the Applicant has provided specifically for the NJDOT permit. Board Traffic Engineer Intindola noted that the projected volume of tractor trailers accessing Route 17 North will have increased due the 9pm-7am restriction and the other voluntary restrictions. He requested a technical memorandum to that effect. Mr. Harter answered that the volumes are so low, 6 tractor trailers projected in the AM peak hour and 6 tractor trailers projected in the PM Peak hour which would be split between the driveways, he expects the difference to be 3 trips only. He does not expect the NJDOT needing a revised traffic report. Board Traffic Engineer Intindola verified that Sprinter-type delivery vans and passenger cars would still enter and exit at Maywood Avenue at any time but tractor trailers would exit right onto Maywood Avenue 7am-9pm only. Regarding the proposed boardwalk, Board Traffic Engineer Intindola suggested that the slight diverge along the sidewalk could be made out of pervious material allowing residents to look into the wetlands.

Chairperson Panny invited Mr. Jaworski to summarize the Maywood Avenue ingress and egress patterns so there is no confusion. He then asked Mr. Harter to demonstrate utilizing Exhibit A-15, Atlantic Traffic & Design Engineering Maywood Avenue Site Driveway Concept (4 sheets) last revised 5/16/22. Mr. Harter stated that the only movement permitted by tractor trailers would be to exit right onto Maywood Avenue and travel southbound during the hours of 7am-9pm. Outside of those hours, passenger cars and delivery vans could exit right onto Maywood Avenue and travel southbound. All the remaining movements; right turn into the site from Maywood Avenue, left turn into the site from Maywood Avenue and left exit out of the site onto Maywood Avenue would be limited to passenger cars and delivery vans. He described the Route 17 North English-style acceleration/deceleration lane and confirmed that this access point would be available for all vehicle types with no time restrictions.

Mayor Bolan noted that there are times when using his GPS that he is alerted that he is in a restricted area. He asked if this could be done for this property. Mr. Harter answered that Google can be provided the information and it would be applied to Google Maps. Mayor Bolan inquired if this could be made a condition of approval. Mr. Jaworski announced that the Applicant will petition the Tax Assessor to change the address from Maywood Avenue to Route 17 which may direct more traffic to the Route 17 access point. He agreed to accept that as a condition of approval.

Chairperson Panny invited the public to ask questions of Mr. Harter. Peter Rossi of 350 Maywood Avenue began to comment on the application but Board Attorney Kaczynski asked him to save his comments to the end of the hearing. She asked him to ask Mr. Harter his question. Mr. Rossi continued to provide comments.

Frank Demarco of 181 Rosalie Street asked Mr. Harter if tractor trailers would be capable of making a right turn onto Essex Street as he believes that the turn will be too tight. He asked if this intersection was part of Mr. Harter's analysis.

Rick DeHeer of 18 Hammell Place asked how much the Maywood Avenue southbound exit driveway was extended next to the adjacent residence. Mr. Harter approximated that the driveway was extended approximately 4'. Regarding the 9pm-7am time period that tractor trailers would not be permitted to exit right onto Maywood Avenue, Mr. DeHeer asked if

delivery vans were included in this time restriction. Mr. Harter replied that delivery vans are not subject to the time restriction. Mr. DeHeer inquired if the Applicant planned to conduct a “dry run” test where an actual tractor trailer made the right turn exit onto Maywood Avenue to determine if it crossed the double yellow line. Mr. Harter answered that the exit design and truck turn analysis prove that the tractor trailer will not cross the double yellow line. Mr. DeHeer requested that the Applicant consider extending the tractor trailer time period restriction to 8:30am during the school year to avoid truck traffic while children travel to school.

Pat DiLorenzo of 113 Beech Street is concerned about children traveling to school with tractor trailer traffic and asked how the Applicant can address this concern. Mr. Harter responded that the exit driveway onto Maywood Avenue was designed to accommodate tractor trailers and the Applicant will give police permission to ticket on private property (Title 39). Mrs. DiLorenzo inquired if the Maywood Police Department would need to post an officer near the property to monitor the area. She confirmed that public comment would be possible after the Applicant has completed all testimony. She then asked to clarify if the Applicant would be contacting the various GPS map programs to provide the access restrictions. Mr. Jaworski confirmed that the Applicant would request an address change to Route 17 North thereby diverting access from Maywood Avenue. Mrs. DiLorenzo repeated her question about notifying the various GPS map programs about access restrictions. Board Attorney Kaczynski believes that changing the address would be sufficient.

Bob Simons of 153 Van Cleve Street asked what the Applicant’s plans are if Route 17 is expanded as he read about recently in the newspaper. Mr. Harter replied that he had a pre-application meeting with the NJDOT and Bergen County Planning and Engineering. He believes that the site was designed to accommodate the widening of Route 17 by 1 lane. Mr. Simons noted that during the Route 17 construction, the site’s Route 17 North access may be obstructed and Mr. Harter noted that this type of construction is often done in stages to maintain site access.

Chairperson Panny asked Mr. Jaworski if he had additional witnesses. He responded that the Applicant’s professional planner Keenan Hughes would testify.

A short break was taken at 8:55pm and the hearing resumed at 9:05pm with all Board members present.

Mr. Jaworski called his next witness, professional planner Keenan Hughes of Philips Price, who was sworn in, qualified and accepted. Mr. Hughes explained how he evaluated the application from a planning perspective regarding the variance requests. He stated that he reviewed the Borough Master Plan, zoning ordinances and review letters by the Board professionals. He summarized the application that the use is permitted but the Applicant is seeking relief from two bulk ‘C’ variances; parking where 760 spaces minimum are required vs. 309 spaces proposed and retaining wall height 3.5’ maximum permitted vs. 5.25’ proposed. He noted that there will be tractor trailer storage spaces but those spaces are not calculated as part of the parking space requirement. He explained that “C” variances can be justified by applying two types of criteria; (1) undue hardship or (2) one or more purposes of zoning would be advanced, the benefits of granting the variance substantially outweigh any detriments and list the negative criteria of granting the variance.

Mr. Hughes began with discussing the parking variance which he believes can be justified on a C(2) basis. He noted that both Mike Davis and John Harter have testified previously regarding the parking variance. He said that the 760 parking space requirement is calculated based on the Limited Light Industrial (LL) district requirement for all types of warehouses while there are many sub types of warehouses with different operational needs. He reminded the Board that Mr. Davis testified that warehouse distribution centers are not as labor heavy as other types of warehouse uses approximating that 100-200 employees would be needed for the proposed site which would fall well below the 309 parking spaces proposed. He noted that the number of parking spaces would be included in any tenant leases so the tenant would be aware of the number of parking spaces. He added that a condition of approval would be that the tenant parking space allocation would be provided at the time of the certificate of occupancy if there were more than 1 tenant. In his opinion, providing the required number of parking spaces would be unnecessary for the Applicant's needs and increase the impervious coverage would take away from the open green space and the proposed landscaping. He believes that the proposed parking spaces are appropriate and does not cause any substantial harm to the Borough zoning plan.

Regarding the retaining wall height, Mr. Hughes reminded the Board of Mr. Lomei's testimony that the walls were designed in accordance with the topography of the site to prevent soil erosion and achieve stable grading. He added that retaining walls allow improvements to safely occur within the developable areas of the site outside of the sensitive environmental areas. The location of the proposed retaining wall is 16' from the property line which abuts a commercial parking lot. He considers the deviation from the Borough code to be minor and does not believe that it would cause substantial detriment of visual impacts to the surrounding area.

Regarding the positive criteria, Mr. Hughes believes that there are several purposes of zoning that would be advanced in connection with granting the variances for parking and retaining wall height:

- Purpose A: Promoting the general welfare by utilizing this former superfund site in a productive manner creating a building that would be LEED certified and improving stormwater management of the site
- Purpose G: Providing sufficient space in an appropriate location for an industrial use that's permitted within the zone, has been permitted on the site for many years and is consistent with the historic use of this property
- Purpose I: Transforming the site in bringing many aesthetic improvements with a new modern building, extensive new landscaping and the restoration of sensitive environmental areas providing a desirable visual environment

Regarding the negative criteria, Mr. Hughes feels that there are no substantial detrimental or adverse impacts to the surrounding area since the warehouse use is permitted, will comply with all NJDOT and County requirements and regulations as it relates to traffic access, improvements are set back far from Maywood with additional landscaping around the perimeter of the site and the proposed drainage and aesthetic improvements. For all these reasons, he believes that there is no evidence of substantial adverse impacts to the surrounding area. Additionally, it is his opinion that there is no substantial impairment to the zoning ordinance, Master Plan or the community as the warehouse is permitted. Lastly, other than the 2 variances being sought, the

project is compliant with all applicable bulk requirements such as setbacks, height and coverage for the LL zone. He feels that the Board could find that the benefits far outweigh detriments and the negative criteria has been satisfied.

Chairperson Panny invited Board Planner Michael Kauker to question Mr. Hughes. Board Planner Kauker had no questions and believes that Mr. Hughes has properly applied the acceptable standard of proofs that the Board can consider regarding the application. Chairperson Panny invited the Board and the public to ask questions of Mr. Hughes but no one came forward.

Mr. Jaworski announced that the Applicant's witness presentation has concluded. He anticipated that the Board would have the public comment next and he would like to provide his closing remarks afterward.

Chairperson Panny invite Borough Fire Official Tom Tuttle to address the Board. Board Attorney Kaczynski advised the public that the public comment would occur after Fire Official Tuttle's testimony and may conclude tonight depending on time. Fire Official Tuttle confirmed that the business would operate 7 days a week and 24 hours a day. Mr. Jaworski added that there is no contracted tenant so the hours of operation may change. Fire Official Tuttle asked if the access driveway from Route 17 on the north side of the building could be designated as a no parking zone. Mr. Jaworski agreed to stripe and install signage to that affect as a condition of approval. Fire Official Tuttle stated that he has been speaking with Mr. Lomei and Suez Water Company regarding moving the water supply from Maywood Avenue to extending the main from Route 17. Mayor Bolan asked a question about the highest fire truck and Fire Official Tuttle approximated 12'-13' which is a similar height to a tractor trailer.

Chairperson Panny invited the Board and the public to ask questions of Fire Official Tuttle. Frank Demarco of 181 Rosalie Street asked if the Borough had sufficient equipment to fight a fire at the proposed building. Fire Official Tuttle answered that the building would be fully sprinklered and mutual aid from neighboring municipalities would work together to extinguish the fire.

Chairperson Panny invited the public to comment on the application. Rick DeHeer of 18 Hammell Place has met with several residents regarding the application. He has a petition with over 300 signatures from residents that live in the southern section of the Borough. The petition requests that the Applicant eliminate all tractor trailer traffic on Maywood Avenue. He understands that the applicant has a right to develop their property but he has concerns about the safety, traffic congestion and quality of life for the residents that live in the southern section of the Borough.

Board Attorney Kaczynski explained that several residents had emailed in public comments prior to the Board returning to in-person meetings. Those comments were read into the record by Board Recording Secretary Grunstra, Board Attorney Kaczynski and Chairperson Panny.

Eddie Colon of 161 Rosalie Street wrote on 1/18/22 "Good day Tara. I'm the gentleman that called you this morning regarding the proposed project, #2021-11 Duke Realty Application Materials.

Tara, I skimmed through the documents and immediately recognized how terrible this idea is. Now, it's not that I wouldn't want something in that land but a "warehouse" really? The town of Maywood can absolutely do much better than this. I feel the town is simply jumping on the first thing anyone proposes just to get tax dollars.

As a business person, I see nothing wrong with this (making money from taxes) but there are other options as well. This land should contain retail stores, possibly a park etc. Or more homes etc. Things that the town can really benefit from. I'll sound like a broken record but I'll say it again - someone else will want to come around and purchase this property and build things that the people of the town can have better use of. The land has been empty since I moved here in 2020 and I always thought of how cool it would be to have retail stores there, a park, homes, luxury apartments etc. But a WAREHOUSE???

And I did read things about parking... ex. 300 plus parking spots when it can have 700 plus... walls higher than they should (I'm going off the top of my head from the letter I received... that's a joke in itself when I saw a certified letter from a lawyer, I thought I was being sued or something smh lol) anyways to get back to the main point - MAYWOOD can DO BETTER! The town is thinking short term gains when in reality the things I mentioned can bring in much more money in the long haul as more people would drive into the town for shopping or recreational activities. Lastly, I'll say it the way I told you over the phone "there isn't anything sexy about a warehouse". We can do better!"

Lynn Lepore of 123 Maywood Avenue wrote on 2/22/22 "To whom it may concern, I am writing this letter in response to the proposed new Warehouse on the former Sears property.

Unfortunately, I was unable to join the Zoom meeting, yet I WANT my voice to be heard. As a homeowner on Maywood Avenue for over 39 years, I cannot express my disgust at the idea of widening Maywood Avenue. The Maywood Council should strongly be opposing this change and creating bylaws that will prevent it. Also, ALL residents of Maywood should be made aware of these proposed changes. I have spoken to friends and family around town and many of them had no idea of this proposal. That in itself is unacceptable, and the Council should be making sure that all residents know about the developer's proposal. It will affect the entire community, not just those whose property is taken away. There are numerous reasons to vehemently oppose the widening of Maywood Avenue.

First and foremost, is the safety of our residents. I can speak personally about safety as I have had a child hit by a car while crossing Maywood Avenue years ago. This happened in the EXACT area that is being proposed to widen Maywood Avenue. The safety of all our residents will be in jeopardy if this is approved, and I cannot imagine someone else having to experience what my family had to. People constantly speed down Maywood Avenue and at certain times of day the traffic is just as bad as Rt. 17. Tractor trailers already cause issues on Maywood Avenue, increasing their numbers will cause even more chaos. Along with the safety, the increased noise all night long will be unbearable. There is NO reason they should be using Maywood Avenue, especially being able to 24/7. They should ONLY be coming and going from Route 17 to enter the warehouse. Come to think of it, what is even being housed in this Warehouse? Is this going to be another issue that the residents of Maywood will have to fight against?

Second, taking a portion of my driveway will not only decrease the value of my home, but it adds another layer of concern. Backing out of a driveway on Maywood Avenue can be extremely difficult at times. With residents having less room to see, maneuver their vehicles, and speeding cars being even closer, it will be a matter of time before a major accident occurs.

Widening of the street will also bring the tractor trailers and other vehicles closer to our homes, thus increasing the noise as mentioned before. Also as previously stated, the value of my home will be in jeopardy. How do I explain to someone when attempting to sell my home that tractor trailers can come by 24/7. Also, some driveways are small enough as is. What do you expect everyone to own small compact cars. A large SUV already takes up almost all of my driveway. I have also seen residents parking on their lawns, which is another topic for another day, due to not having sufficient parking in their driveways. Having smaller driveways will complicate things more for everyone.

Lastly, the developer proposing these changes does not seem to care about the residents of our town. It seems, as with most companies these days, it's all about them and the almighty dollar. The town of Maywood should deny this development if it negatively impacts our residents in any way. It is the job of the Council to do what is best for the residents. That is the job we as residents ELECTED you to do. We chose you to work for us and to stand up for us. We voted for you because we had faith you would govern our town responsibly. You said in your letter, and I quote "Ratables shouldn't come at the cost of changing the small-town character of our community or jeopardizing the safety and well-being of even a single family." If this plan is approved everything you said in that statement will be deceptive and disingenuous. Please I implore you to keep tractor trailers where they belong, ON Route 17 and OFF of Maywood Avenue."

Dorothy Gallagher of 45 Hammell Place wrote on 2/28/22 "Dear Board Members: I have been a resident of Maywood for 32 years living on Hammell Place for the last 24 years. Prior to that I lived on Maybrook Drive for 8 years. I am aware of the proposal by Duke Realty to expand Maywood Avenue starting at approximately Hammell Place northward. I wish to state that I am emphatically against this decision.

1. There is already a left hand turning lane by Myron Manufacturing.
2. The traffic on Maywood Avenue is already heavy, especially in the AM hours with parents driving to get their school age children to school and with people using Maywood Avenue to avoid Route 17N traffic. It can sometime take 10 minutes from Hammell Place to get over the train tracks, only to be met with additional traffic approaching the school.
3. The Sears Distribution Center had truck access only from Route 17, yet now the developer wants to change this for his advantage with total disregard for the residents who live on this side of town.
4. When there is a back-up of traffic on Route 17N, many cars will take Maywood Avenue North to avoid delays.
5. Cars coming from the side streets on the South side of Maywood Avenue find it almost impossible to make left hand turns onto Maywood Avenue. The majority of cars will not stop to let these turns occur. Most cars block side streets so we cannot even attempt to get across.
6. When a train is coming through, we already have to be delayed waiting for the train to pass and the arms stopping traffic to be raised.
7. Cars making left hand turns can be passed around, but tractor trailers and vans cause cars to come a complete stop.
8. The property owners will lose driveway footage which will also then infringe on pedestrians walking on that side of the street.
9. The only access we have to the rest of town is via Maywood Avenue unlike the residents north of the tracks.

10. Traffic coming South on Maywood Avenue can be just as heavy as going North. A tractor trailer turning right into the proposed driveway would most likely make a "wide" turn going into northbound traffic to complete the turn.

For these reasons it is my hope that this petition will not be granted. The residents, both homeowners and renters, deserve consideration. We pay our taxes and deserve nothing less than the ability to drive to town without additional traffic delays.”

Steve Perkins of 49 West Central Avenue wrote on 2/28/22 “My name is Steve Perkins. Jackie DeMuro thought it would be a good idea for me to e-mail you. I worked for a company call Leaseway Transportation from the roughly 1987-1991. We did all of the deliveries for Sears out of the building on Maywood Ave/Rt 17. During that time all trucks were only permitted to use the Rt 17 entrance and exit. The entrance on Maywood Ave was only used for the people who worked in the offices and it was fenced off into what was the office parking area. We did not have access to Maywood Ave with the delivery trucks and the way it was fenced off there was not enough room for a tractor trailer to enter the facility from Maywood Ave. I grew up on Louis St. off of Beech St. directly across from the entrance to the old Sears bldg and I do remember the trucks using the Maywood Ave entrance years prior to when I worked there. I am not sure if this information helps at all but at least you have it if you need it. Any questions feel free to call me or email me.”

Geri Braden of 21 Howcroft Road wrote on 2/28/22 “Dear Ms. Grunstra and the Planning Board, My name is Geri Braden and I live at 21 Howcroft Rd in Maywood NJ. I have lived here for over 11 years. I am three houses from the corner of Maywood Avenue and Howcroft Rd. I am opposed to allowing vehicles of all sizes leaving the new distribution center onto Maywood Avenue and I oppose it being open on Sundays.

1. Congestion at the intersection of Maywood Avenue and Howcroft Rd increased immensely after the Hackensack Gym was built. Trying to make a left turn from Howcroft to Maywood Ave. is very challenging. Planned additional traffic will only make it worse.
2. Now that our children are going to Becton HS, many children and their parents, parked in cars, await at the intersection of Howcroft and Maywood. I do not know if there are other cross streets used as stops as well. Our children's safety must be paramount.
3. When the cargo train comes by, traffic is held up considerably. Having vehicles exit from the Distribution Center onto Maywood Avenue would cause additional back up traffic.
4. I find it insulting that the firm proposing this considered it an inconvenience to have the traffic exit only onto 17 North, as those who have to go South have to go North to turn around. Many commuters do that for their jobs. This is the price you pay for taking that job. Route 17 will always be congested at that location as right before it 17 North goes from 3 lanes down to two. Even extending the acceleration/deceleration lane will not solve the problem. I travel that section of 17 to and from work and I'd much rather have more congestion on the highway than on Maywood Ave. Our little borough is, as stated on the website, approximately 9,600 people. We deserve our quality of life preserved, as well as our property values.
5. One of the perks of living in Bergen County is the Blue Laws. Sunday is the only quiet day.”

Carol Hopper of 73 Howcroft Road wrote on 3/1/22 “Attention Planning Board: Regarding Duke Realty, Entrance should be off of Route 17 large trucks should not have access to come down Maywood Ave. to enter the driveway. We have more than enough volume of traffic on Maywood Ave.”

Harold Bernstein of 133 Prospect Avenue wrote on 3/1/22 “Dear Planning Board Members: I am writing in reference to any variances granted to the new owners of the former Sears property on Route 17 at the Maywood/Lodi border.

I strongly oppose any truck traffic exiting onto Maywood Avenue be allowed to turn left as it would interfere with both North and South bound traffic; causing gridlock, noise and air pollution, affecting residents nearby as well as businesses near the historic railway station. Currently traffic backs up during school departure and rush hours since Maywood Avenue is a major route for cars as well as trucks. Additionally, many children walk to and from school along Maywood Avenue, many having to cross Maywood Avenue.

Frequently, traffic to and from Essex Street backs up near Hunter Avenue, especially during periods of construction (i.e. PSE&G upgrades). When trucks enter or leave Stepan Co., traffic slows on Maywood Avenue in both directions.

I fear that there will not only be a severe quality of life issue but also many more accidents causing personal injury and property damage.

Thank you for your consideration.”

Katherine Panos of 680 Jersey Avenue wrote on 3/22/22 “According to Duke Realty’s plans for the old Sears property, I understand that the widening of Maywood Avenue is needed to accommodate the “swing room” an 18-wheel truck would need to make the turn into the driveway of the proposed warehouse.

I don’t know if the following has been considered or discussed but couldn’t the need to widen Maywood Avenue be eliminated if the driveway into which the trucks were turning was widened instead?

On the drawings it appears as if the proposed driveway isn’t all that wide. In fact, it looks like a standard commercial driveway with ingress and egress. It also appears as if the property’s frontage on Maywood Avenue is wide enough to create a driveway that is double or even triple in size to the one proposed. Perhaps a significantly wider driveway would provide the turning radius needed by a large truck and eliminate the need to widen Maywood Avenue.

A simple question: Has anyone discussed this with an actual truck driver?

Even if this is a viable solution, I know it doesn’t address the concerns about traffic and safety on Maywood Avenue. However, it certainly would keep construction disruption to a minimum, avoid the taking of residential property and preserve the current character and safety of the area.”

Joan Rivera of 57 Parkway wrote on 4/7/22 “I would like to go on record and say that I feel Maywood is not looking out for its residents and taxpayers if it allows the property owners on Maywood Avenue/Route 17 to dictate allowing trucks to use Maywood Avenue as a means of ingress. When they bought the property, it must have been stated (and shame on us if it wasn’t) that NO ingress or egress would be allowed on Maywood Avenue as promised by the previous administration.

Traffic is bad enough on Maywood Avenue, adding truck traffic would impact it adversely.

If it is not convenient to the property owners - why did they buy the property?

I really feel that THEIR problem should not be ours. It is NOT fair to us the taxpayers that we should even have to fight this, I reintegrate, no truck traffic was promised to us.”

Board Attorney Kaczynski noted that some of the comments do not reflect the current application such as the widening of Maywood Avenue. She added that some of the facts stated cannot be verified as we are unable to ask the residents questions regarding their comments. Pat DiLorenzo of 113 Beech Street clarified that if the person making a comment were present, the Board would be able to ask them questions. Board Attorney Kaczynski invited Mrs. DiLorenzo to make her comments. Mrs. DiLorenzo appreciates that the Applicant has made changes to their plan but still believes that tractor trailers should not be permitted on Maywood Avenue.

Mr. Jaworski thanked the Board and the public for their time. He reminded the Board that the proposed use is permitted so off-site traffic conditions cannot be considered. He previously shared the case law regarding this issue. He cited the Applicant’s willingness to mitigate the traffic issue. He believes that if the proposed use was retail, the traffic numbers would be significantly higher. He then listed the conditions of approval:

1. Landscaping. Applicant has met with the Maywood Borough Arborist and has made revisions to the landscaping plan in accordance with that meeting. Applicant is amenable to making such additional revisions as may be required to ensure the site and building present a mutually satisfactory visual landscaped aesthetic.
2. Lighting. Applicant will accept a condition of approval that the lighting plan approved by the Board will be subject to a one year re-examination by Borough Engineer (Neglia) and if any modifications are needed to abate glare or off site spillage, same will be addressed.
3. Dock Equipment. Applicant will install dock seals and or dock shelters on all actively used loading dock doors to help mitigate noise.
4. Sidewalk. Applicant will install proper ADA compliant sidewalk along the access roadway from Maywood Avenue to provide for pedestrian access to the building.
5. Traffic Mitigation.
 - a. Applicant will secure the necessary DOT approvals to construct an acceleration/deceleration lane along the entire Route 17 frontage and create an “English” access configuration to dramatically enhance the safety of trucks entering and exiting the site from Route 17N.
 - b. Applicant will modify the geometry of the Maywood Avenue access point to allow right-turn egress movements of 53-foot tractor trailers without encroachment onto adjacent property or the northbound side of Maywood Avenue. No off site takings will be required.
 - c. Applicant will limit the type of vehicles that can access the site on Maywood Avenue via right in, left in, and left out movements to only such vehicles as having four (4) wheels and tires. Tractor trailers, all other types of box trucks and multi-wheeled (over 4) vehicles will only be permitted to turn right out at the Maywood Avenue site access.
 - d. Applicant will limit the time that tractor trailers and all other types of box trucks and multi-wheeled (over 4) vehicles can egress via right turn movement only (Hours: 9:00 p.m. to 7:00 a.m.) onto Maywood Avenue.

- e. Applicant will not permit any tractor trailers or other types of box trucks or multi-wheeled (over 4) vehicles from egressing the site onto Maywood Avenue via left turn movement at any time.
6. Applicant will satisfy the Borough Fire Department as to adequacy of circulation for emergency vehicles and number and location of hydrants.
 - a. Mr. Jaworski added that per Fire Official Tuttle, the access driveway from Route 17 on the north side of the building could be designated as a no parking zone with signage and striping.
7. Applicant will post such signage as may be necessary to preclude utilization of the site as a 'cut through' to or from Route 17.
8. Applicant will provide the Borough of Maywood with Title 39 enforcement powers to ensure compliance with any and all conditions and limitations on traffic movement.
9. Applicant stipulates and accepts that containers shall not be stacked more than two containers high.
10. Applicant will make best efforts to secure permitting to allow for the installation of a 'nature' walk through the mitigation wetland on site. Applicant's permitting efforts shall be monitored by Neglia Engineering. It shall not be a condition of approval, or building permit or Certificate of Occupancy that such permitting be secured or that such walk be constructed. But Applicant will accept the obligation to construct such 'nature' walk, if and only if, such permits can be secured from NJDEP and a reasonable insurance policy can be obtained.

Mr. Jaworski believes that the proposed use would be less impactful than other types of uses. He concluded by thanking the Board and the public for their time.

Board Engineer Polyniak confirmed with Mr. Jaworski that there is no plan to widen any part of Maywood Avenue. Board Engineer Polyniak asked that the outstanding comments from Exhibit PB-11 Neglia Engineering review letter last revised 5/25/22 would be addressed. Mr. Jaworski agreed to that condition and agreed to request that the Tax Assessor change the address to Route 17 North from Maywood Avenue.

Board Attorney Kaczynski has a list of conditions that she would like to present to the Board. She believes that the Board professionals would like to present to the Board, the Board may have questions for their professionals and have an opportunity to deliberate. She believes that those items would occur at the next hearing. Chairperson Panny asked if the Board had immediate questions for their professionals and deliberate at the next hearing on 7/7/22. Mayor Bolan asked Board Attorney Kaczynski if the testimony regarding projected peak time traffic counts become a condition of approval. She responded that the Applicant is bound by the testimony that was provided at the hearing and the Board will make their decision based on that testimony. She added that the should the testimony prove to be untrue, the Board can inquire as to what happened. She agreed to look into the Board's recourse. Mayor Bolan then asked about the Board's limitations regarding traffic with a permitted use. Board Attorney Kaczynski agreed to provide the Board with her interpretation of the case law regarding traffic with a permitted use. She does agree with Mr. Jaworski's interpretation that the traffic would have been considered by the governing body when zoning the property and reexamining the Master Plan. She added that the Maywood Avenue access is existing and the proposed widening of Maywood Avenue has been abandoned. Mayor Bolan clarified that the Board is not allowed to suggest modifications to

an application but only review an application as presented. He confirmed with Board Engineer Polyniak that the superfund site is not being remediated to a residential standard so housing cannot be developed there. Douglas Herrick confirmed that the Applicant receiving approvals from Bergen County Planning and Engineering and NJDOT for site access would be conditions of approval. Board Attorney Kaczynski clarified that those approvals are not required before the Board renders their decision but will be included as a condition of approval. She added that should the Applicant make any changes to what was approved by the Board, they would need to come before the Board for amended approval.

Chairperson Panny advised the public that the Applicant would return on 7/7/22 for Board deliberations and voting. Gary Neumann asked that the Applicant maintain the property and noted that the grass is overgrown. Mr. Jaworski does not think that the Applicant's property is overgrown but believes it is the neighboring property. Board Attorney Kaczynski agreed to make property maintenance a condition of approval.

Informal Hearing None

Closed Session None

New Business (cont'd)

- Chairperson Panny requested that Board Recording Secretary Grunstra email the link for stormwater training to the Board in order to comply with Borough Clerk Barbara Dispoto's 5/11/22 letter

Old Business

- Review of Application Requirements Checklist (Schedule C)
 - Chairperson Panny asked to adjourn the discussion for when Board member Derek Eisenberg is present
- Charge Up Your Town: Best Management Practices to Ensure Your Town is EV Ready
 - Chairperson Panny believes the Borough has adopted the updated ordinance in order to comply with State requirements

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Thomas Anzevino seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 10:20pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary