

**MAYWOOD PLANNING BOARD
MINUTES
June 21, 2022**

A regular meeting of the Maywood Planning Board was held on Tuesday, June 21, 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 June 9, 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 7:11pm with the following members present: Gary Neumann (arrived @ 7:16pm), Vice Chairperson Anthony Klymenko, John Montel (arrived @ 7:25pm), Harry Hillenius, Douglas Herrick, Derek Eisenberg, Thomas Anzevino and John Gargagliano. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak, Board Planner Michael Kauker and Borough Special Counsel Patrick McNamara were also present.

Bills

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

Correspondence

1. 5/31/22 letter from City of Hackensack Deputy Clerk Allison Saabye Re: Ordinance #17-2022 Adopting the Second Amendment to the Record Site Redevelopment Plan for the Delineated Redevelopment Area Consisting of Block 300, Lots 3.01, 3.02, 3.03, 3.04 and 3.05 (F/K/A Block 203.01, Lots 2, 3 and 3.01 and Block 300, Lots 3.01 and 3.02)
2. 5/31/22 letter from City of Hackensack Deputy Clerk Allison Saabye Re: Ordinance #20-2022 Amending Chapter 175 Zoning with respect to Cannabis Cultivator Licenses Available Pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
3. 5/31/22 letter from City of Hackensack Deputy Clerk Allison Saabye Re: Ordinance #23-2022 Adopting the 360 Main Street/YMCA Redevelopment Plan for the Delineated Area Consisting of Block 402, Lots 12, 16.01 and 16.02
4. 6/2/22 letter from Bradford A. Bohler, P.E. Re: Duke Realty 149-151 Maywood Avenue NJDEP Application for Flood Hazard Area
5. 6/13/22 letter from Board Engineer Gregory J. Polyniak Re: SHDK, LLC 24-30 West Pleasant Avenue Revised Completeness, Planning & Engineering Review

6. 6/14/22 Adopted Borough Resolution #139-22 Requesting the Planning Board Undertake a Preliminary Investigation as to Whether Block 69, Lots 3, 4, 5 and 13; Block 86, Lots 17 and 18 Be Determined to Be an Area in Need of Redevelopment

Gary Neumann arrived at 7:16pm.

Resolution #1

Resolution #2022-04

Resolution Authorizing the Planning Board to Conduct a Study to Determine If Block 69, Lots 3, 4, 5 and 13 and Block 86, Lots 17 and 18 are Eligible to Be Designated as a Non-Condensation Area in Need of Redevelopment in the Borough of Maywood

Douglas Herrick made a motion to memorialize the resolution. Derek Eisenberg seconded the motion and all eligible members present voted in favor the motion.

Completeness Hearing None

Public Hearing

1. East Hunter Avenue Redevelopment Plan Revised 6/8/22
2. Introduced Borough Ordinance #7-22 Adopting the East Hunter Avenue Redevelopment Plan
3. Master Plan Housing Element and Fair Share Plan Revised 6/8/22
4. Introduced Borough Ordinance #10-22 Adding Chapter 211 “Affordable Housing”
5. Settlement Agreement and Addendum to the Settlement Agreement
6. Borough Resolution #119-22 Appointing Beth Mingren as Administrative Agent for the Borough of Maywood
7. Triad Advisory Services, Inc. Contract
8. Borough Resolution #120-22 Appointing Adrian Febre as Municipal Housing Liaison
9. Maywood Affirmative Fair Housing Marketing Plan
10. Operating Manual for the Administration of an Owner Occupied and Rental Rehabilitation Program
11. Order for Immunity Granted 4/27/22
12. Introduced Borough Ordinance #9-22 Amending Chapter 209 Land Use Specifically Section 209-38.3 THO (Townhouse Use Overlay District) and Adding Section 209-38.6 (Townhouse Use Overlay-2 District), Section 209-38.7 (Townhouse Use Overlay-3 District), and Section 209-39B.(9), Parking Requirements for all THO Districts
13. Utility Services Availability Hofman Property-East Hunter Avenue Redevelopment Plan
14. Will-Serve Letter and Capacity Confirmation Request
15. Group Home Information
16. Borough of Maywood Affordable Housing Trust Fund Spending Plan with TD Account Information

Borough Special Counsel Patrick McNamara stated that he is seeking the Board’s endorsement of the East Hunter Avenue Redevelopment Plan and the adoption of the Housing Element and Fair Share Plan (HEFSP). He explained that the HEFSP is the key document prior to the compliance hearing before the Court wrapping up the Borough’s fair share housing obligation under the Fair Housing Act. He noted that the East Hunter Avenue Redevelopment Plan was non-condemnation.

John Montel arrived at 7:25pm.

Borough Special Counsel McNamara reminded the Board that the HEFSP began in 2015. Since that time, he said that the Borough has entered into a settlement agreement with Fair Share Housing Center and a supplemental amended settlement agreement with the Hofmann family. He added that the Borough has introduced the East Hunter Avenue Redevelopment Plan. He explained that the Borough has worked closely with the Court appointed Special Master and the Fair Share Housing Center. He listed the documents that the Board was to focus on which will be included as an appendix in the final version of the HEFSP and will be submitted to the Court, Special Master, Fair Share Housing Center, Mr. Sarlo (attorney for the Hofmann family) and posted to the Borough website for the public:

1. East Hunter Avenue Redevelopment Plan Revised 6/8/22
2. Introduced Borough Ordinance #7-22 Adopting the East Hunter Avenue Redevelopment Plan
3. Master Plan Housing Element and Fair Share Plan Revised 6/8/22
4. Introduced Borough Ordinance #10-22 Adding Chapter 211 “Affordable Housing”
5. Introduced Borough Ordinance #9-22 Amending Chapter 209 Land Use Specifically Section 209-38.3 THO (Townhouse Use Overlay District) and Adding Section 209-38.6 (Townhouse Use Overlay-2 District), Section 209-38.7 (Townhouse Use Overlay-3 District), and Section 209-39B.(9), Parking Requirements for all THO Districts

Borough Special Counsel McNamara explained that the East Hunter Avenue Redevelopment Plan provides for 66 townhouse units of which 13 will be set aside as low- and moderate-income units. His office has issued certified mail notice and published a public notice that there will be a public hearing for the East Hunter Avenue Redevelopment Plan at the 6/28/22 Mayor and Council meeting. His office also issued certified mail notice, published a public notice in 3 newspapers and posted on the Borough website for tonight’s public hearing on the HEFSP. He is also seeking the Board’s endorsement on several draft ordinances.

Board Planner Michael Kauker summarized the East Hunter Avenue Redevelopment Plan contents. He explained that the plan is reflected on a proposed zoning map and was identified in area in need of redevelopment study. He stated that the plan represents 8 separate properties on East Hunter Avenue that total 5.7 acres. While the total size is not very large, he considers the redevelopment plan as a critical part of the HEFSP. He noted that the Hofmann family properties represent the majority of the properties at 4.29 acres. He summarized that the density is 15 units per acre in 2-4 story structures. He explained that the developer would be screened and vetted by Borough counsel under redevelopment law criteria. He invited the Board to ask any questions regarding the plan. Board Attorney Kaczynski confirmed that the developer would need to be approved by the Mayor and Council. Borough Special Counsel McNamara explained that the property owner would enter into a redevelopment agreement which includes criteria for the developer to qualify. He stated that the redevelopment agreement will provide the detail regarding building design. Board Attorney Kaczynski noted that the developer would need Mayor and Council to agree that the project was consistent with the plan before going before the Board for site plan approval and any other relief being sought.

Board Attorney Kaczynski invited the Board and the public to ask questions on the East Hunter Avenue Redevelopment Plan. Gary Neumann asked about the next steps. Borough Special

Counsel McNamara explained that once the plan is adopted, he will work with Mr. Sarlo on creating a redevelopment agreement. John Montel asked if the 66 units include the Malt Products property and Mr. McNamara answered that the Malt Products property was not included due to the many unknown issues regarding the property. He added that should the issues be resolved; it may be added in the future.

Borough Special Counsel McNamara then moved on to the Master Plan Housing Element and Fair Share Plan (HEFSP). He summarized that the first section provides statistical information regarding the Borough and Borough residents. He explained that the Borough had previously satisfied the first and second round obligations and the current document is to satisfy the third-round obligations. He anticipates that the fourth round will start in 2025 which would represent the next ten-year interval. He and Board Planner Kauker have attempted to prepare the Borough for the next round. Board Planner Kauker discussed the obligations and how they are being addressed. He referred to Table 14 that provides the rehabilitation obligation of 28 units which will be addressed through the housing improvement program funded by development fee resources. He noted the prior round obligation of 36 units has been satisfied and the current fair share obligation is 262 units. He explained that since Maywood is almost fully developed, they apply the vacant land adjustment which brings the realistic development potential to 25 affordable units which is now considered the Borough's unmet need. He said that the Borough has an obligation to modify the zoning to incentivize development. Referencing Table 19, Board Planner Kauker detailed how the Borough will satisfy the unmet need of 25 affordable housing units. He explained that Lydecker Manor provides 6 units and the potential development of the Hofmann property would provide 20 units (13 units + 7 unit rental bonus). He noted that the 26 unit total provides 1 surplus unit which can be carried to round 4.

Douglas Herrick asked about the rental units. Borough Special Counsel McNamara answered that the State issues annual regional guidelines which assesses income levels to determine the low income and moderate income thresholds. He added that the units are deed restricted for 30 years and assessed at the affordable housing value (not market value) which provides tax benefits to the developer. John Montel inquired what happens after 30 years. Borough Special Counsel McNamara replied that the deed restriction is lifted and the unit becomes a market value unit unless the owner consents to an extension. Derek Eisenberg noted that the Borough would be required to replenish the stock of affordable units. Borough Special Counsel McNamara concurred and believes that the Borough could provide for the need with proper planning and zoning.

Board Attorney Kaczynski invited the public to ask questions on the Housing Element and Fair Share Plan. Janet Sernatiger of 164 Cedar Avenue complained that she could not hear the testimony. Board Attorney Kaczynski advised her to move up closer to the front of the room. Mrs. Sernatiger said that she would review the minutes when available. Board Attorney Kaczynski advised that the minutes would be available at a later date and tonight was the public hearing meaning the public could ask questions and make comments. She also noted that the information would be presented at the Tuesday, 6/28/22 Mayor and Council meeting. Borough Special Counsel McNamara summarized that the Board will be adopting the HEFSP and determining if the East Hunter Avenue Redevelopment Plan and several Borough ordinances are consistent with the Borough Master Plan. Mrs. Sernatiger complained that she could not hear.

Borough Special Counsel McNamara explained that he has been in contact with Mr. Sarlo who is the attorney for the Hofmann family. He suggested meeting with Mr. Sarlo, Mrs. Sernatinger and Mr. Hofmann to review the materials and answer any questions. Mrs. Sernatinger was amenable to that suggestion. Borough Special Counsel McNamara also suggested reviewing the documents posted to the Borough website. Board Attorney Kaczynski provided the printed materials packet from an absent Board member.

Resolution #2

Resolution #2022-06

Resolution Finding that the East Hunter Avenue Redevelopment Plan is Consistent with the Master Plan of the Borough of Maywood, As Amended, and Making Certain Recommendations Relative Thereto
(Borough Ordinance #7-22)

Board Planner Michael Kauker explained that a consistency determination on the East Hunter Avenue Redevelopment Plan is based on the fact the document is a component of the Master Plan Housing Element and Fair Share Plan. He noted that both documents are in sync and are cross-referenced with one another. He added that the HEFSP is appended to the Master Plan and, by definition, achieves consistency.

Harry Hillenius made a motion to memorialize the resolution. Thomas Anzevino seconded the motion and all eligible members present voted in favor the motion.

Resolution #3

Resolution #2022-05

Resolution Adopting the Master Plan Housing Element and Fair Share Plan

Derek Eisenberg made a motion to memorialize the resolution. Harry Hillenius seconded the motion and all eligible members present voted in favor the motion.

Resolution #4

Resolution #2022-08

Resolution Finding that the Amendments to Section 209-38.3 and the Addition of Sections 209-38.6, 209-38.7 and 209-39.B(9)to the Land Use Development Ordinances of the Borough of Maywood as Outlined in Ordinance #9-22 are Consistent with the Master Plan of the Borough of Maywood, As Amended, and Making Certain Recommendations Relative Thereto

Borough Special Counsel McNamara explained the ordinance was crafted in large part by the Special Master to modify and streamline the various Townhouse (TH) zones. He advised that the second reading and public hearing is scheduled for the 7/12/22 Mayor and Council meeting which his office will issue certified mail notice and publish a public notice for. Board Planner Kauker stated the Borough ordinance meets the specific requirements for the remaining COAH regulations and furthers the HEFSP goals.

Harry Hillenius made a motion to memorialize the resolution. Derek Eisenberg seconded the motion and all eligible members present voted in favor the motion.

Resolution #5

Resolution #2022-09

Resolution Finding that the Amendments to the Land Use Development Ordinances of the Borough of Maywood to Add Chapter 211 as Outlined in Ordinance #10-22 are Consistent with the Master Plan of the Borough of Maywood, As Amended, and Making Certain Recommendations Relative Thereto

Borough Special Counsel McNamara explained that the entire chapter was updated with consultation with the Special Master to bring it up to current standards. He summarized that the ordinance provides the administrative process for how the program would be administered, marketing requirements, development fees, unit requirements and other details.

Harry Hillenius made a motion to memorialize the resolution. Derek Eisenberg seconded the motion and all eligible members present voted in favor the motion.

Board Attorney Kaczynski confirmed that Board Recording Secretary Grunstra uploads the meeting recordings to the Borough website.

Application Hearing None

Informal Hearing None

Closed Session None

Old Business

- Review of Application Requirements Checklist (Schedule C)
- Charge Up Your Town: Best Management Practices to Ensure Your Town is EV Ready
 - Board Attorney Kaczynski asked if the Board had any questions or comments but no one came forward

New Business None

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 8:24pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary