

MAYWOOD PLANNING BOARD
MINUTES
June 22, 2017

A regular meeting of the Maywood Planning Board was held on Thursday, June 22, 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 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Mayor Adrian Febre, Councilman Rick DeHeer, Gary Neumann, Harry Hillenius, John McManus, Anthony Klymenko, Daniel Nemecek and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer David Gleassey of Remington Vernick (left at 9:33pm) were also present.

Oaths of Office

John Gargagliano – Alternate #4

Board Attorney Kara Kaczynski administered the Oath of Office.

Approval of Minutes

Vice Chairman Paul Kuhn made a motion to accept the minutes from the June 1, 2017 meeting. Secretary Charlotte Panny 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. John McManus seconded the motion. All members present voted in favor of the motion.

Correspondence

- 5/31/17 Freshwater Wetlands Application Checklist for Stepan Chemical 149-151 Maywood Avenue Block 124, Lot 30 Maywood
- 6/6/17 Freshwater Wetlands Application Notification Letter for Instillation of New Natural Gas Distribution Mains in Public Right-of-Way (ROW) within PSE&G’s Natural Gas Service Area
- 6/12/17 letter from Board Engineer David Gleassey Re: Riverside Medical Group 1 Maywood Avenue Completeness Review
- 6/13/17 letter from Board Recording Secretary Tara Grunstra Re: Riverside Medical Group 1 Maywood Avenue Hearing Date 7/6/17

leasing 12 parking spaces from a neighbor. He then added that the license continues to this day and is renewed annually. He was unaware of a license expiration date. Based on his experience over the last nine years, there have been no problems with parking. Ms. Triolo then summarized the two previous resolutions granted by the Board; 2009-07 Commercial Sign Review Site Plan Waiver and 2011-08 Variance to Permit Wall Signs. The signage that was installed is in accordance with the Board approval. When Dr. Buchholz purchased the property in 2008, the garage was already there and he suspects had been there for a long time. He explained that the goal is to offer full service pet care for their patients which is the trend in this industry. He added that there are times that a pet would need to be groomed prior to a medical procedure and it is preferred that grooming would be separate from medical treatment. A sign variance is requested for the garage for identification purposes. The Maywood Veterinary Clinic logo of the dog and cat would be included on the sign with the lettering "Grooming Parlor". Dr. Buchholz will be the owner of the grooming business and will not license or sublet to a third party. He is willing to include this stipulation as a condition of approval. Councilman DeHeer asked how animals requiring grooming prior to medical treatment are currently handled. Dr. Buchholz answered that the animal is shaved in the veterinary clinic but it would be preferred that the two uses are separated. Currently, they do not regularly groom animals but will wash and shave animals prior to some medical treatments. Mayor Adrian Febre inquired what was the expected amount of activity for the proposed grooming business. Dr. Buchholz replied that he believes that the hours of operation for the grooming business would be Monday-Friday 8am-8pm and Saturday 8am-5pm. The grooming business is mostly a drop-off and pick-up situation while most people stay with their animal during the veterinary clinic appointment which usually last an hour or two. He added that he was prepared to hire 1 groomer and possibly 1 assistant groomer since the space is small enough for just 1 grooming station. John McManus asked about the size of the grooming business and Ms. Triolo indicated that this question was better suited for the applicant's architect. Zoning Officer James Mazzer indicated that the total space including the mezzanine is 750 square feet. Board Engineer added that the footprint of the building is 534 square feet.

Board Attorney Kaczynski invited the public to ask questions of Dr. Buchholz. Thomas Stanton of 278 Bull Mill Road, Chester, NY owns the adjacent property and asked Dr. Buchholz how many more staff he would hire for grooming if the business proves successful. Dr. Buchholz answered that the space could only fit 1 groomer and 1 assistant. He believes that it takes approximately 1 hour to groom each animal and would expect approximately 8 animals to be groomed each day. Most people drop off for grooming and there will be holding kennels for that purpose. Often people drop off on their way to work and pick up on their way home from work. Chairman Lichtenberger asked what the building is currently used for and Dr. Buchholz replied that it is for storage only; kennels, equipment, holiday décor and ornamental barn wood beams from McToole's Restaurant. He believes the McToole's used it for storage as well. Dr. Buchholz asked if anyone on the Board knew what the main building was originally used for. Mr. Stanton believes that it was a tavern operated by the Jorgensens who lived on the second floor from the late 1940s to 1975. He remembers the garage being there when he was a child. Mayor Febre asked if animals would be kenneled overnight and Dr. Buchholz answered that animals would only be kenneled overnight at the veterinary clinic. Thomas Stanton asked how the parking lease is renewed annually. Dr. Buchholz answered that Mr. Stanton send him a rent increase and he pays it. Mr. Stanton explained that the parking license agreement expires December 15, 2019. Board Attorney Kaczynski read directly from the agreement:

This license shall remain in full force and effect so long as the lease agreement between the licensee and Stanton Family Restaurants Inc. with respect to the adjacent premises located at 125 E. Passaic Avenue, Maywood, New Jersey is in full force and effect. At such time as that the lease terminates for any reason, this license shall also terminate and licensee shall have no further rights hereunder.

Mr. Stanton is happy with the agreement and has no plan to terminate. He wants to ensure that there is ample parking for all premises. Chairman Lichtenberger asked Dr. Buchholz about how he felt the parking situation would be with the proposed groomer. Dr. Buchholz believes that if there in an increase in traffic, parking would not be negatively impacted since most patrons drop off and pick up for the grooming services.

The second witness was the applicant's surveyor/engineer/professional planner Charles Osterkorn and he was sworn in, qualified and accepted. Mr. Osterkorn prepared the plans dated March 1, 2017 entitled SP-1, SP-2, SP-3 and SP-4 which were submitted with the application and have not changed since application submission. He described the existing site of Lot 19 as having a main building (veterinary clinic) and an accessory building (garage). A strip mall is located to the west, Lydecker Manor senior housing across the street (south) and the American Legion Post 142 is located to the east. The existing survey (SP-2) shows the existing conditions of the one-way vehicle entrance driveway which leads to a rear parking lot. Vehicles exit through Stanton Associate's adjacent property. Parking spaces are leased on the rear of Lot 20 which is owned by Stanton Associates. Lot 19 is generally flat with a minimal slope. There is an existing seepage pit. SP-3 details the proposed changes including relocating the handicapped parking space, parking along the rear of the property by the existing retaining wall with proposed wheel stops and a 6' PVC fence. They are proposing an addition to the front on the garage and a landscaped walkway. The traffic pattern would remain the same with the one-way entrance and exit through the Stanton Associates property. The relocated handicapped parking space would be van accessible. New utilities would be tied into the garage from the veterinary clinic. The lot size, lot width and lot depth conform to the Borough code. The principle building (veterinary clinic) setbacks and height all conform to the Borough code. The height on the accessory building conforms to the Borough code. The addition to the accessory building does not trigger any setback requirement violations. However, the accessory building has existing setback non-conformities; side yard setback 1.8' existing vs. 5' required and rear yard setback 1.8' existing vs. 5' required. The proposed 153 square feet addition to the front of the accessory building will be for the ground floor level thereby expanding the footprint. The second floor will be reduced by the same amount (153 square feet) creating an open mezzanine. As such, there is no increase in gross building area.

Mr. Osterkorn explained the existing signage. There is a 16-square foot wall sign on the western side of the principle building. The wall sign on the front of the principle building measures 68 square feet. The eastern side of the principle building has a 32-square foot wall sign. The wall sign in the rear of the principle building is 50 square feet. There are five 24 square foot window signs in the front of the principle building. He summarized that there is approximately 250 square feet of signage in total. They are proposing a 7.3-square foot wall sign on the front of the accessory building. Chairman Lichtenberger asked if the existing signage would be altered and Mr. Osterkorn answered that it would not. Board Attorney Kaczynski clarified that the existing nonconforming side and rear yard setbacks on the accessory building will not be exacerbated by

the proposed addition. Mr. Osterkorn discussed the proposal to relocated the dumpster to the west side of the accessory building next to the parking row at the rearmost portion of the property. They propose to build a screened in dumpster enclosure measuring 4' x 8'. There is currently not an enclosure for the dumpster and no parking spaces will be lost by its addition. The proposed landscaping by the grooming parlor will be approximately 150 square feet of spreading juniper. There is an existing raised planter bed that runs along the length of the principle building front facing East Passaic Street.

Ms. Triolo reiterated that the application is for an accessory use in an existing nonconforming accessory building. Mr. Osterkorn believes, as a planner, that the veterinary clinic business would benefit should the application be approved. He does not believe that there will be major traffic issues with the addition of the grooming business since grooming is a drop-off/pick-up type of business. He suggested that there may be less traffic overall if patrons decide to bundle the vet/grooming services and drop-off/pick-up for combined services. He does not foresee any negative impact on the neighborhood or the community. He thinks that it would service the community well. It is considered a typical accessory use of a veterinary clinic and he cited several examples of this locally and nationally. Board Attorney Kaczynski asked about how much parking is provided versus what is required. Mr. Osterkorn answered that there are 20 parking spaces currently and the grooming parlor development requires 3 additional parking spaces based on the 754 square feet size (250 square feet = 1 parking space). As such, 23 parking spaces are required and all are provided; 11 parking spaces on the subject property and 12 spots licensed from Thomas Stanton. Mayor Febre asked about the proposed signage on the accessory building and Ms. Triolo answered that the sign would have the Maywood Veterinary Clinic logo of the dog and cat with the lettering "Grooming Parlor". She added that the architect would provide additional detail on the signage. Mr. Osterkorn believes that granting application approval does not conflict with the Borough master plan or zoning ordinances.

Councilman DeHeer asked if the dumpster enclosure placement will impede on the adjacent parking space. There was much discussion on how the trash collection could occur if a car was parked in the adjacent parking space. Ultimately, Dr. Buchholz suggested designating the adjacent parking space as "Employee of the Month" thereby ensuring that the car occupying the adjacent parking space could be immediately moved when the trash collector arrives. Board Attorney Kaczynski asked if there was an easement on the adjacent property as traffic exits through the Mr. Stanton's property. Mr. Osterkorn does not believe that there is an easement. Board Engineer David Gleassey asked where the existing dumpster is currently located and Mr. Osterkorn answered that is located on the side of the property. Both the veterinary clinic and grooming parlor will use the dumpster in the new location on the west side of the grooming parlor. Board Engineer Gleassey asked if the sanitary sewer pitch was sufficient and Mr. Osterkorn believed that it was. Board Engineer Gleassey requested that existing seepage pit be cleaned out prior to connecting to the accessory building and suggested that this might be a condition of approval.

Board Attorney Kaczynski invited the public to ask questions of Mr. Osterkorn. Mr. Stanton asked how many parking spaces were on the subject property. Mr. Osterkorn answered that there were 11 parking spaces. Mr. Stanton asked how many parking spaces were required. Mr. Osterkorn answered that there were 23 parking spaces were required. Mr. Stanton confirmed that 12 spots were leased by him to the applicant. He then asked about the egress of subject

property (Lot 19) and Mr. Osterkorn answered that the egress was through Lot 20 and 21. Mr. Stanton asked where the egress was before 2008 and Mr. Osterkorn could not answer the question. Mr. Stanton said that there was no easement onto his property but there is a lease. He asked what the applicant would do if the lease was revoked. Mr. Osterkorn answered that there is a narrow driveway located on the western side of the building that could be used. Currently, there is a fence blocking both ends of the potential driveway and the a/c units would need to be relocated to the roof. Mr. Osterkorn added that 1 parking space would be lost in this scenario. Dr. Buchholz added that the roof could support the weight of the a/c units as that option was considered previously. Zoning Officer James Mazzer believes that there is a problem with parking since he has prohibited Mr. Stanton from leasing some of the store fronts in the strip mall because of insufficient parking. Mr. Stanton believes that he has sufficient parking for all of the storefronts in the strip mall. Chairman Lichtenberger believes that the subject property has parking challenges and adding another use will exacerbate the problem.

Mr. Osterkorn was released by the Board as he had another meeting that he needed to attend.

The final witness was the applicant's architect Ronald Binder and he was sworn in, qualified and accepted. Mr. Binder prepared the plan dated March 1, 2017 entitled A-1 which was submitted with the application and have not changed since application submission. He summarized the existing building measurement is 19' x 20' with a full basement, ground floor and a full second floor. They are proposing expanding the ground floor by building a 19' x 8' addition to the front of the building. The second floor would be converted to a mezzanine by removing the front 19' x 8'6" section and creating an open area overlooking the ground floor. The second-floor mezzanine would be used for storage and the basement would be used for mechanical equipment only. The building footprint would be 534 square feet and the total building square footage would slightly decrease to 754 square feet. The entranceway would be covered and landscaping would be added. Patrons would enter into a small lobby with seating and a reception desk followed by a grooming area with 2 small rooms for kennels and the rear of the building would have a lavatory and stairway to the basement and second-floor mezzanine. Landscaping would continue along the western side of the building flanking the dumpster enclosure. Mr. Binder believes that the building was constructed between World War I and World War II based on the construction materials used. He would like the addition to look as though it was part of the original structure by using similar finishes. He is proposing a 7.3 square foot raised letter sign above the second-floor window for identification purposes. A gooseneck light would illuminate the sign. To improve the lighting in the parking area, a pole mounted light would be installed at the northwest corner of the property. Two wall mounted lights are proposed; one in the covered entrance and another over the dumpster enclosure. They would like to replace the existing wall light near the entrance of the veterinary clinic and have all lighting in fixtures coordinate in style. The lighting could be on timers that match what is existing at the veterinary clinic.

Chairman Lichtenberger asked how the existing ground floor is arranged out and Mr. Binder answered that it is one open room. Jack McManus asked about storage and Mr. Binder replied that most of the items being stored in the garage are not needed. He added that the veterinary clinic has storage on the second-floor and basement. Mr. McManus asked if they had considered adding a third-floor to the veterinary clinic and removing the accessory building which could add more parking. Mr. Binder believes the accessory building serving as a grooming facility is a better option. Mr. Binder believes that only 1 pet would be groomed at a time while there would be kenneling for pets waiting to be groomed and groomed pets that are waiting on owner pick up. Board Engineer Gleassey requested that the lighting be shielded so as not to be a nuisance to neighbors and he requested that the lighting be timed from dusk to dawn.

Chairman Lichtenberger invited the public to ask questions of Mr. Binder but no one came forward.

Chairman Lichtenberger asked Zoning Officer Mazzer for a summary of the parking situation. Zoning Officer Mazzer answered that the subject property includes 11 parking spaces and the applicant leases another 12 parking spaces from his adjacent neighbor, Thomas Stanton. This provides 23 parking spaces which is the requirement if the accessory building is used. There was much discussion on making the participation in the lease parking agreement a condition of approval. Ultimately, it was decided to have the applicant return to the Board should the number of parking spaces fall below 23 spots as a condition of approval.

Board Attorney Kaczynski summarized the relief requested by the applicant and the conditions of approval required by the Board. At the start of the hearing, the Board approved the application completeness waivers. The applicant is seeking an accessory use in a preexisting nonconforming accessory building to use as a pet groomer as an accessory use to the veterinary clinic, expanding the preexisting nonconforming accessory building, additional signage and preexisting side and rear yard setback variances. She then noted several conditions for the approval:

- The grooming space cannot be leased to a third party, it must be owner operated
- No overnight kenneling in the grooming building
- The parking space adjacent to the dumpster enclosure is restricted to “Employee of the Month”
- Seepage pit would be cleaned out prior to connecting to the accessory building
- Applicant must return to the Board should the parking spaces fall below the required 23 spots
- Grooming building basement must only be used for mechanical equipment, second-floor be used only for storage and ground floor for grooming operation only
- Lighting will be shielded to accommodate neighbors
- Lighting times will operate in accordance with the Borough ordinance

Chairman Lichtenberger opened the hearing for public input. No one in attendance came forward.

Harry Hillenius made a motion to approve the application with the conditions outlined above. Mayor Adrian Febre seconded the motion. All members present voted in favor of the motion except Vice Chairman Kuhn and John McManus who voted no.

A short recess was taken at 9:33pm. The meeting resumed at 9:43pm with all members present. Board Engineer Gleassey left during the recess as the second hearing did not require his input.

Hearing #2

Bel Fiore Boutique LLC

15 West Pleasant Avenue

Block 61, Lot 34

Calendar #2017-087

Sign Application

The applicant Angela Marchese was sworn in. She is proposing signage for her business:

- 2 non-illuminated wall signs measuring 2’ high x 3’ wide (6 square feet x 2 signs=12 square feet total)
 - Falls within the 10% allowance (45 square feet)
 - Mounted on the south side of the building (facing West Pleasant Avenue)
- 1 freestanding flag measuring 9.5’ high x 22” wide (17.42 square feet where 18 square feet is permitted)
 - Flag is on a stand which is taken indoors when business is closed
 - Placed facing Maywood Avenue since that side of the building is mostly windows so wall signage is difficult to mount

Zoning Officer Mazzer said that all the proposed signage meets the Borough ordinance. Chairman Lichtenberger remembers the Board having issues with flag signage in the past. Mayor Febre asked if Ms. Marchese would be willing to withdraw the flag from the application. She answered that she was willing to withdraw the flag signage from the application and apologized for having the wall signs installed prior to Board approval. She agreed to not to install any additional signage.

Harry Hillenius made a motion to approve the application for the two wall signs. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

Closed Session None

Informal Hearing None

Old Business None

New Business None

Open Meeting to the Public None

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 9:43pm.

Respectfully submitted,

Tara Grunstra
 Planning Board Recording Secretary