

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**June 22, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, June 22, 2023 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 November 10, 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 being recorded with both audio and video and may be rebroadcast. 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 7:31pm with the following members present: Chairperson Charlotte Panny, Vice Chairperson Anthony Klymenko, Secretary Gary Neumann, John Gargagliano, Harry Hillenius, Douglas Herrick, Derek Eisenberg, Thomas Anzevino and Rick DeHeer. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

**Approval of Minutes**

Thomas Anzevino made a motion to accept the minutes from the June 1, 2023 meeting. Vice Chairperson Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

Derek Eisenberg made a motion to accept payment of the bills. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

1. 6/1/23 letter from Board Engineer Gregory J. Polyniak Re: Hackensack Meridian Ambulatory Care, Inc. 65 West Hunter Avenue Revised Completeness & Engineering Review
2. 6/6/23 letter from Board Engineer Gregory J. Polyniak Re: New Look Home Design, LLC 341 Maywood Avenue Revised Completeness, Subdivision & Engineering Review
3. 6/9/23 letter from Board Engineer Gregory J. Polyniak Re: Deo’s Garden 946 Spring Valley Road Revised Completeness & Engineering Review
4. 6/13/23 letter from Zoning Enforcement Officer Dina Lynch Re: Deo’s Garden 946 Spring Valley Road Unapproved Location
5. 6/13/23 letter from Borough Clerk Barbara L. Dispoto Re: Deo’s Garden 946 Spring Valley Road Unapproved Location
6. 6/14/23 cover letter from Thomas E. Donahue of Donahue Engineering Re: Henry Gonzales Andrade 774 Maywood Avenue Revised Site Plan
7. 6/14/23 letter from Borough of Paramus Borough Clerk Annemarie Krusznis Re: Introduced Ordinance #2023-26 Rezoning Block 1904, Lot 1

8. 6/15/23 letter from Board Engineer Gregory J. Polyniak Re: Hackensack Meridian Ambulatory Care, Inc. 65 West Hunter Avenue Revised Completeness & Engineering Review
9. 6/16/23 letter from Board Planner Michael F. Kauker Re: Hackensack Meridian Ambulatory Care, Inc. 65 West Hunter Avenue Planning Review
10. 6/19/23 letter from Board Engineer Gregory J. Polyniak Re: Maybrook Gardens II Maybrook Drive Revised As-Built Review

**Resolution**

**Dario & Gema Campillo**

20 Orchard Place

Block 128, Lot 32

**Calendar #2023-03**

**Variance Application**

Expansion of a pre-existing non-conforming use

John Gargagliano made a motion to memorialize the resolution and Vice Chairperson Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

**Completeness Hearing**

None

**Application Hearing #1**

**Kine Buds Maywood, LLC**

113 East Passaic Street

Block 774, Lot 20

**Calendar #2023-10**

**Variance & Site Plan Application**

D(3) Conditional Use Variance

Edward Mainardi represents the Applicant, Kine Buds Maywood, LLC. He believes that the Board will be making recommendations to the Governing Body regarding the Applicant’s cannabis application. Board Attorney Kaczynski disagreed with his assessment and advised that the Applicant must abide by the Municipal Land Use Law (MLUL) that requires site plan approval for a change of use. She added that the Applicant will need a D(3) conditional use variance per Borough code 209-37.1. She confirmed that the Applicant noticed properly so the Board had jurisdiction and marked the following exhibits:

- A-1 – Application and all supporting documents
- A-2 – Notice and publication
- PB-1 – Board Engineer Completeness & Engineering Review Dated 5/11/23
- PB-2 – Board Engineer Completeness & Engineering Review Revised Date 5/31/23
- PB-3 – Maywood Police Chief Terence Kenny Review Dated 5/2/23

Mr. Mainardi introduced his only witness, Russell Kuchta, who represents the Applicant. Mr. Kuchta explained that he is pharmacist by trade but is acting as a consultant for operations. He provided a summary of his work experience and owns several cannabis licenses. He explained that the proposed business would be a Class 5 Retail Dispensary Adult Use Cannabis which would sell prepackaged cannabis products such as edibles and flower. He detailed the purchasing process of having ID scanned at the entry to ensure that patrons are age 21 and older. Regarding the number of employees, Mr. Kuchta estimated that the business would start with 10 employees but the number would be based on customer volume. He stated that employees would help customers with the ordering process and fill orders. He added that the business would contract with a security company which would check-in customers. Mr. Kuchta provided his experience running retail cannabis dispensaries. He described the

security system using cameras, panic buttons and magnetic locks on the doors. He anticipates that the hours of operation would be 9am-9pm or 10am-8pm depending on customer volume. Board Attorney Kaczynski noted that Borough code 209-37.1 provides the requirements of the conditional use specifically that the proposed use cannot be within 200' of a residential district. Mr. Mainardi responded that the entire SOB overlay district consisting of 7 properties on West Passaic Street is within 200' of a residential district. He added that per the Borough code, the SOB overlay district requires Route 17 access which is not possible.

Mr. Mainardi offered to answer questions raised in Exhibit PB-2 Board Engineer Completeness & Engineering Review Revised Date 5/31/23. Board Engineer Greg Polyniak confirmed that the Applicant will comply with the Borough cannabis regulations such as the Smoke-Free Air Act, license fee, tax requirements and the State Sanitary Code. Board Engineer Polyniak observed that there are parking spaces to the rear of the property that are marked as for Maywood Veterinary Clinic customers only and asked if the Applicant has conducted an analysis of parking demand. Mr. Kuchta answered that they are in talks with neighboring businesses to lease parking spots for employee parking. Board Engineer Polyniak would be concerned that adding a secondary use to a neighboring business parking lot may trigger a use variance. He then confirmed that the Applicant has an odor control plan in place. Mr. Kuchta added that odor control plans are more for grow businesses. He further explained that all products will come prepackaged and HEPA filters will be used to minimize odor. Board Engineer Polyniak inquired if the Applicant will have a police presence on-site. Mr. Kuchta answered that they typically hire an outside security company but do have armed police officers in their Camden location. He stated that they would work with the Maywood Police Department on this issue. Board Engineer Polyniak asked about ADA accessibility and Mr. Kuchta replied that he will speak with the landlord regarding ADA parking. Board Engineer Polyniak noted that there is the potential for high traffic volumes and asked if the Applicant would be agreeable to hiring a police officer to direct traffic. Mr. Kuchta agreed to that condition. Board Engineer Polyniak referenced exhibit PB-3 – Maywood Police Chief Terence Kenny Review Dated 5/2/23 where the Police Department requests a solar powered pedestrian crosswalk across East Passaic Street at the Golf Avenue intersection. Mr. Kuchta agreed to that condition. Board Attorney Kaczynski confirmed with Board Engineer Polyniak that Bergen County approval would be required for the crosswalk but his experience indicates that they tend to approve such improvements. Board Attorney Kaczynski explained that the Board can impose the condition that the Applicant submit the crosswalk application to Bergen County and Mr. Mainardi agreed. Board Engineer Polyniak requested that the rear access door comply with building code specifically the safe landing so that no one could walk out the backdoor into the travel way. Mr. Mainardi suggested installing an ADA ramp to the rear door access and Board Engineer Polyniak agreed. Board Engineer Polyniak requested that the Applicant submit a copy of the plans to Bergen County Planning and Engineering for review as the business abuts a county roadway. Regarding utility usage and waste generation, Board Engineer Polyniak asked if the Applicant anticipates a substantial increase with this use and Mr. Kuchta does not believe the utility and waste demand would increase. Board Engineer Polyniak confirmed that any cannabis waste would be stored indoors in the vault. Regarding the shared parking with the adjoining property, Board Engineer Polyniak asked if there was a cross-access agreement. Mr. Mainardi answered that he has spoken to the landlord and the landlord intends to reduce the number of parking spaces from 10 spaces to 6 spaces leased to the veterinary clinic. Board Engineer Polyniak confirmed that there is sufficient space in the dumpster for this use and the Applicant agreed to his request that the business utilize a private company for waste collection. Board Engineer Polyniak noted that there is damaged curb and sidewalk along the front of the property and anticipated high pedestrian traffic to the business. He requested that the damaged curb and sidewalk be replaced to remove the tripping hazard. Mr. Mainardi noted that the Applicant is a tenant and not the property owner. Board Attorney Kaczynski

suggested a condition in which the Applicant request that the curb and sidewalk be repaired by the landlord. Board Engineer Polyniak is aware of an existing drainage issue on the property and suggested that the landlord increase the size of the seepage pit system. Board Attorney Kaczynski suggested a condition of approval that the Applicant and landlord collaborate with Board Engineer Polyniak to determine the best solution. Mr. Mainardi agreed with this condition. Board Engineer Polyniak confirmed that all existing utility connections would be re-used. He asked that the Applicant clean the sanitary sewer lateral and televise it to ensure that it is in good working condition. He then questioned if the existing on-site lighting is sufficient for the proposed use and Mr. Kuchta believes that the lighting is sufficient. Board Engineer Polyniak requested that the plans be submitted to the Fire Department. He asked about the product delivery and vehicle that is used. Mr. Kuchta answered that the delivery times vary for security reasons. He explained that the delivery vehicle is a non-branded cargo van and deliveries would be made to the rear entrance. Board Engineer Polyniak asked if a parking analysis had been conducted and if the Applicant was satisfied that the existing parking is sufficient. Mr. Kuchta answered that as more dispensaries open, the demand and subsequent traffic has subsided. Board Attorney Kaczynski asked if the parking that is proposed at this location is like the other dispensaries that the Applicant owns. Mr. Kuchta replied in the affirmative but added that they are seeking additional off-site employee parking. Board Attorney Kaczynski requested planning testimony regarding the conditional use variance. Board Planner Michael Kauker had not reviewed the application.

Chairperson Charlotte Panny referenced the Ascend cannabis dispensary on Route 17 in Rochelle Park and the large amount of traffic that it attracts. Mr. Kuchta believes that demand will wane as more dispensaries open. He believes that the parking is adequate and is looking into an alternative off-site location for employee parking at the Zion Lutheran Church which has much different hours of operation. Derek Eisenberg noted that he drives along Route 17 for work and has not observed the long lines at Ascend that were common when it first opened. Rick DeHeer believes that the traffic at Ascend could also be attributed to that it can only be accessed by driving on Route 17 North whereas this location vehicles can make a left turn or a right turn to access the location. He believes that patrons and employees making a left turn leaving the location could be dangerous. Mr. Kuchta reminded the Board that he agreed to pay for a police officer to direct traffic if needed. Douglas Herrick asked for an estimate on the number of customers daily. Mr. Kuchta stated that store occupancy would be based on the fire code. He anticipates that customer demand will be down by the time that the business opens. Mr. Herrick is concerned that the parking may not be adequate for the demand. Chairperson Panny asked the length of time a customer would spend in the dispensary. Mr. Kuchta replied that the answer depends on the staff but the transaction would be 5-15 minutes but the wait time could be up to a half hour. Derek Eisenberg asked how much a customer would spend in a typical transaction and Mr. Kuchta approximated that a typical transaction would be \$80-\$100. Mr. Eisenberg confirmed that the municipality would earn 2% in taxes. Harry Hillenius clarified that the business is open 7 days a week. John Gargagliano questioned how far the Applicant was into negotiations with Zion Lutheran Church regarding leasing parking spaces. Mr. Kuchta did not know the answer as a different attorney was handling the negotiations. Mr. Gargagliano inquired if the subject property's rear parking lot was fenced in. Gary Neumann answered that there is a fence in the rear parking lot. Mr. Mainardi confirmed with Board Engineer Polyniak that the fence is on top of a wall along the rear property line. Board Engineer Polyniak asked how many patrons were expected to be in the store at one time. Mr. Kuchta responded that occupancy is based on the fire code. Board Engineer Polyniak confirmed that if the store was at maximum occupancy, patrons would need to line up outside.

Board Attorney Kaczynski asked how far along the Applicant was in the Cannabis Regulatory Commission (CRC) approval process. Mr. Kuchta answered that he is waiting for Planning Board approval before submitting to the CRC. Board Attorney Kaczynski added that full compliance with CRC requirements would be a condition of approval. She asked if Mr. Kuchta could list some of the CRC requirements for the Board's understanding. He explained that he has mentioned a few already; age 21 or older to enter, having the patrons ID scanned prior to entry, security cameras and panic alarms installed, employees must have an ID badge, doors have magnetic locks and a vault on-premises. Board Attorney Kaczynski asked for a summary of how money was handled. Mr. Kuchta explained that he has purchased a smart money safe where money is deposited and the actual cash handling occurs off-site. Thomas Anzevino confirmed that the dispensary would be for medical and recreational patrons. Mr. Kuchta added that there would be a separate line for medical patients to receive priority. Mr. Eisenberger confirmed that medical patients do not pay sales tax but Mr. Kuchta was unsure if that applied to the municipal tax. Chairperson Panny asked for clarification on the hours of operation. Mr. Kuchta stated that he would expect that the dispensary would be open 7 days a week with weekday hours of 9am-9pm and Saturday/Sunday hours being 10am-6pm. Board Attorney Kaczynski inquired about the entrance door security and Mr. Kuchta explained that there will be vestibule where security would scan IDs before patrons would be allowed to enter. Board Attorney Kaczynski asked how the location was selected and Mr. Kuchta answered that it was the only available property that was zoned for cannabis. She confirmed with Mr. Kuchta that the property was suited for the proposed use since the size fits his needs. He added that patrons could have curbside service where they order online and pickup without entering the store. Mr. Mainardi noted that this service would only be provided if it was legal under the statute. Board Attorney Kaczynski inquired if the proposed use would cause detriment to the public or the Borough. Mr. Kuchta believes that the proposed use would benefit community as people would not need to travel far for the medication that they need. He emphasized that the location would provide safe access and not require people to travel via a highway. Board Attorney Kaczynski noted that a conditional use variance would be required and asked why the Board should grant approval. Mr. Mainardi replied that NJ laws provide that the conditional use would fit the property and the deviations would not cause the use to no longer be appropriate. He noted that the Borough zoned this property for this use knowing that the location does not front on Route 17 and is near a residential zone. Board Engineer Polyniak questioned if the deviations from those two conditions noted by Mr. Mainardi would negatively impact the community. Mr. Kuchta believes that the Borough zoned this property intending for this use and the limited number of available locations supports the idea that this use was intended for this location. Board Engineer Polyniak confirmed that Mr. Kuchta does not think that the proposed use would negatively impact the surrounding residential zone. Board Attorney Kaczynski inquired about the status of the application with the governing body. Mr. Mainardi answered that the application has been made to the CRC which then contacts the governing body. He then explained that the Borough Mayor and Council requires Planning Board input which is why the Applicant has submitted for site plan approval. He added that the governing body may request input from other Borough departments. Once the Mayor and Council receive the feedback, they make a recommendation to the CRC. Mr. Kuchta noted that other municipalities that he has worked with do not require Planning Board input.

Chairperson Panny invited the public to ask questions of Mr. Kuchta. Borough Attorney Kara Kaczynski swore in Fire Official Tom Tuttle. He asked for more information regarding the testimony on curbside sales. Mr. Kuchta explained that a patron would order online and a staff member would deliver it to their car usually at a designated parking space. Fire Official Tuttle stated that the front area from the sidewalk to the curb in front of the businesses is a fire zone and no cars should be stopping or parking in the fire zone. Mr. Kuchta replied that he understood and would not be treating the fire zone

as a drive-thru. Fire Official Tuttle asked that the magnetic locks comply with the fire code and Mr. Kuchta agreed. No other members of the public had questions for Mr. Kuchta.

Mr. Mainardi summarized the application and requested Board approval. Chairperson Panny invited the Board to ask questions of their professionals. Gary Neumann asked Board Attorney Kaczynski if the Board is making a recommendation to the governing body and then the governing body grants approval. She answered that the Board grants the approval regarding zoning and the governing body grants the approval that is required by the Borough cannabis ordinance prior to the CRC approval. Vice Chairperson Anthony Klymenko asked if the Applicant would be required to return to the Board after CRC approval. Board Attorney Kaczynski stated that the Applicant would need to return to the Board should they make changes to what was presented to the Board. She summarized two conditions of approval; police officers would provide traffic control and the Applicant would grant Title 39 jurisdiction to the municipality regarding any fire lane issues. Derek Eisenberg clarified that the Board would vote only on the application and not have a second vote regarding recommendations to the governing body. Board Engineer Polyniak noted that the Applicant testified that the parking may not be sufficient and were considering leasing parking spaces for employees off-site. He explained that the Applicant would need to return to the Board for approval on the off-site parking spaces. Board Attorney Kaczynski understood that the Applicant required 31 parking spaces and the 40 shared on-site parking spaces would be sufficient. She has a condition of approval that should the Applicant lease off-site parking, they would need to return to the Board for approval. She added that should the Borough determine that the parking is insufficient, the Applicant would need to return to the Board. Mr. Kuchta agreed to come before the Board if parking becomes an issue as he wishes to be a good neighbor. Board Attorney Kaczynski recommended rephrasing the condition of approval to be that should be parking be insufficient as determined by the Maywood Police Department, the Applicant would return to the Board. She suggested that if the Applicant was not agreeable to that condition, they could conduct a traffic study/parking analysis. Mr. Mainardi was agreeable to the condition. Board Planner Michael Kauker inquired what the existing parking demand is for the other businesses. Board Engineer Polyniak explained that 31 parking spaces are required for all the businesses on the property and there 40 parking spaces provided. He believes that there are 9 parking spaces leased by the Maywood Veterinary Clinic and Mr. Kuchta noted that the landlord is amending the agreement to 6 parking spaces leased. Thomas Anzevino asked John Gargagliano how emergency services would access the building if the parking lot was full. Mr. Gargagliano responded that the Fire Department would utilize the fire lanes. Rick DeHeer asked if the Board should wait to vote so that Board Planner Kauker could provide a review. Vice Chairperson Klymenko believes that the Applicant is seeking a conditional use variance not a parking variance. Douglas Herrick agreed and stated that he doesn't feel that a planning review is necessary. Harry Hillenius would like to know the existing parking demand for the other businesses as suggested by Board Planner Kauker. Chairperson Panny asked if the Board should be aware of any deadlines and Board Attorney Kaczynski confirmed that the 120-day deadline for the Board to act would be in late September.

Mr. Mainardi requested that the Applicant have a professional planner provide testimony if Board Planner Kauker provides a review. John Gargagliano made a motion to adjourn the hearing until the 7/27/23 meeting to allow time for the Applicant to provide a parking analysis and Board Planner Kauker to provide a planning review. Chairperson Panny seconded the motion. Three Board members voted in favor of the motion and 4 Board members voted against the motion. Board Attorney Kaczynski questioned if the Applicant would like the Board to proceed with a vote or if they would prefer to provide a parking analysis. Mr. Mainardi asked to speak with his client. Mr. Kuchta would like for the Board to vote tonight but still wants to proceed with a parking study to ensure that there is sufficient

parking. Derek Eisenberg made a motion to approve the application with the conditions that were discussed. Board Attorney Kaczynski listed the conditions of approval:

1. Pay of all fees
2. Comply with Borough ordinance regarding licensing via the governing body and NJ Cannabis Regulatory Commission (CRC)
3. Comply with Board Engineer Completeness & Engineering Review Revised Date 5/31/23 (Exhibit PB-2)
4. Arrange payment to Police Department for traffic control if necessary
5. Submit an application to Bergen County Planning and Engineering for a solar powered pedestrian crossing signal outlined in Maywood Police Chief Terence Kenny Review Dated 5/2/23 (Exhibit PB-3)
6. If the shared parking arrangement testified to and provided on-site proves to be insufficient as determined by the Maywood Police Department, the Applicant agrees to come back to the Board
7. If the Applicant decides to lease parking spaces off-site, they agree to come back to the Board for approval
8. Install an ADA ramp if necessary
9. Apply to Bergen County for approval or a letter of no interest
10. Utilize a private hauler for garbage and recycling collection
11. Submit the application to the Fire Department for comments
12. Comply with the fire code and any comments from the Fire Department
13. Receive CRC approval
14. Enforce the no parking in the fire lane requirement
15. Grant Title 39 jurisdiction to the Police Department
16. Work with the property owner to address any sidewalk hazards
17. Work with the property owner to address drainage issues and enlarge the seepage pit if necessary
18. Televisive the sanitary sewer lateral

John Gargagliano seconded the motion. All eligible members present voted in favor of the motion except Chairperson Panny who voted against the motion.

A short break was taken at 9:06pm and the meeting resumed at 9:08pm with all Board members present.

**Application Hearing #2**                      **Hackensack Meridian Ambulatory Care, Inc.**  
65 West Hunter Avenue  
Block 124, Lots 49 & 50  
**Calendar #2023-06**  
**Variance Application**  
Use variance

Bruce Rosenberg of Winne, Banta, Basralian and Kahn represents the Applicant, Hackensack Meridian Ambulatory Care which is an affiliate of Hackensack Meridian Health. He stated that the Applicant is seeking a use variance for off-site employee parking at the subject property which has an existing 2-story office building. He explained that the Applicant would like to utilize 93 parking spaces for 36 months. He introduced the property owner Henry Koo who will testify that there would be adequate parking for the office building and the proposed off-site employee parking. Mr. Rosenberg said that the parking lot will be restriped to accommodate 157 parking spaces. He noted that the Borough code requires 185 parking spaces based on the size of the office building so the Applicant will also be seeking a parking variance for the 28 parking space deficiency. Should the office building tenancy change, Mr.

Rosenberg offered that the Applicant would be required to return to the Board as a condition of approval. He then introduced his 3 witnesses as Hackensack University Medical Center Senior VP Donald Ferrell, engineer John Cote and planner Steve Lydon. Mr. Rosenberg emphasized that there are no site plan changes proposed other than the restriping.

Board Attorney Kara Kaczynski confirmed that the Applicant noticed properly so the Board had jurisdiction. She then marked the following exhibits:

- A-1 – Application and all supporting documents
- A-2 – Notice and publication
- PB-1 – Board Engineer Completeness & Engineering Review Date 4/26/23
- PB-2 – Board Engineer Completeness & Engineering Review Revised Date 5/30/23
- PB-3 – Board Engineer Completeness & Engineering Review Revised Date 6/1/23
- PB-4 – Board Engineer Completeness & Engineering Review Revised Date 6/15/23
- PB-5 – Board Planner Review Revised Date 6/16/23

She swore in all the witnesses at one time.

Mr. Rosenberg called his first witness, HUMC Senior VP of Facilities and Capital Construction Donald Ferrell. Mr. Ferrell oversees on-site and off-site parking. He explained that this location was selected based on the proximity to highways as many employees travel using these roadways. He described how the parking lot would be used specifically that employees would begin arriving at 6am, the second shift would be exiting the parking lot starting at 11:15pm and there would be no overnight parking. He explained that shuttle buses owned by HUMC and operated by the security staff would bring employees back and forth. He believes that the shuttle buses would have 12 trips per day. He does not anticipate any impact from the proposed use.

Chairperson Panny invited Board Engineer Polyniak to ask questions of Mr. Ferrell. Board Engineer Polyniak inquired how the shuttle bus would operate. Mr. Ferrell answered that the shuttle bus would pick up from and drop off to the employee cars with no designated pick-up or drop-off location. Board Engineer Polyniak has additional questions for the Applicant's engineer. Board Planner Michael Kauker had no questions for this witness.

Chairperson Panny invited Board members to ask questions of Mr. Ferrell. Gary Neumann questioned how often the shuttle bus would make the trips to and from HUMC. Mr. Ferrell stated that more buses would run in the morning, some during the day and night. Chairperson Panny confirmed that the buses would not be parked on-site overnight. Derek Eisenberg inquired why the parking lot would only be used for 36 months and Mr. Ferrell replied that they are seeking to purchase a parking lot closer to campus. Douglas Herrick asked how many shuttle bus trips per day and Mr. Ferrell answered that he expects there to be 12-15 shuttle bus trips per day. Thomas Anzevino clarified that employees would park Monday-Friday and not on weekends. He inquired about ADA parking and Mr. Ferrell explained that employee ADA parking is on campus. Rick DeHeer asked how they control the number of employees parking so that it does not exceed 93 parking spaces. Mr. Rosenberg said that the Applicant and property owner made the decision on the number of parking spaces together. Mr. Ferrell said that the parking spaces are assigned and decals would be issued. Harry Hillenius asked about the shuttle bus size and Mr. Ferrell answered that the shuttle buses hold 12 passengers. Chairperson Panny confirmed that there would not be a bus shelter for employees to wait in.

Chairperson Panny invited the public to ask questions of Mr. Ferrell but no one came forward.

Mr. Rosenberg called his next witness John Cote of Langan Engineering who was qualified and accepted. Mr. Cote prepared the site plan drawing dated 5/19/23. He described the site and the proposed striping. He explained that the proposed temporary parking lot would be located on the western side of the existing building. He introduced exhibit A-3 Ambulance Turning Movement dated 6/20/23 which shows how emergency services vehicles would access the property. He described the existing property lighting. He referenced his 5/23/23 letter requesting waivers from Board Engineer Polyniak's review 4/26/23 review (Exhibit PB-1). Mr. Cote asked for waivers from Item 19 regarding spot elevations and Item 31 regarding grading because there are no changes to the topography or grading proposed. Similarly, he asked for waivers from Item 35 regarding lighting and Item 36 regarding drainage as no changes to the lighting or drainage are proposed. He requested a waiver from Item 37 regarding barrier-free design as the ADA parking will be on campus. Lastly, he asked for a waiver from Item 38 regarding signage as there is no existing or proposed signage. Mr. Rosenberg explained that he asked for a waiver from providing an Environmental Impact Statement since no changes are being proposed other than restriping. Board Engineer Polyniak stated that he would recommend the granting of the requested waivers. Mr. Cote cited his 5/31/23 parking summary letter which explained that the parking would be deficient by 28 parking spaces for the proposed uses.

Chairperson Panny invited Board Engineer Polyniak to ask questions of Mr. Cote. Board Engineer Polyniak asked if the property owner will address damaged curbing and sidewalk to ensure safe pedestrian access. Mr. Rosenberg answered in the affirmative. Board Engineer Polyniak stated that Mr. Cote addressed all the comments from his review letter and he had no additional questions. Board Planner Michael Kauker had no questions for this witness.

Chairperson Panny invited Board members to ask questions of Mr. Cote. Vice Chairperson Klymenko asked how the parking spaces for HUMC employees would be differentiated from the parking for the office building. Mr. Cote answered that HUMC employees will have parking decals and will be directed to park in the westerly lot. Derek Eisenberg inquired about the tenant of the office building. Mr. Rosenberg replied that the tenant was a trading company that used the building for warehousing and administrative offices. He further explained that the property owner tracked parking usage over the last month and the planner will provide that information in his testimony.

Mr. Rosenberg offered to have the property owner testify regarding the building tenant or if the Board had any other questions. Henry Koo was sworn in. He explained that he is the property owner and the president of the tenant company. He stated that the tenant company owns a factory in Asia which imports the products into the warehouse to sell and distribute locally. He repeated Mr. Rosenberg's earlier statement that should the office building tenancy change during the 36 months of the HUMC parking lease, he would return to the Board as a condition of approval. Mr. Eisenberg confirmed that there would be no retail sales. He asked about truck deliveries and Mr. Koo said that UPS comes once a day to drop-off and pick-up deliveries. He added that there are intermittent deliveries several times a week but those occur using the loading dock adjacent to the eastern parking lot. Doug Herrick asked how long the tenant has been in business and Mr. Koo answered that the company has been in business for over 40 years but moved to Maywood 2 years ago. Chairperson Panny inquired where the tenant employees park and Mr. Koo answered that approximately 1/3 of employees park in the easternmost parking lot and the rest of the employees park in the lot to the west of the building. He has been tracking the parking lot usage for the past month and the average number of parking spaces taken was 18 with the highest number of parking spaces taken was in the low 20s. He does not anticipate hiring many more employees and believes that the parking is adequate for his needs. Board Attorney Kaczynski

clarified that should another tenant be added to the building, Mr. Koo would come back before the Board as a condition of approval.

Mr. Rosenberg called his final witness planner Steve Lydon of Burgis Associates who was qualified and accepted. Mr. Lydon prepared an aerial of the subject property and surrounding properties dated 6/22/23 which was marked as exhibit A-4. He noted that the subject property is surrounded by non-residential development with railroad tracks to the north which serves as an effective buffer to the residential properties on West Central Avenue. He pointed out the number of parking lots in the area and the truck depot between the subject property and the corner property on Maywood Avenue. He emphasized that the impervious coverage and the grading would not change. Mr. Lydon summarized that parking is an accessory use in the Limited Light Industrial (LL) zone but since the hospital is not on-site the proposed parking lot would require a use variance. Regarding the positive criteria supporting the use and parking variances, he stated that the proposed parking lot could be considered an inherently beneficial use since it is supporting a hospital. He would like to apply the Medici standard which requires the Applicant to show the special reasons, positive criteria (particularly well suited for the use) and the negative criteria (no substantial detriment to the zoning/master plan or the public good). He believes that the application serves several purposes of the Municipal Land Use Law (MLUL) such as:

- c. To provide adequate light, air and open space
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land

Mr. Lydon believes that the site is particularly well suited for the use as it is an existing paved parking lot, the Applicant can begin to use it almost immediately, supports hospital operations and the use will be temporary. Regarding the negative criteria, he does not believe that there will be substantial impairment to the zoning ordinance/master plan or the public good. He feels that there is no negative impact to the public good because there is no construction proposed, no increase in impervious surface and the subject property is located in an existing industrial zone surrounded by industrial uses. He believes that the proposed use would not negatively impact the zoning ordinance or master plan as the non-residential use would support and serve the residential use as described in the Borough master plan. He thinks that the proposed use supports the goals of the master plan such as:

- 4. Establish well-defined commercial, office, industrial and mixed-use areas to encourage economic growth, provide for a continuing source of employment and strengthen the tax base through appropriate utilization of land resources
- 8. Preserve and promote a balanced variety of residential, commercial, office, light industrial, public and quasi-public and recreational land uses
- 12. Preserve the environment including the preservation of wetland areas, wetland corridors, the quality and purity of rivers and streams. Protection of significant treed areas and areas designated as natural areas

Mr. Lydon cited the 2020 master plan reexamination report that recommended continuance of a Limited Light Industrial use designation along West Hunter Avenue. He referenced Mr. Koo's parking observations that the tenant utilizes a small amount of the existing parking spaces. Mr. Lydon believes that even with the proposed HUMC leased parking, there would be more than sufficient parking for the tenant's needs. He noted that the property owner has offered to return to the Board should tenancy change as a condition of approval.

Chairperson Panny invited Board Planner Kauker to ask questions of Mr. Lydon. Board Planner Kauker believes that Mr. Lydon has satisfied the positive and negative criteria. He agreed that the site is particularly well suited for the proposed use and has the capacity for the proposed leased parking. He had no questions for Mr. Lydon.

Chairperson Panny invited the public to ask questions of Mr. Lydon. Lou Roer of 663 Maywood Avenue asked if employees would be leaving at 4pm and Mr. Lydon believes that would be the time that a large percentage of employees would be leaving. Mr. Roer asked how it may impact students walking home from school. Mr. Lydon does not believe that it will impact the students as the parking lot is existing. Mr. Roer questioned the Maywood Avenue vehicular traffic at that time with first shift employees leaving and second shift employees arriving. Mr. Lydon explained that the parking lot with 157 parking spaces was already there although it may not have been utilized in recent years. He added that school traffic surges twice a day but only for a short period of time. Lastly, he understands that the Applicant is seeking to use on 93 parking spaces of a parking lot that can accommodate 157 vehicles. John Gargagliano confirmed that since employees are working shifts, arrivals and departures would be staggered. Mr. Lydon agreed but noted that the duration of parking would be 8-9 hours. Derek Eisenberg asked about cars idling while waiting to pick-up by the shuttle bus. Mr. Lydon thinks that cars could be idling for a few minutes. He added that the tenant sales people could be making multiple trips per day but the proposed use would only be active during shift changes. Mr. Eisenberg questioned how often the shuttle buses would go to the parking lot. Mr. Ferrell was recalled and he answered that the majority would be in the morning and late afternoon. Mr. Eisenberg then inquired how long the wait time between shuttle buses would be and Mr. Ferrell replied that it would depend on traffic but approximated that it would be a 15-minute wait time between buses. Mr. Eisenberg confirmed that an employee could be idling in their car for 15 minutes if they just missed the bus. Vice Chairperson Klymenko questioned if the leasing agreement could exceed 36 months. Mr. Rosenberg answered that there is no contingency to extend the 36-month lease and the resolution would permit that the use variance would last 36 months only. Chairperson Panny asked for clarification between the Applicant (Hackensack Meridian Ambulatory Care, Inc.) and Hackensack Meridian Health. Mr. Rosenberg replied that the Applicant is a subsidiary real estate entity of Hackensack Meridian Health Network. Douglas Herrick asked about the traffic impact on Maywood Avenue. Chairperson Panny noted that there is no traffic signal on West Hunter Avenue and Maywood Avenue.

Mr. Rosenberg asked for a short break to have a discussion with his client at 10:06pm. The hearing resumed at 10:10pm with all Board members present.

Mr. Rosenberg believes that the Applicant and Board would benefit from a traffic study. He asked to adjourn the hearing to the 7/27/23 meeting without need for additional notice. The Board was agreeable to this request and Board Attorney Kaczynski made the announcement that the hearing would be adjourned to the 7/27/23 without requiring additional notice.

**Informal Hearing**                      None

**Closed Session**                      None

**Old Business**

1. Neglia Engineering Associates Draft Zoning Map Review
  - a. Board Attorney Kaczynski will have a resolution prepared for the next meeting on 7/6/23

