

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**June 24, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, June 24, 2021 via the “Zoom” online meeting platform at 7:30pm. “This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Our Town and The Record newspapers on or about March 1, 2021. In addition, notice of the meeting was posted on the door of the Maywood Municipal Building located at 15 Park Avenue and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. 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. The public commenting policy for electronic public meetings will also be followed as noted on the Borough website ([www.maywoodnj.com](http://www.maywoodnj.com)).”

**Flag Salute**

**Call to Order**

The meeting was called to order at 7:36pm with the following members present: Chairman Frank Lichtenberger (arrived @ 8:07pm and left @ 9:58pm), Vice Chairperson Charlotte Panny, Gary Neumann, Paul Kuhn, Harry Hillenius, Secretary Anthony Klymenko, Peter Cicarelli, John Gargagliano and Geoffrey Smith. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

**Approval of Minutes**

Vice Chairperson Charlotte Panny made a motion to accept the minutes from the April 22, 2021 meeting. Secretary Anthony Klymenko 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 Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 4/26/21 letter from Board Engineer Gregory J. Polyniak Re: Empire Real Estate Holdings, Inc. 191 West Central Avenue Resolution Compliance Review
- 4/27/21 letter from Steven C. Schepis, Esq. to Tax Assessor Angela Mattiace Re: Empire Real Estate Holdings, Inc. Lot Merger Request
- 4/30/21 letter from David J. Egarian Re: Empire Real Estate Holdings, LLC 191 West Central Avenue Response to 4/26/21 NEA Resolution Compliance Review
- 5/11/21 Borough of Paramus Ordinance #2021-23 Amending Zoning Requirements for Mount Laurel Residential (RML) Zone

- Vice Chairperson Panny noted that the townhouse density for the Paramus RML zone is 6 units per acre
- When asked, Board Recording Secretary Grunstra answered that the Maywood Townhouse (TH) zone density is 8 units per acre
- Vice Chairperson Panny suggested lowering the TH zone to 6 units per acre
- Board Attorney Kara Kaczynski noted that Mayor Bolan has requested zoning ordinance review in his 6/21/21 letter to the Board
- Board Planner Michael Kauker added that the TH zone 8 unit per acre density was established 8-10 years ago and is a fixed component of the Borough's settlement agreement with regard to the Housing Element and Fair Share Plan (HEFSP)
  - According to the HEFSP, the TH zone density was increased from 8 units per acre to 10 units per acre and the Borough is committed to those standards to remain compliant
- 5/14/21 letter from Matthew G. Capizzi, Esq. Re: Maywood Sherwood Village, LLC 11 West Passaic Street Request to Reschedule 5/27/21 Hearing to 6/24/21
- 5/18/21 City of Hackensack Ordinance #20-2021 Adopting the 132-148 Main Street Redevelopment Plan
- 5/20/21 memorandum from Maywood Police Chief Terence R. Kenny Re: Filip Kristani 44 Parkway Review
- 5/20/21 letter from Zoning Officer James Mazzer Re: Filip Kristani 44 Parkway Revised Denial Letter
- 5/20/21 letter from Board Engineer Gregory J. Polyniak Re: Marseppe, LLC 687 Elm Street Subdivision and Engineering Review
- 5/24/21 letter from Board Recording Secretary Tara Grunstra Re: Maywood Sherwood Village, LLC 11 West Passaic Street Application Hearing Rescheduled Date 6/24/21
- 5/25/21 Borough of Maywood Resolution #112-21 Authorizing the Use of Right-of-Way to Empire Real Estate Holdings
- 5/25/21 letter from Board Engineer Gregory J. Polyniak Re: Marseppe, LLC 687 Elm Street Subdivision and Engineering Review
- 5/25/21 letter from Board Engineer Gregory J. Polyniak Re: Maybrook Gardens Resolution Compliance Review
- 5/26/21 letter from Board Engineer Gregory J. Polyniak Re: Filip Kristani 44 Parkway Engineering Review
- 6/2/21 letter from Board Recording Secretary Tara Grunstra Re: Filip Kristani 44 Parkway Application Hearing Date 7/1/21
- 6/8/21 Superior Court Summons Empire Real Estate Holdings, Inc. vs. Planning Board of the Borough of Maywood and Borough of Maywood
- 6/10/21 letter from NJDEP Chief Anthony Fontana Re: Lodi Solid Waste Facility Major Modification Permit
- 6/11/21 Order Extending Interim Immunity to the Borough of Maywood (Docket No. BER-L-6216-15)
- 6/17/21 letter from Andrew M. Cimiluca, Esq. Re: Marseppe, LLC 687 Elm Street Revised Plans
- 6/18/21 memorandum from Board Engineer Gregory J. Polyniak Re: Empire Real Estate Holdings, Inc. 191 West Central Avenue Stormwater Control Alternatives



Luglio. Board Attorney Kaczynski swore in both the Applicant's experts, Mr. Hubschman and Mr. Luglio, and the Board experts, Board Engineer Polyniak and Board Planner Michael Kauker.

Michael Hubschman displayed the site plan dated 8/20/19, last revised 1/7/21. He identified the two proposed work areas. There is an existing paved area in the center of the garden apartments which they are proposing to expand to accommodate 6 parking spaces. At the two-family home, there are 2 existing parking spaces where tenants park tandemly and an existing 2-car garage. He then showed how the garden apartment residents would access the central parking area. He noted the 14.3' distance between the two buildings closest to the central parking area. Per exhibit PB-1, 2/19/21 letter from Maywood Police Department Chief Terrence Kenny, the Applicant will add striping, a fire lane and signage stating that the parking area is shared with a pedestrian walkway. There is one parking space along the northernmost property line that will be reserved for maintenance vehicles. Mr. Hubschman noted the 12.3' distance between one building and the shed adjacent to one of the existing garage structures. He believes that the Applicant will move the shed which would widen the opening to approximately 17'. He identified the two garage structures which accommodate 8 cars in one building and 7 cars in the other building. For the two-family home, the Applicant is proposing adding 7 parking spaces where there are 2 spaces parking tandemly and a 2-car garage existing. Four of the parking spaces would need to back out on Oak Avenue. He advised that the area is tight and the goal was to maximize the number of parking spaces. He summarized that the Applicant is seeking to add 11 parking spaces in total. The Applicant wishes to add some site improvements such as wall pack lighting and a seepage pit to offset the increase in impervious coverage.

Chairman Frank Lichtenberger joined the meeting at 8:07pm. He indicated that he was listening to the testimony but was muted.

Mr. Hubschman stated that all of the proposed parking spaces will be numbered and assigned to tenants on-site. Mr. Capizzi noted that the proposed parking spaces at the two-family home will be only for the tenants of the two-family home and will not be available for the tenants of the garden apartments. Mr. Hubschman added that the site is mostly level with minimal grade changes.

Board Attorney Kaczynski confirmed that 7 parking spaces are proposed to be added to the two-family lot where two tandem parking spaces are existing and this parking is solely intended for the two-family lot usage. Mr. Hubschman was not able to provide the number of bedrooms in the two-family home. Board Engineer Polyniak referenced exhibit PB-2, Review Letter from Neglia Engineering Associates, dated 9/30/20, last revised 2/19/21. He asked why the Applicant was seeking 7 proposed parking spaces plus the existing 2-car garage on the two-family lot given that 4 parking spaces are required. Mr. Capizzi interjected that the existing 2-car garage is used for storage only. Board Engineer Polyniak replied that the garage could be used for vehicle parking in the future and Mr. Capizzi agreed. Board Engineer Polyniak had a question about cross easements but that no longer applies given the testimony that the parking on the two-family lot is for that parcel only and the garden apartment residents would not require access. He asked about the narrowness of the driving lanes on the garden apartment property specifically about adding bollards and mirrors that permit drivers to see around corners so to protect the buildings and any pedestrians. Mr. Hubschman agreed to the addition of bollards and mirrors. He noted

that there are metal protectors on the corners of some buildings. Board Engineer Polyniak inquired about how the Applicant will address ADA parking and ADA accessible routes to the parking area. Mr. Hubschman stated that the area is flat and the Applicant is not required to provide ADA parking as the garden apartment complex was built before 1991. Board Engineer Polyniak asked if the parking spaces would be leased and Mr. Capizzi confirmed that they would be leased for a fee. Board Engineer Polyniak referenced exhibit PB-2, Review Letter from Neglia Engineering Associates, dated 9/30/20, last revised 2/19/21 page 7 comment 25:

The Applicant shall construct a curb along the edge of the parking lot in Area #1 and the right-of-way to protect the fence and landscape area.

Mr. Hubschman inspected the area today and the fence has been removed. He agreed to the curbing. Board Engineer Polyniak noted that the parking area in the two-family house (Area #1) may interfere with cellar doors and asked the Applicant to review that area. Mr. Hubschman identified the Bilco doors on the plan and agreed to address this issue. Board Engineer Polyniak asked about recycling and trash bins in the garden apartment complex. Mr. Hubschman indicated that the shed will be moved to become the recycling and trash area. Board Engineer Polyniak asked about the increase of impervious coverage on the two-family lot (Lot 1). Mr. Hubschman will provide impervious coverage calculations. Board Engineer Polyniak referenced the Environmental Impact Statement (EIS) and Mr. Hubschman confirmed that the impervious coverage is increasing by 2,995 square feet. Board Engineer Polyniak confirmed that landscape will be added to screen the parking area on the two-family home. He also confirmed that any sidewalk damaged during construction will be replaced. The remainder of his questions are for Mr. Luglio.

Chairman Lichtenberger asked about the lot coverage calculations for the two-family home. Mr. Hubschman said that the calculations were not separated by lot but were combined for the two lots. Board Engineer Polyniak asked if the two lots will be combined. Mr. Capizzi answered that they have not discussed this with the Applicant. Board Engineer Polyniak requested that the lot coverage calculations for each lot. Mr. Hubschman offered to provide the calculations while Mr. Luglio testifies.

Board Planner Michael Kauker referenced exhibit PB-3 Planning Memorandum from Kauker & Kauker, LLC, dated 2/26/21. He summarized the application and noted that there are areas on the garden apartment property where the space between buildings is too tight to have two-way access. He has concerns about pedestrians that utilize the paths within the complex. He personally visited the site and experienced a pedestrian walking on the paths causing him to reverse his vehicle. He was not recommending the Board approve the application as he felt that the proposal was unsafe. Regarding the two-family home, he feels that the proposal requires tight movement and backing out onto Oak Avenue. Board Attorney Kaczynski interrupted him and asked if Mr. Hubschman wished to reply to the points raised. Board Planner Kauker added that his report included an alternate parking plan recommendation but Mr. Capizzi stated that the Applicant does not wish to pursue that option. Mr. Capizzi noted that there are no new variances requested so the Applicant will not have a planner testify.

Mr. Hubschman announced that he has determined the impervious coverage of Lot 1 (two-family home); 52.8% proposed where 65% maximum is permitted. Mr. Capizzi asked Mr. Hubschman about the proposed lighting plan. Mr. Hubschman's office visited the site and measured the

lighting levels. They are proposing wall packs to increase lighting to 5-foot candles which is the minimum lighting level. He pointed out on the plan where new lighting will be installed. He believes that the proposed lighting will be sufficient.

Vice Chairperson Panny invited members of the Board and the public to ask questions of Mr. Hubschman but no one came forward.

The Applicant's next witness was traffic engineer Lou Luglio. He was asked to review vehicle access and on-site circulation. He visited the site. He asked to share two documents not previously submitted to the Board. Board Attorney Kaczynski replied that the Board cannot review documents not previously submitted. She then reminded Mr. Capizzi that the Applicant's experts should be qualified prior to giving testimony. She invited the Board to ask questions of the experts but no one had questions. Mr. Luglio displayed the plan prepared by Mr. Hubschman (exhibit A-1). Regarding the two-family home, the RSIS standard requires 2 parking spaces per unit translating to 4 parking spaces required in total. He said that 7 total parking spaces are proposed, 3 more than what is required. He did not reference the existing 2-car garage. If one parking space is removed from the parking area adjacent to the garden apartment garages, the remaining 3 parking spaces would allow vehicles to back up and exit driving forward instead of reversing onto Oak Avenue. He described losing one parking space as an improvement to the on-site circulation. Mr. Luglio pointed out the proposed 90° parking spaces adjacent to the Oak Avenue sidewalk. He described how vehicles could back out the spots on-site and exit head first onto Oak Avenue. Regarding the proposed parking on the garden apartment lot, he believes moving the shed or making it smaller will increase the drive aisle width between one building and one of the existing garage structures. He identified the second pinch point between the two buildings closest to the central parking area on the plan. He noted that the narrowness between two structures is an existing condition. He said the goal is to create new parking spaces on-site while creating a safer environment for vehicles and pedestrians by installing mirrors on the corners of buildings at pinch points and adding striping. He stated that there is parking on the asphalt area now and the Applicant wants it to be safer. He identified where the bollards, mirrors and striping would be located. Mr. Luglio pointed out on the plan the special parking space for a maintenance vehicle near the 6 proposed parking spaces on the garden apartment property. Mr. Capizzi asked about the number of trips anticipated by vehicles parked on-site. Mr. Luglio does not anticipate additional trips from the site. Since the parking spaces at the garden apartment property are assigned, he doesn't expect drivers to search for parking on-site. Additionally, he feels that stall turnover would be less than another use such as retail. In conclusion, he acknowledged that the area has sight-distance challenges. He believes that the proposed changes will improve the situation by adding lighting, striping, bollards and mirrors.

Vice Chairperson Panny invited Board Engineer Polyniak to ask questions of Mr. Luglio. Board Engineer Polyniak explained that when he reviewed the application, he assumed that the parking at the two-family dwelling would also be used by the garden apartments. Mr. Capizzi had clarified that the parking on the two-family property would be used only by the residents of the two-family dwelling. Board Engineer Polyniak repeated Mr. Luglio's testimony that the RSIS would require 4 parking spaces. As such, he asked why the Applicant needed to propose 9 parking spaces at the two-family home. Mr. Luglio replied that the 4 parking spaces closest to the garden apartment garages would be for the two-family home and the 2-car garage and the

three 90° parking spaces adjacent to the Oak Avenue sidewalk could be used by the residents of the garden apartment complex. If the use changed, he explained that the Applicant would need to address the parking issue. Board Engineer Polyniak agreed with that assessment but reminded the Board that Mr. Capizzi stated that the parking on the two-family lot is for the two-family residents only. Board Engineer Polyniak asked why the Applicant needed 9 parking spaces at the two-family home. He then suggested reconfiguring the lot for the required 4 parking spaces including turn around areas and landscaping the rest of the property. Mr. Capizzi confirmed that the Applicant wanted the parking on the two-family lot for the residents of the two-family only. He feels that either way, the parking spaces will be utilized. He would look into a cross easement for garden apartment residents to use the parking on the two-family dwelling. Board Engineer Polyniak recommends that the resolution specify the parking spaces that will be leased to the garden apartment residents. Mr. Capizzi was agreeable to this condition and mentioned that the Applicant considers the two lots to be a cohesive development. He suggested that signs be installed indicating that the specific parking spaces are designated for specific garden apartment residents. Board Engineer Polyniak suggested changing the parking space on top of the seepage pit at the two-family home to a back out area for the 4 parking spaces closest to the garden apartment garages so that vehicles could drive out onto Oak Avenue in a forward direction instead of backing out. Mr. Luglio agreed with the suggestion. Board Engineer Polyniak was in agreement with the plan to add striping, bollards and mirrors to the two pinch points on the garden apartment property. He then asked about pedestrian safety on-site. Mr. Luglio believes that the striping will indicate where the shared vehicle and pedestrian traffic will be located. He intends to create a striping plan. Board Planner Kauker observed pedestrian traffic on the garden apartment property walking where cars would back up into. He has safety concerns that vehicles will be backing up into a pedestrian walkway. Mr. Luglio agreed to address those concerns. Board Engineer Polyniak questioned if the maintenance vehicle would fit in the parking space that is designated for it and how the vehicle would maneuver in and out of the parking space. Mr. Luglio believes that maintenance vehicle would be a pick-up truck or van. He stated that both types of vehicles would fit in the parking space and should be able to maneuver in and out without difficulty. He then offered to provide turning templates. Board Engineer Polyniak inquired about the parking space on the two-family property that is closest to the sidewalk on Oak Avenue. He has concerns that if a vehicle was parked in this spot, it may obstruct the sight line of a vehicle exiting the parking lot as the exiting driver may not see pedestrians walking or other vehicles driving on Oak Avenue. Mr. Luglio does believe that it would be safe for a vehicle to be parked in this spot. He considers the situation to be the same as if a vehicle was parked on the street. He offered to add a site triangle to the plan. Board Engineer Polyniak still has concerns that pedestrians walking on Oak Avenue may not be seen by an exiting vehicle if a vehicle is parked in the spot next to the sidewalk. Mr. Luglio estimates that the sight triangle would be sufficient to see pedestrians. Board Engineer Polyniak requested the sight triangles be added to the plan. Mr. Luglio agreed and noted that the 2-car garage next to the sidewalk may also obstruct views. He offered to provide the sight triangle for that location as well.

Vice Chairperson Panny asked Mr. Luglio to address exhibit PB-1 Letter from Maywood Police Department Chief Terrence Kenny, dated 2/19/21. Board Attorney Kaczynski read from the report that there was concern from the Maywood Police Department about vehicles striking the home at 43 West Passaic Street. Mr. Luglio offered to place bollards near the building. Board

Attorney Kaczynski read from exhibit PB-1 that there is concern that the residents of the two-family may park in the lot aisleway. Mr. Luglio believes that the signage and striping will explicitly state where residents should and should not park. Board Planner Kauker asked if there were rear entrances on the two-family to access the parking lot but Mr. Luglio didn't know the answer. Board Attorney Kaczynski asked if ADA parking was required but recalled testimony that ADA parking was not required. Mr. Luglio concurred. Board Attorney Kaczynski followed up with a question from exhibit PB-1 about ADA compliant curbing. She surmised that ADA curbing wouldn't be required if ADA parking wasn't required. She then read a statement from exhibit PB-1 regarding posting fire lane signs on the garden apartment property. Mr. Luglio agreed to signage and striping for the fire lanes. Board Attorney Kaczynski summarized that the Applicant will comply with the requests from exhibit PB-1 Letter from Maywood Police Department Chief Terrence Kenny, dated 2/19/21 with the exception of the ADA parking and curbing. Mr. Luglio concurred.

Vice Chairperson Panny invited the Board to ask questions of Mr. Luglio. Peter Cicarelli asked the width of the bollard. Mr. Luglio answered that it could be 10"-12" wide. Mr. Cicarelli asked the distance between the 2 bollards at the pinch point nearest the proposed parking lot on the garden apartment lot. He noted that the 14' distance is between the buildings and not the bollards. Mr. Luglio estimated that the distance between the bollards is 12'-13'. Mr. Cicarelli questioned why bollards were not proposed at the other pinch point near the shed on the garden apartment lot. Mr. Luglio agreed that bollards should be placed at that location as well. He explained that the revised plans will show the shed removed or relocated and include bollards and mirrors at both corners. He approximated that the distance between those 2 bollards would be 15'-16'. Mr. Cicarelli asked if the Applicant considered parking on the southeastern side of the two-family dwelling. He noted that the plan depicts two maple trees that are no longer there. He then suggested a driveway leading to West Passaic Street with a right turn only restriction. Mr. Luglio admitted that it wasn't considered but could be feasible.

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

Vice Chairperson Panny asked for clarification regarding the proposed parking on the two-family lot. Mr. Capizzi replied that the Applicant will remove one parking space to allow cars to back up on site and exit driving forward. Board Engineer Polyniak suggested that two more parking spaces on the two-family lot may be removed to allow the cellar Bilco doors refuge to be determined by the Borough Building Department and possibly the parking space to the west of the seepage pit to allow adequate sight distance. Board Attorney Kaczynski suggested that the Board make a decision if they are comfortable with hearing testimony regarding site plan amendments or if they would prefer to see the revised plan prior to rendering a decision. Paul Kuhn asked how many parking spaces are now being proposed. He stated that per the testimony, the 6 parking spaces on the garden apartment property are already being used by tenants. He understands that at least two parking spaces on the two-family property are being removed. Mr. Capizzi answered that there are 4 tandem parking spaces existing on the two-family property. He proposes that 1 additional parking space would be added to that property. On the garden apartment property, he explained that tenants are not regularly parking on the asphalt in the center as there is insufficient depth. The Applicant is proposing 6 additional parking spaces on



that property. Mr. Kuhn inferred from the testimony that the garden apartment center asphalt area was already being used by tenants. Vice Chairperson Panny confirmed with Mr. Capizzi that only 1 parking space is being added to the two-family lot. He added that they are eliminating the back-out condition. Mr. Luglio said that the Applicant is formalizing the 6 parking spaces and providing 1 maintenance parking space, mirrors, bollards and striping on the garden apartment property. Mr. Kuhn asked if the goal was to make the site safer and not increasing parking. Mr. Capizzi considers the proposed changes to be a capital improvement which modestly increases the on-site parking and improves the manner in which the site functions. Board Attorney Kaczynski believes that she can provide a list of conditions based on the testimony if the Board chooses to make a decision tonight. She would confirm the conditions with Board Engineer Polyniak and Board Planner Kauker. She suggested polling the Board to determine if they want to review the amended site plan prior to making a decision. Gary Neumann asked if the existing garages on the garden apartment property are being used for storage or parking. Mr. Capizzi replied that the parking garages are being used for tenant parking and not storage. Some tenants have made arrangements to park off-site specifically at TD Bank. Mr. Capizzi expressed his willingness to provide the amended site plan to the Board prior to voting. Alternatively, he offered to work with Board professionals to modify the site plan to their satisfaction should the Board approve the application tonight. Secretary Anthony Klymenko would prefer to review the amended site plans prior to voting. Paul Kuhn and Vice Chairperson Panny concurred with Secretary Klymenko. Mr. Capizzi agreed to that decision. Board Attorney Kaczynski offered to list the conditions noted thus far and share with Mr. Capizzi. He agreed to that course of action. There was some discussion on when the Applicant would return to the Board. Ultimately, it was decided that the Applicant will return to the 7/22/21 meeting without need for additional notice and will submit amended site plans by 7/12/21. Board Engineer Polyniak believes that there is sufficient time to review the amended plans if they are submitted by 7/12/21. Peter Cicarelli requested clarification on if the application was ultimately denied, specifically if the residents would continue to use the asphalt area for parking on the garden apartment property. Board Attorney Kaczynski answered that should the application be denied, the tenants would not be permitted to park on the existing asphalt and the Borough Zoning Officer would manage enforcement. Mr. Capizzi stated that the asphalt in the center of the garden apartment property is not being used for parking. Neither he nor Mr. Hubschman have not witnessed anyone parked there when they visited the site. Mr. Capizzi said that maintenance vehicles sometimes park there but not tenants. Mr. Luglio concurred with Mr. Capizzi's statement.

**Informal Hearing**                      None

**Old Business**                              None

**New Business**

- Poll of Board member availability for Thursday, 7/1/21 meeting
  - A sufficient number of Board members for a quorum are available for the 7/1/21 meeting
- Maywood Planning Board returning to in-person meetings
  - Public notice for electronic meetings through September
  - Borough Hall is open to the public

- Gary Neumann suggested returning to in-person meetings starting 9/2/21
- Chairman Frank Lichtenberger concurred with the 9/2/21 in-person meeting start date
- Board Recording Secretary Tara Grunstra confirmed that she would need to publish an amended public notice
  - Board Attorney Kaczynski advised that the public notice needs to be published 48 hours in advance of the meeting
  - She recommended waiting until August to amend the public notice
- 6/21/21 letter from Mayor Richard Bolan Re: Request for Zoning Ordinance Review
  - Block 124, Lots 30 and 34 are split zoned with a portion along Maywood Avenue zoned as One and Two Family Residential (A-2) and the remainder of the lots are zoned as Limited Light Industrial (LL)
    - Board Attorney Kaczynski asked if the Board wanted to recommend to the Mayor and Council that the split zoning be removed and the two lots be zoned entirely as LL
    - Gary Neumann confirmed that the One and Two Family Residential (A-2) zoning is approximately the first 100' of each parcel from Maywood Avenue
      - He noted that the first 100' is mostly wetlands on Lot 30
    - Vice Chairperson Panny made the motion to recommend to the Mayor and Council that the two lots be zoned entirely as LL
    - Chairman Lichtenberger seconded the motion
    - All members present voted in favor of the motion
  - Borough Code Chapter 209-39 B (4) requires one off-street parking space for every 300 square feet of gross floor area in the LL zone
    - Board Attorney Kaczynski researched other municipalities and the requirement ranged from 1 parking space per 2,000 square feet to 1 parking space per 400 square feet, others were based on the number of employees and others were a hybrid of both
    - Secretary Anthony Klymenko suggested that in the S1 and S2 (storage) designations of the New Jersey building code, 1 occupant per 500 square feet is used to determine occupancy
    - Harry Hillenius asked if the LL zone parking requirement has been problem previously
      - If not, he recommended leaving it as is
      - Chairman Lichtenberger stated that it may be an issue in the future
    - Board Attorney Kaczynski said that if the Board were to revise the requirement, future parking variances may not be required
    - Several Board members agreed with Secretary Klymenko's suggestion of recommending to the Mayor and Council that the parking requirement be revised to match the storage building occupancy requirement of 1 occupant and 1 parking space per 500 square feet
  - Expanding the list of permitted uses to include breweries in the LL zone and tattoo parlors in the Restricted Commercial (RC) zone
    - Chairman Lichtenberger is not sure that there is a need to change the permitted uses

- Gary Neumann feels that breweries are a growing industry that the Borough may want to add breweries as a permitted use in the LL zone
  - John Gargagliano agreed with Mr. Neumann's suggestion

Chairman Lichtenberger left the meeting at 9:58pm.

- Geoffrey Smith asked if this would be for microbreweries only or breweries attached to a restaurant
  - Board Attorney Kaczynski stated that it is up to the Board to decide
  - She offered that the brewery use could be a conditional
- Secretary Klymenko noted that adding a permitted use would require adding definitions
- Board Attorney Kaczynski believes that the Alcohol Beverage Control (ABC) would provide helpful information and we would defer to their definitions and their licensing categories
  - She suggested thinking it over and discussing at a future meeting
- Paul Kuhn is reluctant to change the permitted uses
- Board Planner Kauker noted that the Borough is in compliance with the legal parameters by providing sufficient zoning such as tattoo parlors in the SOB zone
- Harry Hillenius asked to table the discussion and other Board members agreed
- Shade Tree Commission be added to the copy list for site plan approvals
  - Board Attorney Kaczynski advised that Borough code Chapter 94 governs the Shade Tree Commission
    - She made minor changes to the ordinance adding subsection G that states that one of the powers and duties of the Commission is to receive copies of all applications submitted to the Planning Board and provide comments similar to the process with the Police Department and Fire Prevention Bureau
  - She will provide the recommended changes to Chapter 94 to the Mayor and Council
  - Need to revise applications to request 21 copies of applications and plans
    - Board Recording Secretary confirmed that the Shade Tree Commission Chairperson would receive 1 hard copy of an application and plans
  - The Board members present were in agreement

### **Open Meeting to the Public**

#### **Closed Session**

Paul Kuhn made a motion to go into Closed Session. Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD**  
**Closed Session Resolution # 2021-07**

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Pending litigation

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- ( ) Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- ( ) Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- ( ) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood

( ) Will return to open session after this meeting.

(X) Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 6/24/21 Time: 10:08pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary