

**MAYWOOD PLANNING BOARD  
MINUTES  
June 25, 2020**

A regular meeting of the Maywood Planning Board was held on Thursday, June 25, 2020 via the “Zoom” online meeting platform 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 21, 2019. 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. On June 10, 2020, adequate notice of this meeting being conducted via the “Zoom” online meeting platform in lieu of its in-person meeting which was previously advertised in the Council Chambers of the Maywood Municipal Building was posted at the entrance to the Maywood Municipal Building, filed with the Borough Clerk, sent to the Mayor and Council, Borough Administrator, Borough Attorney and Board Attorney, forwarded to the Our Town and The Record newspapers for publication, posted on the Borough website and distributed to all persons, if any, requesting copies of the same pursuant to the Open Public Meetings Act. This meeting is being recorded 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: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Mayor Richard Bolan, Councilperson Ryan Ullman, Gary Neumann (arrived @ 7:39pm), Paul Kuhn, Harry Hillenius (arrived @ 7:48pm), Rick DeHeer, Peter Cicarelli, Secretary Anthony Klymenko and John Gargagliano. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak, Board Planner Michael Kauker and Borough Fair Share Housing Counsel Patrick McNamara were also present.

**Approval of Minutes**

Rick DeHeer made a motion to accept the minutes from the June 4, 2020 meeting. Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

Councilperson Ryan Ullman made a motion to accept payment of the bills. Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 6/8/20 letter from Board Recording Secretary Tara Grunstra Re: Empire Real Estate Holdings, Inc. Application Hearing Date 7/23/20
- 6/10/20 letter from Mayor Richard Bolan Re: Vehicle Charging Stations



DeHeer asked if the rear deck was included in the lot coverage calculation. Board Engineer Greg Polyniak quickly reviewed the site plan and confirmed the lot area is 5,800 square feet. Chairman Lichtenberger complimented Ms. Patrizze on the renovation and asked if Zoning Officer James Mazzer was participating in the meeting. Mayor Richard Bolan replied that Zoning Officer Mazzer was unable to attend tonight's meeting. Harry Hillenius believes that the Board should be provided with a survey that is to scale. John Gargagliano suggested adjourning the hearing until the details or the applicant's architect are available. Chairman Lichtenberger agreed with the suggestion. Mayor Bolan requested that the applicant submit an accurate scalable copy of the survey to Zoning Officer Mazzer for a thorough review. He also asked that the applicant's architect and Zoning Officer Mazzer attend the adjourned hearing. Chairman Lichtenberger agreed with Mayor Bolan's recommendation. Board Attorney Kaczynski added that Board Engineer Polyniak will also be reviewing the application.

Board Engineer Polyniak directed the Board to check the table on the site plan entitled Areas. He summarized that existing lower level including the garage, basement and home is 1,129 square feet. If you take that number and divide it by the 5,800 square foot lot area, the lot coverage is 19%. The first floor addition of 226 square feet bring the total first floor to 1,355 square feet. If you take that number and divide it by the 5,800 square foot lot area, the lot coverage is 23%. Chairman Lichtenberger asked the Board Engineer Polyniak to review the application. Board Attorney Kaczynski advised the applicant to have her architect available to answer questions once Board Engineer Polyniak and Zoning Officer Mazzer have completed their reviews. She asked that the architect clarify if the building area on the site plan includes the front porch and rear deck. She offered to speak to the applicant's architect if he/she has any questions. She repeated the earlier request for a scalable survey for the Board's review.

Chairman Lichtenberger adjourned the hearing to next available meeting pending reviews by Board Engineer Polyniak and Zoning Officer Mazzer and receipt of a scalable survey. Board Attorney Kaczynski noted that cancellation of the next meeting on 7/2/20 is listed under new business. She suggested making a decision on the schedule now so that the applicant does not need to re-notice and re-publish. Chairman Lichtenberger confirmed that no hearings are scheduled for the 7/2/20 meeting. Councilman Ryan Ullman made a motion to cancel the 7/2/20 meeting. Rick DeHeer seconded the motion and all eligible members present voted in favor of the motion. Board Attorney Kaczynski stated that the application hearing will be adjourned to the next virtual meeting on 7/23/20 at 7:30pm without need for additional notice. Ms. Patrizze agreed to the adjournment and had no questions.

Chairman Lichtenberger asked the public if they had a questions regarding the application hearing. Several members of the public were present at the virtual meeting but did not have questions regarding the hearing. Board Attorney Kaczynski advised that the meeting would be opened for public comment shortly.

Peter Cicarelli rejoined the meeting.

**Informal Hearing**                      None

**Old Business**                              None

### **New Business**

- Cancellation of the 7/2/20 Meeting
  - This was discussed and approved during the variance application hearing for Calendar #2020-08 Beverly Patrizze, 116 Cedar Avenue

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

- Joan Rivera of 57 Parkway asked about the proposed project at 144 Parkway
  - Board Attorney Kaczynski advised that the Board does not have an application for that property
    - She further explained that if the project requires a variance, Ms. Rivera will receive notice since she lives with 200' of the property
- Jillian Lyons of 701 Briarcliff Avenue complained about the COAH fees associated with her home renovation
  - Mayor Bolan is aware of Ms. Lyons' grievance and explained that most residents are advised of the COAH fee when they pick up the building permit applications
    - Borough offices are closed to the public so Ms. Lyons did not interact with the Building Department until the permits were submitted for approval

### **Closed Session**

Harry Hillenius made a motion to go into Closed Session. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

## **BOROUGH OF MAYWOOD PLANNING BOARD Closed Session Resolution # 2020-10**

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: 6/25/20 Time: 8:33pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary