

MAYWOOD PLANNING BOARD
MINUTES
June 28, 2018

A regular meeting of the Maywood Planning Board was held on Thursday, June 28, 2018 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, 2017. 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. 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 7:30pm with the following members present: Chairman Frank Lichtenberger, Vice Chairman Paul Kuhn, Secretary Charlotte Panny, Gary Neumann, John Montel, Harry Hillenius, Charles Goebel (left @ 8:53pm & returned @ 8:55pm), John McManus, Daniel Nemecek and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Brian Gillen (arrived @ 7:43pm) were also present.

Bills

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

Correspondence

- 6/6/18 letter from Bergen County Department of Planning and Engineering Re: Jay Zee Realty Corp. Application Final Approval
- 6/7/18 letter from Bergen County Freeholders Re: Sustainable Site Plan Ordinance and Subdivision Resolution
- 6/12/18 letter from Zoning Officer Mazzer Re: 32 East Fairmount Avenue Denial Letter
- 6/15/18 letter from Board Engineer Brian Gillen Re: Review of 4/11/18 Bergen County Planning and Engineering Site Plan Review Letter for Jay Zee Realty Corp.
- 6/20/18 letter from Board Engineer Brian Gillen Re: 32 Fairmount Avenue LLC/Frank & Carmelo Oliveri Completeness Review
- 6/20/18 letter from Board Recording Secretary Tara Grunstra Re: 32 Fairmount Avenue LLC Hearing Date 7/26/18
- 6/21/18 Consolidation Deed from James E. Jaworski Re: Jay Zee Realty Corp.

Resolution

None

Hearing

Outfront Media

99 Essex Street
Block 125, Lot 1

Calendar #2017-14

Variance & Site Plan Applications

Mr. Jaworski represents Outfront Media LLC and, nominally, property owner Joseph Muscarelle Investments Inc. He introduced his co-counsel, Louis D'Arminio of Price, Meese, Shulman & D'Arminio, John Antal of Outfront Media and the property owner's representative, John Muscarelle. This is a continuation of the 6/7/18 hearing where the applicant's professional planner, John McDonough, completed his testimony. Mr. Jaworski distributed a new exhibit list reflecting the addition of Exhibit #A-11 (Notice of 5/24/18 Meeting Cancellation) and Exhibit #A-12 (4-Page Packet Prepared by John McDonough). Mr. Jaworski believes that Susan Rubright which represents one of the adjoining property owners, Maywood Realty Associates at 113 West Essex Street, would like an opportunity to question Mr. McDonough who remains under oath. Ms. Rubright asked Mr. McDonough a series of questions related to how he prepared for his planning review, crane test, billboard ownership, billboard visual impact, heights of nearby structures, specific streets, subject property shape, setbacks, billboard shadow, traffic flow, billboard blocking 113 West Essex Street building and parking lot entrance.

Charles Goebel left the dais at 8:53pm and returned at 8:55pm.

Ms. Rubright finished her questions of Mr. McDonough.

Chairman Lichtenberger noted that Ms. Rubright's client is concerned about the visual impact of the proposed billboard on their property at 113 West Essex Street. She added that her client has other concerns but did not specify what those concerns were. She plans to have her one or both of her clients testify.

A short recess was taken at 8:58pm. The meeting resumed at 9:04pm with all members present.

Mr. Jaworski asked Mr. McDonough to explain why the proposed billboard setback deviations does not create substantial detriment. Mr. McDonough talked about how the proposed location is a better zoning alternative since the billboard does not have the same mass as a building so it would not interfere with the free flow of traffic. The proposed location would need to be in the center of the parking lot if it abided by the setback requirements which would interfere with vehicle circulation on the property. Mr. Jaworski then questioned if Mr. McDonough considers the proposed billboard an accessory use or second principal use on the site. Mr. McDonough answered that there is no language in the Borough ordinance that would prohibit two principal uses on one piece of property. He added that the buildings were existing in the HDO zone when the governing body designated the proposed use as permitted. He does not believe that the legislative intent was that the existing buildings be razed to accommodate the proposed use. Lastly, he does not believe that the setback deviations would not impact either the 99 West Essex Street or the 113 West Essex Street buildings.

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

Mr. Jaworski announced that the applicant does not plan to have a traffic engineer directly testify since they feel that traffic issues are not relevant for a permitted use. He does not plan to call any more witnesses but reserves the right for rebuttal of witnesses called by Ms. Rubright. Ms. Rubright was not prepared for her witnesses to testify at this hearing but will be ready for the next hearing date. Mr. Jaworski would like to extend the window for the Board to act to 8/31/18. Ms. Rubright will confirm with her witnesses that they can attend 8/2/18 meeting. The application was carried to the 8/2/18 meeting without obligation to re-notify the public.

Closed Session None

Informal Hearing None

Old Business

- Stormwater Review Training Webinar
 - Please sign the certificate provided by Board Recording Secretary with the date that you viewed the webinar
 - Deadline is 7/1/18
- Status of Paul Padro 81 West Pleasant Avenue Project
 - Chairman Lichtenberger informed the Board that a construction permit for the basement work was issued
 - Zoning Officer James Mazzer added that the footings and foundation permit was issued 6 weeks ago but he does not believe that work has started
 - If no work is done in 6 months, the permit may be rescinded according to the DCA
- Sussex Bank Sign Variance Application Update
 - Zoning Officer Mazzer explained that Sussex Bank hired attorney Holly Schepisi to submit a variance application
 - Board Attorney Kaczynski was in contact with Ms. Schepisi
 - Ms. Schepisi did not believe that a variance application was required since the signage installed is an exact match to what was in place previously
 - Zoning Officer Mazzer replied that the signage is different than what was installed for Community Bank
 - Chairman Lichtenberger reminded the Board that he reported at 4/26/18 meeting that he had met with Borough Administrator Roberta Stern to determine if the signage proposed by Sussex Bank needed to come before the Board
 - He answered her then that the Board makes that determination
 - At the 4/26/18 meeting, members of the Board agreed that bringing the applicant before the Board was appropriate
 - Board Attorney Kaczynski asked Board Recording Secretary Grunstra which documents had been filed by the applicant

- Board Recording Secretary Grunstra answered that the applicant's sign maker had submitted the Sign Application (Without Variance) Waiver of Notice and Site Plan Request
 - Zoning Officer Mazzer issued a denial letter based on the number of wall signs and square footage of the wall signs
 - All materials were returned to the sign maker once it was determined that the signage would require a variance
 - Zoning Officer Mazzer added that the signage was installed prior to receiving the Sign Application
 - He suggested that Board Attorney Kaczynski contact Ms. Schepisi to learn the status of when the variance and site plan applications would be submitted
- Oak Ale House Status
 - Zoning Officer Mazzer explained that the Health Inspector would need to approve plans prior to the next business opening
- COAH Update
 - Chairman Lichtenberger relayed a conversation that he had with Board Planner Michael Kauker on the COAH project
 - The 5/24/18 hearing date was adjourned and the Borough Attorney was working on finalizing a few items prior to the next hearing
 - Charles Goebel asked about the Maine Evergreen property and Chairman Lichtenberger replied that the density is being held at 8 units per acre

New Business

- New Land Use Classes Required
 - Board Attorney Kaczynski notified the Board that the Borough municipal excess liability carrier requires that the Planning Board listen to a presentation in order to qualify for insurance coverage
 - Board Attorney Kaczynski can conduct the hour-long presentation and there is an urgency to have it completed
 - She offered to conduct the presentation at a regular meeting and have a second presentation for anyone unable to make the meeting
 - The Board decided to have the presentation at 6:30pm on Thursday, 7/28/18 prior to the regularly scheduled meeting at 7:30pm
 - John Gargagliano had a conflict with this meeting but will arrange a different time with Board Attorney Kaczynski
- Maybrook Gardens Informal Hearing Parking Proposal Distributed to the Board
 - Each sheet of the proposal represents a different option
 - The Informal Hearing date has not been scheduled
 - Maybrook Gardens is being represented by James Jaworski

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Chairman Lichtenberger seconded the motion. The meeting was adjourned at 9:37pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary