

**MAYWOOD PLANNING BOARD  
MINUTES  
July 23, 2020**

A regular meeting of the Maywood Planning Board was held on Thursday, July 23, 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, Paul Kuhn, Harry Hillenius, Rick DeHeer and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Gregory Polyniak were also present.

**Approval of Minutes**

Councilperson Ryan Ullman made a motion to accept the minutes from the June 25, 2020 meeting. Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

John Gargagliano made a motion to accept payment of the bills. Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 6/29/20 letter from Board Recording Secretary Tara Grunstra Re: PSE&G Request for New Deed
- 6/30/20 letter from Board Planner Michael F. Kauker Re: Derek Eisenberg 121 Belle Avenue Planning Review

- 7/14/20 letter from Board Engineer Gregory J. Polyniak Re: Derek Eisenberg 121 Belle Avenue Revised Completeness & Engineering Review
- 7/15/20 letter from Board Recording Secretary Tara Grunstra Re: Derek Eisenberg 121 Belle Avenue Application Hearing Date 8/6/20
- 7/16/20 letter from Board Engineer Gregory J. Polyniak Re: Beverly Patrizze 116 Cedar Avenue Completeness & Engineering Review
- 7/17/20 letter from Michael Capo Re: Beverly Patrizze 116 Cedar Avenue Lot Coverage Correction
- 7/23/20 letter from Board Recording Secretary Tara Grunstra Re: Zion Evangelical Lutheran Church 120 East Pleasant Avenue Variance Application
- 7/23/20 letter from Board Recording Secretary Tara Grunstra Re: NYCE Tattoos 946 Spring Valley Road Variance and Site Plan Applications
- 7/23/20 letter from Board Recording Secretary Tara Grunstra Re: L.M.G., LLC 945 Spring Valley Road Variance and Site Plan Applications Completeness Hearing Date 8/6/20
- 7/23/20 letter from Board Recording Secretary Tara Grunstra Re: Stepan Company 100 West Hunter Avenue Variance and Site Plan Applications Completeness Hearing Date 8/6/20

**Resolution** None

**Completeness Hearing** None

**Application Hearing** **Beverly Patrizze**  
116 Cedar Avenue  
Block 5, Lot 14  
**Calendar #2020-08**  
**Variance Application**

This hearing was adjourned from the 6/25/20 meeting. Beverly Patrizze is the applicant and she remains under oath. The applicant's architect, Michael Capo was sworn in and he summarized the application. He explained that Beverly Patrizze is renovating the house and would like to extend the front porch. The proposed front porch extension would create a front yard setback of 21.93' where 25' is required. Board Attorney Kara Kaczynski referenced Mr. Capo's 7/17/20 letter regarding lot coverage. Mr. Capo had listed the impervious coverage calculation on the site plan but his letter stated the correct lot coverage as 19% existing and 26% proposed. Board Attorney Kaczynski marked the application as exhibit #A-1 and Mr. Capo's 7/17/20 letter as exhibit #A-2. Board Engineer Greg Polyniak agrees with Mr. Capo's 7/17/20 letter and testimony. Board Attorney Kaczynski summarized that a lot coverage variance is not required for this application. The applicant is seeking a minimum front yard setback variance for 21.93' where 25' is required.

Board Engineer Polyniak referenced his 7/16/20 completeness and engineering review which was marked as exhibit #PB-1. He asked Mr. Capo about the Bertin Engineering plan dated 8/27/19 and the sizes listed for the balcony, deck and landing. Mr. Capo advised taking the sizes from his plan dated 1/27/20:

- Deck – 91 square feet
- Addition – 226 square feet
- Landing – 25 square feet

Board Engineer Polyniak asked that certain notes be placed on the site plan:

- The applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay and straw mulch to ensure lawn growth.
- The applicant shall protect any perimeter fencing, curbs, walkways, plantings and walls on adjacent properties during construction, if approved. The applicant shall be responsible for any damage done to neighboring properties during installation of proposed improvements.
- The applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place or within any other private property.
- The applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards. A copy of the said certification as prepared by a professional shall be provided to the Borough of Maywood and Neglia Engineering Associates prior to the import of any. Recycled material or demolished materials are not permitted for the purpose of backfilling a vacated excavation area.

Mr. Capo agreed to add those notations and will also include the requested construction detail.

Chairman Frank Lichtenberger confirmed that the original front porch was covered. Ms. Patrizze explained that the roof over the porch was replaced because there was wood rot and termite damage. Chairman Lichtenberger cited Zoning Officer James Mazzer's 2/13/20 denial letter and asked why the roof was extended prior to Board approval. John Gargagliano stated that while the roof was extended, the porch was not. Harry Hillenius and Ms. Patrizze concurred. Ms. Patrizze believes that the roof was extended after Zoning Officer Mazzer's denial letter was issued. Rick DeHeer asked for clarification on the porch size as of today. Zoning Officer Mazzer was sworn in and he answered that the porch is 4' while the porch roof is 6'. Chairman Lichtenberger confirmed that the roof had been extended after Zoning Officer Mazzer issued the 2/13/20 denial letter. Zoning Officer Mazzer explained that during construction, the contractor discovered that the house roof including the porch roof needed to be replaced because of rot and termite damage. The applicant then wanted to extend the porch. The contractor extended the porch roof when replacing the entire roof rather than stopping at 4' and adding the 2' if the Board approved the application. Zoning Officer Mazzer repeated that the porch remains at 4' pending Board approval and only the roof was extended by 2'. Board Attorney Kaczynski asked what prompted the denial letter. Zoning Officer Mazzer replied that Ms. Patrizze informed him that she would like to extend the porch and he then issued the denial letter. He advised her that if she replaced the porch as it was, she would not be required to come before the Board. Chairman Lichtenberger confirmed that Zoning Officer Mazzer has inspected the property. Board Attorney Kaczynski summarized that the applicant is seeking a front yard setback variance of 21.93' where 25' is required. Chairman Lichtenberger confirmed that the setback is measured from the property line.

Paul Kuhn asked Board Engineer Polyniak if he was satisfied with the stormwater management. Board Engineer Polyniak answered that he has requested a percolation/permeability test to

ensure that the drainage would function as depicted on the site plan. Board Attorney Kaczynski informed the Board that they are permitted to make the comments from Board Engineer Polyniak's 7/16/20 completeness and engineering review a requirement as a condition of approval.

Chairman Lichtenberger asked the public if they had a questions or comments regarding the application hearing but no one came forward.

Chairman Lichtenberger would prefer that the Board not be asked to approve a project that has already been partially complete.

Councilperson Ryan Ullman made a motion to approve the application with the condition that the applicant satisfy all of the comments from Board Engineer Polyniak's 7/16/20 completeness and engineering review (marked as exhibit #PB-1). Gary Neumann seconded the motion and all eligible members present voted in favor of the motion except Harry Hillenius who abstained. Board Attorney Kaczynski advised that the resolution would be ready for the 8/6/20 meeting or, possibly, the 8/27/20 meeting.

**Informal Hearing**                      None

**Old Business**                        None

**New Business**

- Electric Vehicle Charging Stations – Board Engineer Polyniak shared the Township of Piscataway Zoning ordinance regarding plug-in electric vehicle charging stations
  - Chairman Lichtenberger believes that it makes sense to require a portion of parking spaces to be dedicated electric vehicles charging stations on large-scale future commercial development
  - Rick DeHeer confirmed that the requirement would be for future development and not existing commercial properties
  - Board Engineer Polyniak explained that any electric vehicle charging stations on public property would be governed by the Mayor and Council
    - The Piscataway ordinance is a site plan requirement for applications before the Planning Board excluding residential development of 1-4 units
  - Mayor Richard Bolan requested that the Board review the section regarding the number of required stations:
    - One vehicle charging station shall be included for each 50 parking stalls which are part of a site plan application for every permitted use, except for one- to four-residential-unit developments
  - He also asked the Board to review the section about approvals and permits:
    - An electric vehicle charging station shall be permitted as an accessory use to any principal use in all zone districts in the Township
  - Rick DeHeer has researched the subject and has concerns about the cost and taking parking spaces from gasoline powered vehicles
    - He asked if there is an urgency to passing the ordinance

- Mayor Bolan believes that there is an urgency to have the ordinance adopted prior to large-scale development
      - He advised that the cost would be paid by the developer, not the taxpayer
- He informed the Board that there was interest in creating electric vehicle charging stations on Borough property utilizing a grant but it has been tabled due to the COVID-19 economic impact
- Chairman Lichtenberger had a recent experience in Short Hills where all parking required a fee and observed municipal electric vehicle charging stations
- Vice Chairperson Charlotte Panny asked if the ordinance would be applied to existing commercial development like Bergen Town Center
  - Mayor Bolan answered that the ordinance would be applied to future large-scale commercial development and not retrofit existing commercial development
- Mayor Bolan advised that the governing body will create the ordinance and the Planning Board will review it for comment
- Board Attorney Kaczynski advised that while the Board could not require retroactive ordinance compliance for existing commercial development, any amendments to site plan approval would need to comply with the ordinance
  - She suggested including a public component into the ordinance stating that the Borough has the right at any time to specifically designate a municipal parking space for charging only or to allow both electric and gasoline fueled vehicles
- Mayor Bolan added that when the Borough was considering adding electric vehicle charging station to municipal parking, there were plans to require a fee to charge the vehicle to offset the municipal costs
  - Councilperson Ryan Ullman stated that when the Borough was contemplating adding electric vehicles charging stations, it was limited to 2 spaces in the municipal parking lot behind the Twin Door Tavern/Maywood Inn on Spencer Joseph Way
- Gary Neumann asked if any current applications before the Board would be required to comply with the ordinance
  - Mayor Bolan explained that only the ordinances in place at the time that the application is submitted can be applied
    - Board Attorney Kaczynski concurred
- Chairman Lichtenberger believes that electric vehicle use will increase and charging stations should be considered
  - Rick DeHeer cautioned that the charging station installation can be expensive
- Councilperson Ryan Ullman believes that there is a sense of urgency to adopt the ordinance and offered to help with the ordinance creation

## **Open Meeting to the Public**

## **Closed Session**

Chairman Frank Lichtenberger 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 # 2020-11**

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
- 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: 7/23/20 Time: 8:23pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary