

**MAYWOOD PLANNING BOARD
MINUTES
July 25, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, July 25, 2019 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 22, 2018. 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 7:35pm with the following members present: Chairman Frank Lichtenberger, Gary Neumann, John Montel, Rick DeHeer, Peter Cicarelli and Secretary Anthony Klymenko. Board Attorney Kara Kaczynski, Board Engineer Tom Lemanowicz and Board Planner Michael Kauker were also present.

Approval of Minutes

Peter Cicarelli made a motion to accept the minutes from the June 6, 2019 meeting. Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Peter Cicarelli made a motion to accept the minutes from the June 27, 2019 meeting. Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Bills

Rick DeHeer 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

- 7/3/19 letter from Kevin P. Kelly of Kelly, Kelly, Marotta & Tuchman Re: PSE&G Substation Expansion
- 7/8/19 letter from Louis L. D’Arminio of Price, Meese, Shulman & D’Arminio Re: Outfront Media, LLC v. Planning Board of the Borough of Maywood (Docket No. BER-L-4455-19)
- 7/11/19 letter from Brandi Bartolomeo of PSE&G Re: PSE&G Substation Expansion Exhibit #A-2
- 7/11/19 Court Approved Settlement Agreement and Addendum

Gary Neumann made a motion to approve the resolution as written and Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Resolution #5

Sophia Magriplis (Bellibone)
75C West Pleasant Avenue
Block 71, Lot 15
Calendar #2019-11
Sign Application

Peter Cicarelli made a motion to approve the resolution as written and Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Hearing

FI Signs (Singas Famous Pizza)
24-30 West Pleasant Avenue
Block 79, Lot 4
Calendar #2019-12
Sign Application

Andrew Yang from FI Signs is the applicant for Singas Famous Pizza and he was sworn in. He is proposing installing non-illuminated channel letters on the façade of the pizzeria on West Pleasant Avenue:

- The letters measure 1.34' high x 13.34' wide (17.8 square feet) where 54 square feet is permitted (façade is 17' high x 32' wide or 544 square feet)
 - Wall Signage is 1 color; white which conforms to the Borough code
 - Façade is painted black

Chairman Lichtenberger advised that window signs must not be installed without coming before the Board and Mr. Yang agreed. No members of the public came forward to comment on the application.

Rick DeHeer made a motion to approve the application as proposed. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

New Business

- Patrick McNamara and Board Planner Michael Kauker presented the Master Plan Housing Element & Fair Share Plan
 - Patrick McNamara updated the Board that Judge Farrington approved the Settlement Agreement and Addendum with Special Master Mary Beth Lonergan's conditions:
 1. Provide an executed contract with an experienced homeowner and rental rehabilitation program administrator for the municipal rehabilitation program
 2. Provide an operating manual for the proposed housing rehabilitation program that ensures compliance with COAH's requirements including an average expenditure of \$10,000 in hard costs per unit, the repair or

- replacement of at least one major system in each housing unit, and the establishment of at least 10-year affordability controls
3. Submit a draft of the proposed West Hunter Avenue and Prospect Avenue inclusionary zoning amendment
 4. Submit a draft of the proposed Restricted Commercial Business inclusionary ordinance
 5. Submit a draft of the proposed Trocano Site inclusionary zoning ordinance
 6. Provide copies of deed restrictions, group home surveys, and licenses for all group homes or other special needs facilities
 7. Adopt an ordinance establishing a mandatory, municipal-wide affordable housing set-aside of 15% or 20% (for rental or sale units, respectively) for all new multi-family residential developments
 8. Prepare a Spending Plan as part of the updated Housing Element and Fair Share Plan
 9. Adopt an updated Affordable Housing Ordinance and submit as part of the Borough's updated Housing Element and Fair Share Plan
 10. Adopt a revised Affirmative Marketing Plan, including specifically the additional groups that must be noticed of affordable housing unit availability required through the Settlement Agreement, and submit such revised Affirmative Marketing Plan as part of the updated Housing Element and Fair Share Plan
 11. Submit an adopted resolution appointing an existing municipal employee as Maywood's municipal housing liaison
 12. Submit contract(s) for an experienced affordable housing administrative agent for all existing and proposed affordable units
 13. While not part of the condition list, the Special Master and Fair Share counsel are aware of another condition requiring the adoption of an ordinance to have an of overlay zone of the Garden Apartment zone
 - The ordinances will be prepared in August or early September when the Board will review and comment and returned to the Mayor and Council for the second reading, public hearing and codification
 - Board Chairman Lichtenberger confirmed that Mr. McNamara and Board Planner Kauker will be providing these documents and will consult with Board Attorney Kaczynski
- Mr. McNamara anticipates a compliance review hearing near the end of the year
 - The Borough is protected from builder remedy lawsuits with the previously granted interim immunity through 10/28/19 and he expects that the Special Master and Fair Share counsel would not object if extra time is needed
 - Judge Farrington is on recall designation which means that she is retired but was recalled in order to cover the pending Court cases
 - Board Planner Kauker has prepared the Master Plan Hosing Element and Fair Share Plan and is ready for Board input
 - A resolution approving the plan should be memorialized at the next meeting on 8/1/19

- Public notice meeting requirements were followed and electronic copies were forward to the interested parties
- Chairman Lichtenberger confirmed that the proposed second floor residential occupancy of the West Pleasant Avenue Restricted Commercial (RC) district was being proposed
 - He is concerned about parking but Mr. McNamara explained that the developer is required to provide a parking solution which may prompt a multi-property assemblage to create adequate parking
 - Board Planner Kauker was sworn in, qualified and accepted
 - He added that the ordinance being discussed includes an expansion of the West Pleasant Avenue RC district to the south
- Mr. McNamara and Board Planner Kauker then took the Board through the plan
 - The beginning of the document is more introductory and has been presented to the Board previously
 - Page 18 displays Table 14 which details the Realistic Development Potential (RDP) of 25 new build low and moderate-income housing units based on the vacant developable land
 - The total fair share obligation, including the rehabilitation requirement and the prospective need requirement, is 234 units
 - The fair share plan proposes creating 25 low and moderate-income housing units
 - Lydecker Manor (6 units) and Hoffman Properties (20 units) translates to 26 units which provides a surplus of 1 unit
 - Group homes units are based on the number of bedrooms
 - Board Planner Kauker point out Table 15 Summary of Proposed Mechanisms on page 22 and includes the proposed inclusionary zoning
 - Chairman Lichtenberger asked about the Garden Apartment Overlay Zone and Mr. McNamara explained that the overlay was envisioned with low rise units closest to the existing residential homes and increase in height as you move closer to Essex Street
 - Board Planner Kauker directed the Board to the summary of Table 15 on page 23 that lists 128 proposed low and moderate-income housing units
 - The unmet need of 209 units less the 128 proposed units leaves a residual 81 units of unmet need
 - Mr. McNamara explained that the Hoffman properties have been designated as a non-condemnation area in need of redevelopment
- Chairman Lichtenberger asked if anyone on the Board had any comments but no one commented
 - He then asked if anyone in the public would like to comment but no one came forward

- Chairman Frank Lichtenberger made a motion to authorize Board Attorney Kaczynski to prepare a resolution to approve and adopt the proposed Master Plan Housing Element and Fair Share Plan
 - Gary Neumann seconded the motion
 - All eligible members present voted in favor of the motion

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 # 2019-13

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 and anticipated 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: 7/25/19 Time: 8:38pm

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary