

**MAYWOOD PLANNING BOARD  
MINUTES  
July 26, 2018**

A regular meeting of the Maywood Planning Board was held on Thursday, July 26, 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, Rick DeHeer, Gary Neumann, John Montel, Harry Hillenius, John McManus, Anthony Klymenko, Daniel Nemecek and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Brian Gillen were also present.

**Approval of Minutes**

Rick DeHeer made a motion to accept the minutes from the June 7, 2018 meeting. Vice Chairman Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

Harry Hillenius made a motion to accept the minutes from the June 28, 2018 meeting. Vice Chairman Kuhn 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. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 7/3/18 letter from James E. Jaworski Re: Outfront Media LLC Traffic Information
  - Board Attorney Kara Kaczynski advised Susan Rubright of Brach, Eichler, counsel for the adjoining property owners Maywood Realty Associates at 113 West Essex Street, that she could provide a similar analysis and provide to the Board prior to the next hearing scheduled for Thursday, 8/2/18
- 7/23/18 letter from Zoning Officer Mazzer Re: 200 Route 17 South Denial Letter
  - Zoning Officer James Mazzer explained that an application is being prepared for a six-story self-storage facility that will be located in Maywood and Rochelle Park

- The building will front on Essex Street in Rochelle Park
- 7/24/18 letter from Michael T. Halkias Re: 32 Fairmount Avenue LLC Notice of Property Owners and Revised Hearing Date
- 7/24/18 letter from Board Recording Secretary Tara Grunstra Re: 32 Fairmount Avenue LLC Hearing Date 8/23/18
- 7/24/18 letter from Board Engineer Brian Gillen Re: SB One Bank Completeness Review
  - Board Secretary Grunstra has provided a hearing date of Thursday, 9/6/18 and is awaiting confirmation from the applicant

**Resolution**                                      **Triple A Investments, LLC**  
**My Home Adult Day Care, Inc.**  
 37 Brook Avenue  
 Block 23, Lot 107  
**Calendar #2018-04**  
**Variance & Site Plan Applications**

Vice Chairman Kuhn made a motion to memorialize the resolution as written. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**Hearing**    None

**New Business**

- Chapter 209 Land Use Binder Section Replacement
  - Article V General Provisions (§209-23 to §209-31.4)
  - Article VI District Regulations (§209-32 to §209-38.4)

**Open Meeting to the Public**

David Schlüssel of 200 Route 17 South LLC introduced himself and indicated that the application would be submitted to the Board in the near future.

**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 # 2018-09**

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

Date of Passage: 7/26/18 Time: 7:43pm

Chairman Lichtenberger made a motion to return to the regular order of business. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

**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

**Open Meeting to the Public****Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 8:36pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary