

MAYWOOD PLANNING BOARD
MINUTES
July 6, 2017

A regular meeting of the Maywood Planning Board was held on Thursday, July 6, 2017 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, 2016. 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.”

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 (arrived at 8:20pm), Mayor Adrian Febre, Councilman Rick DeHeer (arrived at 7:47pm), Gary Neumann, John Montel, Harry Hillenius, John McManus (left at 8:47pm & returned at 9:16pm), Anthony Klymenko and Daniel Nemecek. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski, Board Engineer David Gleassey and Conflict Counsel Brian Giblin were also present.

Approval of Minutes

Vice Chairman Paul Kuhn made a motion to accept the minutes from the June 22, 2017 meeting. Gary Neumann 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. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

Correspondence

- 6/13/17 Ordinance #8-17 An Ordinance to Strike Chapter 209-32 (B) (6) Regarding the Rental of Rooms in a Single-Family Dwelling of the Borough of Maywood Code, The Borough of Maywood, State of New Jersey
- 6/19/17 Bergen County Soil Conservation District Re: Application for Soil Erosion and Sediment Control Plan Certification for 561 Elm Street Block 78, Lot 14
- 6/21/17 Freshwater Wetlands Application Checklist for Stepan Chemical 23 West Howcroft Road Block 124, Lot 17
- 6/27/17 letter from Andrew T. Fede of Archer & Greiner Re: Riverside Medical Group 1 Maywood Avenue Proof of Services of Notices and Publication
- 6/29/17 letter from James E. Jaworski of Wells, Jaworski & Liebman Re: Paul Padro (Uncle Paulie’s) 81 West Pleasant Avenue Affidavit of Proof of Services and Publication
- 6/29/17 letter from Andrew T. Fede of Archer & Greiner Re: Riverside Medical Group 1 Maywood Avenue Amended Site Plan, 6/28/17 letter from Steve Lydon of Burgis Associates and 6/7/17 letter from Azzam Baker, MD

Resolution #1

George Hodosh Associates/Jason Healy
204 Loughlin Place
Block 23, Lot 3
Calendar #2017-05
Variance Application

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

Resolution #2

Janet Castellano
146 Cedar Avenue
Block 6, Lot 10
Calendar #2017-07
Variance Application

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

Board Attorney Kara Kaczynski recused herself from this application and Conflict Counsel Brian Giblin took her place on the dais.

Hearing #1

Riverside Medical Group
1 Maywood Avenue
Block 124, Lot 6.01
Calendar #2017-04
Variance & Site Plan Applications

Andrew T. Fede of Archer & Greiner is the attorney for the Riverside Pediatric Group/Riverside Medical Group. He noted that adequate notice of the hearing was given. He then provided a summary of the Board resolutions for the property:

- 1999-07 – Site Plan Approval, Bulk Variance, Redivision and Sign Variance
- 1999-07A – Amended Site Plan Approval
- 2002-09 – Variance to Permit Additional Signage

He summarized the application as seeking:

- A sign variance
 - Replacing the facing of the existing freestanding sign and two (2) ground signs
 - Replacing the wall façade sign on roof brackets facing Essex Street
 - Proposed sign is 96.66 square feet versus the previous Duane Reade sign measuring 200 square feet
 - Other proposed signage will be discussed by the sign maker which will be the one of the applicant's witnesses
 - Overall, total proposed signage will 60 square feet less than what was approved by the Board previously

- Amend one condition from resolution 2002-09 which specifies that the basement be utilized as storage space in connection with the applicant's primary use as a retail establishment
 - This approval was granted when the property was zoned as A-1 residential, however, the property has since been rezoned as RC Restricted Commercial
 - Mr. Fede believes that a medical use is permitted in the RC zone
 - They are requesting that the basement be used as part of a permitted use
 - They consider this use compatible with the ground floor medical offices since it occurs at night when the medical offices are closed
 - He believes that they have adequate parking and this proposed use provides a beneficial service to the community

Councilman Rick DeHeer arrived at 7:47pm.

Mr. Fede's first witness was Dr. Omar Baker and he was sworn in. Dr. Baker is a pediatrician at Riverside Medical Group and serves as Co-President and Chief of Quality and Safety. He described the sleep center as an overnight facility where mostly healthy people, typically adults, have their sleep monitored (heart rate, oxygen level, etc.). The facility is diagnostic and will not treat patients, the patient will discuss the results of the study with their doctor who prescribes treatment. While the Maywood location is Riverside Medical Group's 70th office, this would be their first sleep lab. The HUMC Director of Sleep Medicine will oversee the facility. They propose constructing 8 patient rooms and will have 3 staff members servicing the patients with a total of 11 people at the facility overnight. He stressed that the patients and staff arrive and leave at the same time. There is no overlap between the daytime and nighttime operation. Sleep center patients arrive at 8pm and the medical office closes at 7pm (last appointment is 6:30pm). Sleep center patients depart at 6am and the medical office opens at 8am. Dr. Baker then summarized the ground floor medical office hours as open Monday-Saturday (closed Sunday) 8am-7pm. The medical office has 3 doctors each day; a pediatrician, an internist/general practitioner for adults and a specialist which rotates daily (i.e., cardiologist on Monday, rheumatologist Thursday, etc.). Each doctor sees 2-3 patients per hour and has 2-3 staff members assisting them.

Chairman Lichtenberger asked Dr. Baker to clarify the hours of the current ground floor medical office. Dr. Baker responded that the office is open at 8am and closes at 7pm daily except Sunday. The company headquarters in Secaucus is open daily until midnight as an urgent care facility. Dr. Baker believes that the staff for the ground floor medical offices will clear out of the parking lot by 7:30pm at the latest. Chairman Lichtenberger inquired about the number of examination rooms on the ground floor. Dr. Baker answered that there are 45 exam rooms but not all are being used. He said that they may be utilized as the practice grows. He added that should the number of doctors and staff increase, parking arrangements would be made. Chairman Lichtenberger asked for details about when the patients depart from the proposed sleep center. While Dr. Baker does not know the details, he expects that patients would be woken at 5am in order to leave by 6am. He can provide the details at a later date. Each room has an ADA compliant bathroom so the patient can shower before leaving. There should be no conflict with parking between the daytime medical office use and nighttime sleep clinic use. Dr. Baker added that each use will have different hours of operation, staff and patients. John McManus asked

about the days of the week that the proposed sleep center would operate and Dr. Baker responded that Monday through Friday is what is planned. He promised to inform the Board should that change. He noted that the ground floor medical office does have Saturday hours. John Montel asked how much of the basement is being used for the proposed sleep center and Dr. Baker deferred that question to the contractor, Eid Salameh. Mayor Adrian Febre asked if the proposed sleep center is a permitted use and asked to review the Borough ordinance. The definition of professional office:

An office used exclusively for the practice of the professions of medicine, optometry, psychiatry, psychology, family counseling, veterinary medicine, dentistry, architecture, law, accounting, engineering, planning or land surveying. A "professional office" shall not include a biological or other medical testing laboratory except that which is necessary and incidental to the primary professional office use. In addition, there shall be no overnight facilities for the hospitalization, counseling or care of persons or animals.

The exclusion of overnight facilities seems to conflict with the proposed use. Mr. Fede believes that the testimony of the applicant's planner will clarify this issue. Mayor Febre is concerned that if the use is not permitted, a use variance would be required and he would need to recuse himself from the hearing. Mr. Fede replied that the overnight facilities prohibition would not apply to the proposed use since no treatment is taking place. He believes that the sleep center is a new type of use that does not fall into this prohibition. Conflict Counsel Giblin suggested that the applicant present all their testimony and have Zoning Officer James Mazzer provide his opinion which the Board would take into consideration before rendering their determination. Councilman DeHeer pointed out that Mr. Fede described the proposed sleep center as a new type of care facility and care is prohibited for overnight use. Mr. Fede said that he misspoke and the patients using the sleep study do not receive treatment, the sleep center is diagnostic only. Mayor Febre noted that the proposed use is so new that it is not specifically listed as a permitted use. Mr. Fede agreed but feels that the proposed use falls within the general permitted professional office as a medical office and not a hospital. Zoning Officer Mazzer reviewed the application and believed it was permitted in the RC zone as a professional office. His concern was that the overnight use was not permitted in the zone. Chairman Lichtenberger feels that the parking is inadequate for the existing use. He has personally observed the parking situation with the parking lot being full so people are parking on Demarest Place and illegally at the adjacent property's parking lot (Murray Construction at 29 Essex Street). He spoke with Maywood Police Chief David Pegg about the situation and they were both concerned about people crossing Maywood Avenue after parking on the eastern side of Demarest Place. He expects that if the applicant begins using additional examination rooms, the parking situation will only get worse. Mr. Fede believes that they have adequate parking under the ordinance. He added that the location is busy but they haven't observed any parking issues. Chairman Lichtenberger does not want patients to park illegally.

Chairman Lichtenberger invited the public to ask questions of Dr. Baker.

Mary Senia of 41 Maywood Avenue asked Dr. Baker about the timing of the proposed basement sleep center. He confirmed that patients would arrive by 8pm and leave by 6am. She asked if patients are fed before they depart in the morning and Dr. Baker responded that they would provide food before the patient leaves. They may provide food when the patient arrives but that

is at the tech's discretion. There will not be a doctor on-site but the technician has access to a doctor should the need arise. Dr. Baker then explained that here is a screening process for patients so that medium to high risk patients have their sleep study at HUMC and low risk patients could have their sleep study at the proposed facility. Dr. Hormoz Ashtyani is the Director of Sleep Medicine at HUMC and he is also the President of Medical Staff at HUMC.

Christine Ercolino of 41 Maywood Avenue asked Dr. Baker what time the sleep study ends in order to have patients out of the building by 6am. He replied that the sleep study ends at 6am and patients and staff should be out before the ground floor medical office staff arrives at 8am. Ms. Ercolino has personally witnessed ground floor medical office staff arriving at 7:15am so she believes that there will be overlap between the two uses.

The second witness was the applicant's contractor Eid Salameh and he was sworn in. Mr. Salameh is the owner of ECC Group which has completed multiple projects for Riverside Medical Group. The basement is approximately 8,000 square feet and 8 patient rooms with adjoining bathrooms are proposed. Each patient room and adjoining bath are approximately 350 square feet. Also proposed is an employee break room, patient waiting room, staff reception area with the remaining space as storage and corridors. They are proposing a separate electric room, water room with an ejector pit, water heaters, water main and sprinkler main. The 8 patient rooms and adjoining baths total approximately 2,600 square feet of the 8,000 basement total square footage. He explained that the patients will be able to leave in a timely manner since they will not need to wait to take a shower. They are also proposing a linen room and a monitoring room for staff while the sleep studies are taking place. He added that the waiting room and reception room would be vacant while the sleep studies are underway. John McManus asked what would be placed in the break room and Mr. Salameh answered that they are proposing a refrigerator and microwave but no stove. He added that a staff bathroom would be located within the break room. There is an existing elevator. He described a typical evening turnover as the ground floor medical office staff locking up their floor. Then the sleep center patients enter the vestibule using a time clock and buzzer system in order for the building to remain secure overnight.

Secretary Charlotte Panny arrived at 8:20pm.

Chairman Lichtenberger noted the two staircases and Mr. Salameh summarized that there are three (3) means of egress but only one of ingress (elevator).

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

The next witness was the applicant's sign maker Raymond Guzman of Brainwaze Studio & Hoboken Sign and he was sworn in. He has designed signage for several other Riverside Medical Group facilities. Mr. Guzman prepared three pages of the proposed signage and marked them as exhibits:

- A1 – Proposed Channel Letters Front & Back-lit Facing Essex Street

Mr. Guzman described the building façade facing Essex Street as being 20' high by 90' long which translates to 1,800 square feet. The Borough code allows for 10% signage which equals 180 square feet. They are proposing a wall sign that is 96.66 square feet (40" high x 29' wide)

which is well below the allowable. The wall sign is reverse channel letters with translucent film backlit on a blue background. The letters are illuminated by LEDs internally and there is an existing electrical power supply. They would like to reuse the roof brackets from the previously approved Duane Reade sign. They are proposing 4 colors of the Riverside Medical Group; 3 shades of blue and white on all signage.

- A2 – Proposed Signage & Allowable Square Footage on Facing Essex Street

The 96.66-square foot wall sign is repeated on this sheet. The facing of the existing freestanding sign and two (2) ground signs will be replaced and will be illuminated using the existing electric power supply. These three signs are double sided and their dimensions will not change. They are proposing a new entrance door graphic measuring 12” high by 18” wide (1.5 square feet). The new proposed window sign beneath the wall sign will measure 3’ high by 2’ wide (6 square feet). Both the wall sign (96.66 square feet) and two window signs (1.5 square feet and 6 square feet) combined fall below the 10% allowance (104.16 square feet proposed vs. 180 square feet permitted).

- A3 – Proposed Signage & Allowable Square Footage on Facing Maywood Street

The signs are oriented toward Maywood Avenue, not Maywood Street. They are proposing six new window signs where the temporary signs are located now:

- Two signs are for Adult Medicine
- Two signs are for the adult medicine practices/specialties
- One sign is for Pediatrics
- One sign is for pediatric practices/specialties

Each sign measure 57.6” high by 60.6” (25 square feet each). Based on the six proposed window signs, total square footage of the proposed window signs is 150 square feet. The temporary signs will be removed. The second existing ground sign will have the facing replaced and is located on the corner of Maywood Avenue and Demarest Place. Like the ground sign facing Essex Street, this ground sign will be illuminated using the existing electric power supply, is double sided and they will not alter the existing dimensions. Since the façade is 20’ high by 130.6’ wide (2,612 square feet), the 10% allowance is 261.2 square feet. The proposed signage falls well below the 10% allowance. Mr. Guzman described the two ground signs as “wayfinding” signs. He added that the window signs are not illuminated.

Chairman Lichtenberger was pleased that the temporary signage will be removed as he feels that it exceeds the 10% allowance. Mayor Febre asked why the specialties needed to be listed on the window signs. Mr. Guzman replied that since the property was long, they want the patients to know that the entire property is Riverside Medical Group. Mayor Febre finds the three signs listing the medical specialties to be cluttered and asked if the applicant felt that they were necessary. Chairman Lichtenberger suggested that having signage for adult medicine separate from pediatric care would be helpful for patients to know where to enter the two practices. Individually listing each of the medical specialties does not seem necessary. Mr. Guzman offered to eliminate the two center window signs; one is Adult Medicine and one is the adult medicine specialties. Mr. Fede will speak to the doctors about omitting the signage that lists specialties cutting the number of window signs down to two. Councilman DeHeer confirmed that there is only one 96.66-square foot wall sign and it is facing Essex Street even though it is listed on A1 and A2. Vice Chairman Kuhn noted that the applicant would need a variance for

the four colors since only three colors are permitted. Mr. Guzman suggested revising the signs to have three colors by eliminating the blue color and keeping deep blue, grey blue and white. Vice chairman Kuhn asked about the hours of illumination and Mr. Guzman replied that the signage will be on timers starting at dusk. The signage usually shuts off when the medical offices close but the sleep center hours raise an issue. After some discussion, it was decided that the wall sign and freestanding sign will shut off when the medical office closes at 7pm but the wayfinder ground signs by the driveways would remain illuminated until 9pm.

Chairman Lichtenberger confirmed with Mr. Salameh that the elevator is located in the vestibule. Within the vestibule, the door on the left leads patients to the adult medicine side of the building and the door on the right leads patients to pediatrics. The light in the vestibule will remain lit after the medical offices close at 7pm for the sleep study patients, however, all of the other ground floor lighting will be shut off when the offices close at 7pm.

Chairman Lichtenberger invited the public to ask questions of Mr. Guzman.

Christine Ercolino of 41 Maywood Avenue asked Mr. Guzman about the lumens for each sign. He responded that only the wall sign is LED and he did not have the technical information available but would provide it. He added that the other illuminated signage (freestanding sign and two ground signs) are fluorescent. If the applicant switches these signs to LED, they will come back before the Board. Ms. Ercolino confirmed that the lighting for the covered walkway will not change.

John McManus left at 8:47pm for a Fire Department call.

Mr. Guzman will supply the technical specs for the signage include the second part of the wall sign. Chairman Lichtenberger confirmed that there are no pole mounted lights on the property.

The final witness was the applicant's planner Steve Lydon of Burgis Associates and he was sworn in, qualified and accepted. He has inspected the property and reviewed the previous resolutions. He then described the history of the property's zoning. The property was A1 residential and consisted of five homes which was developed into one property based on approval 1999-07. The site plan was amended to include a basement and was approved with resolution 1999-07A. While the approval was for the basement to match the ground floor footprint, the property owner chose to create a smaller basement. The property lot size is 43,425 square feet in a zone where the minimum lot size is 2,500 square feet. The property has three frontages; Essex Street, Maywood Avenue and Demarest Place and is situated on two county roads. The property was rezoned as RC Restricted Commercial. For these reasons, Mr. Lydon believes that the property is unique and not typical of other RC properties in Maywood.

The property has 44 parking spaces. The applicant is not proposing changing the footprint of the building. There will be a slight adjustment to the barrier free parking stall. The entrances and exits to the property will not change. They would like to repurpose the basement use. The restriction of using the basement as storage only for Duane Reade was appropriate but does not fit with the property's current use. He believes that the alternative to the proposed basement use would be to lease the basement out to a third party unrelated to the ground floor use. The applicant is also requesting a sign variance but the freestanding and two ground signs will not

change. As such, he considers this application to be minor. At most, eleven people will be there overnight (8 patients and 3 staff). He believes that the better description for the proposed use is a sleep clinic instead of sleep center. Professional offices are permitted in the RC zone. The property front yard setback satisfies the minimum requirements and the existing nonconforming rear yard setback will not be exacerbated. The building height meets the Borough code. The RC zone parking requirement is enacted when the floor area ratio (FAR) exceeds 80%:

- Ground floor 11,200 square feet
- Basement 7,744 square feet
- Total 18,944 square feet is 44.65% of the total lot size 42,425 square feet

Since the freestanding and two ground signs will not change, Mr. Lydon would like to discuss the signage that is changing. He prepared two pages for the Board and marked them as exhibits:

- A4 – Comparison of Proposed Building Mounted Signage with Previous Approvals
Essex Street Frontage

The proposed wall sign is less than half the size of the approved wall sign (proposed 96.66 square feet vs. approved 200 square feet). The applicant is not proposing signs to replace the 60-square foot approved second wall sign or the 4-square foot approved neon sign. They are proposing a 6-square foot window sign and 1.5-square foot door graphic which are new. An equal number of wall signs are proposed as were approved and the square footage is reduced by 159.8 square feet.

- A5 – Comparison of Proposed Building Mounted Signage with Previous Approvals
Maywood Avenue Frontage

The proposed six window signs would be approximately three times the previously approved wall sign (proposed 145.44 square feet vs. approved 49.33 square feet). The applicant has agreed to omit the two center window signs so the proposed square footage would be reduced by 1/3. The window signs are low on the glass in a building with a large front yard setback and will be blocked by parked cars so Mr. Lydon believes that they will not be seen from Maywood Avenue. Mayor Febre noted that the window signs will be seen when cars are not parked in front of them but Mr. Lydon thinks that the covered walkway lights would be off at that time. The applicant is not proposing signs to replace the 32.16-square foot approved second wall sign or the 4-square foot approved neon sign. Four wall signs are proposed where three were approved.

The total proposed square footage for both Essex Street and Maywood Avenue is reduced by over 100 square feet as compared to what was previously approved.

Mr. Lydon has conducted an informal traffic study while he was visiting the property on three occasions and his observations are as follows:

- Friday early afternoon – 10 parking spaces were available of the 44 total spaces
- Wednesday, 7/5/17 @ 1:40pm – 21 parking spaces were available of the 44 total spaces
- Thursday, 7/6/17 @ 11:30am – 19 parking spaces were available of the 44 total spaces

Chairman Lichtenberger responded that he has personally observed the parking lot being full. He is concerned that as additional doctors are added to the ground floor, the need for parking will increase. Chairman then asked if the proposed sleep center is owned by Riverside Medical

Group or is it a separate entity. Dr. Baker replied that the proposed sleep center has the same ownership as Riverside Medical Group. The proposed sleep center will not be leased.

Mayor Febre asked Mr. Lydon and Zoning Officer Mazzer for their opinions on the definition of professional office and hospital and how it relates to this application.

The definition of professional office:

An office used exclusively for the practice of the professions of medicine, optometry, psychiatry, psychology, family counseling, veterinary medicine, dentistry, architecture, law, accounting, engineering, planning or land surveying. A "professional office" shall not include a biological or other medical testing laboratory except that which is necessary and incidental to the primary professional office use. In addition, there shall be no overnight facilities for the hospitalization, counseling or care of persons or animals.

The definition of hospital:

A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A "hospital" shall be deemed to include a sanatorium, a clinic, a convalescent home, a nursing home, a rest home or other building with equivalent characteristics.

Mayor Febre pointed out that Mr. Lydon described the proposed use as a sleep clinic. Mr. Lydon explained that he used that term to separate the proposed use from a retail establishment selling mattresses. He added that sleep study patients are monitored but not diagnosed or treated. The results of the study are conveyed at a later time by the doctor that orders the test. Councilman DeHeer believes that a medical evaluation is a type of care. Mr. Lydon does not agree that patients are being treated at the sleep center. Mayor Febre believes that the applicant needs a use variance which requires that he and Councilman DeHeer recuse themselves and the applicant properly notice. Conflict Counsel Giblin reiterated the prohibition of no overnight facilities in professional offices. He is also concerned about the prohibition of a medical testing laboratory in professional offices.

Councilman DeHeer asked about Proposed Interior Basement Fit-Out for Riverside Medical Group prepared by Blanco Group dated 1/2017 submitted with the application. Page SP-1 lists required parking spaces at 51 and existing parking spaces at 44. Mr. Lydon says that he disagrees with that calculation although it was provided by the applicant's architect. Zoning Officer Mazzer believes that the applicant's architect's calculation is correct since the Borough code defines floor area ratio (FAR) as:

The percentage of the sum of the floor area of all buildings on a lot compared to the total area, expressed in square feet, of the lot or site on which such buildings are located.

Mr. Mazzer considers the floor area to be the building's footprint and additional floors in the building are subject to the rule of 1 parking space for every 250 square feet. Based on his calculation, the basement use requires an additional 14 parking spaces. Mr. Fede believes that he addressed this issue with the letter he sent on 6/29/17. The applicant believes that 80% FAR is the threshold. He cited the Borough ordinance chapter 209-39 (B)(5):

a. No construction or addition to any building or structure within the RC District resulting in a floor area ratio in excess of 80% shall be erected, altered, remodeled or used unless such construction or addition in excess of a floor area ratio of 80% complies with the minimum off-street parking requirements set forth below.

b. Within the RC District, all construction or additions exceeding a floor area ratio of 80% shall require a minimum of one parking space for each 250 square feet or portion thereof of gross floor area in excess of a floor area ratio of 80%, or such other number of parking spaces as shall be required for a particular use pursuant to any other provisions hereof, whichever is greater.

Mr. Fede stated that the subject property with the basement has a FAR of nearly half the allowable (44% vs. 80%).

John McManus returned to the Board at 9:16pm.

Anthony Klymenko asked that the definition of floor area ratio (FAR) be read again:

The percentage of the sum of the floor area of all buildings on a lot compared to the total area, expressed in square feet, of the lot or site on which such buildings are located.

Mr. Mazzer believes that the sum is of all buildings not all floors. He believes that additional floors in the RC zone must satisfy the rule of 1 parking space for every 250 square feet.

Mr. Fede then provided the Borough code definition of floor area as:

The aggregate area, expressed in square feet, of all floors, using the outside wall dimensions of all buildings, including the basement area, but excluding the area of the basement used for mechanical equipment, such as heating or ventilating apparatus, and which is not otherwise devoted to the principal use of the building or areas devoted to interior off-street parking, including parking spaces, aisles, ramps and maneuvering space.

Even with the mechanical area of the basement included in their calculation, the floor area of the ground floor and basement is 18,944 square feet which is 44.65% of the total lot size (42,425 square feet). Mr. Lydon added that the basement will be used at night where there are only 11 people on site. He feels the existing 44 spaces are more than sufficient for the nighttime use.

Chairman Lichtenberger invited the public to ask questions of Mr. Lydon.

Mary Senia of 41 Maywood Avenue has personally observed the parking situation as she is home during the day and lives next door. She has observed emergency vehicles being unable to enter the parking lot because cars were blocking the entrance. She began to ask a question about when employees vacate in the evening but Mr. Lydon did not testify on the subject. He testified that the existing 44 parking spaces should be ample for the overnight use since only 11 or 12 cars should be in the parking lot.

Christine Ercolino of 41 Maywood Avenue asked Mr. Lydon about his informal traffic study. She asked if he had observed cars parked on the street as she suspects that employees are being encouraged to park there instead of the parking lot. Mr. Lydon focused on parking in the lot and not elsewhere. Of the 7,744 square feet in the basement, she asked how much was for the sleep study use vs. mechanicals. Mr. Lydon answered that Mr. Salameh testified that approximately

2,800 square feet is being used for the sleep center. She asked about Mr. Lydon's testimony about a third-party tenant occupying the basement and she felt this would be unlikely since such a large portion of the basement space is dedicated to mechanicals. Mr. Lydon responded that the mechanicals could be relocated to the ground floor.

A short recess was taken at 9:29pm. The meeting resumed at 9:34pm with all members present.

Mr. Fede recalled Dr. Omar Baker so that he could clarify some of the questions that had been raised since he testified. Dr. Baker believes that if emergency vehicles were being hindered from entering the site, he would have been notified since he serves as Co-President and Chief of Quality and Safety. The location has hired a full-time valet/security guard starting this week which will direct patients to open parking spaces and not parking on street. In addition, they are leasing 15 parking spaces for staff at National Wholesale Liquidators starting tomorrow. The valet will shuttle employees from NWL to Riverside in the morning and back again in the evening. The valet/security guard's hours are Monday-Friday 8am-7pm. Dr. Baker feels that the proposed sleep study is very unlike a hospital. He said that patients can conduct the sleep study at home and if they fail, they have to have a sleep study at an outside facility. He added that there is no intervention, acute treatment or medication dispensed. Patients are monitored and data is collected to be analyzed by their doctor who will recommend treatment. He wouldn't describe it as a clinic since there is no doctor present. High risk patients are screened out so the patients at the sleep center are low to medium risk. High risk patients would have the test conducted at a hospital.

Chairman Lichtenberger opened the hearing for public input.

Mary Senia of 41 Maywood Avenue asked Dr. Baker if he believes that every diagnostic procedure carries a risk and he agreed. He does not consider the sleep study a procedure but feels it is a diagnostic evaluation with no risk. In her experience with a sleep study, the technician gave her feedback on the test results prior to leaving the facility.

Christina Ercolino of 41 Maywood Avenue believes the addition of valet will increase the number of trips in and out of the property. Dr. Baker answered that the valet will be directing patients to empty parking spots in the lot. The valet will shuttle staff on and off the property. Ms. Ercolino asked what will happen when there are no empty spots in the parking lot. Dr. Baker does not believe that this situation will occur since they are now leasing 15 parking spaces at National Wholesale Liquidators. Ms. Ercolino suspects that parking will still be problematic despite the changes being made. She has observed on a daily basis approximately 15 cars parked illegally at 29 Essex Street (Murray Construction) and many more parked on the west side of Demarest Place to the fire hydrant. She has observed these cars with the Riverside Medical Group plaque hanging from their mirrors leading her to believe that the cars belong to employees.

Mary Senia noted that she has observed employees leaving as late as 9pm. She added that cars are double parked in the fire lane in front of the dumpster which causes the garbage truck to idle while cars are moved out of the way. Lastly, she has watched patients dangerously crossing Maywood Avenue and is deeply concerned. Chairman Lichtenberger has spoken to Maywood Police Chief David Pegg about the situation.

Christina Ercolino noted that the parking has been a problem at Riverside Medical Group from the first day that it opened. She and her husband spoke to an employee (Sam Abdeljabar, Head of Maintenance for Riverside Medical Group) who divulged that Riverside knew that parking would be a problem prior to moving into the location so they contacted Murray Construction to see if they could lease parking but their offer was not accepted. She disagrees with Mr. Lydon that the application is minor.

Mayor Febre asked Dr. Baker if they have private or public trash collection and Dr. Baker answered that they have private trash collection. Mayor Febre requested that Dr. Baker make arrangements with their garbage collector to pick up when the offices are not as busy and Dr. Baker agreed.

Board Engineer Gleassey noted that the leased 15 parking spaces and existing 44 parking spaces brings the total available parking spots to 59. An additional van accessible parking space has been added which brings it into compliance.

Chairman Lichtenberger feels that it is appropriate for Board Planner Michael Kauker to review the application and testimony. This would require the hearing to be adjourned. Mr. Fede would like the opportunity to submit the applicant's position on some of the issues raised during the hearing so far. Mayor Febre asked Dr. Baker to contact his garbage collector and to ensure that there is no parking in the fire lane.

Fire Official Thomas Tuttle was sworn in. He has observed cars blocked in the fire zone. He noted that the zone is marked 3' from the curb and suggested the mark out extend to the dumpster so that it is clear that cars should not be parked there. He noticed that the maintenance truck has been parked in that area previously. Chairman Lichtenberger described how the Fire Department would access the property and the need for the fire lanes to be clear.

Mr. Fede asked if the Board would bifurcate the application separating the signage from the use. No one on the Board objected to bifurcating the application as requested. Conflict Counsel Giblin reminded the Board that Ms. Ercolino requested the technical lumens information for the roof mounted wall sign. Before the freestanding and two ground signs are changed from fluorescent to LED, the applicant is required to submit a permit application to the Building Department. Chairman Lichtenberger asked what the applicant had decided about the two window signs that list the practice specialties. Mr. Guzman answered that he would simplify the sign by having Dr. Baker decrease the number of specialties on the lists thereby allowing the font size to increase. Chairman Lichtenberger does not believe that the specialties need to be listed at all and asked that those two signs be eliminated entirely. Dr. Baker agreed to that change bringing the number of proposed window signs from 6 to 2 (Adult Medicine and Pediatrics). The wall sign and freestanding sign will shut off at 8pm but the two wayfinder ground signs by the driveways would remain illuminated until 9pm. The sign colors will have three colors by eliminating the blue color and keeping deep blue, grey blue and white.

The signage was approved individually.

Vice Chairman Kuhn made a motion to approve the sign depicted on Exhibit A1 (96.66 square

foot wall sign facing Essex Street) with the conditions outlined above. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Vice Chairman Kuhn made a motion to approve the sign depicted on Exhibit A2 freestanding sign with the conditions outlined above. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Vice Chairman Kuhn made a motion to approve the signs depicted on Exhibit A2 Essex Street ground sign and Exhibit A3 Maywood Avenue ground sign with the conditions outlined above. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Vice Chairman Kuhn made a motion to approve the signs depicted on Exhibit A2 Essex Street window sign with the specialties omitted and entrance door graphic with the conditions outlined above. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Vice Chairman Kuhn made a motion to approve the sign depicted on Exhibit A3 two window signs (Adult Medicine and Pediatrics) with the conditions outlined above. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

The hearing is adjourned and Conflict Counsel Giblin will provide the applicant with the required reliefs to notice. The next meeting is Thursday, 7/27/17 at 7:30pm. The applicant and witnesses were agreeable to that date. While the application was deemed complete recently, the applicant agreed to waive default approval based on the passage of time until the next hearing on 7/27/17.

Board Attorney Kara Kaczynski rejoined the Board.

Hearing #2

Paul Padro (Uncle Paulie's Peruvian Chicken)
81 West Pleasant Avenue
Block 71, Lot 17
Calendar #2017-10
Variance Application

Kate Walsh of Wells, Jaworski & Liebman is the attorney for Paul Padro (Uncle Paulie's Peruvian Chicken). She confirmed that adequate notice of the hearing was given. She then summarized the application as seeking bulk variance relief.

Board Attorney Kara Kaczynski noted that the Board would need to approve the following completeness waivers listed in Board Engineer Gleassey's 6/22/17 completeness review:

B(7) Requires one of several documents with respect to the existence of wetlands on the property.

B(8/9) Requires (written) proof of submission to, any governmental agency that may have jurisdiction.

B(10) Requires a survey (signed & sealed by a NJ licensed surveyor) of the subject property, dated within 5 years of the application.

B(11) Requires proof of the establishment of an escrow account for the application review.

B(13) Requires a written request for any waivers to the completeness checklist.

C(3) Requires that site plans be prepared in accordance with N.J.A.C. 13:40-7.2 and 7.3.

C(14) Requires signature blocks for Chairman and Secretary, which are not provided.

C(15) Requires a listing of property owners with 200 feet, which is not provided.

C(18) Requires information on the extent of the floodplain on the property.

C(31) Requires plans profiles of existing and proposed utilities.

C(33) Requires a Soil Erosion and Sediment Control Plan.

C(43) Requires existing and proposed stormwater calculations which have not been provided.

Vice Chairman Kuhn made a motion to grant the completeness waivers. Chairman Lichtenberger seconded the motion. All eligible members present voted in favor of the motion. The application was deemed complete.

Chairman Lichtenberger confirmed that the plans submitted with the application on 6/8/17 have a revision date of 5/25/17. Ms. Walsh recognized that Mr. Padro has been before the Board informally multiple times with versions of plans for the subject property. In the interest of time, she will focus on recent changes to the plans. Her first witness is the applicant's architect, Arnold Scelzo of Edward T. Chudzinski Architects was sworn in, qualified and accepted. He prepared the plans submitted with the application and no changes have been made since the submission. Mr. Scelzo met with Mr. Padro starting in 2014. Mr. Padro would like to relocate his existing restaurant at 109 West Pleasant Avenue to this new location at 81 West Pleasant Avenue which is currently vacant. The subject property is located in the Restricted Commercial (RC) zone on the corner of West Pleasant Avenue and Palmer Avenue. Two buildings are on the property; the 2 ½ story framed building and a 2-car garage. The building exterior is outdated and the interior has been demoed to the framework. There are 2 parking spaces in the garage. The applicant is proposing:

- The basement would be utilized for food preparation and baking

- Will need to lower basement floor in order to meet the ceiling height requirement of 8'
- The first floor would be the restaurant and cooking
 - Seating for 40 patrons
 - The current restaurant at 109 West Pleasant Avenue has seating for 48 patrons
 - ADA compliant bathrooms for men and women
 - Adding a second means of egress at the rear of the building
 - Staircase to the second floor and a staircase to the basement per egress code
- The second floor would be overflow restaurant seating
 - Seating for 30 patrons
 - One bathroom would be added
 - Staircase to the first and third floors per egress code
 - Cannot be used as a banquet room
 - Chairman Lichtenberger explained that utilizing the second floor for seating will exacerbate an existing parking problem
 - Ms. Walsh explained that large groups require rearranging tables at the existing restaurant so overflow seating could alleviate this problem
- The third floor would be office and storage space
 - Proposing adding a dormer to create a full third story (2 ½ stories existing nonconformity where 2 stories are permitted)
 - Height will remain 37' which is nonconforming (30' permitted)
 - Proposing a half bath (sink and toilet) for the office space
 - Cannot be used as a residence
- Entire building will have fire sprinklers
- Building exterior materials will be uniform and updated without losing the original character of the building

Secretary Panny asked how the first-floor entrance would be made ADA compliant as the front entrance has stairs. Mr. Scelzo answered any handicapped accessible ramp would cross the property line since the building is situated so close to the property line. The Mayor and Council would need to approve an easement onto the Borough right-of-way for a ramp. A wheelchair lift is another option but it may infringe on the Borough right-of-way. Ms. Walsh emphasized that the applicant is committed to ensuring that the building is ADA compliant. Board Attorney Kaczynski offered that easement approval by the Mayor and Council or working with the Construction Official and Board Engineer on an alternate option could be a condition of approval. Mr. Padro then provided Mr. Scelzo a photograph of a wheelchair lift that sits inside the building, folds out and would not exceed the property line. Mr. Scelzo would need to do additional research into this option as he is unfamiliar with it. Mayor Febre felt that option would be preferred. Ms. Walsh said that the proposed signage has not yet been designed and the existing signage will be removed. Once the code compliant signage has been designed, the applicant will come before the Board as required. No exterior lighting is proposed but may be added to illuminated signage.

John McManus asked for clarification on who owns the subject property. Ms. Walsh answered that Mr. Padro owns the property jointly with Roman and Danula Bednarz. Councilman DeHeer

asked on plan page A-1, why the third floor on the West Elevation (Palmer Avenue) is listed as an apartment. Mr. Scelzo apologized saying that this was a typo and will be removed. Councilman DeHeer asked on plan page A-1, why the use group was B for business when restaurants are Assembly A2. Zoning Officer Mazzer believes that the B use group was for the previous use as a bakery. The proposed use is a combination of B and A2 (bakery and restaurant). The greater use dictates the classification so Councilman DeHeer believes that it should be classified as A2 and Zoning Officer/Construction Official Mazzer agreed. Zoning Officer Mazzer then asked if the applicant could add a second means of egress out of the basement. Mr. Scelzo offered to relocate the walk-in fridge and walk-in freezer to the western wall and extend the first-floor staircase to the basement. John McManus asked about fire blocking and Mr. Scelzo answered that they are using fire rated sheetrock and blocking between floors. Siamese connection should be made accessible. Chairman Lichtenberger, citing Board Engineer Gleassey's completeness review, inquired about screening, landscaping or buffer improvements proposed. Mr. Scelzo replied HVAC and exhaust systems will be screened. Chairman Lichtenberger then asked about upgrading utility services, location of proposed/relocated utility pads, proposed emergency generator, etc. Mr. Scelzo said that his revised plan will depict these items. He has not spoken to Mr. Padro about adding a generator. At the completion of construction, as a condition of CO, the applicant agreed to having a licensed surveyor perform an as-built survey. Mayor Febre asked where the garbage dumpster will be located and Mr. Scelzo replied that the screened dumpster enclosure is located between the rear of the building and the garage. Chairman Lichtenberger confirmed that the exterior of the garage will be updated and match the main building. John Montel inquired as to what the garage will be used for and Mr. Scelzo answered that the owner's cars will be parked there.

Councilman DeHeer asked about the total amount of seating. Anthony Klymenko added that the use group classification will dictate the parking requirement. The B use group requires more parking than the A2 use group. Zoning Officer Mazzer cited the Borough code for restaurants requiring one parking space for every two seats. A parking variance is required but the question is for how many parking spaces. Zoning Officer Mazzer stated that if there are 30 seats on the second floor, the applicant would need 15 parking spaces. There was discussion about limiting the number of seats on the second floor. Harry Hillenius reminded the Board that the Seafood Gourmet's application was approved by enforcing a charge for lack of parking (\$10,000 per spot).

Paul Padro was sworn in. Mayor Febre inquired when the business closes and Mr. Padro replied that the business closes at 10pm. Mayor Febre asked what time of day Mr. Padro observes parking becoming more available on West Pleasant Avenue. Mr. Padro detailed the closing times for nearby businesses and many close by 7pm. Mayor Febre questioned Mr. Padro about the garbage dumpster and Mr. Padro explained how the truck collecting garbage leaked in the past but has since been repaired. He promised that he and his staff would continue to keep his garbage area clean. Mr. Padro explained how the overflow seating would be used to allow a large group to sit without having to reorganize the table layout. Board Attorney Kaczynski summarized that if there are 30 seats on the second floor, 15 parking spaces are needed and there are 2 existing which translates to a parking variance for 13 spaces. Ms. Walsh offered returning to the Board after a period of time to review the impact on parking as a condition of approval. Board Attorney Kaczynski referred to the Borough ordinance for parking in the Restricted

Commercial (RC) zone but Zoning Officer Mazzer replied that the ordinance applies to the first floor only. He believes that restaurants require one parking space for every two seats. There was some discussion about when the applicant would need to return to the Board to review the parking impact. It was ultimately decided that the applicant would return to the Board six months after obtaining the CO to review the impact on parking. The criteria to measure the parking impact would include parking violations and patron, police department and neighbor feedback. There was then a discussion on the number of parking spaces required thereby determining the parking variance quantity. Mr. Padro added that should parking become a problem, he is prepared to use valet service.

Chairman Lichtenberger opened the hearing for public input. No one in attendance came forward.

Board Attorney Kaczynski summarized the conditions of approval required by the Board:

- No residential use on the third floor
- Provision of ADA accessible access via a lift, redesign or application to the Mayor and Council for construction within an easement area
- Existing signage to be removed and any proposed signage to come before the Board
- All conditions and comments listed in Board Engineer Gleassey's 6/22/17 completeness review to be incorporated into revise plans
- All references to apartment must be deleted from the site plan
- Correct use group on site plan to extent necessary; B, A2 or combination of both
- Apply appropriate building and sprinkler requirements for said use group(s)
- Provide a second means of egress from the basement by revising site plan page A-2 whereas walk-in fridge and walk-in freezer are relocated and installing a staircase to first floor
- HVAC will be screened
- Screened garbage enclosure will be located between the rear of the building and the garage
- Exterior finishes on garage will match the building
- Siamese connection will be accessible
- The Board, if it saw fit, would grant a variance for the number of parking spaces as required by the ordinance based upon either floor area ratio (FAR) or seating for 30 seats on the second floor, as presented
- The applicant is required to return to the Board six months after receiving the CO to discuss the impact on parking

Chairman Lichtenberger made a motion to approve the application with the conditions outlined above. Mayor Adrian Febre seconded the motion. All eligible members present voted in favor of the motion except Vice Chairman Kuhn, Secretary Panny and John McManus who voted no and Councilman DeHeer and Harry Hillenius who abstained.

Closed Session	None
Informal Hearing	None
Old Business	None

New Business None

Open Meeting to the Public None

Adjournment

A motion to adjourn the meeting was made by Mayor Febre. Chairman Lichtenberger seconded the motion. The meeting was adjourned at 11:34pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary