

**MAYWOOD PLANNING BOARD  
MINUTES  
August 4, 2022**

A regular meeting of the Maywood Planning Board was held on Thursday, August 4, 2022 in the Council Chambers of the Maywood Municipal Building, 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 December 16, 2021 and March 31, 2022. 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 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: Mayor Richard Bolan, Councilperson Ryan Ullman, Gary Neumann, Vice Chairperson Anthony Klymenko (arrived @ 7:35pm), John Montel, Harry Hillenius, Douglas Herrick, Derek Eisenberg and John Gargagliano. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak, Board Traffic Engineer Brian Intindola and Board Planner Michael Kauker were also present.

**Approval of Minutes**

John Gargagliano made a motion to accept the minutes from the June 2, 2022 meeting. John Montel 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 21, 2022 meeting. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

John Gargagliano made a motion to accept the minutes from the July 7, 2022 meeting. Gary Neumann 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. Derek Eisenberg seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

1. 6/2/22 letter from Eric V. Timsak of Bergen County Planning and Engineering Re: TRB Associates 145 West Passaic Street No Further Action
2. 7/7/22 letter from Board Engineer Gregory J. Polyniak Re: SHDK, LLC 24-30 West Pleasant Avenue Revised Completeness, Planning & Engineering Review
3. 7/12/22 letter from Matthew Evans of Evans Architects Re: SHDK, LLC 24-30 West Pleasant Avenue Waiver Request

4. 7/12/22 Adopted Borough Ordinance #9-22 Amending Section 209-38.3 Townhouse Use Overlay District (THO) and Adding Section 209-38.6 Townhouse Use Overlay-2 District, Section 209-38.7 Townhouse Use Overlay-3 District and Section 209-39 B. (9) Parking Requirements for All THO Districts
5. 7/18/22 letter from Board Engineer Gregory J. Polyniak Re: SHDK, LLC 24-30 West Pleasant Avenue Revised Completeness, Planning & Engineering Review
6. 7/19/22 Order Extending Interim Immunity to the Borough of Maywood and Scheduling Compliance Hearing
7. 7/19/22 letter from Dominic L. DiSalvo of Bergen County Utilities Authority Re: Sanitary Sewer Will Serve Request
8. 7/20/22 transmittal from Kristen Franco of Atlantic Traffic & Design Re: Duke Realty 149-151 Maywood Avenue NJDOT Submission
9. 7/21/22 letter from Board Engineer Gregory J. Polyniak Re: AFP Properties Group 846 Spring Valley Road Completeness, Planning & Engineering Review
10. 7/25/22 letter from Board Recording Secretary Tara Grunstra Re: SHDK, LLC 24-30 West Pleasant Avenue Application Hearing Date 9/22/22
11. 7/28/22 letter from Daniel L. Steinhagen of Beattie Padovano Re: AFP Properties Group 846 Spring Valley Road Waiver Request
12. 8/1/22 letter from Board Engineer Gregory J. Polyniak Re: Duke Realty 149-151 Maywood Avenue Revised Completeness, Planning & Engineering Review
13. 8/2/22 letter from Board Engineer Gregory J. Polyniak Re: TRB Associates 145 West Passaic Street Completeness, Planning & Engineering Review
14. 8/2/22 letter from Board Engineer Gregory J. Polyniak Re: AFP Properties Group 846 Spring Valley Road Revised Completeness, Planning & Engineering Review
15. 8/3/22 letter from Board Recording Secretary Tara Grunstra Re: AFP Properties Group 846 Spring Valley Road Application Hearing Date 9/1/22
16. 8/3/22 letter from Zoning Enforcement Officer Dina Lynch Re: Mr. or Mrs. Siniscalco 66 West Magnolia Avenue Denial Letter

**Resolution** None

**Completeness Hearing** None

Vice Chairperson Anthony Klymenko arrived at 7:35pm.

**Application Hearing** **Duke Realty**  
 149-151 Maywood Avenue  
 Block 124, Lot 30  
**Calendar #2021-11**  
**Variance & Site Plan Applications**

James Jaworski of Wells, Jaworski & Liebman represents the Applicant, Duke Realty Limited Partnership. He explained that the public hearing was closed on 6/2/22 and planned to have Board deliberations and voting on 7/7/22. However, he stated that there were two developments during that time which prompted the hearing to be briefly reopened; the Route 17 bottleneck plan's impact on the subject property and the purchase of the Applicant by Prologis. He added

that the Applicant has re-noticed tonight's hearing so to comply with the MLUL. He would like to have the Applicant's traffic engineer, Mr. Harter, testify that the Route 17 bottleneck plan will not impact the proposed development. Mr. Jaworski explained that the Applicant had rejected the Prologis offer around the time of the 6/2/22 meeting but they have since come to an agreement. He understands that both businesses are similarly structured but Prologis is a significantly larger company. He introduced Erik Egger of Prologis who was available to answer any questions. Mr. Jaworski explained that Mr. Egger is familiar with the Application and the conditions that Duke Realty had agreed to. He reminded the Board that the Applicant has agreed to record the Board's resolution conditions with Bergen County and any future property owner would be subject to the resolution conditions and restrictions. He then reintroduced Mike Davis of Duke Realty.

Mr. Jaworski recalled traffic engineer John Harter to testify regarding the Route 17 bottleneck plan. Mr. Harter remains under oath. Mr. Jaworski reminded the Board that an existing condition of approval is that the Applicant receives NJDOT approval for the major access permit. He explained that the site was designed to accommodate the widening of Route 17 and would remain compliant with the Borough code specifically with regard to setbacks. Mr. Harter agreed with Mr. Jaworski's previous statements. He reminded the Board that he had pre-application meetings with NJDOT. He displayed the Atlantic Traffic & Design Engineering Overall Construction Plan with Route 17 Bottleneck Project (1 sheet) last revised 7/15/22 which was marked as Exhibit A-17. He noted that the Bohler Engineering plan was depicted in black ink and the HNTB Route 17 Bottleneck plan was overlaid in red ink. He described the section of Route 17 nearest to the subject property and the proposed Route 17 English-style acceleration/deceleration access lane. He explained that the layout was intentionally designed so that the building was set back from Route 17 in the case it was ever widened. He noted that the Route 17 bottleneck plan is in the concept development stage and the anticipated right-of-way acquisition would not take place until 2030 with construction to start in 2031. Mr. Jaworski asked if the property owner would be compensated for the right-of-way that would be dedicated and the access roadway and Mr. Harter responded that they would not be compensated but would be compensated if the NJDOT needed the right-of-way acquisition. Mr. Harter has been speaking with HNTB which has requested several changes to the Applicant's plans but Mr. Harter declined to make the changes since he believes that the site access has been optimized and the widening project is so far in the future.

At a recent pre-application meeting with NJDOT, Mr. Harter was told that the Applicant's permit would not be delayed based on the Route 17 bottleneck conceptual drawing. He referenced the 4/4/22 NJDOT Comment Letter (8 pages) which Mr. Jaworski marked as Exhibit A-16. Mr. Harter identified a comment from the Geometrics Department at NJDOT which requested that the Applicant coordinate with the HNTB which he believes that they have done. He noted that there were various other comments but he believes that all comments will be addressed. Regarding the 8/1/22 Neglia Engineering Associates Review Letter (15 pages) which was marked as Exhibit-PB-12, Mr. Harter explained that the NJDOT requested that the exit drive be designated as a STOP controlled movement. He explained that Board Traffic Engineer Brian Intindola noted that the traffic would not be the typical weave pattern with free flow and suggested that the Applicant review the traffic analysis. Mr. Harter stated that they reviewed how a truck would stop to exit and accelerate which was the basis for the shortened weave length

in the analysis but the results were comparable. Mr. Jaworski asked if Mr. Harter believed that there was anything in Exhibit A-16 4/4/22 NJDOT Comment Letter that would cause NJDOT to not approve the application and Mr. Harter answered that he believed that the application would be approved.

Douglas Herrick clarified that the proposed Route 17 English-style acceleration/deceleration access lane would be 650' in length. John Montel inquired if the potential additional parking area near Route 17 wouldn't be possible with the possible widening. Mr. Jaworski referenced Exhibit A-17 Atlantic Traffic & Design Engineering Overall Construction Plan with Route 17 Bottleneck Project and noted that potential parking could be added below the 50' right-of-way line but does not believe that additional parking will be needed.

Board Engineer Greg Polyniak reference Exhibit A-16 4/4/22 NJDOT Comment Letter and asked if Mr. Harter if he believed that the NJDOT would not require the Applicant to coordinate with HNTB regarding the Route 17 bottleneck plan. Specifically, he explained that the Route 17 bottleneck plan shows a retaining wall where the Applicant has proposed the entry driveway. Mr. Harter believes that the Applicant has complied with regards to the building and structures and HNTB would need to redesign the retaining wall and the site access when the time comes. He added that his contact at NJDOT confirmed this earlier that day. Mr. Harter stated that the NJDOT application was submitted on 7/20/22 but the NJDOT is running behind schedule on their typical 90-day review schedule. Board Engineer Polyniak has additional comments that would require design changes but asked if comments from Exhibit A-16 4/4/22 NJDOT Comment Letter would require the Applicant to redesign the existing plans substantially forcing the Applicant to return to the Board. Mr. Harter does not believe that the potential changes would be substantial. Board Engineer Polyniak inquired if Mr. Harter anticipated any changes to the driveways or the percentage of traffic accessing Route 17 vs. Maywood Avenue and Mr. Harter replied that he did not expect those items to change.

Board Traffic Engineer Brian Intindola summarized the existing conditions of Route 17 nearest the subject property. He asked if the Applicant was proposing a road shoulder between the Route 17 English-style acceleration/deceleration access lane and the subject property and Mr. Harter answered that no road shoulder was proposed. Board Traffic Engineer Intindola inquired about the guideline and Mr. Harter replied that the guideline was requested by NJDOT. Regarding the Route 17 exit driveway Stop control, Board Traffic Engineer Intindola confirmed that a tractor trailer can achieve sufficient speed for the weave analysis to work. He asked if the angle or radius would change and Mr. Harter believes that the geometry would be accepted. Board Attorney Kaczynski inquired what would happen if the NJDOT did not accept the geometry. Board Traffic Engineer Intindola explained that a Stop control generally allows for drivers to view oncoming traffic before entering the roadway but believes that the Applicant's design of the English-style acceleration/deceleration access lane would permit this. Board Engineer Polyniak asked how the Route 17 Bottleneck plan would affect the English-style acceleration/deceleration access lane. Mr. Harter believes that the English-style acceleration/deceleration access lane would be reconstructed by the NJDOT and he anticipates that the access would not change significantly.

Vice Chairperson Anthony Klymenko invited the public to ask questions of Mr. Harter but no one came forward.

Mr. Jaworski recalled Duke Realty Vice President of Development Mike Davis who remains under oath. Mr. Jaworski summarized the steps that lead to Duke Realty being purchased by Prologis. He confirmed that the conditions of approval have been conveyed to and accepted by Prologis. He asked Mr. Davis if there were any changes to the application given the sale and Mr. Davis replied that there were no changes proposed.

Mr. Jaworski invited the Board to ask questions of Mr. Davis. Mayor Richard Bolan confirmed that the resolution conditions would apply to any future owner of the property. He also noted that a violation of the resolution conditions would violate the Certificate of Occupancy. He reminded Mr. Jaworski about his statements that Duke Realty would be a conscientious and attentive property owner which he feels cannot be translated into a resolution. Mr. Jaworski responded that the Applicant is required to build in accordance with the plans that the Board had approved including the aesthetics of the building such as color and materials. Douglas Herrick reminded Mr. Jaworski about his statement that Duke Realty would be an attentive property owner and now there will be a new property owner. Mr. Jaworski replied that Prologis is also vertically integrated and will be a good corporate citizen in Maywood. Derek Eisenberg confirmed that Duke Realty is publicly traded. John Gargagliano asked about the type of construction and Mr. Davis answered that the concrete panels would be prefabricated. Mr. Gargagliano confirmed that the tractor trailers carrying the concrete panels will be subject to the same time period limitations listed in the conditions of approval. He then questioned if the potential tenant may utilize refrigerated trucks which must run constantly to keep their contents cold. Mr. Davis responded that refrigerated trucks may be used. Mr. Gargagliano requested that these trucks be located as far as possible from the residential area. Mr. Davis replied that the refrigerated trucks would be stored with the rest of the trucks in the trailer parking lot which is close to Route 17. Mr. Gargagliano confirmed that shipping containers would be stacked no more than two containers high as a condition of approval. He then requested that the proposed solar panels have isolation banks to aid firefighters in case of a fire. Mr. Davis said that the building will be designed to be solar-ready and he would take that suggestion into consideration. Board Attorney Kaczynski clarified that solar panels are not proposed but the roof will be designed to be solar-ready. She noted that adding the solar panels may require amended site plan approval. Gary Neumann asked what the application construction schedule would be. Mr. Davis answered that permits outside this Board would take 9 months. Mr. Neumann explained that he is asking this question because there have been recent problems with property maintenance and asked that the snow-covered sidewalks be shoveled during the winter without requiring multiple phone calls. Mr. Davis agreed and added that a new landscaper has been hired. Derek Eisenberg inquired about the status of the requested wetlands boardwalk. Mr. Jaworski explained that this the Applicant would diligently try to obtain the permits but could not be required as a condition of approval since NJDEP approval was uncertain.

Vice Chairperson Anthony Klymenko invited the public to ask questions of Mr. Davis. Peter Rossi of 350 Maywood Avenue asked if the proposed use as a fulfillment warehouse would be different than the previous use as a Sears distribution center. Mr. Davis believes the proposed use is similar to the Sear distribution center. Mr. Rossi questioned who would own the delivery

vans accessing the site. Mr. Davis responded that each tenant would operate their fleet differently with some owning their fleet, some contracting with businesses and/or individuals and some a combination of both options. Mr. Rossi believes that individual contractors will utilize Maywood Avenue instead of Route 17. He suggested adding a fence to the Maywood Avenue access driveway. Mr. Davis stated that Duke Realty/Prologis will control which vehicles exiting onto Maywood Avenue but not incoming vehicles. He believes that changing the address to a Route 17 address will discourage entry from Maywood Avenue. Mayor Bolan confirmed with Board Attorney Kaczynski that should Duke Realty receive approval, the Borough would have enforcement action against them as the property owner if a private contractor violated the resolution vehicle and time period access restriction conditions. She added that the Applicant has included Title 39 enforcement as a condition of approval. John Montel reminded the Board that delivery vans have no time period access restrictions, only vehicles with more than 4 wheels have those restrictions. Mr. Jaworski stated that he has spoken with Borough Tax Assessor Angela Mattiace about changing the address.

Mr. Jaworski called his next witness, Prologis Logistics Vice President of Development Erik Egger, who was sworn in. Mr. Egger described his responsibilities at Prologis which were similar to the responsibilities that Mr. Davis has at Duke Realty. He anticipates that he will be responsible for the subject property. He stated that he is familiar with the application and the conditions of approval that have been agreed to. Mr. Jaworski confirmed with Mr. Egger that Prologis was planning to be active in the community in the same way that Duke Realty had intended. Mr. Egger encouraged members of the Board and public to visit the Prologis website for examples of community involvement. He explained that Prologis is structured similarly to Duke Realty but provided figures that demonstrated that Prologis is significantly larger than Duke Realty.

Mr. Jaworski invited the Board to ask questions of Mr. Egger. Mayor Bolan asked how Prologis planned to enforce the resolution conditions and requested that the tenant leases reference the consequences of contractors violating the resolution conditions. Mr. Egger agreed to the request. Board Attorney Kaczynski asked for the address of the Prologis buildings in the area and Mr. Egger stated that there is a building off Route 80 in Elmwood Park which is currently under construction. John Montel asked how the exterior maintenance is managed. Mr. Egger answered that they contract out landscaping and snow removal, not the tenant. Board Engineer Polyniak noted that there a number of trees and shrubs proposed and questioned who would be responsible for their maintenance. Mr. Egger answered that they would be responsible for hiring a landscaper and an irrigation company as well.

Vice Chairperson Anthony Klymenko invited the public to ask questions of Mr. Egger. Maywood Fire Official Thomas Tuttle explained that the Maywood Avenue water main was planned to be interconnected with the Route 17 water main and asked for a status update. Mr. Jaworski answered that this is still the plan. Miguel Morel of 106 Maywood Avenue began to comment on the application but Board Attorney Kaczynski advised him that they were only open for questions at this time and public comment would be later in the hearing. He clarified with Mr. Egger that Prologis is five times larger than Duke Realty. He confirmed that the projected traffic counts would not change with the new ownership.

Mr. Jaworski advised that he had nothing further to present. He requested that public comment be limited to tonight's testimony as the public commented at the previous hearing date.

Vice Chairperson Anthony Klymenko invited the public to comment on the application. Miguel Morel of 106 Maywood Avenue has concerns about noise, believes that the Applicant provided incomplete and inaccurate information and thinks that Board members did not ask enough questions.

A short recess was taken at 8:54pm. The meeting resumed at 9:08pm with all members present.

Vice Chairperson Klymenko requested comments from the Board professionals. Board Engineer Gregory Polyniak believes that the conditions agreed to by the Applicant are satisfactory but emphasized that should something substantial change due to County or NJDOT review, the Applicant would be required to return to the Board for amended approval. Board Traffic Engineer Brian Intindola echoed Board Engineer Polyniak's comments. He advised that a condition could be included that should the Applicant wish to install solar panels, they should appear before the Board so that the partitioning to aid firefighters could be included. Board Planner Michael Kauker believes that this application substantially impacts the community. He reminded the Board that the Master Plan has contemplated and accommodated this use in this location. He noted that an overlay zone was recently crafted to stimulate development. He considers the application as substantially conforming but for the two variances which he deems as minor. While the impact to the residential neighborhood must be contemplated, he believes that restored wetlands and landscape buffer will be sufficient. He thinks that this application is a good fit for the property.

Vice Chairperson Klymenko asked that the conditions be listed. Board Attorney Kaczynski agreed with Board Planner Kauker's assessment. She then listed the conditions of approval that had been agreed upon referring in part to Mr. Jaworski's memo:

1. Landscaping. Applicant has met with the Maywood Borough Arborist and has made revisions to the landscaping plan in accordance with that meeting. Applicant is amenable to making such additional revisions as may be required to ensure the site and building present a mutually satisfactory visual landscaped aesthetic.
2. Lighting. Applicant will accept a condition of approval that the lighting plan approved by the Board will be subject to a one-year re-examination by Borough Engineer (Neglia) and if any modifications are needed to abate glare or off-site spillage, same will be addressed.
3. Dock Equipment. Applicant will install dock seals and or dock shelters on all actively used loading dock doors to help mitigate noise.
4. Sidewalk. Applicant will install proper ADA compliant sidewalk along the access roadway from Maywood Avenue to provide for pedestrian access to the building.
5. Traffic Mitigation.
  - a. Applicant will secure the necessary DOT approvals to construct an acceleration/deceleration lane along the entire Route 17 frontage and create an "English" access configuration to dramatically enhance the safety of trucks entering and exiting the site from Route 17N.
    - i. Any changes other than field changes should come back to the Board for review.

- b. Applicant will modify the geometry of the Maywood Avenue access point to allow right-turn egress movements of 53-foot tractor trailers without encroachment onto adjacent property or the northbound side of Maywood Avenue. No off-site takings will be required.
  - c. Applicant will limit the type of vehicles that can access the site on Maywood Avenue via right in, left in, and left out movements to only such vehicles as having four (4) wheels and tires. Tractor trailers, all other types of box trucks and multi-wheeled (over 4) vehicles will only be permitted to turn right out at the Maywood Avenue site access.
  - d. Applicant will limit the time that tractor trailers and all other types of box trucks and multi-wheeled (over 4) vehicles can egress via right turn movement only (Hours: 7:00 a.m. to 9:00 p.m.) onto Maywood Avenue.
  - e. Applicant will not permit any tractor trailers or other types of box trucks or multi-wheeled (over 4) vehicles from egressing the site onto Maywood Avenue via left turn movement at any time.
6. Applicant will satisfy the Borough Fire Department as to adequacy of circulation for emergency vehicles and number and location of hydrants.
  - a. Fire Official Tuttle requested signage and striping for the fire lane and his comments from the 6/2/22 meeting.
7. Applicant will post such signage as may be necessary to preclude utilization of the site as a 'cut through' to or from Route 17.
8. Applicant will provide the Borough of Maywood with Title 39 enforcement powers to ensure compliance with any and all conditions and limitations on traffic movement.
9. Applicant stipulates and accepts that containers shall not be stacked more than two containers high.
10. Applicant will make best efforts to secure permitting to allow for the installation of a 'nature' walk through the mitigation wetland on site. Applicant's permitting efforts shall be monitored by Neglia Engineering. It shall not be a condition of approval, or building permit or Certificate of Occupancy that such permitting be secured or that such walk be constructed. But Applicant will accept the obligation to construct such 'nature' walk, if and only if, such permits can be secured from NJDEP and a reasonable insurance policy can be obtained. "Best Efforts" does not contemplate litigation of any permit denial or unacceptable limitations or conditions imposed by NJDEP.
11. Revisit truck usage to confirm that it is compliant with Board conditions at 6 months and 1 year.
  - a. Violations would be issued in connection with the Title 39 jurisdiction.
12. Applicant is bound by the testimony provided.
13. A copy of the resolution will be recorded which will inform any potential purchasers.
14. Each tenant would need to obtain a Certificate of Occupancy which would comply with the conditions of approval.
15. While the Route 17 site access may be affected by the potential NJDOT Route 17 widening, this is not grounds for the Applicant to seek amended site plan approval regarding relief from the Maywood Avenue access resolution conditions.
16. Applicant must return to the Board if they propose fencing or gates along the access points.



17. No hazardous materials can be stored on-site or in the shipping containers.
  - a. This stipulation must be included in the tenant lease.
18. Truck access restriction language must be included in the tenant lease.
19. No pallet stacking or debris on-site.
20. A copy of the tenant lease would need to be provided to the Board for attorney review and approval to ensure that all the resolutions conditions are included.
21. A contact person should be provided to the Borough for all times during and after construction.
22. Will serve letters will need to be provided for resolution compliance and before construction permits can be issued.
23. Site must be ADA compliant.
24. These conditions shall run with this approval and be binding on all present and future owners and tenants.
25. Thirteen electric vehicle charging spaces would be installed initially with additional make-ready spots provided by the State law.
26. Signage will comply with all ordinance requirements or be subject to amended site plan approval.
27. Tenants shall submit parking requirements to the Board Engineer and Zoning Officer for confirmation of sufficiency.
28. Approval is based on the testimony of the Applicant. If any representations prove to be incorrect, or not applicable to the new owner, the application would return to the Board for review.
29. Applicant is required to pay any non-residential development fees.
30. Applicant must keep the Board and the Borough apprised of the remediation status.
31. Applicant must comply with conditions of all Board professional review letters except as otherwise modified.
32. Applicant must receive approval from Rochelle Park Planning Board.
  - a. Mr. Jaworski advised that the application will be filed tomorrow.
33. Applicant must receive approvals from any other agency or department, as required.
34. Applicant must provide construction details and structural slab calculations for retaining walls higher than 4' for review and approval to the satisfaction of the Board Engineer.
35. Applicant must construct pedestrian sidewalk access from the satellite parking lot to the building.
36. All mechanicals shall be buffered to comply with State and local noise requirements.
37. No truck idling.
38. Landscaping adjacent to the side of the building facing Maywood Avenue would be a point of focus during review.
39. Applicant must petition the Tax Assessor to have the address changed to a Route 17 address.
40. Leases shall include the number of parking spaces allocated to each tenant as determined at the time of the Certificate of Occupancy or prior to completing the application for the Certificate of Occupancy.
41. Applicant must amend the site plan to designate the electric vehicle charging stations.
42. All requirements with regard to Maywood Avenue access applies during construction.
43. Any refrigerated trucks must park close to Route 17.

44. Applicant will isolate the solar panels and will return to the Board for amended site plan approval prior to installation.
45. Property will be maintained until and throughout construction.
46. Applicant must schedule a pre-construction meeting.

Mayor Bolan clarified with Board Attorney Kaczynski that the Board is not rendering a decision on the proposed use since the use is permitted. He then noted that the traffic associated with the permitted use cannot be considered by the Board. Board Attorney Kaczynski elaborated that the Board cannot contemplate the traffic impact for permitted uses. Mayor Bolan asked to include the condition that the height of the island at the Maywood Avenue access be raised to discourage tractor trailers from attempting to exit making a left turn. Board Attorney Kaczynski agreed to add this condition. Board Engineer Polyniak recommended adding a condition regarding not issuing a Temporary Certificate of Occupancy until the as-built survey has been reviewed and accepted by his office and the Borough Construction Official. Board Traffic Engineer Intindola confirmed that 4-wheeled vehicles can utilize the Maywood Avenue access at any time and vehicles with more than 4-wheels like a tractor trailer or box truck are only permitted to make a right turn exit during the hours 7am-9pm. Board Engineer Polyniak asked to include that construction documents be submitted electronically as well as hard copies as a condition of approval.

Vice Chairperson Klymenko asked if any Board members wanted to include any additional conditions or if they required any clarification.

John Montel is concerned about granting the parking variance which he considers significant. He is worried that a future property owner or future tenant would need additional parking. Board Engineer Polyniak suggested adding a condition that prohibits vehicle stacked parking, parking in the drive aisles and off-site parking. Board Attorney Kaczynski added that Title 39 jurisdiction would address illegal parking. Councilperson Ryan Ullman referenced Mr. Jaworski's statement about filing an appeal if the application was denied. He asked Board Attorney Kaczynski if the conditions of approval would be eliminated if the Board's decision was overruled. She answered that the conditions that were listed are conditions of approval imposed when the application is approved. She further explained that the Court could overturn the denial and approve the application with no conditions but she feels that the more likely scenario would be that the Court require the Board to rehear the application.

Harry Hillenius made a motion to approve the application with the conditions that were listed by Board Attorney Kaczynski and Mayor Bolan seconded the motion. Derek Eisenberg also has concerns about the parking variance as the Applicant is only providing 40% of the parking required (309 parking spaces proposed vs. 760 parking spaced required). Mayor Bolan feels that since the use is permitted, the Board must focus on the site conditions and the requested variances. He believes that the retaining wall height variance is a function of the site topography and the Applicant testified that they do not need the amount of parking that the ordinance requires. He understands that the use is permitted and the Board is limited to the application that is presented even if they would prefer a different use. Board Attorney Kaczynski referenced exhibit PB-9 3/22/22 planning review by Board Planner Michael Kauker and read certain sections regarding the parking variance into the record:

The proposed fulfillment center warehouse has been recognized in the ITE publications as a unique form of warehouse use in planning and engineering literature.

The Applicant proposes a High Cube Fulfillment Center Warehouse which is among the lowest traffic and parking demand generators of the six use types evaluated in the report. The ordinance standard of one space per 500 square feet of floor area is applicable to general industrial uses permitted within the LL Limited Light Industrial zone.

Vice Chairperson Anthony Klymenko commented that granting the parking variance would have the added benefit of limiting the number of employees thereby reducing potential traffic to and from the site. He added that the retaining wall variance is needed because of the topography condition. Regarding the shade tree waiver, he deferred to the Borough arborist. Harry Hillenius said that the use is permitted and other uses could be more intense. John Gargagliano is very familiar with the location with several family members having worked at the Sear distribution center. He hopes that Duke Realty/Prologis is a good corporate citizen the ways that Sears was. Douglas Herrick agrees with other members of the Board that the use is permitted and appreciates the residents' concerns but believes that the proposed use would be less intense than other potential uses. Gary Neumann feels the proposed use fits the location and is permitted. He feels that the Applicant made several changes to the application that reduced the impact. John Montel is not opposed to the use but has concerns about the parking variance. He believes that the proposed building could be downsized to accommodate the required parking. Mayor Bolan added that the site is the location of significant environmental remediation but has not been remediated to a residential standard so housing or a park could not be located there. Councilperson Ryan Ullman also has concerns about the parking variance and cited several examples of properties that have insufficient parking. Board Attorney Kaczynski summarized that the motion is for preliminary and final site plan approval and the 3 variances with the conditions that were listed. All eligible members voted in favor of the motion except for Councilperson Ryan Ullman and John Montel who voted no.

**Informal Hearing**                      None

**Closed Session**                      None

**Old Business**

- Review of Application Requirements Checklist (Schedule C)
  - Adjourned to the 9/1/22 meeting

**New Business**                      None

**Open Meeting to the Public**

Pat DiLorenzo of 113 Beech Street asked if this was the correct meeting to discuss speed bumps. Mayor Bolan advised her to bring the issue to the next Mayor and Council meeting on August 23, 2022.

**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Derek Eisenberg seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 10:01pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary