

# MAYWOOD PLANNING BOARD

## MINUTES

June 4, 2015

A regular meeting of the Maywood Planning Board was held on Thursday, June 4, 2015 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30 P.M. “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 11, 2014. 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, Mayor Adrian Febre, Councilman Rick DeHeer, John Montel, Harry Hillenius, John McManus and Anthony Klymenko. Also present were Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz.

**Approval of Minutes:** Harry Hillenius made a motion to accept the minutes from the May 28, 2015 meeting. Vice Chairman Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

**Bills:** None

### **Correspondence:**

- 5/21/15 email from NJLM – Re: Local Authority Limited as Office of Management and Budget Approves FCC Rules Regarding Cell Towers
  - Board Attorney Kara Kaczynski suggested that the Board review procedures to confirm that they are compliant with the new FCC rules
  - Chairman Frank Lichtenberger stated that the material can be referenced for the next time a cell tower application comes before the Board
- 5/26/15 Borough of Maywood Ordinance #3-15 – An Ordinance Amending the Borough of Maywood Municipal Code so as to revise Chapter 169 of the Maywood Code Governing the Fee Schedule for Police Fees and land Use Fees for the Borough of Maywood
  - Informal Review Fee \$300.00
- 5/29/15 letter from the Bergen County Historic Preservation Advisory Board – Re: Accepting applications for the 2015 Bergen County Historic Preservation Trust Fund Grant Program of the Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund

**Resolutions:** None

**Hearing:** None

**Informal Hearing:** None

**Old Business:**

- 4/21/15 memo from Kara Kaczynski to Maywood Planning Board – Re: Potential Amendments to Chapter 209 of the Borough of Maywood Land Use Ordinance
  - Board Engineer Tom Lemanowicz did not attend the 5/7/15 meeting in which the ordinance definitions for building height and story were determined
    - Board Attorney Kaczynski will forward the final verbiage to him
      - It was determined that the Board would recommend the following definition for building height to the Council:
        - The vertical distance of a building measured from the top of the highest point of a structure to the average finished grade taken six feet from the building foundation, at the midpoint of each building wall and at a point measured diagonally at forty-five degrees from each corner.
        - Where new grades are proposed, the grade measurement cannot exceed a height established at more than one foot six inches above the existing grade.
        - Maximum height of flat roofs shall be 28 feet.
        - Maximum height of the ridge beam for a sloped roof shall be 35 feet.
      - It was determined that the Board would recommend the following definition for story to the Council:
        - Any story having its finished floor surface entirely above pre-disturbed natural grade, except that a basement shall be considered as a story where the finished surface of the floor above the basement is more than six feet above the grade plane, more than six feet above the pre-disturbed natural grade level for more than 50% of the total building perimeter, or more than 12 feet above the finished ground level at any point.
        - Story, half: A space under a sloping roof with a stairway access that is intended for occupancy or storage, which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with the headroom of five feet or less occupies at least 40% of the total floor areas of the story directly beneath.
  - Sign ordinance tabled from the 5/7/15 Board meeting
    - No changes for the Sign Application (without variance)
    - Board Attorney Kaczynski recommends providing definitions of awning, awning sign and window sign
      - Chairman Lichtenberger suggested that the front skirt of the awning have the business name and phone number

- Vice Chairman Paul Kuhn asked if the logo on the front of the awning (not the skirt) counts toward the 10% of the building face limit
  - He has experience where the awning itself is considered signage
- Vice Chairman Kuhn pointed out that there will be signage applications with the Route 17 North redevelopment
  - Board Attorney Kaczynski offered that the Board can have separate signage regulations for Route 17 North vs. West Pleasant Avenue based on visibility and type of roadway
  - Board Engineer Lemanowicz explained that there is different sign size and lettering size based on the speed limit of the roadway
  - To avoid variances for highway signs, he suggested adding another section to the ordinance that is specific to that zone
    - The ordinance currently regulates the following zones:
      - Residential
      - Commercial and light industrial
    - Need an ordinance for:
      - Office zone
      - Highway commercial
  - Getting back to the awning discussion, Board Attorney Kaczynski explained that the current ordinance defines sign area as:
    - The area contained within the outside of a framed or enclosed sign or the area within a parallelogram drawn so as to include all figures within background of a flush-mounted sign
      - While this currently applies to flush-mounted signs, it could be applied to awnings and logos would be considered a figure
    - Zoning Officer James Mazzer identified a discrepancy in the Borough Code that stated that the bottom of the awning should be eight feet above the sidewalk in the land use ordinance and it states ten feet in another ordinance
      - He feels that eight feet is appropriate
  - Vice Chairman Kuhn suggested limiting signage to the front section of the awning and Chairman Lichtenberger agreed
    - Any figures including logo will be counted toward the 10% allowance
    - Board Engineer Lemanowicz reminded that the logo area would be calculated using a parallelogram
  - Chairman Lichtenberger noted the definition of principal sign as:
    - Any sign which is used to identify the place of business and primary service or type of merchandise sold on the premises. The address, phone number and name of proprietor may be displayed

- He does not wish for all that information to be included in the awning
  - Board Attorney Kaczynski suggested that they specify the information allowed on an awning
    - Business name
    - Business phone number
    - Business logo
  - Board Engineer Lemanowicz cited “The Latest Illustrated Book of Developmental Definitions” by Harvey S. Moskowitz and Carl G. Lindbloom:
    - An awning sign is a ‘sign that is mounted, painted or attached to an awning’
      - The awning itself is not a sign which is in agreement with the Borough ordinance
- Section 209-40D of the ordinance addresses animated, flashing and illusionary signs and there is a question as to how LED lights relate to the ordinance
  - Councilman Rick DeHeer clarified the LED is a type of illumination and shouldn’t require further regulation
  - Chairman Lichtenberger mentioned that the illuminated “open” signs are considered vital for business owners
  - Board Attorney Kaczynski clarified the two definitions of lighted signs in the ordinance:
    - Externally Lighted Sign: Any sign whose sole source of artificial illumination is outside the display portion of the sign
    - Internally Lighted Sign: Any sign whose sole source of artificial illumination is contained within the display portion of the sign
  - Board Engineer Lemanowicz cited “The Latest Illustrated Book of Developmental Definitions” by Harvey S. Moskowitz and Carl G. Lindbloom:
    - An animated or moving sign: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation
  - He suggested specifying that all signs should have a static display
  - Chairman Lichtenberger identified the Memorial School Electronic Bulletin Board as animated
    - The sign ordinance is restricted to business so Memorial School is not in violation
  - Board Engineer Lemanowicz cited “The Latest Illustrated Book of Developmental Definitions” by Harvey S. Moskowitz and Carl G. Lindbloom:

- An flashing sign: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever
- Vice Chairman Kuhn asked for clarification on the neon limits
  - There doesn't seem to be an issue with neon per se, the problem is with animation and flashing
- Zoning Officer James Mazzer brought up the point that human billboards are not addressed in the ordinance
- Section 209-40L indicates that “No sign shall have more than three (3) colors, inclusive of the sign’s background, frame and decorative parts. For the purpose of this subsection, black and white shall be considered colors
  - Board Attorney Kaczynski indicated that the Board needs to be more consistent with color enforcement
  - Vice Chairman Kuhn recommended keeping the ordinance as it is written. Chairman Lichtenberger concurred
- Section 209-40P (2)(a)(1) Board Attorney Kaczynski recommended that the “10% of the building face” wall sign limit be revised to “10% of the building face of the tenancy”
  - Chairman Lichtenberger thought that this was a good clarification
  - Vice Chairman Kuhn suggested that there should be a provision for multi-tenant office buildings
    - All office buildings are now located in the Light Industrial Zone
- Section 209-40P (2)(b) Board Attorney Kaczynski recommended that the ordinance specify that the ground sign cannot exceed 18 square feet “in the aggregate”
  - The applicant would need to come before the Board for a variance if they wanted to exceed the 18 square feet
  - Board Engineer Lemanowicz suggested creating a concept in the ordinance for multi-tenant office building by providing sign size parameters for a directory
  - Chairman Lichtenberger felt that a variance allows the Board discretion in each application
  - Board Attorney Kaczynski suggested phrasing the language to limit multi-tenant buildings to one sign vs. multiple signs
    - Chairman Lichtenberger agreed
- Section 209-5 definitions for real estate sign, ground sign, wall sign, window sign, awning and awning sign
  - Vice Chairman Kuhn asked about the definition of political signs
  - Real Estate Sign is defined in Section 209-40H
    - This definition can be added to the definition section
    - John Montel asked about the realty “Open House” signs
      - These types of signs can be added to the Real Estate Signs section

- Maywood realtors are diligent about removing these signs in a timely manner
    - In the beginning of the Land Use Code, there is a definition of signs. Board Attorney Kaczynski recommended removing this definition and referencing the Section 209-40: Sign
      - Chairman Lichtenberger agreed
    - Vice Chairman Kuhn asked about which hours signs can be illuminated and the answer is in Section 209-40(Q)(2):
      - No outside sign shall be lighted or remain lighted between the hours of 12 :00 midnight and 7am unless the establishment using said sign is open for business to the public during said hours
    - Board Engineer Lemanowicz suggested adding a phrase to Section 209-40(F).
      - The ordinance currently reads:
        - No sign with red, green, yellow or blue illumination in a beam, beacon or flashing form resembling and emergency light shall be erected in any location where it may be confused with a railroad, traffic control or emergency signal
      - He suggests the Board revise is to read:
        - No sign with red, green, yellow or blue illumination in a beam, beacon or flashing form resembling and emergency or traffic control light shall be erected in any location where it may be confused with a railroad, traffic control or emergency signal
  - Board Attorney Kaczynski and Board Engineer Lemanowicz have been collaborating on a completeness review checklist
    - Once an application has been delivered, the Board has 45 days to determine if an application is complete
    - If a decision is not made within 45 days, the application is automatically scheduled for the next hearing
    - Board Engineer Lemanowicz further explained that completeness doesn't reflect if the materials submitted are correct only that they were submitted
    - Board Attorney Kaczynski described the waiver process that is up to the Board's discretion which allows flexibility
    - Board Engineer Lemanowicz recommends a consistent checklist
      - Schedule C Checklist of requirements for “applications for development”, within the ordinance and the application packet all reference completeness but are not consistent
    - Chairman Lichtenberger discussed the application process and Board Engineer Lemanowicz detailed the steps from a municipality that does completeness review particularly well
      - Step 1: Board Secretary checks that the application is completely filled out, fee & escrow are paid, taxes are paid, 200 foot list notified, etc.

- Step 2: All materials are submitted to the Board Engineer and he/she provides a completeness overview letter to the Board and the applicant's attorney
  - Any items that were not included are noted and the recommendation if it should be waived or not
  - The Board votes to accept the waivers
- The Board needs to establish a "gatekeeper" other than the Board Engineer to determine completeness as an Engineer will not be needed for every application
  - Board Secretary, Board Attorney and Chairman will act as "gatekeepers"
  - Board Engineer Lemanowicz will sometimes work directly with an applicant on the night of the hearing prior to the meeting starting
    - This can be very beneficial for dealing directly with a resident who sometimes finds the process overwhelming
- Additional steps in the process include tracking escrow funds
  - Chairman Lichtenberger feels that escrow management is being handled well
  - Board Engineer Lemanowicz explained that professional billings are sent monthly and are received after an application is voted on
    - He has a form that he will forward to the Board Secretary that should help with this billing delay
      - Outstanding bills
      - Bills that haven't been sent
      - Estimate what is expected to be billed
- Tan Tan Station variance application for the window sign has not been submitted. As such, Board Attorney Kaczynski sent a letter to the proprietor instructing her to submit the application within 14 days of receiving the letter or face a summons
  - A copy of the letter will be sent to the Board Secretary
- Chairman Lichtenberger contacted the Board Attorney of Record Brian Giblin
  - Mr. Giblin confirmed with the Maywood Rx Development/Walgreens attorney Holly Schepisi that the application will not be presented to the Board
  - He confirmed that Ms. Schepisi will send a letter to that effect but it has not been received to date

**New Business:** None

**Open to the Public:** None

**Adjournment:** A motion to adjourn was made by Harry Hillenius. Councilman DeHeer seconded the motion. The meeting was adjourned at 8:46pm.

Respectfully submitted,

Tara Grunstra  
Secretary