

MAYWOOD PLANNING BOARD

AGENDA

September 28, 2017

CALL MEETING TO ORDER

“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 same pursuant to said act.”

FLAG SALUTE

ROLL CALL

- Frank Lichtenberger, Chairman ()
- Paul Kuhn, Vice Chairman ()
- Charlotte Panny, Secretary ()
- Mayor Adrian Febre ()
- Councilman Rick DeHeer ()
- Gary Neumann ()
- John Montel ()
- Harry Hillenius ()
- Charles Goebel ()
- John McManus Alt. # 1 ()
- Anthony Klymenko Alt. # 2 ()
- Daniel Nemecek Alt. # 3 ()
- John Gargagliano Alt. #4 ()
- Tara Grunstra, Board Secretary ()
- James Mazzer, Zoning Officer ()
- Board Attorney Kara Kaczynski – McNally, Yaros, Kaczynski & Lime, LLC ()
- Board Engineer David Gleassey – Remington, Vernick & Arango Engineers ()
- Board Planner Michael Kauker – Kauker and Kauker, LLC ()

APPROVAL OF MINUTES September 7, 2017

Motion by: _____
Seconded by: _____

Roll Call Vote:

- Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
- Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
- Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
- John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

BILLS

Engineering Services & Costs
Kauker & Kauker, LLC \$ 520.00

Planning Board Legal
McNally, Yaros, Kaczynski & Lime LLC \$ 144.00
2017 Budget Balance \$12,644.00

Maywood Veterinary Clinic
125 East Passaic Street
Block 77, Lot 19
McNally, Yaros, Kaczynski & Lime LLC \$ 192.00
Our Town Newspaper \$ 18.00
Current Escrow Balance \$ 2,583.00

Riverside Medical Group
1 Maywood Avenue
Block 124, Lot 6.01
Kauker & Kauker, LLC \$ 2,632.50
Current Escrow Balance \$ 4,607.50

Angela Marchese (Bel Fiore Boutique)
15 West Pleasant Avenue
Block 61, Lot 34
Our Town Newspaper \$ 18.00
Current Escrow Balance \$ 24.00

Paul Padro (Uncle Paulie's)
81 West Pleasant Avenue
Block 71, Lot 17
McNally, Yaros, Kaczynski & Lime LLC \$ 492.00
Our Town Newspaper \$ 18.00
Current Escrow Balance \$ 1,346.00

Motion by: _____

Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

CORRESPONDENCE

- 9/17/17 letter from Borough Clerk Jean M. Pelligra Re: Maywood Joint Venture Settlement Agreement

RESOLUTION #1

**Maywood Joint Venture vs. the Borough of Maywood
and the Maywood Planning Board (BER-L-2792-17)**

29 Essex Street
Block 124, Lot 5

**Approving the Execution of the Settlement Agreement
Resolving the Litigation**

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

RESOLUTION #2

Maywood Joint Venture

29 Essex Street
Block 124, Lot 5

Calendar #2017-01

**Revised Resolution of Approval in Accordance with the
Settlement Agreement**

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

HEARING #1

Maywood Joint Venture

29 Essex Street
Block 124, Lot 5

Calendar #2017-12

Minor Site Plan Application

Site plan depicting the layout of warehouse storage and
armored vehicle operation and transportation

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

RESOLUTION #3

Maywood Joint Venture

29 Essex Street
Block 124, Lot 5

Calendar #2017-12

Minor Site Plan Application

Site plan depicting the layout of warehouse storage and armored vehicle operation and transportation

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

HEARING #2

Empire Real Estate Holdings, Inc.

191 West Central Avenue
Block 122, Lots 15 & 16.01

Calendar #2016-15

Use Variance, Bulk Variances and Site Plan Applications

Permit use of the subject property/existing building for office and warehouse and outdoor parking of ambulance and ambulance type vehicles

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

CLOSED SESSION

Closed Session Resolution # 2017-XX

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s):

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof
- Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood

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

To go into Closed Session:

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

To return to the regular order of business:

Motion by: _____
Seconded by: _____

Roll Call Vote:

Chairman Frank Lichtenberger () Vice Chairman Paul Kuhn ()
Secretary Charlotte Panny () Mayor Adrian Febre () Councilman Rick DeHeer ()
Gary Neumann () John Montel () Harry Hillenius () Charles Goebel ()
John McManus () Anthony Klymenko () Daniel Nemecek () John Gargagliano ()

INFORMAL HEARING None

OLD BUSINESS None

NEW BUSINESS None

OPEN MEETING TO PUBLIC

ADJOURNMENT

A motion to adjourn was made by _____, seconded by _____.