

**MAYWOOD PLANNING BOARD
MINUTES
September 28, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, September 28, 2023 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 November 10, 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 being recorded with both audio and video and may be rebroadcast. 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 7:32pm with the following members present: Councilperson Ryan Ullman, Vice Chairperson Anthony Klymenko, Secretary Gary Neumann, Harry Hillenius, Douglas Herrick, Derek Eisenberg, Thomas Anzevino and Rick DeHeer. Board Attorney Kara Kaczynski, Board Planner Michael Kauker and Borough Fair Share Housing Counsel Patrick McNamara were also present.

Approval of Minutes

Derek Eisenberg made a motion to accept the minutes from the June 22, 2023 meeting. Douglas Herrick 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. Thomas Anzevino seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

1. 8/9/23 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: Prologis-Duke Realty 149-151 Maywood Avenue Conditional Approval
2. 8/14/23 Adopted Borough Ordinance #12-23 Amending Chapter 209 Land Use Permitting Cosmetic/Medical Tattoo Businesses in the RC Restricted Commercial Business District
3. 8/14/23 Adopted Borough Ordinance #13-23 Amending Chapter 209 Land Use
4. 8/16/23 letter form Bradford A. Bohler of Bohler Engineering Re: Prologis-Duke Realty 149-151 Maywood Avenue Freshwater Wetlands General Permit
5. 8/21/23 cover letter from Borough Fair Share Housing Counsel Patrick McNamara Re: Request to Extend Interim Immunity to the Borough of Maywood BER-L-6216-15
6. 8/22/23 Court Order Extending Interim Immunity to the Borough of Maywood
7. 8/22/23 letter from Michael R. Thomas of T&M Associates Re: Stepan Company 100 West Hunter Avenue Engineering Response
8. 8/24/23 letter from Eric V. Timsak of Bergen County Department of Planning & Engineering Re: Maybrook Gardens Application Withdrawn

9. 8/29/23 letter from Board Engineer Gregory J. Polyniak Re: GFR Maywood, LLC 521 Maywood Avenue As-Built Review
10. 8/30/23 letter from Board Engineer Gregory J. Polyniak Re: Stepan Company 100 West Hunter Avenue Revised Resolution Compliance Review
11. 9/25/23 cover letter from Borough Clerk Barbara L. Dispoto with Introduced Borough Ordinances #15-23 and #17-23
 - a. Board Attorney Kara Kaczynski advised the Board that now is the time to review the introduced ordinances for consistency with the Borough Master Plan and provide any recommendations to the Mayor and Council
 - b. Borough Fair Share Housing Counsel Patrick McNamara explained that ordinance #17-23 is to add Chapter 211 Affordable Housing per the changes requested by the Special Master as part of the compliance requirement
 - i. He then listed the specific changes
 - c. Rick DeHeer believes that permitting tattooing in the Restricted Commercial (RC) zone would be better served as a conditional use
 - i. He suggested that there should be a condition that the tattoo businesses not be within a certain distance to a school or daycare
 - d. Board Attorney Kaczynski stated that tattooing was permitted in the Sexually Orientated Business (SOB) zone
 - e. Thomas Anzevino agreed with Mr. DeHeer and feels that the use should be conditional
 - f. Derek Eisenberg does not personally like tattoos but believes that it should not be grouped into the SOB district
 - g. Board Attorney Kaczynski read aloud the uses permitted in the RC district and noted that personal service shops are permitted
 - h. Councilperson Ryan Ullman noted that the Mayor and Council adopted Ordinance #12-23 which permits cosmetic/medical tattooing in the RC district on 8/14/23
 - i. Harry Hillenius pointed out that there is an existing tattoo business on Spring Valley Road which was granted a use variance
 - i. He feels that tattoos have become mainstream and don't carry the stigma that was associated with them many years ago
 - ii. Douglas Herrick and Derek Eisenberg agreed with his assessment
 - j. Board Attorney Kaczynski confirmed that introduced Ordinance #12-23 was listed on the 7/27/23 meeting agenda
 - i. She requested that Board Planner Kauker review the Ordinances for Master Plan consistency
 - ii. She offered to write to the Mayor and Council requesting clarification on the Ordinances
 - iii. She asked that introduced Ordinances be listed under New Business on the agenda going forward
12. 9/27/23 letter from Board Gregory J. Polyniak Re: Sherwood Village 11 West Passaic Street Final As-Built Review

Resolution

Kine Buds Maywood, LLC
 113 East Passaic Street
 Block 77, Lot 20
Calendar #2023-10
Site Plan Application

Douglas Herrick made a motion to memorialize the resolution and Derek Eisenberg seconded the motion. All eligible members present voted in favor of the motion.

Completeness Hearing None

Application Hearing None

Informal Hearing None

Closed Session None

Old Business

1. Housing Element & Fair Share Plan Update
 - a. Fair Share Housing Counsel McNamara stated that he has already discussed the Ordinance changes requested by the Special Master
 - b. Board Attorney Kaczynski swore in Board Planner Michael Kauker
 - i. He noted that Ordinance #17-23 reflects the changes required from the Court Master completeness report specifically removing two provisions; permitting payment in lieu of construction apart from fractional payments and the provision for off-site construction of affordable housing
 - ii. He added that the Court Master asked that two similarly worded sections be combined
 1. He summarized that those changes altered the Ordinance section numbering and several internal references needed to be updated for consistency as a result
 2. Board Planner Kauker then went section by section explaining the changes
 - c. Fair Share Housing Counsel McNamara noted that there has been no hearing date for the lawsuit against the State requesting that COAH be reconstituted
 - i. He added that the 4th Round starts July 1, 2025
 - d. Derek Eisenberg made a motion finding Borough Ordinance #17-23 consistent with the Master Plan and Douglas Herrick seconded the motion
 - i. All eligible members voted in favor of the motion
2. Amended Application, Checklist and Fee Schedule
 - a. Board Attorney Kaczynski had asked for feedback from the Mayor and Council about the fee schedule
 - i. She asked Board Recording Secretary Grunstra to follow-up
3. Harry Hillenius asked about the status of the Filip Kristani 44 Parkway application
 - a. Board Recording Secretary Grunstra believes that Board Engineer Polyniak is awaiting revised site plans per his completeness and engineering review letter
4. Board Attorney Kaczynski requested a summary of pending hearings
 - a. Board Recording Secretary Grunstra summarized the two applications awaiting a completeness determination
 - b. Realizing that no application could be deemed complete and notice for the next meeting, Harry Hillenius made a motion to cancel the 10/5/23 meeting
 - i. Rick DeHeer seconded the motion and all eligible members voted in favor of the motion

New Business None

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 8:16pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary