

**MAYWOOD PLANNING BOARD  
MINUTES  
September 5, 2019**

A regular meeting of the Maywood Planning Board was held on Thursday, September 5, 2019 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 22, 2018. 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. 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: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Councilman Richard Bolan, Gary Neumann, Paul Kuhn, John Montel, Harry Hillenius, Rick DeHeer, Peter Cicarelli, Secretary Anthony Klymenko and Daniel Nemecek. Board Attorney Kara Kaczynski and Board Engineer Tom Lemanowicz were also present.

**Approval of Minutes**

Rick DeHeer made a motion to accept the minutes from the July 25, 2019 meeting. Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Harry Hillenius made a motion to accept the minutes from the August 1, 2019 meeting. Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

**Bills**

Paul Kuhn made a motion to accept payment of the bills. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 8/6/19 letter from Construction Official James Mazzer to Michael DeMarco Re: Empire Real Estate Holdings, Inc. Continued Certificate of Occupancy (CCO) Violation
- 8/6/19 letter from Construction Official James Mazzer to Silverstar Alloy Wheel Repair Re: Empire Real Estate Holdings, Inc. Continued Certificate of Occupancy (CCO) Violation
- 8/13/19 letter from Peter A. Hansen of EcolSciences, Inc. Re: Application to Discharge Groundwater to Sanitary Sewer for 95 Essex Street

- 8/15/19 letter from Board Attorney Kara Kaczynski Re: Outfront Media Response to Motion to Intervene
- 8/15/19 Notice for Outfront Media Case Management Conference 9/27/19 at 9:30am
- 8/22/19 letter from Steven C. Schepis Re: Empire Real Estate Holdings, Inc. Tort Claim Notice
- 8/23/19 letter from Victor Herlinsky of Sills, Cummis & Gross Re: 200 Route 17, LLC Rochelle Park Hearings
- 9/3/19 letter from Board Recording Secretary Tara Grunstra Re: Silverstar Alloy Wheel Repair, LLC Appearing at 9/5/19 Meeting
- 9/3/19 letter from Board Engineer Tom Lemanowicz Re: Maybrook Gardens Completeness Review 3 for Calendar #2019-04 Maybrook I
- 9/3/19 letter from Board Engineer Tom Lemanowicz Re: Maybrook Gardens Completeness Review 3 for Calendar #2019-05 Maybrook II
- 9/3/19 letter from Fire Official Thomas J. Tuttle Re: Maybrook Gardens Comments
- 9/4/19 letter from Piera DeMarco Re: Silverstar Alloy Wheel Repair, LLC Appearance Authorization

**Resolution #1**

**John Kourkoulakos (Singas Famous Pizza)**  
 24-30 West Pleasant Avenue  
 Block 79, Lot 4  
**Calendar #2019-12**  
**Sign Application**

Peter Cicarelli made a motion to approve the resolution as written and Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

**Resolution #2**

**Resolution to Appoint a Professional Engineer**  
 The Alaimo Group (Tom Lemanowicz, PE)

Councilman Richard Bolan made a motion to approve the resolution as written and Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

**Update**

**Jesse Roth**  
**Silverstar Alloy Wheel Repair, LLC**  
 191 West Central Avenue  
 Block 122, Lot 15

Jesse Roth is the owner of Silverstar Alloy Wheel Repair, LLC and he was sworn in. He is retired from the Borough of Fair Lawn after working there for 25 years. Board Attorney Kara Kaczynski explained to Mr. Roth that the Planning Board needed additional information about his business to assess if the use was permitted per the Settlement Agreement with the property owner. She cited the 7/26/19 letter from Board Engineer Tom Lemanowicz which was provided to Mr. Roth. She believes that his wheel repair company is already occupying the building and conducting business.

Mr. Roth described his mobile wheel repair company and his need for a brick and mortar location. The trucks serve local car dealerships. At the location at 191 West Central Avenue, he has a tire machine, wheel balancer and wheel straightener. He detailed how he straightens the wheels using a press and a small plumber torch. His employees are in the trucks during their day and he is at the location with one or two employees occasionally. Most repairs are made by the trucks. The location is for tires to be removed, repaired and replaced. He will not be storing tires in the location. If he needs a tire, the distributor will drop off whatever is requested. Chairman Lichtenberger personally observed 5 or 6 cars parked on the newly paved parking lot. Mr. Roth explained that those cars belong to the employees that are driving the trucks. He has 2 small box trucks and 1 small van that are in compliance with the maximum size specified in the settlement agreement. He has a location in Oakland where the more extensive work occurs; spraying, powder coating and welding. Chairman Lichtenberger noted that vehicles cannot be parked on the northern property that is gravel (Lot 16.01). Mr. Roth replied that he has no plans to utilize that property until the NJDEP issues are resolved. Once the NJDEP issues are resolved, he would be interested in leasing it as well. Mr. Roth emphasized his willingness to comply with the Planning Board requirements.

Board Engineer Tom Lemanowicz noted that vehicle repair is not a permitted use in the LL Limited Light Industrial zone nor in the settlement agreement. Mr. Roth explained that some customers just bring the wheel for repair while others drive up and have the tires removed, repaired and replaced. Board Engineer Lemanowicz confirmed that the business has 3 vehicles. Mr. Roth added that he has another truck that doesn't comply with the size restriction so he stores it in Paramus. Board Attorney Kaczynski noted that the size requirement is no more than 8.25' x 22.92'. Mr. Roth explained that each of the 3 vehicles has 1 employee each operating it. Board Engineer Lemanowicz summarized that at the start and end of each day, there would be 6 vehicles parked plus whomever is working in the building that day. Mr. Roth said that he is in the building all day so his car is parked. Board Engineer Lemanowicz summarized that during the shift change times 7-8 vehicles could be parked at the location. Mr. Roth believed that 14 vehicles were approved but Board Attorney Kaczynski corrected him explaining that the 14 parking spaces were for both lots. She stated that he is only permitted to park approximately half that number. However, she expects that at most 6 vehicles would be parked there with the exception of shift change. Board Engineer Lemanowicz confirmed that customer vehicles will not be towed to the site and tires will not be stored on site.

Board Attorney Kaczynski asked what will occur in the building. Mr. Roth replied that the wheels are removed, repaired and replaced. Board Attorney Kaczynski clarified that the wheel will be removed from a car in the parking lot, repaired inside the building and replaced on the car in the parking lot. Mr. Roth explained that the mobile trucks work at dealers all day. Over the years, he has built up a list of private customers which is why he sought out a dedicated location. Chairman Lichtenberger inquired if he has a plan to expand and Mr. Roth said that doesn't believe that expansion would be possible at this location. Chairman Lichtenberger confirmed that the wall in front of one of the garage doors has been removed allowing the overhead door to become functional again. Mr. Roth added that the other overhead door is not functional since the wall remains. There are access doors on the north side and the south side of the building per fire code. Chairman Lichtenberger noted that the On the Spot sign was replaced with his signage.

Mr. Roth answered that he installed an 18 square foot sign per the Borough code. He noted that there is significant vehicle traffic in the area.

Board Engineer Lemanowicz clarified that while a car is being serviced, the customer can sit in the waiting room within the building. Mr. Roth said that customers usually make appointments because he doesn't want customers waiting too long. Board Engineer Lemanowicz feels that the business may be described as auto repair since cars are being serviced in the parking lot and not exclusively having wheels dropped off, repaired and picked up. Board Attorney Kaczynski read from the settlement agreement:

“Similar business” would be defined as “office use within the existing building and associated storage of no more than 14 vehicles of the same or smaller size than the ambulance tenant vehicles”.

It was Mr. Roth's understanding that the previous owner utilized the space for repairing cars and the zoning was Limited Light Industrial (LL). Board Attorney Kaczynski will review the permitted uses for the LL zone. Chairman Lichtenberger informed Mr. Roth that the Board is concerned with vehicles backing out into the street in such a heavily trafficked area. Peter Cicarelli asked how long does the wheel repair take. Mr. Roth approximated that it takes about 30 minutes and repairs 1 car at a time. Vice Chairperson Charlotte Panny confirmed that there was hammering during the wheel repair. Councilman Richard Bolan verified that walk-in customers would be accommodated; they could wait while the repair was done or switch to a spare tire. When Mr. Roth orders from a distributor, the materials usually arrive within an hour. He noted that often customers have already switched to the spare or donut, drop of the damaged wheel and pick up once repaired. John Montel asked if the business would sell 4 new tires and Mr. Roth answered that he could accommodate the request but that wasn't his focus. Board Attorney Kaczynski will review the permitted uses for the LL zone and confer with Board Engineer Lemanowicz. They will contact Mr. Roth with his next steps.

A short recess was taken at 8:03pm. The meeting resumed at 8:06pm with all members present.

**Hearing #1**

**Maybrook Gardens, Inc. Maybrook I**

Maybrook Drive  
Block 135, Lot 1

**Calendar #2019-04**

**Variance & Site Plan Applications**

**Maybrook Gardens, Inc. Maybrook II**

Maybrook Drive  
Block 131, Lot 10

**Calendar #2019-05**

**Variance & Site Plan Applications**

James Jaworski represents the applicant, Maybrook Gardens, Inc. He introduced Daniel Levie, NJ Site Manager for RCR Management. Mr. Jaworski explained that there are two application since there are two separate properties. Maybrook I Block 135, Lot 1 is west of Maybrook Drive between Essex Street and Demarest Place and contains 44 units in 3 buildings. Maybrook II Block 131, Lot 10 is east of Maybrook Drive and contains 64 units in 7 buildings. There is a

demand for parking from the tenants living in the units and the applicant is seeking a minor amendment to site plan in order to add parking. In Maybrook I, the applicant wishes to add 31 parking spaces (original plans show 32 parking spaces). The number of parking spaces was lowered to accommodate engineering requests. In Maybrook II, the applicant wishes to add 44 parking spaces. Board Engineer Tom Lemanowicz recommended that there are several completeness waivers that the Board must approve before the hearing may proceed. Chairman Frank Lichtenberger made a motion to grant the completeness waivers and Paul Kuhn seconded the motion. All eligible members present voted in favor on the motion. Mr. Jaworski repeated that the applicant is seeking an amendment to the site plan which would mitigate an existing nonconformity for the number of parking spaces which falls under the C(2) criteria for the better planning alternative. Board Attorney Kara Kaczynski requested clarification on why Maybrook I requires a C variance while Maybrook II requires a waiver. Board Engineer Lemanowicz replied that the Residential Site Improvement Standards (RSIS) permits a waiver for Maybrook II since the parking deficiency is minimal.

#### **Maybrook Gardens, Inc.-Maybrook I Block 135, Lot 1 Calendar #2019-04**

The applicant's first witness is Hal Simoff, licensed engineer and planner. Mr. Simoff was sworn in, qualified and accepted. The following exhibits were marked:

- A-1 – Original application and supporting documents
- A-2 – Site Plans Created by Simoff Engineering Associates Dated 3/6/19 Latest Revision Date 8/5/19 and Drainage Calculations
- A-3 – Block 135, Lot 1 Colorized Aerial Photograph Comparison of Original Submission vs. Revised Submission Created by Simoff Engineering Associates
- A-4 – Block 131, Lot 10 Colorized Aerial Photograph Comparison of Original Submission vs. Revised Submission Created by Simoff Engineering Associates
- PB-1 – Block 135, Lot 1 Board Engineer Completeness Reviews Dated 4/29/19 & 9/3/19
- PB-2 – Block 131, Lot 10 Board Engineer Completeness Reviews Dated 4/30/19 & 9/3/19

Mr. Simoff provided the existing conditions of Maybrook I (Block 135, Lot 1). There are 44 units with 37 parking spaces. The RSIS requires 83 spaces. The applicant is proposing 31 additional parking spaces (32 spaces were proposed in the original submission) for 68 total parking spaces. Since the number of total spaces is still deficient by 15 parking spaces, a C variance is required. He then detailed exhibit A-3 identifying the proposed parking areas including ADA parking, landscaping, curbing, sidewalks and walkways. Based on the Board Engineer review, more landscaping, a crosswalk, striped curbing and fire zone demarcation were added to the revised submission and the drainage calculation was modified. Additionally, 1 parking space was removed to allow for 24' aisle. There is a minor increase in impervious surface so the applicant addressed the stormwater drainage. The lighting proposal was revised to lessen the intensity to make it more residential and less commercial. Board Engineer Lemanowicz confirmed that the applicant has addressed all the concerns raised in his review. Chairman Lichtenberger requested that landscaping under 3' high be added to the parking lot entrance off of Maybrook Drive and the Mr. Simoff agreed to the request. Chairman Lichtenberger reminded the applicant of the Borough ordinance prohibiting overnight on-street parking. John Montel requested clarification on the RSIS parking requirement of 83 units. Mr. Simoff explained that each 1-bedroom unit requires 1.8 parking spaces and there are 28 1-

bedroom units resulting in 51 spaces required. Each 2-bedroom unit requires 2.0 parking spaces and there are 16 2-bedroom units resulting in 32 parking spaces required. Paul Kuhn asked if the parking spaces are assigned. Mr. Simoff answered that the spaces are numbers and are assigned.

Borough of Maywood Fire Official Thomas J. Tuttle was sworn in. He provided a recommendation from the Fire Prevention Bureau dated 9/3/19. He cited the 5/3/19 Maywood Police Department recommendation requesting the no parking zones and asked that they be designated as fire zones. Mr. Simoff stated that he has already made that change and signage will be added as well. Fire Official Tuttle requested that a fire hydrant be installed on Essex Street near the driveway entrance. After much discussion about which pipe would feed the fire hydrant, the applicant agreed to this condition. The new aisle widths were also discussed. Fire Official Tuttle questioned if the parking space opposite the new parking lot accessed from Essex Street would remain. Mr. Simoff indicated that the parking space would remain. Fire Official Tuttle indicated that navigating the ladder truck would be difficult if the parking space was occupied. Mr. Jaworski would prefer to not eliminate the parking space in question but will agree to the change.

Rick DeHeer confirmed which parking space would be removed in order to expand the aisle width. He then noted the loss of play space for the children that live in these buildings. Lastly, he is concerned that should a car could lose control, it could drive through an apartment. Mr. Simoff noted that a sidewalk and 6" curbing was added. Chairman Lichtenberger believes that the slow speed in the parking area would mitigate the danger. Mr. Jaworski agreed to include bollards at the end of the parking lot. Chairman Lichtenberger clarified that additional parking spaces are required (68 spaces proposed vs. 83 required by the RSIS). Paul Kuhn questioned where tenants are currently parking. Mr. Simoff indicated that tenants park on the street during the day and in Essex Street retail parking lots at night so as not to get a ticket. Peter Cicarelli asked about the orientation of cars in the lot and Mr. Simoff answered that the lot was designed so that headlights wouldn't shine into the units at night. Gary Neumann noted that there is an existing garbage dumpster that prevents the drive aisle to be an extension of the driveway off of Essex Street. Relocating the garbage dumpster would be problematic given the difficulty in navigating of the garbage truck around the parking lot. Mr. Neumann suggested creating a dumpster enclosure with a masonry rear wall so that the adjacent car does not get damaged. Secretary Anthony Klymenko asked Fire Official Tuttle if the fire lane location was appropriate. Fire Official Tuttle agreed that it was the best location since it is adjacent to the building and snaking water lines between parked cars would be challenging. Mr. Jaworski agreed to creating a dumpster enclosure with a rear masonry wall and will leave it up to the applicant's discretion to fence in the sides and gate the front. Secretary Klymenko suggested angling an existing grass area curbing on the right of the driveway off of Essex Street to allow for easier access to the new parking lot. Mr. Jaworski indicated that there is the parallel parking space in that area that will be removed for fire safety so angling the green space curbing can also occur. Mr. Simoff offered to provide the number assigned to that parking space to facilitate with Board Attorney Kaczynski's drafting the resolution. Board Engineer Lemanowicz stated that the parking space in question is the only parallel space in Maybrook I.

Gary Neumann asked if any existing sidewalks would be replaced. Mr. Simoff answered that any broken sidewalks will be repaired and/or replaced. Mr. Neumann noted that a frequent

tenant complaint is that the area is dark at night. Mr. Jaworski answered that site lighting was recently installed in the existing parking areas. Board Engineer Lemanowicz indicated that he was satisfied with the lighting plan.

Chairman Lichtenberger invited the public to ask questions of Mr. Simoff or Fire Official Tuttle but no one came forward.

Board Engineer Lemanowicz asked if the applicant charges their tenant for parking. Daniel Levie believes that the existing fee is charged on a quarterly or biannually basis but offered to confirm the information. A tenant may choose not to pay the fee and park on the street instead. There are no parking spaces that are unnumbered. Councilman Bolan asked how the ADA parking spaces are assigned and Mr. Simoff replied that there is no existing ADA parking. Mr. Levie was sworn in. He explained that he was the NJ Property Manager for RCR Management. RCR Management just completed a similar project in Teaneck. Councilman Bolan asked if there are any garage spaces on this property. Mr. Levie answered that there were not but there are on neighboring properties. Councilman Bolan asked how the ADA parking spaces would be assigned. Mr. Levy said that the existing parking spaces are assigned nearest to the unit to best accommodate the tenants. They have reassigned spaces to assist tenants with mobility issues. For the new ADA parking spaces, Mr. Levie explained that they would be assigned on a first come, first served basis. Councilman Bolan asked if the fee could be waived for an ADA parking spot. Mr. Levie asked for time to confirm the parking fees. Mr. Simoff selected this location for the ADA parking since they were closest to the building. Board Attorney Kaczynski asked if the ADA spaces could be moved. Councilman Bolan noted that ADA parking spaces are determined by the width of the space as well as accessible pathway to the unit. Mr. Levie received information about parking fees; the first space is free but they are charged for the additional parking space. He confirmed that the ADA parking spaces will be assigned on a first come, first served basis.

Mr. Simoff summarized that there are 37 parking spaces existing and the applicant is now proposing 30 spaces bringing the total to 67 spaces where 83 spaces are required. Mr. Jaworski explained that the applicant is proposing to mitigate the nonconformity. The applicant is seeking a C(2) variance and there are no additional variances being proposed. As a professional planner, Mr. Simoff believes the proposed additional parking spaces improves safety and allows for better pedestrian access. Peter Cicarelli confirmed that a lot coverage variance is not required. Mr. Simoff explained that in the Borough code, lot coverage is based on building coverage and not impervious coverage. Mr. Jaworski added that the applicant is also seeking a variance for an existing front yard setback nonconformity.

Board Attorney Kaczynski summarized the conditions of approval:

- Installation of landscaping under 3' high at the parking lot entrance off of Maybrook Drive to be reviewed by the Board Engineer
- No overnight on-street parking per the Borough ordinance
- Parking spaces are assigned and numbered
- Change no parking zone to fire zone and add municipal ordinance signage
- Install a fire hydrant at the eastern side of the existing driveway entrance off of Essex Street

- Location to be reviewed and approved by the Borough Fire Official and Board Engineer
- Masonry wall barrier to be installed between the dumpster and adjacent parking space
  - The applicant will determine whether to install a fence enclosure and gate
- Parallel parking space will be removed and the grass area curbing will be angled to allow better fire equipment access
  - Parking calculation will be amended

Chairman Lichtenberger invited the public to comment on the application but no one came forward.

Paul Kuhn made a motion to approve the application #2019-04 for Maybrook I with the above detailed conditions. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion except Councilman Richard Bolan and Rick DeHeer.

**Maybrook Gardens, Inc.-Maybrook II Block 131, Lot 10 Calendar #2019-05**

The following exhibits were marked:

- A-1 – Original application and supporting documents
- A-2 – Site Plans Created by Simoff Engineering Associates Dated 3/6/19 Latest Revision Date 8/5/19 and Drainage Calculations
- A-3 – Block 135, Lot 1 Colorized Aerial Photograph Comparison of Original Submission vs. Revised Submission Created by Simoff Engineering Associates
- A-4 – Block 131, Lot 10 Colorized Aerial Photograph Comparison of Original Submission vs. Revised Submission Created by Simoff Engineering Associates
- PB-1 – Block 135, Lot 1 Board Engineer Completeness Reviews Dated 4/29/19 & 9/3/19
- PB-2 – Block 131, Lot 10 Board Engineer Completeness Reviews Dated 4/30/19 & 9/3/19

Mr. Simoff provided the existing conditions of Maybrook II (Block 131, Lot 10). There are 64 units with 74 parking spaces. The RSIS requires 120 spaces. The applicant is proposing 44 additional parking for 118 total parking spaces. Since the number of total spaces is still deficient by 2 parking spaces, a waiver is required. He then detailed exhibit A-4 identifying the proposed parking areas including ADA parking, landscaping, curbing, sidewalks and walkways. Based on the Board Engineer review, more landscaping, a crosswalk, striped curbing and fire zone demarcation were added to the revised submission. Mr. Jaworski suggested adding landscaping under 3’ high at the parking lot entrance similar to what was proposed in Maybrook I. Mr. Simoff stated that the existing sign “Welcome to Maybrook Gardens” located in the proposed driveway will be moved to the south. Aisle widths will be 24’. Since the new impervious surface exceeds a quarter acre, the applicant will install total suspended solid removal and drainage treatment systems per DEP requirements. With those improvements, there is a total reduction in drainage flows and the drainage calculation was modified. Board Engineer Lemanowicz agreed with Mr. Simoff’s summary that the project is a major development for stormwater and the steps proposed are appropriate. He added that the underground system requires maintenance and the he is still waiting on the maintenance manual. Mr. Simoff suggested providing the maintenance manual as a condition of approval. The lighting proposal was revised to lessen the intensity to make it more residential and less commercial. Paul Kuhn



asked if the lighting was updated in the existing parking lots. Mr. Jaworski answered that the lighting in the existing parking lots was updated recently. Mr. Simoff believes that the changes address all the issues raised in Board Engineer Lemanowicz's completeness reviews marked as PB-2. Board Engineer Lemanowicz noted that the Borough ordinance does not address signage for multi-family complexes. The ordinance permits lawfully existing signage prior to March 21, 1967 to remain but does not allow for the signage to be relocated. He suggested that the Board include signage relocation as part of the application. Mr. Jaworski agreed to amend the application to request a variance for sign relocation. Mr. Simoff added that variance relief is required for an existing front yard and rear yard setbacks. Mr. Jaworski explained that the applicant is proposing to mitigate the nonconformity and is seeking a C(2) variance while no additional variances being proposed. As a professional planner, Mr. Simoff believes the variance is de minimis since the deficiency is less than 2%. The proposed additional parking spaces benefits the tenants.

Board Engineer Lemanowicz feels that the applicant has addressed the concerns raised in his review. Fire Official Tuttle is satisfied with the applicant's changes. Secretary Klymenko pointed out there are possibly several additional ADA parking spaces based on striping and width if there is demand. Mr. Simoff stated that the applicant meets the required number of ADA parking spaces but if there is demand, they can utilize the additional spaces. Paul Kuhn asked if the Borough would need to approve the curb cuts. Board Engineer Lemanowicz explained that the applicant would need to apply for a construction permit to cut the curbs and expects that a performance bond would also be required since the work is being done in the Borough right-of-way. Peter Cicarelli asked if the area where 3 trees are proposed to be added could be returned to green space and the macadam removed for children to play. Mr. Levie answered that tenants use that area to dry laundry. Harry Hillenius remembers 30 years ago when the Borough approached the previous property owner with a plan to create more parking. At that time, the property owner declined. Mr. Hillenius believes that tenants will appreciate on-site parking. Chairman Lichtenberger concurred.

Chairman Lichtenberger invited the public to ask questions of Mr. Simoff or to comment on the application but no one came forward.

Board Attorney Kaczynski summarized the variances:

- Minimum rear yard setback is a preexisting nonconformity that will not be exacerbated by the proposed parking lots
- Waiver from the RSIS parking requirement for 2 parking spaces (120 required vs. 118 proposed)

She then summarized the conditions of approval:

- Installation of landscaping under 3' high at the parking lot entrance off of Maybrook Drive to be reviewed by the Board Engineer
- The underground stormwater system maintenance manual will be provided to the Board Engineer
- No overnight on-street parking per the Borough ordinance
- Parking spaces are assigned and numbered
- Change no parking zone to fire zone and add municipal ordinance signage

- The applicant will seek any and all required permits including Borough construction permits

Harry Hillenius made a motion to approve the application #2019-05 for Maybrook II with the above detailed conditions. John Montel seconded the motion. All eligible members present voted in favor of the motion except Councilman Richard B olan and Rick DeHeer.

**New Business**

- Distribution of Calendar #2019-15 Adler Aphasia Center, 50-60 West Hunter Avenue, Block 124, Lots 37 & 38, Variance Application

**Open Meeting to the Public**

**Closed Session**

Paul Kuhn made a motion to go into Closed Session. Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD  
Closed Session Resolution # 2019-16**

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): Pending litigation and personnel matters

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

(X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

(X) 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.

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

Date of Passage: 9/5/19 Time: 9:35pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary