

**MAYWOOD PLANNING BOARD
MINUTES
September 7, 2017**

A regular meeting of the Maywood Planning Board was held on Thursday, September 7, 2017 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 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 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, Secretary Charlotte Panny, Mayor Adrian Febre (left at 7:32pm and returned at 7:38pm), Councilman Rick DeHeer, Gary Neumann, Harry Hillenius, John McManus, Anthony Klymenko, Daniel Nemecek and John Gargagliano. Zoning Officer James Mazzer, Board Attorney Kara Kaczynski and Board Engineer David Gleassey were also present.

Approval of Minutes

Vice Chairman Paul Kuhn made a motion to accept the minutes from the August 3, 2017 meeting. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Mayor Adrian Febre left at 7:32pm.

Bills

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

Correspondence

- 8/7/17 letter from Board Recording Secretary Tara Grunstra Re: Empire Real Estate Holding 191 West Central Avenue Hearing Date 9/28/17
- 8/24/17 letter from Steven C. Schepis Re: Empire Real Estate Holdings 191 West Central Avenue Title Search
 - Chairman Frank Lichtenberger asked DPW Superintendent Gary Neumann to review Borough engineering maps to identify where the sanitary sewer easement is located
 - Board Attorney Kara Kaczynski added that she contacted the applicant’s attorney Steven Schepis to request a title search on Block 122, Lot 16.01

- Mr. Schepis informed Board Attorney Kaczynski that the applicant's surveyor made a mistake in relation to the easement and requested information from the Board prior to the hearing on 9/28/17
- 8/28/17 Public Notice for Block 47.01, Lot 1 and Block 51.01, Lot 3.01, Rochelle Park, New Jersey
- 8/31/17 Public Notice for 65 Route 4 East, River Edge, New Jersey

Resolution #1

Riverside Medical Group

1 Maywood Avenue
Block 124, Lot 6.01

Calendar #2017-04A

Bulk Variances to Install Signage

Vice Chairman Kuhn made a motion to memorialize the resolution as written. Harry Hillenius seconded the motion. All eligible members present voted in favor of the motion.

Resolution #2

Riverside Medical Group

1 Maywood Avenue
Block 124, Lot 6.01

Calendar #2017-04B

Use Variance, Amended Site Plan & Bulk Variances

Harry Hillenius made a motion to memorialize the resolution as written. Vice Chairman Kuhn seconded the motion. All eligible members present voted in favor of the motion.

Mayor Adrian Febre returned at 7:38pm.

Informal Hearing #1

Jay Zee Realty, Inc. (Maywood Marketplace)

95 West Passaic Street, 520 Palmer Avenue, 78 West Pleasant Avenue and 89 West Passaic Street
Block 81, Lots 1, 2, 4.01 and 8

Parking Lot Expansion

James Jaworski represents Jay Zee Realty which owns Maywood Marketplace. He introduced the owners and managers that were present; George Zoitas, Kostas Kavvadias and Manny Tsiscacis. Maywood Marketplace has been so successful that the existing parking lot is insufficient. They are under contract to purchase the two adjacent properties on West Passaic Street that are zoned A1 Residential (89 & 95 West Passaic Street) and expanding their parking lot. Jay Zee Realty intends to come before the Board with a use variance application. The proposed parking lot layout would add 32 parking spaces and allow cars to circulate better. The current parking lot has 36 parking spaces where 43 spaces are required so the proposed expansion would bring the property into compliance and exceed the requirement. Anthony Garrett of Bilow Garrett Architects created a site plan depicting the proposed expansion and copies were distributed to the Board.

Chairman Lichtenberger asked about the two properties (85 West Passaic Street and 519 Bergen

Avenue) which were not depicted on the site plan. Mr. Jaworski replied that both properties were approached by Jay Zee Realty but are not under contract. He added that they intend to install substantial landscape buffer so as not to negatively impact the neighbors. There are no additional access points proposed; the Palmer Avenue and Bergen Avenue access points will not change. Board Attorney Kaczynski asked for clarification on the traffic circulation within the proposed parking lot and Mr. Jaworski answered that the aisle widths have conventional dimensions allowing for two-way traffic. Vice Chairman Kuhn asked where the carriage corral would be located and Mr. Garrett responded that the cart corral would remain by the rear entrance. Harry Hillenius clarified that the proposed second story addition would be used for storage. Mr. Garrett added that the addition would fall within the permitted zoning requirements and would not require any variances. While the addition would necessitate additional parking spaces, the proposed parking lot expansion would satisfy that requirement. Councilman DeHeer inquired if they're proposing landscaping with or without fencing on the West Passaic Street border. Mr. Jaworski answered that they were open to suggestions. Mr. Garrett mentioned that they consider this location to be the "front door to West Pleasant Avenue" and are contemplating signage at each corner of the parking lot on West Passaic Street. The signage would be similar in style to the Welcome to Maywood sign on the corner of Passaic Street and Maywood Avenue. Chairman Lichtenberger agrees that quality landscaped buffer is appropriate and would like to hear more about the proposed signage. Mr. Garrett promised that a signage proposal would be part of the variance application but doesn't have a complete plan ready yet. Zoning Officer James Mazzer asked where the location of the loading dock would be. Mr. Garrett answered that loading dock will not move and future site plans will indicate the location. Gary Neumann clarified that the garbage area will be relocated to the southernmost portion of the building and will be a screened enclosure. John McManus noted that the delivery vehicles for Angelo's Pizzeria often park in that location and would need to relocate. Mr. Garrett concluded by speaking directly to Board Engineer David Gleassey promising storm water reports and lighting plans. Board Engineer Gleassey replied that he will review the materials once they are provided. He asked about the existing generator marked out on the plan. Mr. Garrett explained that this was an error and should be marked as existing transformer. There are no plans to install a generator since they have a contract with a mobile generator company.

Informal Hearing #2

Outfront Media LLC & John Muscarelle

99 West Essex Street

Block 125, Lot 1

Outdoor Advertising Sign

James Jaworski represents Outfront Media LLC and, nominally, property owner John Muscarelle. He introduced the Outfront Media personnel that were present; NJ General Manager John Antal, NJ Real Estate Manager Paul Wiss and Regional Real Estate Lease Manager Peter Kibildis. Also present was attorney Louis D'Arminio of Price, Meese, Shulman & D'Arminio who is considered an expert on outdoor advertising land use. The property borders Route 17 South and is zoned as HDO High Density Office Zoning District. Off-premises advertising signs are permitted as a conditional use in this zone but there are several conditions (Borough code §209-38.4):

- (1) No more than one off-premises advertising structure (double sided) shall be permitted on any lot.

- (2) No part of any off-premises advertising sign shall be located within 300 feet of another off-premises advertising sign.
- (3) No part of any off-premises advertising sign shall be located more than 100 feet from a roadway having a regularly posted speed limit of 50 miles per hour or more.
- (4) No part of any off-premises advertising sign shall be higher than 35 feet above grade of the adjoining roadway having a regularly posted speed limit of 50 miles per hour or more.
- (5) Off-premises advertising signs shall be constructed so that the sign face(s) thereof are oriented to, and their line of sight confined to, the adjoining roadway having a regularly posted speed limit of 50 miles per hour or more.
- (6) The sign area shall not exceed 528 square feet, per sign face, nor shall any sign face exceed a vertical dimension of 14 feet or a horizontal dimension of 44 feet.
- (7) Off-premises advertising signs shall comply with the minimum yard requirements, as set forth in Limiting Schedule A-1, applicable within the HDO High Density Office Zoning
- (8) Except as specifically modified herein or as noted below, off-premises advertising signs shall comply with the requirements set forth in § 209-40 hereof, including the requirement for site plan review and approval by the Planning Board prior to the issuance of any permits therefor from the Borough of Maywood, provided that the provisions of Subsection L and the restrictions on the hours of illumination found in Subsection Q(2) in § 209-40 shall not be applicable to off-premises advertising signs. More specifically, any lighting shall be restricted so as to avoid light spillage upon adjacent properties, and any movement or illusion of movement of the off-premises advertising signage shall be prohibited.
- (9) As a condition of site plan review and approval, the Planning Board may require landscaping around the base of any supporting framework or structure, as well as elsewhere on the lot upon which the off-premises advertising sign is located.
- (10) The supporting framework or structure of any off-premises advertising signs shall be maintained in a single color to be approved by the Maywood Planning Board as part of the required site plan review and approval therefor so as to reduce the visual impact of such supporting framework or structure.

Mr. Jaworski distributed a preliminary site plan and two renderings depicting the proposed billboard northbound and southbound on Route 17. He described Outfront Media's position as a leading outdoor media advertising corporation. He believes that the proposed use complies with the Borough code with several exceptions which would require a D variance; height (35' permitted), size (672 square feet proposed vs. 528 square feet permitted) and setbacks.

Mayor Febre asked if Borough public service announcements could be placed on the billboard and Mr. Jaworski replied that Borough public service announcements could be accommodated. Councilman DeHeer asked if the billboard would be static or digital LED. Mr. Jon Antal answered that both sides of the proposed bulletin are static. The outdoor advertising industry is closely regulated and New Jersey has not issued a digital permit for this location. He further explained that there is a digital permit holder within the permitted area. Chairman Lichtenberger

reminded the Board of a previous billboard application at a different location which was not appropriate. Board Attorney Kaczynski clarified that the advertising could be different on each side. Chairman Lichtenberger inquired in the proposed billboard could be seen from Route 80 and Mr. Antal answered that it could not be seen from Route 80. He further explained that the Department of Transportation (DOT) regulates billboard locations and how they are viewed from highways. Board Attorney Kaczynski asked if Outfront Media would need a state permit after Board approval and Mr. Antal replied that the location already has a state permit. Chairman Lichtenberger asked where the billboard would be located on the property. Mr. Jaworski replied that the billboard would be located on the southernmost corner of the property. Vice Chairman Kuhn asked if Bergen County would need to be involved and Mr. Jaworski believes that a waiver from Bergen County would be required. Mayor Febre inquired if digital sign permitting would ever be possible for this location. Mr. D'Arminio explained that recent legislation was passed that if a digital sign permit has not been acted on within a set time period, the permit could be released and possibly acquired by another party. Chairman Lichtenberger asked how advertising messages are changed and Mr. Antal responded that the messages on static signs are changed manually. Vice Chairman Kuhn asked about advertising that exceeds the dimensions of the billboard. Mr. Antal explained that these are called extensions and they are typically short term (4-12 weeks). They are requesting that the Board permit 672 square feet which is the industry standard. The DOT has permitted up to 1,000 square feet. Mayor Febre inquired about how many billboards are permitted within the HDO district and Mr. Antal explained that DOT regulates that static billboards need to have at least 300 feet separation on non-limited access highways. Billboards would not be permitted on Route 17 North since this area is not zoned as HDO. Harry Hillenius asked how this proposed use would be taxed and Mr. D'Arminio answered that the taxes are assessed based on construction costs. John McManus asked if the how Outfront Media selects the advertisers and Mr. Antal replied that advertisers pick the locations. He added that Outfront Media has guidelines that abide by community standards including not accept advertising from adult businesses and tobacco is prohibited. Vice Chairman Kuhn asked if the Board could restrict specific industry advertising. Mr. D'Arminio said that these restrictions could be a condition of approval in the resolution.

Closed Session

Mayor Febre made a motion to go into Closed Session. Vice Chairman Kuhn seconded the motion. All eligible members present voted in favor of the motion.

BOROUGH OF MAYWOOD PLANNING BOARD **Closed Session Resolution # 2017-11**

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): Litigation settlement agreement

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

() 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

(X) 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.

Date of Passage: 9/7/17 Time: 8:37pm

Chairman Frank Lichtenberger made a motion to return to the regular order of business. Councilman Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Motion

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

29 Essex Street
Block 124, Lot 5

**Motion to Approve the Execution of the Settlement
Agreement Resolving the Litigation Except to Notice and
Publish for the 9/28/17 Hearing with Resolution to Be
Prepared That Evening**

Chairman Frank Lichtenberger made a motion to approve the execution of the settlement agreement resolving the litigation except to notice and publish for the 9/28/17 hearing with resolution to be prepared that evening. Vice Chairman Paul Kuhn seconded the motion. All eligible members present voted in favor of the motion.

Hearing None

Old Business None

New Business None

Open Meeting to the Public None

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 9:38pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary