

BOROUGH OF MAYWOOD
WORK SESSION
March 10, 2020
7:30pm

Mayor Bolan called the March 10, 2020 Work Session to order at 7:30p.m.

SALUTE TO THE FLAG & MOMENT OF SILENCE

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read.

Now, therefore be advised, that the meeting requirements for this meeting have been met by publishing a meeting notice in The Record, Herald News and Our Town newspaper and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on January 3, 2020.

In case of an emergency or fire alarm you must evacuate the building by using the staircase and not the elevator.

This meeting is being recorded by audio.

ROLL CALL

Members of the Governing Body present: Mayor Bolan, Council members DeMuro, Flynn, Herrick and Bennin. Councilman Ullman was absent. Also present were Borough Attorney Brian E. Eyerman, Borough Administrator Roberta Stern and Borough Clerk Barbara Dispoto.

1. **ENGINEER REPORT**

- a. **Monthly Report – March 2020**
- b. **Price Solicitation – Memorial Park – Manhole Installation** – A resolution will be placed on the March 24, 2020 authorizing the installation of the manhole at Memorial Park.
- c. **Proposal – Roof Replacement – DPW Building** – At the recommendation of Borough Administrator Stern and Superintendent Neumann, this proposal will not be awarded at this time.

2. **MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)**

No one wished to be heard.

3. **CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

- a. **Resignation letter from Mark Guinness from the Fire Police** – Resignation was accepted by the Council.
- b. **Request from Fire Police to Appoint Derrick Wade** – A resolution appointing Mr. Wade to the Fire Police will be placed on the March 24, 2020 meeting agenda.
- c. **Report of the Borough Clerk** – Borough Clerk Dispoto discussed am meeting regarding departments going paperless and upcoming satellite offices of the County Clerk Office and the addition of some satellite dates containing DMV services with a select few allowing vehicle inspections.

4. **REPORT OF ADMINISTRATOR**

Borough Administrator Stern reported on a recent email from our COAH Council Patrick McNamara regarding COAH. She further discussed courses available through FEMA and the possibilities on how business will be conducted in Borough Hall with the onset of COVID-19.

5. **COMMITTEE REPORTS**

Councilwoman DeMuro reported on the Historical Committee and inquired about the cornerstone from the previous municipal building. She further discussed plans on this

year's Green Fair and the State's approval of the separation of Maywood and Hackensack for the High School education.

Councilwoman Flynn discussed Green Team, Shade Tree and Clean Communities. Mayor Bolan asked Councilwoman Flynn to discuss the Plastic bag ordinance under new business. Councilman Herrick discussed a meeting with Ceil Power LLC who is the company that conduct home energy assessments.

Councilman Herrick discussed the upcoming TANNAC meeting.

Councilman Roer discussed a webinar that he attended for Green Team and 2020 Census.

Council President Bennin discussed the 2020 Census. She stated some field work is being performed by the DPW and will report further at the next meeting.

6. REPORT OF THE MAYOR

Mayor Bolan reported that K9 Remi will be presented an award by Assemblywoman Lisa Swain. He stated he has had discussions with CFO Cuccia and Roberta Stern regarding the budget. Mayor Bolan stated since the last meeting in which concerns were expressed by residents regarding issues on Central Avenue, a packet has been delivered to the County requesting a traffic survey for Central Avenue in hopes that some action can be taken to reduce the speed limit. He has reached out to the County Executive to find out if there has been any progress, but he believes the current crisis with COVID-19 will affect the traffic study moving forward as quickly as we would like. Mayor Bolan read into the record the proclamation for Mr. Trink.

7. NEW BUSINESS

a. Resolutions for consideration

1. **Purchase of 2 New Police Vehicles** – Borough Clerk Dispoto stated the resolution to purchase 2 police vehicles is back on the agenda. The last meeting is was requested to confirm with the CFO that he is in agreement with the purchase. The Borough CFO does not object to the purchase of these vehicles and authorizes the resolution. Council President Bennin discussed the vehicle inventory list with the Council. Discussion then ensued as to the possibility of ordering a hybrid for the police vehicles. After some discussion it was decided not to move forward with the hybrid for the Police Department. A resolution will be placed on the March 24, 2020 meeting agenda to purchase 2 non-hybrid police vehicles.
2. **Payment for Tax Appeals** – Maywood Sherwood Village, LLC & Maybrook Gardens – Borough Attorney Eyerman stated a resolution is not needed regarding the tax appeal.
3. **Appoint Firefighter** – Jonce Dimoski – Peerless Engine Company #2 – A resolution appointing Mr. Dimoski as a Maywood Firefighter.

b. Ordinances for consideration

1. **Stormwater** – Ordinance will be introduced at the March 24, 2020 meeting agenda.
2. **Business Signage** – Ordinance will be introduced at the March 24, 2020 meeting agenda.
3. **Overlay Zoning** – Kin Property

INTRODUCTION OF ORDINANCE

ORDINANCE #8-20

AN ORDINANCE AMENDING CHAPTER 209 TO ADD SECTION 38.5 TO DEFINE AND CREATE A PLANNED COMMERCIAL DEVELOPMENT OVERLAY ZONE

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the "Borough"), pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the "MLUL"), the Borough enacted the "Municipal Land Use Ordinance of the Borough of Maywood" (the "Land Use Ordinance") at Chapter 209 of the Code of the Borough of Maywood (the "Code"); and

WHEREAS, the Land Use Ordinance was adopted in order to "enact rules, regulations and procedures governing municipal zoning, planning and land use in the Borough which are in accord with the provisions of the [MLUL] and to promote and further the purposes and intentions set forth in said law.", as noted in Section 2 of the Land Use Ordinance; and

WHEREAS, the Mayor and Council of the Borough is interested in amending Section 209 so as to add §38.5 to create a "Planned Commercial Development Overlay Zone";

WHEREAS, the inclusion of these uses within the "Planned Commercial Development Overlay Zone"; allows for development within the Borough in an appropriate location and provides for a rules and regulations to promote the safety and welfare of the Borough.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Chapter 209-38.5 shall be added to the Borough Code to read as:

§ 209-38.5 PLANNED COMMERCIAL DEVELOPMENT OVERLAY

- A. Purpose and intent. The Planned Commercial Development (PCD) Overlay is intended to encourage a coordinated commercial redevelopment of formerly underutilized lands located along Route 17 in a manner that creates a high-quality commercial destination. Planned Commercial Developments¹ within the PCD Overlay shall be subject to the requirements set forth herein and to the mandatory findings for planned development as required by the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-45.
- B. Application requirements. Any application for development for any portion or the entirety of the PCD Overlay District shall be submitted as a planned development, in the nature of a preliminary site plan application. Such application shall describe any phasing of the proposed project, together with all on-site and off-site improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final site plan approvals with respect to specific phases or portions of the overall project.
- C. Permitted Principal Uses within the PCD Overlay District. A Planned Commercial Development shall contain one or more of the following principal uses. More than one permitted principal use shall be permitted on a single lot.
- a. Retail sales
 - b. Professional offices²
 - c. Hotels³
 - d. Banks
 - e. Restaurants⁴ and other food and beverage establishments, including, but not limited to, drive-thru or pick-up food and beverage establishments
 - f. Indoor and outdoor recreational entertainment facilities
 - g. Automotive sales or leasing⁵
 - h. Convenience retail with fuel service⁶
 - i. Fitness and wellness centers
 - j. Light manufacturing and processing for technology, pharmaceutical, biotech and related uses
 - k. Medical, testing, and research laboratories
 - l. Urgent medical care
 - m. Surface and structured parking facilities
- D. Permitted Accessory Uses and Structures
- a. Uses and structures customarily incidental and subordinate to a permitted principal use.
 - b. Drive-through and facilities appurtenant to permitted uses on the site.
 - c. On-site parking to service the needs of the permitted uses on the site.
 - d. Outdoor patios and dining areas appurtenant to permitted uses on the site.
 - e. Two high-definition digital screens with a maximum area of 1,500 square feet for each screen shall be permitted as accessory structures for outdoor recreational entertainment

uses. Such screens shall be internally oriented and utilized solely for the operation of the outdoor recreational entertainment venue and shall not constitute signage as regulated in §209-38.5.F(c).

E. Development Standards for Planned Commercial Development

a. Minimum tract area - 15 acres. Subdivision of the overall tract to create fee simple development parcels is permitted.

b. Building setbacks

- i. Route 17 boundary of overall tract – 30 feet
- ii. Other boundaries of overall tract – 15 feet

c. Impervious coverage

- i. 70% of overall tract
- ii. Pervious pavement and vegetated green roof areas may be counted as pervious cover

d. Vacant space

- i. A minimum of 2 acres of the overall tract which may include preserved wetland areas shall be set aside as vacant land.

e. Building height

- i. Maximum for hotels: 120 feet
- ii. Maximum for all other permitted principal uses: 65 feet

f. Accessory structure height

- i. Safety netting and support poles for outdoor recreational entertainment facilities shall not exceed 190 feet
- ii. All other accessory structures shall not exceed 65 feet

g. Parking

i. The total parking requirement for the Planned Commercial Development shall equal the total number of spaces generated by each individual user in accordance with the following requirements.

1. Retail: 1 space per 250 square feet of gross floor area
2. Professional offices: 1 space per 300 square feet of gross floor area
3. Hotels: 1 space per room, plus 1 space per 300 square feet of gross floor area for meeting rooms, ballrooms and event spaces.
4. Restaurant and other food and beverage establishments: 1 space per 4 seats
5. Recreational entertainment facilities: 1 space per 300 square feet of gross floor area
6. Automobile dealerships: 1 space per 300 square feet of gross floor area
7. Convenience retail with fuel service: 1 space per 300 square feet of gross floor area
8. Fitness and wellness centers: 1 space per 250 square feet of gross floor area.
9. Urgent medical care: 1 space per 200 square feet of gross floor area.

ii. A minimum of 8 electric vehicle charging stations in aggregate shall be provided within the Planned Commercial Development in at least two different locations.

iii. Parking areas shall be setback a minimum of 10 feet from the perimeter boundary of the overall tract.

F. Site Design Standards.

The following standards shall be applicable to Planned Commercial Developments within the PCD Overlay. When the standards herein conflict with other provisions of §209, the standards herein shall apply. Any modifications to the site design standards that are deemed necessary to accommodate required environmental remediation and monitoring facilities shall be permitted.

a. Landscaping

i. Street trees shall be required along the primary internal roadway and shall be planted no more than 40 feet apart, on center, on average, with variation permitted for curb cuts, utilities and other site conditions, so long as the required number of trees along the roadway shall be no less than 1 tree per 40 feet of linear frontage.

ii. Landscape strips located adjacent to roadways and sidewalks should include a mix of low plantings and grass with a maximum height of 30 to 36 inches.

iii. A landscape buffer with a minimum width of 5 feet consisting of low plantings and grass shall be provided along the Route 17 frontage of the Planned Commercial Development.

b. Fences

i. No fence or other enclosure shall exceed 8 feet in height at any point, as measured from existing ground levels.

ii. No fence shall be allowed within the landscape buffer required along the Route 17 frontage of the Planned Commercial Development.

iii. No fence shall be erected in such a manner so as to interfere with the public right-of-way or interfere with the visibility of vehicular and pedestrian traffic proceeding along any public right-of-way.

iv. The following fences and fence materials are specifically prohibited: barbed wire, pointed iron slats or pickets, canvas, cloth, fiberglass, poultry netting, electrically charged fences, temporary fences such as snow fences, except where necessary for active construction, and collapsible fences, except during active construction.

c. Signage

i. Wall signs

1. One wall sign is permitted for each building façade, inclusive of structure parking facilities, oriented to a public street, internal roadway or parking area. No more than two such signs may be located on a single building façade.

2. The total area of all signs on each building façade shall not exceed 20% of the area of the façade to which it is attached.

ii. Freestanding signs

1. For each Planned Commercial Development, one freestanding sign is permitted along Route 17. A second freestanding sign is permitted along Maywood Avenue.

a. Maximum size: 200 square feet per side.

b. Maximum height: 24 feet.

2. A convenience store with fuel service shall be permitted one additional freestanding sign for fuel sales information.

a. Maximum size: 75 square feet per side

b. Maximum height: 20 feet.

3. All freestanding signs shall be setback 10 feet from the boundary of the development tract.

iii. Directional and wayfinding signage is permitted within the Planned Commercial Development.

iv. Other requirements.

1. No sign shall obstruct sight line for 300 feet from stop lines or intersections and driveways.

2. No attached sign shall project into or hang over a street right-of-way.

3. Lighted signs are to be arranged as to reflect light and glare away from adjoining premises and adjoining highways. No beam, beacon or flashing form resembling an emergency light, traffic light or other traffic signage may be erected in a location such that it may be confused with a railroad, traffic control or emergency signal.

4. No temporary signs, such as feather flags, mascots or inflatable signs, shall be permitted.

d. Circulation and connectivity

i. A primary internal roadway shall be constructed to connect Route 17 to Maywood Avenue. The roadway shall consist of a cartway with a landscape strip and sidewalk (as illustrated in Exhibit A).

1. Cartway width: 30 feet

2. Landscape strip: landscaping shall be provided on both sides of the cartway with a total combined width of a minimum of 10 feet. The minimum width of the landscape strip shall be 4 feet.

3. Sidewalk: 6 feet from face of curb on at least one side of the cartway.

ii. A continuous loop of sidewalks is required to provide pedestrian connectivity between the various uses within the Planned Commercial Development. All sidewalks shall have a minimum clear paved walking width of at least 4 feet.

iii. Crosswalks shall be provided where sidewalks cross vehicular driveways or roadways and marked with textured paving in a contrasting material and color.

iv. Bicycle parking shall be provided near primary entrances to retail, office, convenience store and recreational entertainment uses.

e. Parking layout

i. Minimum parking space dimension: 9'x18' (not applicable to display areas for automobile dealerships)

ii. Minimum drive aisle width: 24 feet

f. Lighting

i. Minimum illumination level for paved areas within the overall development tract: 0.5 foot candles

ii. Maximum average illumination level for the overall development tract: 10 foot candles

iii. Maximum illumination levels at property lines abutting residential properties, excluding driveway ingress/egress areas: 0.5 foot candles

iv. Maximum light mounting height (from grade level to center of luminaire): 55 feet

v. Field lighting necessary for any outdoor recreational entertainment use, including non-cut-off type luminaries, shall be permitted subject to the minimum and maximum illumination levels for the overall development tract as set forth above.

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4: All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Councilman Roer discussed the connection between items that were removed and items still listed regarding parking. Mayor Bolan stated that the parking still applies as the location is already zoned for the items that have been removed from the overlay.

Borough Clerk stated that upon the introduction a copy of the ordinance will be forwarded to the Planning Board Secretary to be disbursed to the Planning Board. The public hearing and adoption will be scheduled for the April 14, 2020 council meeting as there are two Planning Board meetings scheduled prior to the adoption date.

Councilwoman DeMuro moved for introduction, seconded by Councilman Herrick. Motion carried by the members present.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinances # 8-20, pass on first reading and that said Ordinances will be further considered for final passage at a meeting of the Mayor and Council to be held on April 14, 2020 at 7:30pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

- c. **Appointment to Board of Health & Library Board** – Borough Clerk Dispoto stated that the only the Board of Health needs to be addressed. Mayor Bolan made his appointment of Thomas Lindenau to the Board of Health effective immediately so that Mr. Lindenau may attend the upcoming Board of Health meeting.

8. OLD BUSINESS

- a. **Revaluation/Reassessment** – The Borough Attorney is authorized to create an RFQ for a rolling re-assessment for the Borough.
- b. **Single Use Plastic Bags ordinance** – Councilwoman Flynn began to discuss the documentation that sent to the Council earlier that day. Mayor Bolan ask the Council if they wanted time to review the documentation or discuss it tonight. Councilwoman Flynn discussed the different municipal ordinances in the area and the questions that the ordinance committee has for the Council. Further discussion will be held over to the next work session.

9. CLOSED SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public;

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting; and


BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Maywood do not envision that they will return to open session after the closed session but reserves the right to do so.

Council President Bennin made a motion to go into closed session; seconded by Councilwoman DeMuro. Motion carried by the members present.

Councilwoman DeMuro made a motion to return to the public portion and adjourn; seconded by Councilman Herrick. Motion carried by the members present.

Meeting adjourned at 9:10p.m.

Respectfully submitted,


Barbara L. Disposito, RMC
Borough Clerk