

**MAYWOOD PLANNING BOARD  
MINUTES  
December 7, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, December 7, 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 7:31pm with the following members present: Councilperson Ryan Ullman, Chairperson Charlotte Panny, Vice Chairperson Anthony Klymenko, Secretary Gary Neumann, Cynthia Petersen, John Gargagliano, Harry Hillenius, Douglas Herrick, Derek Eisenberg, Thomas Anzevino and Rick DeHeer. Board Attorney Kara Kaczynski, Board Planner Michael Kauker (arrived @ 7:49pm) and Board Engineer Brian Intindola were also present.

**Approval of Minutes**

Vice Chairperson Anthony Klymenko made a motion to accept the minutes from the November 2, 2023 meeting. John Gargagliano 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. Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion except Cynthia Petersen who abstained.

**Correspondence**

1. 11/8/23 letter from Board Engineer Gregory J. Polyniak Re: Filip Kristani 44 Parkway Revised Completeness & Engineering Review
2. 11/16/23 letter from Board Engineer Gregory J. Polyniak Re: Duke Realty 149-151 Maywood Avenue Revised Resolution Compliance Review
3. 11/21/23 letter from Borough of Paramus Adopted Ordinance #2023-45A Amending Chapter 367 Signs
4. 11/21/23 letter from Maywood Police Chief Terence Kenny Re: Duke Realty 149-151 Maywood Avenue Resolution Compliance Review
5. 11/22/23 letter from City of Hackensack Deputy Clerk Allison Saabye Re: Introduced Ordinance #46-2023 Amending the Second Street Redevelopment Plan
6. 11/22/23 letter from City of Hackensack Deputy Clerk Allison Saabye Re: Introduced Ordinance #47-2023 Amending the Prospect-Railroad-Essex-Beech Redevelopment Plan
7. 11/29/23 letter from Eric V. Timsak of Bergen County Planning & Engineering Re: JW Congregation Support, Inc. 439 Maywood Avenue Site Plan Application

8. 12/4/23 letter from Board Engineer Gregory J. Polyniak Re: Mady Properties 930 Spring Valley Road Completeness, Planning & Engineering Review
9. 12/5/23 letter from Board Engineer Gregory J. Polyniak Re: Kine Buds Maywood 113 East Passaic Street Resolution Compliance Review
10. 12/6/23 letter from Board Engineer Gregory J. Polyniak Re: JW Congregation Support, Inc. 439 Maywood Avenue Completeness & Engineering Review

**Resolution**

**TRB Associates**

145 West Passaic Street  
Block 83, Lots 15 & 16

**Calendar #2022-03**

**Variance & Site Plan Applications**

Variances:

1-Use Variance

2-Minimum Front Yard Setback (25' minimum required vs. 22.1' proposed/existing)

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

**Completeness Hearing**

None

**Application Hearing**

**Filip Kristani**

44 Parkway  
Block 62, Lot 4

**Calendar #2023-11**

**Variance Application**

Front Yard Setback (25' minimum required vs. 19.5' proposed)

Board Attorney Kara Kaczynski marked the following exhibits:

- A-1 application and submitted documents
- A-2 proofs of notice and publication
- PB-1 Neglia Engineering Associates review dated 6/23/23, revised 11/8/23

Filip Kristani is the Applicant and he was sworn in. He explained that he purchased the property in 2021 to build a new home. He hired an architect to design the home. He reminded the Board that he came before them in 2021 for coverage relief but ultimately withdrew the application. He stated that he asked his architect to create a design that complied with the Borough zoning ordinances. He said that the plans were submitted to the Building Department and construction permits were issued. He noted that the architect failed to show the portico dimensions on the site plan and the portico violates the front yard setback requirement. As such, he has submitted a variance application to the Board for approval. He added that the construction on the house is nearly complete. Board Engineer Brian Intindola believes that the house would need variances for the rear yard setback and driveway curb cut. Board Attorney Kaczynski summarized that:

- The minimum front yard setback is 25' and the portico is 19.5' from the front yard property line
- The minimum rear yard setback is 30' and there is 31.5' to the building but 25.16' to the stairs

She then asked if Board Engineer Intindola had anything else to add. He referenced exhibit PB-1 Neglia Engineering Associates review dated 6/23/23, revised 11/8/23 page 3 that the Applicant received

approval for a 20' curb cut, 4-car garage and 37' driveway per the Zoning Official denial letter dated 10/31/23. He believes that the Borough ordinance requires a curb cut to be 18' maximum. Board Attorney Kaczynski confirmed that the Governing Body approves curb cuts. She then asked Mr. Kristani when he became aware that there was a setback issue. He answered that he was notified by the Building Department that the front yard setback violation was not shown in the plans that they were provided. Mr. Kristani advised that his architect was not able to attend the hearing.

Board Attorney Kaczynski invited the Board to ask questions of Mr. Kristani. Chairperson Panny questioned the width of the curb cut and Mr. Kristani answered that it is 20' wide which he said was approved by the Building Department. He added that they also approved the 4-car garage using a bottleneck design. Chairperson Panny asked about the intersection stop sign which had been discussed at his May 2021 hearing. Mr. Kristani agreed and cited the yellow curbing as the need for the 4-car garage. He added that his two children would be driving in the future so the family would have 4 cars with the possibility of some of the cars being electric needing to be charged.

Board Attorney Kaczynski inquired if the portico and rear stairs could be redesigned so as not to trigger setback variances. Mr. Kristani answered that there is a rear door from the garage is below grade so the stairs are necessary for access. Board Attorney Kaczynski asked Board Engineer Brian Intindola for clarification on the rear yard setback. He summarized that the rear stairs from the garage are 25'-2" from the rear property line and the grilling deck is 28' from the rear property line. Harry Hillenius noted that the building roof is in compliance but the portico roof is not.

Board Planner Michael Kauker arrived at 7:49pm.

Board Attorney Kaczynski reviewed the Borough ordinance definition of front yard. Chairperson Panny suggested that the Applicant could remove the portico roof leaving the stairs which would comply with the Borough ordinance. Mr. Kristani would like the Board to approve the front yard setback variance as the portico is already constructed. John Gargagliano asked when construction began and Mr. Kristani replied that construction started in January 2022. Mr. Gargagliano referenced the hearing minutes from 2021 and corrected Mr. Kristani that he was seeking multiple setback variances and a coverage variance in his previous application to the Board. Mr. Gargagliano reviewed the plans that were submitted to the Building Department which were approved for construction permits. He noted that the portico setback was omitted from the site plan. Mr. Kristani responded that his architect made a mistake. Derek Eisenberg believes that the Applicant's architect should testify and asked why Mr. Kristani did not request an adjournment until his architect is available. Douglas Herrick inquired if the portico could be reduced in size to be compliant but Mr. Kristani replied that the columns are needed for support. Mr. Herrick suggested removing the entire portico so no support would be needed and Mr. Kristani agreed that could be done. Mr. Herrick added that the steps could remain. Board Engineer Intindola noted that the "Juliet" balcony is cantilevered off the main structure and could stay if the portico is removed. Board Attorney Kaczynski provided the Borough definition of building:

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

John Gargagliano referenced the 7/1/21 hearing minutes when Mr. Kristani offered to remove the "Juliet" balconies. Mr. Kristani reminded the Board that he withdrew that application. Derek Eisenberg pointed out that the "Juliet" balcony provides a roof to the area below it. Board Attorney Kaczynski suggested that Mr. Kristani could remove the portico and "Juliet" balcony. Mr. Kristani said that the Building Department had told him the same but he wanted to pursue the variance instead.

Vice Chairperson Anthony Klymenko provided the Borough definition of building area:

The maximum horizontal projected area and its accessories; roofed-over porches or similar extensions of a building shall be considered parts of the building. Any eave or similar projection in excess of four inches shall be considered as part of the building in the computation of side yards and land area coverage.

Board Attorney Kaczynski provided the Borough definition of front yard:

An open, unoccupied space on the same lot with a building situated between the front line of the lot and the nearest part of the building and extending from one side line of the lot to the other.

She then repeated the Borough definition of building. She asked how the applicant calculated building area but suggested that the applicant's architect may be better suited to answer that question. She advised that Mr. Kristani may need a lot coverage variance. Rick DeHeer noted that the Building Data under Zoning Calculations on the site plan specifies that the Roofed Front Porch is +/- 150 square feet. There was some discussion regarding the curb cut but the recording is not clear. Mr. Kristani explained that the architect showed the curb cut at 20' but the engineer/surveyor showed it at 18'. He added that the slope on each side is 1.5' so the total length with the slope is 20.7'. Board Engineer Intindola explained that the flares on each side of the curb cut are permitted and believes that the curb cut is conforming. John Gargagliano referenced the construction plans submitted to the Building Department which was missing the portico setback information and asked how the Applicant built using incomplete plans. Mr. Kristani agreed that the portico is missing from the front page of the site plan but is included on the elevations page further back in the plan set. There was some discussion on if the Applicant had changed architects from the 2021 application and Mr. Kristani insisted that he has always had the same architect.

Board Attorney Kaczynski believes that information is needed from Mr. Kristani's architect and suggested adjourning the hearing until his architect is available. Chairperson Panny believes that there are open items per exhibit PB-1 Neglia Engineering Associates review dated 6/23/23, revised 11/8/23. Board Engineer Intindola believes that the Applicant could provide an as-built survey to help determine the variances that are being requested. Mr. Kristani stated that he had submitted the as-built survey to the Building Department and will get a copy for the Board. Harry Hillenius asked if maximum driveway width is included in the Borough code and Board Engineer Intindola does not believe that it is specified. He added that driveway coverage would be included in the impervious coverage calculation. Vice Chairperson Anthony Klymenko believes that there is a separate calculation for front yard impervious coverage and cited the Borough code:

Within either the A-1 or A-2 Residential Districts, no more than 40% of the front, side and rear yards shall be covered with impervious materials or stone nor shall more than 65% of any lot be covered with impervious materials or stone nor shall more than 50% of the front yard be covered with impervious materials.

Board Engineer Intindola believes that the Applicant's architect should review the as-built survey and update the zoning table to reflect the as-built information. He is concerned that the Applicant may have exceeded the allowable coverage. Board Attorney Kaczynski suggest that the Applicant and his architect confer with the Board professionals prior to the adjourned hearing date to clarify some of the issues raised in tonight's hearing.

Board Attorney Kaczynski invited the public to ask questions of Mr. Kristani. Scott Raymond resides at 8 Cottage Place in Hillsdale but owns 624 Palmer Avenue. He asked if Mr. Kristani will provide testimony regarding hardship or positive/negative criteria. Mr. Kristani explained that the portico was built to cover the porch so that he could sit outside if it was raining. Mr. Raymond confirmed that there

was no hardship and Mr. Kristani agreed. Mr. Raymond inquired if Mr. Kristani would be seeking variances other than the front yard setback. Mr. Kristani believes the answer is dependent on the architect's consultation with the Board professionals. Mr. Raymond questioned where the drainage pipe leads and Mr. Kristani answered that the pipe goes to a seepage tank that is in the front of the property. Mr. Raymond confirmed that the as-built survey has been created and asked for a copy which Mr. Kristani agreed to. Mr. Kristani emphasized that the as-built will match the plans exactly. Mr. Raymond asked about the grilling deck proposed in the rear of the dwelling. Mr. Kristani replied that there is no grilling deck. Board Engineer Intindola interjected that the grilling deck is depicted on the architect's plans as part of the landing for the rear stairs to the yard. Mr. Raymond asked if the proposed grilling deck would violate the rear yard setback and Mr. Kristani was not sure. Board Engineer Intindola confirmed that the grilling deck would not be any larger than what is depicted on the plans. Jeff Issacs is the tenant at 624 Palmer Avenue. He referenced the hearing notice that indicated that Mr. Kristani was seeking a variance for the portico violating the front yard setback and the rear stairs violating the rear yard setback. Mr. Kristani believes that the variances are summarized in exhibit PB-1 Neglia Engineering Associates review dated 6/23/23, revised 11/8/23. Board Attorney Kaczynski believes that the Applicant's architect and as-built survey will help determine the variances needed. There was some discussion regarding the proposed fence but Mr. Kristani confirmed that the fence complies with the Borough code's height requirements. Mr. Issacs questioned why the Applicant needs rear steps from the garage. Mr. Kristani believes the rear door is a better solution than creating a staircase through the retaining wall along the driveway. Mr. Issacs understood that Mr. Kristani would be willing to remove the "Juliet" balcony and referenced the balconies proposed in 2021. Mr. Kristani replied that the 2021 plans have been changed and does not remember what Mr. Issacs is asking about. Board Attorney Kaczynski reminded Mr. Issacs that the Board was considering the current application. Mr. Issacs asked if any other variances would be requested and Mr. Kristani does not believe so.

Board Attorney Kaczynski advised that the hearing will be adjourned and additional notice may be required based on the variances that are determined by the Applicant's architect and Board professionals. She checked with Board Secretary Grunstra that the hearing could be adjourned to the 1/25/24 meeting and advised the public of the same. As of now, she explained that the Applicant was not required to re-notice but stipulated that this may change. She added that Mr. Kristani may need additional time and suggested that the hearing could be adjourned further if that was the case. Mr. Issacs asked how he would know if additional materials are submitted and Board Recording Secretary Grunstra replied that all application materials are posted to the Planning Board page of the Borough website.

**Informal Hearing**                      None

### **Old Business**

1. Amended Application, Checklist and Fee Schedule
  - a. Board Attorney Kaczynski provided the fee schedule for various municipalities for comparison purposes
    - i. After reviewing the Borough fee schedule, she recommended removing the escrow deposit hourly fees for Board professionals
    - ii. She would like to provide the governing body with a recommendation in early 2024
  - b. Chairperson Panny reviewed the preferences of the Shade Tree Commission, Police Department and Fire Prevention Bureau
    - i. Shade Tree Commission & Police Department would prefer to receive only digital copies

- ii. Fire Prevention Bureau would prefer to receive hard copies and digital copies
- c. Chairperson Panny confirmed that the Board currently requires 21 copies of application materials
- d. Board Attorney Kaczynski believes that the Board Recording Secretary Grunstra should get 1 or 2 copies and Board members can decide if they want a hard copy or digital copy and the Applicant could ship the hard copy to the Board members directly
- 2. Review of Borough Ordinances #12-23, #13-23 and #15-23
  - a. Board Attorney Kaczynski reminded the Board that Ordinance #12-23 permits licensed cosmetic/medical tattoo business in the Restricted Commercial RC district
    - i. She noted that the ordinance states that this permitted use will be a new subparagraph (6) but there is already an existing subparagraph (6) regarding residential use on the second floor in the RC district
      - 1. She believes that they intended Ordinance #12-23 to be subparagraph (7)
  - b. Board Attorney Kaczynski explained that Ordinance #13-23 permits tattoo businesses other than licensed cosmetic/medical tattoos businesses in the SOB district
    - i. She reminded the Board that there was a question why all tattoo businesses would not be permitted in the SOB district
  - c. Board Attorney Kaczynski summarized that Ordinance #15-23 permits all tattoo businesses in the RC district
    - i. She added that this subparagraph was listed as (6) but there is an existing subparagraph (6)
      - 1. She repeated the Board question about if this Ordinance replaced Ordinance #12-23
      - 2. If not, she expects that they intended for it to be subparagraph (8)
  - d. Board Planner Michael Kauker prepared a memo on the Ordinances to provide some answers to the Board's questions
    - i. Rick DeHeer believes that the memo answered the Board's questions
    - ii. Councilperson Ryan Ullman explained that the Governing Body unanimously approved the Ordinances
      - 1. Councilperson Ryan Ullman answered Board Attorney Kaczynski question that Ordinance #12-23 should be listed as subparagraph (7) and Ordinance #15-23 should be listed as subparagraph (8)
      - 2. Board Attorney Kaczynski clarified that Ordinance #13-23 does not permit licensed cosmetic/medical tattoos businesses in the SOB zone
      - 3. Councilperson Ryan Ullman suggested Board members with additional questions regarding the Governing Body's intent could attend the next Mayor and Council meeting this Monday, 12/11/23
    - iii. Derek Eisenberg confirmed with Board Planner Kauker about the properties located in the SOB district
    - iv. Chairperson Panny asked about the distinction between cosmetic/medical tattooing and all tattooing
      - 1. Board Planner Kauker asked about State legislation regarding tattooing
        - a. Board Attorney Kaczynski deferred to the Governing Body
    - v. Board Attorney Kaczynski summarized that all tattooing is permitted in the RC district but the SOB district does not permit cosmetic/medical tattooing
      - 1. Board Planner Kauker agreed with this assessment
    - vi. John Gargagliano explained that medical tattooing sometimes is used by persons that have had breast cancer treatment whereas cosmetic could be permanent eye

- makeup
- vii. Board Attorney Kaczynski was curious why the SOB district would not permit cosmetic/medical tattooing
  - 1. Board Planner Kauker agreed adding that one property in the SOB district provides medical services
- viii. Board Attorney Kaczynski confirmed with Board Planner Kauker that Ordinance #15-23 was consistent with the Borough Master Plan
- e. Douglas Herrick made a motion that the three ordinances were consistent with the Borough Master Plan
  - i. Councilperson Ullman seconded the motion
  - ii. All eligible members voted in favor of the motion

**New Business**                                  None

**Open Meeting to the Public**

**Closed Session**

Douglas Herrick made a motion to go into Closed Session. Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD**  
**Closed Session Resolution # 2023-16**

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): 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

( ) 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: 12/7/23 Time: 9:05pm

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary