

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**February 23, 2023**

A regular meeting of the Maywood Planning Board was held on Thursday, February 23, 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 7:33pm with the following members present: Councilperson Ryan Ullman, Chairperson Charlotte Panny, Secretary Gary Neumann, John Gargagliano, Harry Hillenius, Douglas Herrick, Derek Eisenberg, Thomas Anzevino and Rick DeHeer. Board Attorney Kara Kaczynski and Board Engineer Gregory Polyniak were also present.

**Approval of Minutes**

John Gargagliano made a motion to accept the minutes from the February 2, 2023 meeting. Thomas Anzevino seconded the motion. All eligible members present voted in favor of the motion.

**Bills**   None

**Correspondence**

1. 2/8/23 Borough of Paramus Planning Board Public Notice for the UE Bergen East, LLC Hearing
2. 2/17/23 proposal from Board Engineer Gregory J. Polyniak Re: Updating the Borough Zoning Map
  - a. Moved to New Business
3. 2/22/23 cover letter from Borough Fair Share Housing Counsel Patrick McNamara Re: Request to Extend Interim Immunity to the Borough of Maywood BER-L-6216-15

**Resolution**   None

**Completeness Hearing**                         None

**Application Hearing #1**                         **Neal & Jenica Siniscalco**  
66 West Magnolia Avenue  
Block 119, Lot 17  
**Calendar #2022-12**  
**Variance Application**  
Maximum Building Height (2-1/2 stories maximum permitted vs. 3 stories proposed)

Neal Siniscalco, his architect Joseph J. Bruno and Board Engineer Greg Polyniak were sworn in. Mr. Siniscalco explained that his family just had twins so they wanted to convert their walk-up attic to a master bedroom rather than moving out of Maywood. Board Attorney Kara Kaczynski marked the application and plans as Exhibit A-1. Mr. Bruno distributed an 8-page photo index dated 2/23/23 that Board Attorney Kara Kaczynski marked as Exhibit A-2. She then marked Neglia Engineering Completeness & Engineering Review Dated 10/21/22, Revised 1/4/23 as PB-1 and the notice and publication as Exhibit A-3. Mr. Bruno was qualified and accepted. He then detailed Exhibit A-2 photo index:

1. Page 1 – Cover Sheet
2. Page 2 – North elevation view of the subject residence (left hand side of photograph)
3. Page 3 – North elevation view of the subject residence (right hand side of photograph)
4. Page 4 – North elevation view of property at 56 West Magnolia Avenue
5. Page 5 – North elevation view of property at 48 West Magnolia Avenue
6. Page 6 – North elevation view of property at 44 West Magnolia Avenue
7. Page 7 – South elevation view of property at 65 West Magnolia Avenue
8. Page 8 – South elevation view of property at 63 West Magnolia Avenue

He believes that these photographs provide context of the homes in the neighborhood surrounding the subject property. He then detailed the proposed plan to finish the attic to accommodate a bedroom, closets and bathroom. He noted that the proposal complies with the New Jersey Uniform Construction Code (UCC) for habitable attic space. However, he explained that the Borough ordinance considers the proposed master bedroom and bath to be a 3<sup>rd</sup> story. He added that the proposed height of 33' is 2'-8" higher than the existing height (30'-5") but complies with the Borough code of 35' maximum. He stated that the architecture would match the existing structure using the same siding and shingles. He concluded by saying that no other site improvement is proposed. He provided planning testimony explaining that the proposed expansion is in accordance with the size and scale of the subject home and surrounding neighborhood. He stated that the zone plan would not be harmed by granting the approval since no other variances would be triggered.

Board Attorney Kaczynski invited the Board to ask questions of Mr. Siniscalco and Mr. Bruno. John Gargagliano inquired about a second means of egress. He explained that as a firefighter, he has personally observed 3<sup>rd</sup> floor occupants being injured as there was no alternative egress other than the stairwell during a fire. He provided Mr. Bruno with the specs for two types of emergency escape ladders which Board Attorney Kaczynski marked as Exhibit PB-2. Mr. Gargagliano also requested the NFPA 13R residential sprinkler at the top of the attic staircase. Gary Neumann confirmed that the attic is currently being used for storage. Derek Eisenberg asked for clarification on why the UCC code does not consider the attic a 3<sup>rd</sup> story. Mr. Bruno provided a technical description which was based on floor area. Board Engineer Polyniak provided the Borough ordinance definition of a story which was also technical. Mr. Bruno cited Exhibit A-2 and explained that the proposed height increase would still be consistent with the height of homes in the surrounding neighborhood.

Board Attorney Kaczynski asked Mr. Bruno if there would be any detriment to the surrounding properties if the Board was to grant approval. He answered that there would be no detrimental impact to the surrounding property owners as the proposed height increase would comply with the 35' maximum permitted and the architecture is complimentary to the neighborhood. He added that the use as a one-family home is permitted and provides for adequate light, air and open space furthering one of the purposes of the Municipal Land Use Law (MLUL). He noted that the home would comply with all other bulk regulations. Harry Hillenius summarized that the height would only increase approximately

2.5'. Doug Herrick also believes that a secondary means of egress should be a priority. Board Attorney Kaczynski suggested that the fire escape ladder and sprinkler could be conditions of approval. Mr. Siniscalco agreed to the conditions. Mr. Bruno suggested that the ladder could lead to the 1<sup>st</sup> floor enclosed porch roof. He then added that the whole house will have smoke detectors in accordance with the code. Board Engineer Polyniak confirmed that none of the on-site drainage patterns or roof discharge would change.

Chairperson Panny invited the public to ask questions of Mr. Siniscalco and Mr. Bruno or to comment on the application but no one came forward.

Board Attorney Kaczynski summarized that the Applicant is seeking a C(2) variance from the maximum story ordinance requirement of 2-1/2 stories permitted where 3 stories are proposed. She added that the conditions of approval would include the standard Board conditions, compliance with the comments of Exhibit PB-1 Neglia Engineering Completeness & Engineering Review Dated 10/21/22, Revised 1/4/23, installation of the fire escape ladder and sprinkler, and that the addition would match the existing roofing and siding. John Gargagliano asked that Mr. Bruno confirm with the Fire Official Tom Tuttle the exact location of the proposed fire sprinkler and Mr. Bruno agreed. Derek Eisenberg made the motion to approve the application with the conditions listed and John Gargagliano seconded the motion. All eligible members voted in favor of the motion.

## **Application Hearing #2**

### **Stepan Company**

100 West Hunter Avenue  
Block 124, Lots 31-33

### **Calendar #2020-07**

### **Variance & Site Plan Applications**

Requesting an extension of approval

John Beyel represents the Applicant, Stepan Company. He reminded the Board that the application was approved on October 1, 2020 and the resolution was memorialized on November 5, 2020. He introduced Plant Manager Dan Callahan. Mr. Beyel explained that supply chain issues had delayed the start of construction which is the reason they are requesting a 1-year extension of approval. Board Attorney Kaczynski confirmed that there have been no other extension requests by the Applicant. Dan Callahan was sworn in. Mr. Callahan explained that the project budget was established at the time of the approval but supply chain issues caused the costs to nearly double and lead times stretched to about 1 year. He said the budget was adjusted and they are ready implement the project this spring.

Chairperson Panny invited the Board to ask questions of Mr. Callahan. John Gargagliano confirmed that the project was for a wall and a warehouse on the Applicant's property. Mr. Beyel shared the project details that the building would be 1-story and 6,000 square feet and the wall would be 17' high. Board Engineer Polyniak stated that there are open comments from his review letter and asked that they be addresses prior to filing the construction permits. Mr. Callahan agreed. Board Attorney Kaczynski said that the conditions of approval from the prior approval would carry to the resolution granting the extension.

Chairperson Panny invited the public to ask questions of Mr. Callahan or comment on the application but no one came forward.

John Gargagliano made a motion to grant the 1-year extension and Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion.

**Informal Hearing**                      None

**Closed Session**                      None

### **Old Business**

- Review of Application Requirements Checklist (Schedule C)
  - Board Attorney Kaczynski advised that she received Board Engineer Polyniak's comments but none from the Board members
    - She will provide a draft list of changes for the Thursday, 3/23/23 meeting

### **New Business**

- Daniel's Law Explanation
  - Board Attorney Kaczynski stated that the law was approved in 2020 but has recently come into effect
    - She inquired how the Mayor & Council were implementing the law requirements and Councilperson Ullman agreed to research and update the Board
    - She explained that the law amends the NJ OPRA laws to prohibit disclosure of home addresses and unpublished phone numbers of Judges, Prosecutors, active and retired law enforcement, and their immediate family members who request that their information be redacted
      - She noted that there is an amended law pending that would extend it to elected officials
    - Regarding Planning Board hearings, Board Attorney Kaczynski said that when the public asks questions or comments on an application, they first provide their address which gives the Board an understanding of the context of their question or comment
      - She suggested that when the public speaks at a hearing, a protected person may state that they are protected and whether or not they live within 200' of the subject property
    - She then confirmed that Mayor & Council and Planning Board meeting recordings are posted on the Borough website so the protected person would need to have their address removed from the recording
      - Rather than going through all the recordings to redact the addresses, some municipalities are removing the meeting recordings entirely from their websites
- Affordable Housing Update
  - Board Attorney Kaczynski explained that letter from Borough Fair Share Housing Counsel Patrick McNamara was to extend the immunity
- Construction Inspection Schedule
  - Board Attorney Kaczynski stated that legislation was recently adopted regarding the timing of construction inspections
    - She explained that a permit holder may request an inspection be scheduled within a 3 day window and the Building Department must respond within 24 hours of the request if they are unable to accommodate the request
      - If the Building Department cannot accommodate the request, the permit

holder is allowed to hire their own DCA-approved inspector who may be allowed to continue inspecting the project until completion

- She added that the cost for hiring the independent inspector would be reconciled with the Building Department at the project completion
- Maywood Avenue Remediation
  - Chairperson Panny inquired about the gypsum remediation on Maywood Avenue homes
  - Board Engineer Polyniak confirmed that the area is being remediated and material is close to the surface
  - John Gargagliano participated in a meeting between the Fire Department, Stepan Company and the remediation company since they would be digging around gas lines
    - He believes the project will conclude soon
  - Board Engineer Polyniak advised that the sidewalk, greenbelt and curbing in front of the homes affected will be replaced at Stepan Company's expense
- Updated Zoning Map
  - Board Engineer Polyniak provided a proposal for Phase 1 updating the zoning map and optional Phase 2 includes interactive web-based map application which the Borough is currently using to map road improvement programs and will be using to map the stormwater management system
  - Board Attorney Kaczynski confirmed that planning consultation for this project would not be needed
  - Derek Eisenberg has used the interactive web-based map application for a different municipality and has found it beneficial
  - Chairperson Panny confirmed that there was sufficient budget available
    - Board Attorney Kaczynski suggested sharing the expense with the Governing Body
  - Chairperson Panny confirmed that both Phases of the project would be completed in 20 days
  - Douglas Herrick made a motion to recommend to the Mayor & Council that they proceed with Phase 1 and Phase 2 of the zoning map update and Derek Eisenberg seconded the motion
    - All eligible members present voted in favor of the motion
- 3/2/23 meeting cancellation as there are no hearings scheduled
  - Harry Hillenius made a motion to cancel the 3/2/23 meeting and Derek Eisenberg seconded the motion
    - All eligible members present voted in favor of the motion

## **Open Meeting to the Public**

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion. The meeting was adjourned at 8:39pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary