

Chairman Frank Lichtenberger reminded the Board that this hearing was adjourned from the previous meeting on 2/22/18. Kevin Kelly of Kelly, Kelly, Marotta & Tuchman is the attorney for the applicants, Brad Basile and Susan Dyrness. Brian Campion of the same firm presented the application at the previous hearing but was unable to attend this hearing. Mr. Kelly reminded the Board that there was concern that the third-floor living space posed a fire safety threat. Since the hearing, Fire Official Tom Tuttle issued a letter identifying steps that the applicant could take to improve fire safety. Perry M. Chevestick is the applicant's architect but he is on vacation this week. Mr. Kelly reviewed Fire Official Tuttle's letter with Mr. Chevestick. Since fire escapes are not permitted and adding an external stairwell is costly and may trigger setback variances, the applicant is proposing several other options:

- Hardwired smoke and carbon monoxide detectors throughout the dwelling
- 5/8" fire rated sheet rock
- 13R residential sprinkler system

Board Attorney Kara Kaczynski marked Fire Official Tuttle's 2/26/18 letter as Exhibit PB-1. Fire Official Tuttle was sworn in. After reviewing the site plan, he has concern that a fire would cause the interior stairwell to act as a chimney and third-floor occupants could be trapped. An alternative means of egress could prevent loss of life. He believes that a hardwired alarm system and sprinkler system would be beneficial. John McManus provided a print out for the Werner ESC330 3-Story Built-in Fire Escape Ladder. Chairman Lichtenberger explained that this suggestion is an effort to keep the occupants safe. Mr. Kelly appreciated the Board's input and believes that this product would be a good solution. John Gargagliano has installed this product previously and his customers were happy with the product. Mr. Kelly asked if the product is installed, could the sprinkler system be limited to the third floor. Fire Official Tuttle felt that limiting the sprinkler system to the third floor with the built-in fire escape ladder would be satisfactory. Board Attorney summarized the fire safety steps that were to be implemented:

- Hardwired smoke and carbon monoxide detectors throughout the dwelling
- 5/8" fire rated sheet rock
- 13R residential sprinkler system on the third floor only
- Werner ESC330 3-Story Built-in Fire Escape Ladder installation

Board Engineer Brian Gillen has seen the built-in fire escape ladders installed previously.

Mr. Kelly summarized the application. He believes that the positive and negative criteria have been satisfied.

Harry Hillenius made a motion to approve the application with previously agreed upon conditions of approval. John Gargagliano seconded the motion. All eligible members present voted in favor of the motion.

Mayor's Designee Rick DeHeer and Councilman Michael Gervino rejoined the dais.

Hearing #2**Christine & David Moran**

137 Washington Avenue

Block 32, Lot 10

Calendar #2018-01**Variance Application**

Patrick A. LaCorte is the architect for the applicant, Christine and David Moran. He was sworn in, qualified and accepted. The schematic plan submitted with the application is dated 1/23/17 and has not been revised. The applicant is proposing a two-story addition at the rear and right side of the property. They would like extend the existing front porch to wrap around the right side of the home and meet the addition. The first-floor renovation will expand the kitchen, and create a family room, mud room and full bathroom. The second floor has three bedrooms existing and the renovation will expand one of the bedrooms and add a master bedroom suite. Mr. LaCorte then outlined the zoning table for the Board where there are only 2 variances required. The existing porch violates the front yard setback requirement at 11'-8" where 25' minimum is permitted. The applicant is proposing to expand the porch to match the addition thereby increasing a pre-existing nonconformity. The home has an existing side yard setback nonconformity of 2'-7.5" on the left side. The addition would not violate the side yard setback requirement. The impervious coverage is 39.6% where a maximum of 40% is permitted so no variance is required. He calculated the impervious coverage by measuring the building, deck, garage, driveway, front walk and front steps. The goal is to have the addition look as though it had always been there. As such, the front porch would be extended to meet the addition and the siding and roofing for the addition would match the existing home.

Chairman Lichtenberger believes the addition will be an improvement to the existing home and remarked that the lot size is significantly larger than many of the neighbors. He added that many of the homes in that neighborhood have non-conforming front yard setbacks. Anthony Klymenko asked if there are any pathways from the deck to the driveway. Christine Moran answered that there was a pathway but a tree fell on the pathway prior to her ownership. The existing pathway is broken concrete and will be removed. Harry Hillenius confirmed that the size of the front steps will not change but will be moved over to align with the front porch expansion.

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

Anthony Klymenko made a motion to approve the application with a condition of approval that the path from the driveway to the deck be removed. Mayor Designee Rick DeHeer seconded the motion. All eligible members present voted in favor of the motion.

Closed Session

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

BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2018-02

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

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: 3/1/18 Time: 8:07pm

Chairman Lichtenberger made a motion to return to the regular order of business. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Informal Hearing None

Old Business None

New Business None

Open Meeting to the Public

Adjournment

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 8:20pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary