

**MAYWOOD PLANNING BOARD  
MINUTES  
March 25, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, March 25, 2021 via the “Zoom” online meeting platform at 7:30pm. “This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Our Town and The Record newspapers on or about December 7, 2020. In addition, notice of the meeting was posted on the door of the Maywood Municipal Building located at 15 Park Avenue and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. 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. The public commenting policy for electronic public meetings will also be followed as noted on the Borough website ([www.maywoodnj.com](http://www.maywoodnj.com)).”

**Flag Salute**

**Oaths of Office**

Secretary Anthony Klymenko – Class IV  
Planning Board Recording Secretary administered the Oath of Office.

**Call to Order**

The meeting was called to order at 7:32pm with the following members present: Chairman Frank Lichtenberger (arrived @ 7:38pm), Vice Chairperson Charlotte Panny, Mayor Richard Bolan (left @ 7:54pm), Councilperson Ryan Ullman (left @ 7:54pm), Gary Neumann, Paul Kuhn, John Montel, Harry Hillenius, Secretary Anthony Klymenko, Peter Cicarelli, John Gargagliano and Geoffrey Smith. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

Chairman Frank Lichtenberger joined the meeting at 7:38pm.

**Approval of Minutes**

Vice Chairperson Charlotte Panny made a motion to accept the minutes from the March 4, 2021 meeting. Paul Kuhn 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. Mayor Richard Bolan seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 2/26/21 letter from Board Planner Michael Kauker Re: Maywood Sherwood Village, LLC 11 West Passaic Street Planning Review
- 3/9/21 City of Hackensack Zoning Ordinance Creating an Inclusionary Overlay Zone
  - Chairman Lichtenberger asked to move this correspondence to Old Business

- 3/10/21 letter from Borough Clerk Barbara L. Dispoto Re: Adopted Borough Ordinance #3-21 Ordinance Amending Ordinance Chapter 284 Governing the Maywood Storm Water Control System
  - Chairman Lichtenberger asked to move this correspondence to Old Business
- 3/15/21 letter from Board Recording Secretary Tara Grunstra Re: Maywood Sherwood Village, LLC 11 West Passaic Street Application Hearing Rescheduled Date 5/27/21
- 3/15/21 letter from Board Engineer Gregory J. Polyniak Re: Donna Spezzaferra 462 Poplar Avenue Engineering Review
- 3/15/21 letter from Board Engineer Gregory J. Polyniak Re: Arya Realty Holdings, LLC 138-140 West Pleasant Avenue Completeness, Planning and Engineering Review
- 3/16/21 letter from Board Recording Secretary Tara Grunstra Re: Arya Realty Holdings, LLC 138-140 West Pleasant Avenue Hearing Date 4/22/21
- 3/19/21 letter from Board Engineer Gregory J. Polyniak Re: GFR Maywood, LLC 18 West Passaic Street & 521 Maywood Avenue Resolution Compliance Review

**Resolution**                               None

**Completeness Hearing**               None

**Application Hearing #1**               **Donna Spezzaferra**  
 462 Poplar Avenue  
 Block 95, Lot 2  
**Calendar #2021-01**  
**Variance Application**

Peter Cicarelli recused himself from the hearing as he performed the survey for the applicant.

Board Attorney Kara Kaczynski confirmed with Board Recording Secretary Grunstra that the applicant noticed the hearing properly so that the Board has jurisdiction. She then marked the following exhibits:

- A-1 Application and all supporting documents
- A-2 Affidavit of notice and all proofs

Donna Spezzaferra is the applicant and she was sworn in. She explained that she would like to expand the existing 7' x 7' front porch along the front of her home. The home was built in 1927. Chairman Lichtenberger noted that there is an existing front yard setback nonconformity of 19.36' where 25' is required and the porch expansion does not exacerbate the nonconformity. He received several versions of the plan and would like to know the changes. Mrs. Spezzaferra answered that the project didn't change but notes were added per Board Engineer Gregory Polyniak review letter.

Board Engineer Polyniak explained that the porch expansion requires a variance for front yard setback (19.36' existing and proposed vs. 25' minimum required). He has consulted with the applicant and her architect regarding the open comments in his 3/15/21 engineering review letter. He had questions regarding the concrete and sidewalk detail, roof leader placement so as not to direct runoff to adjacent properties and proposed lighting not spill onto adjacent properties. He explained that the applicant's architect agreed to address the open items.

Board Attorney Kaczynski asked the size of the proposed porch. Board Engineer Polyniak replied that the proposed size is 7' x 19' along the front of the dwelling matching the existing dwelling bump out of

the 19.36' setback. Board Attorney Kaczynski confirmed with Mrs. Spezzaferra that her architect will address the items noted by Board Engineer Polyniak.

Chairman Lichtenberger was temporarily disconnected from the meeting. When he returned, Board Engineer Polyniak updated him on what transpired during his short absence.

Chairman Lichtenberger then invited the Board and the public to ask questions of Mrs. Spezzaferra or comment on the application but no one came forward.

Mayor Bolan made a motion to approve the application with the conditions established by Board Engineer Polyniak's 3/15/21 review letter. John Gargagliano seconded the motion and all eligible members present voted in favor of the motion.

Board Attorney Kaczynski advised Mrs. Spezzaferra that the resolution will be memorialized at the 4/22/21 meeting, notice of the resolution will be published and the 45 day appeal period after publication.

**Application Hearing #2**            **NYCE Tattoos**  
946 Spring Valley Road  
Block 2, Lot 5  
**Calendar #2020-01**  
**Variance & Site Plan Applications**

Mayor Bolan and Councilperson Ullman recused themselves from the hearing and exited the meeting at 7:54pm.

Board Attorney Kara Kaczynski confirmed with Board Recording Secretary Grunstra that the applicant noticed the hearing properly so that the Board has jurisdiction. She then marked the following exhibits:

- A-1 Application and all supporting documents
- A-2 Affidavit of notice and all proofs

Brian Chewcaskie of Cleary, Giacobbe, Alferi and Jacobs, LLC represents the applicant, NYCE Tattoos. He stated that the subject property borders Paramus and is the last property in Maywood. The applicant is seeking a D(1) use variance to operate a tattoo parlor in the Professional and Commercial Office (PC) district. He explained that there are no site or exterior improvements proposed. He then provided background information about the Board approvals granted in 2011 and 2013. The property owner also owns the adjacent building which is a hair salon. Both buildings share a common rear parking lot. As required, the applicant has provided an as-built survey. His office has received 2 reports from the Board professionals:

- Neglia Engineering Associates 11/24/20 Engineering Review
- Kauker & Kauker 12/11/20 Planning Review

He noted that the hearing was originally scheduled for 3/4/21 but was adjourned to tonight. Mr. Chewcaskie plans to call two witnesses; architect Conrad Roncati and planner Brian Seidel. Both were sworn in by Board Attorney Kaczynski.

Conrad Roncati of Architectura was qualified and accepted. He was the architect for the 2013 site plan application as well. He created the architectural plans dated 8/16/19 which include the existing condition, proposed floor plans, exterior elevations and photographs. The previous use was as a real

estate office with offices on the first and second floors and basement storage. The proposed use is another single tenant similarly utilizing the first and second floors and basement storage. Construction will be minimal. The first floor restroom will not change and the open bull pen layout on the first and second floors will remain. The first floor will have a reception desk, restroom, waiting area, merchandising area, one tattoo station and an office. The second floor will have a lounge, four tattoo stations in the open and one private tattoo station. The exterior will not change except for replacing the existing signage with NYCE Tattoos signage. The signage design has not been determined but will be submitted separately from this application when available.

Chairman Lichtenberger then invited the Board to ask questions of Mr. Roncati. Board Engineer Polyniak had a number of questions regarding how the business would operate. Mr. Roncati deferred to the applicant's planner, Brian Seidel. Mr. Chewcaskie offered to answer Board Engineer Polyniak's questions. He stated that the hours of operation are Monday-Saturday 12pm-9pm. They anticipate up to 5 employees; 3 artists, 1 apprentice and possibly a receptionist. Customers are scheduled mostly by appointment. They expect 9-12 customers per day. Mr. Chewcaskie added that the majority of customers are women. Board Engineer Polyniak asked how waste will be stored and disposed. Mr. Chewcaskie answered that waste will be maintained on-site and disposed of appropriately. He further explained that no hazardous materials will be used and needles will be managed similar to a medical office with a company responsible for collection. Board Engineer Polyniak asked about the shared parking. Mr. Chewcaskie explained that the two building are owned by the same entity. The site plan with the shared parking and ingress/egress was approved by the Board in 2013. Board Engineer Polyniak questioned the lighting and noted that the proposed use as a tattoo parlor would have different hours of operation than the previous use as a real estate office. Mr. Chewcaskie referred to the as-built survey and repeated that the site plan was approved in 2013. Board Engineer Polyniak requested testimony regarding that the lighting is sufficient for patrons and staff at night. Mr. Roncati personally visited the site at night. He noted that the lights are set by a timer. He explained that there are 3 area lights in the parking lot as depicted on the as-built survey dated 10/19/20. Mr. Roncati does not know when the lights are scheduled to shut off but will agree to the condition that the lights remain on until 15 minutes after the close of business. Board Engineer asked about deliveries on-site and confirmed with Mr. Roncati that deliveries do not require large trucks.

Chairman Lichtenberger then invited the public to ask questions of Mr. Roncati but no one came forward.

The applicant's next witness is professional planner Brian Seidel who was qualified and accepted. He was retained to review the application, site location, Borough master plan and ordinances, and compare the proposed use to those documents. Board Attorney Kaczynski marked the 13 page planning package prepared by John McDonough Associates as Exhibit A-3. Mr. Seidel confirmed that the photographs depict the property as it exists today. Mr. Seidel presented the exhibits to the Board emphasizing the developed commercial nature of the surrounding area. He noted that the subject property is approximately 230' from the nearest residential property. He displayed a series of photographs showing the subject property and neighborhood from various angles. He remarked on the density of the neighboring commercial properties.

Mr. Seidel explained that the subject property is located in the Professional and Commercial Office (PC) district. The surrounding uses are commercial. He stated that D(1) variance is required for the proposed use as a tattoo parlor as the use is not permitted in the PC zone. The use is permitted in the non-residential area along Route 17 South and he noted that this location is consistent with that location as it

located near the Route 4 interchange. He repeated that there are no site improvements proposed. He stated that the applicant satisfies the four elements of proof for the Medici test including site suitability. He believes that the site is particularly suited for the use by virtue of the context as the last parcel in Maywood bordering Paramus, the dominant land use in the area is the highway and shopping center, and the area is non-residential. He also considers that the site is particularly suited for the use by virtue of the condition as it easily adapts to accommodate the proposed use without a major renovation to the site and building, the use is a natural fit for the area and an adapted use in general. Regarding the special reasons, he believes that the project promotes a number of purposes of the land use law specifically purpose A. He stated that tattooing is a massive industry and provided various statistics. The project also promotes purpose G, promoting the planning goal of a variety of uses in appropriate locations. He considers the subject property as having similar characteristics as the location where the use is permitted near a major highway in a non-residential area. He believes that this project promotes purpose M, promoting an efficient land use. He considers an adaptive reuse as the most efficient as it is a vacant underutilized building. He also believes that the project promotes a positive and desirable visual environment by maintaining the building and maintaining activity in this area with a new use.

Regarding the public impact, Mr. Seidel trusts that the relief can be granted without substantial detriment to the public good. He noted that the architectural plans show a safe interior environment. Regarding the use, he considers this use to be comparable to the existing uses in the area. He emphasized that the site plan retains the parking and circulation. He remarked that the industry is highly regulated and believes that the operator will conduct his business in a safe manner. Regarding the zone plan, he believes that relief can be granted without causing substantial impairment to the zone plan as it is a small lot in context to the area and will have a minimal impact on the character of the area and the zone. He understands that the nature and intensity of the use is similar to the permitted uses in the zone. The relief relates to the distinct site being the last lot in Maywood bordering Paramus. Additionally, he feels that the proposed use meets the standards of the ordinance where the use is permitted. He noted that the hours of operation comply with the ordinance and the subject property is located more than 200' from a residential use. He believes that the statute of criteria for the use relief has been met.

Chairman Lichtenberger then invited the Board to ask questions of Mr. Seidel. Board Planner Michael Kauker had no issues or concerns with Mr. Seidel's testimony. He repeated several of Mr. Seidel's points and feels that his testimony was accurate. When asked by Board Attorney Kaczynski, Board Planner Kauker agreed that the testimony provided by Mr. Seidel has met the criteria required for the granting of the D(1) variance.

Chairman Lichtenberger then invited the public to ask questions of Mr. Seidel but no one came forward.

Chairman Lichtenberger confirmed that the applicant is seeking a D(1) use variance. He believes that the proposed use is similar to other area businesses. Board Attorney Kaczynski reminded the Board that there are variances required for the existing nonconformities identified in Board Engineer Polyniak 11/24/20 Engineering Review. She noted that the proposed use will not exacerbate the existing nonconformities. She also suggested listing the conditions of approval including that all medical waste be properly disposed of in accordance with the applicable health laws and requirements, any previously agreed upon shared parking and ingress/egress agreements would remain, the lighting and signage will remain and the standard Board conditions. Harry Hillenius believes that the signage size will not change, but the design including colors has not been determined. Chairman Lichtenberger stated that the applicant will come before the Board for signage, if needed. Geoffrey Smith confirmed with Mr.

Roncati that most of the tattoo stations will be out in the open but one station on the second floor will be private.

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

John Gargagliano made a motion to grant the D(1) use variance and variances for the existing nonconformities with the conditions previously stated by Board Attorney Kaczynski. Harry Hillenius seconded the motion. All eligible members voted in favor of the motion except John Montel who voted against the motion.

**Informal Hearing**                      None

**Closed Session**                      None

### **Old Business**

- 3/9/21 City of Hackensack Zoning Ordinance Creating an Inclusionary Overlay Zone
- 3/10/21 letter from Borough Clerk Barbara L. Dispoto Re: Adopted Borough Ordinance #3-21 Ordinance Amending Ordinance Chapter 284 Governing the Maywood Storm Water Control System
  - Board Attorney Kaczynski advised that these two pieces of correspondence were for notification purposes only and do not require action from the Board

### **New Business**

- Shade Tree Commission to be added to the copy list for site plan approvals
  - Need to revise site plan application to request 21 copies of applications and plans
  - Board Attorney Kaczynski will provide examples of ordinances that specify the process and timing
  - Chairman Lichtenberger explained that there is a current process with the Maywood Police Department which has been working well
- 4/1/21 meeting cancellation
  - Since there are no hearings scheduled, Harry Hillenius made a motion to cancel the 4/1/21 meeting
  - Paul Kuhn seconded the motion and all eligible members voted in favor of the motion

### **Open Meeting to the Public**

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Chairman Lichtenberger seconded the motion. All members present voted in favor of the motion. The meeting was adjourned at 8:45pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary