

**MAYWOOD PLANNING BOARD**  
**MINUTES**  
**April 22, 2021**

A regular meeting of the Maywood Planning Board was held on Thursday, April 22, 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 March 1, 2021. 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**

**Call to Order**

The meeting was called to order at 7:31pm with the following members present: Chairman Frank Lichtenberger, Vice Chairperson Charlotte Panny, Mayor Richard Bolan, Councilperson Ryan Ullman, Gary Neumann, John Montel, Harry Hillenius, Secretary Anthony Klymenko and Peter Cicarelli. Board Attorney Kara Kaczynski, Board Engineer Gregory Polyniak and Board Planner Michael Kauker were also present.

**Approval of Minutes**

Vice Chairperson Charlotte Panny made a motion to accept the minutes from the March 25, 2021 meeting. Harry Hillenius 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. Secretary Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

**Correspondence**

- 3/29/21 letter from Steven C. Schepis, Esq. Re: Empire Real Estate Holdings, Inc. Recorded NJDEP Permit
- 3/30/21 letter from Eric V. Timsak Bergen County Planning and Engineering Re: Maywood Rx Development Application Withdrawn
- 3/30/21 letter from Eric V. Timsak Bergen County Planning and Engineering Re: GFR Maywood Approval Not Required
- 3/30/21 letter from Board Engineer Gregory J. Polyniak Re: Arya Realty Holdings, LLC 138-140 West Pleasant Avenue Completeness, Planning and Engineering Review
- 4/13/21 Adopted Borough Resolution #78-21 Designating Certain Properties on East Hunter as a Non-Condensation Area in Need of Redevelopment
- 4/13/21 Adopted Borough Resolution #79-21 Authorizing Kauker and Kauker to Prepare an East Hunter Avenue Redevelopment Plan

- 4/15/21 letter from David J. Egarian Re: Empire Real Estate Holdings, LLC 191 West Central Avenue Revised Site Plan and Attachments

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

Harry Hillenius made a motion to memorialize the resolution and Vice Chairperson Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

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

Harry Hillenius made a motion to memorialize the resolution and Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

**Completeness Hearing**                    None

**Application Hearing**                        **Arya Realty Holdings, Inc.**  
 138-140 West Pleasant Avenue  
 Block 83, Lots 3 & 4  
**Calendar #2020-16**  
**Variance & Site Plan Applications**

Secretary Anthony Klymenko recused himself from the hearing at 7:42pm.

James Jaworski of Wells, Jaworski & Liebman, LLP represents the applicant, Arya Realty Holdings, Inc. He introduced Krupen Dudhia, owner of Coronet Variety. The applicant is proposing to add a second story to the expanded store creating 4 small offices. Therefore, the applicant is seeking preliminary and final site plan approval, consolidation of the two lots and a parking variance for 15 parking spaces. There was some conflicting opinions on the number of parking spaces required. As such, he believes that requesting a variance for the highest number of required parking spaces is the best approach.

Mr. Jaworski cited the 2019 Master Plan Reexamination Report regarding the West Pleasant Avenue Central Business District:

Stimulate both lateral and vertical expansion to add additional, retail and service facilities and apartments on upper floors.

He then cited Board Planner Michael Kauker’s 12/21/20 planning review:

This proposal for revitalization of these properties is consistent with the Boroughs current Zoning and Master Plan policy.

Mr. Jaworski believes that Board Planner Kauker is in agreement that the application meets the C(2) variance relief criteria because the building aesthetic will be an improvement to the area and the

proposed drainage improvements will rectify an existing drainage condition. He added that the landlocked nature of the property would support the hardship criteria.

Board Attorney Kara Kaczynski confirmed with Board Recording Secretary Grunstra that the applicant noticed the hearing properly so that the Board has jurisdiction. She thanked Mr. Jaworski for providing an exhibit list. The exhibit list includes the following exhibits:

- Exhibit A-1 New Commercial Building Downtown Maywood Prepared by Element Architectural Group, Sheet Z-1, Dated 11/18/20, Last Revised 1/5/21
- Exhibit A-2 Grading & Drainage Plan Prepared by David E. Fantina, P.E., Dated 3/8/21
- Exhibit A-3i Survey for 140 West Pleasant Avenue Prepared by Rigg Associates, P.A., Dated 3/6/19
- Exhibit A-3ii Survey for 138 West Pleasant Avenue Prepared by Rigg Associates, P.A., Dated 2/19/20
- Exhibit PB-1 Correspondence of Neglia Engineering Associates, Dated 12/10/21, Last Revised 3/30/21
- Exhibit PB-2 Memorandum from Kauker & Kauker, LLC, Dated 12/21/20
- Exhibit A-4 Application and all supporting documents
- Exhibit A-5 Affidavit of notice and all proofs

Mr. Jaworski introduced his witnesses; architect Brian Altman and civil engineer David Fantina. Board Attorney Kara Kaczynski identified Board Engineer Greg Polyniak and Board Planner Michael Kauker. All four people were sworn in.

The applicant's first witness was architect Brian Altman from Element Architectural Group who was qualified and accepted. He explained that the project included razing the adjacent building at 140 West Pleasant Avenue and creating an expanded business at 138 West Pleasant Avenue. The applicant is also seeking to add a second story to the expanded business to accommodate 4 small offices. Board Recording Secretary Tara Grunstra displayed Exhibit A-1 New Commercial Building Downtown Maywood Prepared by Element Architectural Group, Sheet Z-1, Dated 11/18/20, Last Revised 1/5/21. He then described the layout and finishes. Mr. Jaworski asked Mr. Altman to address any items identified in Exhibit PB-1 Correspondence of Neglia Engineering Associates, Dated 12/10/21, Last Revised 3/30/21. Mr. Altman explained that he calculated the parking requirement based on the 80% floor area ratio (FAR) which resulted in 14 parking spaces required. Mr. Jaworski believes the safest approach, given the difference of opinion, would be to request the variance for the highest number of required parking spaces which is 15. Board Attorney Kara Kaczynski agreed that requesting the variance for 15 parking spaces would be best. Mr. Jaworski mentioned that the applicant is requesting several waivers and Board Engineer Greg Polyniak supported granting the waivers. Mr. Altman confirmed that the only variance requested is for the 15 parking spaces. He does not think that granting the variance would negatively impact the neighboring businesses as he believes that only 4-8 people would need parking.

Board Engineer Polyniak confirmed with Mr. Jaworski that the Borough signage requirements of 10% of the building façade, no higher than the façade and not projecting more than 12" from the façade will be met. Mr. Jaworski added that should the signage not meet Borough requirements, the applicant understands that he will need to go before the Board. Chairman Frank Lichtenberger confirmed that the applicant is not providing any parking. Mr. Jaworski praised the parking configuration on the West Pleasant Avenue. Board Planner Michael Kauker added that West Pleasant Avenue was designed for ease of movement allowing drivers navigate while searching for parking. Chairman Lichtenberger

asked if people could park in the municipal lot on Spencer Joseph Way behind the Twin Door Tavern/Maywood Inn. Mayor Richard Bolan answered that the municipal parking lot is available to the public during the day and short-term overnight parking for permit holders. Board Planner Kauker noted that there is a quick turnover parking time for patrons of a business such as Coronet Variety. He mentioned that there will be 4 parking spaces in front of the renovated business. Chairman Lichtenberger stated that there is a demand for parking on West Pleasant Avenue but patrons are able to find parking either on-street or in one of the several municipal parking lots.

Chairman Lichtenberger invited the public to ask questions of Mr. Altman. Robert Bokor owns 128-130 West Pleasant Avenue and he began commenting on the application. Board Attorney Kaczynski interrupted to explain that this time is for the public to ask questions of the Mr. Altman only. She said that the public can comment on the application later in the hearing. Mr. Bokor did not have any questions for Mr. Altman.

The applicant's next witness was engineer David Fantina who was qualified and accepted. Mr. Jaworski marked Exhibit A-2 Grading & Drainage Plan Prepared by David E. Fantina, P.E., Dated 3/8/21 and Mr. Fantina displayed the plan for the Board. Mr. Jaworski confirmed that Mr. Fantina visited the site. Mr. Fantina added that he collaborated with Board Engineer Polyniak on a solution to the existing drainage problem in the rear of the combined properties. He is proposing a large stone drywell with leaders from the building's roof. He has observed standing water in the area behind the buildings and will grade the area so that stormwater will drain to the pit. Mr. Fantina noted that Exhibit PB-1 Correspondence of Neglia Engineering Associates, Dated 12/10/21, Last Revised 3/30/21 has a number of comments related to grading and drainage and he agreed to address all the comments. Chairman Lichtenberger asked if the applicant would be doing work on the neighbors' properties and Mr. Jaworski answered that the work would be done on the applicant's property only but the neighboring properties would benefit from the stormwater drywell. Chairman Lichtenberger confirmed that the retaining wall will be rebuilt.

Chairman Lichtenberger invited the Board to ask question of Mr. Fantina. Board Engineer Polyniak noted that the retaining wall split onto the adjoining property and requested that agreement between the two parties be made. He added that there are several notes to be added to the plan including replacing any damaged curbing, sidewalks, fencing, etc. should they be damaged during construction. Mr. Fantina agreed to all the requested notes. He would add the notes regarding grading and drainage and Mr. Altman would add the remaining notes to his plan. Board Engineer Polyniak asked about the sanitary lateral lines being combined into one and asked that the video assessing the condition of the line be shared with him. He added that if it is damaged, it should be replaced by the applicant. He requested information on the pitch of the pipe that leads to the seepage pit be added to the plan. There are generic notes that Board Engineer Polyniak would like added to both the grading and drainage plan and the architectural plan. Mr. Fantina agreed. Board Engineer Polyniak observed that the rear area will remain gravel on the grading and drainage plan but the architectural plan shows the area as paved. Mr. Fantina confirmed that the rear area is to be paved and the inlet will capture the stormwater runoff. Per the parking calculation, Board Engineer Polyniak believes that the discrepancy is due the shed which was included in his calculation but not in Mr. Altman's calculation. He then asked if the shed was to remain. Mr. Fantina confirmed that the shed was to remain and agreed to the parking requirement of 15 parking spaces.

Chairman Lichtenberger invited the public to ask question of Mr. Fantina but no one came forward.

Mr. Jaworski does not have any additional witnesses. He believes that the proposed development supports the Borough's 2019 Master Plan Reexamination Report.

Chairman Lichtenberger invited the public to comment on the application. Robert Bokor owns 128-130 West Pleasant Avenue and he is concerned about the parking. Mayor Bolan stated the municipal parking lot on Spencer Joseph Way is being repaved and restriped and will be available to the public once the project is complete. Frank Cilento of 701 Maywood Avenue has lived in Maywood his entire life and believes that parking on West Pleasant Avenue has always been challenging. He thinks that the Borough should encourage growth and supports the applicant's project. Chairman Lichtenberger noted that the 2019 Master Plan Reexamination Report provides for second story development on West Pleasant Avenue westbound from Palmer Avenue. He feels that if more people utilized the municipal parking lots instead of double parking on West Pleasant Avenue, the situation would be improved. Angelo Bondi owns Mario's Pizzeria at 132 West Pleasant Avenue for the past 12 years. He agreed with Chairman Lichtenberger that people don't use the municipal parking lots and instead double park. He has personally observed drivers double parked while approximately 30-40% of the municipal parking lot was vacant. He attributes the double parking to laziness. He supports the applicant's expansion project as it will bring in more customers to West Pleasant Avenue and improve the building aesthetics. He believes that this project is the first step in a revitalization. He added that he has never had a customer complain that they couldn't find parking. Mayor Bolan has noticed an increase in pedestrian traffic and feels that Maywood's walkability is an asset. Chairman Lichtenberger concurred. Jane Burns lives at 530 William Street and patronizes Coronet Variety. She supports the Board granting the parking variance since she sees the project as an improvement to West Pleasant Avenue.

Board Secretary Grunstra read emailed comments into the record:

I'm responding to the request for a variance for a two story addition at 138/140 W. Pleasant Avenue. As there are no other two story buildings on that block, I am concerned about the aesthetics of that construction. Of equal importance, is the impact on the already limited parking on the Avenue. I urge the Board to give this careful and serious consideration. I am unable to attend and thank you for the opportunity to participate.  
Gail Diana, Owner 134 W. Pleasant Avenue and concerned tax payer

I am a resident of Maywood for 61 years. I am writing in support of the application for a Variance that the business Coronets Variety, 138 W. Pleasant Ave has applied for. I believe approving the variance for the business will bring much needed space to the building. The business that we all support as well as the owners Krupen and Binal Dudhia, bring much needed business traffic to our downtown area. I fully support the approval of this variance for the business. The business owners Krupen and Binal Dudhia are part of the Maywood family and their business Coronets at 138 W. Pleasant is very much a big part of our community landscape. Increasing the size of the business can only add to our business district and bringing more revenue to our downtown area.  
Thank you for considering my input.  
Catherine M. Racas, 458 Latham St.

I am the new owner of the UPS Store located at 130 W. Pleasant Ave. I received the notice of the meeting on 4/22 about the variance needed for 138 W. Pleasant Ave. Honestly, I am not in favor of the 2nd floor addition. I believe that it will ruin the entire look of W. Pleasant Ave and take away the small-town charm that Maywood now has. In addition, the fact that there are no parking spaces for this structure is also a concern for

me. I run a small business where customers bring in boxes, some that can be quite heavy and if there is not a parking space for them to use within close proximity, that will become a problem for my business and every business in the area.

Thank you for your time,

Melissa Luton, Owner The UPS Store 130 W. Pleasant Ave.

My name is Gregory John and I'm a business within 200 ft of the said property. I'm the owner of Aquinas Capital doing business at 130A West Pleasant Avenue. As a long-time resident of Maywood and a business owner I believe that this development will be excellent in revamping West Pleasant Avenue. It will not only bring additional services for the residents of Maywood it will also draw new clientele to West Pleasant Avenue and will help flourish other businesses also. I would therefore request the board to grant variance to this project.

Best Regards,

Gregory John, Founder & President 130A W. Pleasant Ave.

Hello my name is Deborah Cofrancesco. I am the tenant at 134 West Pleasant Ave. I planned on being at the zoom meeting but have to work. I would like to say that the parking is already an issue and I cannot imagine 4 offices adding to the mix. Most of my clients are drop and go and are not parked for a long time, but I also do advise no double parking and have warned that ticketing will take place. There are many other places where people double park now as well...to pick up a coffee..get a lottery ticket..pick up dry cleaning... we all do our best to discourage this. However, with more spaces needed, where will employees park? Do the local residents know what it will be like or are employees going to run out every 2 hrs to move cars? I am all for beautifying the block and progression and Coronet is a great neighbor and the Dudhia family is wonderful. But it is not about that. It is about being able to accommodate parking for the added businesses. Thanks.

Debbie Cofrancesco, 134 West Pleasant Avenue

Board Attorney Kaczynski reminded the Board of the recent DCA rules have provided for these types of emailed comments to be read into the record during electronic public meetings. She then acknowledged that the Board and applicant are unable to ask questions of the person making the comment.

Chairman Lichtenberger invited Fire Official Tom Tuttle to comment on the application. Fire Official Tuttle was sworn in. He asked about the secondary means of egress for the second story occupants and cited previous incidents where cars drove into the front of the businesses thereby preventing egress. Mr. Altman does not believe there is room to add a stairwell in the back. He would consider adding a fire escape. Board Attorney Kaczynski offered to include that the applicant's professionals will work with Fire Official Tuttle to design an acceptable second form of egress as a condition of approval.

Chairman Lichtenberger asked the Board to comment on the application.

Harry Hillenius thanked Fire Official Tuttle for his comment as he had similar concerns. Peter Cicarelli was in support of granting the variance as he believes in bringing additional businesses to the Borough. Gary Neumann asked about garbage containment as he doesn't see a designated space on the plans. Mr. Jaworski answered that the rear area will be paved allowing for a container can be placed there. Board Attorney Kaczynski offered to include that the applicant's professionals will work with Board Engineer

Polyniak to determine an acceptable location of the garbage container as a condition of approval. Councilperson Ryan Ullman also was in support of granting the variance as he believes that there is ample parking in municipal lots if drivers were willing to utilize them. Board Engineer Polyniak stated that he has visited the site several times and observed parking available in the municipal parking lot on Spencer Joseph Way every visit. As such, he believes that sufficient parking is available. He then referred to the comments in his review which was marked as Exhibit PB-1 and the applicant agreed to address. Board Planner Michael Kauker believes that the scale of the application should not substantially exacerbate the parking demand on West Pleasant Avenue. John Montel likes the architecture of the project but has concerns about parking. Vice Chairperson Charlotte Panny asked about installing an elevator so there would be ADA access to the second story. Mr. Altman responded that an elevator is not required. She also has concerns about a second form of egress for second floor occupants. Chairman Lichtenberger believes that keeping West Pleasant Avenue vibrant and successful is a priority but must be balanced with the parking demand. He noted that the feedback from business owners is that customers can find parking if they are willing to use municipal parking lots. Lastly, he referenced the Borough 2019 Master Plan Reexamination Report that had this development as a permitted use.

Chairman Lichtenberger again invited the public comment but no one came forward.

Board Attorney Kaczynski summarized the conditions of approval discussed during the hearing:

- Applicant agrees to standard conditions regarding escrow, construction permits, etc.
- Applicant agrees to comply with all conditions of Board Engineer Polyniak’s review letter (Exhibit PB-1)
- Applicant agrees to comply with all conditions of Board Planner Kauker’s review letter (Exhibit PB-2)
- Applicant will work with Fire Official Tuttle and Board Engineer Polyniak to design a code compliant secondary means of egress
- Applicant will work with Board Engineer Polyniak to design an acceptable garbage container location at the rear of the property
- Applicant will comply with all applicable ADA requirements

She then reminded the Board that the applicant is seeking preliminary and final site plan approvals and a parking variance pursuant to C(2) for 15 parking spaces required where none are provided.

Mayor Richard Bolan made a motion to approve the application with the conditions listed by Board Attorney Kaczynski. Councilperson Ryan Ullman seconded the motion. All eligible members present voted in favor of the motion except John Montel who voted against the motion.

**Informal Hearing**                      None

**Closed Session**                      None

**Old Business**                         None

**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
- 6/3/21 meeting cancellation
  - Board Attorney Kaczynski has a conflict with the meeting
  - The Board agreed to cancel the 6/3/21 meeting

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

Kenny Suh is the owner of Timely Cleaners at 144 West Pleasant Avenue. He was planning to comment on the Arya Realty Holdings application but was called away from the hearing. Board Attorney Kaczynski explained that the Board has voted on the application but encouraged Mr. Suh to comment. He understood that he missed his opportunity to speak prior to the vote but has concerns about parking.

### **Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. Mayor Richard Bolan seconded the motion. All members present voted in favor of the motion. The meeting was adjourned at 9:14pm.

Respectfully submitted,

Tara Grunstra  
Planning Board Recording Secretary